

**Report to** Planning applications committee

**Item**

8 August 2019

**Report of** Head of planning services

**Subject** Application no 19/00514/U - 58 Sandy Lane, Norwich,  
NR1 2NR

**4(a)**

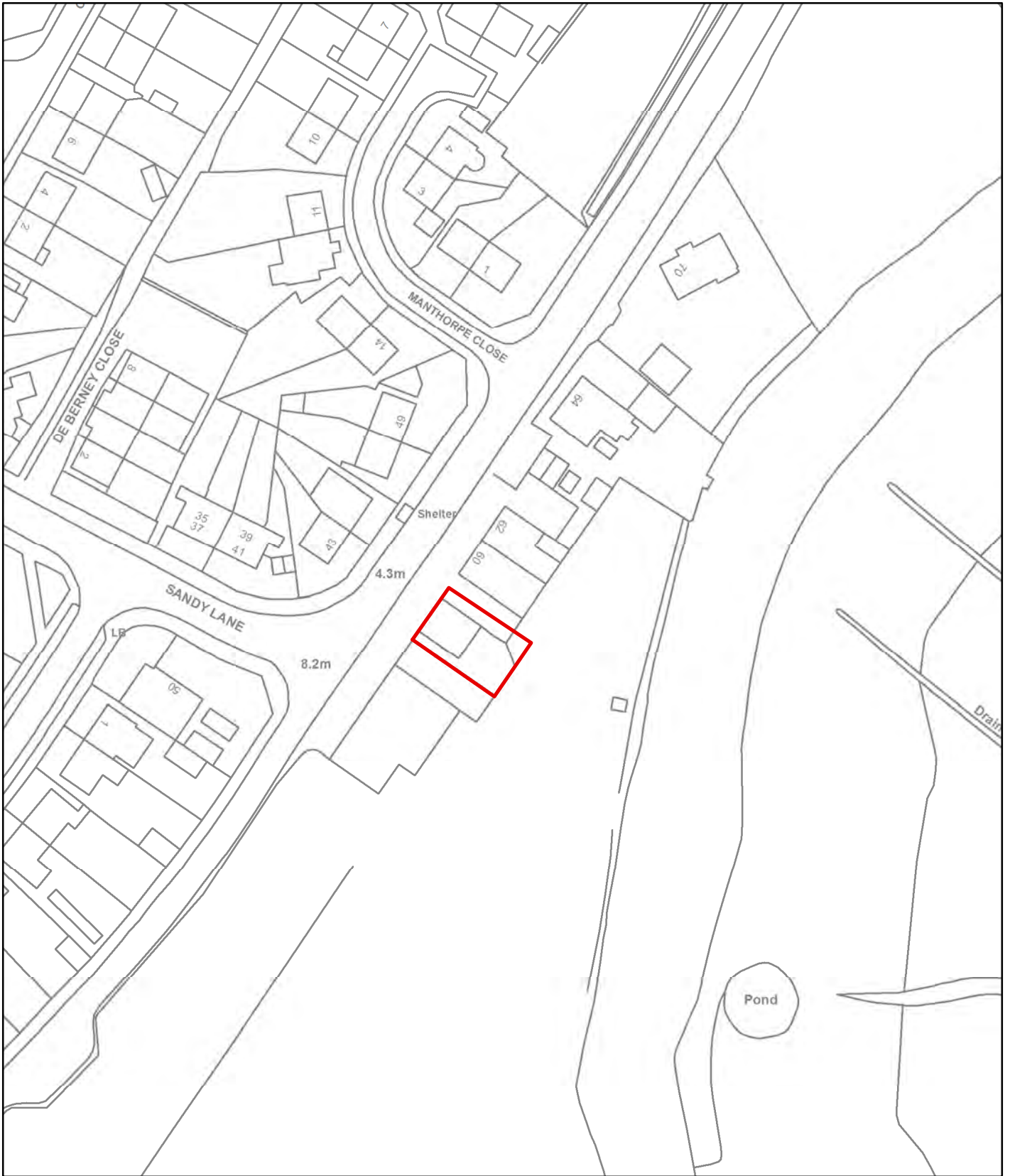
**Reason  
for referral** Objections

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<b>Ward:</b>	Lakenham
<b>Case officer</b>	Charlotte Hounsell - <a href="mailto:charlottehounsell@norwich.gov.uk">charlottehounsell@norwich.gov.uk</a>

<b>Development proposal</b>		
Change of use from former hair salon (Class A1) to community facility (Class D1).		
<b>Representations</b>		
Object	Comment	Support
190 & petition (123 signatures)	4	44

<b>Main issues</b>	<b>Key considerations</b>
1	Principle of use
2	Transport
3	Amenity
<b>Expiry date</b>	3 June 2019
<b>Recommendation</b>	Approve



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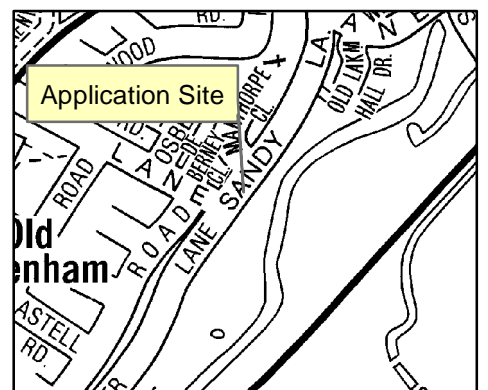
Planning Application No 19/00514/U  
 Site Address 58 Sandy Lane

Scale 1:1,000



**NORWICH**  
**City Council**

**PLANNING SERVICES**



## The site and surroundings

1. The site is located on the South East side of Sandy Lane close to the River Yare. The site consists of a small single storey building which has been operating as a hairdressers/barbers until vacant approximately a year ago. To the front of the site is an area of hardstanding which accommodates four off-road parking spaces. The hardstanding extends along the North Eastern elevation of the building to the rear of the site where there are some small sheds/lean-to structures. There are a number of trees along the rear boundary of the site. The site is located within a small row of six commercial units however the wider surrounding area is predominantly residential in character. To the east of the site is the Yare Valley Character Area.

## Relevant planning history

- 2.

Ref	Proposal	Decision	Date
08/01168/F	Replace existing shopfront and recover with white plastic. Fit new door and windows (Upvc). Remove existing roof fascia and soffit and replace with new white plastic. Lay new tarmac surface on parking forecourt.	APPR	05/01/2009
17/00776/F	Demolition of existing single storey unit. Erection of 2 No. commercial units with 2 No. two bedroom flats above.	APPR	22/08/2017
18/01049/F	Demolition of existing single storey unit to form 2 commercial units with 2 no. 2 bed flats.	APPR	22/08/2018

## The proposal

3. The proposal is for the change of use from a hair salon to a community facility.
4. Information has been provided by the applicant to indicate the type of activities that would take place at the site. This includes drop in tea/coffee, counselling, after school activities, Arabic classes, group prayer, adult workshops/crafts, Friday prayer, homework club and women's activities.
5. A number of the activities are directed towards the Muslim community, however, the applicant has outlined that the facility is for use by all members of the community.
6. The proposal does not involve any external alterations or extensions to the building to facilitate the change of use.

## Summary information

<b>Proposal</b>	<b>Key facts</b>
<b>Scale</b>	
Total floorspace	<b>61m2 (as existing)</b>
<b>Operation</b>	
Opening hours	<b>08:00 – 23:00 every day. Later hours during Ramadan</b>
<b>Transport matters</b>	
Vehicular access	<b>Existing access from Sandy Lane onto hardstanding</b>
No of car parking spaces	<b>4 No. visitor spaces 2 No. staff spaces</b>
No of cycle parking spaces	<b>6 cycle parking spaces within store in rear garden</b>
Servicing arrangements	<b>Ample space within rear yard for servicing</b>

## Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 239 letters of representation and one petition have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

<b>Issue raised</b>	<b>Response</b>
Confusion over use of building as a mosque	See Main Issue 1
The premises should be used for a business use to contribute towards jobs and employment in the area.	See Main Issue 1
There are a number of other community centres in the nearby area.	See Main Issue 1
The facility would not cater for all of the community	See Main Issue 1
Late nights and disturbance could impact wildlife	See Main Issue 1

Issue raised	Response
Lack of parking provision on site	See Main Issue 2
Impact on neighbouring businesses due to lack of parking and access. Would not use local premises due to congestion.	See Main Issue 2
Existing traffic issues which will be exacerbated. Busy bus stop opposite the building which could cause parking and traffic problems.	See Main Issue 2
Noise disturbance from late opening times, number of people attending/leaving, car doors slamming, amplified sound etc.	See Main Issue 3
Impact on conservation area	The site is not located within or adjacent to a conservation area and therefore heritage impacts have not been considered further.
Better to see the building in use than empty.	Noted.
A good community resource. Supportive of a place where everyone can learn about Islam. Improved community cohesion.	Noted.
Safety concerns from people congregating late at night	See Main Issue 3 – the management plan to reduce noise would also serve to prevent people congregating outside at unsociable hours.
What consideration has there been for flooding	See Other Matters
Concerned about impact on property value	See Other Matters
A lot of heavy machinery would be needed to build a facility of this size on local roads which are not in the best condition.	This application does not propose demolition or rebuild, only internal refurbishment. Therefore impacts of construction traffic are not considered to be significant for a unit of this size and have not been considered further.
There has been no public notice of this application. No real consultation is taking place.	As this application relates to a building that is not listed and is not located within a conservation area a site notice is not required to be erected. The Council's

Issue raised	Response
	standard consultation process for this type of application has been undertaken.

8. During the formal consultation process, an anonymous third party circulated a flyer in the local area entitled 'Does Norwich need a 2,300sq foot mosque here?' This appeared to be accompanied by response cards pre-addressed to the Planning Department at Norwich City Council encouraging objections to the application on the basis of: congestion and parking, residential disturbance and jobs and employment. It should be noted that the 2,300sq feet equates to 214sqm. The existing building is 61sqm and is not proposed to be extended.
9. A number of representations were received which gave no reason for objection or support, were anonymous or, regrettably made defamatory or offensive comments. In accordance with the council's policy, these shall not be taken into consideration.

## Consultation responses

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

### Highways (local)

11. No objection on highway grounds. There is unrestricted on-street parking available near the premises when additional parking is needed and adequate waiting restrictions. It would be helpful if the operator of the premises completed a Travel Information Plan to encourage travel by sustainable modes and car sharing. Informative: It is planned that Sandy Lane will be made a 20mph zone with traffic calming features such as mini roundabouts and there will be new extents of waiting restrictions

## Assessment of planning considerations

### Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS8 Culture, leisure and entertainment
13. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM6 Protecting and enhancing the natural environment
  - DM11 Protecting against environmental hazards
  - DM18 Promoting and supporting centres

- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **14. Relevant sections of the National Planning Policy Framework 2019 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF7 Ensuring the vitality of town centres
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF15 Conserving and enhancing the natural environment

### **Case Assessment**

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the 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**

16. Key policies and NPPF paragraphs – DM6, DM17, DM18, DM22, NPPF sections 7 and 8
17. The site is located within the Yare Valley Character Area. Policy DM6 seeks to protect this area from development that would damage environmental quality, biodiversity or character of the area. Any granting of consent should include conditions requiring details of any lighting or noise generating equipment to be submitted for approval prior to installation so that the impacts upon the Yare Valley can be fully considered. Given that that the proposal does not involve the extension or external alteration of the building, and subject to further assessment (below) of the intensity of the use of the site, the proposal is not considered to result in harm to environmental quality, biodiversity or the character of the area.
18. The existing unit is within Use Class A1 as a hair salon/barbers. A number of representations were concerned with the loss of the commercial unit and felt that a new use should promote jobs and employment in the surrounding area.
19. The site was previously granted permission for demolition and the construction of two ground floor commercial units with residential units above. Information has been submitted indicating that the unit has been vacant for approximately one year, and that there has been little interest in implementing the previous permissions for this site.
20. 58 Sandy Lane is located outside of a defined centre and therefore there are no specific local plan policies to protect against the loss of the A1 unit in this instance.

21. The proposed use is as a community centre which falls within use Class D1 (non-residential institutions). There was confusion over the proposed use within the representations received; in particular respondents were concerned that the site was to become a large mosque. The community centre proposes to offer a variety of social and educational activities for the community, including drop in tea/coffee, counselling, after school activities, Arabic classes, adult workshops/crafts, homework club and women's activities. Five daily prayers are a feature of Islam and therefore it is understood that acts of prayer and worship would take place when prayer times coincide with other activities within the building. The only regular events which are specifically for worship is group prayer sessions in the evenings and the main Friday prayer that occurs around lunchtime.
22. Places of worship are considered to be a Main Town Centre Use as defined within the NPPF. In this instance, acts of prayer and worship are considered to be an ancillary activity as part of the overall community use and therefore the proposal is not considered to constitute a specific place of worship use. Nonetheless, policies DM18 and DM22 seek for community facilities to be located within defined centres. Where community uses are not proposed within defined centres they must demonstrate that the proposal could not be accommodated on any reasonable alternative or available site within or adjacent to a centre; that the proposal would not be significantly harmful to the vitality and viability of the centres or that there are overriding community, amenity and environmental benefits from an out of centre location.
23. The applicant has submitted a sequential assessment to show the other available premises they have identified to demonstrate compliance with policies DM18 and DM22. Particular building requirements have been outlined in terms of size, tenure and budget. The sequential assessment search area would ordinarily be expected to cover all of the defined centres in the City. In this instance, the search area has been limited to Tuckswold and Lakenham. Additional information has been provided outlining that there is a small Muslim community with no established community engagement in this area. Some members of the Muslim community do not drive and are therefore isolated from larger facilities such as the Islamic Centre on Rose Lane. As such, the focus for the proposed use has been on a local facility within walking distance. The applicant has been searching for premises for approximately 2 years and they have provided sufficient information to demonstrate that the community facility could not be located in a sequentially preferable location.
24. With regards to the contribution the proposal would make to the well-being and social cohesion of local communities, the representations received offer diverse views on this point but include identification of a need for this facility by the Muslim community. It must be considered that any permission would be for ancillary worship by any religion and is not specific to Islam. Places of worship are key community facilities which offer significant opportunities to support the well-being and social cohesion of communities. The applicant has made specific reference to educating the wider public and for the local community to come together.
25. Therefore officers consider that the requirements of policy DM18 and DM22 have been satisfied and that the principle of development is acceptable.
26. As above, there has been some confusion over the proposed use of the building, with many representations citing the use as a mosque. Paragraph 21 outlines that acts of prayer and worship would form part of the activities provided at the



premises, however the use would be primarily as a community facility and not as a mosque.

27. Given that Use Class D1 encompasses a wide range of uses, it would be pertinent to include a condition restricting certain uses as they may give rise to impacts that need to be considered fully by the local planning authority before they are implemented. In this instance, officers consider that a place of worship should not be listed as a restricted use as it is not considered that there would be any materially different impacts or harm if the site were to be operated in this way when compared with a community facility.
28. This draws on recent experience from 286 Dereham Road which is currently operated as a community facility by the Norwich and Norfolk Muslim Association (NNMA). Permission was granted for the building to be a community facility on the understanding that acts of prayer and worship would be an ancillary activity (Ref: 11/00071/U). A condition was applied to the permission restricting certain Class D1 uses, including as a place of worship. Subsequent to this, the council received complaints that the facility was being used as a place of worship in breach of condition. Whilst the prayer and worship activities could have been argued to be ancillary, given that there was no material harm in these activities taking place it was considered more appropriate to vary the condition to explicitly permit such activities. As such, it is proposed to include a condition to this effect on the current permission.

## **Main issue 2: Transport**

29. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
30. Many of the representations received cited concerns with the lack of parking provision on site and that this would result in increased pressure on on-street parking in an area which already has traffic problems. Concern was also raised that the businesses in the surrounding area may be prejudiced by the parking pressures resulting from the proposed use.
31. In accordance with Appendix 3 of the Local Plan, a community facility would be required to provide as a maximum 1 car parking space per 25m<sup>2</sup> of floorspace, 1 staff cycle space per 100m<sup>2</sup> and 1 customer cycle space per 50m<sup>2</sup>. For this application site, this equates to 2.44 car parking spaces, 1 staff cycle space and 1.22 visitor cycle spaces. The proposed layout plan demonstrates that the proposed use can provide for 6 car parking spaces, and 6 cycle parking spaces and therefore a policy compliant level of parking can be provided on site.
32. The transportation officer has not raised any objection to the proposal. They have outlined the new traffic calming measures, double yellow lines and waiting restrictions that have been implemented in an attempt to reduce traffic concerns in this area.
33. In addition to the above, it is important to note that the existing building is relatively small in scale and does not propose any physical alterations to the building. The agent has provided information that suggests that a general idea of capacity would be around 27 people at any one time and therefore significant numbers of people will not be travelling to and from the site. Furthermore, as outlined in paragraph 23, one of the reasons for basing the facility within Tuckswood and Lakenham is that

there are members of the community who do not drive and find themselves isolated from larger facilities located further away. Therefore it is likely that there will be some visitors to the facility that will arrive on foot. There is a bus stop directly opposite the site (and several others in the area) and the proposal includes cycle parking within the rear yard to promote more sustainable modes of transport.

34. It is important to note that whilst residents have raised significant concern about the current parking and congestion problems, this is an existing issue which the determination of this application cannot resolve. Although the site provides a policy compliant level of parking on site, given local concern regarding parking and traffic, a condition is recommended requiring the submission of a travel information plan to be distributed to staff and visitors promoting walking, cycling and public transport to support and encourage access to the site by means other than the private car.

### **Main issue 3: Amenity**

35. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 180
36. Policies DM2 and DM11 seek to protect the amenity of neighbours and surrounding area from noise and general disturbance. A number of representations were concerned with the late opening hours, the numbers of people coming and going from the site, noise associated with cars at the site etc.
37. The site is located in a predominantly residential area which is sensitive to intense, loud and disruptive noises. It should be noted that within the small parade of commercial units is a hot food takeaway which is also open until 23:00, although it is acknowledged that this use is likely of a less intense nature compared with the application site. The submitted application form proposes opening hours of 08:00 to 23:00 every day. Additional information has been submitted with an example timetable showing activities would be held between 09:00 and 20:00 each day. Later opening hours are requested during Ramadan which lasts for approximately 1 month and the 2019 Ramadan prayer times have been provided in the design and access statement to give an idea of the hours of operation during this period.
38. It is not expected that there would be significant noise breakout from the building itself provided windows and doors are kept closed during activities. However, it is likely that there will be increased noise levels when visitors are leaving the premises at unsociable hours, including from visitors themselves, cars etc. This will result in some noise disturbance to nearby residential occupiers and is likely to be exacerbated during Ramadan when more people may attend the premises later at night/earlier in the morning.
39. It is considered necessary to impose a condition restricting the normal operational hours to 08:00-23:00. This is considered appropriate given the unit is located within a small row of commercial units, one of which currently opens until 23:00. However, regard must be had to the specific needs of the users of the site and therefore it is proposed that the condition allow extended opening hours until 3 hours after sunset during Ramadan. It is proposed to only allow the extended opening hours for a temporary period of 3 years so that the impacts of the proposal can be monitored and re-assessed.

40. Furthermore, it is also considered necessary to require a management plan to be submitted prior to the first use of the building. This management plan would need to outline measures to avoid congregation outside of the building and to ensure visitors are quietly and efficiently entering or exiting the building in order to minimise impacts on the surrounding area. This information should be secured by condition and prior to first use of the building.
41. It is considered that the noise and disturbance impacts could be minimised through the proper implementation of the travel information plan i.e. by encouraging visitors to visit on foot or by bicycle. This information would be required by condition and prior to first use of the building.
42. It is not proposed to use amplified sound equipment, air conditioning or extract ventilation at the premises, however a condition should be included that requires that no amplified sound equipment shall be installed externally and details of any plant or machinery must be submitted to and agreed in writing prior to installation to ensure the impacts upon the surrounding area can be considered fully.
43. It is proposed to include a condition restricting the hours of any deliveries or servicing at the site to prevent any further disturbance to the surrounding area.

#### **Other matters**

44. Although the application site is located within the Yare Valley Character Area, it is not located within a Flood zone or critical drainage area. Therefore there is not a requirement to provide any addition information, such as a flood risk assessment. In addition, no physical works are proposed to the building or the surrounding site which are considered to have an impact on the drainage situation of the site.
45. Concerns were raised that the proposal would reduce property values in the area. This is not a material planning consideration and has not been considered further.

#### **Equalities and diversity issues**

46. As an application to include place of worship as one of the permitted uses of a building, any permission granted would permit any religion, or even a range of religions, to use it and it is has been assessed accordingly.
47. The proposal has been assessed with regard to the Equality Act 2010, which identifies religion as a protected characteristic, and Article 9 of the Human Rights Act 1998 which protects the freedom of thought, conscience and religion.

#### **Local finance considerations**

48. 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.
49. 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.

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

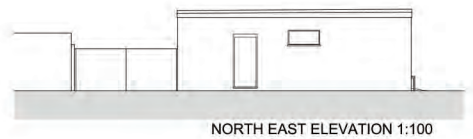
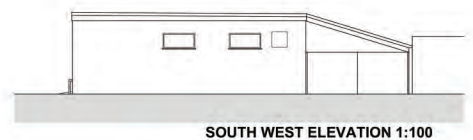
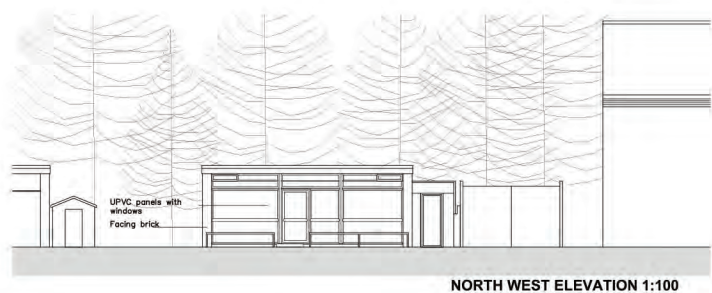
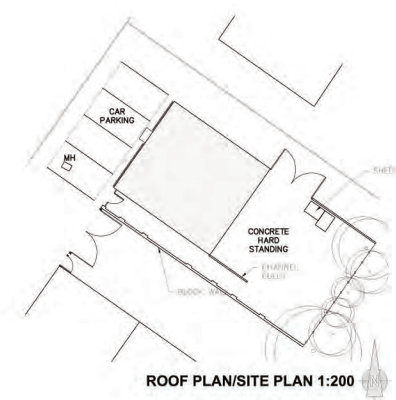
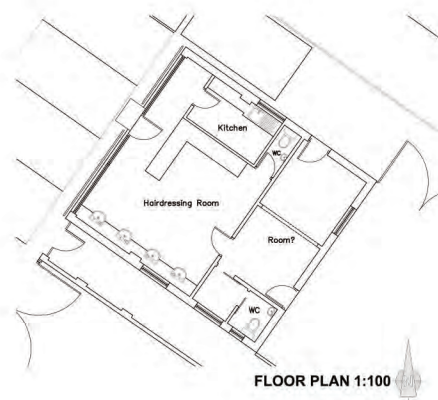
## **Conclusion**

51. Appropriate information has been submitted to demonstrate compliance with policies DM18 and DM22 and therefore the proposal is considered acceptable in principle. The site can provide for a policy compliant level of parking and a travel information plan should be required by condition to encourage visitors to the site by means other than private car. It is acknowledged that the proposed use is likely to have some amenity impacts relating to noise disturbance, particularly at unsociable hours during Ramadan. Having regard for the specific needs of the applicants, it is considered reasonable that later opening hours would be requested during Ramadan. However, extended opening hours on a permanent basis could give rise to unacceptable impacts upon neighbouring amenity. Therefore on balance it is considered reasonable to allow extended opening hours on a temporary basis and for the impacts of the proposal to be monitored and re-assessed as necessary. Furthermore, a management plan would be required by condition to mitigate any impacts upon the surrounding area. On balance, and subject to the agreement of the details required by condition, the proposal is considered to be acceptable in amenity terms.

## **Recommendation**

To approve application no. 19/00514/U - 58 Sandy Lane Norwich NR1 2NR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restriction of D1 use, not including a place of worship used in conjunction with the community facility;
4. Opening hours restricted to 08:00-23:00 on any day except during the Ramadan period where the use shall cease not later than 3 hours after sunset for a temporary period only;
5. Restricted hours for deliveries and servicing;
6. Travel information plan;
7. Management plan;
8. No external lighting or security measures including CCTV shall be installed without approval
9. No amplified sound equipment to be installed outside of the building
10. No plant or machinery, or extract ventilation to be installed without first being agreed



The information contained in this drawing is representational and must not be copied, re-issued or loaned without prior written consent of Andrew Clarke. Any discrepancies with or conflicting information received or specified is to be notified to Andrew Clarke prior to construction on site. Contractor should only proceed from drawings issued for construction purposes unless your written consent is obtained. Should any sub-contractors or other employees be employed to carry out the works on their behalf, choose alternative materials or components to those specified on Andrew Clarke drawings without prior written agreement then they do so at their own risk.

All work and working practices on the site shall be carried out in accordance with the above and to ensure that there is no risk to the site operatives, visitors or public.

The contractor is to include all preliminary allowances to cover the prevention of accidents and injury.

All workmanship and materials to comply with current relevant Building Regulations, British Standards and Codes of Practice. All materials to be stored, mixed and fixed in accordance with manufacturers instructions and recommendations.

All provisions for temporary means of support and regulations for Health and Safety at work to be applied.

All works to be carried out to the complete satisfaction of the Local Authority Building Control Officer.

All works to be carried out in strict accordance with HSE guidance and the CDM regulations. DO NOT SCALE the contractor must verify all dimensions prior to commencing shop drawings or works on site.

Exact setting out and final levels to be agreed on site.  
To be read in conjunction with approved planning drawings.

**THIS DRAWING IS ISSUED FOR CLIENT INFORMATION ONLY. NOT TO BE USED FOR TOWN & COUNTRY PLANNING PURPOSES.**

**PROPOSED CHANGE OF USE FROM A1 HAIR SALON TO D1 COMMUNITY CENTRE AT 58 SANDY LANE, NORWICH, NORFOLK**

Issue ref:	01	AS EXISTING	Issue No./Reference: 031
Drawn: AD	08/04/2023	Client:	Scale: 1/20
Client:	Andrew Clarke	REV:	Sheet:

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The information contained in this drawing is representational and has been compiled from a dimensional survey only and does not warrant nor certify the structure of the buildings or neighboring structures at the time of construction.

The contractor is to visit the site to make himself acquainted with the building's and surroundings and undertake any investigation work or make all allowances to ensure that a full and final quotation for the works will be submitted, taking into account all eventualities.

All work and working practices on the site shall be carried out in accordance with the above and to ensure that there is no risk to the site operatives, visitors or public.

The contractor is to include all preliminary allowances to cover the prevention of accidents and injury.

All workmanship and materials to comply with current relevant Building Regulations, British Standards and Codes of Practice. All materials to be stored, mixed and fixed in accordance with manufacturers instructions and recommendations.

All provisions for temporary means of support and regulations for Health and Safety at work to be applied.

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Exact setting out and final levels to be agreed on site.

To be read in conjunction with approved planning drawings.

REV

**THIS DRAWING IS ISSUED FOR CLIENT INFORMATION ONLY. NOT TO BE USED FOR TOWN & COUNTRY PLANNING PURPOSES.**

REV A - parking driveway - covered cycle store added 05.08.2019

**PROPOSED CHANGE OF USE FROM A1 HAIR SALON TO D1 COMMUNITY CENTRE AT 58 SANDY LANE, NORWICH, NORFOLK**

Issue No:	001	AS PROPOSED	Issue No. (Reference):	001
Drawn By:	AMC	Client:	Andrew Clarke	Scale:
Checked By:		Project No.:	NEVA	Sheet:

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