THE HIGHLAND COUNCIL	Agenda Item	6.5
SOUTH PLANNING APPLICATIONS COMMITTEE 27 September 2016	Report No	PLS 060/16
16/02798/FUL: Eastgate Unit Trust 8 – 10 Academy Street, Inverness		
Report by Area Planning Manager – South / Major Development	S	

## SUMMARY

**Description:** Erect extension

**Recommendation - GRANT** 

Ward: 15 - Inverness Central

Development category: Local

Pre-determination hearing: Not required

Reason referred to Committee: Manager's discretion

## 1. PROPOSED DEVELOPMENT

- 1.1 This proposal is for an extension to the existing category 'C' listed Filling Station restaurant which fronts onto Academy Street. The extension is to the gable of the existing building and will extend out onto Falcon Square. The extension will join onto the gable elevation of the adjacent Falconer Building which is also listed category 'C'. It is a flat roofed single storey extension of contemporary design featuring glazed elevations.
- 1.2 The extension will be set back slightly from the principal elevation and extend out into Falcon Square by approximately 6.5 metres. It will run the remaining depth of the existing building before being brought back just behind the front facade of the Falconer Building, enclosing the area between the existing buildings almost in an 'L' shaped footprint.
- 1.3 This application is part of a package of proposals submitted separately by the applicant which includes extending the Eastgate Shopping Centre onto Falcon Square; the change of use of 1 Falconer Building (currently occupied by Laura Ashley) to a restaurant; and the provision of a rooftop restaurant/bar at the shopping centre.

- 1.4 The applicant has engaged in informal pre-application discussions with officers in relation to the proposals.
- 1.5 The main access to the building will remain on the Academy Street façade however there will be a secondary access to the extension from Falcon Square itself. The existing foul and surface water drainage infrastructure will be amended to facilitate the proposal.
- 1.6 A Design and Access Statement and a Tree Report have been submitted in support of the application.
- 1.7 **Variations**: Footprint changed to linear form and parapet reduced in depth.

## 2. SITE DESCRIPTION

- 2.1 The site forms part of the existing civic open space area of Falcon Square. To the north-east is the two storey listed building currently occupied by Pizza Express and Laura Ashley. To the south of the site is the remainder of Falcon Square bounded by Academy Street and Millburn Road.
- 2.2 The existing building is a two-storey detached building featuring rough ashlar walls, slate roof and gable chimneys. There is a small area adjacent to the gable on Falcon Square that is used as an external seating area. There are three trees positioned parallel with the gable and located just in front of the arches. The arches are to be retained and will become an internal feature of the extension whilst the trees will have to be removed.
- 2.3 The adjacent Falconer Building to which the extension will adjoin is a two-storey detached building sub-divided into a restaurant and retail unit. It is rubble-built with ashlar dressings and has a slate roof featuring a tall French pyramidal attic projection.

## 3. PLANNING HISTORY

3.1 21.08.98: Advertisement consent and listed building consent granted for signage (98/00541/ADVIN and 98/00542/LBCIN);

13.03.00: Planning application and listed building consent application withdrawn for retaining existing ground floor as restaurant and first floor conversion for use as restaurant (00/00137/FULIN and 00/00138/LBCIN);

12.07.05: Planning permission and listed building consent granted to form windows and door in east gable with retractable roller awnings, fascia board to receive letters and velux windows (05/00257/FULIN and 05/00258/LBCIN);

08.09.05: Planning permission and listed building consent granted for change of use from restaurant to public house (05/00751/FULIN and 05/00752/LBCIN);

20.04.16: Advertisement consent and listed building consent granted for signage and pelmet light (05/01164/ADVIN and 05/01165/LBCIN);

Present: Listed building consent application for extension to restaurant and demolition of wall etc being determined concurrently with this proposal (16/02696/LBC).

## 4. PUBLIC PARTICIPATION

4.1 Advertised: listed Building. Expired 22/07/16 and 19/08/16 following readvertisement of amended plans.

Representation deadline : 19/08/16

Timeous representations : None

Late representations : None

## 5. CONSULTATIONS

- 5.1 **Historic Environment Team:** Initially advised that the proposal could not be supported based on original design. Following revisions the proposal is now acceptable. Recommend that consideration be given to a natural stone upstand instead of the metal clad option and that area for signage should be reduced.
- 5.2 **Transport Planning:** No objection. A contribution towards streetscape improvements should be sought; additional cycle parking provision should be made.
- 5.3 **Environmental Health:** No objection. Recommend conditions relating to noise, ventilation and waste disposal.
- 5.4 **Contaminated Land:** No objection. Initially recommended a condition requiring a contaminated land survey. However following further discussions between the parties this issue has been fully resolved and a condition is no longer required.
- 5.5 **Crown and City Centre Community Council:** Supportive of the proposals. Relocation of the cycle stance given further consideration.

## 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
- 31 Developer Contributions
- 40 Retail Development
- 51 Trees and Development
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 65 Waste Water Treatment

- 66 Surface Water Drainage
- 70 Waste Management Facilities
- 75 Open Space

## 7. OTHER MATERIAL CONSIDERATIONS

## 7.1 Draft Development Plan

Not applicable.

## 7.2 Highland Council Supplementary Planning Policy Guidance

Inverness City Centre Development Brief Developer Contributions Sustainable Design Guide Managing Waste in New Developments Open Space Trees, Woodlands and Development Public Art Strategy

## 7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy Creating Places PAN 59 Improving Town Centres PAN 65 Planning and Open Space

## 7.4 **Other**

Managing Change in the Historic Environment (Extensions), Historic Environment Scotland

## 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 Furthermore, with respect to any buildings or other land in a conservation area, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## 8.4 **Development Plan Policy Assessment**

The proposal relates to development that will generate further footfall and add to the vibrancy and vitality of the city centre and is therefore an appropriate location in principle subject to assessment against key development criteria.

The key determining issues in assessing this application are whether the design of the proposed extension is compatible with Policies 28 and 29 of the HwLDP; whether the proposal represents the acceptable loss of public open space provision; and the impact of the proposal in terms of natural and built heritage.

## 8.5 Material Considerations

## 8.5.1 <u>Design</u>

The initial design of the extension featured two concave elevations reflecting the curved markings on Falcon Square. It also featured a deep parapet. The resulting proposal appeared discordant and did not properly relate to the form, proportion or profile of the adjoining listed buildings. The applicant was advised of these concerns and following further discussions the proposal was subsequently amended.

The redesigned extension is subordinate in both scale and form from the main building; it is located on a secondary elevation and it is of a high quality design. The parapet has been reduced in depth to reflect the banding on the adjacent Falconer Building and now features a linear plan form which relates significantly better to the adjoining buildings. This modest contemporary intervention protects the character and appearance of the listed building. The redesigned extension meets the design principles set out in Historic Environment Scotland's guidance. It is therefore considered to be acceptable in design terms.

## 8.5.2 Loss of Open Space

Falcon Square is an important area of civic open space in the heart of the city centre. It provides direct access to the shopping centre as well as access to the Falcon Square entrance to the railway station which attracts the heaviest footfall of all three station entrances. As a civic space it does not function nearly as well as it could and would clearly benefit from enhancement. It functions largely as an area of land that people simply pass through. Improving the functionality of this civic space is a key component of the Council's City Centre Development Brief.

The proposed extension projects approximately 6.5 metres into Falcon Square and will enclose an area currently open between the rear of the Filling Station and the adjacent Falconer Building.

A small area adjacent to the gable elevation of the Filling Station is currently used as an outdoor seating/dining area associated with the existing restaurant. Adjacent to the arches are three tree pits containing three trees. The proposed extension will encompass these existing elements and therefore the physical area of active open space lost to the proposal is considered to be minimal. The three trees adjacent to the arches, along with the two trees located just outside the shopping centre, have been the subject of an arboricultural report which considered the possibility of relocating the trees. Following detailed assessment it was concluded that this was only viable for two of the trees, one of which is affected by this proposal. The report advises that although viable, the success rate was likely to be low. The report suggests that a better alternative would be to seek replacement trees of a higher quality with a girth of 35-40 cm which would have an immediate positive impact in amenity terms.

The passageway between the two buildings leads to Station Lane. It contains a number of cycle stands which are under-used due to being largely out of sight from the remaining Square. It is not considered to be a particularly active area and most footfall leading to and from the railway station use the space between the east side of the Falconer Building and the Eastgate Shopping Centre as there is a more natural flow of movement at this location.

Both national and local planning policy advocate against the loss of open space especially where they are fit for purpose and contribute positively to the surrounding built environment. The implications of development affecting the provision of open space have been given full consideration in the context of the related planning application for the extension to the shopping centre.

In order to offset the loss of open space associated with the proposal and in the event that members are minded to grant planning permission, it is recommended that a condition is imposed requiring the submission and approval of public realm improvements to the Square consisting of compensatory replacement tree planting works in lieu of the loss of the three trees adjacent to the arches and alternative proposals for cycle parking.

## 8.5.3 Built Heritage

The site is located within the Inverness (Riverside) Conservation Area. Also of relevance is that the existing building and the adjacent Falconer Building occupied by Pizza Express and Laura Ashley are both category 'C' listed buildings.

As stated in paragraph 8.7 above the design of the extension is considered acceptable. Subject to appropriate conditions relating to matters including materials and landscaping it is considered that the proposal will enhance the conservation area at this location in accordance with the Council's general duty under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

## 8.6 **Other Considerations – not material**

Not applicable.

## 8.7 Matters to be secured by Section 75 Agreement

The Council will seek a financial contribution from the applicant towards streetscape improvement works associated with Academy Street. The applicant

has agreed in principle to this.

Action required before decision issued Y

## 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**

	•	
Notification to Scottish Ministers	Ν	Not required
Notification to Historic Scotland	Ν	Not required
Conclusion of Section 75 Agreement	Y	Developer contribution towards streetscape improvements
Revocation of previous permission	Ν	Not required

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

1. A detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) shall be submitted to, and approved in writing by, the Planning Authority prior to installation. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

2. All refuse and recyclable materials associated with the use shall be stored within the approved bin storage area. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on day of collection.

**Reason:** To ensure that refuse and recyclable materials arising from the use are stored in an appropriate off-street location, in the interests of amenity.

3. No development shall commence until a detailed cycle parking plan has been submitted to and approved in writing by the Planning Authority. The plan shall show the precise type, number and location of all cycle parking provision within Falcon Square. Following approval of the cycle parking plan, the proposed cycle parking shall be installed and available for use prior to first occupation of the extension.

**Reason:** To ensure that adequate arrangements are made to replace the cycle parking that will be removed to facilitate the development.

4. No development shall commence until a Tree Planting Plan and Maintenance Programme has been submitted to and approved in writing by the Planning Authority. Following approval the Tree Planting Plan shall be implemented in full during the first planting season following commencement of development with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

**Reason:** To ensure that adequate and timeous provision is made for compensatory replacement tree planting in the interests of amenity.

5. No plant, machinery or equipment shall be installed on the roof of the extension.

**Reason:** In the interests of amenity and to protect the character of the listed building and the character and appearance of the conservation area.

## 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 16 of the Planning (Listed Buildings and Conservation Areas) (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

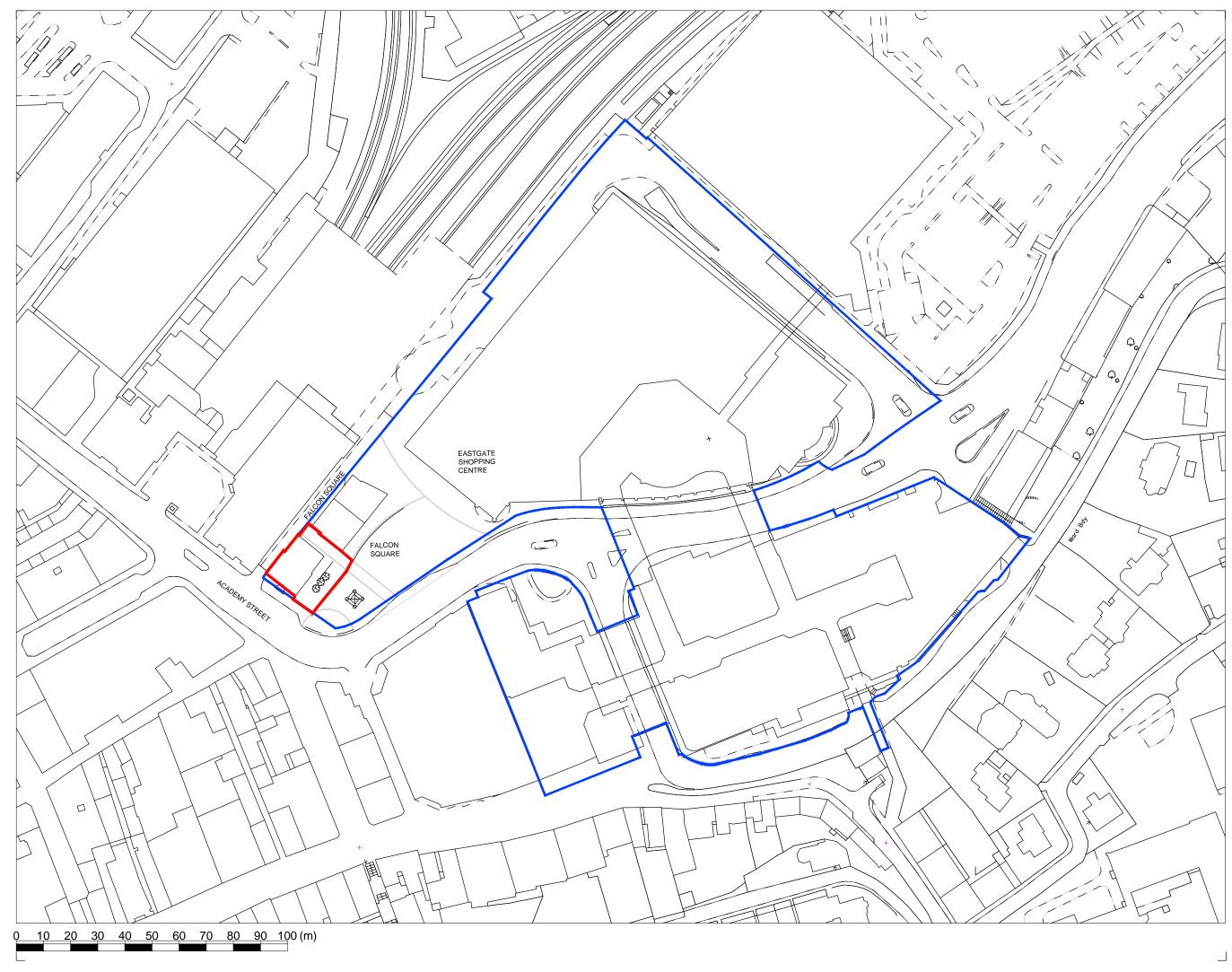
## Accordance with Approved Plans & Conditions

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

Signature:	Nicola Drummond
Designation:	Area Planning Manager – South/Major Developments
Author:	John Kelly
Background Papers:	Documents referred to in report and in case file.

## Relevant Plans: Plan 1 – Location Plan TPS01\_002 Rev 01

- Plan 2 Site Plan TPS01\_003 Rev 01
- Plan 3 Proposed Elevation A TP01\_050 Rev 06
- Plan 4 Proposed Elevation B TP01\_051 Rev 05
- Plan 5 Proposed Elevation C TP01\_052 Rev 04
- Plan 6 Proposed Elevation D TPS01\_053
- Plan 7 Proposed Ground Floor Plan TP01\_041 Rev 07



122	TPS01_002	01
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# KEY

APPLICATION BOUNDARY



8

Project

Drawing Title

LOCATION PLAN

## Status TOWN PLANNING FOR FILLING STATION EXTENSION

FILLING STATION 8-10 ACADEMY STREET INVERNESS, IV1 1JT

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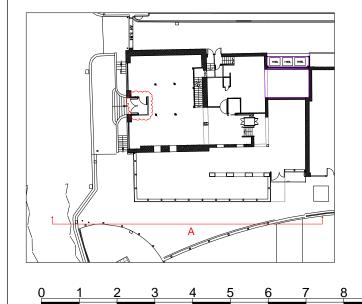


### KEY

arches

9

<u>1</u>0 (m)



Proposed building:	Existing buildings:	12. Rubble wall of retained arches enclosed by extension.
1. Light grey metal cladding to	6. Rendered wall	
parapet		13.Segmented semi-circular
	<ol><li>Red painted signage band</li></ol>	stone arches of retained
2. Structural glazing system		arches enclosed by
with signage to external face	8. Red painted metal rain	extension.
of glazing where indicated.	water pipe to be painted black	14 Stopp bonding
3. Recessed internal	9. Stone balustrade	14. Stone banding
bulkhead	5. Gione baldstrade	15 .Glazed shop front
	10. Slate roof tiles	entrance
4. Grey metal cladding		
to upstand	11. Stone quoins of retained	
	arches enclosed by	
5. Light grey metal canopy	extension.	
over front door. Connecting		
back to roof build up over		

122 TP01\_050

06

### Note:

Drawing based on J.A.Leask Architects drawing supplied to POD by Eastgate Shopping Centre management- Drawing ASG 25416/(2-)02D Proposed Elevations

Drawing based on Derek Lovejoy Partnership- Drawing DL/E1/E01(97).H10

Drawing based on Malcolm Hollis DWG drawings: 50937-E-01-REVA 50937-T-01-REVB

_			_	_
06	26/07/16	Updated to planners comments: Proposed Academy Street elevation offset from existing facade. Principal elevation squared off to omit curves. Fascia aligned to banding of listed building. Canopy detail to suit top of arches.	RP	PS
05	20/07/16	Existing windows removed between existing and proposed extension. Proposed front door relocated. Arches fully enclosed.	RP	PS
04	28/06/16	Updated to follow new survey	MD	PS
03	24/05/16	Revised proposed levels	MD	PS
02	10/05/16	Revised proposed levels	MD	PS
01	06/05/16	Revised elevation with updated floor plan	MD	PS
Rev	Date	Revision Description	Dm	Chk

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Project

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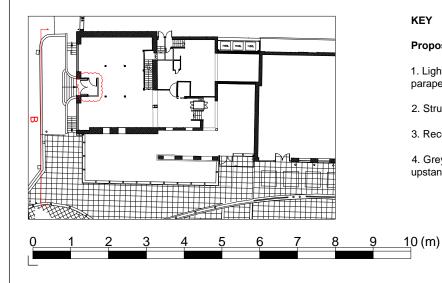
### PROPOSED ELEVATION A

Status

### TOWN PLANNING FOR FILLING STATION EXTENSION

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### KEY

Proposed building:	Existing buildings:	10. Slate roof tiles
1. Light grey metal cladding to parapet	5. Ashlar gable wall	11. Stone quoins
purupor	6. Red painted window and	12. Existing arches enclosed
2. Structural glazing system	door frames	by extension
3. Recessed internal bulkhead	7. Red painted signage band	13. Black painted metal rain water pipe
4. Grey metal cladding to	8. Stone balustrade	
upstand	9. Stone steps	14. Rubble wall

122 TP01\_051

### Note:

Drawing based on J.A.Leask Architects drawing supplied to POD by Eastgate Shopping Centre management- Drawing ASG 25416/(2-)02D Proposed Elevations

Drawing based on Derek Lovejoy Partnership- Drawing DL/E1/E01(97).H10

Drawing based on Malcolm Hollis DWG drawings: 50937-E-01-REVA 50937-T-01-REVB

### FOR COMMENT

Rev	Date	Revision Description	Dm	Chk
01	06/05/16	Revised elevation with updated plan	EO	PS
02	10/05/16	Revised proposed levels	MD	PS
03	24/05/16	Revised parapet	MD	PS
04	28/06/16	Updated to follow new survey	MD	PS
05	26/07/16	Updated to planners comments: Proposed Academy Street elevation offset from existing facade. Principal elevation squared off. Fascia aligned to banding of listed building. Canopy detail to suit top of arches.	RP	PS
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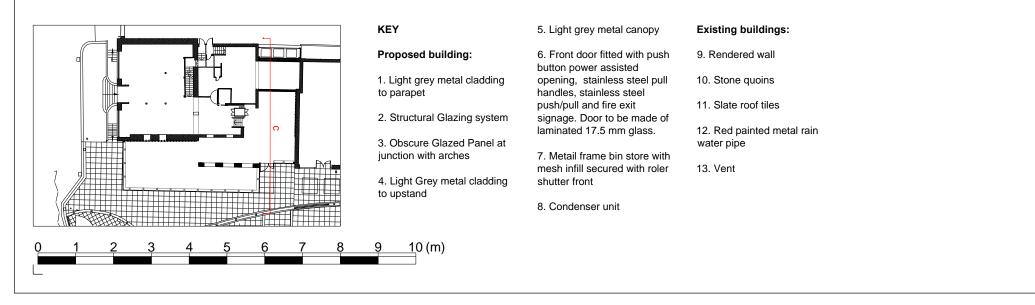
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Note:

Drawing based on J.A.Leask Architects drawing supplied to POD by Eastgate Shopping Centre management- Drawing ASG 25416/(2-)02D Proposed Elevations

Drawing based on Derek Lovejoy Partnership- Drawing DL/E1/E01(97).H10

Drawing based on Malcolm Hollis DWG drawings: 50937-E-01-REVA 50937-T-01-REVB

01 Rev	24/05/16 Date	Revised kitchen height and new parapet level Revision Description	MD Dm	PS Chk
02	28/06/16	Updated to follow new survey	EO	PS
03	20/07/16	New opening formed in existing wall with additional support column. Proposed door repositioned. Arches Enclosed	RP	PS
04	13/09/16	Plans updated to reflect new plan following discussion with planners	RP	PS

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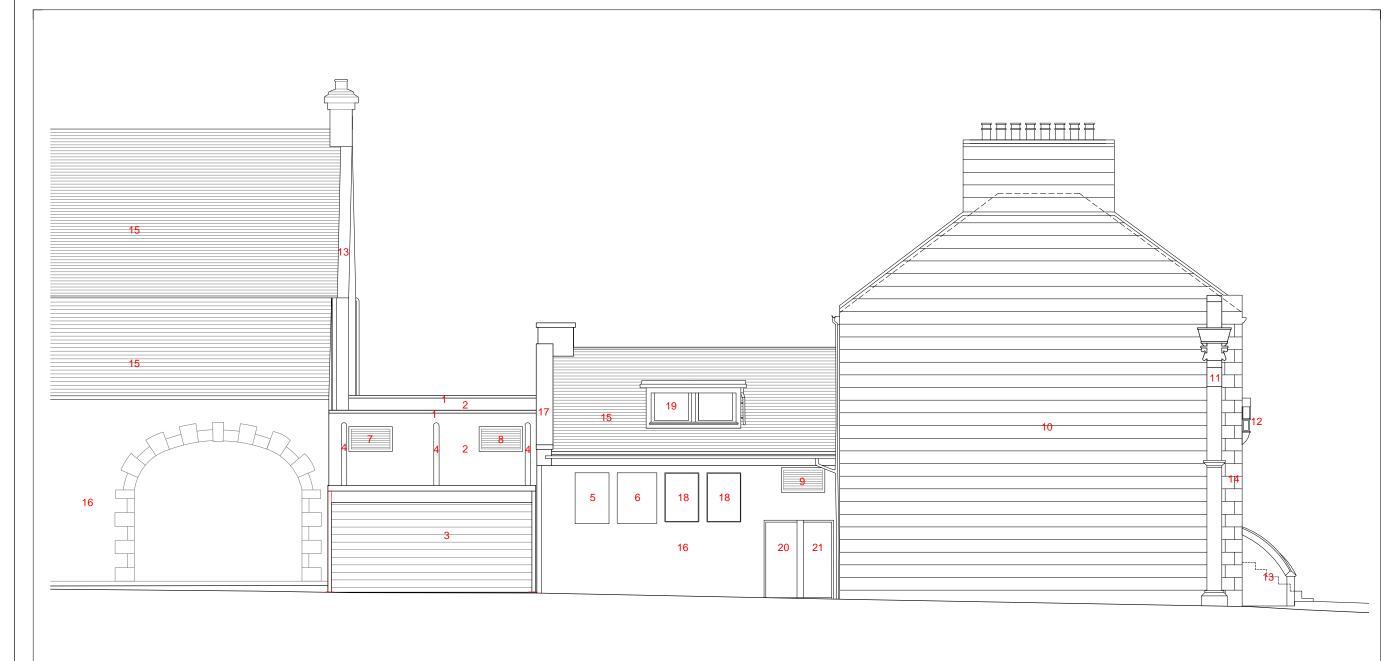
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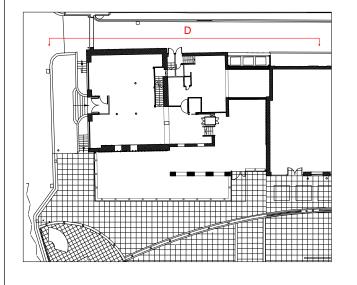
### PROPOSED ELEVATION C

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### TOWN PLANNING FOR FILLING STATION EXTENSION

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### KEY

## Proposed building:

1. Parapet detail with reconstituted stone capping 2. Blockwork wall with render

finish to match adjacent 3. Metal framed bin store with

mesh infill secured with roller shutter to front 4. Metal rain water pipe to pass

behind bin store and discharge into proposed new drainage

5. External condenser providing hot water generation 1345 x 900 x 320

6. External condenser serving extension 1338 x 1050 x 350

7. Restaurant heat recovery exhaust, 1025 x 525 louvre

8. Restaurant heat recovery intake, 1025 x 525 louvre

9. Kitchen make-up air intake 1025 x 525

### Existing buildings:

10. Rendered wall 11. Semi-circled arched gate 12. Red painted signage band

13. Stone balustrade

14. Stone quoins

15. Slate roof tiles

16. Plastered wall

17. Stone parapet

18. Condenser Unit

19. Kitchen exhaust, re-use existing louvre

20. Existing MoE from kitchen maintained

21. Existing MoE/ Access from upper levels maintained

### 122 TPS01\_053 01

### Note:

Note: Drawing based on J.A.Leask Architects drawing supplied to POD by Eastgate Shopping Centre management- Drawing ASG 25416/(2-)02D Proposed Elevations

Drawing based on Derek Lovejoy Partnership-Drawing DL/E1/E01(97).H10

Drawing Based on Malcolm Hollis DWG Drawings: 50937-E-01-REVA 50937-T-01-REVB



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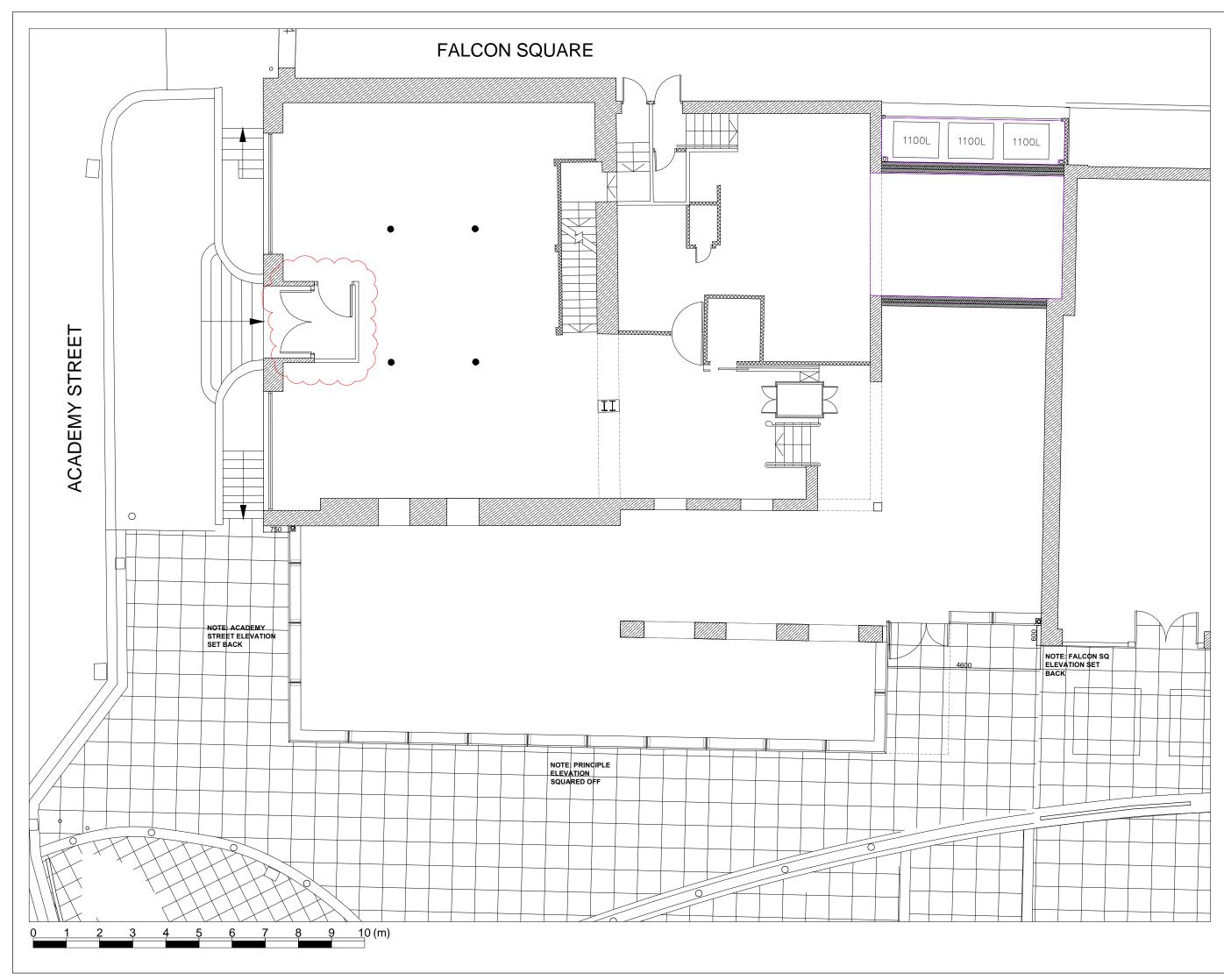
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### PROPOSED ELEVATION D

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# TOWN PLANNING FOR FILLING STATION EXTENSION

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### 122 TP01\_041

Note: Drawing based on J.A.Leask Architects drawing supplied to POD by Eastgate Shopping Centre management- Drawing ASG 25416/(1-)03C Proposed Ground Floor Plan

Drawing based on Derek Lovejoy Partnership- Drawing DL/E1/E01(97).H10

Drawing based on Malcolm Hollis DWG drawings: 50937-E-01-REVA 50937-T-01-REVB

AREAS

165 sq m Seating area 21.5 sq m Kitchen 7 sq m Bin Storage

## FOR COMMENT

07	26/07/16	Revised to Planners Comments: Elevations adajacent to listed building and existing Filling Station set back at least 500mm from adjacent buildings. Main built form squared off to omit curves.	RP	PS
06	26/07/16	Additional section of existing wall removed with support column indicated. Existing galaring removed between existing and proposed extension. Proposed door relocated. Arches enclosed by building. Existing front door updated to show existing condition.	RP	PS
05	28/06/16	Updated to follow new survey	MD	PS
04	24/05/16	Revised glazing and roof line	MD	PS
03	11/05/16	Revised section cuts	MD	PS
02	10/05/16	Revised levels	MD	PS
01	06/05/16	Revised plan and door location	MD	PS
Rev	Date	Revision Description	Dm	Chk

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FILLING STATION 8-10 ACADEMY STREET INVERNESS, IV1 1JT

Drawing Title

PROPOSED GROUND FLOOR PLAN

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