

Report to Planning applications committee

Item

10 November 2016

Report of Head of planning services

Subject Application no 16/01266/F - 113 - 119 Ber Street,
Norwich, NR1 3EY

Reason Objection

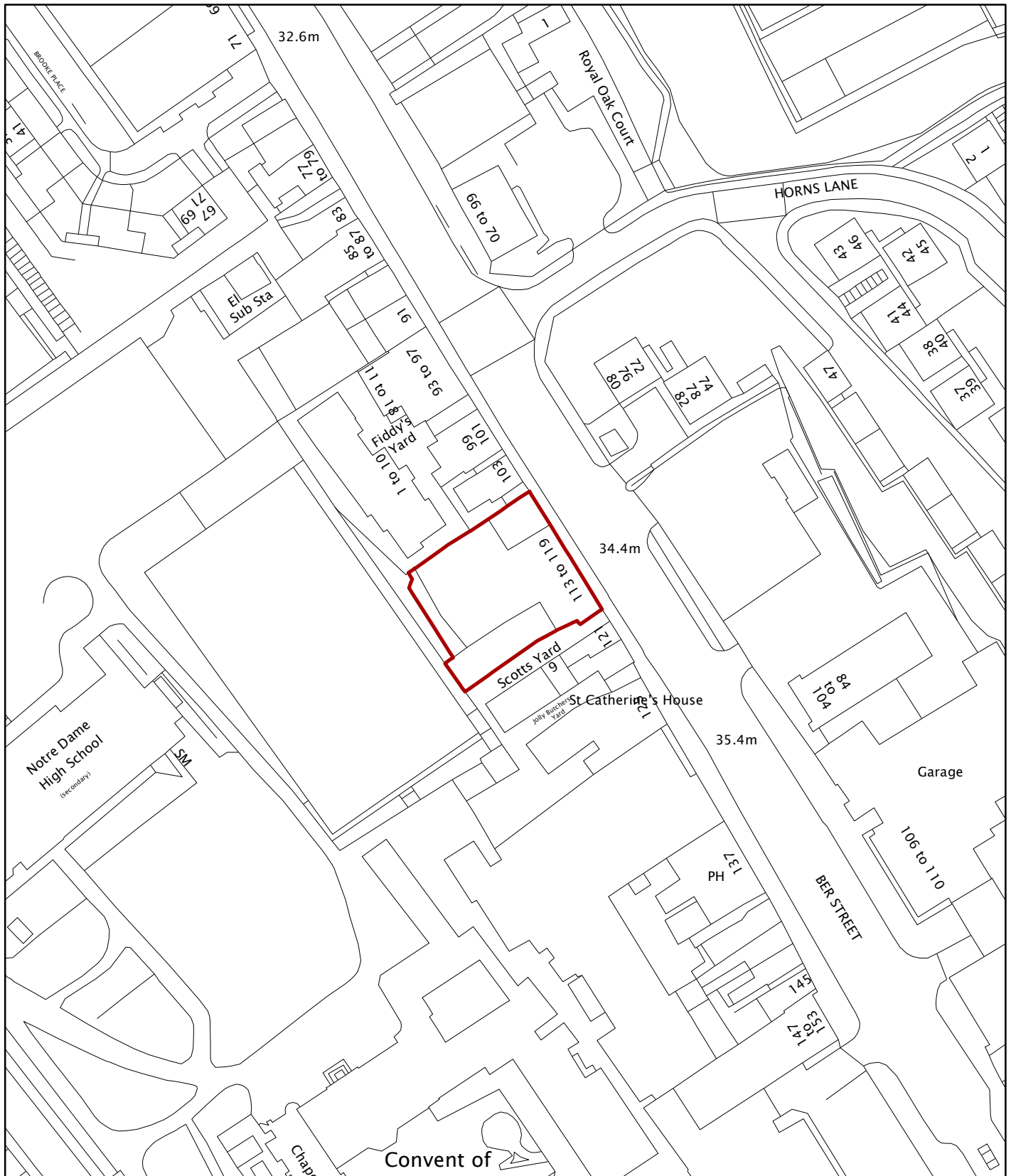
for referral

4(a)

Ward:	Mancroft
Case officer	Becky Collins - beckycollins@norwich.gov.uk

Development proposal		
Conversion of first floor of existing two-storey building fronting Ber Street to 3 No. flats. Demolition of warehouse and retail units to rear of site accessed off Scott's Yard with the erection of 5 No. dwellings with associated works Provision of 1 No. retail unit facing onto Ber Street by infilling the warehouse access.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1	Principle
2	Design and Heritage
3	Highways
4	Amenity
Expiry date	14 November 2016
Recommendation	Approve



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Planning Application No 16/01266/F

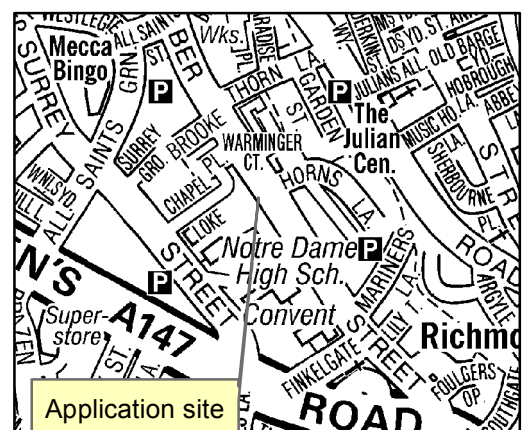
Site Address 113-119 Ber Street

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The application site consists of a two storey frontage building, not characteristic of the historic street scene in this location with its rather jarring horizontal proportions and wide plot form. Nevertheless its modest scale and relative simplicity in design means that has a 'neutral impact' upon the setting of the neighbouring Listed Buildings and wider character and appearance of the conservation area(s).
2. This building is constructed of dark red construction brick with two storey buff brick development to rear and warehousing. The ground floor of the frontage unit is currently A1 retail with access to warehouse at the rear through archway in frontage building. The application site is located in a mixed use area with commercial uses to the south of the site, school grounds to the west and retail and residential to the north.
3. To the south of the building is a narrow cobbled access, Scotts Yard. Scotts Yard is an adopted road with buildings on both sides of this access abutting the highway with existing facing windows.
4. The existing onsite buildings appear to have several development phases during the mid – late 20C. The red brick street frontage dates from the 1970's, the red brick south east frontage onto Scotts Yard is likely to be mid 20C (exhibiting an earlier brick bond and timber joinery) with a later date rear warehouse in-filling the remainder of the square shaped site.
5. The 1884 plan indicates that the existing building replaced the Old Friends Public House and several other narrower buildings/plot widths. Access to Scotts Yard and the lost 'Butchers Alley' that previously lead to Surrey Street was permitted from this site.
6. The existing building forms part of a 'positive frontage' picked out within the Conservation Area statement which includes the ranges of Victorian Grade II Listed Buildings either side of the application site, on the western side of Ber Street. Directly to the east of the site, lies the remains of St Bartholomews Church (also Grade II Listed).

Constraints

7. Heritage designations (The site is located in the Ber Street character area of the Norwich Conservation Area. Adjacent to the site on both sides are Grade II Listed Buildings. The site lies within an area of main archaeological interest)
8. The site lies within the city centre car parking area and in an area of increased car parking.

Relevant planning history

9.

Ref	Proposal	Decision	Date
4/2002/0123	Change of use of the first floor from health club to offices.	APCON	19/03/2002
4/1990/1017	Conversion of ground floor from workshops to gymnasium (Class D2) at rear of building.	APCON	30/11/1990
4/1994/0978	Change of use from garage repair workshop and showroom to retail shop with ancillary storage.	APCON	23/12/1994
4/1997/0074	Externally illuminated fascia sign and three flags at fascia level	REF	02/10/1997
4/1996/0956	Alterations to shopfront including installation of roller shutter at entrance	REF	02/10/1997
4/1999/0121	Infilling carriage arch, installation of shop front and conversion of warehouse at rear for use in association with existing first floor health club.	APPR	06/05/1999
15/01706/PDD	Conversion of Offices (Class B1(a)) into three residential units (Class C3).	REGPD	05/01/2016
16/00096/F	Conversion of first floor into 3 No. flats (Class C3).	WITHDN	06/04/2016
16/00821/F	1 No. flat and 5 No. two bedroom houses with associated bin and cycle storage. 1 No. retail unit facing Ber Street, infilling warehouse access. Conversion of first floor into 3 No. two bedroom flats. Demolish warehouse and retail units accessed off Scott's Yard.	REF	11/08/2016

The proposal

- Conversion of first floor of existing two storey building fronting Ber Street to 3 No. flats. Demolition of warehouse and retail units to rear of site accessed off Scott's Yard with the erection of 3 new dwellings and two flats with associated works to the rear. Also, the infilling of the access to the warehouse to the rear with 1 No. retail unit facing onto Ber Street with new shop front.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	8
No. of affordable dwellings	0
No. of storeys	2
Density	114 dwellings per hectare
Appearance	
Materials	Brickwork, pantiles and timber windows and doors
Energy and resource efficiency measures	None proposed
Operation	
Opening hours	None submitted
Transport matters	
Vehicular access	None
No of car parking spaces	0
No of cycle parking spaces	16
Servicing arrangements	Bin store and rear gardens provided

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Entrance onto Scotts Yard is not suitable. There would be danger to occupants of these units from vehicular movements associated with existing occupants of the units opposite along this narrow street.	Main Issue 3
The proposal could be improved with provision of a shared courtyard with all units accessed off the Ber Street/the courtyard, taking the pressure off businesses on Scotts Yard.	Main Issue 3
Is it acceptable for commercial and residential to share a bin store?	Main Issue 3
It is not possible to gain access to Scotts Yard from Ber Street with large vehicles.	Main Issue 3

Consultation responses

12. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Highways (local)

13. The development will in effect be car free as no on plot parking is provided and as a new build residential scheme in a Controlled Parking Zone highways will not issue parking permits. Therefore, the provision of high quality, secure, covered cycle parking is vitally important and should be subject to condition.
14. Scotts Yard is adopted highway; it appears to be in a poor state and there are no parking restrictions in force. Highways recommend that the paving is repaired, and a 'loading only' restriction is installed on Scotts Yard and Jolly Butchers Yard using a Traffic Regulation Order amendment.
15. The vehicle access to the site from Ber Street is protected by double yellow lines, but could be enhanced with a footway buildout; this is at the discretion of the planning officer.
16. Refuse storage appears to be satisfactory for the business premises, it is not clear what arrangements are to be made for the residential parts, this should be subject to condition. Presumably bins would be presented for collection from Ber Street, possibly stored in the rear gardens for the rest of the week. Our experience is that some residents leave bins out all week if the distance is too far to wheel bins back. Consideration should be given to avoiding this occurring.
17. Informatives are suggested with regards to parking permits; the TRO for signs and footway buildout costs; Street naming and numbering; and refuse storage bins are also proposed.

Archaeology

18. Medieval deposits have been found recently in the area and therefore a standard archaeological condition is required to monitor the works.

Assessment of planning considerations

Relevant development plan policies

19. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS11 Norwich city centre
20. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM4 Providing for renewable and low carbon energy
 - DM5 Planning effectively for flood resilience
 - DM9 Safeguarding Norwich's heritage
 - DM12 Ensuring well-planned housing development
 - DM13 Communal development and multiple occupation
 - DM18 Promoting and supporting centres
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing
 - DM32 Encouraging car free and low car housing

Other material considerations

21. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF2 Ensuring the vitality of town centres
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change
 - NPPF12 Conserving and enhancing the historic environment

Case Assessment

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

23. Key policies and NPPF paragraphs – DM12 and NPPF paragraphs 49 and 14.
24. The principle of residential development is considered acceptable, given the sites location within the City Centre and close to local facilities, in accordance with the NPPF and Policy DM12 of the Local Plan.
25. Previously an application for the conversion of the first floor to 3 flats and the construction of 1 flat and 5 two bedroom houses with associated bin and cycle storage to the rear of the site, as well as the infilling warehouse access with 1 retail unit facing Ber Street, was refused planning permission for the following reasons:
 - 1) The proposed layout would result in a cramped form of development resulting in limited distances between facing windows to habitable rooms at first floor level; small rear gardens and shared spaces; and an unacceptable bin and cycle store arrangement. This cramped arrangement would not secure a high quality design or a good standard of amenity and would create an unacceptable living arrangement and overlooking for future occupiers contrary to the Core Principles outlined in paragraph 17 of the NPPF and Policy DM1 and DM2 of the Norwich Local Plan.
 - 2) The design of the proposed shopfront and use of unsympathetic fenestration across the whole development would have a detrimental impact on the character and appearance of the Conservation Area as well as setting of two Grade II Listed Buildings which flank the application site, it also fails to take the opportunity to improve the character of the area contrary to Policies 6 and 12 of the NPPF, Policy 2 of the Joint Core Strategy and Policies DM1, DM3, DM9 and DM12 of the Norwich Local Plan.

Subsequently, the scheme has been amended on the advice of officers, the layout and design changed and the number of residential units proposed reduced. It is considered that the revised layout and reduction in number of units has reduced the cramped nature of the development, also the design of the shopfront has been amended to better suit the character and appearance of the Conservation Area. These matters are further discussed below.

Main issue 2: Design and Heritage

26. Key policies and NPPF paragraphs – JCS2, DM3 and DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
27. The proposal is for an L shaped design, building off the back of the original frontage unit which is to be converted at first floor level to flats and infilled at ground floor level, currently a vehicle access to car parking and warehousing to the rear, to form an additional retail unit. Despite this existing frontage building not being sympathetic to the historic street scene, its modest scale and relative simplicity in design means that has a 'neutral impact' upon the setting of the neighbouring Listed Buildings and wider character and appearance of the Conservation Area character(s). Previously the applicant proposed new UPVC windows with jarring glazing bar patterns, the proposal has been amended to timber windows with vertical glazing bars, which is preferential to the character and appearance of the Conservation Area.
28. The shop front has been re-designed so the fascia meets the height of neighbouring shop fronts and stall risers and pillars have been proposed to create a more sympathetic shop front, similar to the adjacent Grade II Listed Building (103 Ber Street).
29. To the rear, the application proposes new development replacing existing two-storey terrace buildings off Scott Yard with a new terrace of residential properties with rear gardens to the north-west, on the site of the removed warehousing. The terrace block has been amended to have vertical emphasis, a ridge line lower than the frontage, Ber Street, building and simple fenestration to match that of other lanes in the surrounding area. This simple form and materials such as timber windows will be conditioned along with other facing materials to ensure the development serves to preserve the character and appearance of the Conservation Area.
30. The proposed buildings are modest in form and scale and set away from the boundaries of the site, given this, it is not considered the setting or significance of neighbouring Listed Buildings would be unduly impacted by this development. It is also considered that the character and appearance of the Conservation Area would be preserved.

Main issue 3: Highways

31. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
32. Policy DM13 requires new development to show a satisfactory standard of servicing, parking and amenity space is provided. Car parking and cycle storage should be provided as set out in policy DM31 and appendix 3 of the Norwich Local Plan. Given the sites location, a car free development is considered acceptable, as proposed. A sufficient level of cycle provision can be accommodated within the site and a suitably worded condition will be used to secure this provision.
33. Scotts Yard is a narrow road, other business premises off this Yard have raised concerns with regards to this and the creation of new access points on to it. Scotts Yard is an adopted highway whereby one would expect new entrances. The

existing buildings themselves have two access points onto this road. It is not considered that the intensification of access points (from 2 to 5) would be a sufficient reason to refuse planning permission. Local Highways have suggested the imposition of conditions to require 'loading only' restriction signs are installed on Scotts Yard and Jolly Butchers Yard to reduce conflicts between users in this location.

34. Furthermore, Local Highways has suggested repair works to Scotts Yard paving and a footway build out at the point where Scotts Yard meets Ber Street to improve the pedestrian crossing in this location. The applicants have agreed to undertaking these works, which can be secured via Grampian conditions.
35. Scotts Yard is a narrow road but it is an adopted highway, bin collection is undertaken from all adopted highways. The proposal includes one bin store off Ber Street for the retail units and 4 flats. Other bin storage will be in the rear gardens of properties and out on to either Ber Street or Scotts Yard. Local Highways make reference to bin drag distances and convenience for local residents. It is considered that the proposal includes a very convoluted bin storage arrangement for units 7 or 8 and especially for flat 4. A better arrangement would be for the proposed access or jitty to be repositioned in between units 7 and 8 and flats 4 and 5 become a single unit or accessed from the rear with a shared courtyard space for bins. However, given the size of the site it is not considered that the bin drag distances would be so excessive to prevent easy bin storage and collection and highway laws can prevent bin storage on the public highway.
36. It is usually preferable if commercial and residential premise do not share bin storage, however, given the limited scope of both premises in this instance the application is recommended for approval.

Main issue 4: Amenity

37. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
38. Paragraph 17 of the NPPF and Policy DM2 of the Local Plan require new developments to protect the amenity of existing and future occupants. The proposals, given their positioning within the site and the separation distances and intervening highways are unlikely to give rise to unacceptable amenity impacts for local neighbouring properties.
39. The proposal includes 8 units, the resultant development is high density and there is only limited space across the site with resultant limited amount of open space. The units largely meet the Technical housing standards – nationally described space standards, apart from unit 4 which is just below the space standard. The density of the site is expected to be similar to that of surrounding historic streets and the resultant development would reinforce historic street patterns to the benefit of the character of this area. On this basis the proposal is considered acceptable for the amenity of future occupants.

Compliance with other relevant development plan policies

40. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Not applicable
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition

Other matters

41. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: List relevant matters.

Retail

42. The proposals include the provision of a main town centre use, retail unit, in an area outside of a defined retail centre as required by Policy DM18. Policy DM18 requires development outside of defined centres to accord with the overall sustainable development criteria and be justified by a sequential site assessment.
43. The site lies in a sustainable location, close to the city centre, within walking distance of the primary retail area, as well as public transport hubs. No sequential site assessment has been submitted with the application. However, given the scale of the additional retail proposed and the location of the proposal, infilling an existing entrance and not the building of a new retail unit, it is considered that the proposal would not actively compete with retail provision in the City Centre and would infill an otherwise unsightly gap, positioned on a street which already provides for a high number of main town centre uses, to the benefit of the street scene. On this basis the proposed retail unit is considered acceptable.

Trees

44. There are no trees within the application site. A landscaping scheme will be conditioned with boundary treatments to be submitted and approved to protect the amenity of future occupants and existing residential properties to the north.

Equalities and diversity issues

45. There are no significant equality or diversity issues.

Local finance considerations

46. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance

considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.

47. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
48. In this case local finance considerations are not considered to be material to the case.

Conclusion

49. The development is considered in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 16/01266/F - 113 - 119 Ber Street Norwich NR1 3EY and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials
4. Bin and cycle storage
5. Landscaping
6. Energy efficiency
7. Water efficiency
8. Highways works

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

General Notes

1. This drawing must not be scaled and if in doubt ask.
2. All Contractors are to check all dimensions & levels on site prior to commencing any construction or fabrication.
3. This drawing is to be checked and read in conjunction with all Engineers, Architectural, Service Engineers and any specialist drawings, together with any relevant additional Engineers' specifications.
4. Where site information or adjoining building details are contrary to issued details then the Engineer is to be informed immediately.
5. No structural members are to be cut, reduced, or joined unless shown on the Engineers' details. Unless otherwise noted all connections of structural members including laps & end-connections of reinforcement shall be capable of mobilising the full structural capacity of the member.
6. All soil connections to have a minimum of 2.0m.
7. The foundations have been designed for ultimate ground pressure of 100 kN/m² & this must be confirmed on site before casting of foundations. Unless informed to the contrary in writing it has been assumed that the sub-soil is of a clay soil that has been correctly classified by tests & vegetation & that there is no possibility of heave or shrinkage.
8. Under the provisions of the Party Wall etc Act 1996 if the excavations are within 3m of adjacent buildings written agreement for the works from the owner & the tenant (if applicable) of adjacent buildings must be obtained before building works commence & one month's notice must be given before building works commence. If the work applies to the party wall two month's notice must be given. Note: If foundations are deeper than normal a further notice may have to be given & agreement received. Note: If foundations, soffits, gutters, etc encroach across the boundary a written agreement from the owner of the adjoining land / buildings must be obtained & the boundary agreed before building works commence.
9. The Construction (Design & Management) Regulations 2015.
The client must make suitable arrangements for managing the project, including the allocation of sufficient time and resources.
a. The construction work can be carried out (so far as is reasonably practicable) without risks to the health and safety of any person affected by the project.
b. Ensure suitable welfare facilities are provided.
These arrangements must be reviewed and maintained throughout the project.
The client must provide pre-construction information to the designer and contractor.
The client must ensure that a construction phase plan is in place before the construction phase starts.
The client must ensure that the principal designer prepares a health and safety file for the project which is suitable, regularly updated and is available for inspection.
The client must take reasonable steps to ensure that the principal designer and contractor comply with their duties.
The client must pass the health and safety file to any new owner(s)/occupier(s) and ensures that the new owner(s)/occupier(s) is aware of the nature and purpose of the file.
10. This drawing is Copyright to Building Plans Ltd.

1: 100
0 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m
0' 3" 6" 9" 12" 15" 18" 21" 24" 27" 30" 33" 36"

UNIT 1: 2 Bedroom 4 Person Flat - 77m² / 827ft²
UNIT 2: 2 Bedroom 3 Person Flat - 66m² / 710ft²
UNIT 3: 2 Bedroom 3 Person Flat - 61m² / 660ft²
UNIT 4: 1 Bedroom 2 Person Flat - 50m² / 539ft²
UNIT 5: 1 Bedroom 1 Person Flat - 38m² / 409ft²
UNIT 6: 2 Bedroom 3 Person House - 71m² / 764ft²
UNIT 7: 2 Bedroom 3 Person House - 71m² / 764ft²
UNIT 8: 2 Bedroom 3 Person House - 71m² / 764ft²
RETAIL UNIT: 64.5m² / 694ft²

Rev	Date	Amendment	Dwn
H	27/08/2016	Amended bin store and layout, amended Unit 4 & new Retail Unit.	PB
G	24/08/2016	Amended layouts for front elevation improvements.	PB
F	19/08/2016	Ability to rear and amended gardens.	PB
E	17/08/2016	Increase to rear gardens Units 6-8.	PB
D	16/08/2016	Re-design.	PB
C	01/08/2016	Re-design.	PB
B	27/06/2016	Bin store note added.	PB
A	09/04/2016	Development of site.	PB



Architectural Design,
Building Surveyors and
Planning Services

Building Plans Ltd

11 The Street, Honingham, Norwich, NR9 5BL
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Client:	SP & ML Litten
Project:	Residential & Retail Development
Site address:	113-119 Ber Street Norwich NR1 3EY
Contents	Proposed Floor Plans
Scale @ A1: 1: 100,	Date: August 2016
Signed/checked: P B / J L N	Revision H
Project No: 3078.1015N	Sheet No: 2

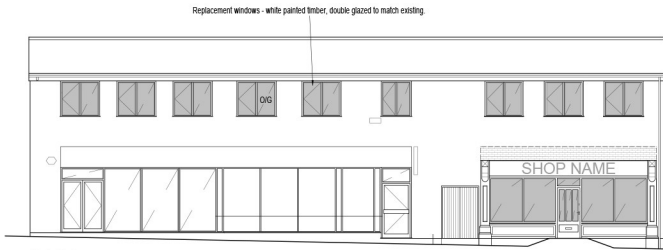
Sheet 1 of 2 (of 2)



Proposed Ground Floor 1: 100



Proposed First Floor 1: 100



North East
Proposed Elevations 1:100



South West
Proposed Elevations 1:100



North West



South East

Parties to be agreed

White painted timber windows, doors and
joinery to be agreed.

Stone window cills to be agreed.

Facing brickwork to be agreed

White painted timber windows, doors and
joinery to be agreed.

Facing brickwork details to be agreed

Facing brickwork to be agreed

General Notes

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4. Where site information or adjoining building details are contrary to issued details then the Engineer is to be informed immediately.
5. No structural members are to be cut, notched, or jointed unless shown on the Engineers details. Unless otherwise noted all connections of structural members including laps & end-connections of reinforcement shall be capable of mobilising the full structural capacity of the member.
6. All load connections to have a minimum of 2 bolts.
7. The foundations have been designed on ultimate ground pressure of 100 kN/m² & this must be confirmed on site before casting of foundations. Unless informed to the contrary in writing it has been assumed that the sub-soil is not a clay soil that has been consolidated by trees & vegetation & that there is no possibility of heave or shrinkage.
8. Under the provisions of the Party Wall etc Act 1996 if the excavations are within 3m of adjacent buildings written agreement for the works from the owner & the tenant (if applicable) of adjacent buildings must be obtained before building works commence & one month's notice must be given before building works commence. If the work applies to the party wall two month's notice must be given. Note: If foundations are deeper than normal a further notice may have to be given & agreement received. Note: If foundations, soffits, gutters, etc encroach across the boundary a written agreement from the owner of the adjoining land / buildings must be obtained & the boundary agreed before building works commence.
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F	27/08/2016	Roof pitch reduced to lower ridge.	PB
E	24/08/2016	Amended South East elevation.	PB
D	19/08/2016	Alley to rear and stone cills added.	PB
C	18/08/2016	Re-design, timber windows.	PB
B	01/08/2016	Re-design.	PB
A	09/04/2016	Development of site.	PB

Rev	Date	Amendment	Dwn
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Architectural Design,
Building Surveyors and
Planning Services

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Client:	SP & ML Litten
Project:	Residential & Retail Development
Site address:	113-119 Ber Street Norwich NR1 3EY
Contents	Proposed Elevations
Scale @ A1:	1 : 100
Date:	May 2016
Signed/checked:	P B / J L N
Revision	F
Project No:	3078.1015N
Sheet No:	3