

SCHEDULE A: Applications with Recommendation

13/0778

Item No: 04

Date of Committee: 11/04/2014

Appn Ref No:
13/0778

Applicant:
Aldi Stores Ltd

Parish:
Carlisle

Agent:
Signet Planning

Ward:
Denton Holme

Location: Land between Dalston Road and Stanhope Road, Carlisle

Proposal: Erection Of Foodstore With Associated Vehicular Access, Pedestrian Access And Cycle Path; Car Parking Associated With The Store And Provision Of 7No. Parking Bays For Use By Residents At No's. 20, 22, 24, 26, 28, 30, 32 Dalston Road Only; Hard And Soft Landscaping Works

Date of Receipt:
02/10/2013

Statutory Expiry Date
01/01/2014

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

- 1.1 It is recommended that this application is approved subject to legal agreement. Should the necessary agreement not be in place in a reasonable time that authority to refuse the application be delegated to the Director of Economic Development.

2. Main Issues

- 2.1 Principle
- 2.2 Retail Impact
- 2.3 Design and Scale
- 2.4 Highways and Traffic
- 2.5 Impact on Neighbouring Properties
- 2.6 Cycling
- 2.7 Contamination
- 2.8 Landscaping
- 2.9 Other Matters

3. Application Details

The Site

3.1 The site is approximately 0.94ha and forms the southwestern corner of a larger site which is the location of the former Laing's construction company. The site is relatively flat where this proposal is situated although overall it slopes downwards from south to north. The site is currently disused and all buildings have now been demolished including in recent years the former office buildings which fronted Dalston Road. The site is surrounded by a 3m (check) metal palisade fence which provides a secure boundary to the whole site.

3.2 The site fronts onto Dalston Road with a vehicular access point and a low wall with metal railings to the road frontage. The site adjoins nos. 20-32 (check) Dalston Road. The site also fronts Stanhope Road with a further access point near to the Stanhope Road/Dalston Road junction. Further along Stanhope Road past the proposed site is an electricity substation. There are no internal site boundaries existing within the former Laing's site but the larger site is screened by trees to the north adjacent Dow? Beck and residential properties on Finn Avenue, and to the east is the former railway alignment and properties at John Robert Gardens with the apartment block overlooking the site. Opposite the site frontage on Dalston Road is the vehicular access to the adjacent CN Group offices and headquarters.

The Proposal

3.5 This proposal is seeking full planning permission for a foodstore of 1,532 sqm gross for Aldi Stores Ltd. The building is single storey with a ridge height of 5.46m. The building floor plan dimensions are 30m by 50.2m. The store entrance is orientated towards Dalston Road at the south east corner of the building. The loading area is to the west elevation with a refrigeration plant to the southern elevation enclosed by a timber fence.

3.6 The site access will be taken off a new access road which is proposed for the whole site and is intended to serve future development. A single lane entry is proposed with a two lane exit for right turn/left turn traffic exiting onto Dalston Road. At its junction with Dalston Road a new "right turn" area is provided for traffic from the Shaddongate direction and a new "right turn" area for traffic from the Dalston direction accessing the CN offices.

3.7 Car parking is provided around the north and east sides of the store with a total of 101 spaces including 5 accessible spaces and 9 parent and child bays. Five cycle stands are being provided accommodating cycle parking for 10 cycles. A pedestrian link is provided to Dalston Road with two links to Stanhope Road including a cycle path. Low level shrub planting and new trees are proposed.

3.8 Seven additional parking bays are provided to the rear of 20-32 Dalston Road to provide off-road parking bays for each of the properties intended for the sole use of the residents.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 90 neighbouring properties. In response 5 letters of objection have been received and the main issues raised are summarised as follows:

- Not happy that the proposed residential parking is not to be made secure by residents only locking access gates at the entrance and some form of fencing.
- At least the existing metal palisade fencing should be moved around the bays to make it secure
- Welcome Aldi's application in general but concerns relate to access for cars and the scheme should be altered. The Cn site is already busy and access on to Dalston Road can be difficult at peak times of day. Access to the development is not adequate for the increase in traffic that would be expected. Would ask that alternatives are reviewed. Particular concerns over closeness of Junction Street lights, short arrowed holding lanes for one car will lead to other waiting cars causing obstruction, we have large vehicles accessing the site which need the whole road width to manoeuvre, this becoming the main entrance for further development of the site would double up the problems. Access for all future development of the remainder of the site should be from Stanhope Road. The vehicle access to Aldi should be moved 30/50 metres up Dalston Road. This would give modest direct access to their car park which will need a modest redesign. This will allow a longer "right turn lane" for both CN and Aldi. This will slightly increase the amount of land Aldi will have to give up for the road improvement. A rough sketch has been provided to explain this. This has ended up with the experts and their theory on one side and local people with their practical experience on the other.
- On highway grounds don't address issues identified by the CN Group which would threaten their business. Should be on a similar basis as Pettril bank with access off Stanhope Road and a box junction at Stanhope Road/Wigton Road to keep traffic flowing. Most of the traffic will come from the west of the city. Laing's Stanhope entrance was used by vehicles with car access on Dalston Road. Pettril Bank Road appears to work well and nearby housing not affected in peak times. Further planned housing on this site will only add to traffic problems. Design plans should be reconsidered in regard of orientation and positioning of the store to sort problem junctions now as it could be trading disaster for

those in immediate vicinity and those trying to travel to work. Don't object to Aldi which will be an asset for the west side of the City but do object to the plans and highway plans. No cycle lane exists on Shaddongate Road and should adopt a shared pedestrian/cycle use on the wide pavement from opposite Paddy's Market to where it narrows at Dixon's Chimney. Aldi should contribute to making cycling safer within their 5 mile radius area they wish to cover for their potential customers. Could include on site a safe cycling store for one or two cycles. The road survey does not appear to comment on speed of vehicles.

4.2 Sixteen comments have also been received raising the following points:

- Would like it sympathetically landscaped
- Concern about the openness of the area with low shrubs and low fencing which will lead to groups gathering. Area should be secured by a wall with access through to Stanhope Road. Proposed parking bays are open and will not be used by residents as they are not secure. They are not interested in supplying residents with security.
- Asked for a secure gated area for parking residents cars to free up space on Dalston Road and improve traffic flow. Been given a parking area surrounded by kick boards which is unacceptable. Observed anti-social behaviour in the lane and if it was opened up even more would not feel safe parking a car there and would encourage individuals to congregate.
- Additional information received about landscaping but not clear whether it is a perimeter fence for the whole site or if part which is it? It is still a cheap option. A wall would reduce noise and light pollution to neighbouring residents. It was always previously secured by a wall.
- Who will be responsible for policing of the residents only parking. It is unacceptable not to provide any form of barrier as indiscriminate parking will occur. Why can't Aldi come to an arrangement with neighbours to erect a gate themselves is this just cost cutting. I will not be keen to park in dedicated bays when they will not be visible from ground level of my property. I hope the existing area is not taken away from the front of the properties.

4.3 Eleven of the comments are pleased to see cycleway access at the store but consider that more opportunity should be given to cycle away from the main road. Reference made to a link to the Caldew Cycleway from Dalston Road known as "Pirelli Way", a direct link to Winscale Way and hence Morton. These would give many more opportunities for journeys by cycle and link Morton to the Caldew Cycleway for the first time. The store will be a major traffic-generator and urge the City Council to do everything it can to put in measures to encourage and allow cycling as a sustainable form of transport to be used more.

4.4 40 letters of support have also been received (39 on proforma cards) which show general support for the proposal in this location. The following summarises the

issues raised:

- It would save me travelling to the store on Scotland Road or Harraby
- It is a good store and would not have to travel to Kingstown to shop
- Ideal site put to good use rather than being an empty eyesore
- It would regenerate the area
- Won't have very far to travel to the nearest shop
- Would save having to travel uphill with shopping
- People in the area will be able to shop without using a car
- Good quality and good priced store (competitive)
- Will create much needed employment in the area
- A vital investment in the area increasing local shopping choice
- Would improve the opinion of the community/be good for the neighbourhood
- Don't have access to a car so this would really help
- More sustainable option than other supermarkets in the area
- Ample parking and good access

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - This development was the subject of PAA and thus the submitted details have addressed most to the points raised, hence the submitted details are acceptable to this Authority, though I make these points:

- The design for the access off Dalston Rd includes localised widening to allow for the right turn lanes which, whilst within the Highway corridor extends NE beyond the limit of the site plan. these works involve the moving back of the NW kerb and losing some of the 'verge area' as well as alterations to roadmarkings. it is understood the kerb/footways along the Dalston Rd and Stanhope Rd site frontages are to be reconstructed (thus removing 3 redundant access points) and the part of the new access road is also to be Dedicated as Highway. This access road will also serve for the future development of the remainder of the former Laing site. All these works will be under a highways Act 1980 Section 278 Agreement with this Authority.
- The Transport Assessment has proven that the immediate junctions should operate well within capacity, however the problems of indiscriminate parking that occurs, particularly around the Dalton Rd/Stanhope St and Dalston Rd/Nelson St junctions is acknowledged and indeed additional private parking is provided to the rears of Nos:20 - 32 Dalston Rd; thus if problems occur at the aforementioned junctions this authority would have to give due consideration to additional waiting restrictions in the vicinities of these junctions, it is anticipated these would typically be a measure to be addressed through the Travel Plan process.
- The transport assessment is considered particularly robust as this will be the third ALDI store in Carlisle, the others being on the A7 Kingstown Rd and A6 London Rd, about 1.5miles north and south of the City Centre, this store west of the city Centre and the River Caldew with its 2 restrictive crossing points is well served to serve the western side of the City and the adjacent

Dentonholme, Dowdales and Caldewgate residential areas. in any event the junctions modelled are well within capacity, subject to the highway corridors not being constricted by parked vehicles.

- There is a minor error in the Travel Plan at Table 3.1, furthermore Service 69 is the only service to pass along the section of Dalston Rd between Stanhope Rd and Junction St. Service 64A is the only one using Stanhope Rd. though there are many more services use Wigton Rd, all these stops are within 400m of the site.
- The Travel Plan should have £6,600 administrative costs for the Annual Review process secured through the usual T&CP Act 1991 Sec.106 Agreement.

Any consent should be subject of conditions provided;

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): - No objection

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): - Following additional comments the welded mesh fence to form the residents car parking area is welcomed in providing protection against intrusion to this space. It is important to establish a more robust site perimeter treatment with a view to preventing unauthorised vehicle access and deterring unwelcome pedestrian access. Grateful for further information on preventing crime and anti-social or nuisance occurring on site but still have some reservations regarding gating the access road outside opening hours
Planning - Access Officer: - Design and access statement only quotes part of policy CP15 but does not inform how the criteria will be met. There are no toilets for customers with one WC and one wheelchair accessible WC for staff. Plans indicate the entrance doors are glazed and is assumed automatic but applicant needs to confirm this. Provision of parking bays for disabled people and parents and toddlers is acceptable. Bollards are located in line with the access zone which prevents disabled people i.e. a wheelchair user accessing the path. The location of cycle parking obstructs access path for disabled people. Plans show pedestrian route to the main entrance with specific crossing but not on the artist's impression. A sign at the entrance may be advantageous to direct pedestrians to the designated route. Dropped kerbs should be provided at the turn off. Policy Cp15 should be adhered to and guidance taken from approved Doc M and BS8300/2009.

Cumbria County Council - Drainage: - No comments

Northern Gas Networks: - No objections

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): - There was a pollution incident in August 2007 that resulted in oil contamination on this site. Permission should only be given with a condition to protect groundwater from residual contamination and a further condition to provide a scheme to deal with risks associated with contamination (wording provided). Without the condition the development would pose an unacceptable risk to the environment and we would wish to object to the application.

Food Hygiene (former Community - Environmental Services - Food, Health & Safety): - If the application is successful the applicant should contact the Division to be advised with regards to legislative compliance for food hygiene and occupational health and safety. The noise control measures appear to

be appropriate for the type of premises envisaged. If the existence of a statutory noise nuisance was established in the future, the planned works would not preclude appropriate enforcement action. Should bear in mind that other parts of the site outside the scope of this application are currently designated as potential housing land.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, H16, EC5, EC7, and LE29 of the Carlisle District Local Plan 2001-2016 and the National Planning Policy Framework and recently published National Planning Policy Guidance.

The proposals raise the following planning issues:

- Whether the Principle of development is acceptable
- Whether the Retail impact is acceptable
- Design and Scale
- Accessibility, Highways and Traffic
- Impact on neighbouring properties
- Cycling
- Contamination
- Landscaping

1 Whether the Principle of the development is acceptable

6.2 The proposed site forms part of a mixed use land allocation within Proposal H16 of the Carlisle and District Local Plan 2001-16 (CDLP). The allocation recognised the under-utilised nature of the site since the Laing's operation ceased and although some uses continued this was not making optimal use of a brownfield site within the City. The former use was for employment and although employment uses would be ideal, given the nature of the surrounding residential use, the allocation recognised the potential for 70% of the site to change to residential use. Additional uses would be considered to maximise regeneration effects of development. (CDLP paragraph 5.96). The Local plan proposal also considers that access should be taken from Stanhope Road and this is discussed further in the highways section of this report.

6.3 As part of the Local Plan only one other site was allocated for mixed use development and that was the former Cavaghan and Gray site on London Road. Members will note that Aldi have developed on that site however the context of the two sites is different. During the production of the adopted Local Plan it was considered that the former Cavaghan and Gray site, whilst having the same

proportion of residential development, should specifically include small commercial premises to complement local facilities including the existing parade of shops on Pettril Bank Road. No such specific commercial allocation was considered for the former Laing's site which is the subject of this application.

6.4 As Proposal H16 in the adopted CDLP is not specific about a foodstore use it is pertinent to consider other policies in the Local Plan which are relevant to this application.

6.5 Policy EC5 relates to Large Stores and Retail Warehouses. The policy refers to large stores with large adjacent customer car parks and although the policy is intended primarily for stores with gross floor space over 2,500sqm paragraph 4.25 states that where stores smaller than 2,500sqm are being assessed but have similar requirements they will be considered under this policy. This proposal by Aldi for a supermarket of 1,532sqm gross is similar in nature to other supermarkets and therefore it is appropriate to consider it in relation to Policy EC5.

6.6 Where a site is not specifically allocated for retail use (as in the case of this site) qualitative and quantitative need has to be demonstrated and that no more sequentially preferable site exists. In addition 6 criteria have to be satisfied which are:

- There is an essential requirement to transfer bulky customer loads from store to car;
- The site is widely accessible by public transport;
- The proposal is of a scale which will not seriously affect the viability, vitality or regeneration of the City Centre;
- Additional traffic can be satisfactorily accommodated within the surrounding road network;
- There will be no harm to the visual character of the area or the amenities at adjoining land uses;
- There will be no unacceptable effect on overall travel patterns.

The individual impacts of each of these criteria are discussed in detail in later sections of this report.

6.7 Policy EC7 of the CDLP relates to Neighbourhood facilities and broadly relates to stores in the region of no more than 1,500sqm. It could be argued that this policy should relate to this proposed application. The policy considers that neighbourhood supermarkets would be acceptable provided that they are well related to local shopping provision and 4 other criteria. The nearest identified local shopping district centre is on Wigton Road which is xxxm from the proposed store. As well as a parade of shops, churches and a small supermarket it cannot be said that this propose store which fronts to Dalston Road is well related. This proposal should therefore not be considered against Policy EC7.

6.8 It therefore remains that in the context of the Carlisle and District Local Plan 2001-16 the proposed application should be considered against Proposal H16 and Policy EC5. It should be noted that since the production of this plan the Government has sought to make considerable changes to national planning policy by the publication of the National Planning Policy Framework (NPPF) in March 2012. It is therefore necessary to consider whether the two policies in the adopted plan are in accordance with the NPPF and whether the proposed store complies with the NPPF in principle and detail.

6.9 In the context of Proposal H16 and the mix of uses proposed for this site the NPPF states at paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment uses where there is no prospect of a site being used for that purpose. Although the Council's policy primarily allocates the land for residential development this part of the NPPF could be considered to relate to the alternative employment uses as part of the mixed development. In this context it could reasonably be argued that the Local Plan policy has failed to deliver the employment part of the site and there has been no prospect for its development. In addition the development of a supermarket does create jobs albeit not in the traditional employment land use context. A flexible interpretation of the Council's Local Plan policy may therefore be compliant with the NPPF in this context.

6.10 In relation to Policy EC5 the NPPF strongly reinforces the vitality of town centres (in this case Carlisle City Centre) as the prime location for retail development. Local Plans should reinforce this principle and therefore Policy EC5 is compliant with the NPPF in this context. Paragraph 26 of the NPPF states that when assessing applications for retail development outside of town centres local planning authorities should require an impact assessment, although the default threshold is set at 2,500sq metres which is larger than this proposal. This assessment should include the impact of the proposal on existing, committed and planned public and private investment in a centre or centres within the catchment area of the proposal and the impact of the proposal on town centre vitality and viability up to five years from when the application is made. Where an application fails the sequential test (that is not in Carlisle City Centre) or is likely to have significant adverse impact it should be refused.

6.11 In consideration of the policy context of the Development Plan and the NPPF this proposal may therefore be compliant in principle provided that there are no significantly adverse individual impacts. These impacts are considered in detail in subsequent sections of this report.

2 Whether the Retail Impact is Acceptable

6.12 As set out in paragraph 6.12 above the NPPF requires any proposals to be assessed against the vitality and viability of the City Centre as well as other planned

investment in centres. Whilst the threshold for the NPPF is set at 2,500sq metres and this proposal is for 1,532 sq m the applicant has undertaken a retail assessment to enable full consideration to be given to the impacts this proposal would have on the City's retail offer. It should be noted that in the context of the NPPF there is no distinction between any out-of-centre sites and once the City Centre or planned investment is considered the competition between other out-of-centre stores should not be a reason for refusal. In this context the main impacts to consider are on Carlisle City Centre and the planned Morton District Centre.

6.13 In terms of retail impact, the context for any retail proposals is the Carlisle Retail Study 2012. The retail study found that there was no need to specifically plan for additional convenience floorspace within the city as projected capacity was only available at the latter stages of the Local Plan under preparation. By 2030 there would be capacity to accommodate the scale of this proposed store. The findings of the study continued to support the allocation of the Morton District Centre and that any proposals outside the development plan would have to demonstrate that they would not undermine the planned delivery of Morton nor impact on its viability. The Council should also maintain its convenience offer in local centres. Members should also be aware that in line with the conclusions of that study further work is being undertaken on a City Centre Masterplan. This Masterplan work primarily focusses on the projected available capacity for comparison goods retail in order to ensure that the City Centre role is enhanced. Although the scale of this development could be accommodated on City Centre Masterplan sites as illustrated in the preferred options they are primarily for comparison shopping development and not specifically designated for a supermarket.

6.14 Given that the scale of development is 1,532 sq m the applicants planning statement considers the various local centres which the Council's Retail Study should maintain but concludes that there are no sites available in local centres in relation to Wigton Road, Newlaithes at Morton or Denton Holme.

6.15 In terms of the sequential test if no sites are available it is considered in planning terms to have regard to an out-of-centre location and therefore the application is acceptable in sequential terms.

6.16 Whilst it is noted that the proposed store is below the threshold for impact assessments the context of the City Council's Retail Study identifying limited spare capacity for convenience goods and the need to still deliver the City Council's Local Plan Strategy for the City Centre and Morton it is apposite to consider the retail impacts of this scale of development.

6.17 In this context the assessment identifies the impact on existing stores throughout the city, the proposed Morton Store and with amended data takes into account the unbuilt but committed Tesco store at Viaduct Estate Road. Members

will be aware that no detailed planning permission has come forward for the Morton store but it remains a key commitment in the Council's Local Plan and is located on the western fringe of the City in the same catchment area as this proposal. In the absence of an identified detailed plan for the Morton Store the applicant has assessed different scenarios to fully demonstrate the impact of this proposed development.

6.18 Given the limited expenditure capacity available in the City, it is considered that any new store developed will impact on existing stores. For the City Centre the main store is Tesco Metro on Blackfriars Street/Victoria Viaduct which currently overtrades and given the proximity of the proposed site to the City Centre will have a marked impact on current trading levels but would not overall affect the viability of the City Centre. The additional main impacts are likely to be on Tesco at Warwick Road, Morrisons at Kingstown Road, Asda at St Nicholas Retail Park and Sainsbury's at Caldewgate. All these stores are considered to be out-of-centre and therefore any assessed impact is a matter for competition between stores and not a matter to consider under the requirements of the NPPF.

6.19 In line with the NPPF requirements for retail impact assessments the applicant has undertaken analysis of the impacts in 5 years time including the likelihood that the Morton District Centre superstore will be developed at that time. As the proposed Aldi is within the same catchment area it is envisaged that there will be some impact from the development however this would not be significant to affect the viability of the store. The proposed Morton store is of a comparable size to Sainsbury's in Caldewgate and it is anticipated that by 2018 the trade diversion to the Morton store will still be in excess of that at Sainsbury's indicating that the development of the District Centre would remain viable albeit below the main three stores of Tesco at Warwick Road, Asda at Kingstown and Morrisons. The level of trading envisaged would be just below that of Sainsbury's when it considered to invest in Caldewgate.

6.20 With regard to the requirements of the NPPF the potential impacts on the City Centre and Morton District Centre are acceptable and the proposal would not prejudice the Council's plan strategy. As the proposal complies with the sequential test and does not raise significant adverse impacts the retail impact of the proposal is acceptable.

6.21 It should be noted that although a retail impact assessment has been submitted by the applicant and these details considered in evaluating the proposals, the scale of this proposed development is below the threshold as advised in the NPPF for consideration of such issues and that should be taken into account when considering the overall proposed development.

3 Design and Scale

6.22 Policy CP5 Design of the Carlisle District Local Plan (2001-16) states that proposals should be assessed in relation to local context and the form of surrounding buildings along with appropriate materials and detailing, taking into account any local architectural features and ensuring all components are well related to each other.

6.23 The proposed development is single storey and has been designed to limit its height being 1.5 metres lower than the ridge height of adjacent residential properties ensuring that it takes into account the local context. The site is gently sloping away from the residential properties and therefore the impact will be reduced and a flat roof construction is proposed. The main materials of white painted sand cement render and glazing will complement the existing mix of brick and render in the local area. The glazed section will wrap around the store to maximise use of natural light and the development includes other energy efficiency measures such as recycling of heat from refrigeration units. The developer is also keen to promote sustainable construction methods utilising locally sourced materials in their construction.

6.24 Following concerns raised in relation to residents parking a 2m high wire mesh fence

4 Accessibility, Highways and Transport Assessment

6.25 The proposed store will take its access directly from Dalston Road, proposing a single access road for this development and the development of the remainder of the site currently allocated for residential development. The positioning of the building allows ample space for customer parking and 101 spaces are proposed. Disabled parking (5), parent and child parking (9) are located close to the entrance of the store for convenience. Covered cycle parking is also provided. Three dedicated pedestrian/cycle paths are being provided to link directly to the store. This single access point will also provide access for servicing vehicles but these will be directed towards the north-western end of the store where a loading area is to be provided.

6.26 The Council's Local Plan considered that the scale of development proposed for the whole site may be better served if access was also to be considered from the site's frontage with Stanhope Road. In particular this proposed location for Aldi is where an access had recently been used and is currently gated off. The whole former Laings site had two access points however the proposal is to access all development from Dalston Road.

6.27 A detailed transport assessment has been undertaken and extensive pre-application consultation with the Highway Authority to determine a workable and satisfactory arrangement for accessing/egressing the site. A detailed objection has

been received from the Cumbrian Newspapers Group who has an access to their building nearby directly off Dalston Road. The objection considers that the existing access combined with access to John Robert Gardens and the location of Junction Street traffic lights in one direction and the Stanhope Road/Pugin Street junction in the other all combine to create congestion when the additional traffic from the former Laings site is added to the mix. The objector had proposed a mini-roundabout is proposed which could assist with reducing waiting times and ease access arrangements for all if this was practicable.

6.28 The applicant has considered the objection and find that at weekday and Saturday peak hours their proposal will create minimal additional queuing and the traffic light junction will remain within capacity. The proposed holding lanes will allow access to both the proposed Aldi and Cumbrian Newspapers Group site based upon surveys and TRICS data analysis. The transport assessment considers the worst case scenario and the chances that more than 1 vehicle waiting to turn right at the same time are limited. The proposed modifications to the road layout will still enable traffic to turn right from the proposed development and Cumbrian Newspaper Group will not be detrimentally impacted upon.

6.29 Consultations with the Highway Authority on the Transport Assessment specifically considered Dalston Road from the Junction Street traffic lights to its junction with Stanhope Road including access for Cumbrian Newspapers Group. This was taken into account in the modelling of the proposed access arrangements and factored into the proposed road layout. The highway authority have considered the suggestion of a roundabout (or mini-roundabout) and such a road layout would not work at its best unless there were balanced flows of traffic which would not be the case for the access points for Aldi and Cumbrian Newspaper Group.

6.30 The Highway Authority highlighted some concerns in relation to existing parking arrangements but acknowledge that the proposal includes additional parking provision to the rear of nos. 20-32 Dalston Road and additional waiting restrictions may need to be put in place but would be addressed through the travel plan process.

6.31 Consequently the Highway Authority has no objection to the proposed development subject to a number of conditions and travel plan compliance.

5 Impact on neighbouring Properties

6.32 The proposed development site is directly adjacent to numbers 20-32 Dalston Road as well as opposite a number of properties on Stanhope Road to the west and to the east is located John Robert Gardens.

6.33 Policy CP6 Residential Amenity of the Carlisle District Local Plan 2001-16

seeks to ensure that any development within a residential area does not have unacceptable adverse impact on residential amenity. In general the operation of a supermarket can have impacts from the increased number of vehicular movements to the site or the operation of equipment particularly air-conditioning of chilling equipment.

6.34 With regards to equipment operation any external equipment for air condition or chilling has been located at the south western corner of the proposed development which would be surrounded by a 3m high fence. Environmental Health has been consulted on the application and raised no objection.

6.35 Delivery vehicles may also be a source of noise nuisance however the design of the store incorporates a delivery ramp, shelter canopy and dock leveller system to enable unloading directly into the warehouse area of the store. This minimises the requirement for forklift trucks, scissor lifts or cages and with the additional turning off engines during delivery there is very limited noise generated.

6.36 Noise may also be generated from the operation of a car park albeit that the nearest property is 2.5m away and separated by landscaping. The orientation of the store has been directed away from residential properties so that the most desirable parking spaces are further away and those closest to residential dwellings less likely to be used. This will minimise the impact. In addition it is proposed to put in place a condition limiting the opening hours to reduce any impact based upon operational hours of the London Road and Kingstown Road stores which also have residential properties nearby.

6.37 Properties at 20-32 Dalston Road currently have an on-street disc parking area directly in front of their properties on Dalston Road. During pre-application consultation it was identified that the proposed new junction arrangements may impact on the ability to park at the front or the residents' perception of how safe their vehicles would be with increased traffic.

6.38 As a consequence the proposed development has been designed to include the provision of a parking area to the rear of 20-32 Dalston Road with the intention that this would be used for residents only with access from Stanhope Road. Initially residents raised concerns that this area was not secure and there was no mechanism by which only residents would be able to access the area without other visitors to the store using it as a general car park. The scheme was redesigned to include a 2m high green welded mesh fence to surround the parking area. Further investigation was undertaken but the land is not all within the control of the applicant and therefore they are not in a position to gate the access so that residents have keys to park their vehicles. Further discussion with colleagues within the Council who provide Alley gates consider that this may be an option and the applicant has agreed to the provision of £2,500 for the provision of alley gates for this area.

6.39 Residents still remained concerned that although the proposed fencing is secure and allows visibility the design is basic and does not complement the rear of their properties. A design of more robust structure with low walls, piers and metal fencing would enhance the development the proposed mesh fencing and provision of parking area already greatly enhance existing provision.

6.40 Concerns have been raised about anti-social behaviour which occurs in this area and has already led to the closure of the footpath to the rear of properties in John Robert Gardens. The additional fencing around the parking area has alleviated some concerns and welded mesh is a more secure type of fencing however there are still concerns that the development of a store itself would lead to anti-social behaviour around the store and its car park.

6.41 The Police Crime Prevention Design Advisor has therefore suggested a number of crime prevention measures for operation of the store including the use of CCTV and a number of prevention measures relating to doors, windows, glazing and lighting for which ALDI have provided additional details. One concern remains outstanding in relation to closing off the store and its car park when the store is not open through gating the road entrance. The applicant do not wish to implement gating of the access unless there are specific issues to deal with. It would not be in the interests of the operator to tolerate ant-social behaviour and they have given their assurance that should such issues arise they would implement the necessary measures.

6 Cycling

6.42 As part of the application it is proposed to provide five Sheffield style cycle stands close to the entrance of the store. This will provide parking for ten cycles in a prominent location with natural surveillance from store users. Access by cycle is to be further enhanced by a cycle path link through to Stanhope Road alongside a footpath link.

6.43 Members will be aware that Carlisle's network of cycle paths is increasing and the applicants had been asked to consider the provision of an additional cycle link through to Wigton Road at the north east part of the former Laing's site. This would provide a direct link from Dalston Road to Wigton Road. The applicants however consider that this would be best served by their provision of a small cycle link to Stanhope Road and that road already provides sufficient through route. In addition as their site only forms part of the former Laing's site it is not within their control to put an additional link in place.

6.44 In considering the options for cycle links it should also be noted that there is no route identified from the work undertaken on the Sustrans network for Carlisle which

would connect at this point and therefore no scheme currently exists for this area. A number of objectors have raised cycling provision as an issue however several refer to the Pirelli link. This is over 1km away from the site and it would be unreasonable to consider such provision in the context of this application as it would not be compliant with the Community Infrastructure Regulations 2010 (as amended) which considers that any contribution or planning obligation should be necessary for the proposed development.

6.45 A more local reference has been made to improved provision along Caldewgate from Shaddon Mill to The Maltings with works to the existing pavement to make it suitable for dual use. The transport assessment considers that the impacts are very localised as referred to in the section of this report on highways and therefore any works towards Caldewgate would also be beyond the scope of reasonable expectation of contributions from this proposed development.

6.46 Given the considerations and proposed provision for cycle parking the proposal complies with the required provision and no additional contributions should be sought.

7 Contamination

6.47 The proposed development is on the former Laings builders site and as such is a brownfield development. Development of such a site is to be encouraged wherever possible however previous uses can cause additional difficulties where some contamination of land may have occurred. Policy LE29 of the Carlisle District Local Plan 2001-16 consider that proposals will be acceptable provided that any contamination is dealt with satisfactorily and suitable measures taken to protect the future users of the site and its environs. In this instance the larger extent of the former Laings site is also adjacent to Dow Beck to the north.

6.48 Environmental Health and the Environment Agency have been consulted and 3E Engineering Consultants has undertaken additional work and liaised directly with the Environment Agency. As a result of this work raised no objection is made to the proposed development provided that satisfactory measures are undertaken and propose a condition to be added to any consent.

8 Landscaping

6.49 A mix of hard and soft landscaping features are provided across the site. The boundaries will be lightly landscaped with low level shrubs and kick rail fencing. The proposed landscaping scheme was enhanced following a community consultation. This includes tree planting and shrub planting in the areas closest to residential properties to enhance its visual appearance. In order to ensure that this happens the council Landscape/Architect/tree officer has request that a condition be put on

the permission for the submission of a detailed landscaping scheme as well as ensuring that any planting is maintained for a minimum of five years to become established and any failing specimens replaced.

Conclusion

- 6.50 Considering the proposed development against Local Plan policies, the NPPF and NPPG the proposal is compliant with the policy requirements relating the principle of the store's location and its potential impact on retail provision. The proposed development also complies with policies relating to . On this basis the application is recommended for approval subject to a legal agreement covering a contribution towards alleygates for the resident parking area and monitoring of the travel plan.
- 6.51 Subject to suitably worded planning conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to design, highways and transport, landscaping and contamination.
- 6.52 On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable.
- 6.53 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
- a) a financial contribution of £2,500 toward alley gates for the residents parking area;
 - b) an administration contribution of £6,600 for the ongoing monitoring and review of the Travel Plan for a 5-year period;

7. Planning History

- 7.1 In 1994, under application 94/0094, planning permission was refused for redevelopment of site and erection of food and non-food retail stores with ancillary accommodation, car parks, service areas, new vehicular access and landscaping.
- 7.2 In 1996, under application 96/0530, advertisement consent was granted for the erection of a non-illuminated double sided 'V' sign.
- 7.3 In 2001 a demolition notice was received seeking approval for demolition of redundant joinery works.
- 7.4 In 2009 a demolition notice was received seeking approval for demolition of former offices and buildings.
- 7.5 In 2010 under application 10/0247 permission was granted for the erection of a 2.4m high pallisade security fence to the boundary of the site after demolition of existing buildings.

8. Recommendation: Grant Subject to S106 Agreement

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form received 1st October 2013;
 2. the site location plan (drawing reference 0224 - AL(0) 01) received 1st October 2013;
 3. the existing site survey plan (drawing reference 0224 - AL(0) 02) received 1st October 2013;
 4. the existing site plan (drawing reference 0224 - AL (0) 03) received 1st October 2013;
 5. the proposed site plan (drawing reference 0224 - AL (0) 04) received 21st November 2013;
 6. the proposed floor plan (drawing reference 0224 - AL (0) 05) received 1st October 2013;
 7. the proposed roof plan (drawing reference 0224 - AL (0) 06) received 1st October 2013;
 8. the proposed detailed building elevations (drawing reference 0224 - AL (0) 07) received 1st October 2013;
 9. the proposed streetscape elevations (drawing reference 0224 - AL (0) 08) received 1st October 2013;
 10. the proposed landscaping plan (drawing reference 0224 - AL (0) 09) received 1st October 2013;
 11. the Phase I Geo-Environmental Assessment received 1st October 2013;
 12. the Sustainability Statement received 1st October 2013;
 13. the Extended Phase 1 Survey received 1st October 2013;
 14. the Design and Access Statement received 1st October 2013;

15. the Draft Travel Plan received 1st October 2013;
16. the Noise Impact Assessment received 1st October 2013;
17. the Statement of Community Involvement received 1st October 2013;
18. the Transport Assessment received 1st October 2013;
19. the Equipment Schedule received 1st October 2013;
20. the Inverter elevations received 1st October 2013;
21. the Heat Plant plans received 1st October 2013;
22. the welded mesh fence (drawing reference AA (77) 24) received 18th November 2013;
23. the Rectangular Attenuator Model Data Sheet received 1st October 2013;
24. the Elta Fan Data for Model SLC630/4-2 received 1st October 2013;
25. the Noise Control Data Sheet received 1st October 2013;
26. the Planning Statement and Retail Assessment received 1st October 2013;
27. the Notice of Decision; and
28. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The retail store hereby permitted shall be used for the sale of food and ancillary comparison goods, and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with Policy EC5 of the Carlisle District Local Plan (2001-16)

4. Not more than 20% of the net sales area of the retail/food store hereby approved shall be used for the sale of comparison goods

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly

in respect of the potential trading effects upon the City Centre in accord with policy EC5 of the Carlisle District Local Plan (2001-16).

5. The maximum gross floorspace of the retail/food store hereby permitted shall not exceed 1,532 square metres; and there shall be at no time any additional floorspace created, whether by extension, internal alterations including installation of mezzanine floors, or roofing over of outdoor areas, unless approved in writing by the local planning authority.

Reason: In order to control the precise nature and scale of the retail.

6. The proposed retail/food store hereby permitted shall not be open for trading except between 0800 hours and 23.00 hours on Mondays-Saturdays or between 10:00 hours and 18:00 hours on Sunday.

Reason: To prevent disturbance to nearby residential occupiers and in accord with Policy S15 of the Carlisle District Local Plan.

7. No deliveries to or from the retail/food store hereby permitted shall take place before 07:00 hours or after 23:00 hours on Mondays to Saturdays and 08:00 hours to 19:00 hours on Sundays.

Reason: To safeguard the living conditions of neighbouring residents in accordance with policy H6 of the Carlisle District Local Plan (2001-16)

8. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory external appearance for the completed development.

9. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy E9 and E19 of the Carlisle District Local Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is

implemented and that it fulfils the objectives of Policy E9 of the Carlisle District Local Plan.

11. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies S3, LD11 and LD7

12. The access roads parking areas, cycle & footpaths shall be designed, constructed, lit and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details, shall be submitted for approval before work commences on site. No work shall be commenced until a full specification has been approved.

Reason: To ensure a minimum standard of construction in the interests of highway safety.

To support Local Transport Plan Policies: LD5, LD7 & LD8.

13. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management.
To support Local Transport Plan Policies: LD5, LD7 & LD8.

14. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles & plant, site offices/stores/welfare facilities required for the construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: *The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users. To support Local Transport Policies: LD8.*

15. The development shall not be occupied until the access, turning and parking

facilities have been constructed in accordance with the approved plan. The access and turning provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

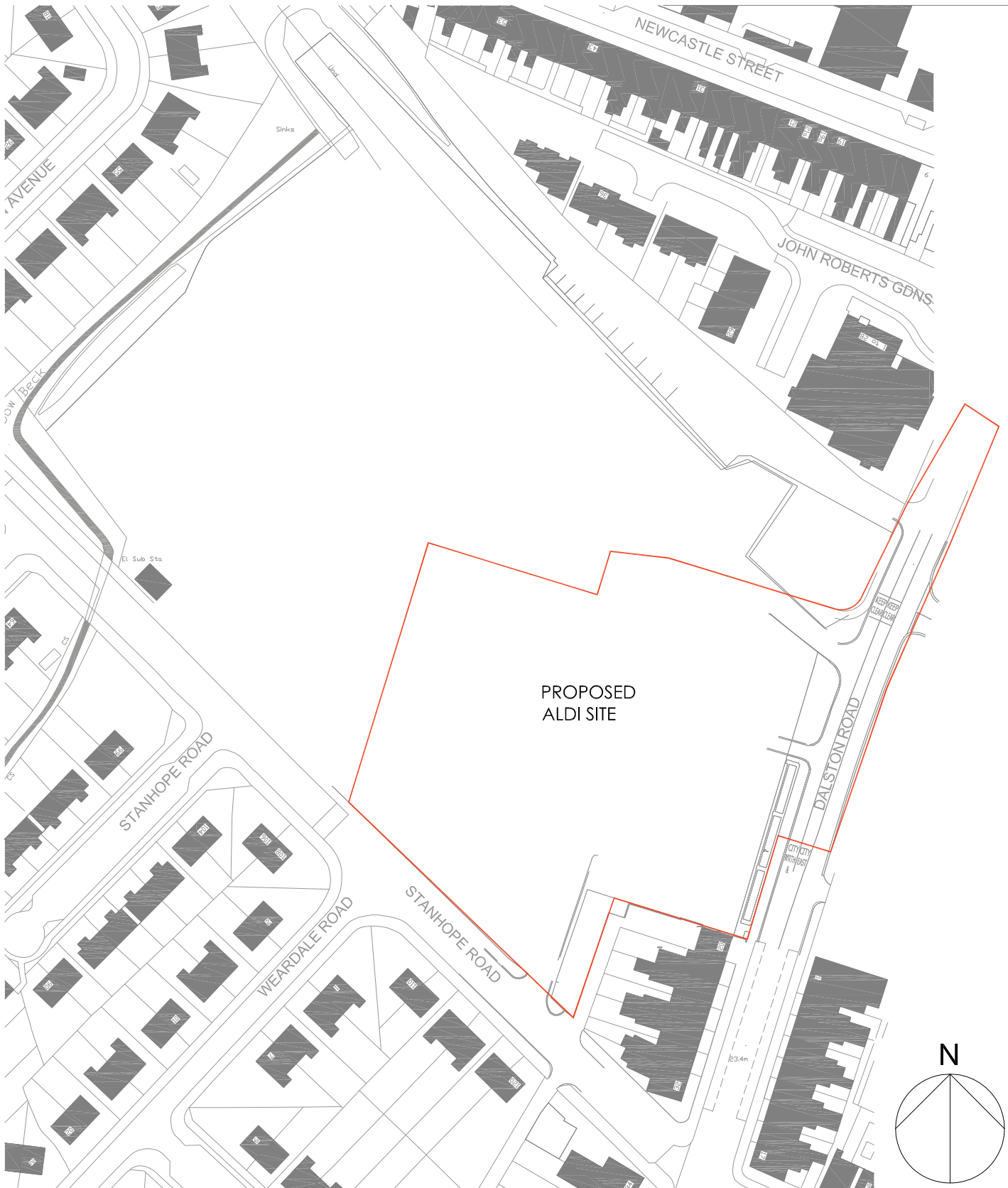
Reason: In the interests of highway safety and in accordance with Policies H16 and T7 of the Carlisle District Local Plan.

16. The Travel Plan shall be the subject of Annual Review/reporting to review its effectiveness, for a period of 5 years post opening. Any measures found necessary as part of the Annual Review of the Travel Plan shall be submitted to the Local Planning Authority for approval and thence delivery within the year following the Review.

Reason: To aid in the delivery of sustainable transport objectives.
To support Local Transport Plan Policies: WS3, LD4.

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater from residual contamination.



Client

Aldi Stores Ltd

Project Address

Dalston Road, Carlisle

Drawn

JWC

Checked by

.

Date

22.08.13

Scale

1:1250 @ A4



Project

Aldi - Carlisle

Drawing Title

Site Location Plan

Drawing Number

0224 - AL(0)01

Revision

.

Projekt Architects
57 Lime Street
Ouseburn Valley
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NE1 2PQ

t: 0191 222 1624
f: 0191 447 6033

e: admin@projektarchitects.com
www.projektarchitects.com

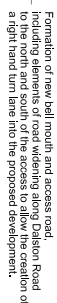


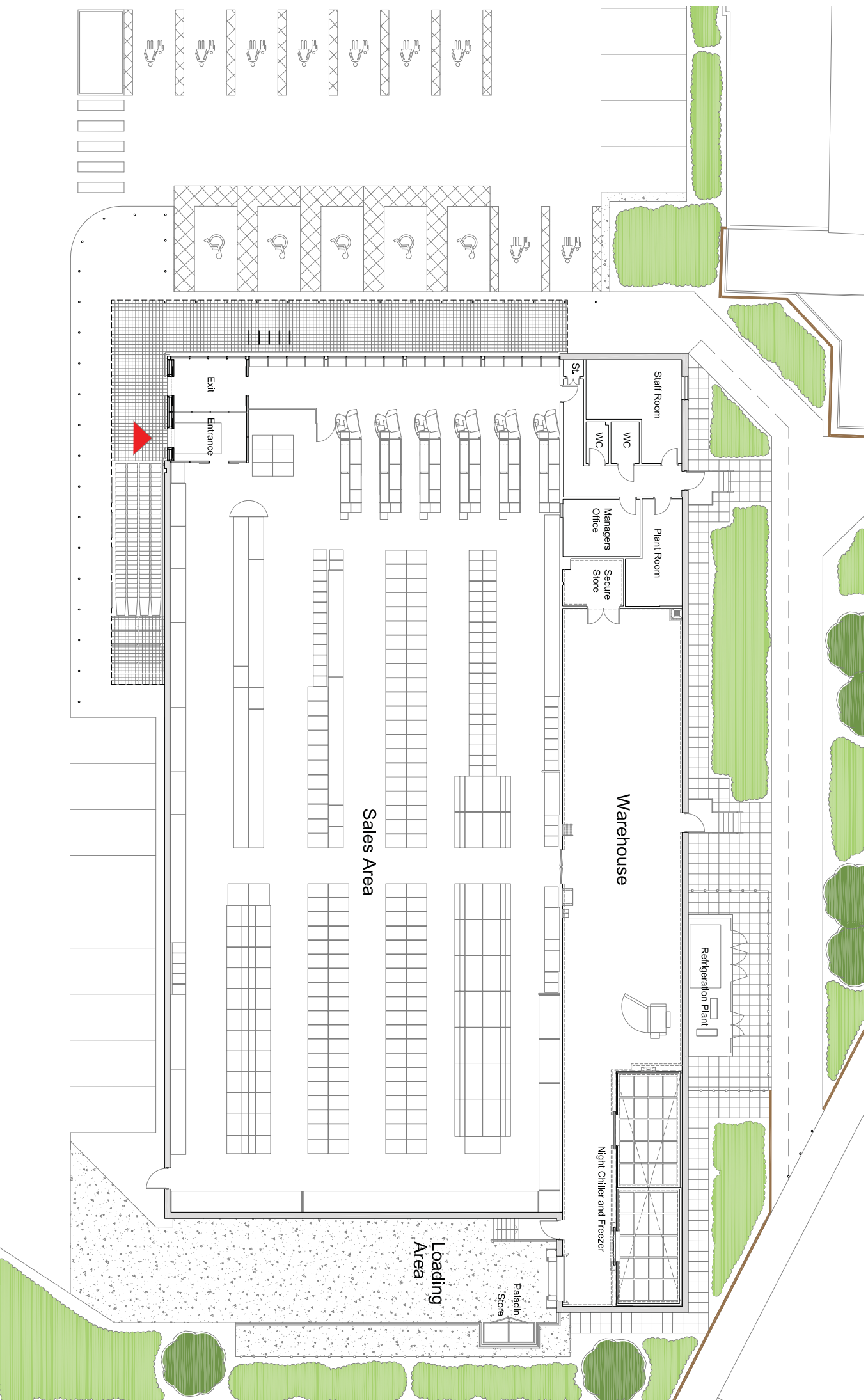


444 Street Ltd
Dalston Road, Cumbria
JWC
22.06.13
1389.9 A1

Project:
All-in-concept
Excluding the Survey Plan
22.06.13

0224 - A1092





0 10

0 10



0224 • A10ps

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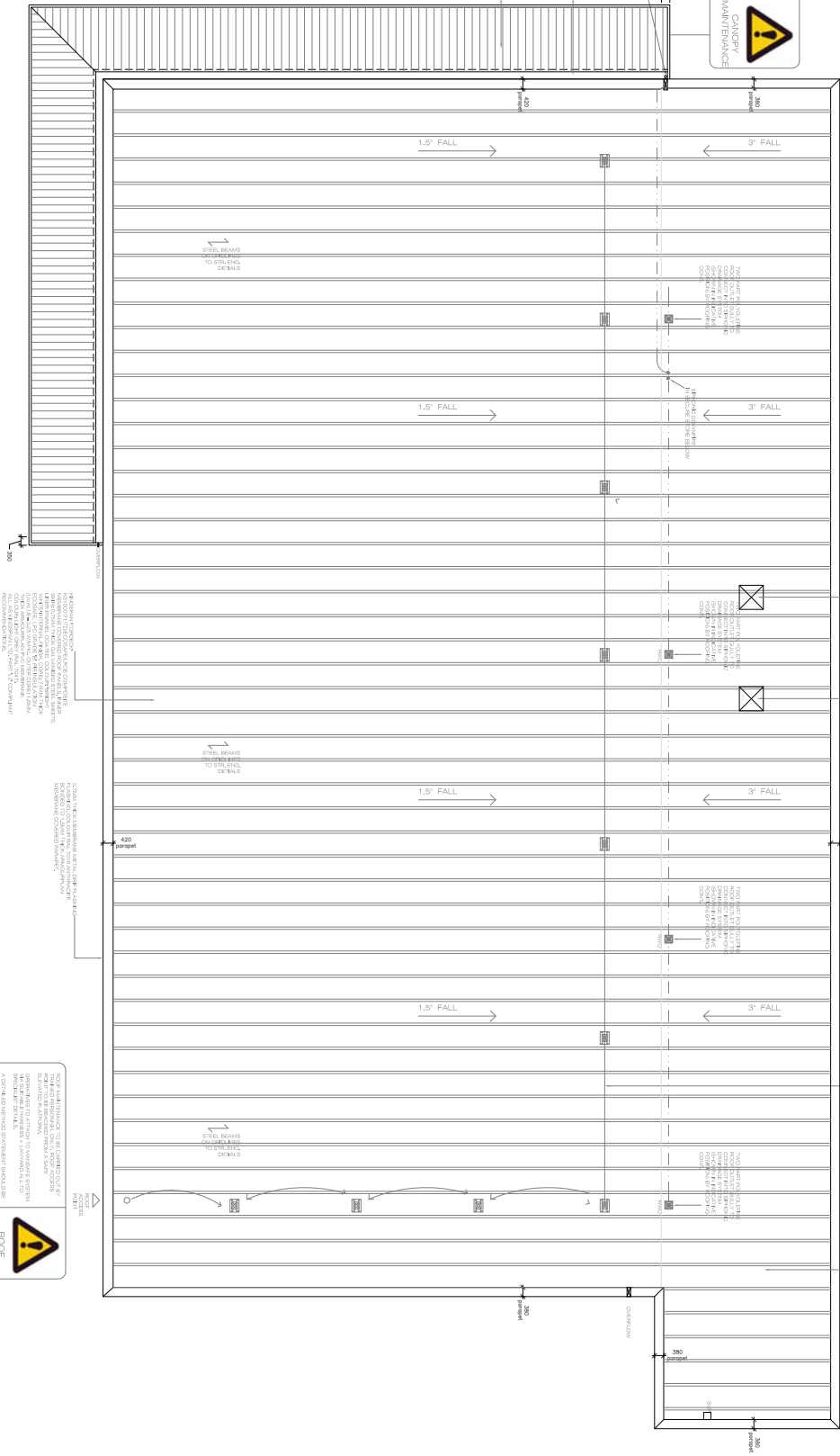
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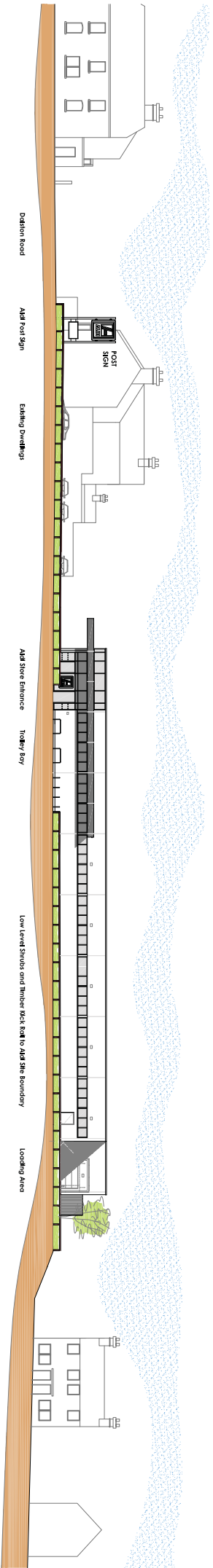
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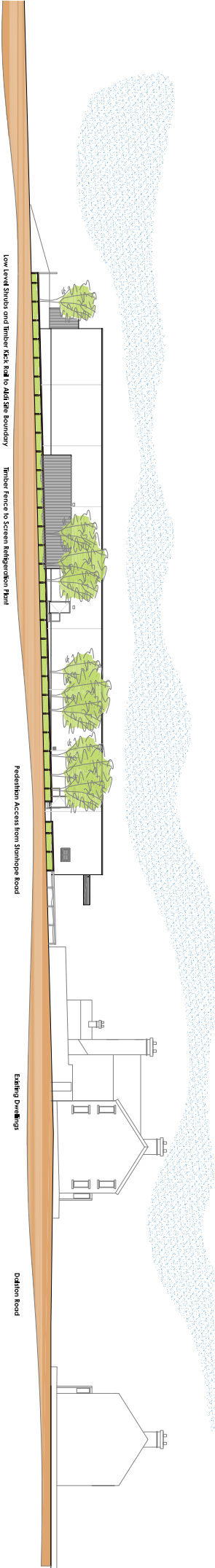
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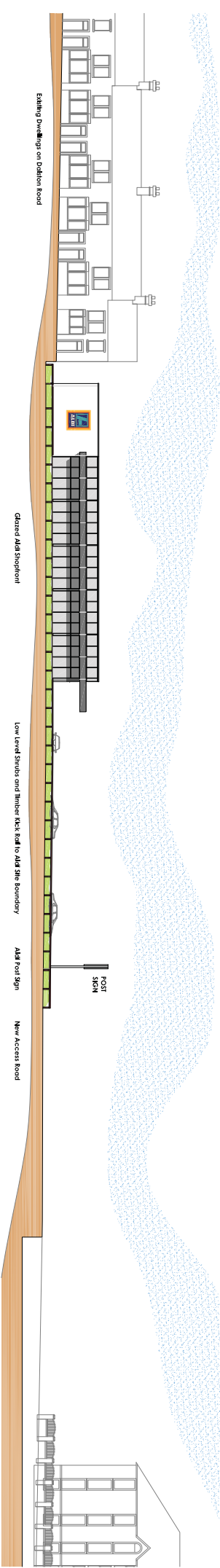
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Client: A11 - Corbie
Architect: A11 - Corbie
Date: 2024.11.13
Scale: 1:100 @ A1
Drawing: 0224 - A10P6



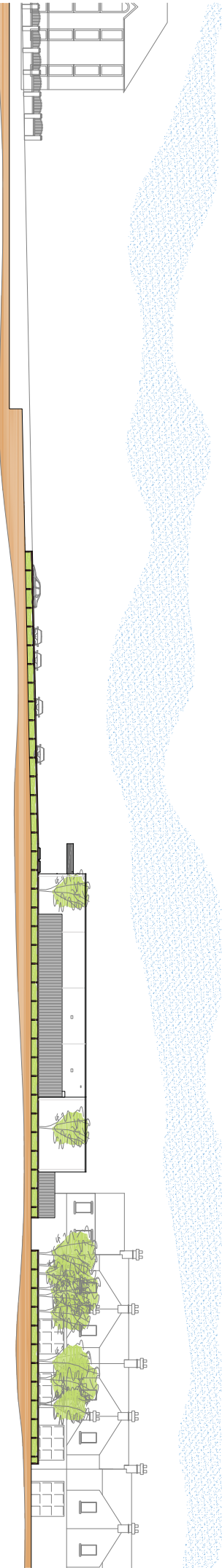
NORTH ELEVATION View from New Access Road



SOUTH ELEVATION View from Stanhope Road



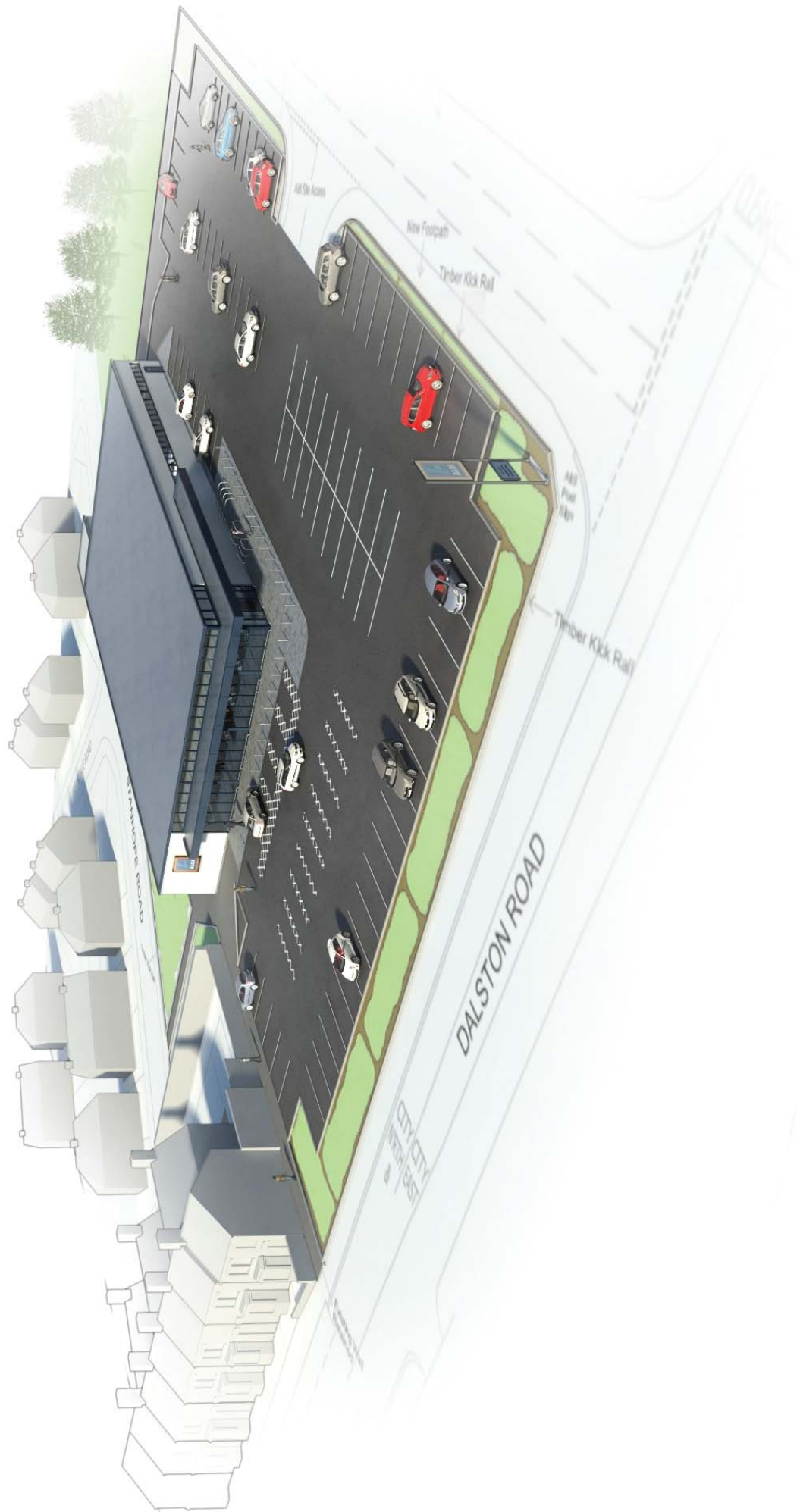
EAST ELEVATION View from Daldon Road



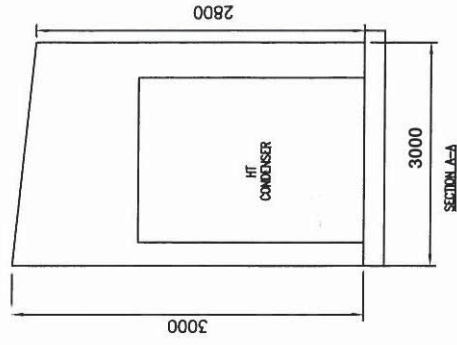
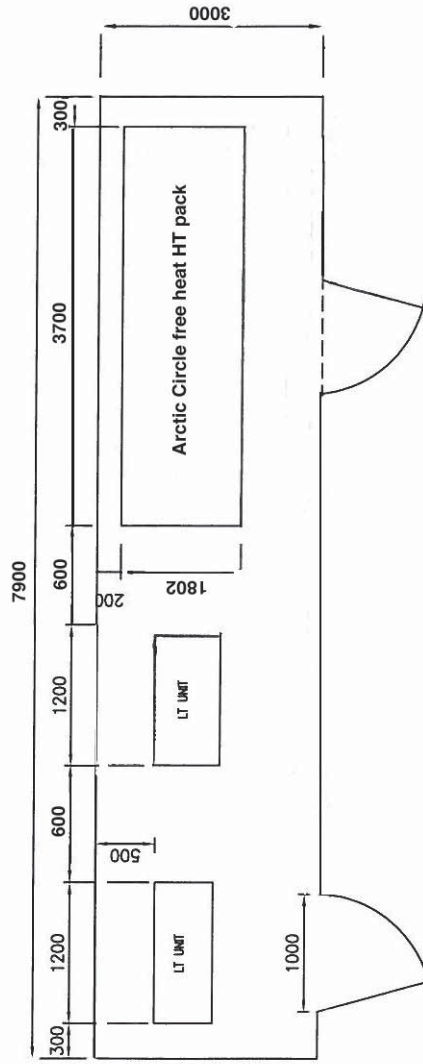
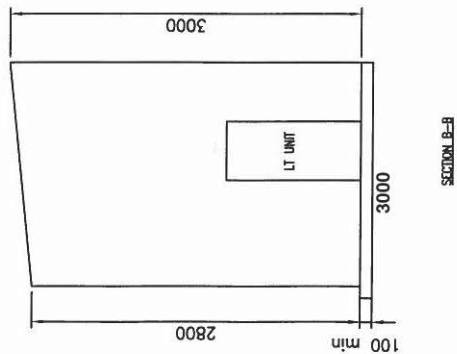
WEST ELEVATION View from Development Plot

Note: Adjacent buildings and levels shown for indicative purposes only.

Scale	1:500
1m	1/2" = 1'-0"
1/2m	1/4" = 1'-0"
1/4m	1/8" = 1'-0"
1/8m	1/16" = 1'-0"
1/16m	1/32" = 1'-0"
1/32m	1/64" = 1'-0"
1/64m	1/128" = 1'-0"
1/128m	1/256" = 1'-0"
1/256m	1/512" = 1'-0"
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Title: Arctic Circle Free Heat Plant
Compound Aldi Stores

DCR	Drw:	Job No:
Date: 12/09/12	Rev:	

