

Agenda item	7.6
Report no	PLN/042/17

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 13 June 2017

Report Title: 17/01081/FUL - Lexo Car Wash and Valet
Former Woodyard, Tulloch Street, Dingwall

Report By: Area Planning Manager

1. Purpose/Executive Summary

1.1 Installation of car wash/valeting facility (retrospective)

Ward: 08 – Dingwall and Seaforth

Local Development

Reason referred to Committee: 5 or more objections

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.

2. Recommendations

2.2 Members are asked to agree the recommendation to **GRANT** planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks retrospective planning permission for a car wash/valeting facility on land adjacent to Lochgorm, Tulloch Street, Dingwall.
- 3.2 A temporary stop notice was served on 27th February 2017 on the operators of the car wash/valet business. Prior to this the facility had operated for a period of time without the required planning consent. Following enforcement action the planning application was submitted with the aim of regularising the development. The operators have ceased all car wash/valeting activity at the site in compliance with the notice served and pending the outcome of this planning application.
- 3.3 Existing infrastructure at the site includes a rectangular area of hardstanding installed by the applicant where cars were washed when the site was operational. There is a drainage channel on this hardstanding, which is linked to a water collection tank. There are a total of three water collection tanks at the site, one above ground and two below ground.
- 3.4 A supporting statement was submitted with the application detailing how the use is to operate.
- 3.5 **Variations:** Site layout and supporting statement amended to demonstrate that the site can be operated in such a way that cars will enter and exit in a forward gear.

4. SITE DESCRIPTION

- 4.1 The site is located adjacent to Lochgorm Warehouse on the eastern side of Tulloch Street. The canal path runs parallel with the northern boundary. The site is surfaced in gravel with an area of hardstanding in the middle upon which cars were washed. There is also an area of hardstanding adjacent to the boundary with Lochgorm which was previously the foundation for a shed. A mound of mainly soil and vegetation exists at the east/rear of the site. This mound resulted from the previous clearing of the site to provide an area for the car wash/valeting facility to operate.

5. PLANNING HISTORY

- 5.1 Site included as part of the following larger site area - 08/00128/FULRC - Demolition of existing buildings and removal of two trees, erection of four retail units and 21 flats (Detail) (Resubmission) – application withdrawn - 15.06.2012

6. PUBLIC PARTICIPATION

- 6.1 Representation deadline : 01.04.2017
Timeous representations : 6
Late representations :
- 6.2 Material considerations raised are summarised as follows:
- Cars parked on the road causing road safety issues, in particular, obscuring visibility for drivers approaching the town centre.

- No details provided on traffic management at the site.
- Present dropped kerb not sufficiently wide to enable a car to enter while another car is being washed.
- There is a conflict between the traffic generated by this development and the traffic associated with Tesco/Lochgorm.
- Pedestrians having to navigate around cars parked on the pavement.
- The assessment of the application should not be influenced by the retrospective nature of the development or works already carried out.
- Pedestrians being sprayed with water and ice forming on the pavement in winter.
- No details regarding boundary treatments and measures to prevent spray.
- Application lacks detail regarding the water storage tanks, in particular their size, adequacy, whether they are for clean or waste water and arrangements for emptying.
- Application form does not provide sufficient details regarding water connection and drainage provision.
- Considerable amount of water will drain directly into the canal causing pollution.
- Significant amount of waste water will be generated by the development.
- The car wash operator connects to Lochgorm for electrical power.
- The size and design of the proposed shed is unclear, and no mention is made of welfare facilities for staff.
- Ask that a condition be included that the whole site be tidied up.
- No details of a generator for the power wash. The noise from the generator results in residential nuisance.
- No flood risk assessment has been carried out despite the site being within an area vulnerable to flooding as mapped by SEPA.
- The application form contains a number of factual inaccuracies.
- The site is polluted from its former use as a timber yard.

6.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

7. CONSULTATIONS

7.1 **Access Officer : No objection** – Recommends a condition to ensure that access to the core path to the north is not obstructed or deterred during and after development.

- 7.2 **Flood Risk Management Team : No objection** – Recommend a condition regarding the installation of a drainage channel along the back of the footway in order to prevent any water entering the public drainage system and increasing flood risk.
- 7.3 **Contaminated Land : No objection** – A contamination investigation has been previously carried out at the site. This investigation did not find a risk to proposed commercial workers at the site and recommendations for passive gas protection measures is not relevant to this proposal. Site investigation for contamination is therefore not recommended.
- 7.4 **Transport Planning : No objection** – Having viewed the cleared site I have reasonable confidence that a safe and efficient car wash/valeting facility is achievable. It is recommended that any planning permission be granted for a suitable temporary period only. A condition to widen the dropped kerb access into the site is also recommended. The detailed requirements of all works affecting the public road shall be agreed through the permit application process.
- 7.5 **SEPA : No objection** - confirmed that they are content with waste water arrangements.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

28 Sustainable Design

34 Settlement Development Areas

8.2 Inner Moray Firth Local Development Plan 2015

Within Dingwall town centre

9. OTHER MATERIAL CONSIDERATIONS

9.1 Draft Development Plan

Not applicable

9.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

9.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

Scottish Planning Policy (SPP) contains principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications.

10. PLANNING APPRAISAL

10.1 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.

10.2 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.

10.3 Development Plan Policy Assessment

10.3.1 The site is located within Dingwall town centre as defined in the Inner Moray Firth Local Development Plan. The surrounding land uses are commercial or industrial in nature, including the adjacent Lochgorm furniture store, the large Tesco store opposite and the Riverside Industrial Estate to the north. A car wash/valeting facility is considered to be an appropriate use for this town centre site amongst other commercial land uses.

10.3.2 Although the proposal is in keeping with the commercial/industrial land uses in the vicinity, the impact of the development upon road safety and public amenity are principal considerations in the assessment of this application. In particular, all vehicles using the facility must be able to enter and exit the site in a forward gear and operations should be managed in such a way as to avoid parking on the public road. Furthermore, any adverse impact on passing pedestrians from water spray or vehicular movement should be prevented.

10.3.3 The site layout plan and supporting statement submitted with the application was amended during the course of the application in order to demonstrate how the site could operate without causing any significant road safety issues. It is now proposed to form a new area of hardstanding towards the rear of the site. The use of the existing area of hardstanding will be discontinued. The new hardstanding will include a drainage channel leading to the catchment tanks. The site is to be operated and managed in such a way that there is a circular flow of traffic through the site, with cars entering and exiting in a forward gear only. The movement and parking of vehicles within the site will be the responsibility of the staff. The hardstanding can accommodate a total of three cars for washing and four dedicated spaces for valeting are provided. Cars are firstly washed and will then be moved to the valet spaces for internal cleaning. Once ready for collection staff are to ensure that cars are close to the exit and can be manoeuvred out of the site in a forward gear. The dropped kerb access into the site is to be widened and this will be secured via a condition.

10.3.4 The site is considered to offer enough space to manage operations in such a way that entering/exiting can be carried out in a forward gear and parking on the public road avoided. The success of the operational plan in practice however will be dependent upon the staff operating the business and how well they control the flow of vehicles through the site. For this reason a temporary consent in the first instance is recommended to allow a period of time to monitor the development and to ensure that the proposed plan for traffic management can be implemented successfully. Given the presence of other similar facilities in Dingwall and the

surrounding area, the level of traffic generated by this development is not expected to be of an intensity which would result in significant conflict with the traffic associated with the neighbouring businesses.

- 10.3.5 The new hardstanding for car washing is to be set back from Tulloch Street, which will help prevent spray from reaching passing pedestrians. A boundary fence is proposed along the northern boundary with the canal side footpath and this should be increased in height to 2m at the area closest to the car wash bay to avoid spray reaching pedestrians. This is recommended as a condition of the planning consent. Three water collection tanks exist at the site and waste water is diverted to these tanks, recycled, and then emptied when required. It is the responsibility of the operator to ensure that the tanks are emptied appropriately and by a contractor licensed to do so. Both SEPA and the Council's Flood Risk Management Team accept these water disposal arrangements and have no concerns regarding flood risk. A condition requiring a drainage channel at the public footway shall be attached to the consent in accordance with the recommendation made in the consultation response from the Council's Flood Risk Management Team.
- 10.3.6 The closest residential property to the site is located approx. 64 metres to the north-west on the opposite side of Tulloch Street. The majority of residential properties are located to the north where Tulloch Street becomes Craig Road with a handful to the south closer to the High Street. The area surrounding the site is commercial/industrial in character and the level of noise and activity that will be generated by the development is not inappropriate for this town centre location. Specific concern regarding noise from a generator has been raised by some objectors. It is considered unlikely that the noise at this site would be a nuisance to residential neighbours due to the separation distance from properties and the prevalence of other background noise such as traffic found in town centres. Should any noise originating from the site be considered a nuisance to local residents then this can be investigated and addressed under Environmental Health legislation as appropriate. Given the statutory powers to effectively control noise nuisance and the lack of evidence to suggest that noise originating from this development would constitute a statutory noise nuisance, refusal of planning permission on the grounds of noise impact is not warranted. Furthermore, the applicant has confirmed that there is no requirement for a generator at the site as the electrical supply will initially be via the adjacent Lochgorm premises before eventually securing a permanent supply directly to the site.
- 10.3.7 At present the site is vacant and has a negative impact upon the visual amenity of the area. The developer proposes to remove the mound of surplus soil and vegetation at the rear of the site, paint the existing fence adjacent to Lochgorm and erect a low 1m fence adjacent to the north boundary with the canal path. These measures will greatly improve the appearance of this piece of land. The proposed development makes appropriate use of redundant land within the town and is not considered to have any significant adverse impact upon public amenity.
- 10.3.8 The proposal accords with the principal determining Development Plan policies for this development, which are policies 28 (Sustainable Design) and 34 (Settlement Development Areas) of the Highland-wide Local Development Plan. In particular,

the proposal is considered to comply as it does not conflict with adjacent land uses, presents no significant road safety issues and does not have a significant impact upon individual or community residential amenity.

10.4 Material Considerations

- 10.4.1 Floor and elevation plans for a storage shed with a roller shutter opening on the west elevation were submitted with the application. The shed is to be sited at the rear of the site and measures 5m x 6m. The shed is a functional structure appropriate for the commercial use of this area and will help keep the site tidy by providing secure storage for equipment.
- 10.4.2 Welfare facilities for staff are to be provided in the adjacent Lochgorm building. This arrangement is acceptable given that the operator is a tenant of this landowner. Furthermore, there is scope to provide staff facilities at the site should they be required in the future.
- 10.4.3 Representations express concern regarding the un-kempt appearance of the site and the mound of earth and vegetation at the rear of the site. A condition requiring details of arrangements for the storage and collection of waste from the site is recommended. Furthermore, the applicant has stated that the intention is to remove the mound of material from the site. The removal of the mound of earth is welcomed. However it not recommended that this is required by a planning condition as it is not deemed proportionate or reasonable to do so. The rubbish left at the site has a detrimental impact on amenity and should be appropriately stored and removed when the site is operational. However, the mound of earth and vegetation will be screened by the development and surrounding trees and does not cause a significant impact upon visual or public amenity. Subsequent complaints have been received regarding bagged rubbish stored at the site. The applicant was asked to remove this from the site and dispose of it properly. This is now being pursued with the applicant by Environmental Health.
- 10.4.4 Water and electrical supply to the site will be via the adjacent landowners, Lochgorm, until connections direct to the site can be obtained. Representations have expressed concern regarding this arrangement, however, this method of servicing the site does not prevent the granting of planning consent. It would not be reasonable to insist that the operator secures a separate water and electrical supply to the site as the current arrangement does not cause any adverse impact upon the environment or public amenity.

11. CONCLUSION

- 11.1 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.

12. IMPLICATIONS

- 12.1 Resource – Not applicable

- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk – Not applicable
- 12.6 Gaelic – Not applicable

13. 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. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 30.06.2018 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance with a scheme approved in writing by the Planning Authority under condition 2 of this permission.

Reason : In order to assess the impact of the development over a trial period on public amenity and to ensure that the proposed plan for traffic management can be implemented successfully.

2. No development shall commence until full details of a scheme for restoring the application site to its condition prior to the temporary development being carried out, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the site shall be reinstated in accordance with these approved details prior to the cessation of this permission.

Reason : To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual amenity.

3. The vehicular movements generated by the car wash and valeting facility hereby approved shall be managed so as to avoid any customer parking on the adjacent public road and to ensure that all vehicles enter and leave the site in a forward gear, in accordance with the approved supporting statement dated 10.05.2017.

Reason : In the interests of road and pedestrian safety.

4. Prior to the first use of the development hereby approved the dropped kerb access shall be widened to provide a total width of 6m, to the satisfaction of the Roads Authority. This work shall be the subject of a road opening permit and the details of exact construction, dimensions and footway repair shall be agreed through the permit application process.

Reason : In the interests of road safety.

5. Prior to the first use of the development hereby approved a drainage channel shall be installed adjacent to the pavement at the west boundary of the site with details of the drainage channel being submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason : To prevent any water entering the public drainage system and increasing flood risk.

6. Prior to the first use of the development hereby approved a fence shall be erected along the north boundary with detailed plans for this boundary treatment being submitted to the Planning Authority for approval in writing. The details shall include a 1 metre high timber boarded fence set back from the visibility splay at the access to the site, increasing in height to 2 metres at the section closest to the car wash area. Thereafter the fence shall be erected in accordance with the approved details

Reason : To protect pedestrians from spray and in the interests of visual and public amenity.

7. Within 2 months of the recommencement of the development hereby approved, the existing fence adjacent to the south boundary shall be painted or stained a dark green or dark brown colour, or as may otherwise be agreed in writing with the Planning Authority as a non-material variation.

Reason : In the interests of visual amenity.

8. The existing areas of hardstanding hatched in grey on the approved plan reference 0217.2264.03C shall not be used for the washing of cars. Prior to the first use of the development hereby approved the new areas of hardstanding hatched in red and drainage grille linking to the water collection tanks shown in blue on the approved plan reference 0217.2264.03C shall be complete and available for use.

Reason : In the interest of public amenity and to ensure that waste water does not enter the water environment in an unsuitable manner.

9. Prior to the first use of the development hereby approved, the valet and staff parking bays shown on approved plan reference 0217.2264.03C shall be defined on the site with the method and material used to define the parking bays being first agreed in writing with the Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.

Reason : In the interests of road safety and to ensure the development is implemented in accordance with the details approved.

10. Prior to the first use of the development hereby approved, details of the roof finish and external wall finish of the shed shall be submitted to the Planning Authority for approval in writing. The development shall thereafter be carried out in accordance with the agreed details.

Reason : In the interests of visual amenity.

11. Prior to the first use of the development hereby approved, details of how waste at the site is to be stored and collected shall be submitted to the Planning Authority for approval in writing, in consultation with Environmental Health. For the avoidance of doubt, waste shall be stored within an appropriate bin storage area and shall not be “loosely” stored at the site or allowed to accumulate. The development shall thereafter be implemented in accordance with the agreed details.

Reason : To ensure that the site is kept in a tidy appearance; in the interests of public amenity.

12. Any lighting at the site shall be positioned, controlled and maintained in perpetuity so as to prevent any direct illumination, glare or light spillage outwith the site boundary.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon road safety or public amenity and does not result in 'sky glow'.

13. Access to the core public footpath running adjacent to the north boundary of the site shall not be deterred at any time and shall remain unobstructed at all times. For the avoidance of doubt the following is not permitted:

- the placing of materials on the path;
- allowing water, soil or any other substance to flow or spill onto the path;
- erecting any fence or locked gates across the path;
- prohibitory signs or notices;
- vegetation or any other projections from the site overhanging the path; and
- the parking of vehicles or the placing of other structures on the path.

Reason : To ensure that access to the core public footpath remains undeterred and unobstructed.

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 and 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 road construction consent, 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:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

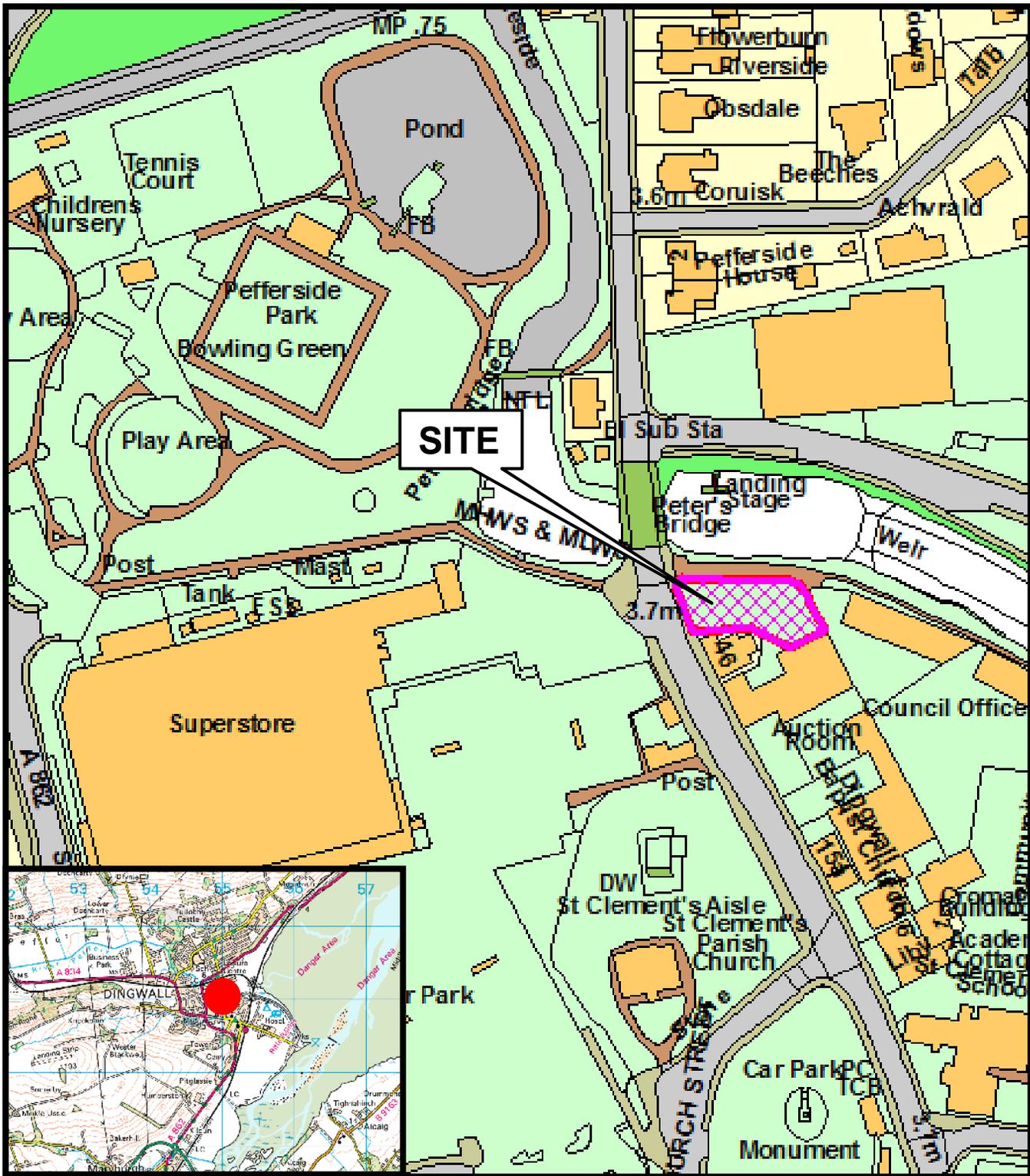
Mud and Debris on Road

Please note that it is 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.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: Dafydd Jones
Designation: Area Planning Manager - North
Author: Rebecca Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan 0217.2264.03C
Plan 3 Elevations



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

17/01081/FUL

**Installation of car wash/valeting facility
 (retrospective)**

Former Woodyard, Tulloch Street, Dingwall

N



2.4x45m visibility splay

1000mm high fence

tree

ex concrete hardstanding (shown hatched in grey)

additional concrete washing area with drain (shown hatched)

staff

car wash 1

valet

grille 6000mm long

new drainage grille

car wash 2

valet

5m wide drop kerb

IN

OUT

new shed

roller door

car wash 3

ex concrete hardstanding (shown hatched in grey)

valet

valet

fence screen to tanks

2 water storage tanks

this fence is to be painted/stained

17000 litre tank

5m wide drop kerb

2.4x45m visibility splay

Rev C 10.5.2017 Note re fencing added
Rev B 2.5.2017 Revisions per discussions with Planners/TECS
Rev A 11.4.2017 Revised car wash/valet/parking/turning

Planning Reference
Building Control Reference

WA MacDonald MCIAT

Architectural Technologist &
Building Design Consultant

Unit 16

Dalcross Industrial Estate
Inverness

IV2 7XB

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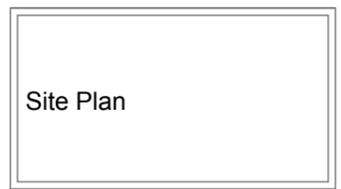


client

Mr A Didigov

project

Formation of car wash bay
with associated drainage works
at Woodyard, Tulloch Street
Dingwall



Site Plan

date

27.2.2017

scale

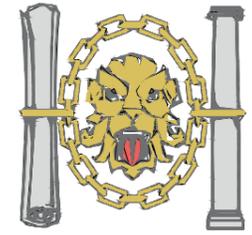
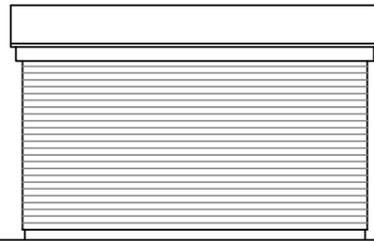
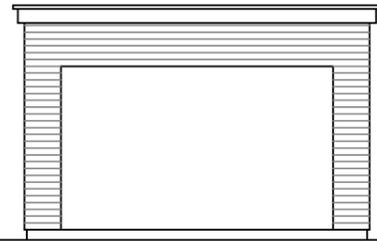
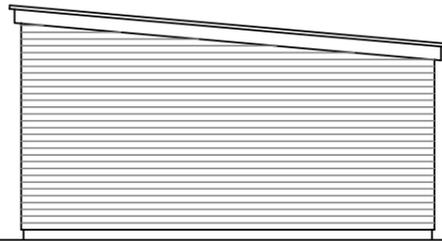
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wa macdonald

0217.2264.03C

Written dimensions to be taken in all cases.
Any discrepancies to be reported immediately.
Contractor to check all sizes on site.

copyright©



Chartered Institute of
Architectural Technologists
Registered Practice

Rev A 22.3.2017 Roller door added

Planning Reference
Building Control Reference

WA MacDonald MCIAT
Architectural Technologist &
Building Design Consultant
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Dalcross Industrial Estate
Inverness
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07889 722463 (mob)
e-mail: bill@billmacdonald.co.uk
website: www.billmacdonald.co.uk

client

Lexo Car wash & Valet

project

Formation of car wash
Tulloch Street
Dingwall



date

7.3.2017

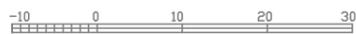
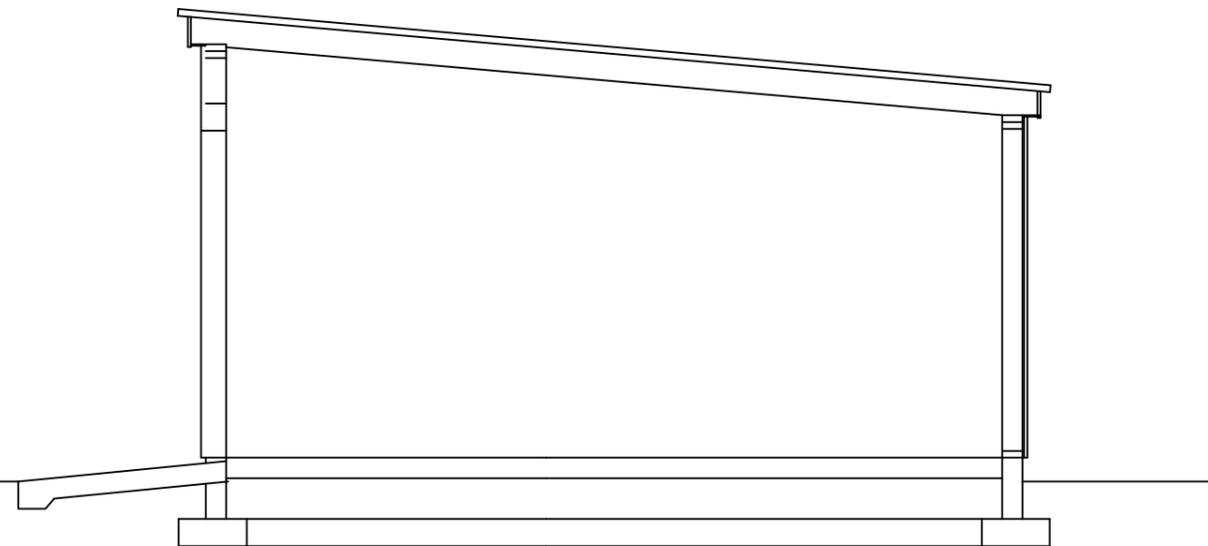
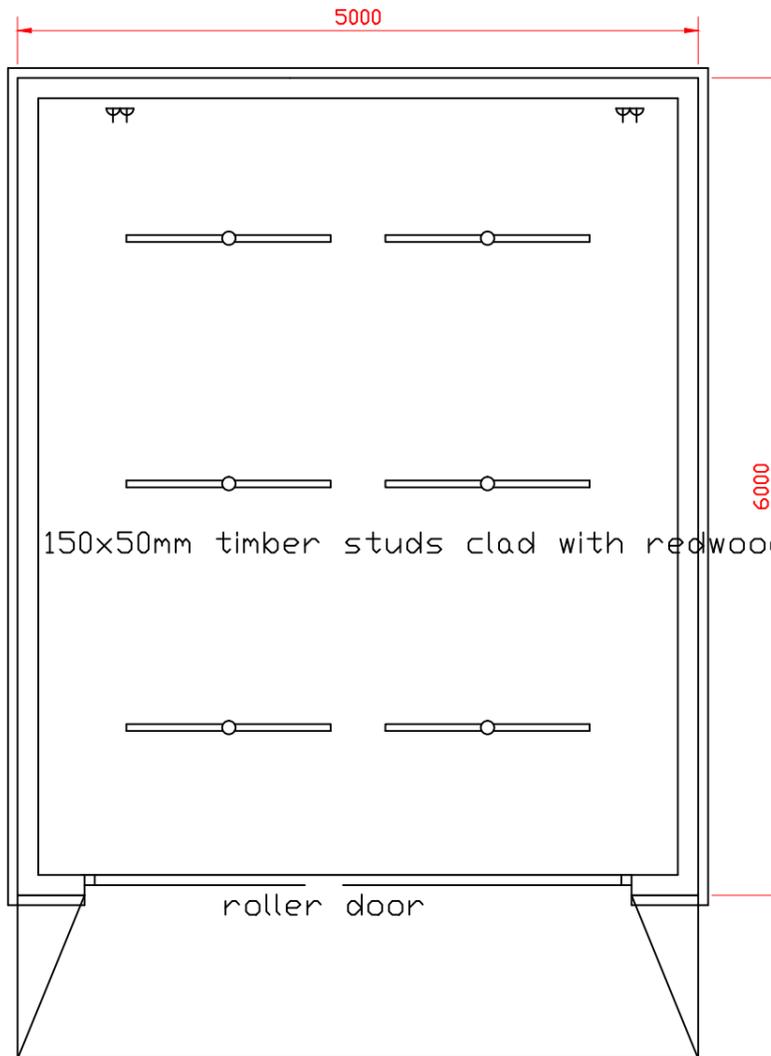
scale

1:100 & 1:50

drawn

k macdonald

0217.2264.02A



Written dimensions to be taken in all cases.
Any discrepancies to be reported immediately.
Contractor to check all sizes on site.