

Planning applications committee

Date: Thursday, 13 July 2023

Time: 09:30

Venue: Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

Members of the public, agents and applicants, ward councillors and other interested parties must notify the committee officer if they wish to attend this meeting by 10:00 on the day before the committee meeting, please. The meeting will be live streamed on the council's YouTube channel.

Committee members:

Councillors:

Driver (chair)
Sands (M) (vice chair)
Calvert
Champion
Hoechner
Lubbock
Peek
Price
Prinsley
Sands (S)
Stutely
Thomas (Va)
Thomas (Vi)
Young

For further information please contact:

Committee officer: Jackie Rodger
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Democratic services
City Hall
Norwich
NR2 1NH

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Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Agenda

Page nos

1 Apologies

To receive apologies for absence

2 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

3 Minutes

5 - 6

To approve the minutes of the meeting held on 8 June 2023

4 Planning applications

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.

Further information on planning applications can be obtained from the council's website: <http://planning.norwich.gov.uk/online-applications/>

Please note:

- The formal business of the committee will commence at 9.30;
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

Summary of applications for consideration

7 - 8

Standing duties

9 - 10

4a Application nos 23/00191/F and 23/00192/L – 20 Magdalen Street, Norwich, NR3 1HU

11 - 22

Informal training session

Following the conclusion of the formal business of the meeting there will be a short training session for members on standard conditions & reasons for refusal

Date of publication: **Wednesday, 05 July 2023**



Planning Applications Committee

13:30 to 14:00

8 June 2023

Present: Councillors Driver (chair), Sands (M) (vice chair following election), Calvert, Champion, Hoechner, Lubbock, Peek, Price, Prinsley, Sands (S), Stutely and Young

Apologies: Councillors Thomas (Va) and Thomas (Vi)

1. Appointment of Vice Chair

RESOLVED to elect Councillor Sands (M) as vice chair for the ensuing civic year.

2. Declarations of interests

Councillor Price declared an other interest in item 4 (below) Applications 23/00271/F and 23/00272/L - 30 Bethel Street, Norwich, NR2 1NR, because members of his family attended one of the educational establishments run by the Inspiration Trust.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meetings held on 13 April 2023 and 27 April 2023.

4. Applications 23/00271/F and 23/00272/L - 30 Bethel Street, Norwich, NR2 1NR

The planner (case officer) presented the report with the aid of plans and slides. There had been two objections from residents in Old Barley concerned about noise and pollution from the air conditioning unit affecting residential amenity, and members were referred to section of the report under the heading Main Issue 2: Amenity, where these concerns were addressed. The recommendation was to approve the application subject to specific conditions to require details for servicing the plant to ensure that the historic features of the building were not damaged by cabling or winches, and to limit the hours of operation of the air conditioning unit to 8am to 5pm to reduce impact on residential amenity. Discussions with the applicant suggested that they envisaged using the air conditioning units Monday to Friday and only during the summer months.

During discussion the development management team leader said that there was no evidence to suggest that the units would become a statutory noise nuisance, but if it did, Environmental Protection would take steps to protect the residential amenity of

the neighbours. There had been no complaints about existing air conditioning units on the site. Members were advised that decisions needed to be made within the planning policy framework and there was no policy to restrict installation of air conditioning units on the grounds that it was “energy rich”. The proposed condition would limit the use of the air conditioning units to between the hours of 8:00 am to 5:00 pm. Officers would not like to prevent the school being used at weekends and therefore did not recommend a condition preventing weekend use of the air conditioning units.

The chair moved and the vice chair seconded the recommendations to approve the application as set out in the report.

During discussion a member said that there had been no complaints about the noise of existing units. From her experience teaching in hot stuffy classrooms, she considered that air conditioning would be welcome.

A member commented on his opposition to the proposal for air conditioning units by asking what was wrong with opening windows to allow air ventilation.

RESOLVED to:

- (1) with 11 members voting in favour (Councillors Driver, Sands (M), Calvert, Champion, Hoechner, Lubbock, Peek, Prinsley, Sands (S), Stutely and Young) and 1 member abstaining from voting (Councillor Price) to approve application no 23/00271/F at 30 Bethel Street, Norwich NR2 1NR and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Hours of operation;
 4. Anti-vibration mountings.
- (2) with 11 members voting in favour (Councillors Driver, Sands (M), Calvert, Champion, Hoechner, Lubbock, Peek, Prinsley, Sands (S), Stutely and Young) and 1 member abstaining from voting (Councillor Price) to approve application no 23/00272/L at 30 Bethel Street, Norwich NR2 1NR and grant listed building consent subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Servicing details.

CHAIR

Summary of planning applications for consideration**ITEM 4****13 July 2023**

Item No.	Application number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4a	23/00191/F & 23/00192/L	20 Magdalen Street	Stephen Polley	Alterations to shopfront including new doorway, windows and signage.	Objections	Approve

STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

Crime and Disorder Act, 1998 (S17)

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

Natural Environment & Rural Communities Act 2006 (S40)

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Planning Act 2008 (S183)

- (1) Every Planning Authority should have regard to the desirability of achieving good design

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law

Article 8 – Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.

Report to Planning Applications Committee

Report of Head of Planning & Regulatory Services

Subject Application nos 23/00191/F and 23/00192/L – 20
Magdalen Street, Norwich, NR3 1HU

Reason for referral Objections

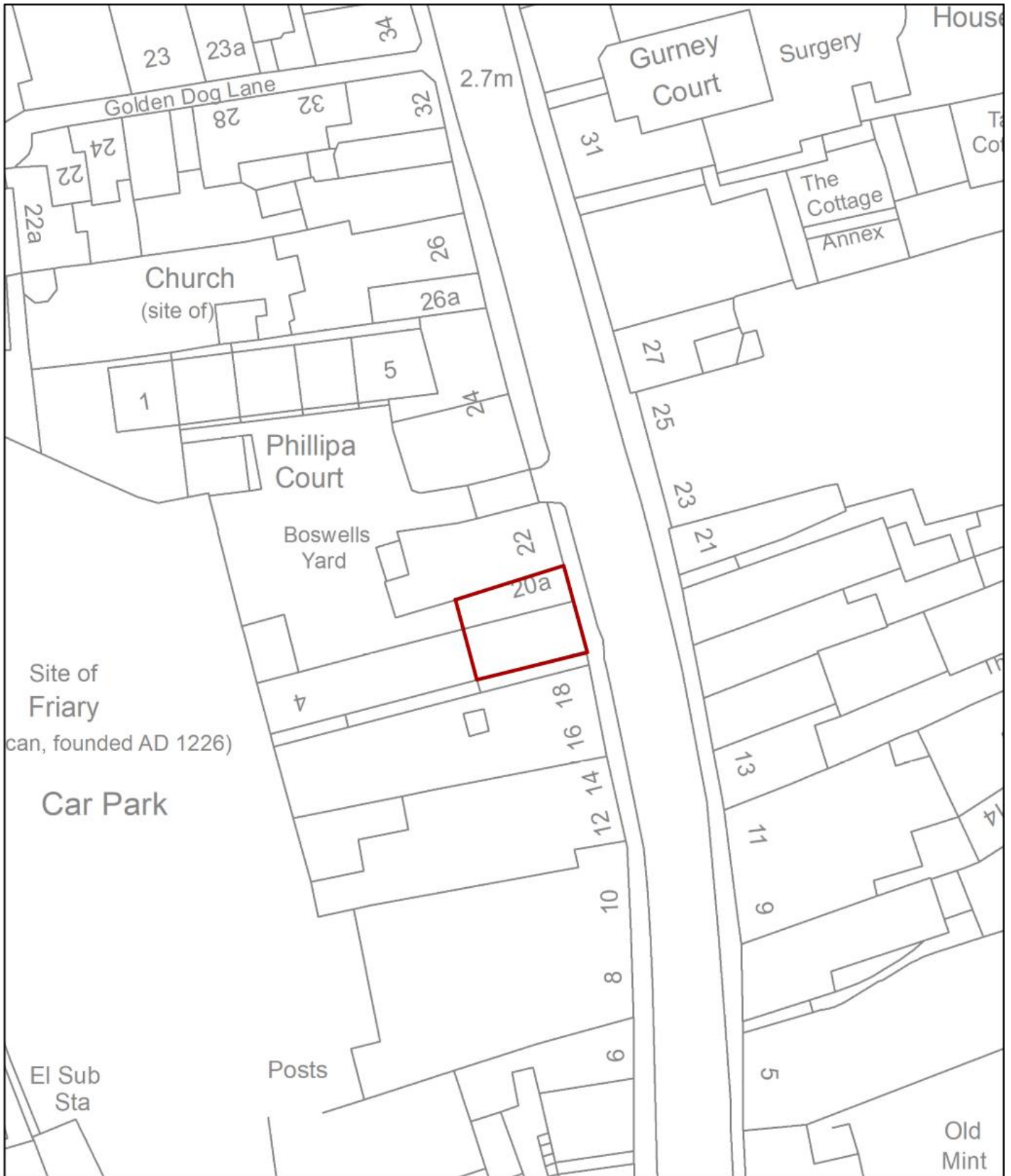
Item

4a

Ward	Mancroft
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk
Applicant	Mr M Akbar

Development proposal		
23/00191/F: Alterations to shopfront including new doorway and windows. 23/00192/L: Alterations to shopfront including new doorway, windows and suspended ceiling.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1	Design and Heritage
Expiry date	20 July 2023
Recommendation	Approve



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Planning Application No 23/00191/F & 23/00192/L
 Site Address 20 Magdalen Street

Scale 1:500



NORWICH
 City Council

PLANNING SERVICES



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The site and surroundings

1. The site is located to the west side of Magdalen Street, to the north of the city. The application relates to an existing retail unit formed of the ground floor of 20 Magdalen Street. No. 20 is part of a larger building constructed during the C18 using red bricks. The front elevation comprises a timber and glass shopfront with two-floors of red brick walls and timber sash windows above.
2. The site is bordered by an extension to the building to the rear, comprising flats accessed via Boswells Yard to the north. The site is bordered by the adjoining retail units no. 22 to the north, and no. 18 to the south. Magdalen Street forms part of a large district retail centre and as such is characterised by ground floor retail units on either side of the road.
3. The subject building is Grade II listed. Listing Description: Grade II Listed TG 2309 SW MAGDALEN STREET (west side) 11/500 5.6.72. Nos. 18 to 22 (even) GV II Shops. Mid C18. Red brick and pantile roof. 3 storeys. 5 bays. C19 shop- fronts with simple panelled pilasters. Passage entry at extreme left. C20 sash windows throughout with glazing bars and rubbed brick flat arches. Fascia cornice.

Constraints

4.
 - Listed Building: Grade II
 - Conservation Area: City Centre – Colegate Character Area
 - Large District Centre: Anglia Square, Magdalen Street and St Augustine's Street
 - Defined Retail Frontage: Large District Centres – Magdalen Street / Anglia Square
 - City Centre Regeneration Area: Northern City Centre Area Action Plan
 - Area of Main Archaeological Interest

Relevant planning history

5.

Ref	Proposal	Decision	Date
4/1989/0918	Internal alterations.	APCON	20/10/1989
4/1989/0925	Conversion of store at rear into one residential unit.	APCON	23/10/1989
4/1992/0126	Condition no. 2; details of a scheme for the treatment of the party walls separating the residential unit from the adjoining users for previous permission (app. no. 4890925/F); "Conversion of store at rear into one residential unit".	APPR	21/02/1992
4/1993/0590	Installation of gate in passageway.	APCON	20/09/1993

The proposal

6. Application ref. 23/00191/F seeks consent for the installation of a replacement shopfront. Application ref. 23/00192/L seeks listed building consent for the installation of a replacement shopfront and retrospective consent for the installation of a suspended ceiling.
7. The existing shopfront is currently in a poor state of repair. The proposal originally sought consent for more extensive replacement works to take place that would have resulted in significant parts of the historic fabric of the shopfront being removed. Following discussions with the council's conservation officer, a revised scheme has been submitted with the emphasis now being on the repair of the existing shopfront as much as possible. A suspended ceiling has already been added to the inside of the unit.

Representations

8. Adjacent and neighbouring properties have been notified in writing and site and press notices erected. Three letters of representation have been received citing the issues as summarised in the table below.

Issues raised	Response
Heritage shopfront should be maintained, made a feature of, and not removed. Part of the 'Norwich Over the Water Project', key contributor to character of the area. Removal of shopfront would be harmful to this area.	See main issue 1
Proposed designs not in keeping with the character of the area.	See main issue 1
Signage out of sympathy with the area.	Separate advertisement consent is required for new signage to be installed.

Consultation responses

9. 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.

Design and conservation (see file for original and revised comments in full)

10. The shopfronts along Magdalen Street are some of the finest in the city consisting of traditional timber frames with painted facias, pilasters, corbels and recessed entrances. Whilst no. 20 shows signs of disrepair, the shopfront has aesthetic, historic and communal value and makes a positive contribution to the Colegate character area.
11. The shopfront dates from the c19 but has some c20 changes. It consists of five bays with a three-bay recessed section, a three sided projecting bay and a single bay recessed doorway. The central projecting bay is a rare survival, island display cases were particularly popular with boot and shoe dealers and given the north city's prolific shoe industry, no. 20 may have been a shoe shop originally (evidence is needed to support this). The aesthetic value of the shopfront also derives from

the projecting panelled pilasters and matching panelled underside to the recesses, a rare survival on Magdalen Street. The completeness of the historic shopfront is also evidenced from the sill, stallriser, clerestory, awning and painted fascia in the style of a traditional shopfront. Two carved timber consoles frame the whole composition, complimenting the use of consoles at neighbouring no. 18 and no. 22.

12. The character of Magdalen Street is defined by buildings dating from c17, c18 and c19. A continuous line of 2-3 story buildings with yard openings, red brick, pantile roofs, traditional shopfronts and decorative doorcases help define the area. The shopfront is identified as contributing 'positive frontage' to the Colegate Character Area. Both the east and west side of Magdalen Street are deemed positive frontage and the area is rated as having a very high concentration of historic buildings with historic details and a high townscape quality. The shopfront is grade II listed with no. 18-22, together they form three traditional shopfronts and have high group value. Changes to no. 20 will also affect the significance of its immediate neighbours as well as the quality of the conservation area. Whilst the proposal concerns the shopfront only, the shopfront is set into an c18 brick building, the fabric of which has high historic sensitivity.
13. The shop was originally one unit, the owner is unknown, but it was subdivided into two units in the c20. In the c20, Allen's fruiterers occupied the left three bays whilst Jas Smith's cleaning and dying occupied the two bays to the right. The shopfront formed part of The Civic Trust and Norwich City Council's initiative to improve the character and appearance of shopfronts and buildings on Magdalen Street as part of one of the town improvement schemes which began in 1959.
14. Consent is sought for the following alterations: Alterations to shopfront including new doorway, windows, and signage as well as the insulation of a reversible suspended ceiling.
15. The new design of the shopfront offers a restoration of the existing shopfront with some replacement fabric and new signage. The centralising of the door differs from the appearance of the existing shopfront but will improve the symmetry and accessibility of the design. The proportions, features and colour scheme will improve the character and appearance of the listed building and the collective significance of historic shopfronts along Magdalen Street. The proposal will also ensure the shop has a continued commercial use at ground floor level which is deemed to be its optimum viable use.
16. Whilst it is regrettable that the ceiling panelling in No. 20 (left hand bay of the shop) will be covered by a modern suspended ceiling, the suspended ceiling could be easily removed to reveal the panelling. The suspended ceiling will allow the property a degree of fireproofing and may help protect the panelling underneath it.
17. Conclusion:- Principle for a replacement shopfront:

In its revised form, the listed building consent application would be supported by the Conservation and Design team as eliciting less than substantial harm to the listed building (lower level) which is significantly outweighed by the positive contribution the restored shopfront will have on principle elevation of listed buildings and more widely, the Colegate Character Area of the City Centre Conservation Area.

Notes:

- If scaffolding is required, a freestanding type should be used which does not tie into the fabric of the listed building.
- The new paint should be a clay/mineral based breathable paint.

Conditions:

- TL2A time limit listed
- AC2A details listed
- HA6A External finished restriction
- HA7A making good within 6 months

Informatives:

- IN4A listed building consent
- IN23A original historic fabric retention
- IN26A conservation areas and trees
- IN8A asbestos

Assessment of planning considerations

Relevant development plan policies

18. **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
19. **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
 - DM9 Safeguarding Norwich's heritage
 - DM11 Protecting against environmental hazards
 - DM18 Promoting and supporting centres

Other material considerations

20. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**
 - NPPF12 Achieving well-designed places
 - NPPF16 Conserving and enhancing the historic environment

Case Assessment

21. 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: Design & Heritage

22. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 126-136 & 189-208
23. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority 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 and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
24. The originally submitted plans involved more substantial works to the existing shopfront, tantamount to its wholesale replacement. The harm caused to the historic fabric and the significance of the shopfront within the setting of the street scene and conservation area was significant, and therefore the proposals were not acceptable. The applicant has subsequently worked closely with the council's conservation officer to develop a revised scheme.
25. The revised design retains the existing shopfront design. The arrangement of windows and the main entrance door, as well as the fascia are to all be retained. Some plywood sections, where they have degraded beyond reasonable repair will be replaced in a like for like fashion. The existing awning, located above the fascia is also to be replaced with new fabric. The timber is to be painted with grey coloured paint.
26. The revised proposed works to the shopfront will therefore ensure that the existing historic shopfront is retained in its original form, with the works instead now focusing making good through repairs, with replacements only being carried out if necessary, in a like for like fashion. The overall impact of the works will therefore result in a positive impact on the historic character and of the street scene of Magdalen Street.
27. A suspended ceiling has been added to the ceiling of no. 20, covering original ceiling panelling. It is understood that the suspended ceiling has been added in support of fireproofing. It is regrettable that the suspended ceiling has been added prior to the granting of listed building consent. The council's conservation officer has however assessed the works and determined that the suspended ceiling can be easily removed, and that the original panelling should be protected. As such, the suspended ceiling is acceptable as installed.
28. The proposed development relates to a retail unit located within a large district retail centre that has been vacant for several years. The proposed works would facilitate

the re-use of the vacant unit as a retail unit selling food items. The proposal would therefore support the vitality and viability of the large district retail centre.

29. The revised design has been produced by the applicant following detailed discussions with the council's conservation officer. They have concluded that the revised plans now result in less than substantial harm to the listed building (lower level) which is significantly outweighed by the positive contribution the restored shopfront will have on principle elevation of listed buildings and more widely, the Colegate Character Area of the City Centre Conservation Area.

Other matters

30. **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 undertake an appropriate assessment to 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 SAC, 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.

Broads SAC/Broadland Ramsar.

Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND

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 answer to this question is based on the NE advice that development not including overnight accommodation generally does not need to be included in an assessment.

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

River Wensum SAC

Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND

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 answer to this question is based on the NE advice that development not including overnight accommodation generally does not need to be included in an assessment. In addition, the discharge for WwTW is downstream of the SAC.

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

Equalities and diversity issues

31. There are no equality or diversity issues.

Local finance considerations

32. 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. In this case local finance considerations are not considered to be material to the case.

Conclusion

33. The proposed works to the existing shopfront will facilitate the future use of the retail unit, whilst preserving the historic significance of the building within the context of the street scene and surrounding conservation area. 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

(1) To approve application 23/00191/F at 20 Magdalen Street, Norwich NR3 1HU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.

Informatives:

1. Advert consent required

(2) To approve application 23/00192/L at 20 Magdalen Street, Norwich NR3 1HU and grant listed building consent subject to the following conditions:

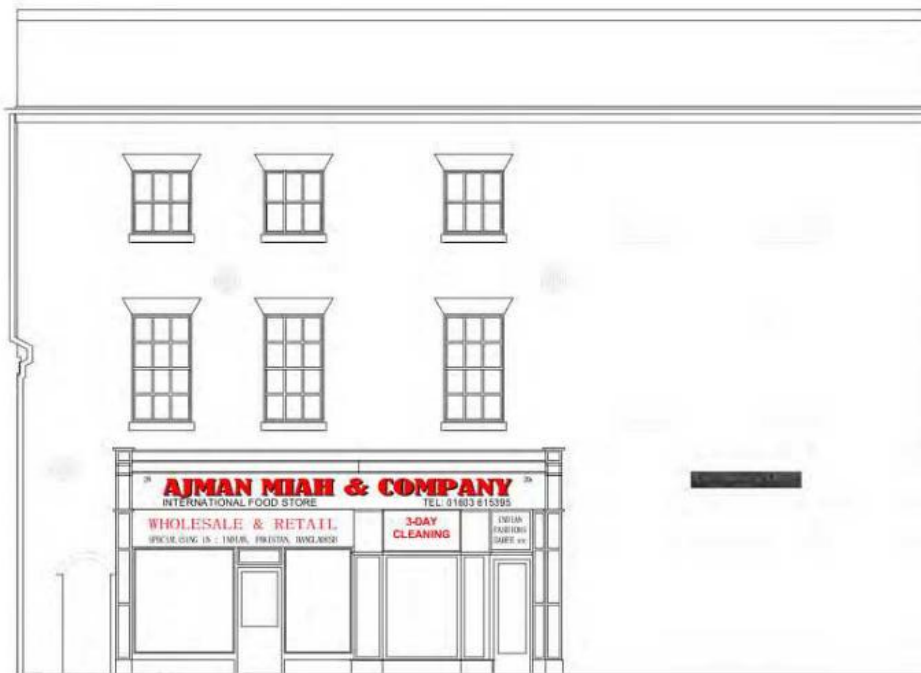
1. Time limit listed;
2. In accordance with plans;
3. External finished restriction;
4. Making good within 6 months.

Reason for approval:

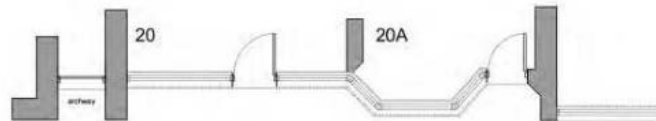
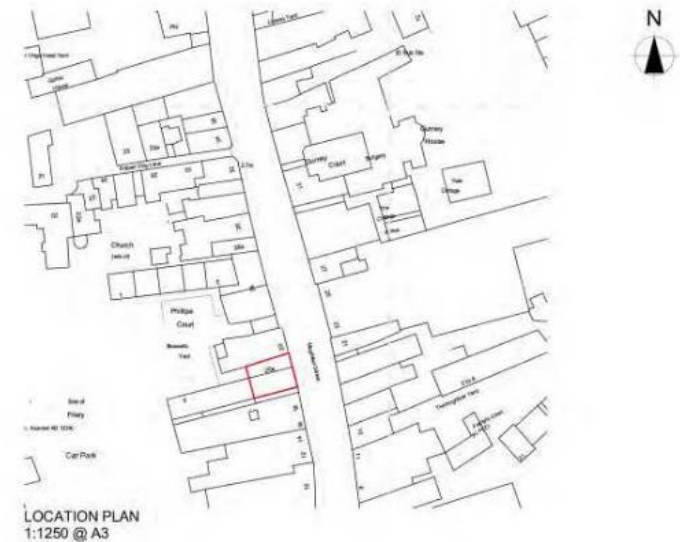
The proposal will result in less than substantial harm to the listed building (lower level) which is significantly outweighed by the positive contribution the restored shopfront will have on principle elevation of listed buildings and more widely, the Colegate Character Area of the City Centre Conservation Area. The proposal is therefore considered to be in accordance with the objectives of NPPF, Policy 2 of the Adopted Joint Core Strategy (March 2011) and policies DM1, DM3 and DM9 of the Norwich Development Management Policies Local Plan (December 2014).

Informatives:

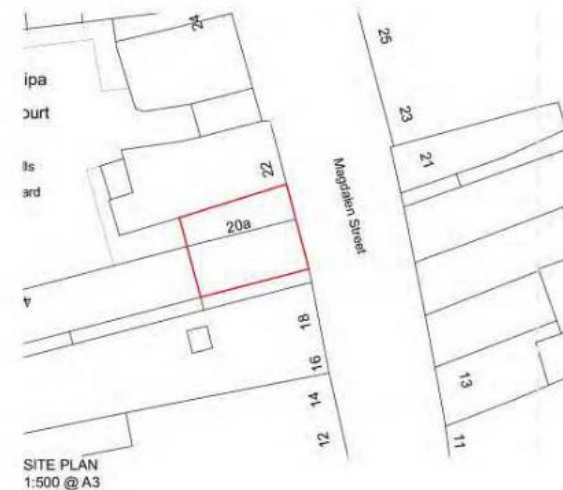
2. Listed building consent;
3. Original historic fabric retention;
4. Conservation areas and trees;
5. Asbestos;
6. Scaffolding;
7. New paint to be clay/mineral based breathable paint.



EXISTING SHOP FRONT
1:100 @ A3



PARTIAL EXISTING FLOOR PLAN
1:100 @ A3



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Job Title
Alterations to Shopfront

Address
20/20A Magdalen Street, Norwich, NR5 8AB

Client

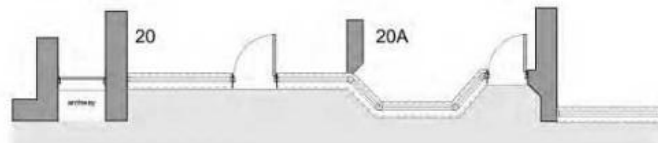
Mr M. Akbar
Drwg. Title
As indicated

Job No.
23 5099.001
Drwg. No.
EX01

Drawn by
HR
Rev
00

Checked by
JAR
Date
15/02/2023





PROPOSED SHOP FRONT ENTRANCE
1:100 @ A3



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Job Title
Alterations to Shopfront

Address
20/20A Magdalen Street, Norwich, NR5 8AB

Client

Mr M. Akbar

Drwg. Title

As indicated

Job No.
23.5099.001

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A

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