

Agenda Item	7.5
Report No	PLS/058/18

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 08 August 2018

**Report Title:** 18/00852/PIP: Mr Sean Kelly  
Land 220M West Of 8 Cradlehall Court, Cradlehall, Inverness.

**Report By:** Area Planning Manager – South/Major Developments

### Purpose/Executive Summary

**Description:** Development of commercial units, formation of access.

**Ward:** 19 - Inverness South

**Development category:** Local Application

**Reason Referred to Committee:** Requested by local Members

### Recommendation

Members are asked to agree the recommendation to **REFUSE** planning permission as set out in Section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 The proposal, in principle, is for the development of commercial units including the formation of a new access road from Caulfield Road. The application outlines the creation of 350sqm of commercial floorspace in one building served by parking (25 cars) and servicing areas. The building would be divided into 3 - 4 units with potential for retail use (shop), office or surgery – type use. Town and Country (Scotland) Planning “use classes” are not specifically highlighted by applicant, but has been taken to be mean Class 1 Use (Shop) and or Class 2 Use (Financial / Professional Office).
- 1.2 The access road is to be formed 6.0m in width and would include a new junction with Caulfield Road, a servicing bay and a turning-head, to Council specifications. It would incorporate a 2m wide footpath along one-side of the road. The existing core path is safeguarded and continues to link the proposal with the existing neighbourhood centre and Caulfield Road North.
- 1.3 Pre Application Consultation: The applicant was advised “The site is within Inverness Settlement Development Area where there is a general presumption in favour of appropriate development. However, this is subject to more detailed consideration of site layout, materials, landscaping, tree / drainage / core path impact etc. and the resolution of any technical issues that may arise, for example in connection with tree protection, flooding and/or drainage and impact on the core path.
- 1.4 Supporting Information: The application is supported with: -
- Drainage and Services Feasibility Report.
  - Tree Survey.
  - Flood Risk Assessment.
- 1.5 Variations: Amended / Additional plans tabled in respect of: -
- Tree Protection.
  - Road layout.
  - Site Sections.
  - Site Layout.

## **2. SITE DESCRIPTION**

- 2.1 The site is located within Cradlehall, to the east of Inverness. The site adjoins the local neighbourhood retail centre which lies to the north of Caulfield Road. It involves land to the west (rear) of the existing Co-op store and other adjoining commercial units. It also includes land to the west of the existing Cradlehall Care Home / access road (Cradlehall Court).
- 2.2 The site is predominantly open ground of rough grasses following the east side of the Scretan Burn. The area around the burn and off to the west and north of the site is heavily wooded with mature mixed broad leaf woodland and the eastern edge of this woodland is within the western side of the site.



business sites exist elsewhere in the city.

## **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 & Place-making  
34 - Settlement Development Areas  
40 - Retail Development  
51 - Trees and Development  
56 - Travel  
57 - Natural, Built & Cultural Heritage  
58 - Protected Species  
59 - Other important Species  
60 - Other Importance Habitats  
63 - Water Environment  
64 - Flood Risk  
65 - Waste Water Treatment  
66 - Surface Water Drainage  
72 - Pollution  
73 - Air Quality  
74 - Green Networks  
77 - Public Access

### **6.2 Inverness Local Plan 2012 (as continued in force)**

No allocations.

### **6.3 Inner Moray Firth Local Development Plan 2015**

- Settlement Development Area of Inverness – no site specific allocations.
- Policy 1 Promoting and Protecting City and Town Centres.

## **7. OTHER MATERIAL CONSIDERATIONS.**

### **7.1 Highland Council Supplementary Planning Policy Guidance**

- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Managing Waste in New Developments (March 2013)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

### **7.2 Scottish Government Planning Policy and Guidance**

- Scottish Planning Policy 2014 - including policies for:
  - Successful, Sustainable Places.
  - Promoting Town Centres

- A Natural Resilient Place.
- Creating Places (2013): The key policy on architecture and place, which contains policies and guidance on the importance of architecture and design.

## **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.

### Determining Issues

- 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.

### Planning Considerations

- 8.3 The key considerations in this case are:
- a) Development plan and other planning policy
  - b) Scottish Planning Policy.
  - c) Layout and design.
  - d) Access and traffic impacts.
  - e) Water, drainage including SuDs & Flood Risk.
  - f) Ecology.
  - g) Trees.
  - h) Noise.
  - i) Construction Impacts.
  - j) Other material considerations.

### Development plan/other planning policy

- 8.4 The Development Plan comprises both the adopted Highland-wide Local Development Plan (HwLDP) and Inner Moray Firth Local Development Plan. The latter plan recognises the site as falling within grey land highlighting existing development within the current settlement area of Inverness (East).
- 8.5 The nature of the application requires assessment against retail policies as set out in the Development Plan and Scottish Planning Policy. In this regard Policy 1 Promoting and Protecting City and Town Centres of the Inner Moray Firth Local Development Plan (IMF LDP) builds on Policy 40 Retail Development in HwLDP and seeks to promote town centre retail development and protect against development which may have an adverse effect on the vitality and viability of the main town centres.
- 8.6 As the uses being proposed are likely to generate significant footfall Policy 1 Promoting and Protecting City and Town Centres of IMFLDP must be considered. However, the site adjoins an existing local shopping centre. In view of this the Development Plans Team has advised that it is considered that the scale and type of development being proposed is appropriate for this location; and it is not likely to result in an adverse impact on the vitality and viability of any of the centres listed in

the settlement hierarchy in Policy 1. The application, in terms of its location and scale, does not require a retail impact assessment to determine extent of impact upon the vitality and viability of existing town centres. However it has further advised that there is no proven need for this space as alternative retail and business sites exist elsewhere across the city.

- 8.7 As the site lies within “grey land” in the Inner Moray Firth Local Development Plan Policy 34 of the Highland-wide Local Development Plan is engaged. This states - *“We will support proposals within Settlement Development Areas (as defined in the existing local plans and future area local development plans) if they meet the requirements of Policy 28: Sustainable Design and all other relevant policies of the plan. We will also judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved adjacent land uses, and the effect on any natural, built and cultural heritage feature [see Policy 57).....”*,
- 8.8 Where development is assessed as not having significantly detrimental in terms of the above criteria then the proposal would accord with the Development Plan.

#### Scottish Planning Policy

- 8.9 The policies of the Scottish Government very much promote sustainable growth and development. In this regard there is importance upon creating high quality, diverse and sustainable places that promote wellbeing and attract investment. Natural and cultural assets in and around urban areas have a key role to play in supporting sustainable growth, maintaining distinctiveness and promoting quality of life.
- 8.10 In terms of its retailing policy towards promoting town centres, SPP Policy recognises a threshold of 2,500m<sup>2</sup> before a retail impact assessment is triggered to be required in support of a retail application. Therefore it is not required with this application.
- 8.11 The Scottish Government has highlighted its thoughts on what constitutes good design: - *“Design provides value by delivering good buildings and places that enhance the quality of our lives. This can be:*
- *physical value – enhances a setting;*
  - *functional value – meets and adapts to the long-term needs of all users;*
  - *viability – provides good value for money;*
  - *social value – develops a positive sense of identity and community; and*
  - *environmental value - efficient and responsible use of our resources.”*
- 8.12 It also encourages “placemaking” and identifies six qualities of successful places including being “distinctive; safe and pleasant; easy to move around; welcoming; adaptable; and resource efficient.” These are useful in the examination of any proposal.
- 8.13 An aim of the planning system is to achieve the right development in the right place; not to allow development at any cost. SPP introduces a presumption in favour of development that contributes to sustainable development. The policies

and content of Scottish Planning Policy are a material consideration that carries significant weight, but it is for the decision maker to determine the appropriate weight in each case. If there are no significant impacts on valued resources the development can be supported.

### Layout and Design

- 8.14 The application is seeking planning permission in principle. Nevertheless substantial information is provided to highlight how the applicant proposes to develop the site particularly in terms of the proposed building, access and other services, whilst maintaining / protecting existing assets including trees, watercourses, public access etc. The supporting plans can only be regarded as indicative at this stage, but are useful to understand the applicant's ideas.
- 8.15 The applicant has highlighted landownership issues preventing the initial pre-application layout which sought to take access from Caulfield Road via Cradlehall Court. The current plan highlights proposals to service the development using a new access from Caulfield Road. Connectivity between the proposed development site and the existing neighbourhood centre can be achieved via Caulfield Road or the existing core path network. The latter being significantly shorter and more direct. However it is likely that the current core path alignment would require amendment and its design enhanced to cater for all types of footfall / seasons. The applicant has not demonstrated how this would be achieved.
- 8.16 The applicant highlights the site is vacant, underused and accommodates mature mixed woodland associated with the Scretan Burn. In other words developers / owners and planners in the past, have left this residual area as natural amenity within the planning of surrounding development. It offers amenity, it accommodates wildlife, footpaths and presents as a buffer to the local watercourse.
- 8.17 Whilst the application site is located next to an existing commercial centre, the design of that area has turned its back on this land. This is demonstrated by the rear service yard of the Co-op, where a range of uses are undertaking including waste storage, pallet storage, parking, lorry deliveries etc. generally out of site from the general public. The applicant has usefully highlighted some of the poorly designed recycling facilities (six containers) and offers to better place these.
- 8.18 The site is of a size and is of an arrangement to offer a degree of development opportunity, however there are constraints. As a commercial proposal seeking to take advantage of the existing neighbourhood centre there is a need to see how any new development would work along side the existing neighbours and demonstrate high design quality and establish a real sense of place. Whilst the application is only in principle at this stage, the current supporting indicative layout does not provide real connectivity or respond positively to the existing neighbourhood centre.
- 8.19 The applicant highlights under design a range of attributes which the development could realise. These include: -
- Closing a void between bakery and the care home.
  - Creating an enclosure to strengthen the identity of the neighbourhood centre.

- Integrates adjoining green space as part of the public realm.

8.20 Whilst it is always important to remember the application is only in principle, the claims made within the supporting statement are somewhat grand. There perhaps is some potential to realise these ambitions but there is no sense on how delivery will be realised from the current indicative drawings.

#### Access and Traffic Impact

- 8.21 A new access is proposed from Caulfield Road, indicative plans highlighting a single-side pedestrian footpath, parking, and service areas, with within site turning capabilities. The core path is safeguarded and continues to link the proposal with the existing neighbourhood centre and with Caulfield Road North. Within the layout the core path blends with public space at the building frontage and as a result is increased in places to 4-5m in width. It is noteworthy no improvements are proposed upon the connecting link with Cradlehall Court.
- 8.22 The supporting information highlights the opportunity to provide 25 parking places including one disabled place. Table 1 indicates that this would meet the Council's standard provision for 350sqm food retailing; exceed the standard for non-food retailing by 8 spaces, and exceed the standard for office-type uses by 14 spaces. Subject to the nature and type of future occupiers, any residual parking spaces not required by these uses/standards would be available as overspill for the neighbourhood centre. It is noteworthy that there is no explanation for the delivery of this offer, or for the re-siting of existing recycling bins.
- 8.23 In response to the application and the package of supporting information Transport Planning has highlighted a number of concerns and advised it cannot fully support the application. In particular it highlighted issues regarding junction spacing on Caulfield Road, visibility splays at the junction, swept path analysis, dimensions of car parking and pedestrian access. At this stage however the key concern is whether or not the site can develop with a suitable access for the consideration of the highlighted proposals in principle.
- 8.24 Transport Planning has highlighted its concern that this development seeks to introduce a new junction with substandard spacing from other junctions in an area where it is proven that there are significant issues with speeding traffic. However, it supports the applicant's argument that slowing the speed of traffic in the area so that it is closer to the speed limit will help to mitigate the closeness of the junctions. Therefore it is prepared to accept the new access to this proposed development but only with "area wide" traffic calming. This is due to the strategic nature of Caulfield Road. Isolated traffic calming features would not be appropriate and will not be accepted on a strategic route.
- 8.25 The traffic calming measures should extend from the junction of Inshes Brae to the junction of Caulfield Avenue so that it will prevent the 85th percentile speed of vehicles exceeding 30mph. Traffic calming over this area will reduce traffic speeds within the vicinity of the proposed new shops, the existing shops, the primary school, the pedestrian crossings and bus stops - essentially the areas where there is the most pedestrian / vulnerable road user activity on Caulfield Road.

- 8.26 For clarity, the scheme will require either horizontal or vertical traffic calming features (or a combination of both) to reduce the speed of traffic. The Council will not accept signing and road lining alone as a means of reducing the speed of traffic and should be based on the principles set out in Local Transport Note 1/07. The applicant should be fully aware that the cost implications of a traffic calming scheme on this scale are likely to be considerable and can only be implemented after the statutory consultation process is carried out for which the developer will also bear the costs. In addition, the applicant must also demonstrate that there will be no obstructions within any part of the visibility splays. This is also essential on road safety grounds to mitigate the substandard spacing between junctions.

#### Water, drainage including SUDs & Flood Risk

- 8.27 The development will connect with the public water supply and foul drainage network both of which are not known to have any constraints. Surface Water drainage is to be implemented on site, with current investigations to highlight the site's suitability for SUDs surface water attenuation with controlled outfall to the Scretan burn not exceeding the existing "greenfield" run-off rate. Consultees at this stage have highlighted no particular concerns over the principle of development as proposed. Conditions have been highlighted for example to ensure the SUDs infrastructure accommodates the restricted run off rates when calculated using a 1:200 year storm plus a climate change allowance to avoid increased flood risk downstream.
- 8.28 The site lies adjacent to the Scretan Burn so the potential for flood risk has to be investigated. The Council's Flood Risk Management Team has reviewed the Flood Risk Statement and accept the findings therein. The topographic survey shows a substantial height difference (minimum 3m) between the banks of the burn and the development ground level. It considers the site is sufficiently elevated so as not to be at risk of flooding from this source.
- 8.29 The Flood Team also highlight that a culverted tributary of the Scretan Burn runs underneath the site in the location of the proposed access road. It understands the road is unlikely to be adopted. It advises that the developer should appoint professional consulting engineers to demonstrate that the condition and depth of the existing culvert are suitable to withstand the loading from a new access road, or alternatively replace the existing culvert with an appropriately designed culvert capable of withstanding the loading. In either case this should be set as a condition that stipulates that an independent engineer's report confirming the suitability of the [existing or replaced] culvert for bearing the loading of the access road is provided to the Planning Authority for review at the next stage of planning.
- 8.30 The Flood Team further highlights that it notes the proposed retaining wall within 5m of the bed of the Scretan Burn. It is content for this to go ahead subject to the design being undertaken by a suitably qualified professional; again an independent engineer's report should be provided to confirm the suitability of the design will not impact upon the structural integrity of the banks of the Scretan Burn. It requests this to be made a condition of permission with details provided at the next stage of planning. Furthermore it highlights there should be no buildings or built structure other than the retaining wall, access roads, footpaths or parking

located within 6m of the top of bank of the Scretan Burn in order to maintain future access to the burn for maintenance reasons.

### Trees

- 8.31 The applicant has submitted a Tree Survey, Tree Constraints Plan and Tree Protection Plan. These highlights there are 62 trees recorded on site. It is noteworthy the tree survey covers a larger area than that of the submitted application site. The study has helped determine the extent of the safeguards and a potential "footprint" within which the proposed development could be contained.
- 8.32 The applicant advises only limited tree removal will be required to form the access totalling 10 trees. These are small / semi-mature with minimal landscape or amenity value, but sufficient space is demonstrated within the site for replacement compensatory planting. In that regard, it is proposed to replant fourteen trees (including oak, birch, holly, scots pine, sycamore and ash) restoring the existing composition and species, and adding greater diversity to the age range of species.
- 8.33 The Council's forestry officer has highlighted "given the mixture of species and the presence of beech" the woodland is likely of plantation origin and consideration should be given to the woodland being Long established plantation origin woodland (LEP01860). This is a feature of local / regional importance in Policy 57 of the Highland wide Local Development Plan.
- 8.34 Furthermore Policy 51 (Trees and Development) of the Highland wide Local Development Plan (HwLDP) states that "The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. This includes adequate separation distances between established trees and any new development and requires additional tree/hedge planting within a tree planting or landscape planting to compensate removal."
- 8.35 While the indicative position of the building and the majority of car parking would have no impact on trees/ woodland the Forestry Officer is concerned that the indicative access road and some of the car parking would require tree removal or works within RPA. The indicative layout requires that 15 of the 19 trees on the site would need to be removed and this includes significant, mature category 'A' trees. Concerns over the completeness of the Tree Survey and potential impact from indicative services have been highlighted. As a result there may be a greater impact on existing trees than has been outlined.

### Ecology

- 8.36 The applicant has not submitted any ecological reports but simply stated development seeks to avoid and retain an existing stand of mature mixed woodland, and safeguard its value as a local amenity and habitat.
- 8.37 The Council however adopts a more precautionary approach to such matters. The proximity of the local watercourse and maturity of the existing woodland would suggest a resource of some value to a number of protected species that may prevail within the area. Whilst development in principle could be supported on this

site, it would be necessary to ensure local ecological interests are fully taken into account as the details of the actual development emerge. There is also considerable potential to mitigate / enhance the local environment for both valued habitat / amenity interests.

### Noise

- 8.38 The application presents a proposal in principle. Approval of any details covering the potential uses as proposed might well require mechanical ventilation / air conditioning. Whilst the use of such equipment is quite acceptable in many retail developments, it is important to recognise the amenity of surrounding neighbours especially noise sensitive uses – residential / nursing home. Such potential impacts can be managed through conditions.

### Construction Impacts

- 8.39 With the approval of any development consideration needs to be given to potential impacts on site and the likely impact on neighbours, surrounding activities and traffic. This is likely to include issues such as the management of construction waste, pollution prevention measures construction noise and dust. Such potential impacts can be effectively managed through conditions.

### Other material considerations

- 8.40 There are no other material considerations.

## **9. CONCLUSION**

- 9.1 The assessment of the application has recognised the site has in principle some development potential as an expansion of the local neighbourhood centre – accommodating Class 1 and Class 2 units within a single building. The supportive policies Policy 34 Settlement Development Areas and Policy 40 are engaged. There is support for the application from the local community council.
- 9.2 However, as presented, the application simply seeks to realise a development opportunity with little or no regard to meaningful integration by design with the existing local neighbourhood centre. The application has drawn three public objections.
- 9.3 The current application advanced an access to open the site for development which conflicts with Council Standards. Whilst, with a considerable mitigation package on traffic calming within the locality the objection from the Roads Authority could be removed, the development of this site must in design terms offer greater integration with its neighbour. In this regard a masterplan highlighting all measures for integration would have been useful, with practical suggestions for the joint delivery of service improvements.
- 9.4 The site currently offers a degree of natural amenity to the neighbourhood. There are a number of constraints on site which requires a more assured approach to protection, conservation and enhancement. The in principle nature of the application gives no great certainty over many elements of potential mitigation by design and place-making as expected by Scottish Planning Policy.

9.5 The application as presented has not satisfactorily addressed matters highlighted within the pre-application submission. There is seen no great need for the offered retail space presented within the application over the available sites within the Development Plan. Whilst support can be drawn in favour of the application founded upon Policy 40 Retail of the Highland-wide Local Development Plan it is not seen to be one that fully accords with Policies 28 Sustainable Development; 29 Design Quality and Place-making; 34 Settlement Development Areas; 51 Trees and Development; 57 Natural Built and Cultural Heritage and 58 Protected Species. On balance therefore the application is forwarded for refusal.

## 10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

The application is recommended for refusal for the reasons set out below.

### Reasons for Refusal

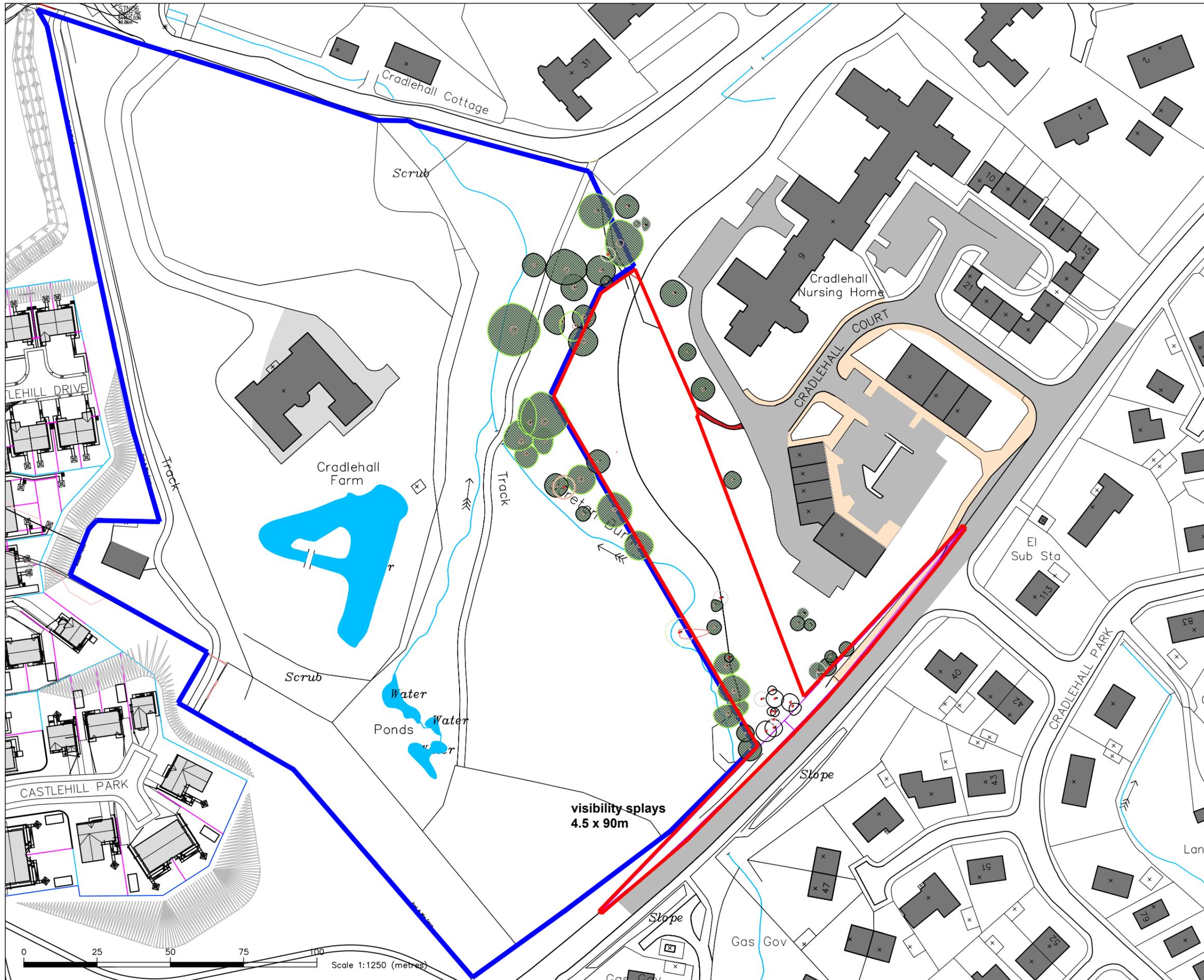
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|----|--|
| 1. | The application, and in particular the proposed means of vehicular access, does not present a proposal that demonstrates development which integrates with the neighbouring local neighbourhood centre. For this reason the application as presented does not fully accord with Policies 28 Sustainable Development; 29 Design Quality and Place-making; 34 Settlement Development Areas; 51 Trees and Development; 57 Natural Built and Cultural Heritage and 58 Protected Species of the Highland-wide Local Development Plan. |
|----|--|

Signature: Nicola Drummond

Designation: Area Planning Manager – South/Major Developments

Author: Ken McCorquodale – Principal Planner.

Background Papers: Documents referred to in report and in case file.



DO NOT SCALE, IF IN DOUBT PLEASE ASK  
All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd



site area : 5858 sqm

## Planning Submission

REVISIONS		
rev.	description	date

Client  
**Mr Sean Kelly**

Project  
**4 Commercial Units at Cradlehall Court, Cradlehall Inverness**

Drawing  
**Location Plan**

Scale <b>1:1250@A3</b>	Date <b>05.17</b>	Drawn by <b>ca</b>
Project no <b>2421</b>	Dwg no <b>PL001</b>	Rev

**G.H. JOHNSTON**

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**KEY**

**Proposed**

 site

 land in same ownership

**Infrastructure**

 building

 service road

 service bay

 car parking

 retaining walls

 pedestrian

 recycle point

 cycle parking

 SUD's pond

**Trees**

 root protection area / set back "buffer"

 open space / amenity

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**Planning Submission**

**REVISIONS**

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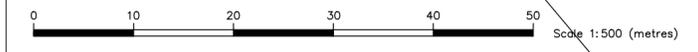
Drawing  
**Site Plan**

Scale <b>1:500@A2</b>	Date <b>05.18</b>	Drawn by <b>ca</b>
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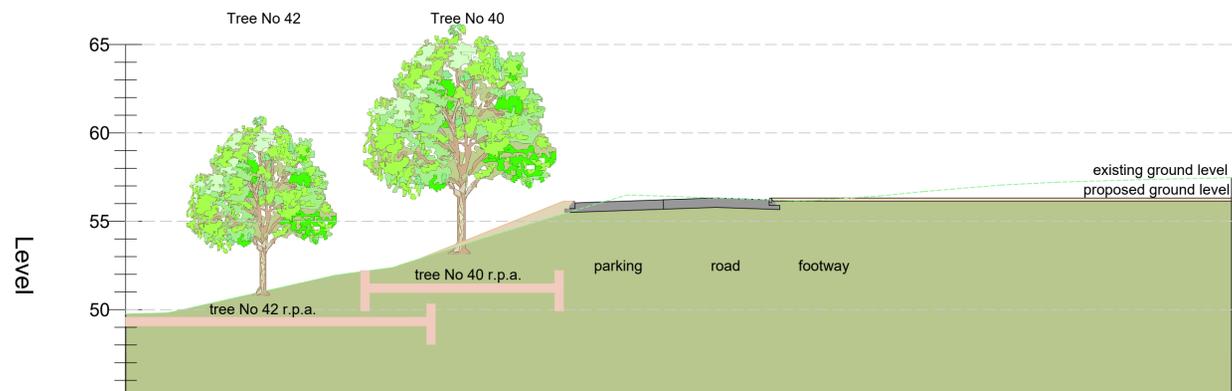
Project no <b>2421</b>	Dwg no <b>PL002</b>	Rev
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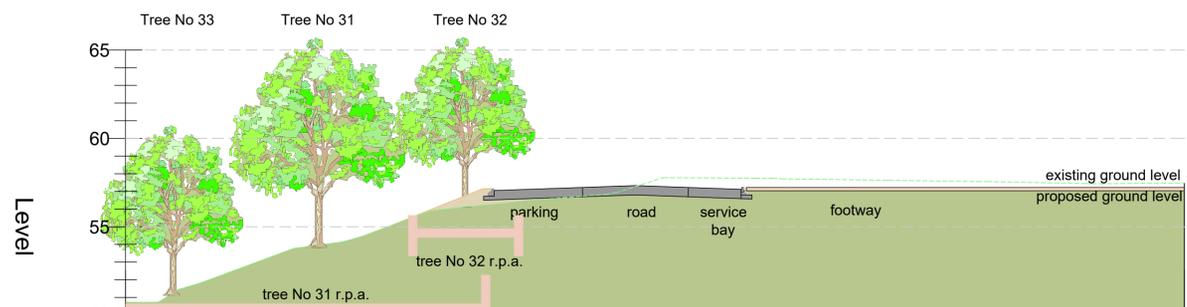


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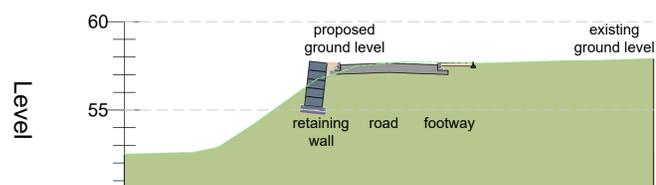
Chainage	00.000	05.000	10.000	15.000	20.000	25.000	30.000	35.000	40.000	45.000	50.000	55.000	60.000	62.677
Existing Levels	49.748	50.398	51.525	52.367	53.945	55.473	56.438	56.266	56.249	56.661	57.071	57.277	57.409	57.469
Proposed Levels	49.748	50.398	51.525	52.367	54.211	56.139	56.189	56.265	56.314	56.314	56.314	56.314	56.314	56.314

SECTION A - A



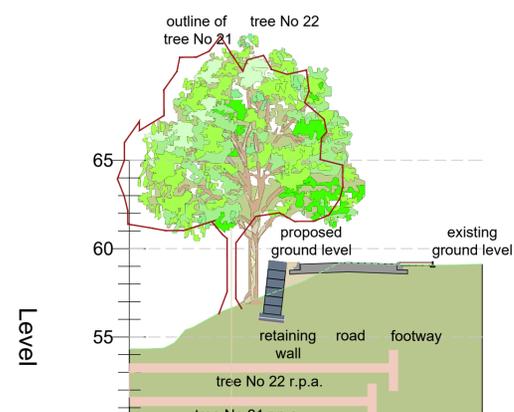
Chainage	00.000	05.000	10.000	15.000	20.000	25.000	30.000	35.000	40.000	45.000	50.000	55.000	60.000
Existing Levels	50.726	52.102	53.838	55.057	56.200	56.662	57.627	57.750	57.674	57.605	57.531	57.439	57.473
Proposed Levels	50.726	52.102	53.838	55.057	57.054	57.193	57.290	57.220	57.220	57.220	57.220	57.220	57.220

SECTION B - B



Chainage	00.000	05.000	10.000	15.000	20.000	25.000	30.000
Existing Levels	52.504	52.832	56.110	57.655	57.645	57.790	57.910
Proposed Levels	52.504	52.832	56.110	57.655	57.650	57.790	57.910

SECTION C - C



Chainage	00.000	05.000	10.000	15.000	20.000
Existing Levels	54.323	56.310	58.220	59.105	59.127
Proposed Levels	54.323	56.310	59.132	59.125	59.127

SECTION D - D



PLANNING APPLICATION

REVISIONS

rev.	description	date

Client

Mr Sean Kelly

Project

Commerical Unit at Cradlehall Court, Cradlehall, Inverness

Drawing

Site Sections

Scale Date Drawn by

1:200@A1 06.2018 CA

Project no Dwg no Rev

0000 PL04

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