Sandwell
Metropolitan Borough Council

Report to Planning Committee

11 May 2022

Application Reference	DC/21/66392
Application Received	29 November 2021
Application Description	Retention of storage use at ground floor open to customers and other visitors by appointment only, and 1no. residential dwelling at first floor with dormer windows to side, associated car parking and landscaping.
Application Address	26 Waterfall Lane Cradley Heath B64 6RQ
Applicant	Mr Steve Davis
Ward	Blackheath
Contact Officer	Dave Paine David_paine@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to:

(i) The use is restricted to ground floor storage with visitors by appointment, with first floor residential dwelling.
(ii) Items stored in outdoor areas should not exceed a height of 2.5 metres.
(iii) The approval of a construction management plan.

ONE COUNCIL
ONE TEAM

(iv) Visitors and deliveries to the site only to be within 09:00-18:00hours Monday to Saturday.
(v) Details of boundary treatments.
(vi) Details of electric vehicle charging.
(vii) Low NOx boiler.
(viii) Air quality mitigation plan.
(ix) Parking to be implemented and retained.
(x) Landscaping.
(xi) No hazardous materials to be stored on site.
(xii) Outside storage to be restricted to the area marked on the plan.
(xiii) Details of bin storage to be provided, approved and implemented.
(xiv) Details of cycle parking to be provided, approved and implemented.
(xv) Materials.

2 Reasons for Recommendations

2.1 The site in question has an established commercial use. Although some concerns exist regarding highway safety, parking and disturbance to neighbours, these are not substantially different to any impact caused by the lawful use of the site. The inclusion of selected planning conditions would afford the Council greater control over the activities on the site and their impacts on neighbours than the previously established uses, which included a distribution centre for a charity, a furniture retailer and a church.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
	Quality homes in thriving neighbourhoods – The design of the proposal is acceptable in respect of national and local planning policy.

4 Context

4.1 This application is being reported to Planning Committee because it has generated seven objections. At its last meeting the committee resolved to visit the site.

4.2 To assist members with site context, a link to Google Maps is provided below:

26 Waterfall Lane

5 Key Considerations

5.1 The site is unallocated in the local plan.

5.2 The material planning considerations which are relevant to this application are:-

Public visual amenity
Design, appearance and materials
Access, highway safety, parking and servicing
Traffic generation
Noise and disturbance from the scheme

6. The Application Site

6.1 The application relates to a building and surrounding land on the east side of Waterfall Lane. The primary building is believed to be a former chapel/church, but in more recent time has operated as a commercial use.

6.2 The immediate area surrounding is predominantly residential in character, although The Waterfall, a public house is directly opposite the application site.

7. Planning History

7.1 In 2021, permission was granted for an additional storage shed while the site was being used by the Loaves'n'Fishes charity.

7.2 Relevant planning applications are as follows:

DC/12/54849	New storage shed	Granted. 24th August 2021.

8. Application Details

8.1 The applicant proposes; the retention of the storage use on the ground floor with visitors by appointment only.

8.2 The retention of a residential dwelling on the first floor with additional side facing dormer windows, and the redesigned internal layout.

8.3 Ancillary works including creation of a driveway, car parking and landscaping.

9. Publicity

9.1 The application has been publicised by neighbour notification letters with seven objections.

9.2 **Objections**

Objections have been received on the following grounds:

(i) Traffic generation and disruption;
(ii) Highway Safety;
(iii) Parking issues;
(iv) Pollution;
(v) Noise;

(vi) The site is operating as a scrap yard;
(vii) Loss of privacy; and
(viii) Hazardous materials are stored on site.

Immaterial objections have been raised regarding a tribunal decision preventing a warehouse facility on the site in 1980. This is not relevant as this is a new application and will be determined on its own merits.

Another objection asked that the site should be used for affordable housing. Although this may be a reasonable ambition, this determination is for the proposal in question and should be determined on its own merits.

9.3 **Responses to objections**

I respond to the objector's comments in turn:

(i) (ii) and (iii) Following negotiation with the Highways Authority, they had no objection to the proposal subject to a condition restricting the use to that specifically applied for. The site has a history of commercial use with little planning control over parking and highway issues. This application affords the opportunity to control parking and delivery arrangements and opening hours.

(iv) and (v) Public Health comments relating to air pollution and noise have been received. They did not anticipate any significant increase in air pollution for the current use when compared to the previous established use. They commented that noise issues should be controlled by a condition to restrict opening times and to require a construction management plan.

(vi) The application is for a storage use with visitors by appointment. Having visited the site I am satisfied that it does not meet the definition of a typical scrap yard. The site is currently untidy and the objector's comments in this respect are noted, however an approval would allow better control over the tidiness of the site,

and conditions are recommended to restrict the height of the outside storage and to within the marked area and to implement and retain the driveway and parking areas.

(vii) The rear facing windows overlooking the rear of the properties at Castle Close are existing and would not change as a result of this proposal. The proposed dormer and roof windows would not impact on the privacy of the interior of any nearby property. There would be some overlooking to neighbouring gardens, however these gardens are currently overlooked by other neighbouring properties.

(viii) I recommend a condition to ensure hazardous materials are not stored on site.

10. Consultee responses

10.1 Planning Policy

Planning Policy had no objection. The comments received mainly related to the initial description of development referring to a retail shop and the consequent policies which would be relevant. As this proposal if not for a typical retail shop, these policies are not of significant importance.

10.2 Highways

Please refer to comments in 9.3(i) above.

10.3 Public Health (Air Quality)

Conditions relating to EV charging, low NOx boilers and air quality mitigation were recommended. They also recommended a condition relating to construction methods, similar to that requested by the air pollution team.

10.4 **Public Heath (Air Pollution and Noise)**

Conditions relating to a construction management plan and opening hours were requested.

10.6 **West Midlands Police**

West Midlands Police did not object.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

12. Local Planning Policy

12.1 The following polices of the council's Development Plan are relevant:

ENV3: Design Quality
ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect
ENV8: Air Quality
TRAN4: Creating Coherent Networks for Cycling and Walking
HOU1: Delivering Sustainable Housing Growth
SAD H2: Windfall Sites
SAD EOS9: Urban Design Principles

12.2 The primary concern relating to design are the dormer windows. These would be relatively small and set well back from the front elevation. Therefore, these would not cause any significant harm while improving the living environment for occupants. The proposal is compliant with policies ENV3 and SAD EOS9.

12.3 A condition can be applied to ensure appropriate drainage in accordance with policy ENV5.

12.4 Conditions can be applied to ensure appropriate air quality mitigation in accordance with policy ENV8.

12.5 A condition can be applied to ensure cycle parking is provided, in accordance with policy TRAN4.

12.6 The proposal would contribute to the target in HOU1.

12.7 The proposal is compliant with policy SAD H2.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 **Public visual amenity**

It is considered that this proposal would not harm visual amenity, a condition has been recommended to incorporate additional planting which will also assist is screening and softening the appearance of the site.

13.3 **Design, appearance and materials**

The overall design is acceptable and would comply with policies ENV3 and SAD EOS9. The proposal seeks to improve the appearance of the site overall. Materials should be controlled by condition.

13.4 **Access, highway safety, parking, servicing and traffic generation.**

There were some initial concerns about traffic generation and parking supply with the initial plans. The concerns were adequately addressed by a revised site plan giving clear details of the parking and access arrangements, along with further clarity over the site use and a proposed condition to limit visitors to the site to those with appointments only.

13.5 **Noise and disturbance from the scheme**

These matters can be reasonably controlled by a condition limiting the use to that specified in the description of development, and by way of a condition limiting visitor and delivery hours.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. This application would provide a good quality new home and the proposed ground floor use would afford the Council better control over the activities on site than currently exists.

15 Implications

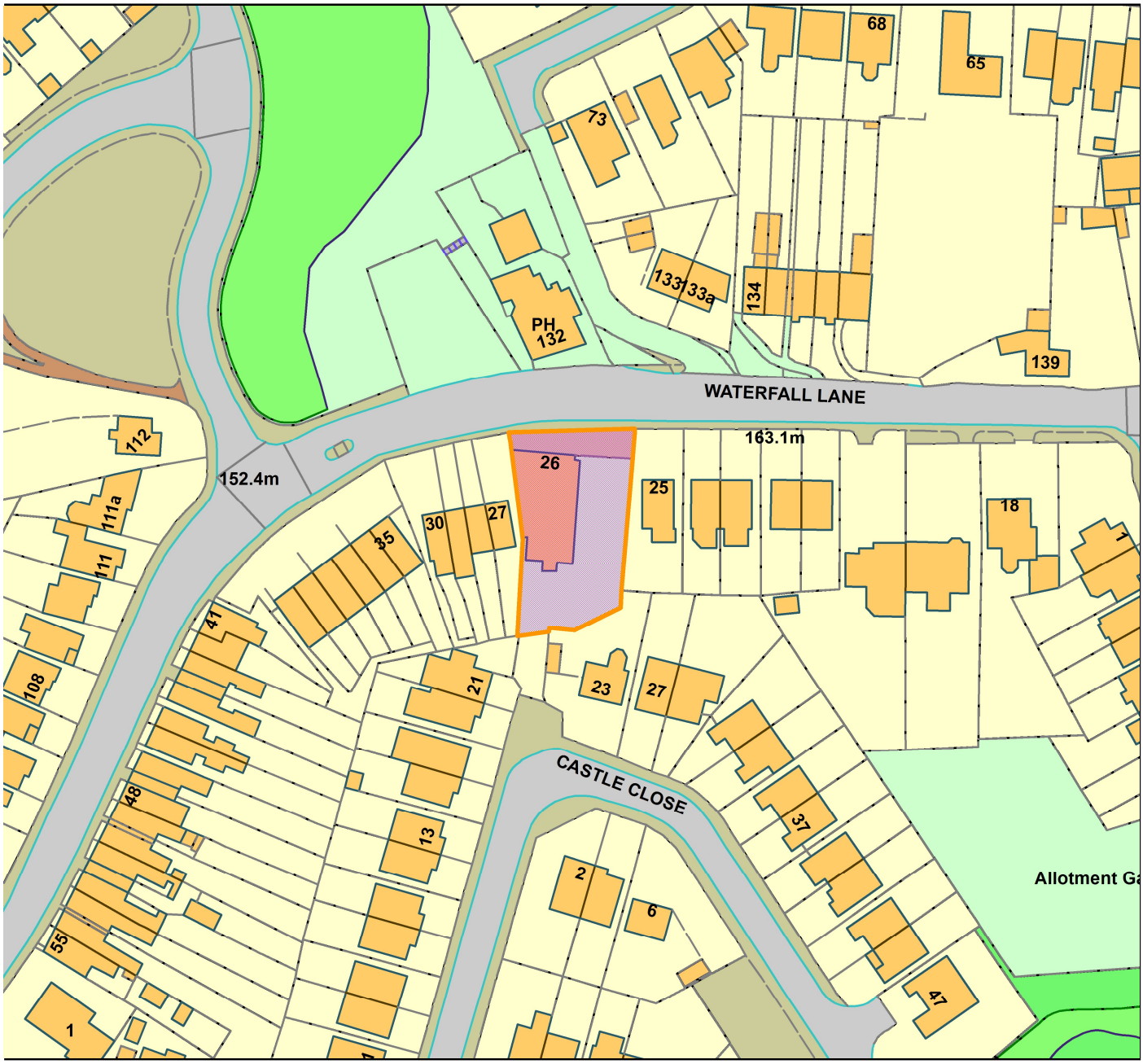
Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None
Social Value	None

16. Appendices

Plan No. – BDBC/21/102 - 01 REV A
Plan No. - BDBC/21/102 - 02 REV B
Plan No. - BDBC/21/102 – 03
Plan No. - BDBC/21/102 - 04 REV A

DC/21/66392

26 Waterfall Lane, Cradley Heath, B64 6RQ



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Department	Not Set
Comments	Not Set
Date	15 March 2022
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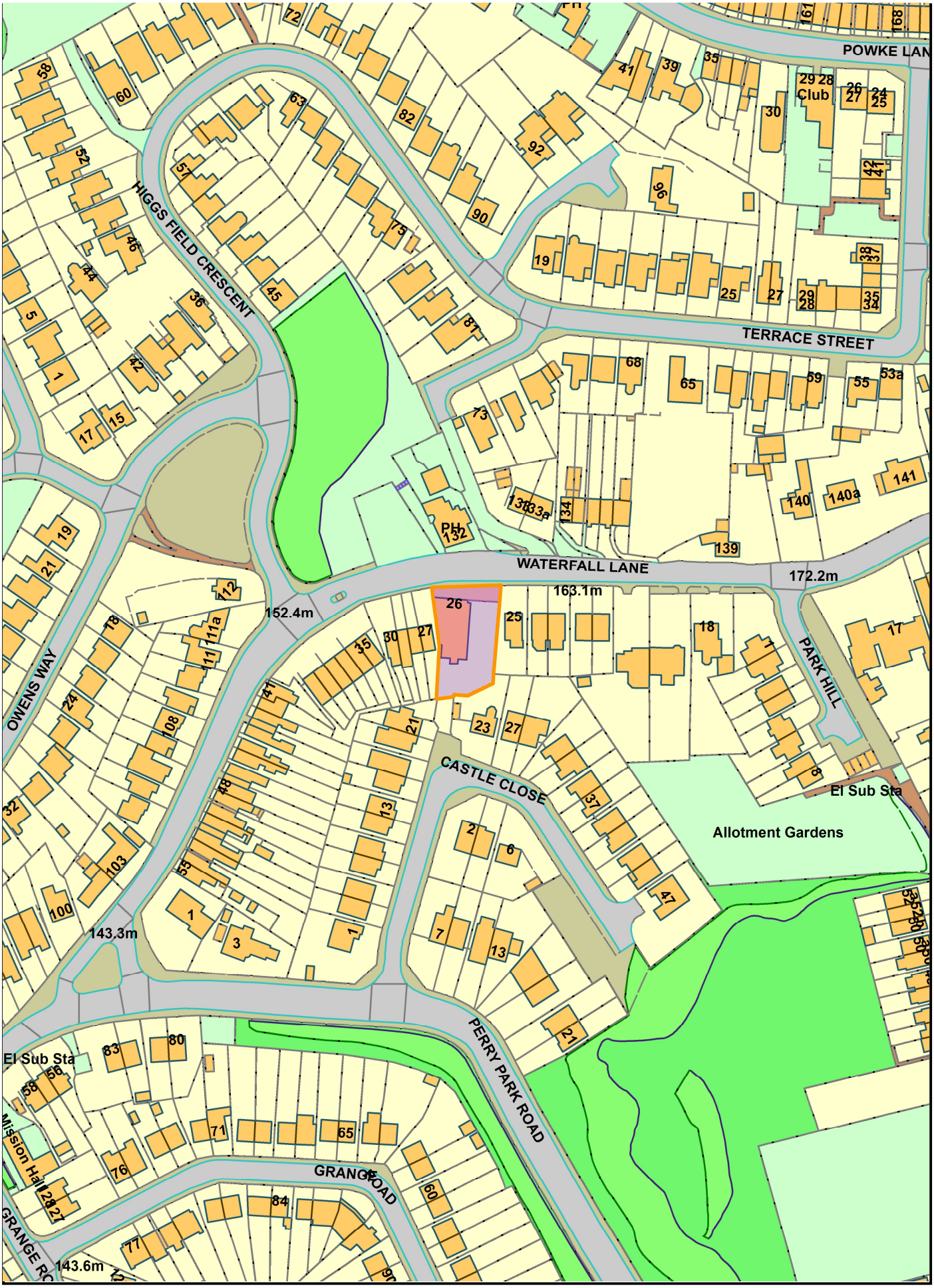

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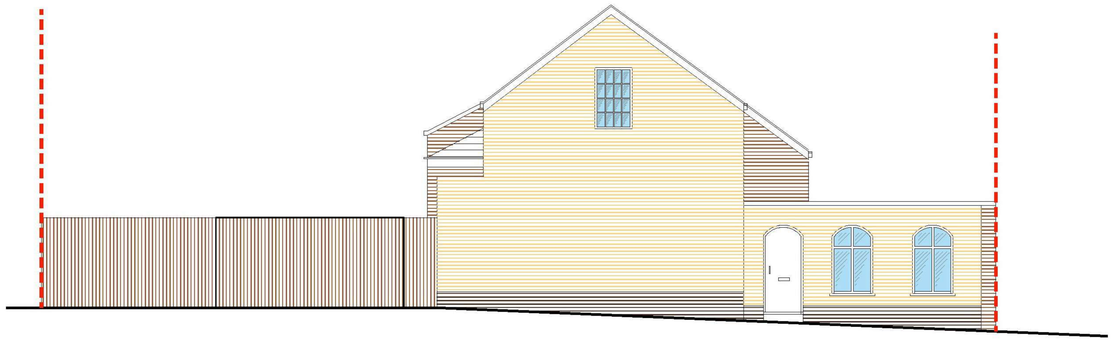

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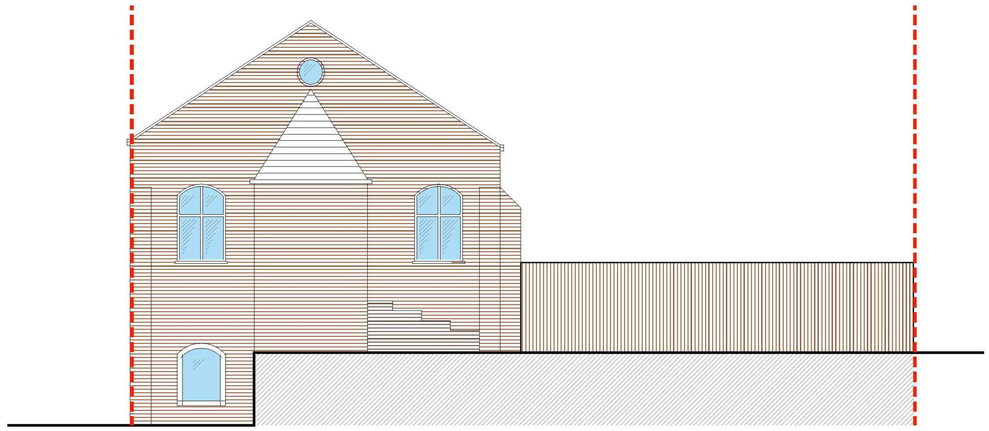

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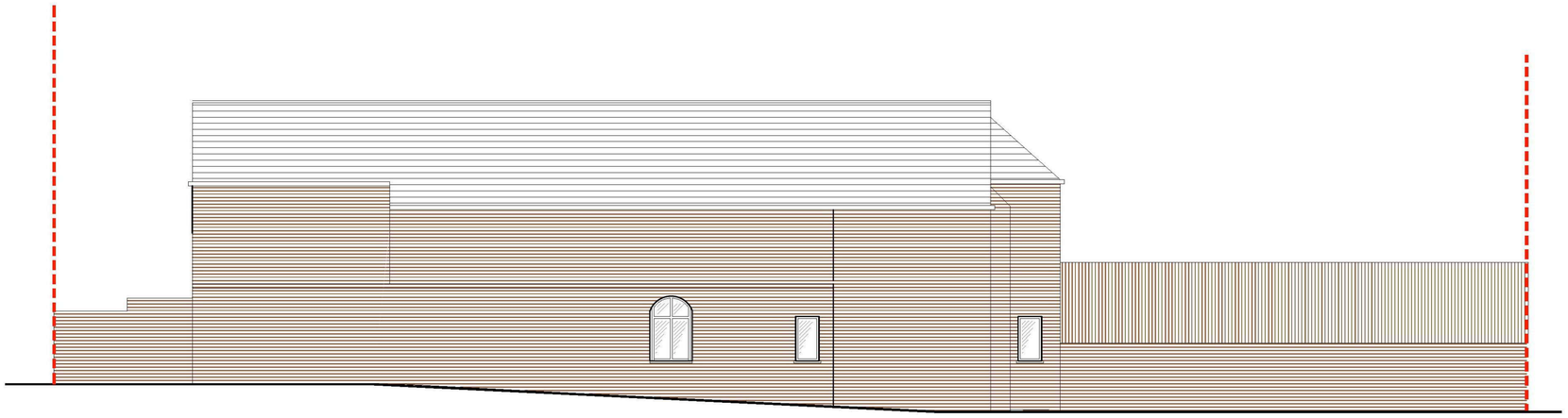

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2 6 WATERFALL LANE, CRADLEY HEATH

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Revisions

ALL DIMENSIONS TO BE CHECKED ON SITE

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Preliminary ●	Construction ○		Job title Proposed change of use	Drawing No. BDBC/21/102 - 03	

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A1

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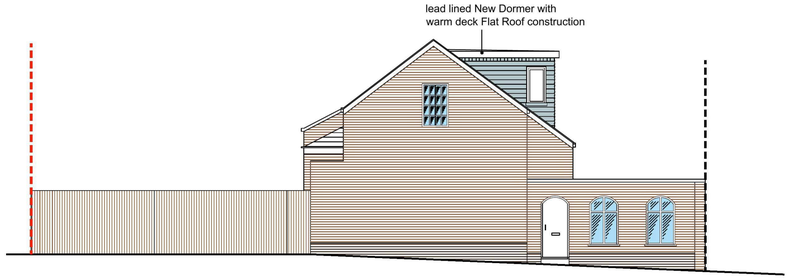

PROPOSED FRONT ELEVATION SCALE 1:100

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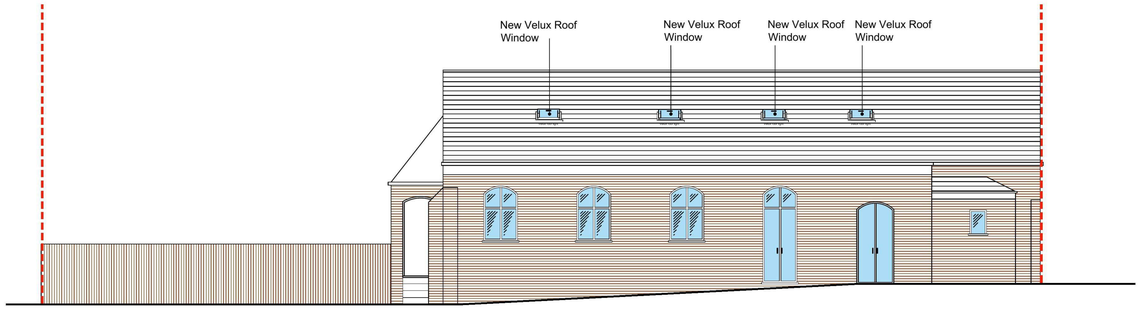

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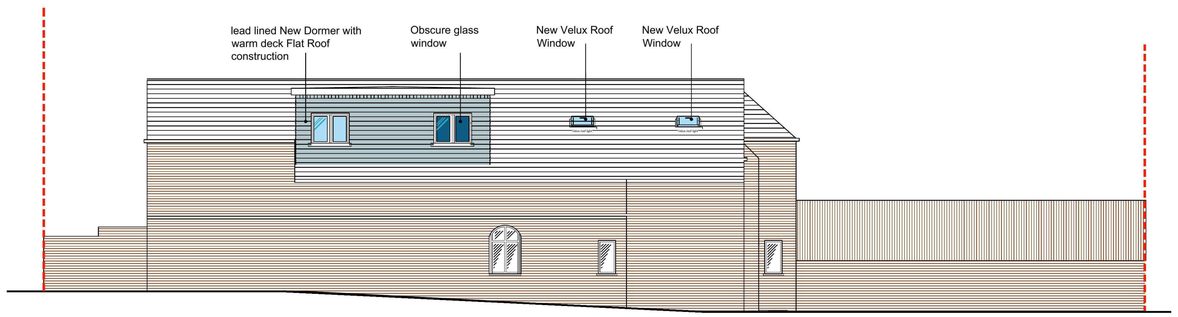

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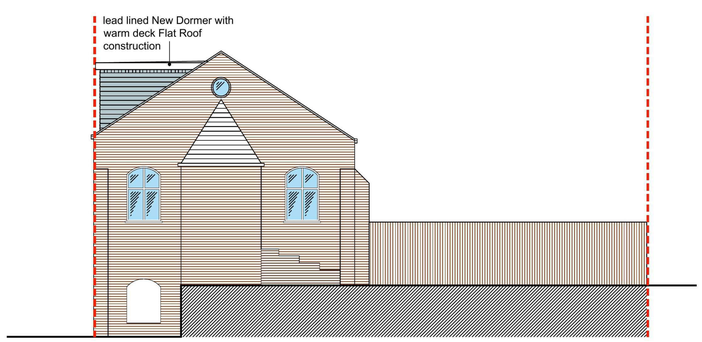


PROPOSED REAR ELEVATION SCALE 1:100

INTERNAL PARTITION TYPES

APARTMENT PARTY WALL — BRITISH GYPSUM GYPWALL QUIET IWL COMPARTMENT WALL BETWEEN FLATS COMPRISING OF 2 INDEPENDANT WALLS OF 2 LAYERS OF 15mm SOUNDBLOC PLASTER BOARD & SKIM FIXED TO GYPFRAME 60 I STUD FRAMEWORK AT 600mm C/C WITH 100mm ISOVER APR 1200 TO THE CAVITY OVERALL PARTITION THICKNESS OF 250mm ALL AS ROBUST DETAIL E-WS-2 NOTE PARTITON WALL TO BE CONSTRUCTED PRIOR TO FLOORS & CEILINGS

INTERNAL APARTMENT WALLS — INTERNAL FLAT WALLS COMPRISING OF:- 75X50MM THICK STUDDING @ MAX 600MM C/C WITH 12.5MM THICK FIRELINE PLASTERBOARD & SKIM TO EACH SIDE & INFILLED WITH 80MM THICK SOUND SLAB BETWEEN STUDS

TYPE B — ACOUSTIC PARTITION TO PARTY WALL COMPRISING OF:- 100x50mm THICK STUDDING @ MAX 600MM C/C WITH 2 LAYERS OF 15mm THICK FIRELINE PLASTERBOARD & SKIM & 100mm THICK SOUND SLAB INFILL, ALL POSITIONED INDEPENDANTLY MIN 25mm FROM EXISTING WALL. EXISTING WALL TO RECIEVE 1 LAYER OF 15mm THICK FIRELINE PLASTERBOARD ON DABS

ALL EXTERNAL EXPOSED WALLS — EXTERNAL WALLS:- ALL EXTERNAL WALLS TO RECIEVE NEW METEAL FRAME LINING INCORPORATING MIN 75mm CELOTEX FOR THERMAL INSULATION AND 2 LAYERS OF 15mm THICK SOUNDBLOC PLASTERBOARD & SKIM INTERNALLY TO LIMIT AND SOUND & FLANKING SOUND TRANSFERANCE BETWEEN GROUND & FIRST FLOOR.

FLOOR COMPARTMENTATION

EXISTING COMPARTMENT FLOOR BETWEEN GROUND AND FIRST FLOOR TO REMAIN, ALLOW FOR MODIFYING ANY SERVICES / DRAINAGE AS NECESSARY ALLOWING FOR MAKING GOOD ANY SOUND AND FIRE PROOFING AS REQUIRED.

EXISTING FIRST FLOOR COVERINGS TO BE REMOVED BACK TO ORIGINAL TIMBER FLOOR, EXISTING FLOOR CONSTRUCTION TO REMAIN OVER LAY WITH WITH 'ACOUSTILAY' BY TRIM ACOUSTICS ADDED AS A FLOOR FINISH WITH ALL HOLES IN EXISTING FLOOR & CEILING BELOW PATCHED AS NECESSARY.

SERVICES & WASTE PENETRATIONS FROM ABOVE:-
ENSURE THAT ANY WASTE OR SERVICES PENETRATIONS FROM ABOVE ARE FITTED WITH INTUMESCENT FIRE COLLARS GIVING 60 MINUTE FIRE PROTECTION OR CONTAINED WITHIN FIRE RESISTING BOXINGS WITH 2 LAYERS OF 12.5mm FIRELINE PLASTER BAORD ALSO GIVING 60 MINUTE FIRE PROTECTION. ALL PENETRATIONS TO BE ASSESSED ON SITE AND APPROPRIATE MEASURES TAKEN

EXISTING CEILING BELOW FIRST & SECOND FLOOR FLATS TO BE UPGRADED USING 'ISOSONIC CEILING HANGER ' SYSTEM BY THERMAL ECONOMICS COMPRISING OF 12.5mmTHICK PLASTERBOARD AND SKIM OVER 19mm PLASTERBOARD PLANK FIXED TO 50x50mm TIMBER BATTENS @ 600mm C/C FIXED THROUGH EXISTING CEILING TO EXISTING FLOOR JOISTS BY USING TIMBER HANGER TYPE D. VOID TO BE INFILLED WITH 50mm ROCKWOOL ROLLBATT MINERAL WOOL.

NOTE :- ENSURE EXISTING CEILING BETWEEN RETAIL PREMISES & FIRST FLOOR ACCOMMODATION IS MIN 1Hr FIRE RESISTING eg MIN 2 LAYERS OF 12.5mm FIRELINE PLASTER BOARD & SKIM, IF NOT ALLOW FOR UPGRADING THROUGHOUT. ALLOW FOR SITE INSPECTION BY BUILDING CONTROL OFFICER.

GENERAL NOTES:-

ALL NEW KITCHENS TO BE FITTED WITH CONTROLABLE MECHANICAL EXTRACT VENTILATION GIVING MIN 60Ltrs/Sec EXTRACTION WITH HUMIDISTAT OVERRIDE OR CONTROLABLE COOKER HOOD GIVING MIN 30 Ltrs/Sec EXTRACTION DUCTED TO OUTSIDE.

ALL BATHROOMS TO BE FITTED WITH MECHANICAL EXTRACT VENTILATION GIVING MIN 15Ltrs/Sec EXTRACTION SWITCHED VIA LIGHT SWITCH WITH 15 MINUTE OVERRUN DUCTED TO OUTSIDE THROUGH FLAT DUCT.

ENSURE ALL INTERNAL DOORS HAVE A MIN 10mm UNDERCUT FROM THE FINISHED FLOOR LEVEL TO ENSURE A GOOD TRANSFER OF AIR THROUGHOUT THE DWELLING

ALL EXISTING FLOOR BOARDING TO NEW WET AREAS TO BE REPLACED WITH MOISTURE RESISTANT CHIPBOARD (P5)

EXISTING COMPARTMENT FLOOR BETWEEN GROUND AND FIRST FLOOR TO REMAIN, ALLOW FOR MODIFYING ANY SERVICES / DRAINAGE AS NECESSARY ALLOWING FOR MAKING GOOD ANY SOUND AND FIRE PROOFING AS REQUIRED.

SERVICES & WASTE PENETRATIONS FROM ABOVE:-
ENSURE THAT ANY WASTE OR SERVICES PENETRATIONS FROM ABOVE ARE FITTED WITH INTUMESCENT FIRE COLLARS GIVING 60 MINUTE FIRE PROTECTION OR CONTAINED WITHIN FIRE RESISTING BOXINGS WITH 2 LAYERS OF 12.5mm FIRELINE PLASTER BAORD ALSO GIVING 60 MINUTE FIRE PROTECTION. ALL PENETRATIONS TO BE ASSESSED ON SITE AND APPROPRIATE MEASURES TAKEN

ACOUSTIC PARTITION TO PARTY WALL COMPRISING OF:-
100x50mm THICK STUDDING @ MAX 600MM C/C WITH 2 LAYERS OF 15mm THICK FIRELINE PLASTERBOARD & SKIM & 100mm THICK SOUND SLAB INFILL, ALL POSITIONED INDEPENDANTLY MIN 25mm FROM EXISTING WALL. EXISTING WALL TO RECIEVE 1 LAYER OF 15mm THICK FIRELINE PLASTERBOARD ON DABS

ALL EXISTING CEILINGS TO FLATS & RETAIL PREMISES TO BE UPGRADED USING 'ISOSONIC CEILING HANGER ' SYSTEM BY THERMAL ECONOMICS COMPRISING OF 12.5mmTHICK PLASTERBOARD AND SKIM OVER 19mm PLASTERBOARD PLANK FIXED TO 50x50mm TIMBER BATTENS @ 600mm C/C FIXED THROUGH EXISTING CEILING TO EXISTING FLOOR JOISTS BY USING TIMBER HANGER TYPE D. VOID TO BE INFILLED WITH 50mm ROCKWOOL ROLLBATT MINERAL WOOL.

NEW STEEL STAIRCASE TO MANUFACTURERS DETAILS COMPRISING OF MAX 170mm RISE AND MIN 250mm TREADS WITH LANDINGS AT MAX 1.8M BETWEEN LANDING LEVELS. STAIRCASE TO BE MIN 1M BETWEEN HANDRAILS FIXED EITHER SIDE AT 900mm ABOVE PITCH LINE OF STAIRS WITH BALUSTRADING AT MAX 100mm C/C ALLOW FOR MIN 2M CLEAR HEADROOM ABOVE PITCH LINE. STAIRCASE TO BE SUPPORTED OFF 100x100 SHS POSTS AND BOLTED TO FACE OF EXISTING BUILDING

NOTE:- EXACT DIMENSIONS TO BE CONFIRMED ONSITE PRIOR TO MANUFACTURE. STRUCTURAL ENGINEERS FABRICATION DRAWINGS TO BE PROVIDED FOR APPROVAL.

NOTE:-
2No ENERGY EFFICIENT LIGHT FITTINGS WILL BE PROVIDED PER FLAT.

SWITCH & SOCKET HEIGHTS TO BE BETWEEN 450 & 1200mm ABOVE FLOOR LEVEL

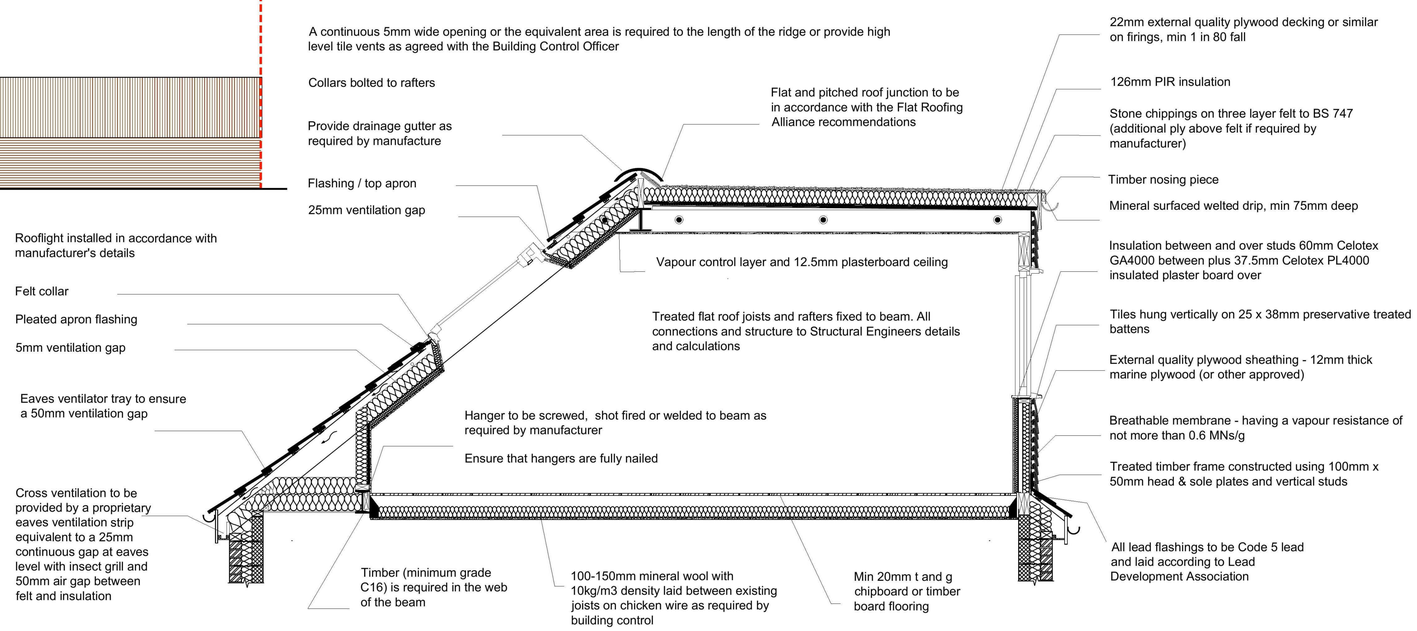
PART P - ELECTRICAL SAFETY AND NEW ELECTRICAL INSTALLATION ARE TO BE CARRIED OUT BY A PERSON COMPETENT TO DO SO UNDER THE SCHEMES FOR DOMESTIC INSTALLERS AS APPROVED BY THE SECRETARY OF STATE. ALL ELECTRICAL WORK IS TO COMPLY WITH BS 7671 AND THAT AN ELECTRICAL COMPLETION CERTIFICATE IS TO BE FORWARDED TO THE BUILDING CONTROL AUTHORITY.

NOTE:-
ALLOW FOR SOUND TEST TO BE CARRIED OUT UPON COMPLETION AND RESULTS FORWARDED TO BUILDING INSPECTOR

EXISTING CEILINGS TO BE OVERBOARDED WITH 12.5mm THICK DUPLEX PLASTERBOARD & SKIM AND ROOF VOID TO BE INSULATED WITH 2 LAYERS OF 150mm THICK GLASS FIBRE INSULATION, 1ST LAYER BETWEEN JOISTS & SECOND LAYER AT 90ø

EXISTING CEILING BELOW FIRST & SECOND FLOOR FLATS TO BE UPGRADED USING 'ISOSONIC CEILING HANGER ' SYSTEM BY THERMAL ECONOMICS COMPRISING OF 12.5mmTHICK FIRE RATED PLASTERBOARD AND SKIM OVER 19mm PLASTERBOARD PLANK FIXED TO 50x50mm TIMBER BATTENS @ 600mm C/C FIXED THROUGH EXISTING CEILING TO EXISTING FLOOR JOISTS BY USING TIMBER HANGER TYPE D. VOID TO BE INFILLED WITH 50mm ROCKWOOL ROLLBATT MINERAL WOOL.

EXISTING FIRST FLOOR COVERINGS TO BE REMOVED BACK TO ORIGINAL TIMBER FLOOR, EXISTING FLOOR CONSTRUCTION TO REMAIN OVER LAY WITH WITH 'ACOUSTILAY' BY TRIM ACOUSTICS ADDED AS A FLOOR FINISH WITH ALL HOLES IN EXISTING FLOOR & CEILING BELOW PATCHED AS NECESSARY.



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Revisions

ALL DIMENSIONS TO BE CHECKED ON SITE

Date Aug 2021	Drawn DsB	Scale 1:1250, 1:500, 1:100, 1:50 @ A2	
Preliminary ●	Construction ○		

Client: Mr Steve Davies

Job title: Proposed change of use

Drawing title: Proposed Elevations & Construction notes

Drawing No. BDBC/21/92 - 04

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ARCHITECTURAL, BUILDING & CIVIL ENGINEERING CONSULTANTS

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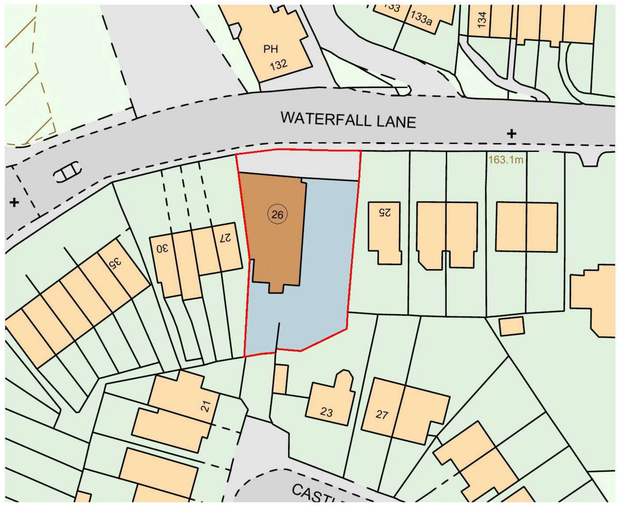
Birmingham - B17 8ES
[redacted]

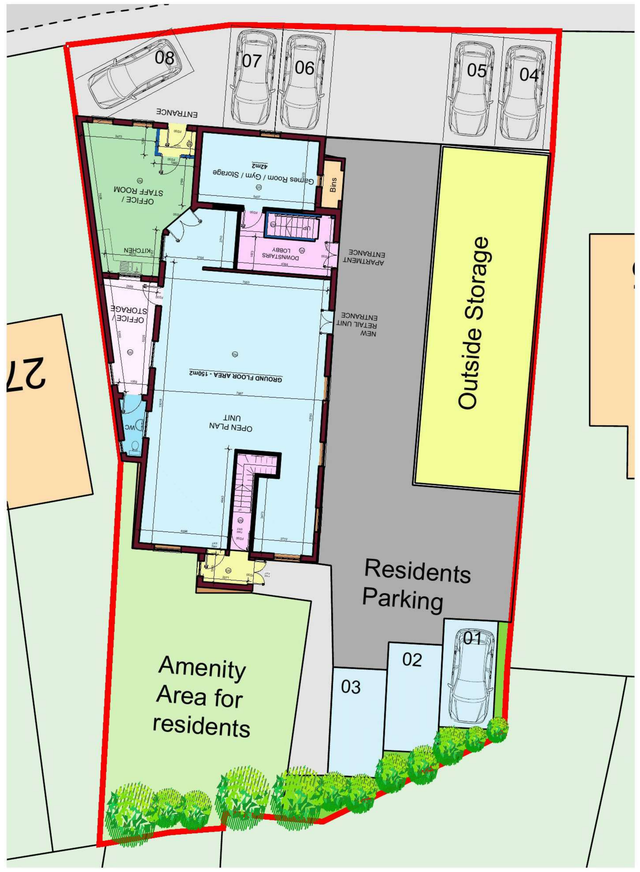
A2 1:1250 - 25m 0 25m 50m 75m 100m | 1:500 - 10m 0 10m 20m 30m 40m 50m | 1:100 - 2m 0 2m 4m 6m 8m 10m | 1:50 - 1m 0 1m 2m 3m 4m 5m

N

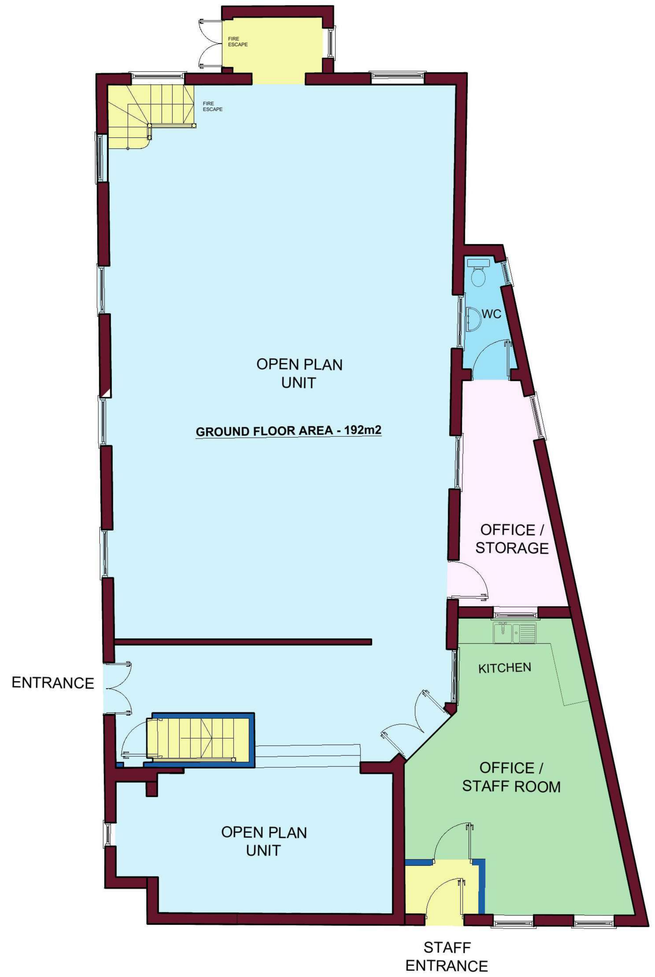
2 6 WATERFALL LANE, CRADLEY HEATH



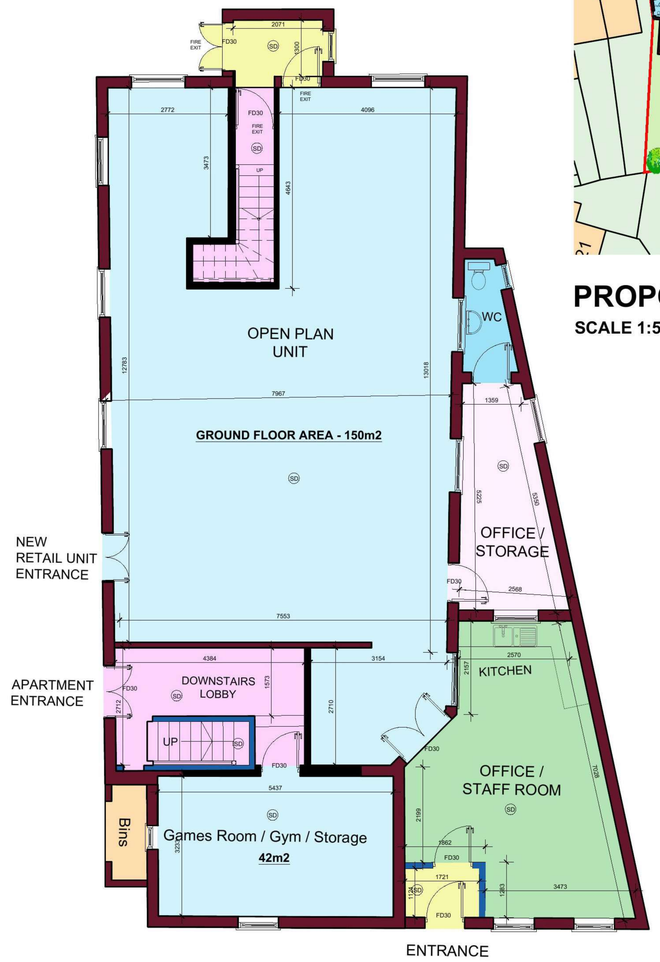
EXISTING LOCATION PLAN SCALE 1:1250



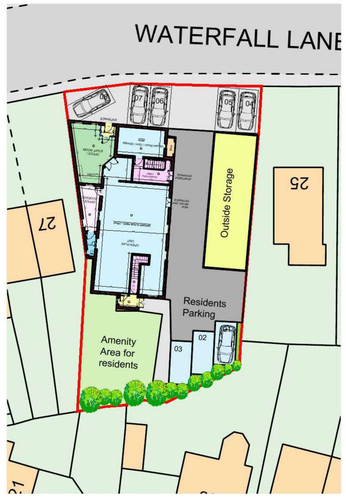
PROPOSED SITE PLAN SCALE 1:200



EXISTING GROUND FLOOR PLAN SCALE 1:100



PROPOSED GROUND FLOOR PLAN SCALE 1:100



PROPOSED SITE PLAN

SCALE 1:500

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Revisions

A L L D I M E N S I O N S T O B E C H E C K E D O N S I T E

Date Aug 2021	Drawn DsB	Scale 1:1250, 1:500, 1:100, 1:50 @ A2	Client Mr Steve Davies	Drawing title Existing Site Plan & Floor Plans	
Preliminary ●	Construction ○		Job title Proposed change of use	Drawing No. BDBC/21/102 - 01A	

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e-mail : info@bharya.co.uk

A2 1:1250 - 25m 0 25m 50m 75m 100m | 1:500 - 10m 0 10m 20m 30m 40m 50m | 1:100 - 2m 0 2m 4m 6m 8m 10m | 1:50 - 1m 0 1m 2m 3m 4m 5m

N

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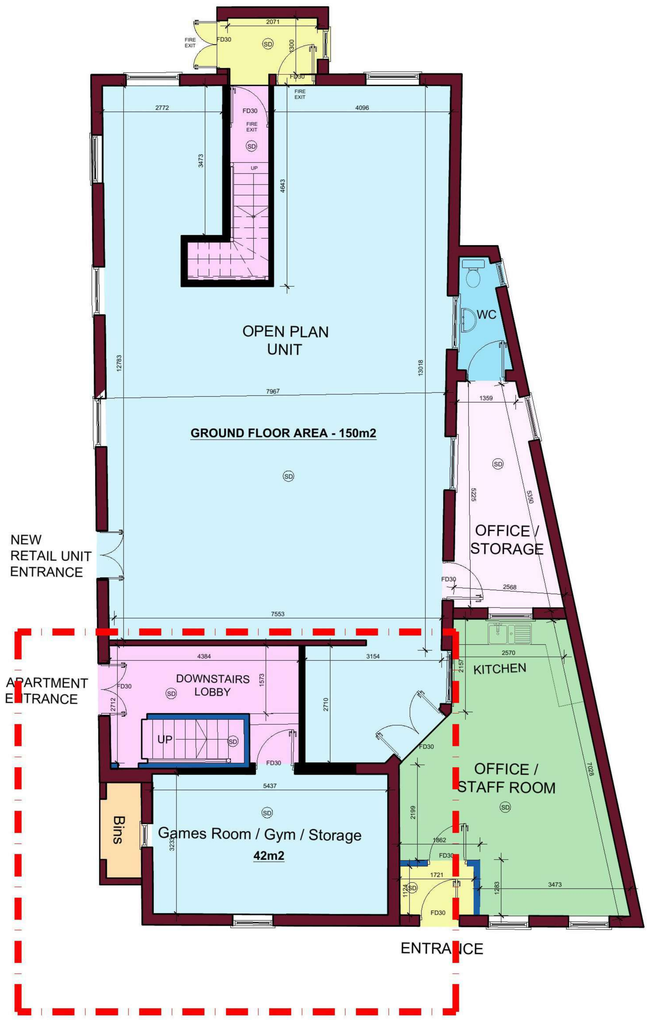
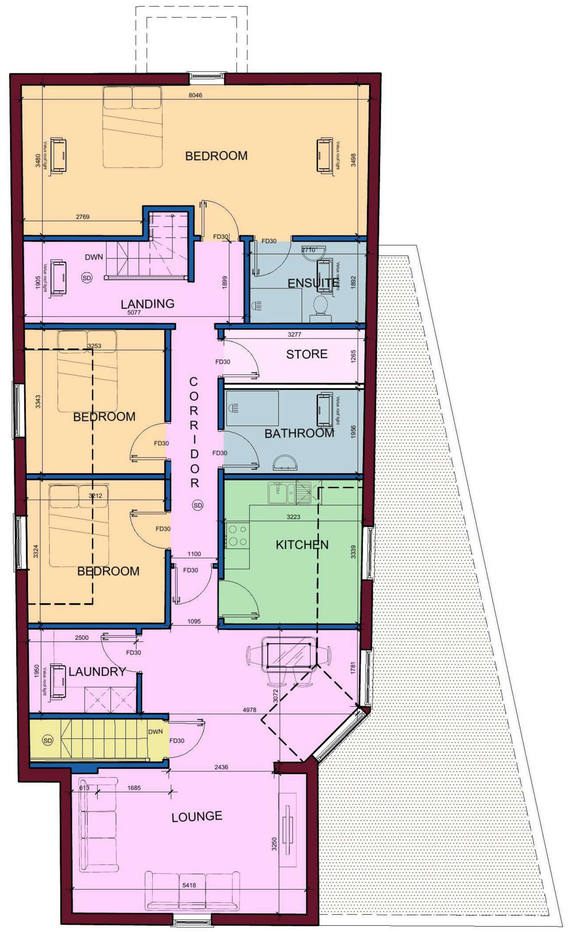


PROPOSED GROUND FLOOR PLAN SCALE 1:100

EXISTING FIRST FLOOR PLAN SCALE 1:100



PROPOSED FIRST FLOOR PLAN SCALE 1:100

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Revisions

A L L D I M E N S I O N S T O B E C H E C K E D O N S I T E

Date Aug 2021	Drawn DsB	Scale 1:1250, 1:500, 1:100, 1:50 @ A2	
Preliminary ●	Construction ○		

Client Mr Steve Davies

Job title Proposed change of use

Drawing title Proposed Ground Floor, Existing First & Proposed First Floor Plans

Drawing No. BDBC/21/102 - 02B

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