THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE 24 February 2015

14/02638/FUL : West Highland College UHI Land 70m NE of Lidl Food Store, Camanachd Crescent, Fort William

Report by Area Planning Manager - South

SUMMARY

Description : Proposed Erection of Outdoor Activity Centre - Equipment Storage Facility for UHI's Adventure Tourism Management course

Recommendation - GRANT

Ward : 22 Fort William and Ardnamurchan

Development category : Local Development

Pre-determination hearing : Hearing not required

Reason referred to Committee : Community Council objection

1. PROPOSED DEVELOPMENT

1.1 Planning permission reference 12/01742/FUL was granted in 2012 for the erection of 22 student bedsit rooms accommodating 32 bed spaces, together with a separate building for outdoor activity equipment/plant/laundry associated with the West Highland College's Outdoor Adventure Tourism course. This permission covered the entire gap site at An Aird, which is now split into two amended planning applications; the current application and 14/02567/FUL which has been granted planning permission for a 40 bed student accommodation with ancillary services and storage).

The current application seeks the erection of a two storey outdoor activity centre equipment storage facility for the West Highland College within the north eastern portion of the gap site adjacent to existing two storey houses at Camanachd Cresent. The building is generally rectangular in form and is to be positioned with its gable facing Camanachd Crescent. The building is to be finished in a mix of natural stained vertical larch cladding and white render. Feature panels of horizontal grey cladding are also proposed, together with a metal clad roof to match the approved student accommodation building.

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The building is predominantly for equipment storage for the outdoor adventure tourism course (kayak, canoe, mountain biking, climbing and mountaineering), and includes debrief areas (e.g. safety and instructional talks) and toilets/changing facilities.

- 1.2 Informal pre-application discussion took place regarding design changes.
- 1.3 The site is to be accessed from Camanachd Cresent via a new vehicular access between the approved student accommodation building (14/02567/FUL) and the proposed college activity storage building. 10 shared parking spaces are to be provided on site, together with vehicle loading/unloading and turning. Connection is to be made to the existing public sewer and water main and surface water drainage will be treated on site by means of on-site filter trenches.
- 1.4 SUDs Statement and scheme submitted in support of the application.
- 1.5 **Variations**: Debrief room included on the ground floor.

2. SITE DESCRIPTION

2.1 The site comprises rough, reasonably level, vacant ground to the immediate east of the Lidl premises at An Aird. To the south of the site is the railway, with Victoria Court and the Belhaven Ward beyond; to the east is the existing housing at Camanachd Crescent; and to the north, on the opposite side of the public road, is the shinty pitch and clubhouse.

3. PLANNING HISTORY

- 3.1 12/01742/FUL Erection of two student accommodation blocks and storage building : Granted 27.8.12 (combined site of 14/02567/FUL and 14/02638/FUL)
- 3.2 14/02567/FUL Erection of 40 bed student accommodation with ancillary services & storage : Granted 8.10.14

4. PUBLIC PARTICIPATION

4.1 Advertised : Yes

Representation deadline : 19.8.14

Timeous representations: 0

Late representations : 0

5. CONSULTATIONS

- 5.1 **Environmental Health Officer** : Conditions/informatives recommended to cover construction phase (noise and dust). Other conditions requested in relation to the biomass plant however this element has been granted permission under 14/02567/FUL for the student flats.
- 5.2 **Contaminated Land Unit :** No objection recommends conditions relating to foundation design covering gas protection measures and water pipe specification in recognition of previous use of the site.
- 5.3 **Flood Team** : No objections subject to condition seeking a minimum raised finished floor level of 200mm above existing ground levels.

- 5.4 **Transport Planning :** No response (access and parking granted under 14/02567/FUL).
- 5.5 **Fort William Community Council** : Objections raised in relation to building design and finish, and impact on adjacent houses at Camanachd Crescent due to close proximity of the proposed development.
- 5.6 **Disability Access Panel** : The Panel examined and appraised this application and noted that it was located adjacent to, and shared the access and parking for, the 40-bedspace unit being developed under reference 14/2567. The Panel queried why, when such extensive efforts had been employed to make the student block inclusive, and an accessible toilet was to be provided within this facility, the de-brief rooms were all located on the upper floor and generally inaccessible to many disabled people. The Panel was strongly of the view that many disabled people could participate in the Outdoor Adventure Tourism Management degree course, or an adapted version thereof, and that provision should be made for a debriefing facility on the ground floor or a stair lift installed.

Comment: The proposals have been amended to include a debrief room on the ground floor.

- 5.7 **Network Rail :** No objection in principle to the proposal, but due to proximity to the railway they have recommended conditions/informatives in relation to provision of trespass-proof fencing on the boundary, landscaping and construction details.
- 5.8 **Scottish Water :** No response.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place Making
- 34 Settlement Development Areas
- 42 Previously Used Land
- 65 Waste Water treatment
- 66 Surface Water Drainage
- 6.2 West Highland and Islands Local Plan 2010 (as continued in force) Inset Map 30 : Fort William

6.3 Highland Council Supplementary Guidance

Flood Risk & Drainage Impact Assessment (Jan 2013) Managing Waste in New Developments (March 2013) Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Draft Development Plan**

Not applicable

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014) Planning Advice Note 33 : Development of Contaminated Land Planning Advice Note 69 : Planning and Building Standards Advice on Flooding Planning Advice Note 78 : Inclusive Design Planning Advice Note 79 : Water and Drainage Planning Advice Note 1/2011: Planning and Noise

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

Principle

This central location in Fort William, close to the college, the approved student accommodation and other town centre facilities and services, is an appropriate site for an outdoor activity centre in principle. The development would accord in principle with Policies 28 and 34 of the Highland-wide Local Development Plan.

8.3.1 Siting and design

The building is positioned gable-on to the public road and as a result will offer less mass of building along the street frontage. The height of the building is lower than the adjacent houses, but with similar height to eaves.

The building is a rectangular, pitched roof building. The mass of the building has been broken up by external finishes, with a mix of white render and vertical treated larch cladding. Vertically proportioned panels are included in a grey cladding to add visual interest.

The roof is to be finished in aluminium standing seam. The palette of materials is similar to that previously approved and together with the design the proposal is considered to be appropriate within this area which has a mix of architectural styles and finishes. The Fort William Community Council has objected to the proposal on the grounds of the building materials proposed; they have advised that the timber cladding must be of sufficient durability to withstand Lochaber weather; and that the use of aluminium for the roof is completely inappropriate for residential development in this particular setting.

As discussed above, there are a mix of building styles and finishes in this area and the palette of materials is considered to be acceptable.

8.3.2 Privacy, Amenity and Access

The site lies adjacent to the houses at Camanachd Crescent, with number 1 and number 5 being the most affected by the current proposal. Although no objections have been received from the neighbouring properties, the Fort William Community Council has raised concern over the close proximity of the building to the houses and has suggested that consideration should be given to moving the site access to the house boundary. The new building lies just over 3 metres off the shared boundary with numbers 1 and 5 Camanachd Crescent, which forms their rear gardens. The rear gardens contain various sheds and the boundary of a mix of wall/fence and shrubs/trees. Although the new building is in close proximity to the garden boundaries, there are no upper floor windows in the proposed building which would overlook the gardens. In planning terms the main concern was the loss of sunlight to the gardens of number 1 and in part number 5. Using the BRE guide to good practice "Site Layout Planning for Daylight and Sunlight" it has been shown that although there will be a loss of afternoon sun at times (predicted at the equinox), this is within acceptable limits.

There is likely to be some additional activity associated with this new development however the level of additional activity is not considered to be detrimental to the wider amenity in this mixed use area on the edge of the town centre.

There will be some disturbance to neighbours during the construction period however there are controls in place under the environmental health legislation to control this. Informatives are proposed to be included with any decision notice.

In terms of accessibility, the Access Panel originally raised concerns that there was no disabled access to the debrief rooms which were solely on the upper floor. In response to the concerns raised, the scheme has been amended to include a debrief room on the ground floor.

8.3.3 <u>Servicing and infrastructure</u>

A new access and parking area is to be formed to serve the development. This has been approved as part of the application for the adjacent student accommodation. There is an enclosed area to the rear of the building for loading/unloading outdoor equipment.

Connection is to be made to the public sewer and the public water main which will both require the separate permission of Scottish Water.

Records indicate the site has an historic use as railway sidings and a distillery, and it lies adjacent to the infilled channel of the River Nevis and the former An Aird refuse site which may have resulted in land contamination. Site investigation work has been undertaken and the Council's Contaminated Land Unit has advised that there is no requirement for further site investigation subject to conditions relating to gas protection measures and water supply pipe selection. These will be imposed.

A scheme of sustainable urban drainage has been submitted to deal with surface water within the site. This utilises filter trenches below the areas of (permeable) paving. No objection has been received from the Council's Flood Team.

8.4 Material Considerations

Network Rail have highlighted the close proximity of the development to the railway line and have provided conditions and informatives.

8.5 **Other Considerations – not material**

None

8.6 Matters to be secured by Section 75 Obligation

None

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. The finished floor level of the buildings hereby approved shall be set at 100.60 AOD unless otherwise first agreed in writing by the Planning Authority.

Reason : In accordance with the approved scheme for surface water drainage.

2. Gas protection measures shall be incorporated into the building design as detailed in CIRIA C665. Mitigation measures shall be installed by a suitably qualified engineer and certification of correct installation shall be submitted to and approved in writing by the Planning Authority in consultation with the Council's Contaminated Land Unit, prior to the commencement of work on the superstructure of the building. **Reason** : In order to ensure that gas protection measures are met and the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

3. No development shall commence on site until full details of the proposed water supply pipe has been submitted to and approved in writing by the Planning Authority in consultation with the Council's Contaminated Land Unit. Thereafter the water supply pipe shall be installed in accordance with the approved details prior to the initial occupation of the development.

Reason : To ensure that the water supply pipe is suitable for use given the nature of previous uses/processes on the site.

4. Prior to the initial occupation of the development hereby approved a 1.8 metre high trespass proof fence shall be erected along the south eastern boundary of the site and thereafter retained and maintained in perpetuity.

Reason : In the interests of public safety, to prevent unauthorised and unsafe access to the railway.

- 5. No development shall commence until visibility splays are provided and thereafter maintained in perpetuity on each side of the proposed access such that there shall be no obstruction to visibility from a driver's eye height of 1.05 metres or above, positioned at the set back dimension within the triangular areas defined below.
 - a) The setback distance, or X distance shall be a line 4.5 metres long measured along the centre line of the access road from the nearside edge of the Road carriageway, and
 - b) The Y distance shall be a line 60 metres long in each direction measured along the nearside edge of the Road carriageway from the centreline of the proposed access road in both directions

with two straight lines connecting the terminations of the above lines.

Reason : In the interests of highway safety in accordance with Policy 28 of the Highland-wide Local Development Plan.

6. No other development shall commence until a bellmouth has been constructed having a width of not less than 5.5metres and edge of surfacing radii of 5.5 metres, in accordance with details contained in the attached Road Schedule.

Reason : In the interests of highway safety in accordance with Policy 28 of the Highland-wide Local Development Plan.

7. No development shall commence until the applicant has supplied a landscape plan for the written approval of the Planning Authority. The plan shall include a scale drawing which shows the location of tree planting and species of trees and shrubs to be planted along with a maintenance programme for 5 years. The landscape planting shall be implemented in the planting season following completion of development and any failures shall be replaced in the following planting seasons. **Reason** : In the interests of the amenity of the area in accordance with Policies 28 and 29 of the Highland-wide Local Development Plan.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- 1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <u>http://www.highland.gov.uk/yourenvironment/roadsandtransport</u>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforr oadoccupation.htm

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Network Rail

The railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent unauthorised and unsafe access to the railway.

• If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall can greatly impact upon the reliability of the railway in certain seasons.

Network Rail can provide details of planting recommendations for neighbours.

• Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

 Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer Buchanan House, 58 Port Dundas Road Glasgow, G4 0LQ Tel: 0141 555 4087 E-mail - AssetProtectionScotland@networkrail.co.uk

Environmental Protection, Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

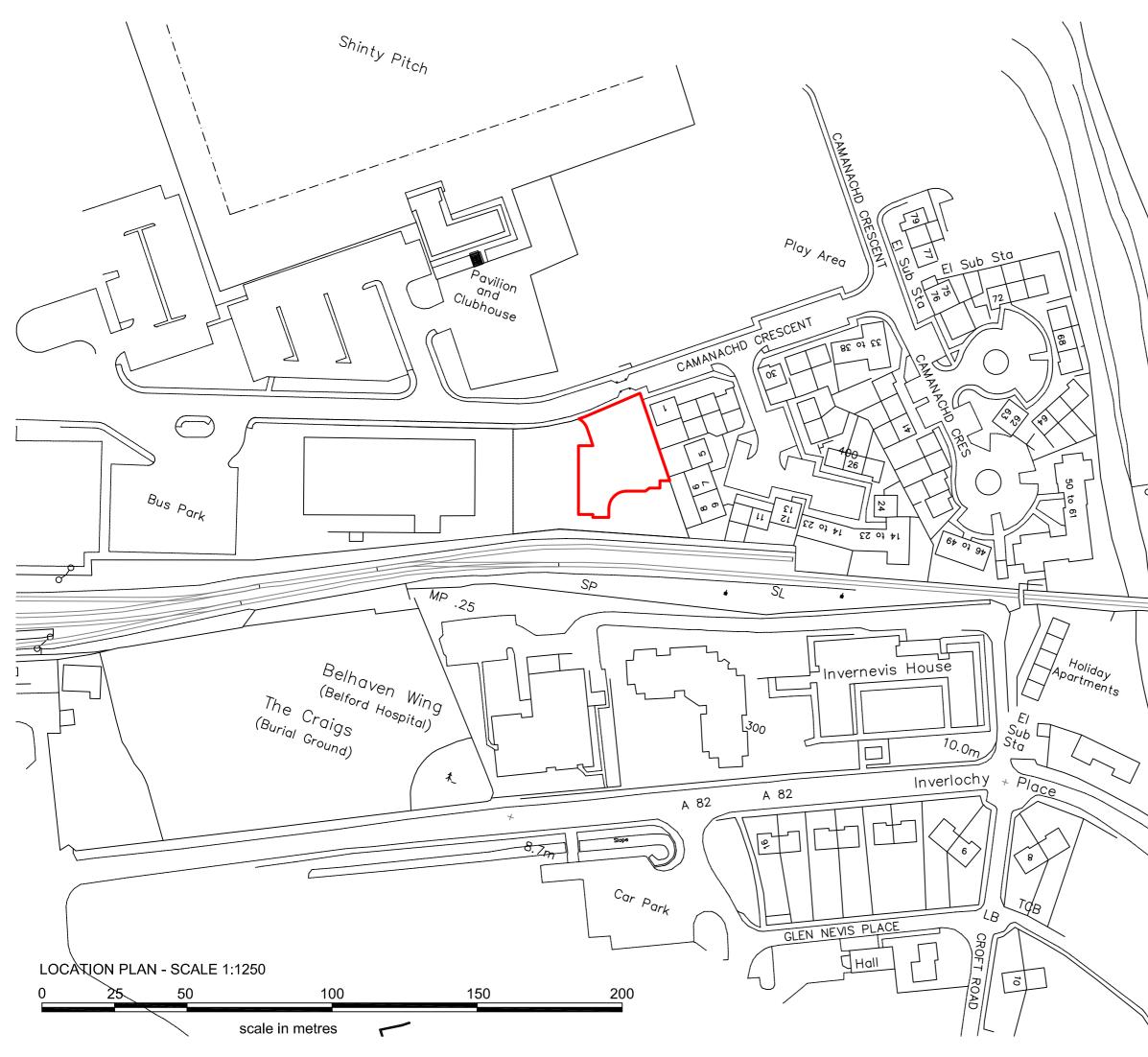
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact <u>env.health@highland.gov.uk</u> for more information.

To minimise nuisance in the surrounding area from noise and vibrations during construction works the plant and machinery used should be in accordance with British Standard 5228 and the relevant Codes of Practice for specified in the Control of Noise (Codes of Practice for Construction and Open Sites)(Scotland) Order 2002.

In order to avoid any potential dust nuisance issues arising during the construction phase the applicant shall take all necessary measures to avoid nuisance to neighbouring residents caused by dust which arises from operations carried out in connection with this planning consent. The applicant should follow best practice and best management techniques in this regard.

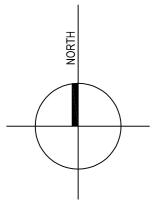
Signature:	Allan J Todd
Designation:	Area Planning Manager - South
Author:	Susan Macmillan
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Location plan (060/2014/001)
	Plan 2 - Proposed site plan (060/2014/002 REV D)
	Plan 3 - Street Elevation (060/2014/012)
	Plan 4 - Elevations (060/2014/013)
	Plan 5 - Elevations (06/20114/014)
	Plan 6 - Floor plan (060/2014/010 REV A)

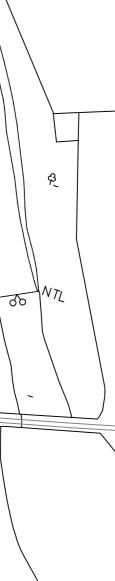


Note :

The contractor will be held to have checked all dimensions before commencing with any works and in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.

Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office. This drawing is copyright and all rights are reserved. No unauthorised copying of this drawing is permitted.





SITE BOUNDARY

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PLANNING APPLICATION LOCATION PLAN

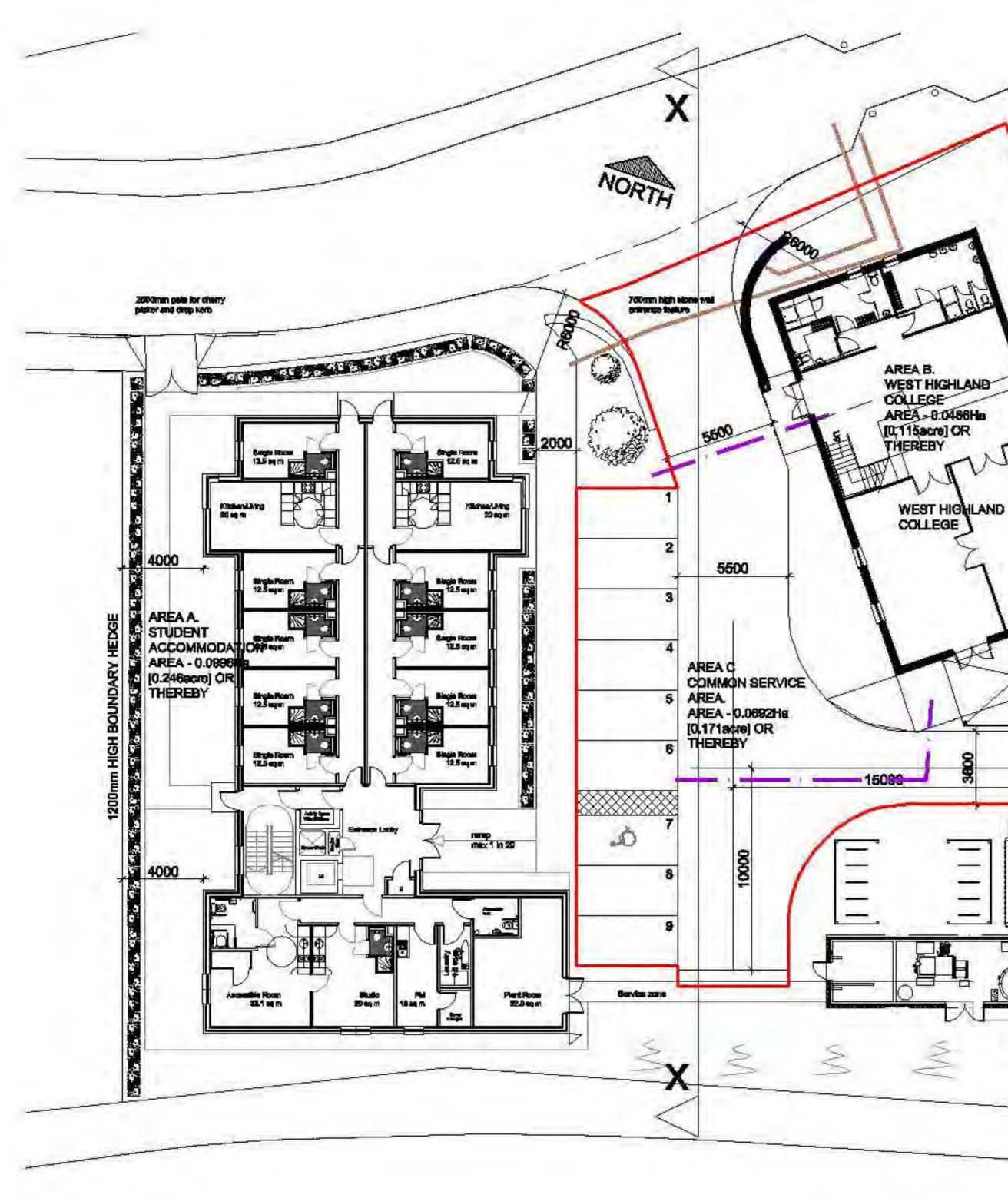




kearney donald partnership chartered architects & planning supervisor

> Hillside House • Belford Road Fort William • PH33 6BT Tel: 01397 704333 Fax: 01397 704123

E-mail: mail@kd-partnership.co.uk Web site: www.kd-partnership.co.uk



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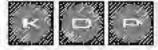
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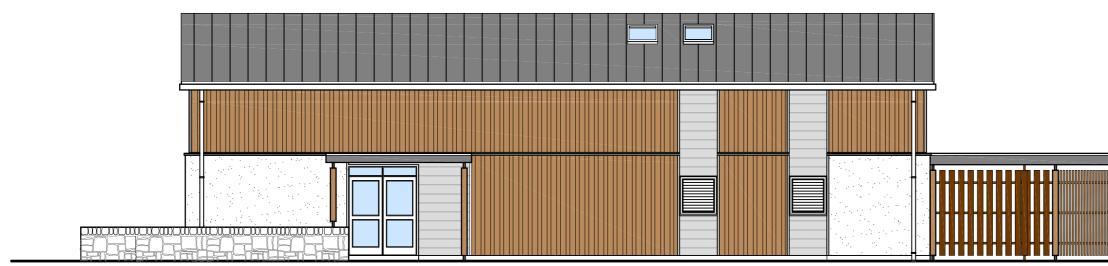
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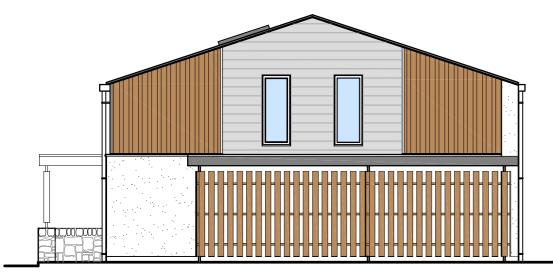


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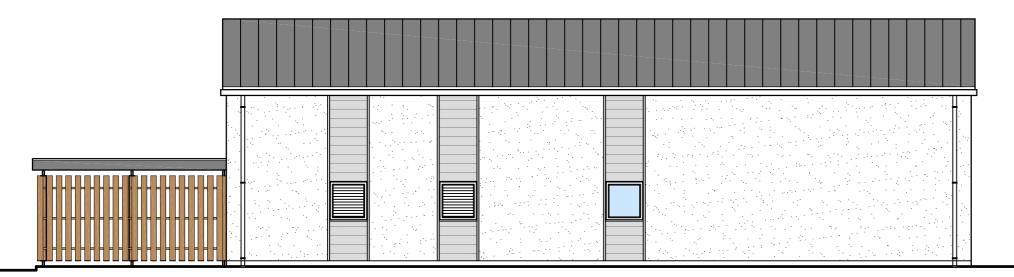
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SOUTHEAST ELEVATION scale 1:100 @ A3



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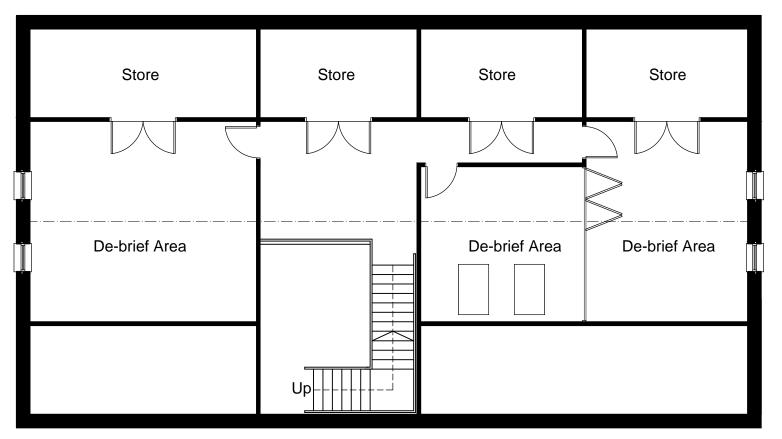
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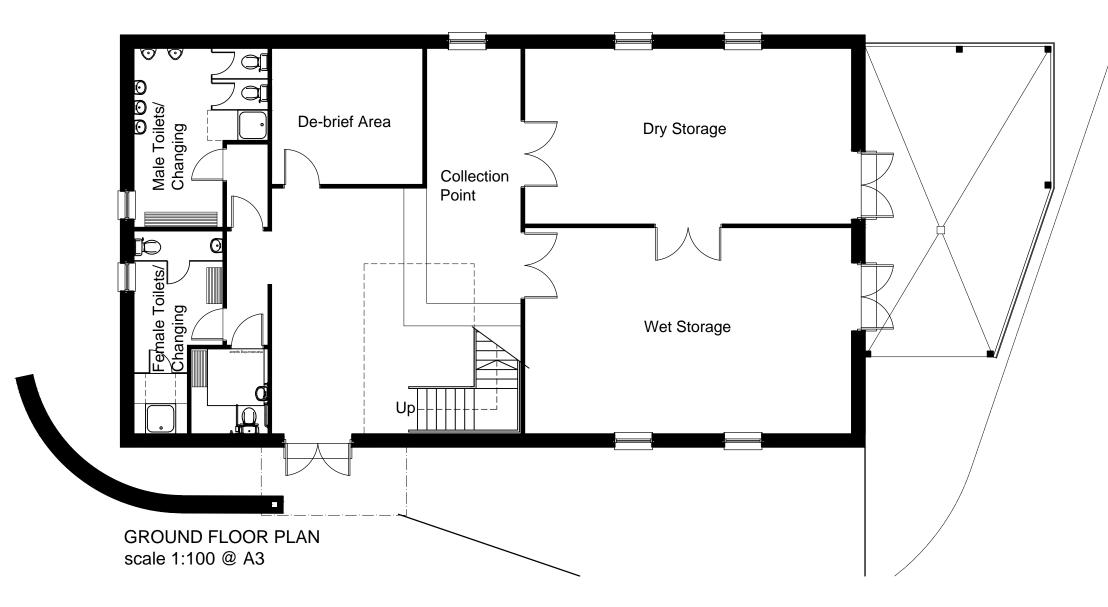
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FIRST FLOOR PLAN scale 1:100 @ A3



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