Agenda Item	6.3
Report No	PLS-48-23

HIGHLAND COUNCIL

- **Committee:** South Planning Applications Committee
- **Date:** 23 August 2023

Report Title: 23/01219/FUL: James McQueen Building

Land NW of 33 Island Bank Road, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

- **Description:** Erection of 2 semi-detached houses
- Ward: 15 Inverness Ness-Side

Development category: Local

Reason referred to Committee: 5 objections received

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** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of two semi-detached houses on a site that was previously garden ground and located to the northwest of a dilapidated cottage at Island Bank Road, Inverness. The site is within the Inverness (Riverside) Conservation Area. The cottage site has been sub-divided and the cottage itself recently demolished to facilitate the development of four flats granted planning permission in 2019. This proposal is an alternative submission to an earlier planning permission (16/02648/FUL) for a single house, granted in November 2016.
- 1.2 The proposed houses are 1³/₄ storeys in height with a rectilinear footprint and featuring a low pitched extended porch area to the front of the houses and flat roofed dormer windows. Proposed external materials and finishes have not been provided but can be conditioned in the event that planning permission is granted. The supporting Design and Access Statement indicates that the houses would have a mix of contemporary and traditional materials in keeping with the surrounding architecture of the conservation area. It is therefore expected that finishes would be similar to those approved for the flatted development on the adjacent plot which consists of white rendered walls, slate roof, timber cladding and timber windows and doors.
- 1.3 A new shared site access will be created from Drummond Crescent, which at this location is an unclassified, but adopted, 'no through' single track road, leading off from Island Bank Road. There are no footways or passing places, however it does feature street lighting. Water supply and drainage will be via the existing public infrastructure. The main junction of Drummond Crescent and Island Bank Road will be upgraded, including provision of a pedestrian refuge, to be constructed in accordance with details to be approved as part of planning permission (19/05612/FUL) for four flats on the adjacent site.
- 1.4 Pre-Application Consultation: Not applicable.
- 1.5 Supporting Information: Design and Access Statement.
- 1.6 Variations: None.

2. SITE DESCRIPTION

- 2.1 The site is an area of former garden ground of a previous cottage. It is bounded to the northwest by Island Bank Road and to the northeast by Drummond Crescent. A number of mature trees are located along and within the site boundary, which will be retained and protected during construction. To the southeast is the adjacent development site where the former cottage was located and which will be replaced by four flats. To the southwest is the neighbouring property known as Alderwood.
- 2.2 The proposed development is set within an area of relatively low density and predominately detached dwellings set within generous curtilages. There is a mix of single, one and a half, and two-storey dwellings, as well as a flatted block of properties located to the northeast of the site. The existing built development in

the surrounding area is interspersed with areas of woodland that defines the character of the area.

3. PLANNING HISTORY

3.1	04.11.2016	16/02648/FUL: Erect house	Planning Permission Granted
3.2	11.06.2020	19/05612/FUL: Erect 4no. flats with associated roads and services	Planning Permission Granted
3.3	27.06.2020	19/05613/FUL: Demolition of dwelling and erection of 4no. flats	Planning Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Conservation AreaDate Advertised: 07.04.2023Representation deadline: 28.04.2023

Timeous5 representations from 5 householdsrepresentations:

Late representations: None

- 4.2 Material considerations raised are summarised as follows:
 - a) The proposal, in conjunction with the approved flats represents overdevelopment of the site and there is limited amenity/green space not in keeping with surrounding properties;
 - b) Existing road is single width with no pavement or passing places and is inadequate to cope with additional traffic and there is no provision for on street parking;
 - c) Parking provision within the whole development is inadequate; and
 - d) Limited visibility to Island Bank Road;
- 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>.

5. CONSULTATIONS

- 5.1 **Forestry Officer:** No comments received to date.
- 5.2 **Historic Environment Team (Conservation):** No objection. This proposal for a pair of semi-detached houses has reduced the footprint of that previously granted planning permission, taken the building off the boundary, as well as changing to a

more traditional building form. These three elements are considered to be positive enhancements over what was initially approved. The design of the proposal is simple and contemporary, moderate in its architectural quality but probably quite unobtrusive within its context. Facing materials are not shown on the plans and such need to be confirmed to ensure an adequate quality will be achieved.

6. DEVELOPMENT PLAN POLICY

- 6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the Inner Moray Firth Local Development Plan, 2015 and Highland wide Local Development Plan, 2012 and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.
- 6.2 The following Development Plan policies are relevant to the assessment of the application.

6.3 National Planning Framework 4

- 1 Tackling the climate and nature crises
- 2 Climate mitigation and adaption
- 3 Biodiversity
- 6 Forestry, woodland and trees
- 7 Historic assets and places
- 14 Design quality and place
- 16 Quality homes
- 20 Local living and 20-minute neighbourhoods

6.4 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 31 Developer Contributions
- 34 Settlement Development Areas
- 57 Natural, Built & Cultural Heritage
- 65 Waste Water Treatment
- 66 Surface Water Drainage

6.5 Inner Moray Firth Local Development Plan 2015

No specific policies apply.

6.6 Inner Moray Firth 2 Proposed Local Development Plan 2023

- 1 Low Carbon Development
- 2 Nature Protection, Preservation and Enhancement
- 8 Placemaking
- 11 Self and Custom Build Housing
- 13 Accessible and Adaptable Homes

6.7 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011) Developer Contributions (March 2013) Highland Historic Environment Strategy (Jan 2013) Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 None

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Planning Authority pays special attention to the desirability of preserving or enhancing the character or appearance of the (Inverness (Riverside)) Conservation Area.

Determining Issues

8.3 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

- 8.4 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) the siting, layout, and design of the development
 - c) impact on natural and historic environment
 - d) impact on infrastructure and services and proposed mitigation (developer contributions)
 - e) any other material considerations.

Development plan/other planning policy

8.5 NPF4 supports proposals for new houses within existing settlement boundaries where there will be no detrimental impact on biodiversity; where development is consistent with the six qualities of successful places; where development is compliant with the Place Principle; and in relation to development within conservation areas, where development ensures that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

- 8.6 The site lies within the Settlement Development Area of South Inverness as defined in the Inner Moray Firth Local Development Plan. The Highland-wide Local Development Plan supports development within SDA's providing it can be adequately demonstrated that it is compatible with public service provision (e.g. water and sewerage, drainage, roads, schools), makes use of existing brownfield land, will not adversely impact on individual or community residential amenity, and demonstrates sensitive siting and high quality design in keeping with local character and the historic and natural environment.
- 8.7 Subject to the development being considered acceptable in relation to siting, layout and design, and the proposal having no significant adverse impact in relation to individual and community residential amenity and natural and historic heritage features, the proposal would comply with the development plan.

Siting, layout, and design of the development

- 8.8 The proposed development is located in a similar position within the site as the 2016 planning permission for a single house. However, the building has been moved off the rear boundary shared with the adjoining neighbouring property thereby improving its relationship with neighbouring occupiers. The overall footprint has reduced from approximately 199 square metres to 164 square metres. There are two car parking spaces for each house, located adjacent to the gable elevations. The driveway serving both houses will share its access with the adjacent flatted development and runs along the frontage of the houses.
- 8.9 The building is 18.21 metres in length and 7.32 metres in width. A 13.43 metre wide mono-pitched porch extends out 1.98 metres from the principal elevation of the building and contains a utility room, shower room and entrance vestibule for each house. The building has a pitched roof and is 8.174 metres in height to the ridge.
- 8.10 The site area of the plot is approximately 885 square metres, with the building footprint measuring 164.28 square metres. This equates to a plot ratio (i.e. area of built development to available land) of 18.56%. This is comparable to the adjacent flatted development which has a plot ratio of 17.5%.
- 8.11 Subject to a condition requiring full details of the external finishes for the development, the proposals are considered to be acceptable in terms of siting, design, and layout.

Impact on natural and historic environment

8.12 The proposed development is a significant improvement in design terms over the previously approved development. The Council's Historic Environment team has advised that this proposal has reduced the footprint of that previously granted planning permission, taken the building off the boundary, as well as changing to a more traditional building form. These three elements are considered to be positive enhancements over the earlier proposals. The design is simple and contemporary, moderate in its architectural quality, but quite unobtrusive within its context.

- 8.13 As mentioned above, no details have been provided in relation to external materials and finishes. However, subject to the use of appropriate materials and finishes, similar to those approved for the flatted development underway on the adjacent site and being constructed by the same developer, the character of the conservation area will be preserved.
- 8.14 There are a number of mature trees within the site, located adjacent to the boundary with Drummond Crescent. These trees make a significant contribution to the character of the area and are of high amenity value. The trees were surveyed in connection with the planning application for the adjacent flatted development and would be retained and protected during construction works. In the event that Members are minded to grant planning permission for the development, it is recommended that conditions are imposed requiring submission and approval of an Arboricultural Method Statement, Tree Protection Plan, and Planting Plan. These measures will ensure that existing trees are adequately protected and the requirement for a Planting Plan will ensure that biodiversity within the site is both protected and enhanced through this development.

Impact on infrastructure and services and proposed mitigation (developer contributions)

- 8.15 The planning permission for the adjacent flatted development requires, through condition, the improvement of the access road junction with the public road, measures that will enhance visibility for access and egress, as well as improved pedestrian safety through the creation of a pedestrian refuge area. Final details relating to this are in the process of being approved, and it is recommended that, should Members be minded to grant planning permission, a condition is imposed requiring the junction improvement works to be completed before commencement of development.
- 8.16 Two dedicated car parking spaces for each house are shown on the site plan. It is noted that objectors have raised concerns that there is no provision for on street parking outwith the site. However, it is evident from the site plan that there is sufficient space within the curtilage of the houses to accommodate additional short-term parking should the need arise. Whilst there will be an increase in scale of development from a single house to two semi-detached houses, this is considered to be modest and unlikely to have a detrimental impact on the existing road.
- 8.17 In terms of developer contributions, the development falls within the catchment area of Inverness Royal Academy and Holm Primary School. Both require contributions as set out in the table below:

Summary of Developer Contributions						
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already				
Number of Homes Proposed	2	been applied)				
Holm Primary School						
Build Costs	Major extension / new school	£2,686				
Major Extension / New School - Land Costs	None - No land costs required	£0				
	Primary Total	£2,686				
Inverness Royal Academy						
Build Costs	Major extension / new school	£1,271				
Major Extension / New School - Land Costs	None - No land costs required	£0				
	£1,271					
Affordable Housing						
CNPA	No	£0				
Cumulative Transport						
Development Brief / Agreement Area	None - No cumulative transport costs required	£0				
	N/A	N/A				
Breakdown	N/A	N/A				
	N/A	N/A				
	Total Per Home	£3,956				
	Total for Development	£7,913				
All costs are subject to indexation (BCIS A	II-In TPI) and have been indexed to	· · · · · · · · · · · · · · · · · · ·				

Other material considerations

- 8.18 As mentioned earlier in this report, there is an extant planning permission for the erection of a house on this site. That permission has been 'locked on' and development could proceed in accordance with that permission. It is understood from the submitted Design and Access Statement that work was suspended in 2020 due to the pandemic and the owner subsequently decided against proceeding with works as the development involved works to the shared boundary with the adjacent neighbour and could not be built without major intrusion and co-operation from the neighbour. In addition, the owner did not consider that the design of the house was in keeping with the context of the conservation area and that a better alternative could be brought forward.
- 8.19 The current proposal is materially different from the earlier permission, not only because it is for two houses, but also in terms of overall design. The provision of an additional house does not raise any issues of concern in planning terms; the

site is large enough to comfortably fit the additional house, particularly given that the pair of semi-detached houses will occupy a smaller footprint than the previously granted house. Furthermore, the current proposal is a significant improvement in design terms in comparison with the earlier approval and is far more appropriate for the site and the conservation area.

Non-material considerations

8.20 The issue of access being potentially impeded to the sub-station located on land south of the application site is not a material consideration relevant to the determination of this application.

Matters to be secured by Section 75 Agreement

8.21 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:

a) Payment of developer contributions towards education, unless otherwise secured as an upfront payment in advance of any subsequent planning permission being released.

9. CONCLUSION

- 9.1 Planning permission is sought for the erection of two semi-detached houses on a brownfield site which was previously garden ground of a dilapidated cottage that has recently been demolished to enable a development of four flats.
- 9.2 The proposed development is of a suitable scale, mass and design for the site and is a considerable improvement over an earlier extant planning permission for a house on the land.
- 9.3 Existing trees, which are an important amenity asset, will be retained and protected and appropriate planting, secured by condition, will ensure that the development of this site results in a net biodiversity gain.
- 9.4 The development, subject to being carried out in accordance with the conditions appended to this report, will preserve the character of the Inverness (Riverside) Conservation Area and therefore meet the requirements set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 9.5 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 N

Conclusion of Section 75 Y Obligation

Revocation of previous N permission

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development or work, including site excavation or groundworks shall commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan has been submitted to, and approved in writing by, the Planning Authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). Thereafter, development and work shall progress in accordance with the approved details.

Reason: To ensure that existing trees to be retained are protected during construction works.

3. No development or work, including site excavation or groundworks shall commence until all retained trees have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction). Barriers shall remain in place throughout the construction period and shall not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the adequate protection of retained trees during construction.

4. No development shall commence until a Planting Plan and maintenance programme has been submitted to, and approved in writing by, the Planning Authority. The

Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority.

Reason: To ensure that appropriate planting works are carried out to enhance biodiversity within the site.

5. No development shall commence until the access junction improvements and pedestrian refuge required under the terms of planning permission 19/05612/FUL have been constructed and completed.

Reason: To ensure that the necessary off-site road safety improvement works are carried out prior to work commencing on the construction of the houses.

- 6. No development shall commence until a detailed specification for all proposed external materials and finishes has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.
- 7. **Reason:** In order to enable the Planning Authority to consider these matters in detail prior to the commencement of development; in the interests of amenity and to ensure that the character of the Inverness (Riverside) Conservation Area is preserved.
- 8. Prior to first occupation of any of the houses, the car parking spaces, parking court, and bin storage area shall be completed and available for use and maintained in perpetuity.

Reason: To ensure that adequate off-street parking and bin storage is available for use and provided timeously.

REASON FOR DECISION

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.

INFORMATIVES

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.

Mud & Debris on Road

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

Construction Hours and Noise-Generating Activities

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

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

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

Signature:	David Mudie
Designation:	Area Planning Manager – South
Author:	John Kelly
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan Plan 2 – Site Layout Plan Plan 3 – Floor Plan Plan 4 – Elevation Plan Plan 5 – Section Plan (1/2) Plan 6 – Section Plan (2/2)

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREMEENTS ONLY				
Туре	Contribution	Rate (per house)	Rate (per flat)	Total Amount ^{*1}	Index Linked ¹	Base Date ^{*2}	Payment Trigger* ³	Accounting Dates ^{*4}	Clawback Period* ⁵
Schools									
Primary – Build Costs	Holm	£2,686	£0.00	£5,372	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Primary – Land Costs	n/a	£0.00	£0.00	£0.00					
Secondary – Build Costs	Inverness Royal Academy	£1,271	£0.00	£2,542	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Secondary – Land Costs	n/a	£0.00	£0.00	£0.00					



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Note to Designers and Contractors

Under the CDM2015 regulations BSC has sought to eliminate or reduce risks where possible as part of the design process.

Significant residual risks, or areas of work that require special attention during construction, which have been identified by BSC, are indicated on project drawings by the following symbol <u> </u>.

It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them were possible.

Measures to minimise residual hazards will be reviewed on a regular basis.

REV DATE DESCRIPTION

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Bracewell Stirling CONSULTING

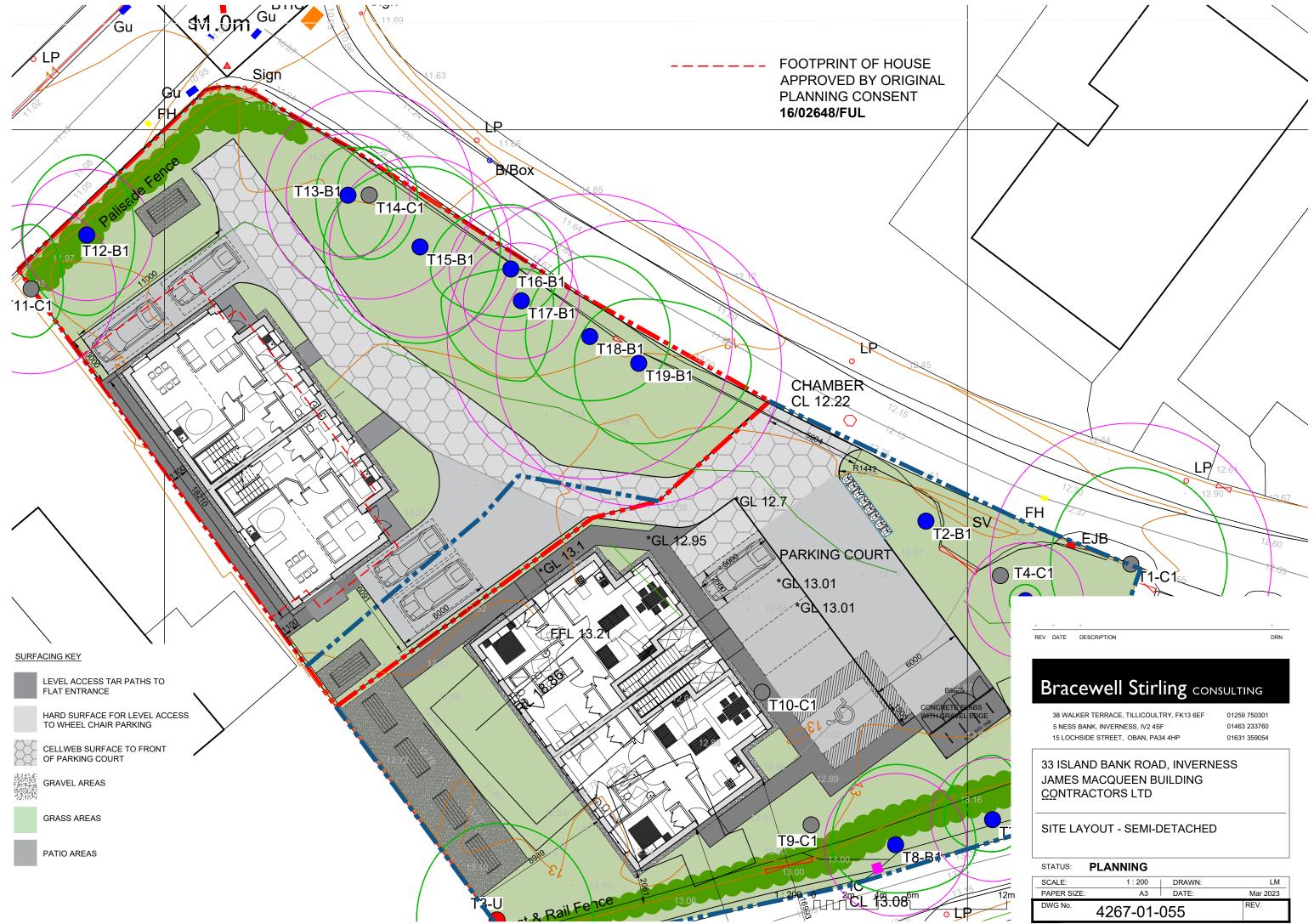
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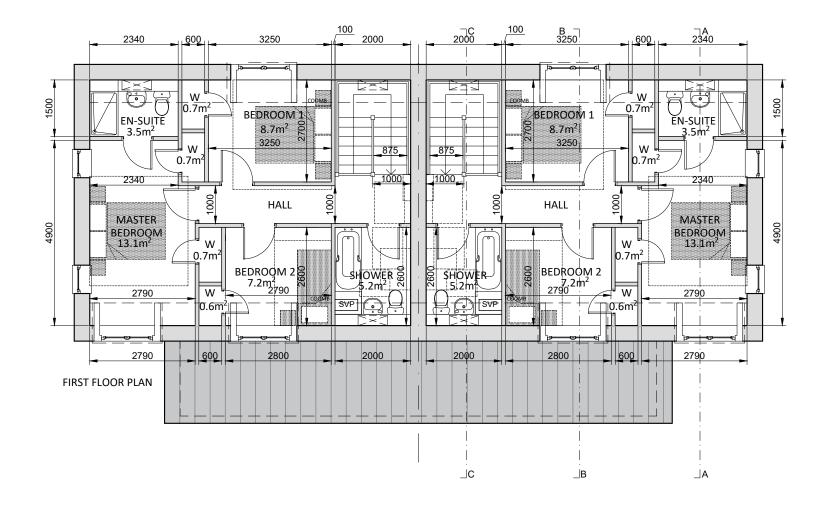
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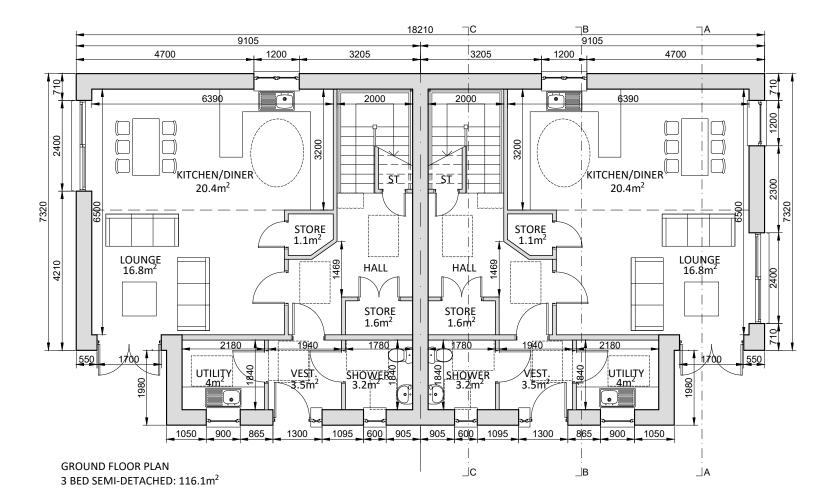
LOCATION PLAN - SEMI-DETACHED

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Measures to minimise residual hazards will be reviewed on a regular basis.

REV DATE DESCRIPTION

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Bracewell Stirling CONSULTING

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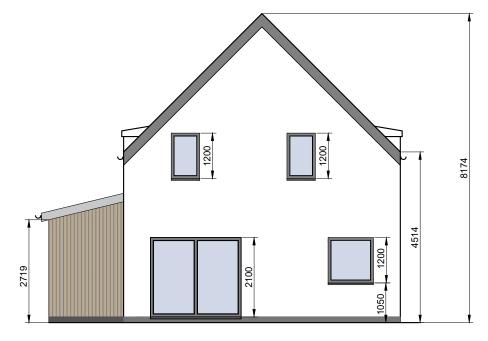
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SEMI-DETACHED - FLOOR PLANS

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FRONT ELEVATION

GABLE ELEVATION



REAR ELEVATION

GABLE ELEVATION

Note to Designers and Contractors

Under the CDM2015 regulations BSC has sought to eliminate or reduce risks where possible as part of the design process.

Significant residual risks, or areas of work that require special attention during construction, which have been identified by BSC, are indicated on project drawings by the following symbol 🛕

It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them were possible.

Measures to minimise residual hazards will be reviewed on a regular basis.

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Bracewell Stirling CONSULTING

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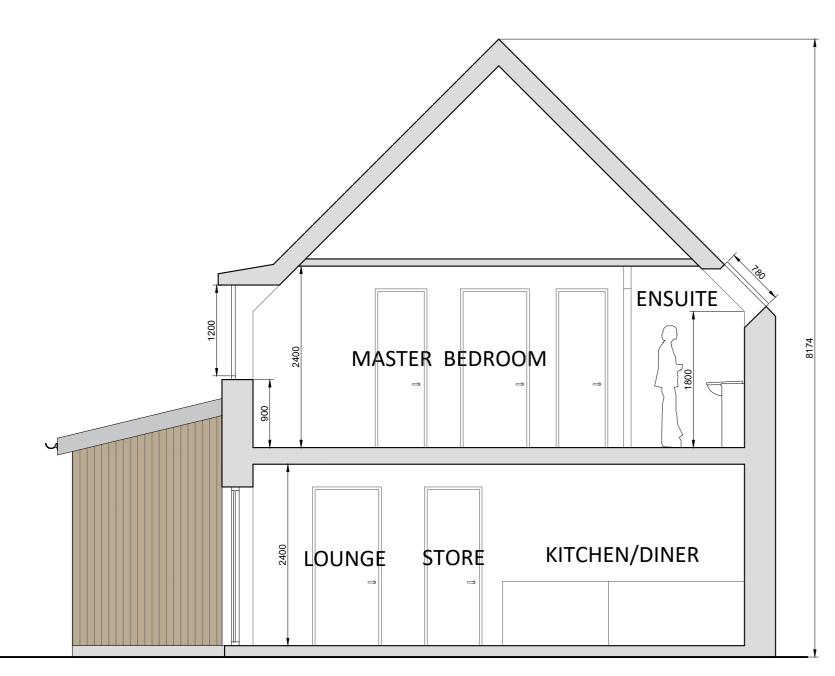
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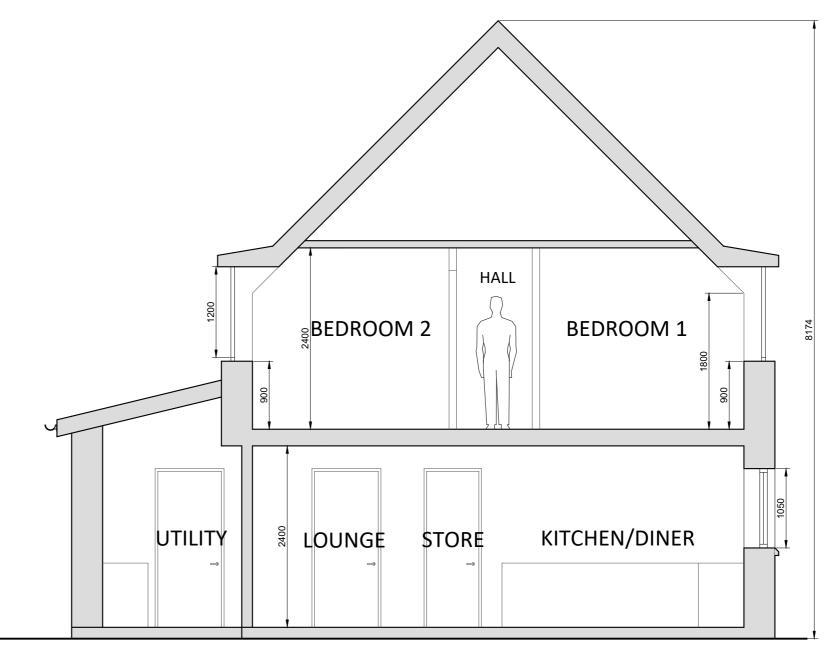
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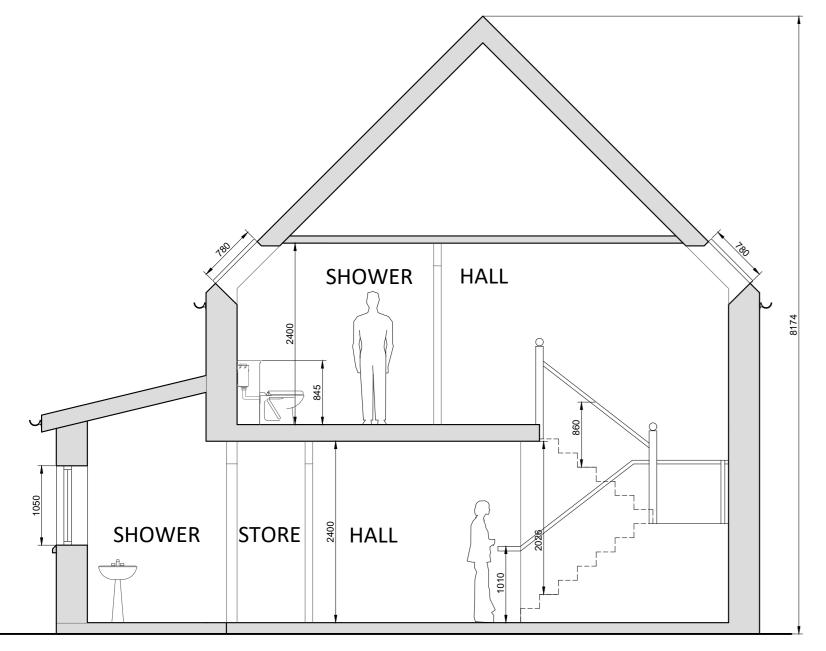
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SECTION A-A



SECTION C-C

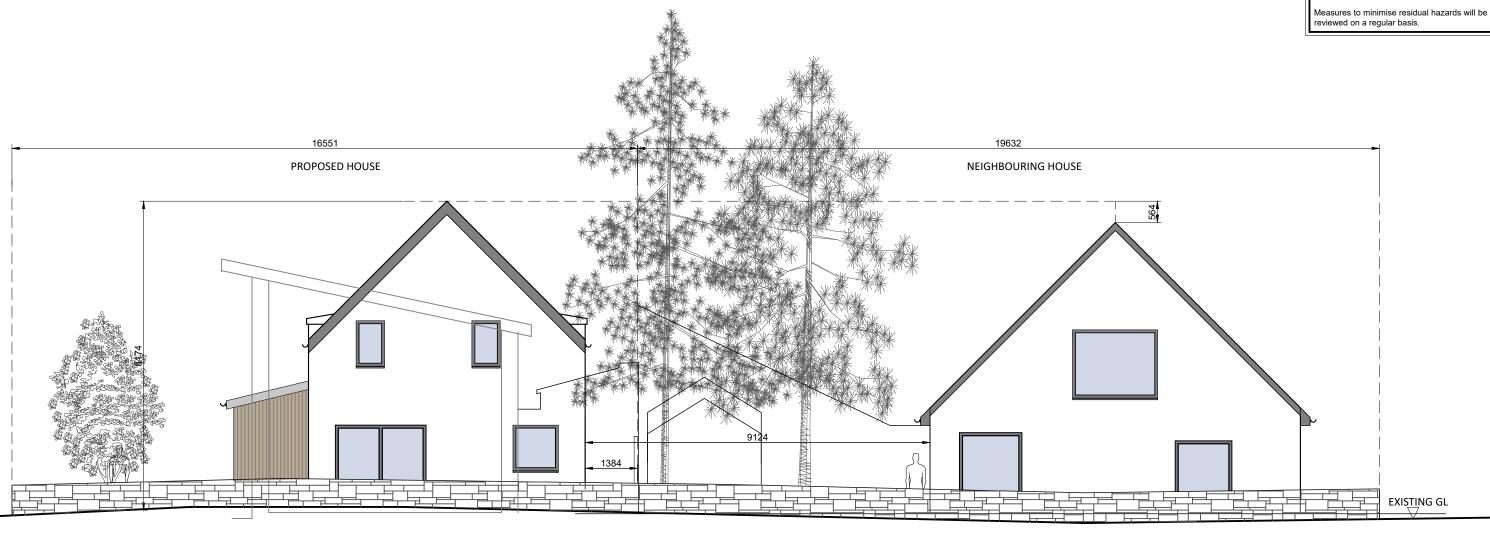
Note to Designers and Contractors Under the CDM2015 regulations BSC has sought to eliminate or reduce risks where possible as part of the design process. Significant residual risks, or areas of work that require special attention during construction, which have been identified by BSC, are indicated on project drawings by the following symbol Δ . It is anticipated that other designers and

It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them were possible.

Measures to minimise residual hazards will be reviewed on a regular basis.

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SECTION B-B



SITE SECTION A-A



Under the CDM2015 regulations BSC has sought to eliminate or reduce risks where possible as part of the design process.

Significant residual risks, or areas of work that require special attention during construction, which have been identified by BSC, are indicated on project drawings by the following symbol 🛕

It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them were possible.

REV DATE DESCRIPTION

Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILLICOULTRY, FK13 6EF 5 NESS BANK, INVERNESS, IV2 4SF 15 LOCHSIDE STREET, OBAN, PA34 4HP

01259 750301 01463 233760 01631 359054

33 ISLAND BANK ROAD, INVERNESS JAMES MACQUEEN BUILDING CONTRACTORS LTD

SEMI-DETACHED - SITE SECTION

STATUS:	PLANNING		
SCALE:	1 : 100	DRAWN:	LM
PAPER SIZE:	A3	DATE:	Mar 2023
DWG No.	4267-01-	109	REV.