Agenda Item	6.2
Report	PLS
No	087/18

HIGHLAND COUNCIL

Committee:	South Planning Applications Committee	
Date:	05 December 2018	
Report Title:	18/04322/FUL: Road to the Isles Facilities Group (SCIO)	
	West Bay Car Park, Mallaig	
Report By:	Area Planning Manager – South	
	Purpose/Executive Summary	
Description:	Construction of new public toilet block	
Ward:	11 – Caol and Mallaig	

Development category: Local

Reason referred to Committee: 5 or more objections from members of the public

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.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to erect a single storey, public toilet building with shower facility and accessible toilet. The toilet block would measure 5.1m wide x 13.2m long x 5.2m high, finished in oak wall cladding and a pitched natural slate roof, with solar panels set on the southern facing roof plane. Previously a motorhome standing/greywater discharge area was to be sited immediately adjacent to the toilet building measuring 4.8m x 7.8m. This greywater discharge/motorhome standing area has been removed from the application.
- 1.2 Pre-application Consultation: Brief informal comments provided on a proposed joint community project for new public toilet provision between Mallaig and Arisaig (including this site) following announcement of Rural Tourism Infrastructure Fund.
- 1.3 The site is located immediately adjacent to West Bay Car Park and will be served by the existing access from the A830 which serves the Car Park. Connection is proposed to the public water supply and public sewer.
- 1.4 Supporting Information: Letter from Mallaig Community Council confirming that the applicant, The Road to the Isles Facilities Group, is a community group consisting of members of the Mallaig, Morar and Arisaig Community Councils; response to objections received; and site selection process. Response to Disability Access Panel recommendations.
- 1.5 Variations: Revised site/location plan removing motorhome hardstanding/greywater drainage area. Revised elevations showing finalised fenestration and external materials.

2. SITE DESCRIPTION

2.1 The toilet building is to be located at the eastern side of a level, grassy strip which adjoins the southern end of the West Bay Car Park. The level, grassy strip extends to approximately 325m². The site is bounded by the A830 trunk road to the east, the car park to the north and the bay to the south and west. The site occupies a prominent roadside position on the approach to Mallaig by traffic travelling north on the A830. The nearest neighbouring residential premises in Victoria Road are located approximately 45m to the south east and separated from the site by the A830 and railway line.

3. PLANNING HISTORY

3.1 1994 LO/94/049 Construction of car/lorry park Granted

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 3 development and Unknown Neighbour

Date Advertised: 27.09.2018

Representation deadline : 11.10.2018

Timeous representations : 11 from 10 households

Late representations : 1 (1 new objection and 6 further objections in the form of a 7 signatory petition)

- 4.2 Material considerations raised are summarised as follows:
 - a) General support for principle of new public toilet facilities, concerns regarding siting due to loss of public amenity space
 - b) Loss of level, grassy, disabled friendly public space
 - c) Visual impact of development on important public views and setting of listed buildings (Railway Station, Catholic Church and properties at Victoria Place).
 - d) Safety of building due to exposed position, flooding, storms
 - e) Loss of tourism/impact on local economy due to loss of green space/impact on public views
 - f) Inappropriate location for public toilet facilities far from village centre
 - g) Inaccessible location for dump station unlikely to reduce antisocial dumping of chemical toilet waste.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <u>www.wam.highland.gov.uk/wam</u>. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 Environmental Health: No objection

- 5.2 **Transport Planning Team**: Support proposal subject to planning condition for detailed access arrangements (to assess any impacts on adjoining public car park).
- 5.3 Mallaig Community Council: Letter of support. Note the following points:-
 - existing toilet facility in Mallaig Community Centre at the northern side of West Bay Car Park is not fit for purpose and under threat of closure;
 - the area is in need of facilities for camper vans to dispose of their waste;
 - development will reduce but improve area of green space for disabled access and picnic benches will be supplied; and
 - under provision of toilet facilities will have a detrimental effect on tourism.
- 5.4 **Access Panel Lochaber**: Do not support proposed development site. Request consideration given to:-
 - paths created with smooth hard bound surface
 - introduction of at least one disabled car parking bay at southern end of car park
 - modification to internal layout to achieve fully accessible toilet and shower facilities
- 5.5 **Scottish Water:** No objection. Advise there currently is sufficient capacity for connection to water supply and foul drainage.
- 5.6 **SEPA:** No objection. Advise the application site (north west half) lies partially within the medium (1:200 year) flood extent and may be at medium to high risk of coastal

flooding. Advise that records of coastal flooding from 2005 show that the car park suffered from coastal erosion and the main road was damaged after a storm. The Police Station in Mallaig also flooded during the same event. Due to wave overtopping the flood level for the 2005 flood event was 6.15mAOD. The approximate 1:200 year coastal water level for this area is 3.83mAOD based on extreme still water level. This does not take into account the potential effects of wave action, climate change, funnelling or local bathymetry.

The proposed development of a public toilet block would be classed as a 'least vulnerable use' under SEPA Flood Risk and Land Use Vulnerability Guidance. The proposed development should be situated on land above the 1:200 year coastal flood level plus a minimum 600mm freeboard. The site is situated above 5mAOD and sufficiently elevated above the 1:200 year coastal water level plus allowance for freeboard. However, SEPA advise the site is lower than the 2005 flood level and the site may still be at risk of flooding due to wave overtopping and may be damaged in a flood event. As there is a risk of wave overtopping SEPA urge no overnight parking of motorhomes/caravans permitted on site. Given the proximity to the coast, SEPA strongly recommend use of water resistant and resilient materials and forms of construction.

5.7 Transport Scotland: No objection

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 29 - Design Quality and Place-Making Policy 34 - Settlement Development Area Policy 44 - Tourism Policy 49 - Coastal Development Policy 56 - Travel Policy 57 - Natural, Built and Cultural Heritage Policy 61 - Landscape

6.2 West Highland and Islands Local Plan 2010

Inset Map 31: Mallaig

Site located within boundary of Mallaig Settlement Development Area and Commerce Centre

6.3 Highland Council Supplementary Planning Policy Guidance

Flood Risk & Drainage Impact Assessment (Jan 2013) Highland Coastal Development Strategy (May 2010) Special Landscape Area Citations (June 2011) Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Draft West Highland and Islands Local Development Plan (WestPlan)

2.4 Mallaig

Part of allocated site MA04: Harbour - allocated for mixed use (Community, Business/Tourism and Industry).

Developer requirements include:

- Development in accordance with the harbour masterplan;
- Only low vulnerability uses or operationally essential uses in areas shown to be at risk of flooding, to be accompanied by resilience measures;
- High quality siting and design that will compliment the setting of the nearby Listed Buildings and avoid adverse impacts on the special qualities of the Moidart, Morar and Glen Shiel Special Landscape Area.

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

Para. 89 "Plans should identify areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development; areas subject to significant constraints; and largely unspoiled areas of the coast that are generally unsuitable for development..."

Para. 90 "Plans should promote the developed coast as the focus of developments requiring a coastal location or which contribute to the economic regeneration or wellbeing of communities whose livelihood is dependent on marine or coastal activities. They should provide for the development requirements of uses requiring a coastal location, including ports and harbours, tourism and recreation..."

7.3 Other Highland Council Policy

Mallaig Harbour Masterplan - Phase 1 (Years 1-3) Part of wider site allocated as Development Area/Car Park Extension

Assessment of Highland Special Landscape Areas (June, 2011)

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.

- 8.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) Density, siting and design
 - c) Privacy and amenity
 - d) Access and parking
 - e) Flooding and drainage
 - f) Ground conditions and previous uses
 - g) Landscape and play provision
 - h) Developer contributions
 - i) Setting of Listed Building
 - j) Public Art
 - k) any other material considerations.

Development plan/other planning policy

- 8.4 The site is located within the Mallaig Settlement Development Area and Mallaig Commerce Centre (West Highland and Islands Local Plan, 2010). These areas are identified as the Council's preferred areas for most types of development, including tourist facilities.
- 8.5 The application site lies within a wider allocation MA04 Harbour allocated for mixed uses (Community, Business/Tourism and Industry) in the draft West Highland and Islands Local Development Plan (emerging WestPlan). The site also lies within an area allocated for development/car park extension within the Mallaig Harbour Masterplan. The principle of development at this site accords in principle with the adopted and emerging local development plan.

Siting and Design

- 8.6 The applicant provided a supporting statement outlining the background to the proposal, the operational requirements and the process of site investigation and selection undertaken. Five sites were identified at the outset, four of which were discounted due to site size, access and servicing constraints, land ownership issues and existing planning permission in place for one of the sites (University of Highlands and Islands site) adjacent to the main roundabout junction.
- 8.7 The proposed public toilet building site would be located at the southern end of the West Bay Car Park, within an area marked for further development within the Mallaig Harbour Masterplan and emerging local plan. The site occupies a prominent position, adjacent to the trunk road and Mallaig to Morar cycle track and walkway which forms part of the Council's Core Path Network. The site, although located at the edge of the settlement, is considered well appointed to serve pedestrians and vehicular traffic using these routes. The proposed use is considered to accord with existing neighbouring land use and is consistent with allocations in the draft and emerging local plan.

- 8.8 The site will occupy a prominent roadside between the trunk road and Sound of Sleat. Policy 49: Coastal Development and the associated Highland Coastal Development Strategy, requires development proposals to be directed away from the isolated and undeveloped coast. Development proposals around the coast should, in both location and design, show consideration to existing interests and not have an unacceptable impact on the natural, built or cultural heritage and amenity value of the area. Generally the Council promotes development of the landward side of the road, for development where proposals on the coastal side would otherwise interrupt scenic views over open water.
- 8.9 The application site is located in an area of 'developed coast' set against the backdrop of the developed Harbour area to the north. The public toilet building will be seen in context with the existing West Bay Car Park and public service buildings (Community Centre, Library and Police Station) at the west side of the A830 trunk road.
- 8.10 The public toilet building would be sited adjacent to the trunk road and orientated with the narrow gable (5.1m wide) facing the trunk road. The building will be single storey, with low eaves and ridge not exceeding 5.2m. The scale, height, orientation and siting of the building work together to reduce intrusion into coastal views. The building will be finished in traditional materials, in keeping with local vernacular; oak clad walls and a natural slate pitched roof have been chosen for durability and ease of maintenance/replacement and repair. The proposal is not considered to have an unacceptable impact on the natural, built or cultural heritage and amenity value of the area.
- 8.11 The proposals include unisex toilet cubicles, a shower room and accessible toilet cubicle. The Disability Access Panel has made a number of recommendations to improve the facilities proposed. These recommendations include re-siting the toilet block to a more sheltered position, installing smooth hard bound surfaced paths, introducing at least one designated disabled parking bay at the southern end of the car park, improving the floor layout in the accessible toilet and introducing a clear colour definition between the toilet doors and all furnishings located within the room. The Panel note that there is no accessible shower indicated in the drawings and with a little more consideration it should be possible to design a fully accessible facility.
- 8.12 The applicant has advised they will seek further advice from the Panel in order to make the toilet block as accessible as possible within the funding constraints. The application is made by a community charity with an ethos for inclusion wherever possible. The group is investigating amendments to the internal layout to see if a wet room can be accommodated within the proposal. Access to the main floor area is via paddle gates to accommodate a wider sector of the community including elderly patrons and children. A turnstile entry was initially considered and rejected by the group due to concerns over accessibility. An informative note is proposed, to advise the applicant to discuss the provision of a disabled car parking bay at the southern end of the car park with The Highland Council as landowner and Roads Authority.

Impact on Natural, Built and Cultural Heritage Designations

- 8.13 The site is located at the western edge of the Moidart, Morar and Glen Shiel Special Landscape Area (SLA). Sensitivity to change identified within the SLA assessment relates to development *"in the coastal part of the SLA which would alter the balance between built and natural features and have an adverse impact on the extent and character of views along the coast and to nearby islands."* Potential for landscape enhancement includes *"potential for improvement of facilities for visitors to the area, such as pathways, laybys and parking areas, although these should be sited and designed discretely to avoid adverse impacts and to relate to the rural and remote character of the area."* In this case development has been directed to the developed coast, will be seen in context with existing development, within the boundary of the settlement and will not have a significant adverse impact on the wider Special Landscape Area designation.
- 8.14 The site is located approximately 45m to the west of a group of category B listed buildings at Victoria Place. This is a group of 4 blocks of 2 storey, railwaymen's houses, built by West Highland Railway for opening of the line in 1901. The Mallaig Roman Catholic Church of St Patrick is a category C listed building set north east of Victoria Place. This group of listed buildings occupy an elevated position above the site and are separated by the trunk road and railway line. Given the separation of the application site from the listed building group, together with the scale, height and orientation of the toilet building, the proposal is not considered to have a significant adverse impact on the special architectural and historic interest of the listed building group. The proposal is considered to accord with policy 57 of the Highland wide Local Development Plan, 2012.

Public Amenity Space

- 8.15 Although the site is not allocated as an area of open space and has not been identified as part of the wider green network within local plans, it is evident from the letters of representation received, that the area is well used as an informal green space by tourists and locals alike. The site also provides a flat, grassed, easily accessible area for disabled persons.
- 8.16 The development proposals will not affect the whole of this area and following removal of the motorhome hardstanding area, approximately half of the site (towards the Sound of Sleat) will be retained. The grassy area is currently blocked in by a low stone wall which separates it from the southern edge of the car park. The wall is broken down in a couple of places allowing access onto this area. Any loss of public amenity space has to be balanced against the need to provide facilities to serve locals and visitors.
- 8.17 Tourism in Highland is important to the local economy, however, it is recognised that visitor numbers put additional strain on local infrastructure and services. The need for additional tourist infrastructure (including public toilet and motorhome waste disposal facilities) has been identified and funding made available through the Rural Infrastructure Fund to deliver improvements. There is an opportunity for the remaining area of greenspace to be more appropriately landscaped and managed. The Community group has advised that there may be scope to raise additional funds

to landscape this area and planning permission is recommended subject to condition to agree any landscaping proposals prior to commencement of development of the toilet block.

8.18 The Elsan waste disposal unit will be sited at the north west side of the public toilet building. This area will be fenced and gated, screened and separated from the remaining amenity space. Foul drainage will connect to Scottish Water infrastructure and discharge to the public mains sewer.

Flood Risk

8.19 The proposed development of a public toilet block would be classed as a 'least vulnerable use' under SEPA Flood Risk and Land Use Vulnerability Guidance and would be sited on land above the 1:200 year coastal flood level plus a minimum 600mm freeboard. Given the exposed site and position on the coast, the site may still be at risk of flooding due to wave overtopping and may be subject to damage in an extreme flood event. SEPA strongly recommend use of water resistant and resilient materials and forms of construction and these recommendations have been passed on to the applicant. The applicant has advised the design has been developed to minimise fenestration to the more exposed southern and western elevation and will use natural, traditional, resilient materials which are easily maintained, repaired and which can be replaced in part if required.

Access, Parking and Servicing

- 8.20 The original proposals included the formation of a motorhome hardstanding area with vehicular access to be taken from the southern edge of the existing car park. The Transport Planning Team requested additional information to assess the impact of the development on the layout of West Bay Car Park and to consider any loss of parking spaces and revenue.
- 8.21 The motorhome hardstanding area and vehicular access from the car park into the application site boundary has been deleted from these proposals and the existing car park layout will remain unchanged as a result of this development. Planning permission is recommended subject to condition to secure full details of the pedestrian links from the car park into the site and to agree appropriate boundary treatments to ensure appropriate enclosure and separation of uses in the interests of public safety. There are disabled car parking spaces at the north end of the car park. In addition to these spaces the Disability Access Panel recommends at least one disabled car parking space is provided at the southern end of the car park. An informative note to the applicant is proposed to advise the community group to discuss this recommended provision with The Highland Council as landowner/Roads Authority.
- 8.22 Connection to the public water supply and public foul sewer is proposed. This application is made by a Community Group using a national funding initiative to cover the cost of development. A small fee will be imposed for use of the facilities to cover ongoing management and maintenance costs.

Other material considerations

8.23 None

Non-material considerations

8.24 Historical commitments from Council as landowner not to build on this area and nondelivery of landscaping at the time the car park was constructed are not material planning considerations of this application. The motorhome hardstanding/grey water drainage station has been deleted and no longer forms a material consideration of this application.

8.25 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

- 9.1 The proposed development will provide essential public facilities in response to a recognised local need. Development at this site accords with both the adopted and emerging draft local plan allocations. The development will be set at the edge of an existing car park and seen in context with existing development. The siting, orientation and design limit intrusion into public views and will not have a significant adverse impact on the setting of listed buildings within the settlement.
- 9.2 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. 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

Action required before decision issued	
Notification to Scottish Ministers	Ν

Notification to Historic Scotland Ν Conclusion of Section 75 Agreement N

Revocation of previous permission N

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

- 1. No development shall commence until details of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. The location and design, including materials of any existing or proposed walls, fences and gates;
 - ii. The location, design and construction of any hard landscaping including seating, areas of hardstanding and pedestrian paths;
 - iii. All soft landscaping and planting works; and
 - iv. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure suitable integration of development at this site and to ensure that landscaped areas are properly managed and maintained; in accordance with policies 28 and 29 of the Highland wide Local Development Plan, 2012.

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 LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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.

Disabled Car Parking Bay

You are advised to discuss disabled car parking bay provision at the southern end of the West Bay Car Park with The Highland Council as landowner and Roads Authority.

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.

Radon Protection

Please be advised that the development falls within an area where there is a requirement for basic radon protection. Basic Radon Protection measures will be required to be incorporated in the building design as per the guidance in publication *BRE-211 Radon-Guidance on protective measures for new buildings (including supplementary advice for extensions, conversions and refurbishment projects) 2015 edition,* or equivalent protection.

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

Application forms and guidance notes for access-related consents can be downloaded from: <u>http://www.highland.gov.uk/info/20005/roads and pavements/101/permits_or_working_on_public_roads/2</u>

- Designation:Area Planning Manager SouthAuthor:Christine MillardBackground Papers:Documents referred to in report and in case file.Relevant Plans:Plan 1 HM-RTTIFG-WBM-07 Location PlanPlan 2 HM-RTTIFG-WBM-05 Site PlanPlan 3 HM-RTTIFG-WBM-01Floor PlanPlan 4 HM-RTTIFG-WBM-02 Gable Elevations PlanPlan 5 HM-RTTIFG-WBM-03 Elevation Plan
 - Plan 6 HM-RTTIFG-WBM-04 Elevation Plan



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