



# NORWICH City Council

**Committee name:** Planning applications

**Committee date:** 09/11/2023

**Report title:** Application no 23/00926/F 152A Unthank Road, Norwich, NR2 2RS

**Report from:** Head of planning and regulatory services

## OPEN PUBLIC ITEM

### Purpose:

To determine:

**Application no:** 23/00926/F

**Site Address:** 152A Unthank Road, Norwich, NR2 2RS

**Decision due by:** 16/11/2023

**Proposal:** Change of use from class E to Public House/bar (Sui Generis) and erection of cooling unit

### Key considerations:

- Loss of class E floorspace
- The impact that the proposal will have on the character and appearance of the building and wider area
- The impact of the proposal on neighbouring residential amenity
- The acceptability of the proposed change of use in terms of accessibility and storage

**Ward:** Town Close

**Case Officer:** Nyasha Dzwowa

**Applicant/agent:** Mark White (The Fat Cat Brewery Tap Limited)

**Reason at Committee:** Objections

### Recommendation:

It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 69 of this report, and grant planning permission.



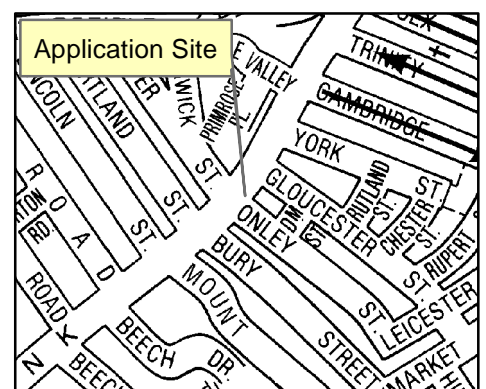
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Planning Application No 23/00926/F  
 Site Address 152A Unthank Road

Scale 1:500



**NORWICH**  
 City Council  
 PLANNING SERVICES



## The site and surroundings

1. The site comprises part of the ground floor and the basement of a late Victorian end terraced building located on the corner of Unthank Road and Onley Street. The property has a somewhat modern shopfront facing Unthank Road and there is a small front courtyard. The rear of the site was converted into residential use in 2018 and the first floor of the building was also converted from ancillary retail storage to residential use. The ground floor is currently vacant and the lawful use is retail (Class E), although the most recent use was an unauthorised bar.
2. The surrounding area is predominantly residential with other commercial uses nearby such as convenience stores, pharmacy, café and takeaway premises. There are a number of public houses within several hundred metres from the site. The site is located within a local centre with a mixture of commercial uses.

## Constraints

3. Local Centre
4. Critical Drainage Catchment

## Relevant Planning History

5. The records held by the city council show the following planning history for the site.

Case no	Proposal	Decision	Date
26403	Enlargement of shop and staircase flat over	APPR	25 June 1962
4810103/F	Extension to shop	APPR	27 March 1981
4950259/A	Installation of external trough lights	APPR	28 April 1995
17/01472/F	Demolition of ancillary storage and kitchen areas to the rear of the existing retail unit and the construction of 1 No. residential dwelling (Class C3), together with the physical upgrade of the existing retail unit, the removal of extraction units and provision of a new roof covering to the retained flat roof elements and associated landscaping.	APPR	27 November 2017
18/00124/NMA	Amendment to planning permission 17/01472/F.	APPR	8 February 2018

## The Proposal

6. Change of use from Class E (retail) to Public House (sui generis) and installation of a cooling unit.

7. The proposed change of use includes internal and external works to the existing ground floor unit. The change of use will result in the corner unit turned into a public house with a front courtyard. There will be internal changes to the layout of the unit.
8. The front of the Property faces northwest. It has a frontage to Unthank Road of about 6.5 metres and a gross external area of about 110 square metres. External works will also include changes to the shop front and the front courtyard. A cooler unit will be installed within the north east of the courtyard and will be positioned adjacent to the 1800mm timber fence. Additionally, 1 no Sheffield cycle stand will be installed adjacent to the cooler unit. Lastly a bin store for 2 no 240 litre wheelie bins will be installed northwest of the courtyard.
9. The courtyard will be bordered by a timber fence, the boundary between 152 and the subject property will be 1.8m high timber fence. Along the front and side of Onley Street the fence will be a timber picket fence at 900mm high and a metal gate will be the point of access onto the site.

### Summary of Proposal – Key facts:

10. The key facts of the proposal is summarised in the tables below:

Operation	Key Facts
Opening hours	12:00 till 00:00 Monday to Thursday 12:00 till 01:00 Friday and Saturday 12:00 till 23:30 Sunday
Ancillary plant and equipment	1 Cooling unit

Transport Matters	Key Facts
Vehicular access	None
No of car parking spaces	0
No of cycle parking spaces	1 Sheffield Stand
Servicing arrangements	Bin storage is provided to the front of the site. Servicing and deliveries can be carried out from Unthank Road or Onley Street

### Consultation responses

11. 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.

### Representations

12. Adjacent and neighbouring properties have been notified in writing. 19 letters of representation have been received in total, 6 of which objected to the proposal and 13 of which supported the proposed. The letters of objection and support cited the issues summarised in the table below:

Issues raised	Response
Objections	
Noise caused by the proposed use	See main issue 3
Anti-social behaviour	See main issue 3

<b>Issues raised</b>	<b>Response</b>
Increased competition between pubs	This is not a planning material consideration
Late opening hours not in keeping with residential surroundings	See main issue 3
Parking shortages within the area	See main issue 4
Unthank Road local retail centre will become a drinking zone	See main issue 3
The premises is small with a small outdoor area, this will create over crowding	See main issue 2
<b>Support</b>	
The operators are reliable and they have a sustainable business	See main issue 1
The supplier can co operate with the operators so there would be no breach of planning guidance	See main issue 3
The proposed would bring a dilapidated building back into use. It would be good to see the building in a consistent use	See main issue 1
The business supports local suppliers which is economically beneficial	See main issue 1
This is a local business bringing employment opportunities to the area	See main issue 1
The operators have a good reputation across Norwich are committed to the local environment and local community	See main issue 2
The pub would be a hub for the local community and owners have always ensured good relationships with residents	See main issue 1
There is need for more employment in the area.	See main issue 1
The proposed offering would be something unique to Unthank Road	See main issue 1
The use of the pub would complement other local businesses in the surrounding area.	See main issue 1

### **Statutory and non-statutory consultees**

Environmental Protection (Norwich City Council)

13. I've had a look at the above planning application and in principle we have no objections to the change of use.

14. We would however request that the following conditions are included as per the provided Noise Impact Assessment;

15. No installation of any amplified sound equipment shall take place within the application premises until details of the amplification equipment have been submitted to and agreed in writing by the local planning authority. The submitted details shall include:

16. (a) specification for all amplification equipment and speakers;

17. (b) the location of all proposed speakers;
18. (c) the maximum noise levels expressed in dB LAeq (5 mins), measured at a point 2 metres from any loudspeaker forming part of the amplification system; and
19. (d) measures to be put in place to ensure that the amplification system cannot be adjusted beyond the maximum permitted noise levels agreed in (c) above.
20. No use of the premises as a drinking establishment shall take place until the amplification system and any sound proofing measures as agreed have been installed and thereafter the agreed permitted maximum noise levels shall not be exceeded at any time.
21. No amplified music shall be played in the premises the subject of this permission other than through the permanently installed amplification system as agreed under this condition and no alteration of this system shall take place without the prior written agreement of the local planning authority.
22. No trade deliveries or collections, including trade waste or clinical waste shall take place before 07:00 hours and after 19:00 hours Monday to Saturday. There shall be no trade deliveries or collections, including trade waste or clinical waste, on Sunday or Bank or Public Holidays.
23. We would also request that a noise management plan is provided to us prior to the premises opening.

Highways (local highways authority) (Norfolk County Council)

24. As this is a relatively small premises and the nature of trip generation is broadly similar to the previous use there is no objection in principle.
25. Deliveries can be made from either Unthank Road or Onley Street.
26. The provision of bin storage on the forecourt will remove the need for bins to be stored on the footway and the cycle stand will be useful for staff or customers.
27. There are no recommended conditions, as presumably the provision of the cycle stand will be included in reference to implementation of the approved plan.

Citywide Services (Norwich City Council)

28. I have assessed the planning application 23/00926/F and seeing as this is a business my only concern is the proposed establishment ensures they have a suitable place to store their commercial waste and not place their bins out on the highway.

## **Assessment of Planning Considerations**

### **Relevant Development Plan Policies**

29. **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
- JCS5 The economy
- JCS6 Access and transportation

### **30. 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
- DM5 Planning effectively for flood resilience
- DM11 Protecting against environmental hazards
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM21 Protecting and supporting district and local centres
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

### **31. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF6 Building a strong, competitive economy
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change

### **Case Assessment**

32. 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 Policy Framework (NPPF), the council's 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**

33. Key policies and NPPF paragraphs – DM16, DM17, DM18, DM21, JCS1 JCS2, JCS5, JCS6, NPPF paragraphs 9.
34. The site is located within Unthank Road local retail centre. The site is currently Class E retail use and the proposed change is for a Public house which is Sui Generis (a use falling outside of the Use Classes). The proposed change of use will result in the loss of a Class E unit which has been vacant since February 2023.
35. The unit has had several uses over the years, since the 1970s till 2016 the site operated as a bakery. From 2018 to October 2021 the unit was operated as bookshop. From October 2021 till February 2023 Olivers, a public house/bar (which operated without the benefit of planning permission). The proposed pub will be operated by The Fat Cat Brewery Tap are a locally run business with several pubs across the City. The proposed change of use would be catered to offering a unique pub experience specialising in Craft beers and Ales from local suppliers therefore only attracts a small segment of the population.
36. The proposed change of use would also result in employment opportunities for the area, operating the pub would result in creating 2 full time employment positions and 3 part time positions. The creation of jobs is supported as it contributes to boosting the local economy.
37. Public houses are viewed as community assets under the DM Plan, and as such are discussed in policy DM22. The policy is supportive of the protection of pubs, and recognises the community benefits they can bring. Elsewhere within the DM Plan (to include DM16) proposals which allow for the expansion of local firms are supported in principle. The principle is therefore considered acceptable in principle.
38. According to the Annual Retail Monitoring Report 2022, Unthank Road Local Centre has 53.5% of non-retail units. Local policy DM21 requires that retail floor space in local centres should not fall below 50%. Although the local centre is below the retail floor space policy target it is considered that the proposed change of use would be beneficial to the local retail centre as it will continue to bring people into the area and this will have added benefits for other nearby businesses within the local centre.
39. It is considered that the proposed change of use satisfies the criteria outlined in DM21 and is generally supported by DM22. As such the principle of development is considered acceptable.

## **Main Issue 2. Design**

40. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
41. The proposed development will have only a limited impact on the overall appearance of the unit and the character of the wider area. The retention of the shopfront will ensure that the appearance remains consistent with the prevailing character.
42. The front of the Property faces northwest. It has a frontage to Unthank Road of about 6.5 metres and a gross external area of about 110 square metres. The



front courtyard (garden) is the only external space available to the site. This area will be used for several uses including storage for cooler unit, cycle parking and bin store. The site is constrained by the amount of outdoor space available at the site. It is not ideal to have the front elevation as storage and seating area as this has some impact on the street scene, however the impact is considered to be minimal and it is the only option available to the operators.

43. Immediately adjacent to the shopfront glazing there will be a cooler unit positioned adjacent to the boundary fence with the neighbouring property 152. A Sheffield cycle stand will also be located within the front courtyard and this will be positioned towards the glazed shop front. A bin store is also to be located within the front courtyard, the bin store will be located away from the shopfront and would be sited against the boundary fence along Unthank Road. The bin store will accommodate 2 240 litres householder bins.
44. The site will be bordered by timber fencing. On the shared boundary with no152 a 1800mm high timber fence is proposed. To the front of the property a 900mm high timber picket fence is proposed along with a metal gate, the fence will extend to the southwest elevation on Onley Street.
45. The proposed fencing is considered to be acceptable as it also has other additional benefits such as providing additional security to the site to stop people from going on the site outside of the opening hours. Furthermore it is considered that a picket fence is not out of keeping for the area as comparable fences can be seen on other properties on Unthank Road. Additionally the use a natural timber fence at the proposed height is not considered to result in a harsh barrier along Unthank Road but rather creates a pleasant and secure frontage along Unthank Road.
46. The proposed fencing will also have benefits that include acting as screening for the courtyard thus reducing the visibility of the cooling unit, cycle stand and bins which are further obscured by being in a timber bin store. Consideration has also been given to the fact that some of the residential properties within the surrounding area store their bins in the front garden and given that the bins that will be used at the site are also householder size bins, this is not considered to be causing significant harm.
47. The equipment within the courtyard will have some visibility from Unthank Road however it is considered that this will not be detrimental to the character of the area. Further consideration has been given to the constraints of the site and it is considered that the proposed fencing is an acceptable measure to minimise visual harm. Therefore it is considered that sufficient measures have been taken to reduce the impact on the street character.

### **Main Issue 3.       Amenity**

48. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
49. The site is located within an area of mixed character. The closest residential use is the neighbouring property at no 152 Unthank Road. The first floor of the site also serves as residential accommodation and the rear of the site: 2 Onley Street is also in residential use. Given the limited amount of space at the site the proposed would be operated as a Micro pub providing services to a smaller

number of locals. The limited size of the pub will naturally limit the number of customers and therefore noise experienced by neighbours.

50. Policies DM2 and DM11 seek to protect the amenities of the neighbouring occupiers with particular regard given to overlooking, overshadowing, loss of light/outlook and the prevention of disturbance from noise, odour, vibration, air or artificial light pollution. In this case noise is the biggest potential impact from the use of the site and from visitors using the business late at night.
51. The proposed change of use will include installing a cooler unit. A Noise Impact Assessment has been submitted and considered by the Council's Environmental Protection Officer. No objections have been raised in regards to this.
52. In terms of hours of use, the proposal seeks consent to open between the hours of 12:00 till 00:00 Monday to Thursday. On Friday and Saturday the proposed opening hours are 12:00 till 01:00. On Sunday the opening hours proposed are 12:00 till 23:30. No objections were raised regarding the proposed opening hours. The proposed operating hours are the same as those which are already approved for the operating licence which was held for the former use as Oliver's wine bar. It is understood that the applicant has submitted an application to vary premises licence and permission was granted for the proposed opening hours.
53. It is considered that the proposed opening hours are acceptable, however it is considered that a condition should be applied to limit the hours of use of the outdoor sitting area as the noise from the outdoor sitting area is most likely to impact the neighbouring residential properties. It is considered that the outdoor sitting area should be clear of customers by 11pm on any day of the week. This will help to reduce the level of noise experienced by the neighbouring residential properties.
54. Further considerations have been given to noise which would result from deliveries and waste collection. A condition has been recommended by the council's Environmental Protection Officer for delivery hours. The proposed condition limits delivery and collection hours to hours between 07:00 and 19:00 Monday to Saturday. The noise management plan states that deliveries would typically take place between 07:30 and 12:00. The applicant is able to make the deliveries themselves therefore they are able to restrict and control deliveries to the times proposed by the condition.
55. Delivery vehicles would only park on Onley Street and considering the adjacent Co-operative store already has daily deliveries from Onley Street it is considered that this type of noise is already established within the local environment and would not significantly increase. It is not expected that there will be any significant disturbance to nearby noise-sensitive properties due to deliveries or servicing of the bar.
56. To further mitigate any impact on residential amenity, Environmental Protection colleagues have recommended a condition that restricts the use of amplified sound equipment at the site. The applicant has submitted details of the proposed amplified sound, which includes small loudspeakers. The proposed speakers are surface mounted. To manage air borne noise transfer a noise limiting device will be installed and be in use at all times when the system is in use. The proposed electronic noise limiter uses a traffic light alert system which

will alert staff members when noise levels are close to or exceed the preset limit so that music can be turned down. The system would be mounted on the wall. The background music is likely to be played at a lower level than the general level of ambient noise from people talking. The Council's Environmental Protection Officer is satisfied with the proposed noise limiter device.

57. As for managing noise resulting from people at the site, a noise management plan has been submitted. The management plan includes details of signage that would be placed at the premises to remind visitors they are in a residential area and to act in consideration to this. A formal complaints procedure will be implemented. This will allow all formal complaints received to be logged and the management would respond to rectify the issues raised immediately. If complaints are received despite the noise management measures being adhered to the management would look to find other adjustments that can be made to address the issues raised in the complaints so the situation is improved. Furthermore, it is viewed that the proposed fencing will assist with reducing anti social behaviour by stopping access into the site outside of the opening hours.
58. Overall in regard to residential amenity, it is considered that the existing noise environment in the area is characterised primarily by traffic noise and noise from deliveries to the adjacent Co-operative convenience store. It is considered that noise from people at the premises is unlikely to adversely affect amenity and it can be reasonably managed in accordance with the submitted noise management plan. Music noise will be controlled through the use of a traffic light noise limiter, and delivery hours would be restricted. As for the cooler unit which will be turned off between 23:00 and 07:00, this would have less than significant harm.

#### **Main Issue 4.       Transport**

59. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.
60. The site is located in a highly sustainable location, Unthank Road serves as one of the main routes into the city centre and is served by several bus lines. The site is considered to be in a highly sustainable location being within close proximity to bus stops.
61. There is no car parking provision at the site. However there is street parking within proximity to the site which is controlled via a Controlled Parking Zone (CPZ). The proposed change of use does not increase the scale of the site. The provision of a Sheffield cycle stand is welcome as this encourages the use of sustainable transport for staff and customers. There are additional cycle stands available at the adjacent Co-op store.

#### **Main Issue 5.       Nutrient Neutrality**

#### **Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)**

- Site Affected:
- (a)     Broads SAC/Broadland Ramsar
  - (b)     River Wensum SAC

- Potential effect:
- (a) Increased nitrogen and phosphorus loading
  - (b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads & Wensum SACs, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16 March 2022.

(a) Broads SAC/Broadland Ramsar

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

(b) River Wensum SAC

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC

- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

In addition, the discharge for the relevant WwTW is downstream of the SAC.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

### **Other matters**

62. The site is located within flood zone 1, within a critical drainage catchment. Consideration is given to the fact that the proposed change of use will not result in an increase of hardstanding surfaces, therefore, it is considered that the proposed change of use will not result in increased surface water runoff thus no increase to flooding.

### **Equalities and diversity issues**

63. There are no equality or diversity issues.

### **Local finance considerations**

64. 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. 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.
65. In this case local finance considerations are/are not considered to be material to the case.

### **Human Rights Act 1998**

66. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **Section 17 of the Crime and Disorder Act 1998.**

67. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider

that the proposal will not undermine crime prevention or the promotion of community.

## **Planning Balance and Conclusion**

68. The development is 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**

69. To approve application no. 23/00926/F, 152A Unthank Road, Norwich, NR2 2RS and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Delivery hours to be limited to between 07:00 and 19:00 Monday to Saturday
4. Cycle stand to be installed.
5. In accordance with noise management plan.
6. Noise limiter to be installed.
7. Outside seating shall not be used between 11pm-12pm on any day.
8. Opening hours limited to 12:00 till 00:00 Monday to Thursday; 12:00 till 01:00 Friday and Saturday; 12:00 till 23:30 Sunday
9. Cooler unit not be used between 11pm-7am on any day

## **Informative**

The proposed hanging sign shown in the drawings will require a separate advertisement consent permission. The hanging sign has not been considered in assessing this application.

**Appendices:** None

**Contact officer:** Planner

**Name:** Nyasha Dzwowa

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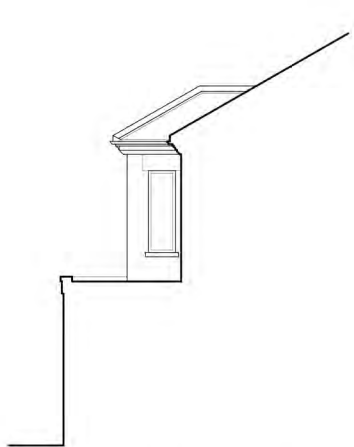
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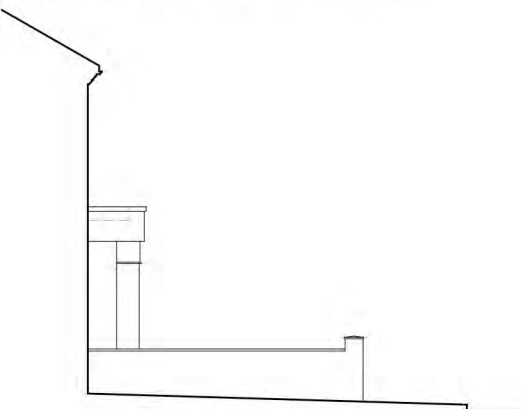
North West Elevation to Unthank Road



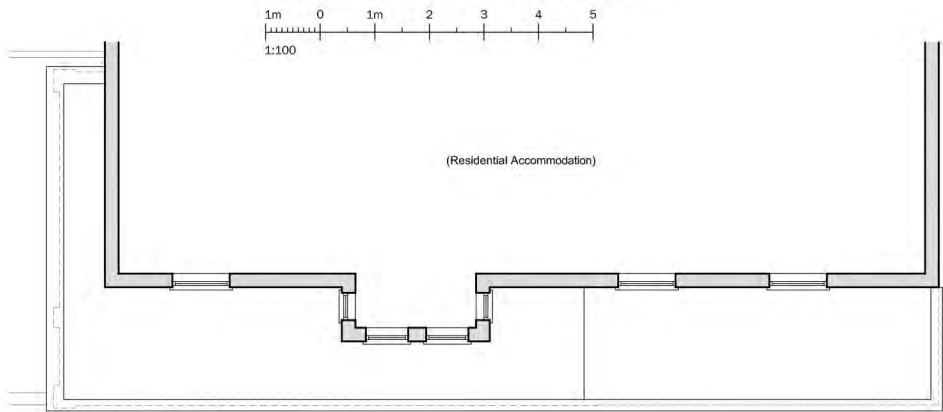
South West Elevation to Onley Street



South East Elevation



North East Elevation

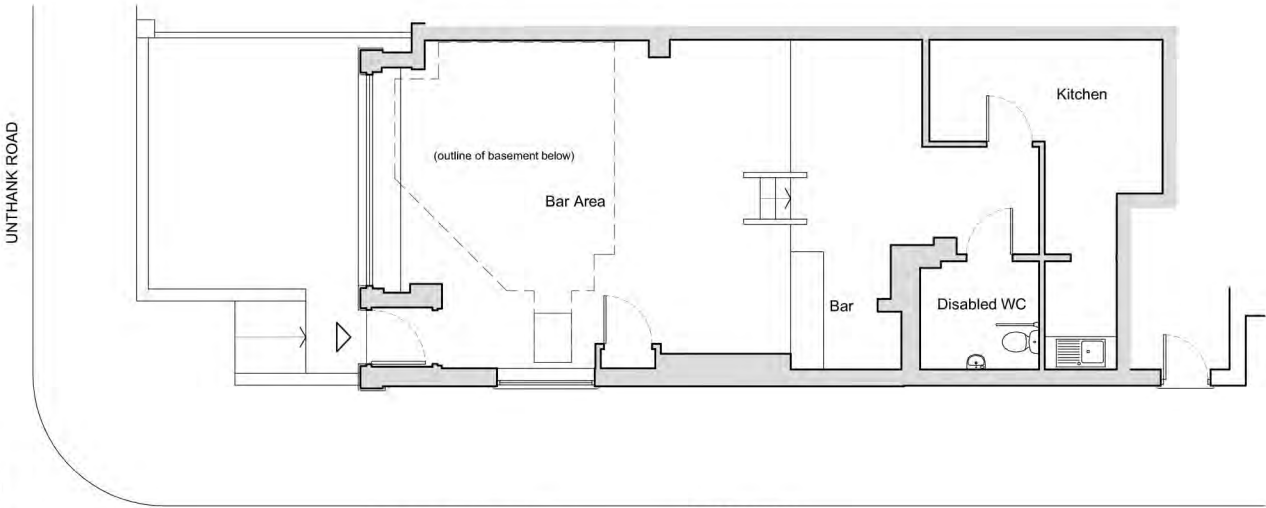
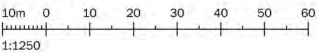


First Floor Plan



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Location Plan



Ground Floor Plan

ONLEY STREET



revisions:

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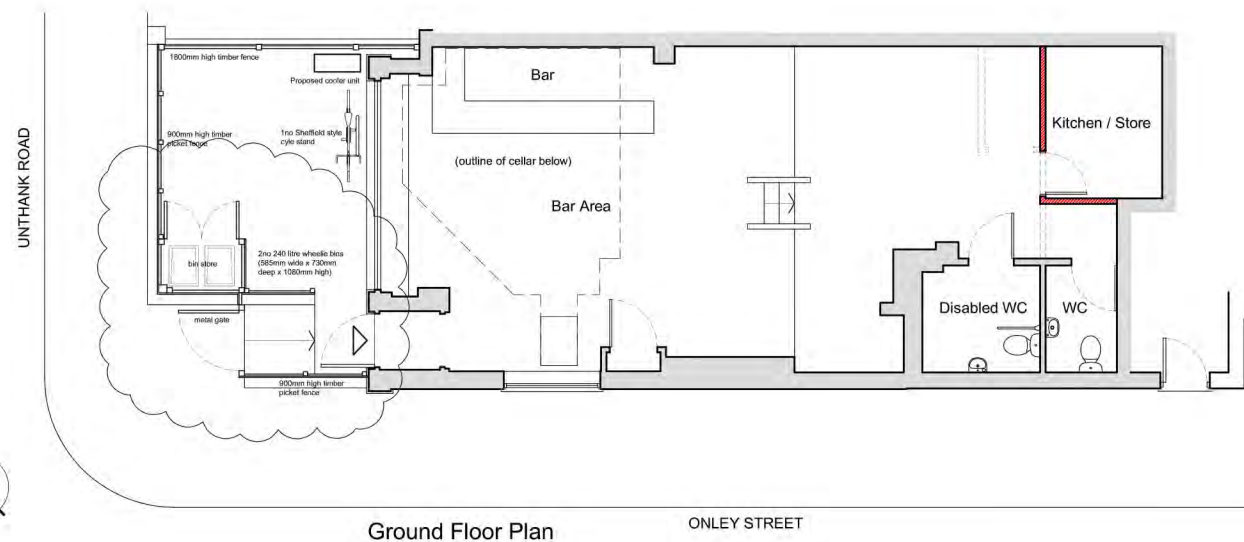
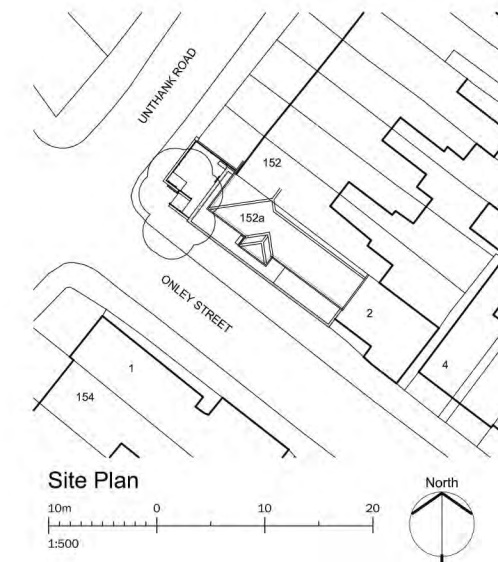
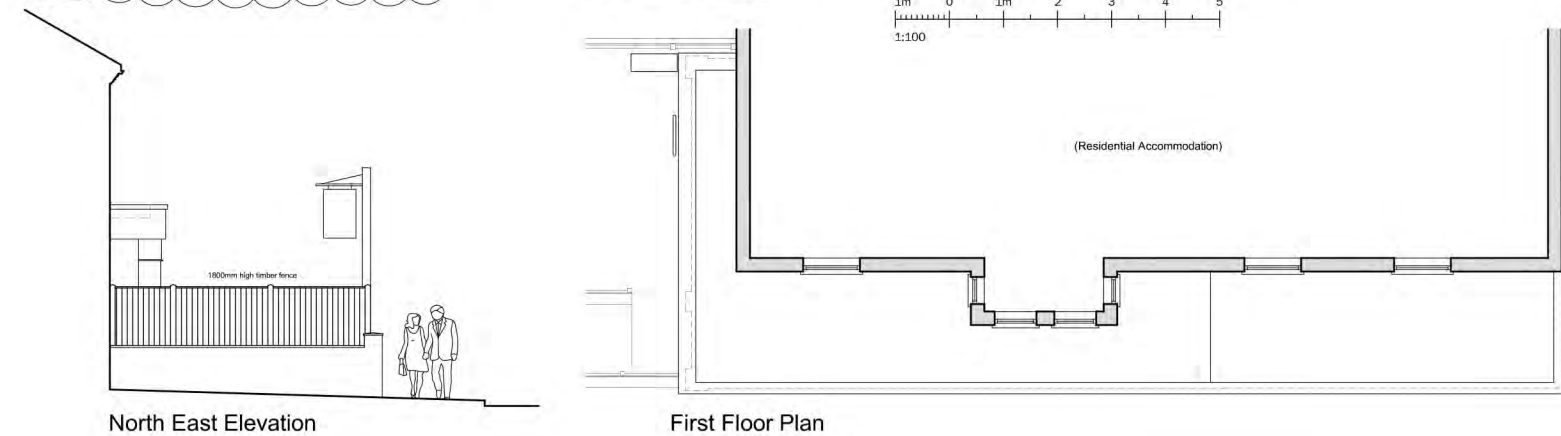
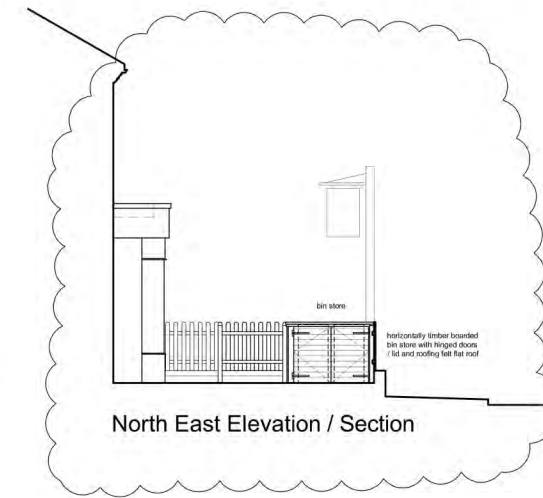
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project:  
**152a Unthank Road, Norwich,  
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drawing:  
**Existing Plans & Elevations.**  
scale @ A3:  
**1:100 & 1:1250.**

drawing number:  
**2315 - 01.**





a 20.09.23 Revisions clouded.

revisions:

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Client: **The Fat Cat Brewery Tap Ltd.**  
Project: **152a Unthank Road, Norwich, Norfolk. NR2 2RS.**

Drawing: **Proposed Plans & Elevations.**  
Scale @ A3: **1:100 & 1:500.** Drawing number: **2315 - 02a.**

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