

APPLICATION REPORT - PA/343071/19

Planning Committee, 28 August, 2019

Registration Date: 03/04/2019
Ward: Werneth

Application Reference: PA/343071/19
Type of Application: Full Planning Permission

Proposal: Erection of 68 no. dwellings
Location: Land at Saint Johns Street, Porter Street and Edward Street, Oldham, OL9 7QS
Case Officer: Paul Dowd

Applicant Agent : Keepmoat Homes

REPORT UPDATE

This application was deferred from the Planning Committee meeting on 17 July 2019 for further information regarding the following:

1. Why the current application has deviated from the previously approved plan and resulted in an increase in proposed housing numbers?
2. Why the proposal has resulted in a loss of open space in comparison with the previously approved scheme?
3. To ensure that a full Transport Statement is available that covers both phases of the proposal.

Item 1

The present application is not an update of the previous 2010 approval as assumed. The earlier development has been largely completed.

The previous application related to phase 2 of the wider North Werneth development and consisted of 64 plots; 52 of which, have already been delivered. The remaining 12 properties did not come forward at that time due to technical constraints, the logistics of diverting infrastructure and the stopping up of highways.

The new application includes the area which was not completed. The applicant has revalued this area and aims to construct thirteen units, an increase of 1 unit, on this area. This forms part of a wider scheme within the present application incorporating three further parcels of land which will bring forward an additional 55 units overall on areas of brownfield land in a highly sustainable area.

Item 2

In comparison to the earlier approved development, the present proposals result in a slight reduction in the area of open space from 2804m² to circa 2547m². This is partly a result of the enlargement of properties to ensure that they satisfy the 'Technical housing standards – nationally described space standard' and provide a higher standard of accommodation for future residents. In addition, a further area covering 1081 m² will be provided on the enlarged development site.

Detailed planting plans and arrangements for the future management of the open space have been submitted. The central area of open space includes areas of new tree planting

that respect the amenity of existing residents whilst complementing the new development proposals, taking into account and removing any opportunities for anti-social behaviour.

NPPF paragraph 118, encourages the effective use of brownfield land at sufficient density to meet local needs. It states that planning policies and decisions should *“promote and support the development of under-utilised land...especially if this would help to meet identified needs for housing where land supply is constrained”*. Paragraph 123 states that: *“it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.”* It encourages Authorities to be flexible and to seek a significant uplift in the average density of residential development.

In this context and having regard to the benefits resulting from the development of brownfield land, it is considered that the development is acceptable.

Item 3

The application was accompanied by two complementary Transport Statements that deal with both Phases 3 and 4 of the proposed development. The Phase 3 proposals were supported by the Transport Statement dated January 2019 and the Phase 4 site was supported by the Transport Statement dated March 2019.

The conclusions of the Transport Statements consider both developments cumulatively, and on the basis of the submitted technical evidence, the Highways Engineer is satisfied that the development can be readily accommodated on this site.

THE SITE

The application site edged red is separated into five separate parcels of development shared between two phases: 'Phase 3' and 'Phase 4'. Both of these comprise previously developed land that has been cleared and grassed over. They are surrounded by residential properties of varying ages and are in close proximity to the Grade II Listed Hartford Mill (now granted listed building consent for demolition) and are adjacent to the A62 Manchester Road which leads to Oldham Town Centre. The site is located approximately 1.5 kilometres (0.8 miles) to the south west of Oldham town centre.

Phase 3 is divided into four parcels of land, bounded by Porter Street, Dover Street, Featherstall Road South, St. John's Street, Edward Street and the dwellings at Alfred Court.

Phase 4 is bounded by Edward Street, Castleton Street and Suthers Street. The Metrolink line runs directly to the north of the application site.

The topography of the site is such that it slopes downhill from east to west.

THE PROPOSAL

This application proposes the erection of 68 no. dwellings. No new access roads are proposed. The form and arrangement of space, buildings and routes have been developed with a view to creating a mix of starter and family homes. The scheme has been designed to connect with the local vernacular and to protect the amenity of existing residential dwellings, located close to the site boundaries.

The proposed new dwellings are a mixture of two-storey and three-storey dwellings, reflecting the existing scale of the surrounding area. The various house types and heights will result in an interesting and varied streetscape. The proposed materials comprise red clay facing brickwork and concrete interlocking roof tiles

Vehicular access will be from the existing highways. The sites can be easily accessed by public transport, foot and cycle. They are also located in close proximity to a range of local services and facilities to meet basic needs

All these new homes will have individual level access, will be adaptable and be able to respond to changing social and economic conditions.

All of the proposed units will benefit from private car parking space, whether on a private driveway or allocated parking area. Two parking spaces will be provided per dwelling, with the exception of Plots 7 and 8 of Phase 3 which only have one parking space. However, this is sufficient since these are both 2-bedroom properties.

Full landscaping proposals are provided with the application, new trees and shrubs specified are generally native species of the size and nature appropriate to the setting. The specification of trees and shrubs with berries will encourage wildlife to visit the application site. All of the landscape features will be actively managed after the development is complete to ensure that the overall landscape structure remains viable in the long term.

Each dwelling will have space to accommodate the necessary refuse, recycling and composting bins in accordance with Council guidelines. The bins will be within a defined enclosed area to the rear of each of the dwellings.

Phase 3

There are 32, two storey dwellings proposed within these parcels of land, containing a mix of terraced, semi-detached and detached dwellings. No affordable housing is proposed within Phase 3. Of the 32 dwellings, there are 9 two bed dwellings, 16 three bed dwellings, and 7 four bed dwellings.

This application also proposes an area of public open space, amounting to 0.3 hectares, located off Edward Street and St John Street, linking the application site with the earlier phases of development which have taken place to the north.

Phase 4

There are 36, two storey dwellings proposed within this parcel of land, containing a mix of 2, 3 and 4 bedroom terraced and semi-detached dwellings. Phase 4 proposes 100% affordable housing. Of the 36 dwellings, there are 3 two bed dwellings, 23 three bed dwellings, and 10 four bed dwellings.

RELEVANT HISTORY OF THE SITE:

PA/057228/09 'Redevelopment of 64 dwellings comprising of two, three, four and five bedroom dwellings. Associated roads, parking and landscaping to be considered'.

CONSULTATIONS

Highway Engineer	No objection subject to conditions addressing the provision and retention of car parking spaces.
Coal Authority	No objection, subject to the inclusion of a condition addressing works to be undertaken prior to the commencement of the development.
United Utilities	No objection subject to conditions addressing drainage.
LLFA/Drainage	No objection subject to the inclusion of a drainage scheme.
Greater Manchester Police	No comment.
Architectural Liaison Unit	
Transport for Greater Manchester	No objection subject to conditions addressing working safely near metrolink, noise and vibration, earthworks stability, drainage, boundary treatment, and tree protection.
Environmental Health	No objection subject to conditions addressing landfill gas and contaminated land.
Greater Manchester Ecology Unit	No comment.
Street Lighting	No objection.

Arborist

No objection. Tree numbers and species will both be improved overall.

REPRESENTATIONS

This application was publicised by site notice, press notice and neighbour notification letters. Two letters of objection has been received, which comment that the proposed development would exacerbate existing traffic congestion issues and cause overshadowing.

RELEVANT PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 2 within the National Planning Policy Framework (NPPF) reiterates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with the Joint Development Plan Document. Therefore, the following policies are considered relevant:

Policy 1 - Climate change and sustainable development;
Policy 3 - An address of choice;
Policy 5 - Promoting accessibility and sustainable transport choices
Policy 9 - Local environment;
Policy 10 - Affordable Housing;
Policy 11 - Housing;
Policy 22 - Protecting Open Land; and,
Policy 23 - Open spaces and sports.

Saved UDP Policy D1.5 and the NPPF are also relevant.

PLANNING CONSIDERATIONS

The main issues for consideration comprise:

- Principle of Development;
- Affordable Housing ;
- Public Open Space;
- Design and residential amenity
- Impact on the setting of the Grade II listed Hartford Mill;
- Crime Impact;
- Access and Car Parking; and,
- Flood Risk Assessment.

Principle of Development

DPD Policy 1, in the context of this application, seeks the effective and efficient use of land, but prioritises development on previously developed land and aims to protect the borough's designated green belt. Furthermore, it states that residential development should be focused on land in sustainable and accessible locations and should be of high quality and respect the local character of the environment. Policies 3 and 11 also give preference to the use of previously developed sites for residential development.

The application site is previously developed, evident by historic mapping showing development on site up to 1989.

DPD Policy 3 states that new 'Major' residential developments should be located within 480m of at least three 'key services'. These are specifically defined as areas of employment, major retail centres, local shopping parades, health related facilities and services, schools, post offices and community uses.

The NHS Werneth Primary Care Centre, St. John's Church, and Jamia Mosque Noor-E-Islam are within approximately 50m from the application site. As these facilities are within a ten minute walk of the application site, it is considered that the site is located in a sustainable position in close proximity to at least three key services as required by Policy 3.

DPD Policy 5 requires all major developments to achieve 'High Accessibility' or 'Very High Accessibility' unless it can be demonstrated that this is neither practicable nor desirable or it provides exceptional benefits to the surrounding environment and community. 'High Accessibility' is defined as being within approximately 400 metres of a frequent bus route or approximately 800 metres of a rail station or future Metrolink stop. There are a number of bus stops both within and immediately adjacent to the application site. As such, it is considered reasonable to suggest that the site is well placed in terms of access to bus routes.

Overall it is considered that there is no objection to the principle of residential development in land use terms and the development is located in a sustainable location.

Affordable Housing

DPD Policy 10 'Affordable Housing' requires that all residential development of 15 dwellings and above will be required to provide an appropriate level of affordable housing provision. The current target is for 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the Councils satisfaction that this is not viable. The preference is for on-site provision but the policy also makes provision for off-site provision through a commuted sum payment.

Paragraph 64 of the National Planning Policy Framework states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

The proposal includes 36 units for affordable provision, which accounts for 53% of the total dwellings of the proposed development. As such, the development proposal would comply with the provisions of DPD Policy 10 and the NPPF.

Public Open Space

DPD Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable.

There are areas of open space proposed that are accessible and usable by the public within this proposed development. It is considered that the proposed areas of public open space would provide an adequate contribution of amenity greenspace, although it is acknowledged that the proposed open space would not fulfil existing local deficiencies in outdoor sports facilities and natural/ semi-natural open space.

Design and impact on residential amenity

DPD Policy 9 outlines that new development proposals must not have a significant adverse impact upon the amenity of neighbouring properties.

In this instance, it is not considered that the proposed development would have a significant impact on the amenity of neighbouring dwellings due to the separation distance of a

minimum of 21m between the proposed rear windows serving the proposed dwellings on the application site, and a minimum of 15m from the flank windows of the proposed dwellings to the windows of nearby existing dwellings. Given the general layout, it is considered that overshadowing or overbearing effect is unlikely between the proposed development and existing nearby dwellings.

It is considered that the relationship between the buildings within the application site is acceptable since none of the windows proposed within the application site would result in significant overlooking or loss of privacy to the occupiers of each of the proposed dwellings.

The layout of the proposed development would comply with the DCLG 'Technical Housing Standards – nationally described space standards'. The amount of amenity space proposed for the dwellings is considered to be acceptable. The proposed landscaping scheme is also considered acceptable and, therefore, the proposed residential use of the site would be appropriate to the character of the surrounding area.

The design of the dwellings compliments the design of the dwellings within the surrounding area, and is considered acceptable. It is considered that the proposed development would have a positive impact on the streetscene. In particular, the layout has been designed to take account of the existing surrounding residential development, including properties belonging to objectors. The resultant scheme complies with relevant national and local planning policies, including DPD Policies 9 and 20 regarding design and impact on residential amenity.

Impact on the setting of the Grade II listed Hartford Mill

The Planning (Listed Buildings and Conservation Areas) Act 1990, states that the primary duty of the Local Planning Authority in relation to listed buildings is to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. DPD Policy 24 together with Part 16 (Conserving and enhancing the historic environment) of the NPPF which reflect this duty are particularly relevant in this instance.

The Grade II listed Hartford Mill currently stands 71m from the application site, at the pinch point. However, listed building consent has now been granted for the demolition of this mill.

Access and Car Parking

The site is located in an established residential area with excellent links to public transport and a range of local amenities. There are existing opportunities for walking and cycling in the area and these will be continued through the proposed development.

It is proposed that no vehicular traffic is permitted from Featherstall Road North into Porter Street. A highway improvement scheme will be required at the junction which will prevent vehicular traffic from using the junction. This will consist of a refuge being constructed allowing pedestrians and cyclists through whilst prohibiting the use by motorised vehicles, which will allow the safe use of this junction by cyclists and pedestrians. All amendments will be incorporated and secured via a Section 278 Agreement.

The existing Traffic Regulation Orders will require amendment to accommodate the proposed changes to the one way systems currently in place. A Section 106 Contribution of £5,000 for this purpose has been agreed with the applicant.

A number of amendments will be required to the existing highway layout which will ensure that the area continues to operate safely. These include the incorporation of the redundant, previously stopped up highway, into the area of public open space, extension to the existing footways and the realignment of the existing footways and carriageway on Edward Street.

A Transport Statement was submitted with this application which examines the existing conditions and the likely effect of a residential development on the site. It is predicted that there will be an additional 44 two way trips and 40 two way trips during the morning and

evening peak hour periods respectively. The highway layouts have been designed to ensure the safe use by all modes of transport and to accommodate any additional on street parking needs.

The Highways Engineer and TfGM raise no objection subject to conditions. Therefore, it is not considered that the development will result in a significant or adverse impact on the local highway network to the detriment of highway safety.

Given the above, the proposed development is considered to comply with DPD Policy 9 in regard to highway safety and amenity.

Drainage

DPD Policy 19 states that the Council will ensure development does not result in unacceptable flood risk or drainage problems by directing development away from areas at risk of flooding, and protecting and improving existing flood defences, water resources and quality.

The LLFA and Environment Agency raise no objection, subject to the inclusion of a drainage scheme condition.

Conclusion

The proposed use of the site for residential purposes is considered acceptable and in line with policy, and proposes the provision of 53% affordable housing on site.

The proposed development would comply with DPD Policies 9 and 20 in regard to amenity, design and community safety.

The scheme raises no highway safety or residential amenity issues.

The application has been recommended accordingly.

RECOMMENDATION

It is recommended that Committee resolves to grant permission:

(1) subject to the conditions in the report, and the completion of a Section 106 legal agreement in respect of a contribution of £5,000 towards amendments to Traffic Regulation Orders to accommodate the proposed changes to the one way systems currently in place.

(2) to authorise the Director of Economy to issue the decision upon satisfactory completion of the legal agreement.

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications:

Drawing named 'North Werneth Phase 3 Layout - Rev V' received 16th August 2019

Drawing named 'North Werneth Phase 4 Layout - Rev Y' received 16th August 2019

Drawing named 'North Werneth Phase 3 - Materials & Boundary Treatment - Rev J' received 16th August 2019

Drawing named 'North Werneth Phase 4 - Materials & Boundary Treatment - Rev L'

received 16th August 2019

Document named 'The Cambridge Working Drawing Pack' received 03rd April 2019
Document named 'The Carlton Working Drawing Pack' received 03rd April 2019
Document named 'The Dalton Working Drawing Pack' received 03rd April 2019
Document named 'The Dartmouth Working Drawing Pack' received 03rd April 2019
Document named 'The Eaton Working Drawing Pack' received 03rd April 2019
Document named 'The Henbury Working Drawing Pack' received 03rd April 2019
Document named 'The Hogarth Working Drawing Pack' received 03rd April 2019
Document named 'The Marlow Working Drawing Pack' received 03rd April 2019
Document named 'The Stratford Working Drawing Pack' received 03rd April 2019

Document named 'Plots 33-35 - Rev 3' received 22nd May 2019
Document named 'Plots 36-37, 59-60, 63-64 and 67-68 - Rev 2' received 22nd May 2019
Document named 'Plots 38-39 and 40-41 - Rev 2' received 22nd May 2019
Document named 'Plots 42-44 - Rev 3' received 22nd May 2019
Document named 'Plots 51-54 - Rev 3' received 22nd May 2019
Document named 'Plots 55-56 and 57-58 - Rev 2' received 22nd May 2019
Document named 'Plots 61-62 and 65-66 - Rev 2' received 22nd May 2019

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, E or H of Part 1, or Class A of Part 2, of Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority.

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the character and appearance of the area are not detrimentally affected.

4. The approved landscaping scheme shown on drawings P.1154.19.03C and P.1091.18.01F shall be implemented in accordance with the stated timescales. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the visual amenity and future appearance of the area.

5. The development hereby approved shall take place in accordance with the Construction Management Plans for Phase 3 (Rev H) and Phase 4 (Rev G) that were submitted to the Local Planning Authority on 13th August 2019.

Reason - To safeguard the amenity of the locality and to ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system.

6. No dwelling, hereby approved, shall be occupied until the relevant scheme (Acoustic Report Phase 3 or Acoustic Report Phase 4), submitted to the Local Planning Authority and dated March 2019, for acoustically insulating the proposed dwellings against noise and vibration from the adjacent Metrolink line have been implemented.

Reason - To secure a reduction in noise from Metrolink in order to protect future residents from noise nuisance.

7. No development shall take place until a geotechnical report to confirm that the works will not adversely affect the stability of the Metrolink embankment has been submitted to, and approved in writing by the Local Planning Authority.

Reason - To protect the integrity of Metrolink infrastructure.

8. No development shall take place until full details of the tree protection to the trees located within the Metrolink boundary have been submitted to, and approved in writing by the Local Planning Authority. This tree protection scheme shall be fully implemented prior to commencement and permanently maintained thereafter.

Reason - To protect trees against root damage and to maintain the status quo with regards the stability of the embankment.

9. No development shall take place until full details of the boundary treatment adjacent to the Metrolink tramway have been submitted to, and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the occupation of any dwelling and be retained thereafter.

Reason: To ensure that a safe and secure boundary treatment is installed on the boundary of the Metrolink.

10. No development shall commence until a sustainable surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall be restricted to a 30 litre per second forward flow rate of discharge to the combined sewer in St John's Street and shall also be in accordance with the other requirements of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

11. No dwelling shall be occupied until the access and car parking space (s) for that dwelling has been provided in accordance with the approved plan (drawings named North Werneth Phase 3 Layout - Rev V received on 16th August 2019, and North Werneth Phase 4 Layout - Rev Y received on 16th August 2019).

The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any

construction of the access roads or parking spaces. Thereafter, the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

12. No development shall take place unless and until detailed schemes of the works involved in the provision of adequate secure cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no dwelling shall be occupied unless and until the alterations have been completed in accordance with the approved scheme and shall always remain available to users of the development.

Reason - To ensure adequate cycle storage, pedestrian and cycling facilities are available to users of the development

13. During the construction period, adequate wheel cleaning equipment, the details of which shall be submitted to and approved in writing by the Local Planning Authority, shall be installed on the site. Prior to leaving the site all vehicles, which have travelled over a non-tarmac surface, shall use the wheel cleaning equipment provided, such that they are in such a state of cleanliness that they do not foul the highway with mud or other material. The equipment shall, for the duration of the construction works, be maintained in good working order and shall not be removed unless agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety

14. Prior to the first occupation of the development hereby approved, an interim green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Following acceptance of the interim plan, the occupier shall submit their travel plan to the Local Planning Authority for approval and the approved plans shall thereafter be implemented within 3 months of occupation of the dwellings.

Reason: To ensure the development accords with sustainable transport policies

15. No development shall take place unless and until a detailed scheme of traffic-calming measures for Edward Street in the vicinity of the proposed access has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be brought into use until such time as the approved traffic-calming scheme has been fully implemented.

Reason - To ensure adequate measures have been provided to restrict the vehicular speeds of traffic generated by this development in the interests of highway safety.

16. No development shall take place unless and until a detailed scheme for a highway improvement at Porter Street and Featherstall Road North has been submitted to and approved in writing by the Local Planning Authority. The scheme should include details of physical measures to prohibit the use of motor vehicles using the junction whilst allowing pedestrian and cycle access. Such works that form part of the approved scheme shall be complete before the occupation of any dwelling and shall be retained thereafter.

Reason - To ensure the safe operation of the highway network in the interest of highway safety.

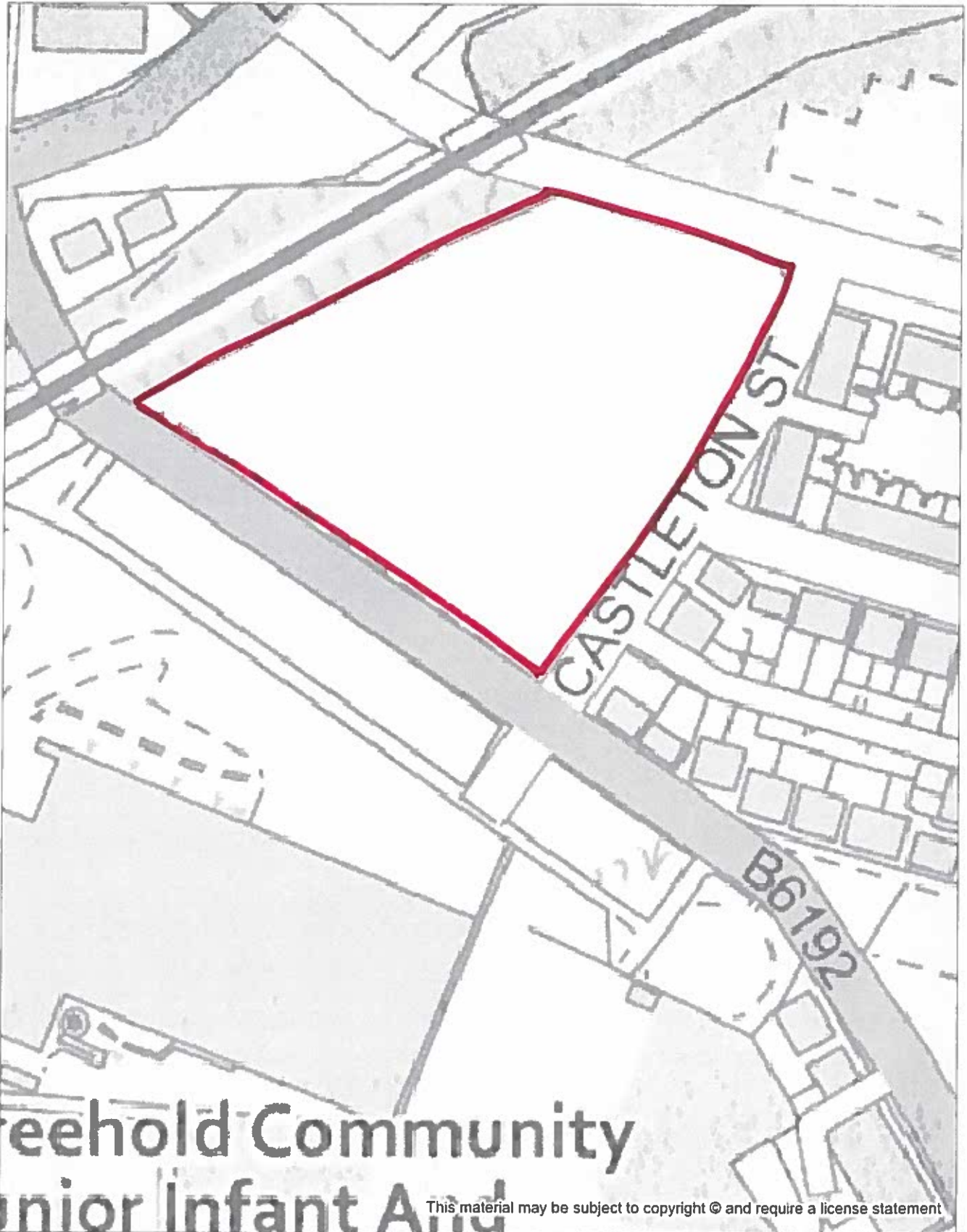
17. Prior to the commencement of the built development hereby approved, the following details should be submitted to and approved in writing by the Local Planning Authority:

a) The undertaking of a scheme of intrusive site investigations for the mine entries;

- b) The submission of a report of findings arising from the intrusive site investigations for the mine entries;
- c) The submission of a scheme of treatment for the mine entries and any necessary mitigatory measures to be incorporated in the development to address movement derived from the shafts, for approval;
- d) The submission of a scheme of proposed remedial works for past shallow coal mining activity for approval.

The above works shall be undertaken in accordance with the approved details.

Reason - To mitigate against risks associated with coal mining.



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