

Case No: 19/00175/PIP (PERMISSION IN PRINCIPLE)
Proposal: RESIDENTIAL DEVELOPMENT
Location: LOT 1 AVENUE FARM PADGETTS LANE FENTON PE28
2FT
Applicant: MR A AUGSTEIN
Grid Ref: 531831 279596
Date of Registration: 28.01.2019
Parish: PIDLEY-CUM-FENTON

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) in accordance with the current Scheme of Delegation as:

1. The application is a departure from the development plan and is recommended for approval. Huntingdonshire District Council's Scheme of Delegation states that final decisions on all applications for Permission in Principle can be delegated to Officers unless the proposal is contrary to the development plan and recommended for approval.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The site is located outside of any built up area, in the settlement of Fenton. Although the site is classified as the countryside it is considered the site is reasonably well related to the built up area in terms of proximity to the southern edge of the built up area of Warboys and to adjacent residential development to the north, east and south of the application site within Fenton.
- 1.2 The site comprises a parcel agricultural land approximately 0.1 hectares in size between Fenton Road and Avenue Farm, classed as Grade 3 agricultural land, on a scale of 1 - 5, where 1 is 'excellent quality agricultural land' and 5 is 'very poor agricultural land'. There are established trees and hedging between the site and Fenton Road, and access would be onto Fenton Road. The site is adjacent to Public Bridleway No.14 Pidley cum Fenton which runs to the north of the application site. The site is located in Flood Zone 1 based on the Council's 2017 Strategic Flood Risk Assessment (SFRA) and is not considered to have any other significant constraints.
- 1.3 The PIP application is for residential development of two dwellings. The current proposal is the first part of permission in principle application; which only assesses the principle issues namely: (1) location, (2) use; and (3) amount of development proposed and establishes whether a site is suitable in principle. Should this application be successful, the applicant will have to submit a Technical Details application covering all other detailed material planning considerations.

2. NATIONAL GUIDANCE

- 1.4 The National Planning Policy Framework (19th February 2019) (NPPF 2019) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2019 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 1.5 The NPPF 2019 sets out the Government's planning policies for (amongst other things):
- * delivering a sufficient supply of homes;
 - * achieving well-designed places;
 - * conserving and enhancing the natural environment;
 - * conserving and enhancing the historic environment.
- 1.6 The NPPF 2019 updated the NPPF 2018 which replaced the NPPF 2012. Transitional arrangements are in place for authorities who have submitted Local Plans on or before the 24 January 2019. To ensure consistency, the 2012 Framework policies will continue to be relevant for the purposes of examining those plans. For clarity HDC submitted their Local Plan on 29 March 2018 and the examination hearings took place in July and September 2018. This emerging Local Plan is a material consideration. The NPPF 2019 should also in the normal way be taken into account as a material consideration in dealing with applications.
- 1.7 Planning Practice Guidance is also relevant and a material consideration.

For full details visit the government website: <https://www.gov.uk>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995):
- H23: Housing Outside of Environmental Limits
 - H31: Residential Privacy and amenity standards
 - T18: Access requirements for new development
 - T19: Pedestrian Routes and Footpath
 - En12: Archaeological Implications
 - En17: Development in Countryside
 - En18: Protection of countryside features
 - En19: Trees and Landscape
 - En20: Landscaping Scheme
 - En22: Nature and Wildlife Conservation
 - En25: General Design
 - CS8: Water
 - CS9: Flood Water Management
- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002):
- HL5: "Quality and density of development"

- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009):
- CS1: Sustainable development in Huntingdonshire
 - CS2: Strategic Housing Development
 - CS3: The Settlement Hierarchy
 - CS10: Contributions to Infrastructure requirements
- 3.4 Huntingdonshire's Local Plan to 2036: Proposed Submission 2017 (as amended March 2018 for submission):
- LP1: Amount of Development
 - LP2: Strategy for Development
 - LP4: Contributing to Infrastructure Delivery
 - LP5: Flood Risk
 - LP6: Waste Water Management
 - LP8: Key Service Centres
 - LP10: Small Settlements
 - LP11: The Countryside
 - LP12: Design Context
 - LP13: Design Implementation
 - LP15: Amenity
 - LP16: Surface Water
 - LP17: Sustainable Travel
 - LP18: Parking Provision and vehicle movement
 - LP32: Biodiversity and Geodiversity
 - LP33: Trees, Woodland, Hedges and Hedgerow
- 3.5 The LPA considers the Local Plan to 2036 to be a sound plan and it was submitted for examination on the 29th March 2018. Footnote 22 of the NPPF 2018 states during the transitional period for emerging plans submitted for examination (set out in paragraph 214 of NPPF 2018), consistency should be tested against the previous Framework published in March 2012. The plan has therefore reached an advanced stage and is considered to be consistent with the policies set out within the NPPF 2012. The Local Plan examination hearings ended on 27 September 2018 and the Inspector's initial findings are that the plan can be made sound by main modifications.
- 3.6 Following the examination hearings held in July and September 2018, the wording of LP2, LP5 and LP11 are to be changed with "recognise" added in relation to the intrinsic character and beauty of the countryside in LP2, with LP5 amended as agreed with the Environment Agency and County Council and with "protect" replaced with "recognise" in LP11.
- 3.7 The Inspector has not required any main modifications to any of the other policies listed above that would have any material implications for this application.
- 3.8 The emerging Local Plan has now reached an advanced stage and in the light of the Inspector's initial findings should be afforded more weight. Save for policies LP2, LP5 and LP11, it is considered that significant (but not full) weight should now be afforded to the policies referred to within the Local Plan to 2036 (as amended March 2018 for submission). The Local Planning Authority has agreed to the required changes to LP2, LP5 and LP11 but as the required changes to Policies LP2, LP5 and LP11 have recently been subject to further

consultation before adoption, it is considered that moderate rather than significant weight should be afforded to these policies as modified.

- 3.9 Supplementary Planning Documents (SPD) and Guidance:
- Huntingdonshire Design Guide SPD (2017)
 - Huntingdonshire Townscape and Landscape Assessment SPD 2007
 - Developer Contributions SPD 2011
 - Cambridgeshire Flood and Water SPD 2017
 - Huntingdonshire Tree Guidance Note 3
 - December 2018 Annual Monitoring Review regarding housing land supply.

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

4. PLANNING HISTORY

- 4.1 None relevant

5. CONSULTATIONS

- 5.1 **Pidley-cum-Fenton Parish Council:** Recommend approval, comments summarised below:

*Noted that the any Technical Details application should make use of the existing track as vehicle access as the main road outside the application site is busy and cars travel at speed. (COPY ATTACHED).

- 5.2 **Cambridgeshire County Council Local Highway Authority (LHA):** No objection in principle, comments summarised below:

*Padgetts Lane joins the public highway at Fenton Road (B1040). Fenton Road is devoid of separate footways, cycleways, street lighting and local amenities. HDC should consider if this is a suitable place for this type of development in terms of sustainability.

*Any occupant would be completely reliant upon a private motor vehicle. Any development coming forward should include suitable vehicle to vehicle visibility splays at the public highway, a parking a turning detail and a sealed and drained access suitable for the scale of the development.

*The red line will also need to be amended to meet the public highway boundary and not the PROW.

The red line boundary of the application site was subsequently amended to meet the public highway.

- 5.3 **CCC Definitive Map Officer** – No objection in principle, comments summarised below:

*A number of informatives are requested in relation to the operation of and access to the Public Right of Way.

- 5.4 **Wildlife Trust** – No objection in principle, comments summarised below:

* The proposed development would not directly impact on designated nature conservation sites or known areas of priority habitat.

* Based on the location, scale and nature of the proposed development, it is not considered that there are likely to be ecological

issues which would make it inappropriate to determine this application in principle. However, should permission in principle be granted, any potential ecological impacts must be addressed at the technical details stage.

6. REPRESENTATIONS

6.1 A site notice was erected within the vicinity of the site on 28th February 2019 and a Press Notice also advertised the development as a Departure from the Development Plan.

6.2 One letter has been received from a neighbouring resident, raising the following concerns:

*The border between the application site and property to the south is a large hedge of Leylandi which fall outside of the application site. This provides privacy and blocks the nearby road and traffic both visually and from a sound perspective. There are concerns that any building works within 10 meters of the hedge will damage the roots and hedge beyond repair

* The size of the development must be specified before the application can be considered complete.

*It needs to be understood how many houses are proposed, how are concerns above addressed and what will be done in the future once a planning in principle is granted.

* Concerns over sound, visual intrusion and change to the surrounding country side impacts upon the property.

Officer Response: The issues raised above are addressed in the report below. Given the form of the application submission, some of the objections raised (residential amenity) will be addressed as and when a technical details submission is made. The number of proposed dwellings is questioned; this is stated in the submitted application form as 2.

7. ASSESSMENT

Permission in Principle

7.1 This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PiP regulations) that provides opportunity for an applicant to apply as to whether permission in principle is acceptable for a site, having regard to specific legislative requirements and, in accordance with ref. 58-012-20180615 of the NPPG, as to whether the location, land use and amount of development proposed is acceptable. The permission in principle (PiP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. PiP establishes that a particular scale of housing-led development on a defined site is acceptable. The aim is for a PiP to minimize the upfront and at-risk work of applicants.

- 7.2 The report addresses the principal, important and controversial issues which are in this case:
- Principle of development and sustainability
 - Other Matters

Principle of the Development

- 7.3 The site is located within Fenton but outside of the built up area of Pidley-cum-Fenton, and is approximately 230 metres to the south of the built up area of Warboys. Fenton itself is not classed as a settlement within in Policy CS3 of the Core Strategy 2009 and as such the application site is considered to be within the open countryside. Policy CS3 of the Core Strategy sets out that for Smaller Settlements "residential infilling will be appropriate within the built-up area"; with 'residential infilling' indicated as being up to 3 dwellings within the built-up area. The policy also provides that development proposals of a larger scale may be allowed where specific circumstances demonstrate that this secures the most sustainable option for the site. However Policy LP11 of the Local Plan to 2036 Proposed Submission 2017 states that development within the countryside will be restricted to the limited and sporadic opportunities as provided for in other policies of the plan. Amongst other requirements, development must protect the intrinsic character and beauty of the countryside and not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.
- 7.4 The extents of the settlements' built-up areas are not defined on maps, but are to be judged on a site-by-site basis. Paragraph 5.15 of the Core Strategy's explanatory text states that the built-up area should be considered to be the 'existing built form', but excluding: (i) buildings that are detached from the settlement; (ii) gardens and undeveloped curtilage land at the settlement edge, where these are more related to the countryside than the village; and (iii) agricultural buildings. It is considered that the development would not be 'isolated' (referred to in para 79 of the NPPF) as the site is adjacent and opposite to a number of existing residential dwellings. The proposed dwellings do not meet any of the exception criteria set out in the local policies regarding development in the countryside such as an agricultural need or exceptional design quality.
- 7.5 As the site is located within the countryside, new dwellings would normally be resisted. The proposal is therefore a departure from the Development Plan and has been advertised as such.
- 7.6 In order to satisfy the requirements of the NPPF to boost housing supply the Council must demonstrate an up-to-date five year supply of deliverable housing sites to meet its objectively assessed need, with an additional buffer to ensure choice and competition in the market for land; this requirement is set out in paragraph 11 of the NPPF. Due to under delivery in recent years the buffer to be applied for the District is 20%. The December 2017 Annual Monitoring Review applies the 20% buffer and demonstrates that the Council has a five year supply of housing land.

- 7.7 The Development Plan policies relevant to the supply of housing (En17 and H23 of the Huntingdonshire Local Plan (HLP) and CS2 and CS3 of the Huntingdonshire Core Strategy (HCS)) were set against a lower Objectively Assessed Need figure such that strict application of these policies would result in failure to achieve the objectively assessed housing need figure that the Council currently has identified as part of the emerging Local Plan to 2036.
- 7.8 These policies are therefore no longer fully up-to-date or consistent with the NPPF and, at this time and until the Council adopts the Local Plan to 2036 with up-to-date policies, the 'tilted balance' as set out within d ii of para. 11 is engaged. For decision-taking this means granting permission in instances where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, unless any adverse impacts would significantly and demonstrably outweigh the benefits (having regard to the Framework policies taken as a whole), or specific policies of the Framework indicate development should be restricted. Footnote 6 to the Framework provides some examples of these restrictive policies.
- 7.9 The application site is located on the northern side of Fenton Road, within Fenton, a cluster of development which begins approximately 60 metres from the built area of Warboys. Although the site is classified as 'the countryside', it is not considered to be isolated by virtue of the close proximity to the built up area of Warboys and due to the proximity of adjacent dwellings.
- 7.10 It is considered that the proposals will result in some visual harm by virtue of new development being located outside the built up areas of Pidley-cum-Fenton and Warboys. Nonetheless, the site relates well to several adjacent dwellings and built forms to the northwest, northeast and southeast, which collectively form a cluster of development just outside of the built up area of Warboys. As such the application site effectively infills a gap within the surrounding development, and is not considered to be contrary to the surrounding pattern of development.
- 7.11 Taking the above into account it is not considered that the location of the application site would amount to significant and demonstrable harm to the rural character of the area that would outweigh the benefit of an additional 2 market dwellings in this case.
- 7.12 Pidley-cum-Fenton is defined as a 'small settlement' in the Huntingdonshire's Local Plan to 2036. This is in relation to the: level of service and infrastructure provision within the settlement, opportunities for users of the proposed development to access everyday services and facilities by sustainable modes of travel including walking, cycling and public transport; and effect on the character of the immediate locality and the settlement as a whole. Small Settlements are less sustainable than settlements in the Spatial Planning Areas, and Key Service Centres, due to the need to travel to access services and facilities elsewhere on a regular basis. As such the Local Plan makes no allocations for development in Small Settlements. In light of the adopted housing supply policies being out of date, it is not appropriate in the case of all Small Settlements to attach the same weight to Policies LP11 and CS3 in a blanket way. It is necessary to assess the circumstances of each Small settlement to

establish whether that village can accommodate sustainably (as defined in the NPPF) the development proposed, having regard in particular to the level of services and facilities available to meet the needs of that development.

- 7.13 The presumption in favour of sustainable development requires proposals to achieve economic, social and environmental gains; as such a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages.

Environmental Sustainability:

- 7.14 The environmental issues are assessed in the following sections of this report. In relation to the loss of higher grade of agricultural land, Policy LP11 of the Huntingdonshire District Council Local Plan to 2036: Proposed Submission 2017 states that the Council will only grant planning permission where development seeks to use land of lower agricultural value in preference to land of higher agricultural value, avoid the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible, and avoiding Grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land. Development should protect the intrinsic character and beauty of the countryside; and not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others. In this case, the site is classified as grade 3 agricultural land. At this time, due to the Council's out of date housing supply policies, weight can be given to the need for housing as overriding the need to retain this small parcel of unused agricultural land when conducting the planning balance. The proposal is not considered to result in a significant loss of high value agricultural land.

Economic sustainability:

- 7.15 The provision of 2 new dwellings would give rise to employment during the construction phase of the development, and has the potential to result in a modest increase in the use of local services and facilities, both of which will be of benefit to the local economy.

Social sustainability:

- 7.16 It is acknowledged that due to the rural nature of this part of the district, there would be a modest increase in the use of the private motor car related to this development. Pidley-cum-Fenton has few services and access to public transport is very limited. However the site is closer to Warboys than to the built up area of Pidley. Warboys is classed as a Key Service Centre and as such has a good range of services and facilities that meet many of the day to day needs of its residents and to some extent those of other nearby settlements. There is a lack of a footpath to either Pidley-cum-Fenton or Warboys from the application site, however it is considered that Warboys is within cycling distance of the site on Fenton Road; cycling would at least provide an alternative to private motor vehicle usage for future occupants travelling to Warboys.

- 7.17 The site appears to have no significant constraints to preclude development and is deliverable. It would also increase the supply of market housing. There is a district identified need for private housing and whilst the weight this need can be given is lessened given the NPPF compliant supply of housing, there would be a net benefit in social terms. Whilst the Council can demonstrate a 5 year supply of deliverable housing land, the provision of market housing on the application site would amount to a benefit in terms of providing a greater flexibility to the supply of housing.

Other Matters

Design

- 7.18 The scale, layout, appearance of the proposed dwellings including issues of landscaping and the full impact of the character of the area are not under consideration at this stage. This will be determined at the technical details stage.

Residential Amenity.

- 7.19 Concerns from a neighbouring property regarding privacy and noise impact are noted, however these are matters for a Technical Details application. At this stage Officers need to be satisfied at that the site is capable of accommodating the amount of development proposed without having a detrimental impact on neighbour's amenity. Officers are confident of this subject to design, scale and siting of dwellings at the technical details stage.

Highway Safety, Parking, Rights of Way

- 7.20 It is noted that a number of conditions and further information have been requested by CCC Local Highway Authority. The Local Highway Authority has no objection to the scheme in principle. The PIP regulations prohibit any form of conditions being imposed to this development and as such any information requested would either need to be submitted as part of any subsequent Technical Details Consent, or a new full planning application.

- 7.21 Should any Technical Details application be submitted which proposes access onto a Public Right of Way the Public Rights of Way Officer at Cambridgeshire County Council will be consulted.

Infrastructure Requirements and Planning Obligations

- 7.22 The Infrastructure Business Plan 2013/2014 (2013) was developed by the Growth and Infrastructure Group of the Huntingdonshire Local Strategic Partnership. It helps to identify the infrastructure needs arising from the development proposed to 2036 through the Core Strategy

- 7.23 Statutory tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) require that S106 planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development

Community Infrastructure Levy (CIL):

- 7.24 As this planning application is for a minor development, the development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

Planning Balance & Conclusion:

- 7.25 This proposal would result in development outside of the built-up area of the settlement and would conflict with policies H23, En17 of the HLP and CS3 of the CS. Para. 47 of the NPPF is clear that the Framework can override Development Plan policies which are not consistent with provisions of the NPPF and this is a material consideration in the determination of the application. Given the inconsistencies of the adopted housing supply policies with the NPPF, the 'tilted balance' set out in para. 11 of the NPPF is engaged and shifts the planning balance in favour of the grant of PIP consent, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.26 The presumption in favour of sustainable development requires proposals to achieve economic, social and environmental gains; as such a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages. The three components of sustainability have been assessed above however will be subject to the material planning considerations at the technical details stage.
- 7.27 On balance it is accepted that the proposed development would result in some environmental harm as the proposal would not accord with development plan policies that seek to restrict development in the countryside. Further there would be moderate harm to the character and appearance of the area. There will however be an opportunity to mitigate against the impact of the development on the character of the area at technical details stage, where matters such as landscaping and screening will be considered.
- 7.28 Ultimately, when considered in the round, and having regard to the fact that this is a PIP application, the proposal would contribute to the economic and social dimensions of sustainability with the addition of an additional 2 residential units, which will also bring further economic benefits through job creation in the construction industry (short term) and additional spent of future households in the local economy.
- 7.29 Overall, the harm identified is not considered to significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the NPPF taken as a whole. This is a significant material consideration which outweighs the conflict with the Development Plan and therefore it is recommended that permission in principle should be granted.

8. RECOMMENDATION - APPROVAL

Informatives

- Highway Safety requirements
- Ecology requirements
- Contamination

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Luke Waddington Development Management Officer 01480 388143**

From: DMAAdmin
Sent: 20 March 2019 07:05
To: DevelopmentControl
Subject: FW: Planning Permission Consultation - Lot 1 Avenue Farm Padgetts Lane (ref 19/00175/PIP)

From: Pidley cum Fenton [<mailto:pidleycumfenton@gmail.com>]
Sent: 20 March 2019 06:23
To: DMAAdmin
Subject: Re: Planning Permission Consultation - Lot 1 Avenue Farm Padgetts Lane (ref 19/00175/PIP)

Hi,

I would like to update you on the parishes comments on this planning application:

We will only support if the developer commits to the following:

The 30mph should continue through into Fenton as this is currently 60mph.
Additional street lights are installed.
Footpaths are installed.
One entrance is used on the lane and is built to a reasonable standard.

All of our councillors were in agreement in support of this should the above be adhered to.

Many thanks and kind regards

Louise

On Mon, 4 Mar 2019, 14:44 , <Dmadmin@huntingdonshire.gov.uk> wrote:

Dear Parish Clerk,

Please find correspondence from Development Management at Huntingdonshire District Council attached to this email in relation to the following application for planning permission.

Proposal: Residential development

Site Address: Lot 1 Avenue Farm Padgetts Lane

Reference: 19/00175/PIP

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Development Management
Huntingdonshire District Council

T: 01480 388388

E: mail@huntingdonshire.gov.uk

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Development Management Committee



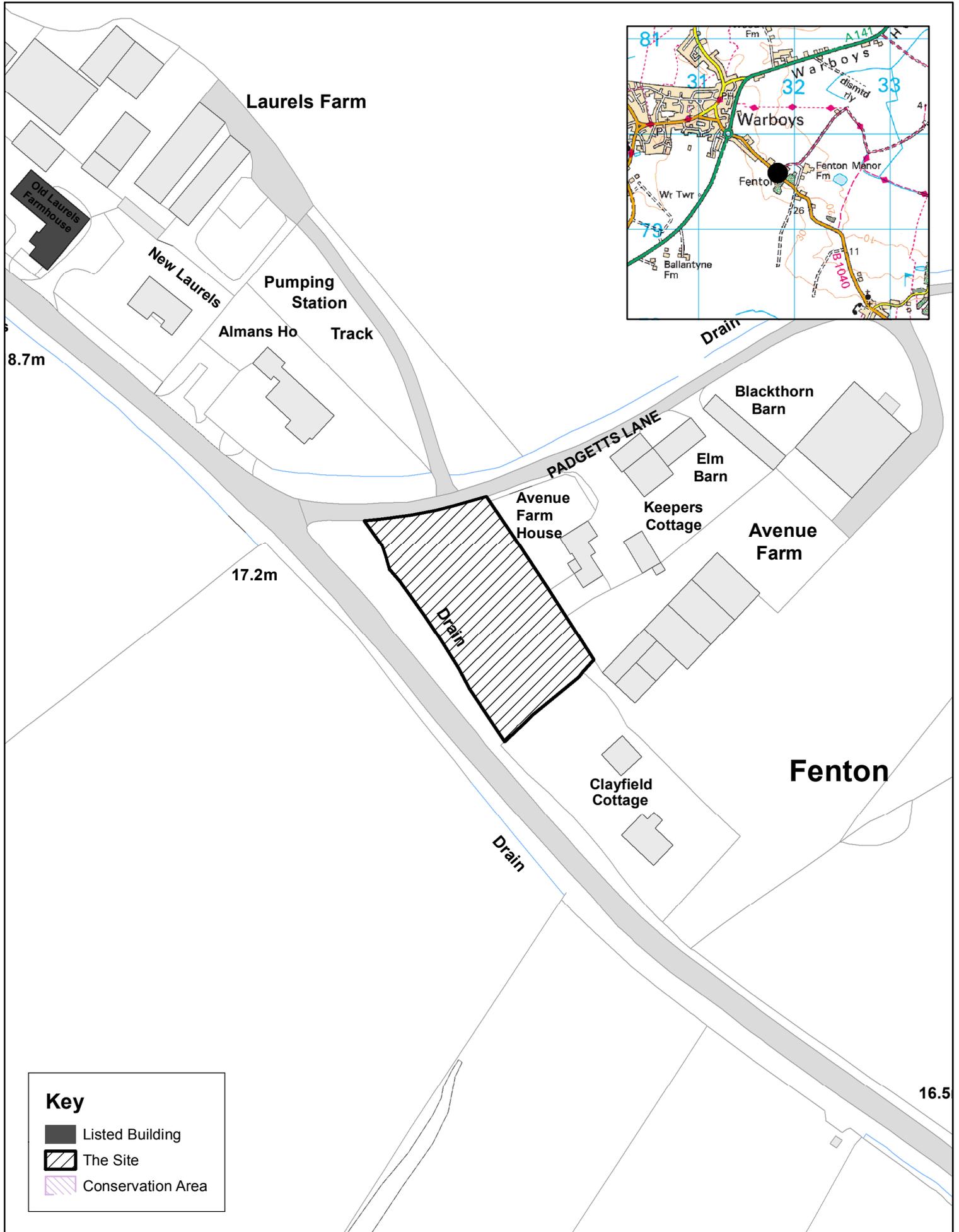
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Application Ref: 19/00175/PIP

Date Created: 28/03/2019

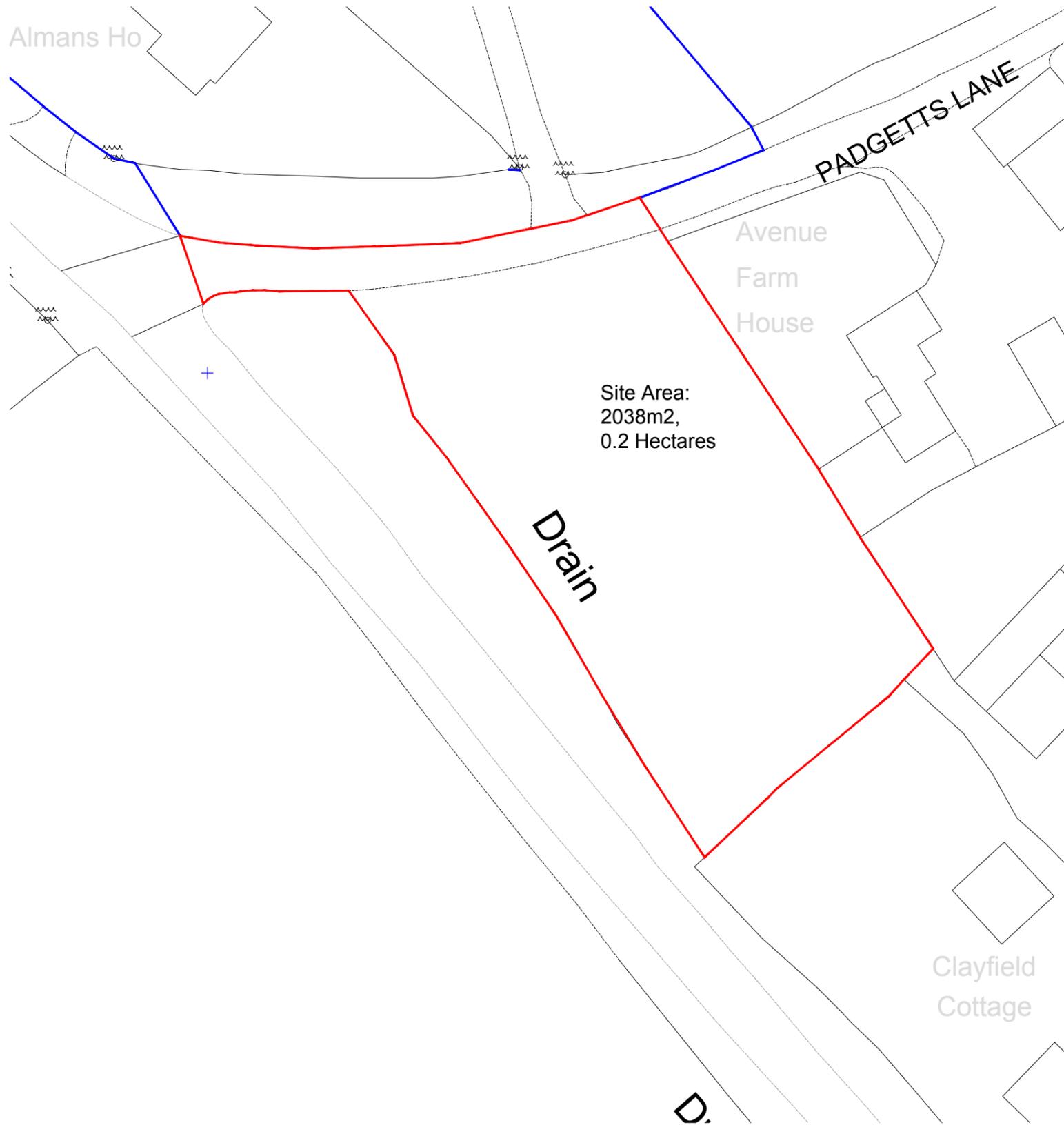
Location:Pidley cum Fenton

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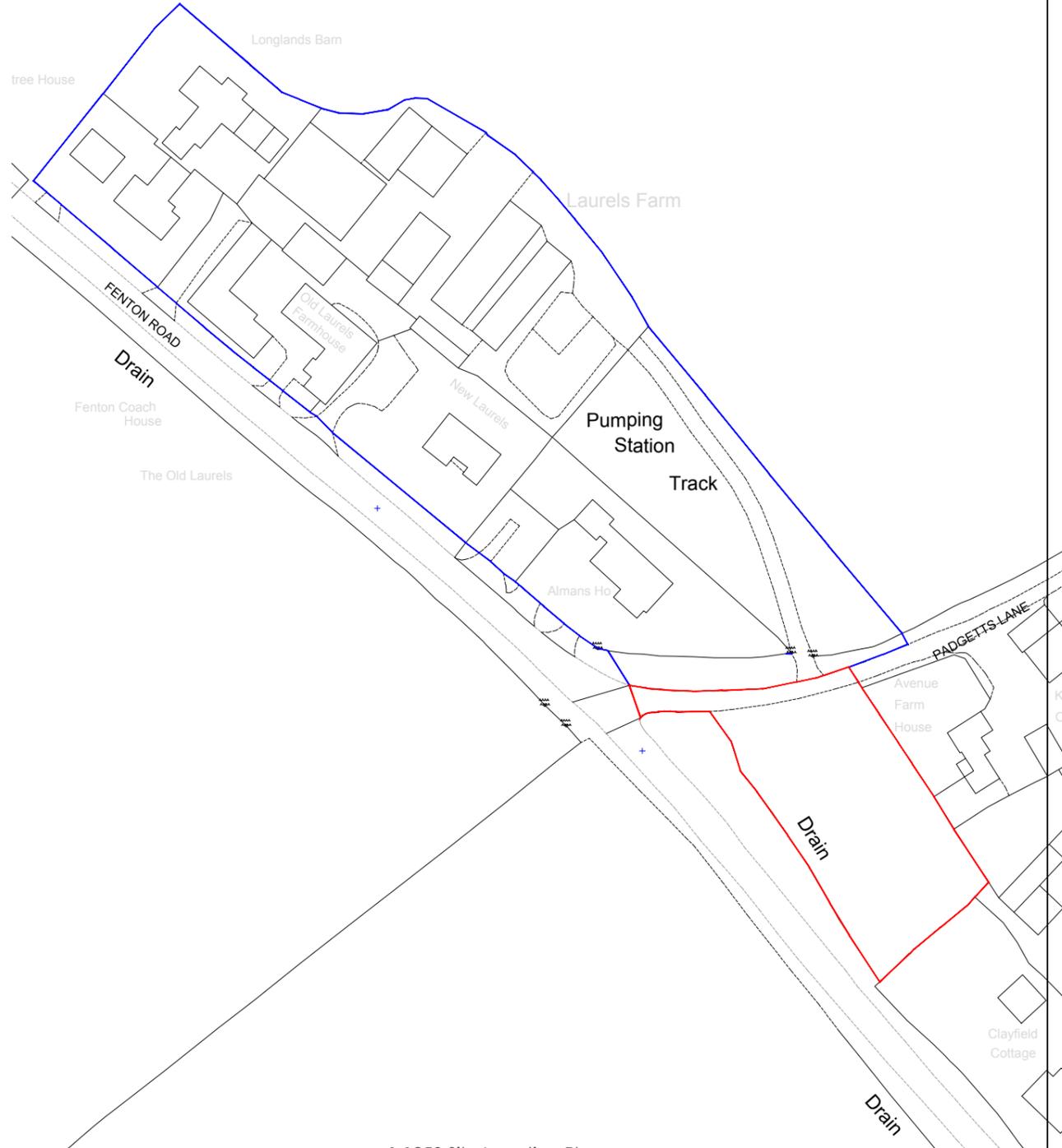


Key

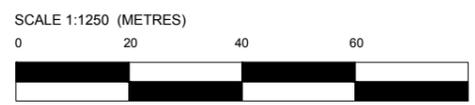
- Listed Building
- The Site
- Conservation Area



1:500 Site Location Plan
(license no. 100022432)



1:1250 Site Location Plan
(license no. 100022432)



REV	DATE	BY	REVISION NOTES
Suite 2, Clare Hall, St Ives Business Park, Parsons Green, St Ives, Cambs, PE27 4WY			
© COPYRIGHT 01 462 49466 Email: enquiries@planningandarchitecture.co.uk Web: www.planningandarchitecture.co.uk			
PARTNERS IN PLANNING and ARCHITECTURE			
PROJECT Proposed Plot Land north east of Clayfield Cottage, Fenton Road, Fenton Warboys PE28 2SN			
CLIENT Mr Augustein			
DRAWING TITLE Site Location Plan			
DRAWN BY	SCALE		
SD	1:1250, 1:500 @ A3		
DATE	DWG. NO.	REV.	
28/2/19	PIP		