PETITION

COMMITTEE DATE: 09/11/2016

APPLICATION No. 16/01800/MNR APPLICATION DATE: 12/08/2016

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT:Mr HUSSAINLOCATION:144-146 CITY ROAD, ROATH, CARDIFF, CF24 3DRPROPOSAL:PROPOSED DEMOLITION OF EXISTING WORKSHOP &
ERECTION OF NEW BUILD DEVELOPMENT TO FORM
COMMERCIAL UNIT TO GROUND FLOOR & 5 FLATS OVER

RECOMMENDATION 1: That subject to the relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town & Country Planning Act 1990, in respect of matters detailed in para. 8.6 of this report, planning permission be **GRANTED** subject to the following conditions:

- 1. C01 Statutory Time Limit
- 2. The development shall be carried out in accordance with the following approved plans:
 - P532 L_002/RevA Site Plan as Proposed
 - P532 L_200/RevA Ground Floor As Proposed
 - P532 L_201/RevA First Floor As Proposed
 - P532 L_202/RevA Second Floor As Proposed
 - P532 L210/RevA Elevations 1 of 2
 - P532 L211/RevA Elevations 2 of 2

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

- 3. The following windows shall be obscurely glazed and non-opening below a height of 1.7m from internal floor level and thereafter so retained:
 - First floor window within the east (side) elevation (serving 'Flat 3' Bedroom);
 - Second Floor Window within the 'north (rear) elevation' (serving 'Flat 5' 'Bedroom 1');
 - First Floor Windows within the 'west elevation' and 'north (rear) elevation' (serving 'Flat 2' and Flat 3).

Reason: To protect the privacy of neighbouring occupiers in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

- 4. Prior to the beneficial use of the Ground Floor Retail Unit refuse storage facilities should be provided in accordance with details which shall first be approved by the Local Planning Authority. Reason: To ensure adequate facilities for the storage of waste are provided in the interests of the amenity of the area in accordance with Policy W2 of the Cardiff Local Development Plan 2006-2026.
- The cycle storage facilities shown on dwg. no. 'P532 L_200 Rev. A' shall be provided prior to the beneficial occupation of any residential unit and thereafter so retained.
 Reason: To promote sustainable modes of transport in accordance ith Policy T5 of the Cardiff Local Development Plan 2006-2026.
- 6. The communal bin store shown on dwg. no. 'P532 L_200 Rev. A' shall be provided for use by occupiers of the upper floor residential accommodation prior to beneficial use of the residential units and thereafter so retained. Reason: To ensure adequate facilities for the storage of waste are provided in the interests of the amenity of the area in accordance with Policy W2 of the Cardiff Local Development Plan 2006-2026.
- The materials to be used in the external finish of the development hereby approved shall accord with the 'Finishes Key' detailed on dwg. nos. 'P532 L_210 Rev. A' and 'P532 L_211 Rev. A'. Reason: In the interest of the general character of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.
- 8. The ground floor retail unit shall be used only for purposes falling within Class A1 of The Town & Country Planning (Use Classes) order 1987 (or any Order amending, revoking or re-enacting that Order). Reason: For the avoidance of doubt to the extent of the permission to protect the amenities of the area and neighbouring occupiers in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.
- 9. No development shall commence until details of surface water drainage, which shall include a viability study relating to the use of sustainable drainage techniques, has been approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure a water sensitive urban design solution is implemented in accordance with Policy EN10 of the Cardiff Local Development Plan 2006-2026.

RECOMMENDATION 2: Dwr Cymru Welsh Water advise:

- That no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- That the proposed development site is crossed by a public sewer main and that no development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the

centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

- The applicant is also advised to contact Dwr Cymru Welsh Water if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to their apparatus is proposed prior to any development being undertaken.
- A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

RECOMMENDATION 3 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 4: That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicant's ownership.

1. DESCRIPTION OF THE SITE

- 1.1 The application site is located on the junction of City Road, a street defined by mixed use commercial and residential properties and which is within a district centre, and Treharris Street, a street defined by two storey terraced residential dwellings.
- 1.2 The site currently provides an industrial style building extending to a storey and a half in height providing residential accommodation at first floor and an MOT service station to the ground floor.
- 1.3 The site fronts and is accessed off Treharris Street and is adjoined by buildings at 144-146 City Road, at three stories in height, and 1 Treharris Street at two stories in height.
- 1.4 To the rear of the site properties on City Road run perpendicular and properties on Arran Street parallel to the site. These properties are separated by an access lane, forming part of the adopted highway, which runs to the rear of the site.
- 1.5 Opposite the site lies a retail unit with flats above and two terraced properties.

2. <u>DESCRIPTION OF PROPOSED DEVELOPMENT</u>

- 2.1 Planning permission is sought for demolition of the existing building and construction of a three storey building providing a retail premises to the ground floor, extending to 126m², and five one bedroom, residential flats to the upper floors, each exceeding 30m². The proposed building would be reduced to two stories in height to the rear adjacent to the boundaries of properties which would remain at 144-146 City Road.
- 2.2 The proposed building has been designed to bridge the gap in both space and height between the three storey property to the west and two storey property to the east. Forming a terrace effect, characteristic of the area, between these properties.
- 2.3 The design of the proposed building in terms of its detailing, materials, form, openings and scale emulate those at the adjoining property.
- 2.4 Enclosed balconies are proposed to the front elevation, which would provide amenity space to 4 of the five proposed flats, a communal amenity area (24m²), communal bin storage (10m²) and cycle storage are also proposed. A separate storage area, extending to 18m², is proposed for the commercial premises.

3. PLANNING HISTORY

3.1 There is no pertinent planning history relating to the application site.

4. POLICY FRAMEWORK

- 4.1 National Planning Policy
 - Planning Policy Wales (8th Ed, 2015)
 - Technical Advice Note 12: Design (July 2014)
- 4.2 Cardiff Local Development Plan 2006-2026
 - Policy KP3(B) (Settlement Boundaries)
 - Policy KP5 (Good Quality and Sustainable Design)
 - Policy H3 (Affordable Housing)
 - Policy H6 (Change of Use or Redevelopment to Residential Use)
 - Policy R4 (District Centres)
 - EN10 (Water Sensitive Design)
 - Policy EN13 (Air, Noise, Light Pollution and Land Contamination)
 - Policy T5 (Managing Transport Impacts)
 - Policy W2 (Provision for Waste Management Facilities in Development)
- 4.3 Supplementary Planning Guidance
 - Access, Circulation & Parking Standards (January 2010)
 - Affordable Housing (March 2007)
 - Infill Sites Design Guide (April 2011)
 - Residential Design Guide (March 2008)
 - Waste Collection & Storage Facilities (October 2016)

NB. The SPGs were approved as supplementary guidance to the City of Cardiff Local Plan (1996). Although the City of Cardiff Local Plan (1996) has recently been superseded by the Cardiff Local Development Plan (2016), the advice contained within the SPGs is pertinent to the assessment of the proposal and remains consistent with the aims of both LDP Policies KP5/T5/EN8/EN13/W2 and guidance in Planning Policy Wales and are afforded significant weight

5. INTERNAL CONSULTEE RESPONSES

- 5.1 The Operational Manager (Housing Development) advises, in line with Policy H3 of the LDP, that an affordable housing contribution of 20% of the five residential units is sought is required in respect of this brown-field site. Whilst the priority would be to deliver on-site affordable housing given the proposed design of the scheme the practicality of managing and maintaining affordable housing on-site could be unsustainable. Therefore, in lieu of on-site affordable housing a financial contribution of £62,640, calculated in accordance with the formula in the Affordable Housing SPG, should be sought.
- 5.2 The Operational Manager (Traffic and Transportation) raises no objection to the proposal, however, requests a condition requiring a demolition management plan is submitted.
- 5.3 The Operational Manager (Waste Management) objects to the proposal on the basis that it is not confirmed who is responsible for presenting waste to kerbside, that it is not confirmed that owner's permission to cross the rear access lane to present waste exists and that the current plans do not demonstrate any commercial waste storage. The waste storage proposals for the residential development are considered satisfactory.
- 5.4 The Operational Manger (Shared Regulatory Services) raises no objection to the proposal. Initial comments requested further details in respect of plan and sound insulation between the commercial premises and residential units, however, further discussions were undertaken during which it was confirmed that the commercial use was for Retail (A1) purposes and no plant was proposed, therefore, the afore mentioned request was removed.

6. EXTERNAL CONSULTEE RESPONSES

6.1 Welsh Water advise that no surface water and/or land drainage should be permitted to connect directly or indirectly with the public sewerage network and that a public sewer crosses the application site. Conditions and advisory notes are requested.

7. <u>REPRESENTATIONS</u>

- 7.1 The application was advertised by way of neighbour consultation letters, further consultation was undertaken upon receipt of amended plans.
- 7.2 A petition of 50 signatories has been received objecting to the proposal. The

petition sets out the reasons for the petitioners objections, a summary of these objections are detailed below:

- The proposed development would result in an increase in traffic making congestion and current parking situation on Treharris Street worse which may be a safety concern for residents and pedestrians. There is a lack of parking spaces in the area for current residents and limited non-resident parking;
- The proposed development would result in an increase in rubbish and litter in the area;
- The proposed development, as a result of 5 more residential units, will result in an increase in noise pollution.
- 7.3 A single letter of representation from a neighbouring occupier has been received objecting to the proposals. A summary of the objections are detailed below:
 - Increased traffic and parking issues;
 - Health;
 - Rubbish (including rats);
 - Loss of daylight/sunlight;
 - Privacy;
 - Building on common land, which includes sewer service;
 - Lane public not private;
 - Incorrect application address.

8. <u>ANALYSIS</u>

8.1 Introduction

- 8.1.1 The application site lies within the defined settlement boundary, on the periphery of both a commercial and residential area, and partly within the City Road District Shopping Centre. Policy R4 aims to promote and protect the shopping role of district centres and recognises that the provision of residential accommodation at upper floors can support the vitality, attractiveness and viability of District Centres. Accordingly it is considered that the principle of the proposed development is acceptable subject to the consideration of other material factors.
- 8.1.2 The principal matters for consideration are:
 - the effect of the proposal upon the character of the area;
 - The effect of the proposal upon the amenity of the area and future occupiers;
 - the effect of the proposal upon the amenity of neighbouring occupiers;
 - the proposals Transport Impact;
 - Affordable housing.

8.2 Impact Upon the Character of the Area

- 8.2.1 Policy KP5 requires that all proposed development is of a high quality and sustainable design which responds 'to the local character and context of the build and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing, and impact upon the built and natural heritage are all addressed within development proposals'.
- 8.2.2 The proposed building has regard for the local character and context of the built environment. There are a mix of property types within the area including those of differing heights. The design and scale of the proposal has due regard to this context and bridges the gap between the existing buildings to the east and west incorporating a change in height which respects the height difference between these two adjoining buildings and creates a seamless terrace which complements the character of the area.
- 8.2.3 The proposed materials are complementary of those utilised throughout the area while detailing, including window positions and patterns, have regard to the neighbouring buildings which results in a balanced appearance that fits comfortably within the streetscene.
- 8.2.4 Accordingly it is not considered that the proposal would have any detrimental impact upon the character of the area and accords with Policy KP%.

8.3 Amenity of the Area and Future Occupiers

- 8.3.1 Policy KP5 requires that land should be developed at the highest practicable densities while providing a healthy and convenient environment for all.
- 8.3.2 The proposed development makes considerable use of the land available providing a commercial unit and five residential units in place of an existing commercial and single residential use. It is considered that development at such density is appropriate and provides adequate facilities such that the proposal would not have any detrimental impact upon the amenity of the area and is enable to provide a sufficient level of amenity of future occupiers.
- 8.3.3 Sufficient space is provided within the proposed building to facilitate the storage of waste such that there would be no impact upon the amenity of the area in this regard. Whilst the comments of Waste Management are noted the following comments are pertinent in this respect:
 - a commercial storage area is indicated on the proposed plans which could adequately provide waste storage facilities, a condition is recommended requiring further details in this respect.
 - The rear lane is part of the adopted highway, therefore, it is not considered there would be issues in regard to access;
 - whilst the provision of appropriately sized and positioned waste storage is a material planning matter it is not considered that planning could control factors such as the responsibility of parties to present waste for collection.

- 8.3.4 Given the context of the area it is not considered that the proposed commercial retail and residential use would have any detrimental impact in respect of noise. Furthermore, the implementation of the proposed development would result in the loss of a lawful industrial use within close proximity to residential properties which has significantly greater potential to cause harm in this respect than the proposed development.
- 8.3.5 The proposed level of internal accommodation to be provided for future occupiers is considered to be of a high quality in terms of its size and layout and an outlook would be provided from each unit's living space. Whilst a limited level of external amenity space is provided, by means of a communal area and balconies to 4 of the 5 proposed flats, given the inner city location such provision is not uncommon, furthermore, this is mitigated somewhat by the standard and level of public facilities available within the local area.
- 8.3.6 Accordingly it is considered that the proposed development would have no adverse impact upon the amenity of the area and would provide good quality sustainable accommodation for future occupiers in accord with the principles of Policy KP5 and W2.

8.4 Amenity of Neighbouring Occupiers

- 8.4.1 Policy KP5 of LDP seeks to ensure that 'no undue effect on the amenity of neighbouring occupiers' results from development.
- 8.4.2 The proposal has potential to impact upon the amenity of neighbouring occupiers including the loss of light and having an overbearing impact It should be noted that amended plans have been received reducing the scale of the proposals in close proximity to the boundary with the buildings retained on the site of 144-146 City Road. These properties benefit from first floor rear facing windows enclosed on both sides by two storey rear annexes which itself benefits from side facing windows at first floor level. It should, therefore, be noted that the level of light and outlook provided to the existing properties from these elevations are limited. The application site will be developed to two stories in height within close proximity to the boundary, however, given the existing layout of the rear of the neighbouring properties, including the lack of outlook, and their orientation it is not considered that the proposal would have an undue overbearing impact or result in sufficient loss of light to warrant refusal of planning permission.
- 8.4.3 The proposed development would not result in any development beyond the building line of neighbouring occupiers on Treharris Street or Arran Street such that the proposal could be considered overbearing or result in a loss of light or overshadowing in relation to these properties.
- 8.4.4 In regards to privacy current guidance details that a minimum of 21.5m should be retained between habitable room windows and 10.5m between habitable room windows and neighbouring boundaries. However, each application for planning permission must be considered upon its own merits with due regard to

local context.

- 8.4.5 It is noted that front facing balconies and habitable room windows are positioned within approximately 12.5m of neighbouring windows, however, the characteristics of the local area are such that the vast majority of residential windows facing highways are overlooked to some extent. Therefore, given the context of the particular area it is not considered that an objection in this regard could be sustained.
- 8.4.6 Likewise windows to the rear of the proposal are within closer proximity to neighbouring properties on Arran Street than generally considered acceptable. However, windows proposed within the first floor are similarly positioned to existing windows within the first floor of the existing residential unit on site therefore, there would be no greater impact upon the privacy of neighbouring occupiers. A proposed second floor window serving a bedroom would increase overlooking of neighbouring properties, however, it is considered a condition controlling the means of glazing and opening could overcome concerns in this regard, a condition is recommended. Likewise a side facing window within the first floor overlooking 1 Treharris Street and windows marked upon the submitted plan as 'opaque' would be of detriment to privacy, however, a condition is also recommended in this regard to overcome any impact.
- 8.4.7 It is not considered that the proposal would have any undue impact upon the amenity or privacy of neighbouring occupiers and, therefore, accords with the principles of Policy KP5.

8.5 Transport Impact

- 8.5.1 Policy T5 seeks to ensure that all new developments properly address the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids unacceptable harm to safe and efficient operation of the road, public transport and other movement network and routes.
- 8.5.2 The proposal does not include any car parking provision, however, is sited in an accessible location being in close proximity to public transport and local amenity facilities. Furthermore, the proposal provides bicycle storage facilities for the proposed residential units that would further promote sustainable modes of transport.
- 8.5.3 It is considered the proposal by virtue of its siting within a sustainable location is not reliant upon the private car as a mode of transport, therefore, would have minimal impact upon the road network and accords with the principles of Policy T5.

8.6 Affordable Housing

8.6.1 Where development proposals contain 5 or more dwellings 20% affordable housing, on brownfield sites, will be sought to be delivered on-site in all instances. In this instance, however, for the reasons detailed at para. 5.1 it is considered that in lieu of the provision of on-site affordable housing a financial

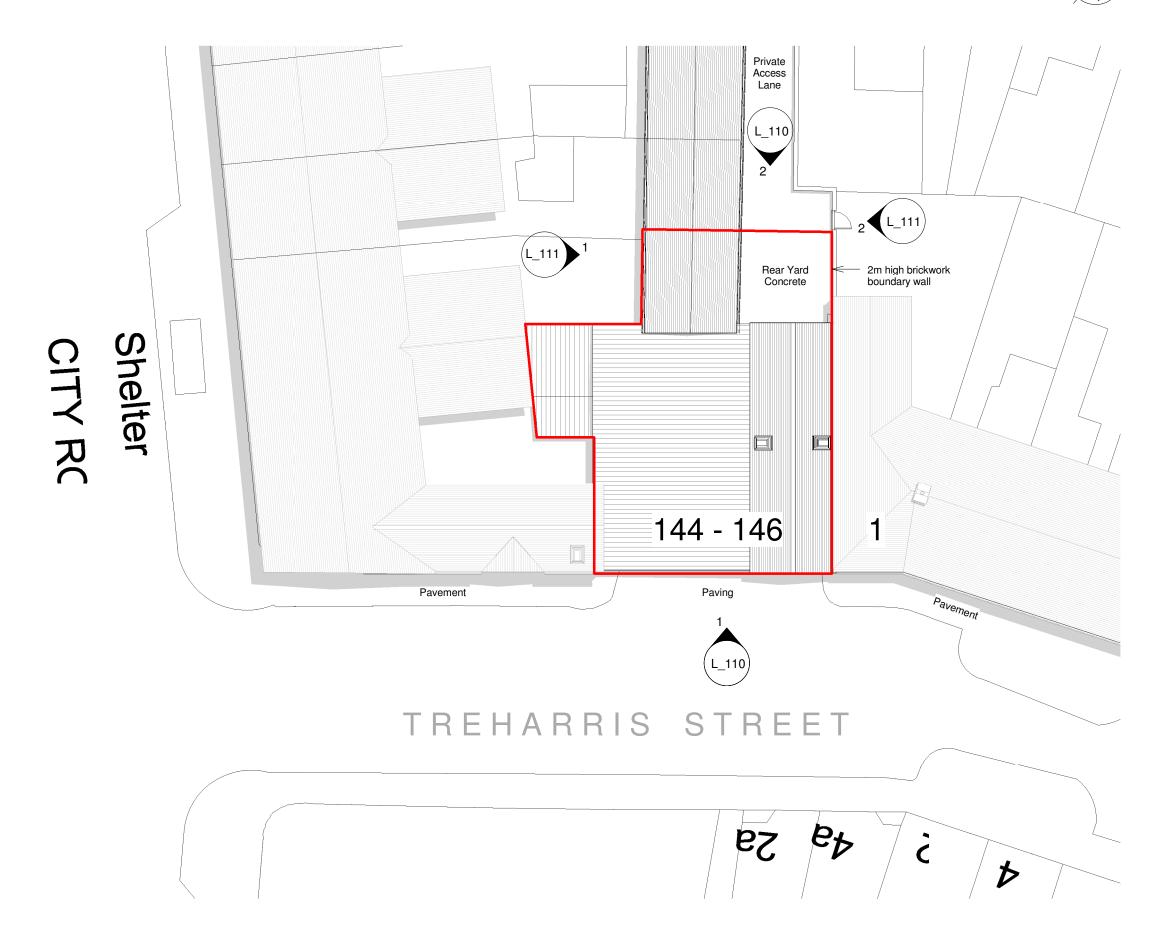
contribution should be sought.

8.7 Additional Matters

- 8.7.1 Welsh Water advise that no surface water will be permitted to connect to the public sewerage network and Policy EN10 requires development to apply water sensitive urban design solutions, to include the management of rainfall and runoff. Accordingly a condition is recommended to ensure that surface water is suitably managed.
- 8.7.2 In regards to comments made by neighbours which are not covered previously, the following should be noted:
 - i. Land ownership is not a material matter in determining a planning application and the grant of permission conveys no right to build upon land which the developer has no legal right to. Legal advice should be sought in respect of such matters.
 - ii. It is noted that the lane annotated as 'Private' is part of the adopted highway and comments at para. 8.6.2(i) are pertinent.
 - iii. The 'Site Address' is considered to be correct for the purposes of processing the planning application. The existing premises are addressed as 144-146 City Road and Land Registry information has the site registered as incorporating 144-146 City Road. Furthermore, a site plan clearly identifying the site upon which planning permission is sought has been provided in accordance with the requirements of the Development Management Procedure Order.

8.8 Conclusion

8.8.1 Having regard to the policy context above, the proposal is considered acceptable and it is recommended that, subject to conditions, planning permission be granted following the signing of a legal agreement to secure a financial contribution of £62,640 towards off-site affordable housing.

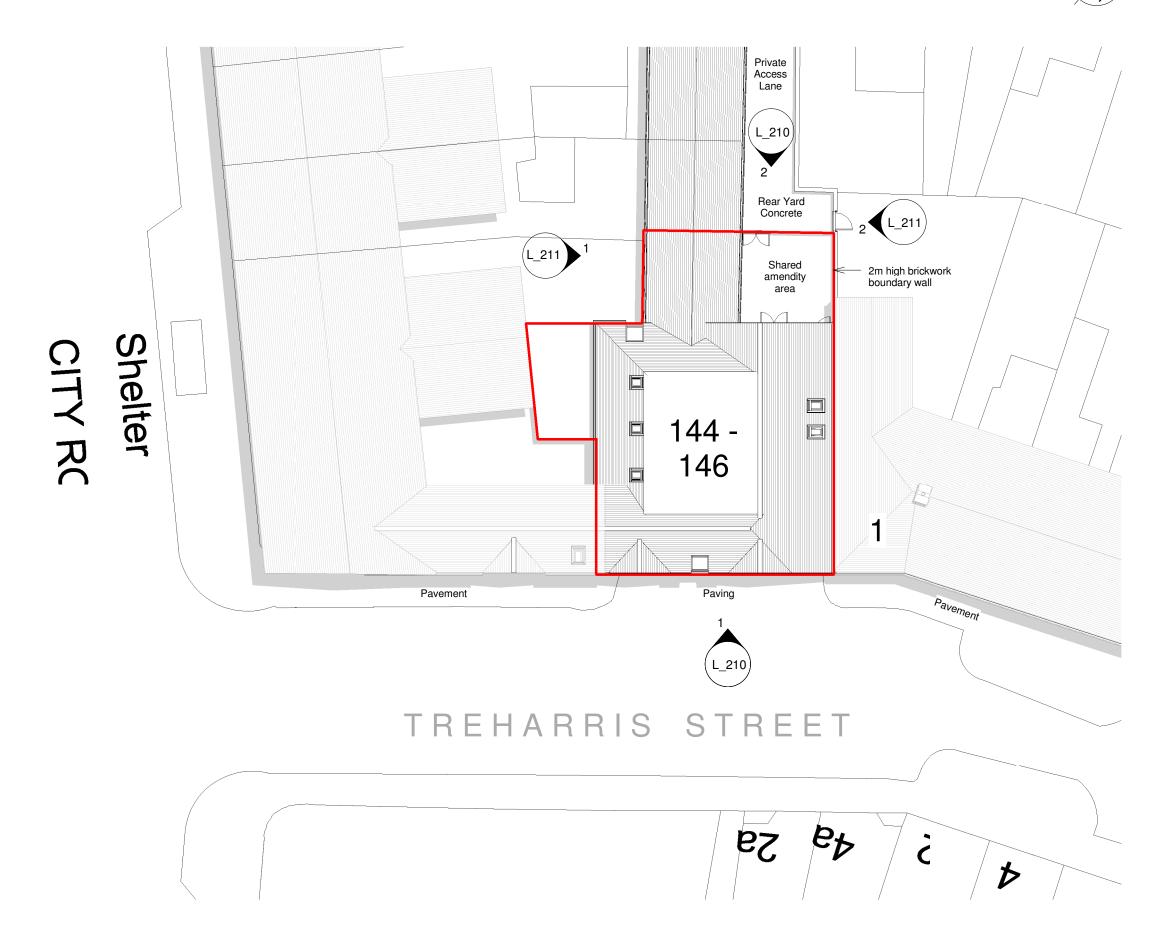


Site Plan as Existing 1:200

SITE AREA: 235m2



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Site Plan as Proposed 1:200

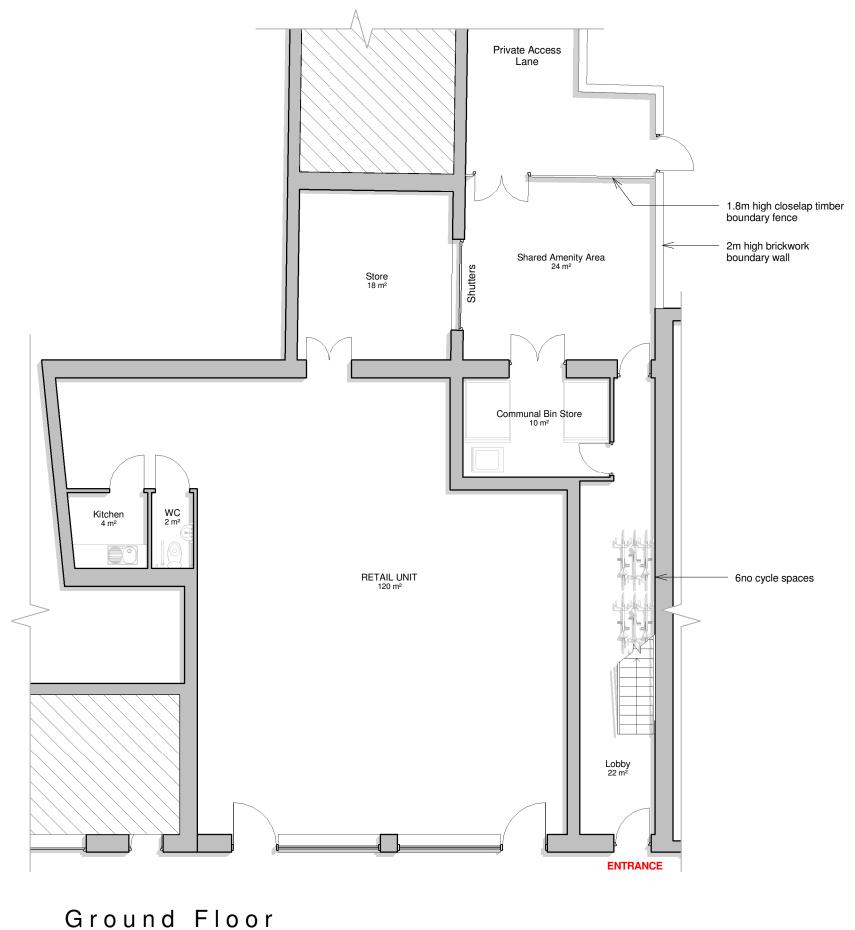
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First Floor

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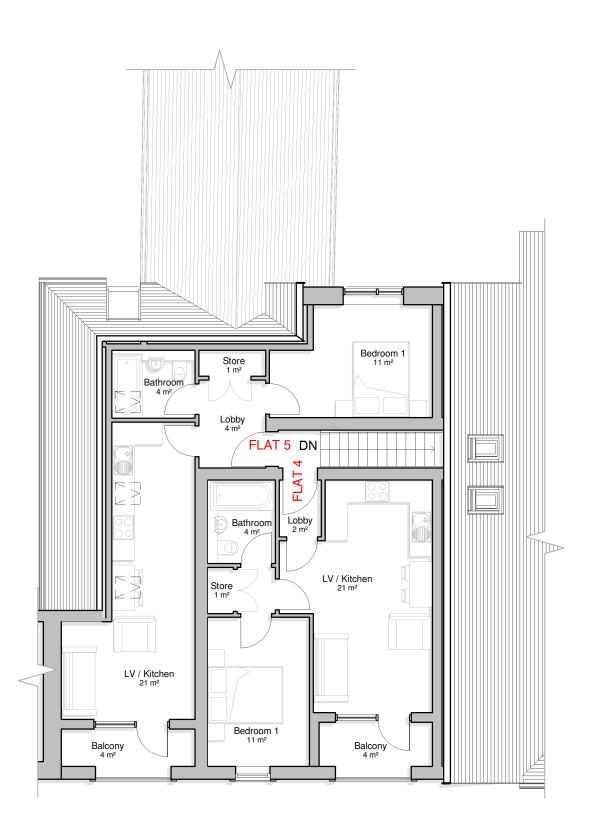
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Planning Issue

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South (Front) Elevation 1:100



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Planning Issue

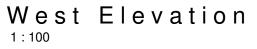
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East (Side) Elevation 1:100

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Front Perspective View

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