

WARD: Avonmouth CONTACT OFFICER: Andrew Cross  
SITE ADDRESS: 9 High Street Shirehampton Bristol BS11 0DT

APPLICATION NO: 15/05706/F Full Planning  
EXPIRY DATE: 4 January 2016

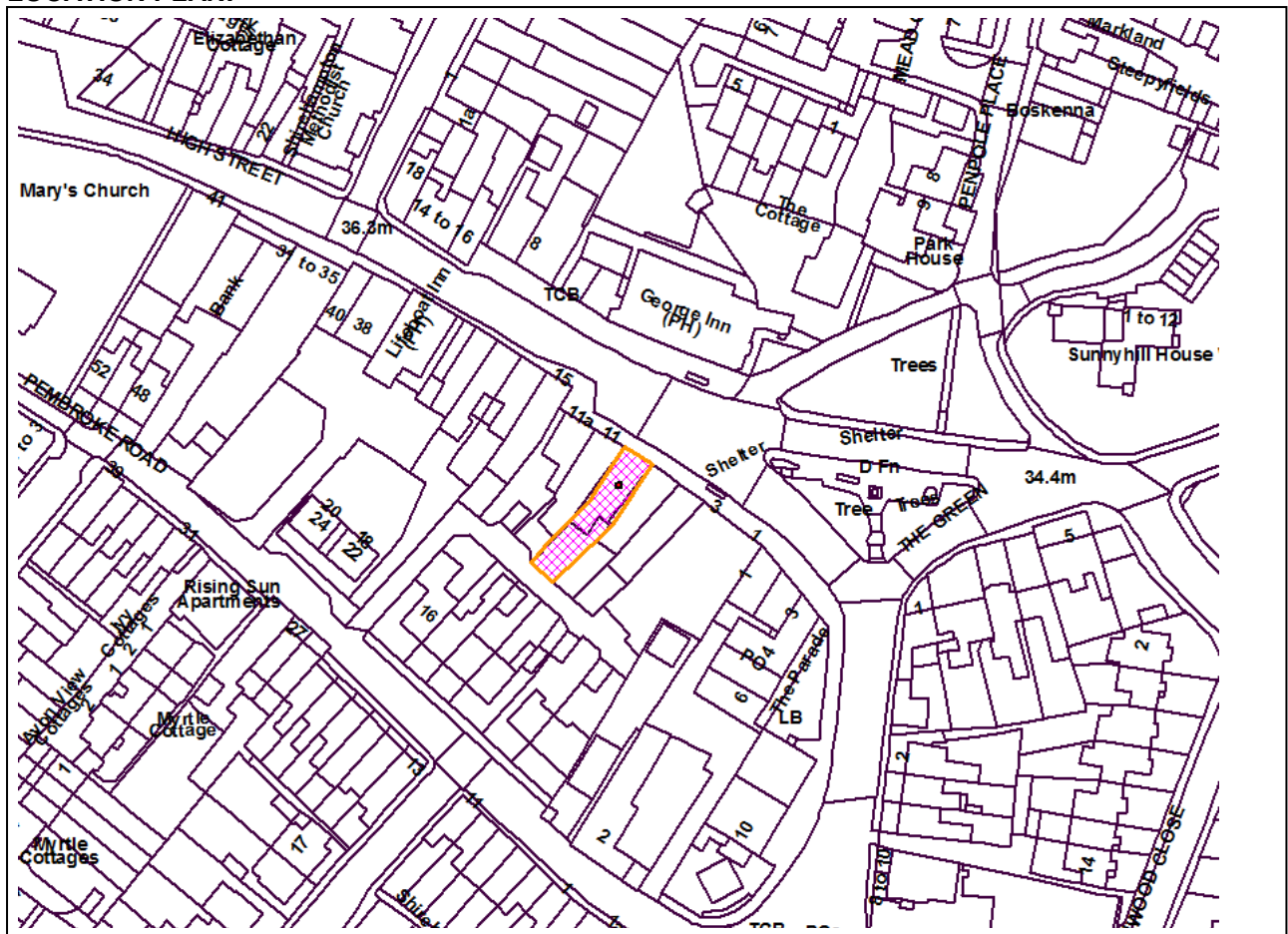
*Proposed change of use from a Bank/Building Society (Use Class A2) to cafe/hot food takeaway (use Class A3/A5. Installation of flue to rear and associated alterations and replacement shop front/signage.*

RECOMMENDATION: Grant subject to Condition(s)

AGENT: APPLICANT: Mr Shahab Akhtar  
29 Marshfield Road  
Bristol  
BS16 4BG

*The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.*

LOCATION PLAN:



**Development Control Committee B – 16 March 2016**  
**Application No. 15/05706/F: 9 High Street Shirehampton Bristol BS11 0DT**

#### SITE DESCRIPTION AND APPLICATION

The application relates to ground floor premises at 9 High Street, Shirehampton. The unit is located within a primary shopping frontage within a designated centre, and is currently in A2 use (financial and professional services). The property is located within the Shirehampton Conservation Area.

The application proposes the change of use to a mixed A3/A5 café-restaurant/hot food take-away use, with associated alterations to the shop front and the provision of an extract flue to the rear. Servicing and deliveries are proposed to the rear, via the existing service lane. Opening hours proposed are 11.00-23.00 daily.

See plans and supporting information for full details.

#### RELEVANT HISTORY

There is no relevant planning history at the application site.

#### RESPONSE TO PUBLICITY AND CONSULTATION

Consultation was undertaken via site notice, a press advertisement, and letters sent to 14 surrounding properties. 31 written responses were received, including representation from Councillors Matthew Melias and Wayne Harvey.

Councillor Melias has commented as follows:

I would like to lodge my full objection to this proposal. As one of the Local councillors for the area, it would leave me disillusioned with the planning system if this application were granted. It's mine and I believe local residents aspiration, to have a vibrant high street with a varied array of different retail providers. You will be well aware that there is a "Fish and Chip" across the road from this unit and many other fast food outlets close by on the high street. This is a trend that I would like to see reversed and is one that I would say is detrimental to the village. I believe that more fast food outlets could increase antisocial behaviour in the area and could lead to residents feeling unsafe in the village at night. This will have an unhealthy impact on the mental wellbeing. Outside the unit in question we currently have severe parking problem and regularly have cars parked in the Bus stop, this blocks in buses and causes unnecessary visual obstructions on the junction. I implore you to reject this application.

Councillor Harvey has commented as follows:

As a local councillor in this ward, I have been campaigning to enhance the High St by welcoming new and diverse traders to the area. We defiantly want to see shutters going up and more footfall in the High St. However I do have a huge concern regarding this application. We currently have six take away outlets as well as cafes. We also have several take away vans all in walking distance, and another due to go in at West Town Road Docks. This ward has a high obesity rate and also a high rate of low income families. We as a community need more choice of fresh produce at affordable prices to compliment what we currently have. Having worked alongside Becky Pollard public Health BCC, I would because of the above strongly urge you to refuse this application.

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Concerns raised by surrounding residents can be summarised as follows:

Principle (see key issue A)

- o Over-concentration of food and drink uses in the vicinity
- o Take-away would encourage more students from the neighbouring school to eat more unhealthily

Residential Amenity (see key issue B)

- o Odour nuisance
- o Anti-social behaviour due to opening hours proposed until 11pm
- o Noise
- o Increased litter
- o The rear lane is already a mess with waste etc.

Highways (see key issue C)

- o Exacerbation of illegal parking with associated highway safety risks

Other

- o Previous Enforcement action and refusal of planning permission for take-away use at 2 The Parade is relevant
- o Inadequate level of neighbour consultation [site notice, press advertisement and letters to 14 closest properties is in excess of statutory requirements and considered reasonable]

These points will be discussed within the key issues section of this report.

**Pollution Control** has commented as follows:-

The flue for the extraction system is shown on the plans as terminating 1 metre above eaves level. With a flue terminating at such a level odour treatment will be required. The documentation states that a ON 100 unit can be installed. Ideally with such an application, or via condition I would also want to see a risk assessment in accordance with the Defra Guidance.

If you are minded to grant the application I would therefore ask for the following conditions:

Details of Extract/Ventilation System

1. No development shall take place until details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained.

Guidance

It is recommended that any flues for the dispersal of cooking smells shall either:

- (a) Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or:
- (b) Terminate 1 metre above eaves height and have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.

Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' Published electronically by Department for Environment, Food and Rural

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Affairs. Product Code PB10527.

<http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf>

Noise from plant and equipment

2. No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 1997-"Method of rating industrial noise affecting mixed residential and industrial areas".

3. Noise from plant & equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 1997-"Method of rating industrial noise affecting mixed residential and industrial areas".

4. Use of Refuse and Recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

5. Deliveries

Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

6. Opening Times

As per the application form I would ask that opening times be restricted to 10.00 and 23.00 only.

**Transport Development Management** has commented as follows:-

The principle of the proposed change of use is acceptable on highways grounds, subject to clarification in relation to servicing/deliveries, refuse/recycling storage and the proposed parking spaces.

RELEVANT POLICIES

**National Planning Policy Framework – March 2012**

**Bristol Core Strategy (Adopted June 2011)**

BCS7	Centres and Retailing
BCS10	Transport and Access Improvements
BCS21	Quality Urban Design
BCS22	Conservation and the Historic Environment
BCS23	Pollution

**Bristol Site Allocations and Development Management Policies (Adopted July 2014)**

DM7	Town centre uses
DM8	Shopping areas and frontages

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DM10	Food and drink uses and the evening economy
DM23	Transport development management
DM26	Local character and distinctiveness
DM30	Alterations to existing buildings
DM31	Heritage assets
DM32	Recycling and refuse provision in new development
DM35	Noise mitigation

## KEY ISSUES

## (A) IS THE PROPOSED CHANGE OF USE ACCEPTABLE IN PRINCIPLE?

Policy BCS7 states retail shop uses will predominate in the designated primary shopping areas of the City and Town Centres, supported by a wider range of appropriate uses in the other parts of these centres. Policy DM8 aims to support vitality and viability and promote diversity within centres by maintaining a healthy mix of uses. Policy DM10 expresses that food and drink uses will be acceptable provided that they would not harm the character of the area, residential amenity and/or public safety, either individually or cumulatively. Proposals which would result in a harmful concentration of food and drink uses will not be permitted. It is also expressed that takeaways in close proximity to schools and youth facilities will not be permitted where they would be likely to influence behaviours harmful to health or the promotion of healthy lifestyles.

A retail assessment of the centre was undertaken as part of the case officer site visit, which revealed 25 A1 retail units, 13 A2 financial and professional services (including the application site), 4 A3 café/restaurant uses, 2 A4 public houses, 3 A5 hot food takeaways, 3 D1 uses (two churches and a dentist), 1 D2 use (Gym) and 2 sui-generis uses (Vet and taxi office). As can be gleaned from this survey, there is a healthy mix of uses within the centre, with A1 uses predominating as should be the case. The proposed change of use of one of the existing A2 units to A5 use would not undermine the predominance of A1 uses, would not fragment the retail frontage, and would retain a reasonable proportion of food and drink uses within the centre. If approved, the proposal would result in a total of 4 hot food takeaway uses out of the 53 units identified in the centre, and a total of 10 food and drink uses within the centre (including café's, restaurants and public houses), which equates to less than 20% cumulatively. The proportion of A1 units would remain unchanged, at almost 50%.

Under the provisions of policies DM10 consideration is given the proximity of food and drink uses to schools and youth facilities. Oasis academy is the nearest secondary school to the site, with walking distances of 654 metres (via Oak Tree Court, The Ridge and High St) and 1059 metres (via Penpole Lane and Park Hill) to the proposed takeaway depending on the entrance used. This is above the 400 metre threshold set out within the policy, and a similar distance to existing food and drink uses on the High Street. Objection is therefore not raised in relation to this relationship.

Two primary schools are located nearby, with St Bernards Catholic Primary set a 373 metre walk from the site, and Shirehampton Primary set 605 metres walk away. This is not of concern given that Primary School children would not be able to leave the school grounds at lunch time, and would likely be accompanied to and from school, such that the presence of a takeaway within 400 metres of St Bernards Catholic Primary does not warrant refusal on principle grounds related to health.

It is therefore concluded that the proposed change of use from A2 to A5 use would be acceptable in principle. Related issues of residential amenity, highways and design must be appropriately addressed, which will be discussed within the key issues to follow.

**Development Control Committee B – 16 March 2016****Application No. 15/05706/F: 9 High Street Shirehampton Bristol BS11 0DT****(B) WOULD THE PROPOSAL CAUSE ANY UNACCEPTABLE HARM TO THE RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPIERS?**

Despite the shopping frontage context, the application site is set within a residential area, with residential accommodation set at upper floor level at the application site, as well as at surrounding properties, including those adjoining.

As part of the proposal and extract flue would be necessary, with an outline specification provided as part of the application. The flue would include steel baffle filters, and it is expressed that odour neutralisation can be added to the system. The proposed flue would terminate at least one metre above eaves level. Given the proximity of surrounding residential uses, odour treatment is necessary, and the appointed City Council Pollution Control/Environmental Health Officer has recommended a condition for full details of the extract system, including odour control, to be provided and agreed prior to commencement of any works. The provision of an acceptable extract system via condition would safeguard the residential amenity of surrounding occupiers when considering odour.

Opening hours proposed are 11am to 11pm daily, which is considered reasonable within the context of a designated centre, and in line with the opening hours of other similar uses within the area (all three existing takeaways open until 11pm). Opening hours can be secured by condition.

Conditions are also recommended in relation to hours of deliveries and refuse/recycling collection (which would be via the rear service lane) in order to safeguard against noise and disturbance associated with the premises outside reasonable hours. Refuse/recycling storage is proposed within the rear yard area, which is acceptable in principle, however a condition is also recommended to detail the layout of the rear service area to ensure adequate designated provision for refuse/recycling storage.

Increased litter was raised as a concern within objection comments. A total of 5 public litter bins are noted in the public realm within an approximate 40 metre radius of the site. There is therefore ample provision within the vicinity of the site for the proper disposal of litter associated with the use, should patrons choose to consume food purchased near to the site.

Anti-social behaviour was raised as a concern within objection comments received, with concern that congregations of patrons would occur and result in disturbance and anti-social behaviour. There is history in this regard relating to 2 The Parade, which is set approximately 40 metres from the application site, where a take-away use opened in 2005 without planning consent and gave rise to resultant anti-social behaviour impacts. The premises was closed following Enforcement action. A subsequent planning application for A5 (hot food take-away) use was refused in 2006 on residential amenity grounds (only) due to demonstrated anti-social behaviour impacts that occurred during the unauthorised use as a takeaway. This refusal was supported by the Police who raised concern on anti-social behaviour grounds.

The police have been consulted with regard to the current proposal, and did not raise any objection as an initial verbal response, although expressed that the local beat manager would be consulted prior to a written response being provided. At present, despite chasing, no further written response has been provided. It is hoped that such a response will be available prior to the committee meeting, and added to the amendment sheet.

On the basis of no objection from the Police, combined with recognition that the proposed take-away would operate under similar opening hours restrictions to those of similar uses within the Shirehampton Town Centre, it is considered that anti-social behaviour cannot be demonstrated as a direct effect of the takeaway proposed. It is acknowledged that anti-social behaviour was an issue in relation to planning history at number 2 The Parade, however a planning decision from a decade ago cannot be considered to represent precedent adequate to justify refusal of the current proposal on the basis of anti-social behaviour.

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It is therefore concluded that, subject to the imposition of appropriate planning conditions, the proposed works would not cause any unacceptable harm to the residential amenity of neighbouring occupiers.

**(C) DOES THE PROPOSAL ADDRESS MOVEMENT, TRANSPORT AND HIGHWAY SAFETY ISSUES?**

The application site is located within a designated centre, with a local community within walking distance. Public cycle parking is available nearby, and the site is on a bus route. The sustainable location is such that a takeaway used is considered reasonable in this location on transport grounds.

On-street parking is available directly outside the premises, as well as nearby on surrounding roads. It is acknowledged that parking is heavily subscribed by virtue of the location within a designated Town Centre.

Servicing and deliveries is proposed to the rear, via the existing service lane, which is considered appropriate. A layout plan should be secured by condition, to set out the proposed parking area, to ensure that this would not disrupt servicing of the property.

It is therefore concluded that the proposal is acceptable when considering issues relating to movement, transport and highway safety.

**(D) WOULD THE PROPOSED DESIGN BE ACCEPTABLE?**

A replacement shop front is proposed as part of the change of use. This is considered to be of an appropriate form in the high street context. A condition is recommended for the provision of materials samples to be agreed, to ensure an appropriate finished appearance in recognition of the location of the property within a Conservation Area. To that end it is advised that the replacement shop front should be of powder-coated aluminium or timber construction. A UPVC shop front would not be acceptable.

An extract flue is proposed to the rear. The visible extent of the flue would be limited, and given its location amongst existing plant and servicing areas associated with units fronting High Street and the Parade, the proposed 3.7 metre length of flue that would be visible from the rear is not considered to warrant refusal on design grounds.

On the basis of the above, the proposal is considered acceptable on design grounds.

**COMMUNITY INFRASTRUCTURE LEVY**

How much Community Infrastructure Levy (CIL) will the development be required to pay?

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

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**RECOMMENDED GRANT subject to condition(s)**

**Time limit for commencement of development**

1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Pre commencement condition(s)**

2. Details of Extract/Ventilation System

No development shall take place until details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained.

Reason: These details need careful consideration and formal approval and to safeguard the amenity of adjoining properties and to protect the general environment.

3. Noise from plant and equipment

No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 1997-"Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: In order that noise levels may be agreed prior to the commencement of works on site and to safeguard the amenities of nearby occupiers.

4. Further Details of rear service yard layout before development starts

No development shall take place until detailed drawings of the layout of the rear service yard, including refuse/recycling storage area and collection point, and off-street parking provision, have been submitted to and been approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval.

Reason: To ensure that the premises can be adequately serviced.

5. Sample Panels before specified elements started

Sample panels of all materials for the replacement shop front are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason: In order that the external appearance of the building is satisfactory.



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**Post occupation management**

6. Hours Open to Customers Monday - Sunday

No customers shall remain on the premises outside the hours of 11.00am to 11.00pm daily.

Reason: To safeguard the residential amenity of nearby occupiers.

7. Use of Refuse and Recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers

8. Deliveries

Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers

9. Noise from plant & equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 1997- "Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: To safeguard the amenities of nearby occupiers

**List of approved plans**

10. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

03 Existing Elevations and Site Location Details, received 11 November 2015

04 Proposed Elevations and Specification, received 11 November 2015

01 Existing Ground and First Floor Plans, received 11 November 2015

02 Proposed Ground and First Floor Plans, received 11 November 2015

Reason: For the avoidance of doubt.

**Advices**

1. Flues

It is recommended that any flues for the dispersal of cooking smells shall either:

(a) Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or:

(b) Terminate 1 metre above eaves height and have a method of odour control such as

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activated carbon filters, electrostatic precipitation or inline oxidation.

Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' Published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527.  
<http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf>

2. Application for advertisement consent needed: You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which you may wish to display on these premises.

**BACKGROUND PAPERS**

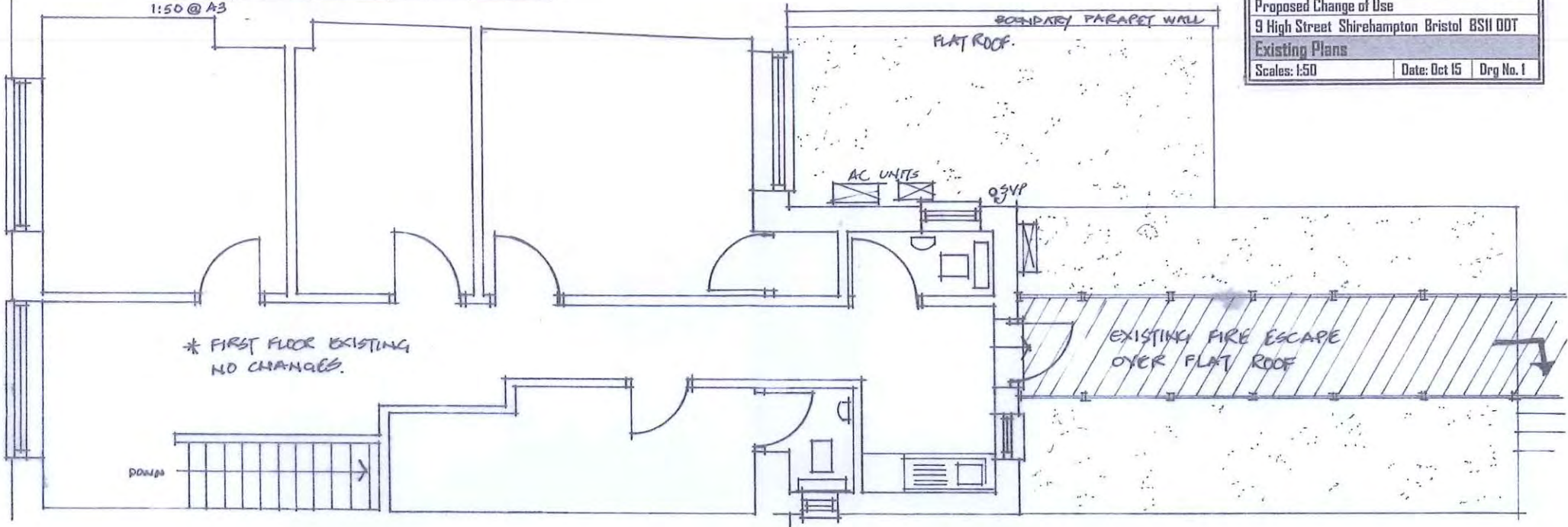
Transport Development Management  
Pollution Control

19 November 2015  
27 November 2015

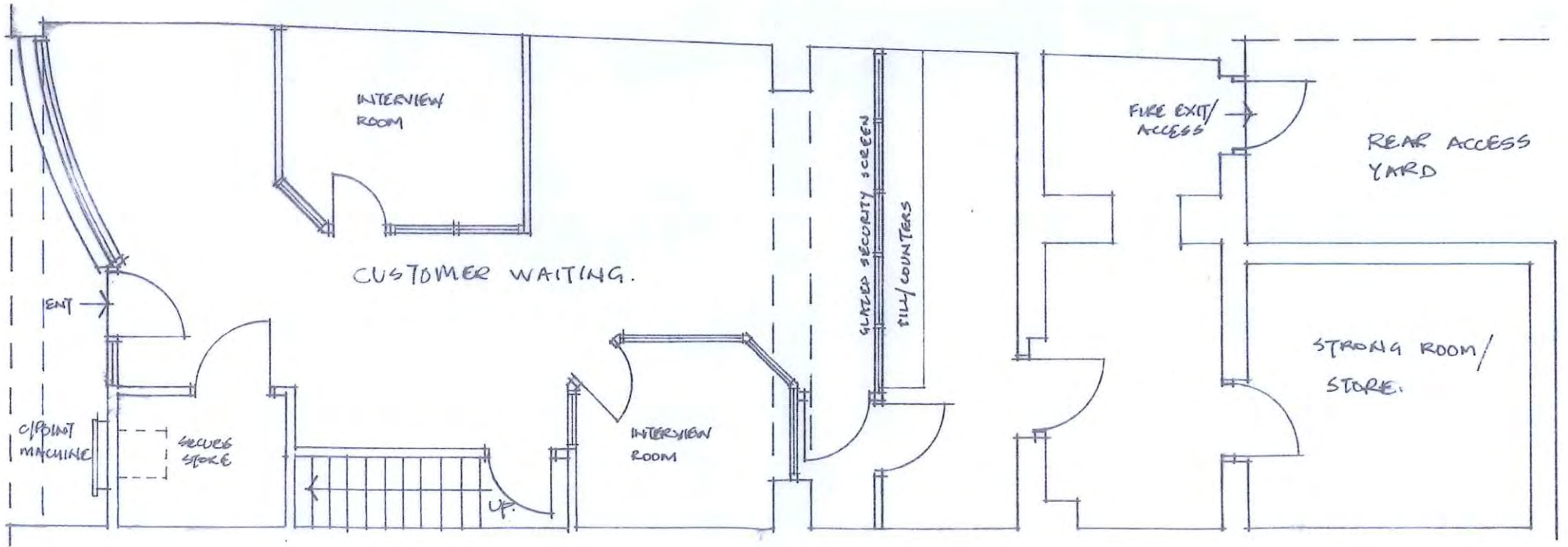


Proposed Change of Use	
9 High Street Shirehampton Bristol BS11 0DT	
Existing Plans	
Scales: 1:50	Date: Oct 15 Drg No. 1

FIRST FLOOR PLAN

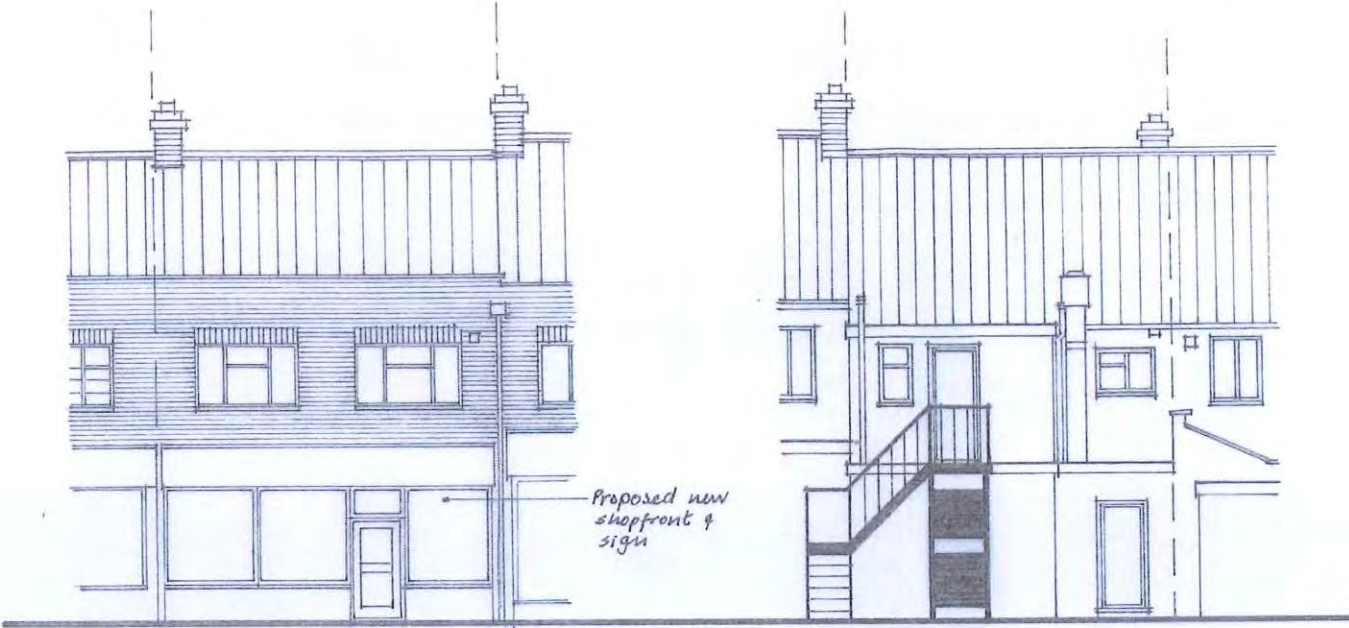


GROUND FLOOR PLAN





Proposed Change of Use		
9 High Street Shirehampton Bristol BS11 0DT		
Proposed Elevations & Specification		
Scales: 1:50	Date: Oct 15	Drq No. 4



FRONT ELEVATION

REAR ELEVATION



TYPICAL CROSS SECTION/SIDE ELEVATION

**Specification**

**Cooking Equipment:**

New frying range and 350mm<sup>2</sup> flue together with intake and extract ventilation ducting designed and installed by specialist supplier. The extraction system is designed, planned and specified to suit the property, whilst taking into consideration and being compliant with any regulations and planning consent requirements:

• **Odour control:**

As standard, the rear of each frying pan is fitted with stainless steel baffle filters. The filters virtually eliminate the possibility of any minute particles of fat from entering the extract system when frying, practically eradicating the "Fish and Chip Shop" smell when exhaust gasses are dispersed into the atmosphere. However, if specified by the local planning authority, additions in the form of an odour neutraliser and electrostatic precipitator can be added to the system.

An approved odour management plan shall be complied with, setting out cleaning, maintenance and filter replacement policies. The plan should include a written recording system and demonstrate when all such work is carried out.

• **Noise from plant and equipment:**

The extract system terminates approximately 1m above the eaves of the building; it generates a running noise of approx 54dba within building and fitted with duct silencer reduces to 30dba at 1m from the outlet with a high efficiency discharge cowl. This is particularly suitable for good dispersal of fumes - the exit velocity is 0.943 m<sup>3</sup>/second (2000cu ft per minute), a discharge plume of 30 metres.

**Note:** All fans and motors are fitted with dampers and sited within the building thus keeping the db rating level to a minimum. (acoustically housed - insulated environment). Anti vibration mounts used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise.

**Use of Refuse and Recycling facilities:**

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

**External Signage (Existing):**

The existing premises have 1 fascia/sign at the front. This is to be redesigned and replaced with similar "illuminated" sign. Details can be supplied at a later stage when design confirmed.

**Drainage:**

All connecting to existing f.w. system. Provide 50mm<sup>3</sup> branch to whb's in cooking/sinks in preparation areas.

**Fire Safety:**

- Self contained smoke alarms/heat detectors, Interlinked and wired to mains supply.
- Provision of fire blankets and appropriate extinguishers
- Emergency "Exit" signs over exit doors, Emergency lighting installed to BS 5266.

All electrical work required to meet the requirements of BS7671 (IEE Wiring Regulations) must be designed, installed, inspected and tested by a person competent to do so and the issue of a BS7671 electrical certificate

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Proposed Change of Use		
9 High Street Shirehampton Bristol BS11 0DT		
Proposed Plans		
Scales: 1:50	Date: Oct 15	Drwg No. 2

FIRST FLOOR PLAN

Reduce size of window opening  
pane to be fitted in discrete position adj external wall

GROUND FLOOR PLAN

sump box 41600/w 400/l 600mm  
main inlet steam 280B  
inlet gases 180B

350mm galvanised  
flue outlet at  
ceiling level

Motor fan unit  
& ON 100 odour  
neutraliser unit

FIRE EXIT/  
ACCESS

Rear yard -  
goods delivery  
& bin stores

CUSTOMER AREA  
(WAITING/SEATING)

COOKING & PREPARATION  
AREA

osd

osd

STORE

New shopfront  
& entrance

frying range

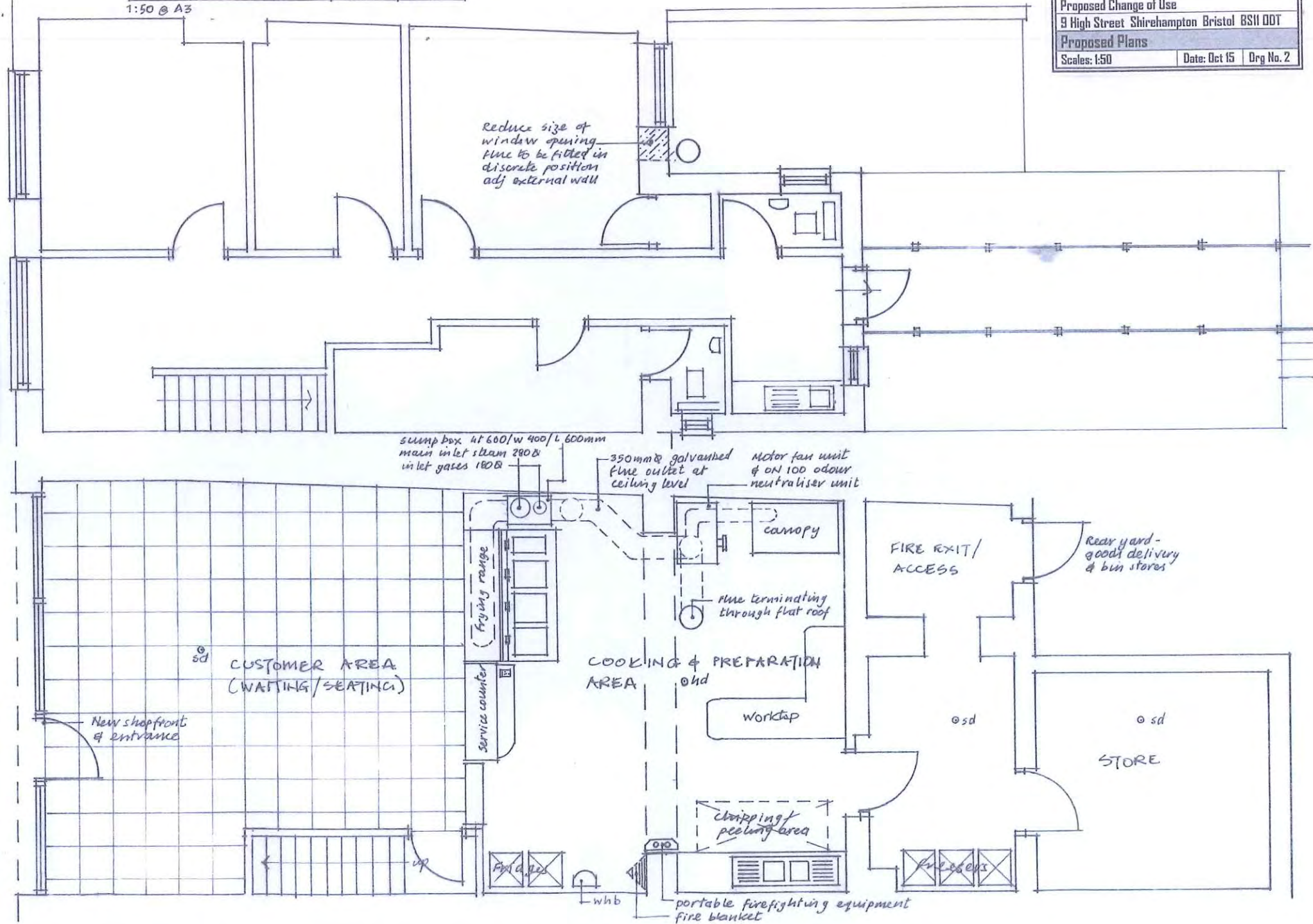
service counter

Worktop

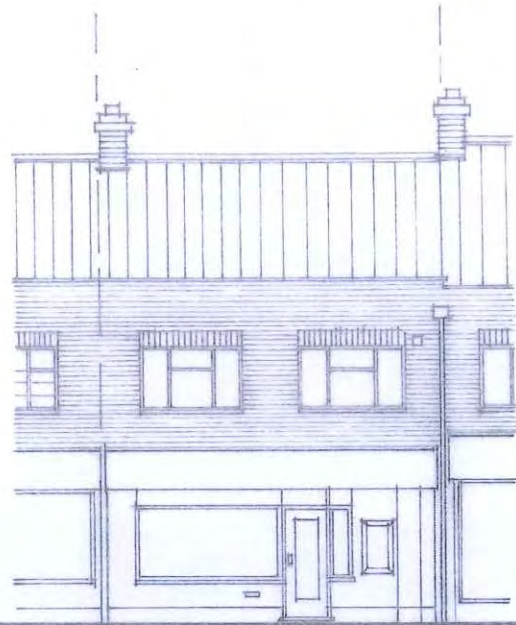
chipping/peeling area

Freezers

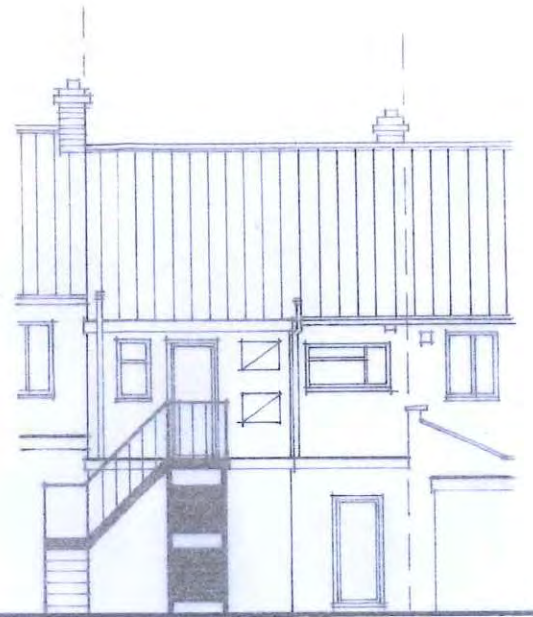
portable firefighting equipment  
fire blanket



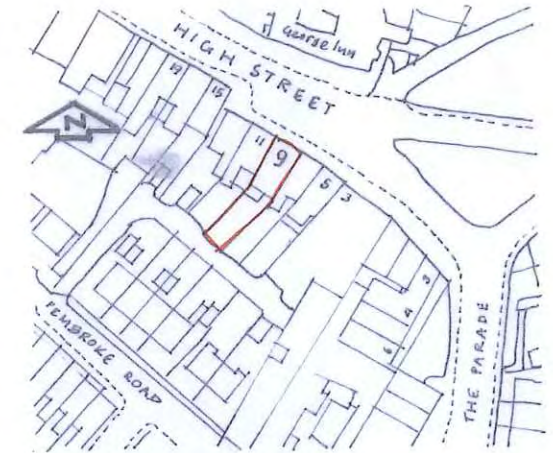
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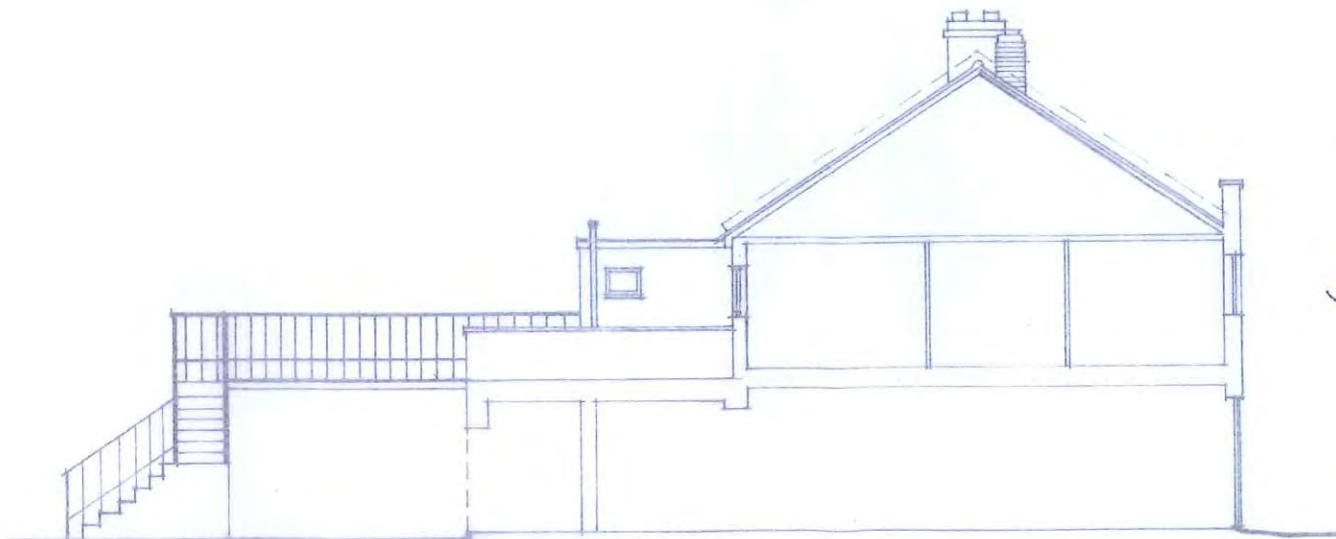
FRONT ELEVATION



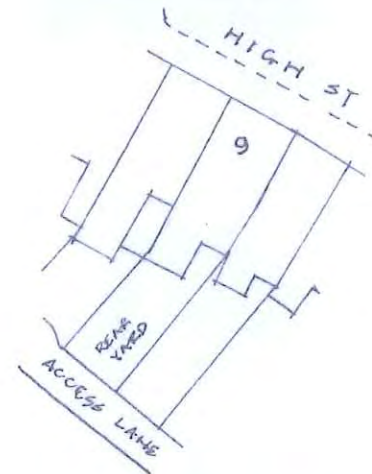
REAR ELEVATION



SITE PLAN 1:1250



TYPICAL CROSS SECTION/SIDE ELEVATION



BLOCK PLAN 1:500

Proposed Change of Use  
9 High Street Shirehampton Bristol BS11 0DT  
Existing Elevations & Site Location Details  
Scales: 1:100, 1:500 & 1:1250 Date: Oct 15 Drg No. 3