

Report to Planning applications committee
Date 14 March 2013
Report of Head of planning services
Subject 13/00003/F 102 Prince of Wales Road Norwich NR1 1NY

Item
5(4)

SUMMARY

Description:	Change of use from offices (Class B1a) to student accommodation (Class Sui Generis) on first, second, third and fourth floors. Removal of existing roller shutters and installation of new doors and brick infill panels on ground floor rear elevation and installation of new ground floor entrance fronting Prince of Wales Road.	
Reason for consideration at Committee:	Objection	
Recommendation:	APPROVE	
Ward:	Thorpe Hamlet	
Contact Officer:	Miss Sarah Platt	Planning Officer - Development Management 01603 212500
Valid Date:	21st December 2012	
Applicant:	Mr Stewart Cass	
Agent:		

INTRODUCTION

The Site

Location and Context

1. The site is situated on the northern side of Prince of Wales Road and is to the east of St Faiths Lane. It is a five storey office premises which dates from around the 1980s. There is a rear access to the premises from Stuart Gardens which is a cul-de-sac off St Faith's Lane.
2. The surrounding area is mixed in terms of its uses. Directly to the west of the site is Alan Boswell Insurance Group offices, to the east is Kwik Fit garage, to the north are residential properties on Stuart Gardens and St Faiths Lane and on Prince of Wales Road there is a mix of offices, retail units, restaurants and bars.
3. The site is situated within the City Centre Conservation Area, the Area of Main Archaeological Interest, the City Centre Leisure Area and is located within Flood Zone 2. It is outside the Late Night Activity Zone in the current local plan and the emerging Development Management Policies designation forming part of the emerging Local Plan.

Planning History

Various minor applications relating to the office use and telecommunications equipment on the roof.

Planning permission was granted under application **12/01348/F** for the 'Change of use of ground floor of building from offices (Class B1a) to shop (Class A1), financial and professional services (Class A2) and restaurant and cafe (Class A3) in November 2012.

Equality and Diversity Issues

There are significant equality or diversity issues. These are discussed at paragraph 50

The Proposal

4. The application seeks the change of use of the upper floors from offices (Class B1(a)) to student accommodation (Sui generis) on all upper floors. There are also external alterations to the existing rear access and the installation of a new entrance to Prince of Wales Road.

Representations Received

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below.

6.

Issues Raised	Response
The provision of student accommodation in the area will add to the noise and disturbance that existing residents have to endure: 37 TVs and stereos / where will the main access be? / Will Anti-social behaviour be monitored?	Paragraphs 34-37
Where will bins, bikes and cars go?	Bin and cycle storage will be inside the building. There is no car parking provided and the scheme would not be eligible for parking permits.
Our privacy will be lost. Will proper internal fittings be added, e.g. curtains and blinds etc	Paragraph 34
The building is in the wrong location for such accommodation being neither near the University or City College.	Paragraphs 16-22
The area to the rear and the front entrance are often used by night time revellers for use as a toilet. How will this be managed?	Paragraph 23
Is this really for student accommodation or are these cheap bedsits for use by housing benefits people?	Paragraph 18
Paragraph 23 of the NPPF states that planning decisions should recognise	Paragraphs 28-32

existing businesses in the area and that these businesses should not have unreasonable restrictions placed upon them because of changes in land use in their vicinity. There will be significant conflict between residential uses and the large nightclub establishments already operating within the area.	
The Environmental Protection Officer requested PD rights for the upper floors to residential use be removed under the previous consent 12/01348/U.	Paragraph 8

Consultation Responses

7. Norfolk Police – No objections. The principles of Secured by Design should be adhered to. All accesses should be controlled by use of either keys, key codes or other access media to ensure that entry to the building is restricted to only those that live there.
8. Environmental Health – No objections. In reference to my previous comments on 12/01348/F that PD rights should be removed for changes of use to residential on the upper floors, this was to ensure that development that was not protected from noise is not carried out. The measures and details in the acoustic report (Loven Acoustics LA/1244/03bR/ML 13th December 2012) submitted with this application are deemed sufficient to ensure that the upper floors are sufficiently protected from noise if the conversion to residential receives approval. The works detailed in that report including paragraphs 7.3 and 7.5 must be undertaken before the residential occupation of the premises and once installed those measures shall be retained as such thereafter. Conditions with regard to plant and/or machinery, and in particular sound insulating/absorbing material and mountings to minimise transmission of structure borne sound, and full details of mechanical extraction equipment and maintenance are also required.
9. Local Highway Authority – No objection. The proposed use is suitable for this highly accessible location. The exact sizing and location of bin stores needs to be agreed with City Wide Services but is acceptable in principle. Cycle parking for 42 cycles is provided which is acceptable. The application does not warrant a transport assessment and due to the highly sustainable location no transport contributions are required. However, there are likely to be surges in pick up and drop off at the beginning and end of terms, this could be managed via a Travel Information Plan secured by condition.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 1 – Building a strong, competitive economy
- Statement 2 – Ensuring the vitality of town centres
- Statement 4 – Promoting sustainable transport
- Statement 6 – Delivering a wide choice of high quality homes
- Statement 7 – Requiring good design
- Statement 12 - Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 2 – Promoting good design
Policy 3 – Energy and water
Policy 4 – Housing delivery
Policy 6 – Access and transportation
Policy 20 - Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

EMP3 – Protection of small business units and land reserved for their development
HOU2 – Mix of uses including housing on city centre sites
AEC1 – Major art and entertainment facilities – location and sequential test
HOU15 - Conversion of vacant or underused parts of buildings
HBE8 - Development in Conservation Areas
HBE12 - High quality of design in new developments
EP10 – Noise protection between different uses
EP22 - High standard of amenity for residential occupiers
HOU5 - Accessible housing
TRA7 - Cycle parking standards
TRA9 – Car free housing - criteria
TRA8 - Servicing provision

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal (September 2007)

Other Material Considerations

The Localism Act 2011 – s143 Local Finance Considerations

Principle of Development

Policy Considerations

10. There are several issues for consideration in determining this application: the acceptability of the loss of the office accommodation, the acceptability of the proposed residential accommodation, the impact on neighbouring amenity, servicing implications, and the impact of the external alterations on the street scene and wider Conservation Area.

Loss of Office Accommodation

11. Saved local plan policy EMP3 seeks to protect office accommodation and the loss of such units will only be permitted where, under criteria b), the developer can demonstrate that there is no evidence of demand for the units which would justify the retention of the land for that use.
12. As part of the application submissions the applicant has submitted information from Arnolds Keys who have been responsible for marketing the property since it was vacated just over 1 year ago. To date there have been 6 enquiries, primarily interested in using the property for office accommodation, however none of these have led to an offer being made as the accommodation was not considered to meet the requirements of the prospective businesses.
13. The supporting information also details circa 20,000 sq ft of vacant office space within the immediate locality, some of which includes access to car parking facilities making them more attractive to future occupiers.
14. In addition, Roche have also submitted an appraisal of the office accommodation on

offer and conclude that these offices are no longer suited to modern day requirements. The lack of parking is a major deterrent and the area of Prince of Wales Road has declined in appeal to office users in recent years. They also note the more appropriate vacant office units within the immediate locality and consider that the loss of this fragmented office accommodation will ensure that more appropriate offices in the area have a greater chance of being brought back into use for their intended purpose.

15. Allowing the change of use of the upper floors will result in the loss of 14,500 sq ft (approx) of office accommodation. However, there is clearly no current demand for office space of this size, it is considered that sufficient levels of vacant office space will remain across the city and in the immediate locality to cater for future demand, and it is accepted that the costs of bringing the property up to modern day standards and the lack of parking on site are deterring future occupiers. The loss of the office space is therefore considered acceptable against the criteria of saved local plan policy EMP3.

Acceptability of Housing

16. The criteria against which to assess new housing proposals resulting from the conversion of vacant or underused parts of buildings are outlined in saved local plan policy HOU15 and should be taken in the context of a presumption in favour of sustainable development as advocated in the NPPF. Saved policy HOU15 states that residential uses should be permitted where the property is not within a defined employment area or the Late Night Activity Zone, there is a retention of a sufficient supply of office accommodation, the site is accessible to local, shops, public transport and employment, there is sufficient provision of amenity space and appropriately located bin and cycle stores and with adequate sound proofing between adjacent uses.
17. As stated above there is considered to be sufficient retention of office accommodation if the loss of this property is accepted. In addition, the property is within walking distance of shops, community services, employment opportunities, public transport, and public open space. The site is in close proximity to the Late Night Zone, although not within it, and therefore issues of the potential for noise must be considered in detail. This is discussed in details at paragraphs 28-32. However, the proposals are considered to meet the criteria of saved local plan policy HOU15.
18. The proposed use as student accommodation falls under the term 'Sui Generis' which is a Latin term meaning 'without class'. As such, there are no permitted development rights for further changes of use. If the owner wished to convert this student accommodation into bedsits or an apart hotel then a further planning permission would be required.
19. The owner has approached the Norwich University College of the Arts who have expressed an interest in recommending the accommodation to existing and prospective students as provision within the city centre is in very short supply, although NUCA does not have the funding to take on the management of this site itself.
20. Saved local plan policy HOU2 states that residential developments will not be allowed within or adjacent to the Late Night Activity Zone (LNAZ). Whilst the proposed student accommodation is not within or adjacent to the present LNAZ it is within very close proximity to the defined area, and the front elevation of the building is likely to be affected as a result of this proximity.
21. Environmental Health Officers comments can be found in paragraph 8 and a Noise Impact Assessment submitted. In brief, although discussed in more detail at paragraphs 28-32, sufficient noise mitigation measures are proposed to addresses the potential noise pollution to future occupiers of the building. Environmental Health

are happy that residential accommodation in this location will be acceptable subject to conditions requiring compliance with the mitigation measures in the submitted noise impact assessment.

22. Accepting the conversion is in accordance with national policy and local plan policy with regards to principle, the external alterations and the wider impact must also be considered.

Design

Layout

23. Several amendments are proposed to the front and rear elevations of the building. To the front a new entrance door is to be installed with the existing recess removed. The recessed doorway to the front has previously been used for inappropriate activity and behaviour by users of the late night economy. The removal of the recessed entrance to the frontage will reduce the potential for such activity and ensure the cleanliness of the appearance of the building.
24. To the rear the existing roller shutters are to be removed and the openings in-filled with matching brickwork with new servicing doors and emergency exit doors with obscure glazed windows above to provide light into the internal areas. These alterations will match in design those approved under the previous permission 12/01348/U for the ground floor use. The alterations are considered to be appropriate and to enhance the appearance of the building in the street scene and wider Conservation Area.
25. Under the original application submissions louvers were proposed to be applied to the windows facing into the internal courtyard. These louvers were proposed to protect the amenity and privacy of future occupiers given the separation distance of only 6.7m. However, it was considered that the proposed louvers would reduce levels of natural light into the bedrooms and if the louvers were not fixed in a semi-closed position (but allowed to be manoeuvred by occupiers) the purpose of their installation to protect privacy would be defeated.
26. Amendments to the application have been made and a mirrored transfer is now proposed to be applied to the windows facing the lightwell. This will ensure that high levels of natural light reach all rooms but that the privacy of occupiers is not compromised.
27. This is considered to be acceptable subject to a condition requiring full details of the mirroring transfer and details of a schedule of maintenance to ensure the longevity of the materials.

Impact on Living Conditions

Noise and Disturbance

28. Concerns have been expressed with regard to potential noise from future occupiers on existing dwellings. It is not considered that the noise generated as a result of this scheme would be of such a level as to warrant a Statutory Noise Nuisance. However, if instance of noise pollution did occur the Council has an obligation under Environmental Protection laws to investigate and take any necessary action as deemed appropriate.
29. More of a concern is the noise of the adjacent late night activity zone on future occupiers of the residential accommodation.
30. On the previous application for the ground floor use, the Environmental Health Officer specifically requested that the permitted development rights for the upper floors to change to residential uses were removed. This enabled the local planning authority, in the event of an application, to ensure that appropriate sound mitigation measures

could be installed at the premises which would protect residential amenity in the event of such an application. The Noise Impact Assessment submitted details the four areas against which an assessment has been made; traffic, the Late Night Activity Zone (LNAZ), the ground floor use and plant and machinery.

31. With regard to traffic and the LNAZ, the night-time noise levels from the LNAZ were very similar to the day-time noise levels from traffic, albeit from a different source. Appropriate sound insulation between the ground floor use and the upper floors will be secured via Building Regulations. Large amounts of the existing plant for the upper floors is to be removed under this application although some new plant and/or machinery will need to be installed in order to provide sound mitigation. As such a condition requiring full details of any such plant and/or machinery, and fume and flue extraction equipment will be imposed on any permission.
32. It is the considered view of the Environmental Health Officer that the mitigation measures for traffic and LNAZ noise are sufficient to ensure that the amenity of the future occupiers is protected from noise. A combination of mechanical ventilation on all front and rear facing facades and trickle vents on facades facing into the light well are proposed ensuring that noise levels are in compliance with the World Health Organisation (WHO) guidelines for internal noise levels at night. A condition requiring full compliance with the submitted Noise Impact Assessment mitigation measures will be imposed on any permission granted.

Odour

33. The permission to grant a change of use to A1, A2 or A3 on the ground floor contained conditions relating to details of the plant and machinery, fume extraction equipment and mechanical ventilation. These conditions were imposed in order that the local authority could adequately assess the potential for noise and odour pollution from the installation of such plant on adjacent and nearby residential dwellings. These conditions are considered sufficient to control the systems to be installed and will have to take into account the use of upper floors and adjacent accommodation. Potential instances of noise and odour pollution from the ground floor use can be adequately mitigated against during the discharge of conditions on the previous permission 12/01348/F.

Loss of Privacy

34. Concerns have been raised with regards to the proximity of the future residential accommodation to existing dwellings. There is a gap of 18m between the rear elevation of 102 Prince of Wales Road and the façade of properties at Stuart Gardens. This is in excess of DETR guidelines for separation and is a greater distance than many properties in other areas of the city centre. It is not considered that there will be any loss of privacy for the existing residents of Stuart Gardens as a result of this change of use.

General Amenity Considerations and Anti-Social behaviour:

35. There is concern that the area to the rear of the proposed accommodation might be used for the purposes of general exit and entry and for smoking by future occupiers. Such uses may give rise to noise disturbance for occupiers of the adjacent flats at Stuart Gardens. As a result it is considered prudent to impose a condition on any approval granted to ensure that this rear exit is used only for purposes of emergency access or for servicing arrangements. This is also conditioned on the permission for the ground floor use.
36. In addition, in order to prevent the access to this area by general members of the public, a gate is proposed across the rear access which serves this property and the adjacent properties at 100 and 104 Prince of Wales Road. No details of this gate have been submitted at this time and a condition requiring full details is therefore recommended on any approval.
37. Concerns have been expressed with regard to the potential for anti-social behaviour

as a result of these proposals. The issue of anti-social behaviour is difficult to quantify and it is hard to understand how student accommodation could result in increases in anti-social behaviour in itself. No evidence has been submitted with any objections, it is merely speculated. It is considered that City Centre residents should expect less protection from noise pollution as those living elsewhere as they are in close proximity to the Late Night Activity Zone, and in addition, any instances of anti-social behaviour which do occur and can be proved to be from the accommodation proposed, can be addressed through environmental protection regulations.

Transport and Access

Transport Assessment and Travel Information Plan

38. The proposals do not meet the threshold requirements for a Transport Assessment but in this instance it is the view of the local highway authority that there are likely to be traffic impacts during the intake of new students at the beginning of terms. As such, a condition requiring a Travel Information Plan to promote sustainable methods of transport throughout the year to future occupiers but also detailing management of new student intake will be conditioned on any approval granted.

Servicing

39. An area of refuse and recycling storage is provided within the building, accessed from the rear of the property in the same fashion as the unit on the ground floor. This is considered to be acceptable but an informative note will be attached to any permission granted to advise the applicant to contact City Wide Services to establish the size of bins required and to arrange a commercial collection.

Car Parking

40. The proposed accommodation is car free which is considered acceptable given the highly sustainable location of the proposed accommodation. There are excellent public transport links across the city and the site is located on a major bus service route to both the University of East Anglia and City College Norwich. The main NUCA building on St Georges Street is within 800m.

Cycling Parking

41. Cycle parking for 42 cycles is to be provided within the building in two areas, one to the front and one to the rear. This level of provision meets the criteria of local plan policy TRA7 and Appendix 4. A condition requiring provision prior to first occupation will be attached to any permission.

Travel Plan

42. There are likely to be surges in pick up and drop off at the beginning of term times and some level of traffic management will be required. The applicant has advised that arrivals and departures will be monitored by one site personnel but that staggered timed slots will be used to try to reduce the impact. In addition, they are in discussion with the owner of the adjacent site who has a car parking area which is not used at weekends in order to further reduce any potential impact on the road network.

Environmental Issues

Water Conservation

43. Policy 3 of the Joint Core Strategy requires all development to maximise water efficiency where possible. A condition is recommended to be attached to any permission granted for details of the water efficiency measures to be used in this development.

Flooding

44. The site is located within Flood Zone 2 (medium probability) and is identified as a 'more vulnerable' use. More Vulnerable uses are considered to be acceptable in

Flood Zone 2 and given that this application proposes change of use of the upper floors only is considered acceptable in principle.

45. There is safe egress in the case of flooding within 20m of the site via Prince of Wales Road. It is recommended that a full flood evacuation plan is drawn up and agreed prior to the first occupation of the proposed development and a condition to this effect will be imposed on any permission. In addition an informative will be placed on any approval granted to advise signing up to the Flood Warnings Direct Service.
46. As the application is for a change of use the Sequential and Exception tests do not apply.

Lighting and CCTV

47. It is recommended that a condition requiring details of the position of any external lighting or CCTV camera is imposed on any decision, if granted approval, in order that the amenity of neighbouring residential properties can be protected.

Local Finance Considerations

48. The Localism Act 2011 amended S70 of The Town and Country Planning Act 1990 to require local planning authorities to have regard to local finance considerations in the determination of planning applications, alongside the development plan and other material considerations.
49. In this case the proposals if granted would return Council Tax or Business Rates revenues.

Equality and Diversity Issues

Disability

50. One room on each floor of the proposed accommodation has been designed to be DDA compliant with level access and enlarged bathrooms enabling access for those with impaired mobility in accordance with saved local plan policy HOU5 (accessible housing). This is considered to be a positive benefit of the scheme. Lift access is available to all floors.

Conclusions

51. It is considered that following the conversion of this vacant office accommodation to student accommodation, sufficient levels of vacant office space will remain across the city and in the immediate locality to cater for future demand, and it is accepted that the costs of bringing the property up to modern day standards and the lack of parking on site are deterring future occupiers. Therefore the loss of the office space is considered acceptable. The site is accessible to local shops, public transport and employment, there is sufficient provision of amenity space and appropriately located bin and cycle stores and with adequate sound proofing between adjacent uses and sufficient noise mitigation measures are proposed to ensure future occupiers are protected from noise pollution from the Late Night Activity Zone. Subject to compliance with conditions, the alterations proposed to the front and rear elevations are considered to be acceptable and will improve the appearance of the building in the street scene and wider Conservation Area and appropriate management of traffic will ensure there is minimal impact on the road network as a result of these proposals. Therefore the proposals are considered to be in accordance with the NPPF, policies 2, 3, 4, 6, and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies EMP3, HOU2, AEC1, HOU15, HBE8, HBE12, EP10, EP22, HOU5, TRA7, TRA8 and TRA9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

RECOMMENDATIONS

Recommended to approve application 13/00003/F (102 Prince of Wales Road, Norwich) subject to the following conditions.

- 1) Standard Time Limit Condition
- 2) In accordance with the drawings
- 3) Compliance with Noise Impact Assessment ref LA/1244/03bR/ML dated 13th December 2012
- 4) Details of plant/and or machinery
- 5) Details of fume and flue extraction and ventilation systems
- 6) Details of cycle storage including manufacturers specification
- 7) Provision of cycle storage and refuse storage prior to first occupation
- 8) Details of Flood Evacuation Plan
- 9) Details of mirrored transfer to be applied to windows facing the internal courtyard and a schedule of maintenance.
- 10) Details of solar panels
- 11) Lighting and CCTV strategy
- 12) Travel Information Plan including Management of new student in-take
- 13) Details of Water efficiency measures
- 14) All new brickwork to match existing
- 15) The rear door accessing the communal area and the rear yard area shall only be used in the case of emergency or for servicing purposes. No pedestrian use for purposes of access or egress at any time. The rear doors as shown on drawing numbers PL10 rev C and PL11 Rev I shall be alarmed.

Informatives:

- 1) Sign up to the Flood Warnings Direct Service.
- 2) Bins to be purchased by the applicant prior to occupation, in agreement with Norwich City Council city wide services
- 3) Not eligible for parking permits
- 4) Advice on Travel Information Plans
- 5) Street naming & Numbering Enquiries to be directed to NCC Officer
- 6) This permission is for a Sui generis use as Student accommodation. There are no permitted development rights specifically for a change of use to either a residential use or use as a hotel.

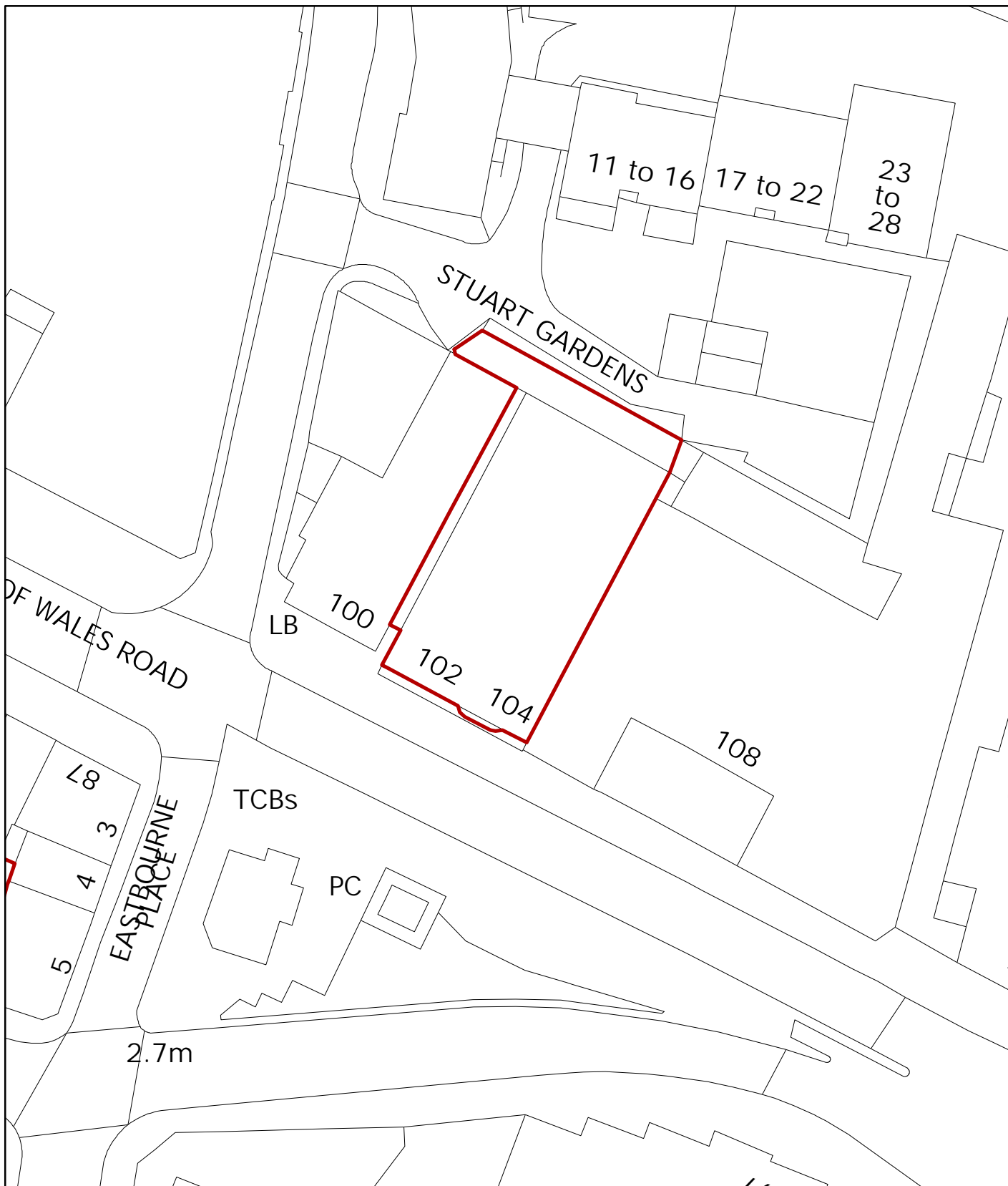
Reasons for Approval:

It is considered that following the conversion of this vacant office accommodation to student accommodation, sufficient levels of vacant office space will remain across the city and in the immediate locality to cater for future demand, and it is accepted that the costs of bringing the property up to modern day standards and the lack of parking on site are deterring future occupiers. Therefore the loss of the office space is considered acceptable. The site is accessible to local shops, public transport and employment, there is sufficient provision of amenity space and appropriately located bin and cycle stores and with adequate sound proofing between adjacent uses and sufficient noise mitigation measures are proposed to ensure future occupiers are protected from noise pollution from the Late Night Activity Zone. Subject to compliance with conditions, the alterations proposed to the front and rear elevations are considered to be acceptable and will improve the appearance of the building in

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Article 31(1)(cc) 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 above.



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Planning Application No 12/00003/F

Site Address 102 Prince of Wales Road

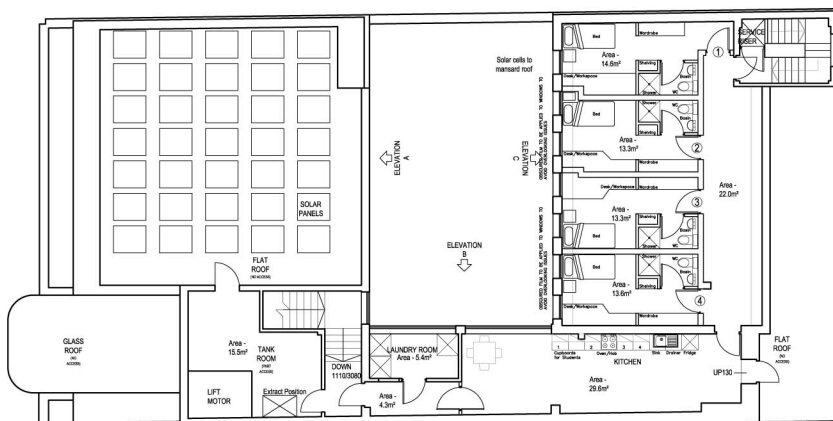
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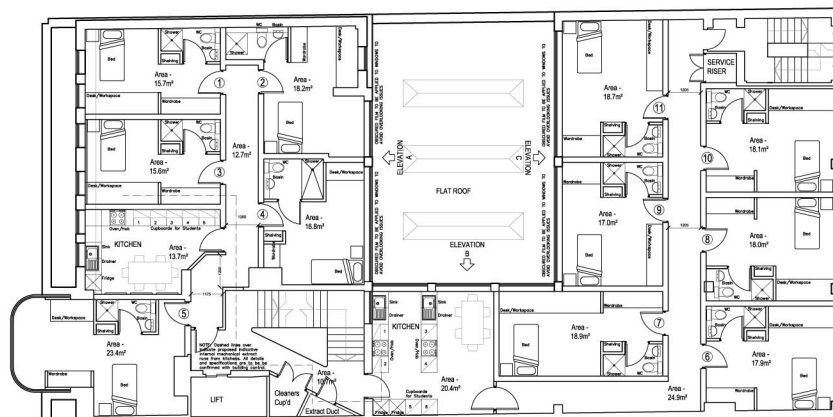
NORWICH
City Council

PLANNING SERVICES

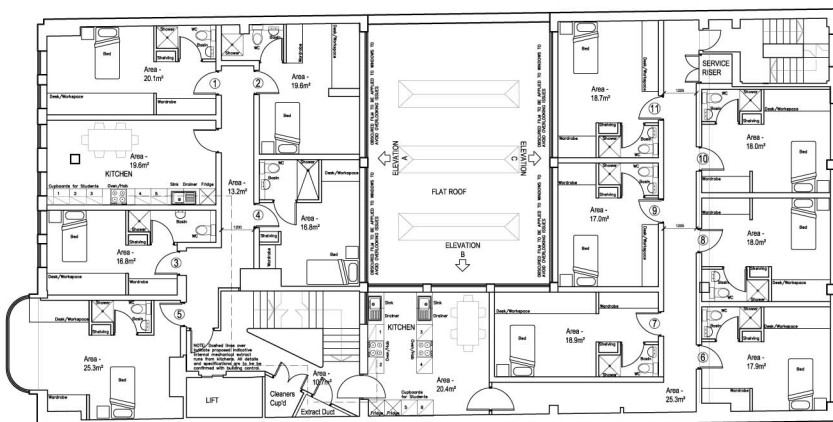




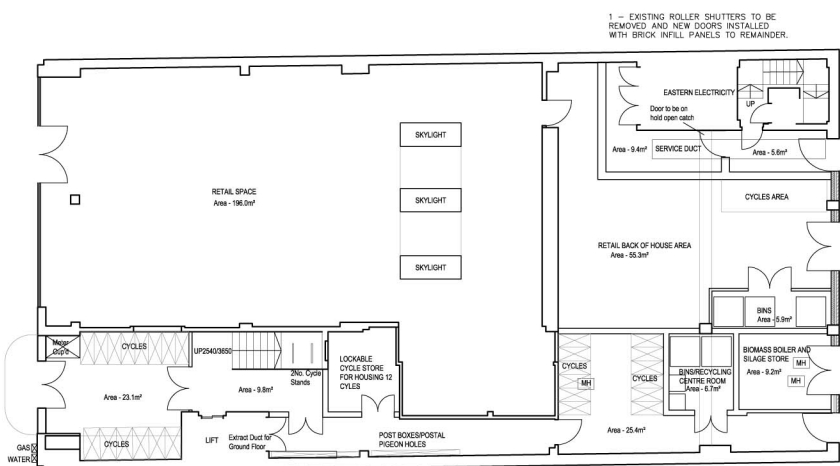
FOURTH FLOOR AS PROPOSED



THIRD FLOOR AS PROPOSED



FIRST/SECOND FLOOR AS PROPOSED



GROUND FLOOR AS PROPOSED

1 - EXISTING ROLLER SHUTTERS TO BE REMOVED AND NEW DOORS INSTALLED WITH BRICK INFILL PANELS TO REMAINDER.

NOTES

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ALL DIMENSIONS TO BE CHECKED ON SITE. DO NOT SCALE FROM THIS DRAWING.

REV No.	DATE	REMARKS
A	31.01.13	amendments following consultation GE
B	27.02.13	Laundry and cycle rack amendments
C	27.02.13	Client comments



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Client
GSJ Investments LLP
Job Title
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Drawing Title
Plans
As Proposed
12-0123

Scale 1:100	Sheet size A1
Date NOV 12	Drn. by NW
Drg. No. PL10	Rev. C

NOTES

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B 18.12.12 Client meeting amendments	
A 11.12.12 Client meeting amendments	
REV	DESCRIPTION
No.	
DATE	

rip on house
suite 7
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Client

GSJ Investments LLP

Job Title

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NR1 1NY

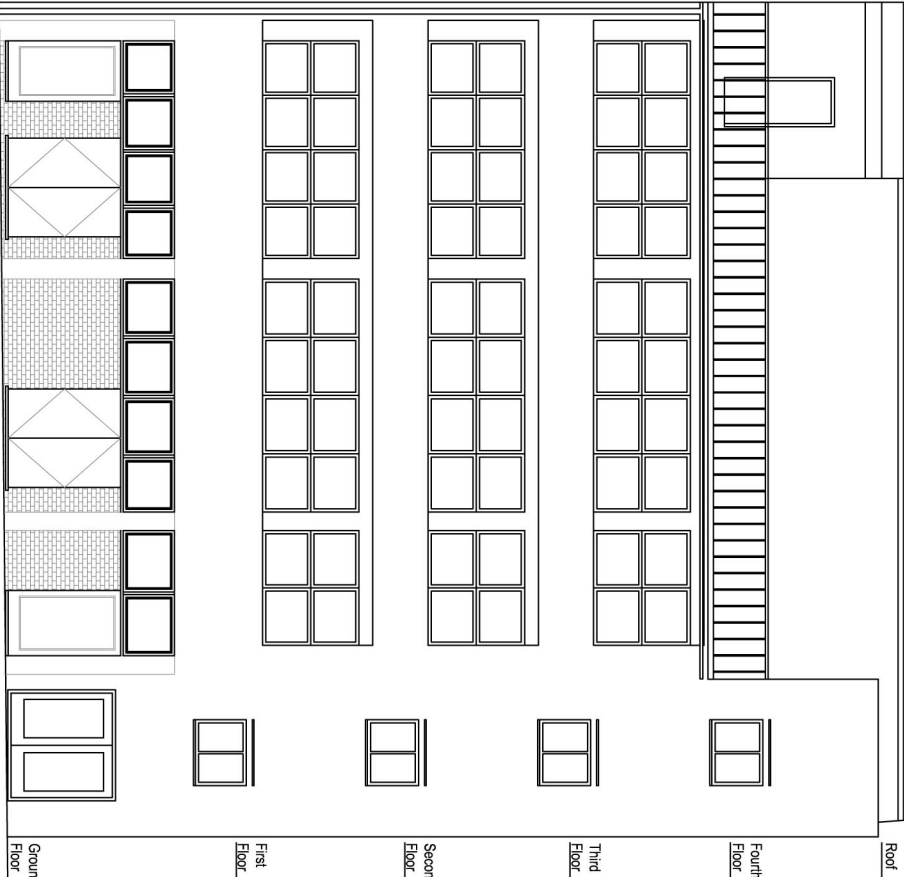
Drawing Title

Front and Rear Elevs
As Proposed
12.0123

Scale	Sheet size
1:100	A3

Date	Drn. by
NOV 12	NW

Drg. No.	Rev.
PL15	B



Existing shutters to be removed and opening infilled with brickwork and doorways to height 2.1m and obscured windows above.