

<b>APPLICATION NO</b>	<b>PA/2015/0960</b>
<b>APPLICANT</b>	North Lincolnshire Homes
<b>DEVELOPMENT</b>	Planning permission for affordable housing development consisting of 12 houses and 4 bungalows
<b>LOCATION</b>	Ashtree Close, Belton
<b>PARISH</b>	<b>BELTON</b>
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	James Roberts
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Call in by Baroness Councillor Redfern (significant public interest)

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 14 – at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 35 – plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Paragraph 37 – planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 – housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 – planning authorities should ensure that appropriate provision is made for affordable housing within their area via appropriate plan-making and decision making.

Paragraph 56 – good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 74 – existing open space, sports and recreational buildings and land, including playing fields, should not be built upon unless certain criteria are met.

### **North Lincolnshire Local Plan:**

Policy H8 – Housing Design and Housing Mix

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

Policy DS1 – General Requirements

Policy LC12 – Protection of Trees, Woodlands and Hedgerows

**North Lincolnshire Core Strategy:**

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS9 – Affordable Housing

Policy CS23 – Sport, Recreation and Open Space

**CONSULTATIONS**

**Arboricultural Officer:** No objections subject to conditions.

**Strategic Housing:** No objections.

**Property Services:** Note that part of the original application site encroaches onto council-owned land. This has subsequently been addressed via an amended application form.

**Humberside Police:** No objections.

**Environment Agency:** No comments.

**Spatial Planning:** No objections.

**Historic Environment Team:** No objections subject to a condition.

**Environmental Health:** Recommend conditions in respect of demolition/construction hours and contamination investigation.

**Public Health:** No objections.

**Drainage:** No objections subject to a condition.

**Severn Trent Water Ltd:** No objections subject to a condition.

**Humberside Fire and Rescue:** No objections.

**Ecology:** No objections subject to a condition.

**Highways:** No objections subject to conditions.

## **PARISH COUNCIL**

No objections.

## **PUBLICITY**

The application has been advertised via a site notice, press advert and neighbour notification letters. Two letters of objection have been received raising the following concerns:

- The scheme will need to ensure appropriate fencing at neighbouring dwellings.
- The proposal may increase the risk of crime in the area.

## **Statement of community involvement**

Prior to the submission of the scheme the proposals were presented to local residents at a public consultation event. 22 residents attended with 15 written comments left. The public response was largely positive with a number of residents stating that they would be interested in occupying one of the dwellings. One comment was received highlighting crime-related concerns. All other comments, directly related to the development, were positive. Given the nature of the comments received, they did not result in any changes to the scheme.

## **ASSESSMENT**

This application was deferred at the last meeting of the Planning Committee to enable members to visit the site prior to making a decision.

The application site comprises a section of undeveloped land located off Ashtree Close, Belton. The site is within the existing settlement boundary and covers an area of approximately 0.4 hectares and is roughly rectangular in shape. Surrounding uses are predominately residential.

Full planning permission is sought for the construction of 16 affordable housing units at the site. The proposed units would contain two-bedrooms (12 units), three-bedrooms (2 units) and four-bedrooms (2 units). It is proposed to provide two vehicular access points from the proposed development onto Ashtree Close. Each of the proposed dwellings would benefit from a dedicated rear garden area.

**The main issues in the determination of this planning application are the principle of development, and its impact on the character and appearance of the area, highway safety, trees, flood risk/drainage infrastructure and residential amenity.**

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material

considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

Emerging policies are capable of carrying weight in the determination of this application in accordance with paragraph 216 of the NPPF. The Housing and Employment Land and Allocations Development Plan Document (HELADPD) is an emerging document considered in the determination of this application.

The proposal seeks full permission for a residential development on a site which is unallocated in both the existing and emerging allocation documents. The application site is located within the settlement boundary for Belton. Current and emerging local policies encourage developments which support rural settlements. Policy CS1 states that development in such areas “...will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility.” Given the scale of the proposed development it is considered that it would not be at odds with these objectives and would not exceed the capacity of this rural settlement in accordance with policy CS1 (Spatial Strategy for North Lincolnshire) of the Core Strategy. Whilst the proposal would result in the development of a greenfield site, this is not precluded by either national or local policy subject to appropriate impact on character. The proposal is therefore consistent with the spatial objectives for the site. Furthermore the proposed density (approximately 42 dwellings per hectare) would be in accordance with the requirements set out within the existing and emerging allocations.

In relation to the development of green space the advice contained within paragraph 74 of the NPPF is echoed within policy CS23 (Sport, Recreation and Open Space) of the Core Strategy. This policy states that development proposals that will result in the loss of an existing leisure or recreation facility, natural green space, open space or playing pitches will not be supported unless:

- (1) there is currently an excess of provision; or
- (2) satisfactory alternative provision equivalent or better quality and quantity in a suitable location is made; or
- (3) the facility is no longer required.

Whilst the proposal would result in the loss of existing green space, the area of land in question is not protected for such use and is enclosed by mature vegetation, thus ensuring it is not publicly accessible. The loss of the undeveloped land is therefore considered acceptable.

The proposed scheme would result in 16 additional affordable units which would help to contribute to the mix of housing types and tenures within the locality and would meet an identified housing need.

The broad principle of development is therefore considered acceptable.

### **Impact on character and appearance of the area**

The proposed dwellings would be a combination of single and two-storey properties with primary openings located to front and rear. The dwellings would be of traditional pitched-roof design and would be broadly in keeping with the character of built form in the locality.

The use of appropriate external materials could be adequately controlled by condition. The submitted site layout would ensure appropriate green spaces within the development. It is therefore considered that the proposed scheme would not have a detrimental impact on the character of the area and accords with policies DS1 of the NLLP, CS5 of the NLCS and relevant guidance contained within the NPPF.

## **Highways**

The site is located within the existing settlement boundaries and benefits from good access to public transport links and local services. It is therefore considered that the scheme would be located within a sustainable location.

The council's Highways team has offered no objections to the proposed layout or parking arrangements subject to appropriate conditions. The scheme would be provided with a total of 24 car parking spaces which is considered acceptable given the scale and sustainable location of the site. The proposed layout would result in the access roads linking into Ashtree Close. Whilst it is accepted that the proposal would result in an increase in vehicular movements it is not considered that the scale of the development would place unacceptable strain on the existing highway network.

Given the relatively dense pattern of development in the local area it is recommended that a condition be attached to any approval ensuring that a construction method statement be agreed in writing prior to the commencement of development.

Subject to the range of conditions suggested by the council's Highways Engineer it is considered that the scheme would not have an unacceptable impact on vehicular or pedestrian safety and sufficiently accords with policy in this regard.

## **Trees**

There are a number of mature trees within the site which would need to be removed to facilitate the proposed development. None of the existing trees are protected by a Tree Preservation Order (TPO). The applicant has provided detailed survey information of the trees which satisfactorily demonstrates that their loss would not be unacceptable. The council's Arboricultural Officer has accepted the findings of the report and has offered no objection subject to a condition. With this response in mind it is considered that the scheme would not have an unacceptable impact in this regard.

## **Flood risk/impact on drainage**

The application site is not located within an area known to be at risk of flooding according to current local and national flood risk maps.

The applicant has provided a detailed assessment of the risks from flooding which concludes that there are no known issues of flooding that would affect the development and that the proposal would not increase flood risk in the area. It is also noted that the Environment Agency has offered no objections to the scheme.

In relation to drainage, the applicant has engaged in detailed discussions with the council's Drainage team to ensure that appropriate drainage measures are incorporated into the scheme. The applicant has satisfactorily demonstrated that Sustainable Urban Drainage systems are feasible at this site. Foul drainage will be disposed of via the existing public

sewer network. A condition is recommended which requires the submission of full drainage details prior to the commencement of development.

In light of the above, it is considered that the proposed development can be satisfactorily drained without placing unacceptable strain on existing drainage infrastructure. Furthermore, the proposal would not be at unacceptable risk from flooding and would not give rise to an increase in flood risk in the locality.

### **Impact on residential amenity**

The submitted site plan shows that the proposed dwellings would each benefit from usable rear external amenity space which will allow adequate room for bin storage, along with patio and grassed areas. Furthermore, the proposed relationships between the buildings within the site would ensure that the proposed dwellings would benefit from adequate levels of privacy and daylight in this regard.

The layout of the plots has been designed to ensure that the proposed dwellings would be located acceptable distances from existing neighbouring properties and would not result in unacceptable increases in overlooking or overshadowing. Furthermore, appropriate landscaping and boundary treatments would adequately ensure neighbouring living conditions would be safeguarded. These could be controlled via condition.

It is accepted that the construction period may result in an increase in noise and disturbance but this would not exceed typical levels for such developments, and construction hours could be adequately controlled (7am to 7pm Monday to Friday and 7am to 1pm on Saturdays, with no working on Sundays or public/bank holidays) in accordance with the recommendation of the Environmental Health team. Subject to such a condition, it is considered that an appropriate balance would be struck between the protection of residential amenity and the need to support appropriate housing development.

### **Other issues**

The following issues, raised by the objectors, have not been addressed in the above report:

- The scheme will need to ensure appropriate fencing at neighbouring dwellings – *whilst landscaping and boundary treatments within the site will be controlled via condition, the boundary treatments at neighbouring properties are not a material consideration in the determination of this application.*
- The proposal may increase the risk of crime in the area – *given the nature of the proposal, it is not considered that it would result in a significant increase in either the risk or fear of crime in the area.*

### **Conclusion**

The proposed development would make a valuable contribution towards affordable housing provision in the locality, would not result in an unacceptable loss of open space and is a broadly sustainable form of development. Furthermore, the proposal would not have a harmful impact on the character of the area, would not result in unacceptable harm to vehicular or pedestrian safety, has adequately addressed flood risk and drainage issues, and would not result in unacceptable harm to neighbouring living conditions.

It is therefore concluded that the proposal sufficiently accords with adopted planning policy and guidance.

**RECOMMENDATION Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: J1459(8)20, J1459(8)21, J1459(8)22, J1459(8)23, J1459(8)30, J1459(8)31, J1459(8)32, J1459(8)33, J1459(8)34, J1459(8)35, J1459(8)36, J1459(8)37, J1459(8)38, J1459(8)39, J1459(8)40, J1459(8)41, J1459(8)50 and 13229L/MN/FRA/01.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

4.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

9.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

10.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

11.

The development hereby approved shall not be brought into use until the existing footway fronting the site has been improved in accordance with details which have first been submitted to and approved in writing by the local planning authority.



Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

12.

Construction and site clearance operations shall be limited to the following days and hours:

7am to 7pm Monday to Friday

7am to 1pm on Saturdays.

No construction or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority. Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

13.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

**Part 1: Site Characteristics**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land

- groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### **Part 2: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **Part 3: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

### **Part 4: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### **Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

14.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of sensitive working practices to avoid harm to hedgehogs and nesting birds;
- (b) prescriptions for the installation and retention of two woodcrete bat boxes on new houses;
- (c) prescriptions for the installation of four swift boxes and four sparrow terraces on new houses;
- (d) prescriptions for landscaping using trees, shrubs and hedge plants of high biodiversity value;
- (e) proposed timings for the installation of the above features in relation to the completion of works on each building;
- (f) restrictions on external lighting to avoid impacts on bat roosts, bat foraging areas and sensitive habitats.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

16.

Once agreed in writing, the biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to occupation of the final dwelling, the applicant or their successor in title shall submit a written report to the local planning authority, setting out evidence that the biodiversity management plan has been implemented in full.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

17.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to identify, assess and ensure the preservation by record of archaeological features of importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological significance.

18.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological significance.

19.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological significance.

20.

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

21.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

22.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

23.

No dwelling on the site shall be occupied until details of the arrangements for the provision of affordable housing at the site have been agreed in writing by the local planning authority. Such details shall include:

- (i) arrangements to ensure that the dwellings remain available as affordable units both for initial and subsequent occupiers; and
- (ii) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the housing and the means by which such criteria will be enforced.

Reason

To secure the appropriate provision of affordable housing and to add to the mix of housing types in the area in accordance with policy CS9 of the North Lincolnshire Core Strategy.

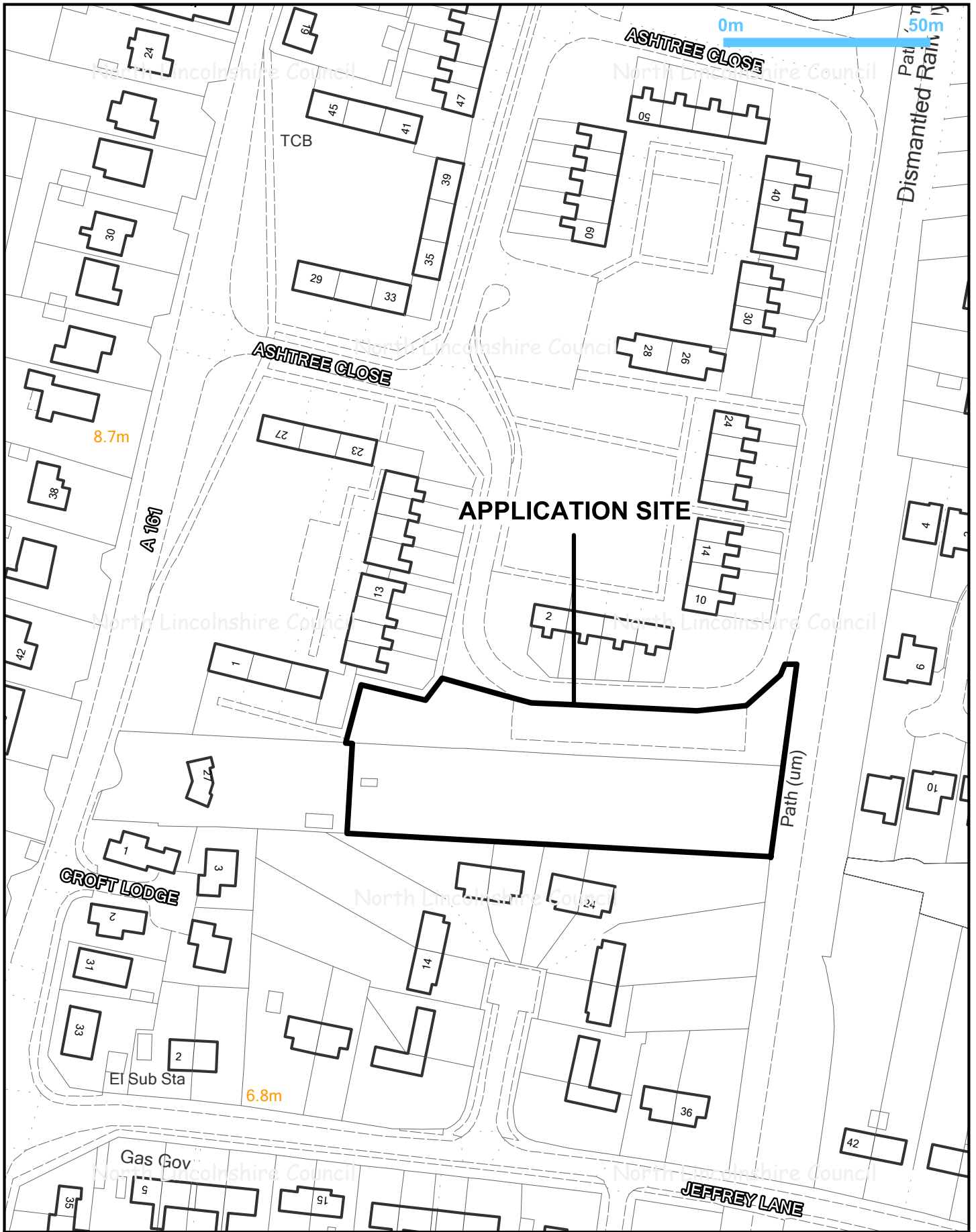
### **Informative 1**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

### **Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2015/0960		
Drawn by: Sue Barden	Date: 01/12/2015	Scale @A4 1:1250



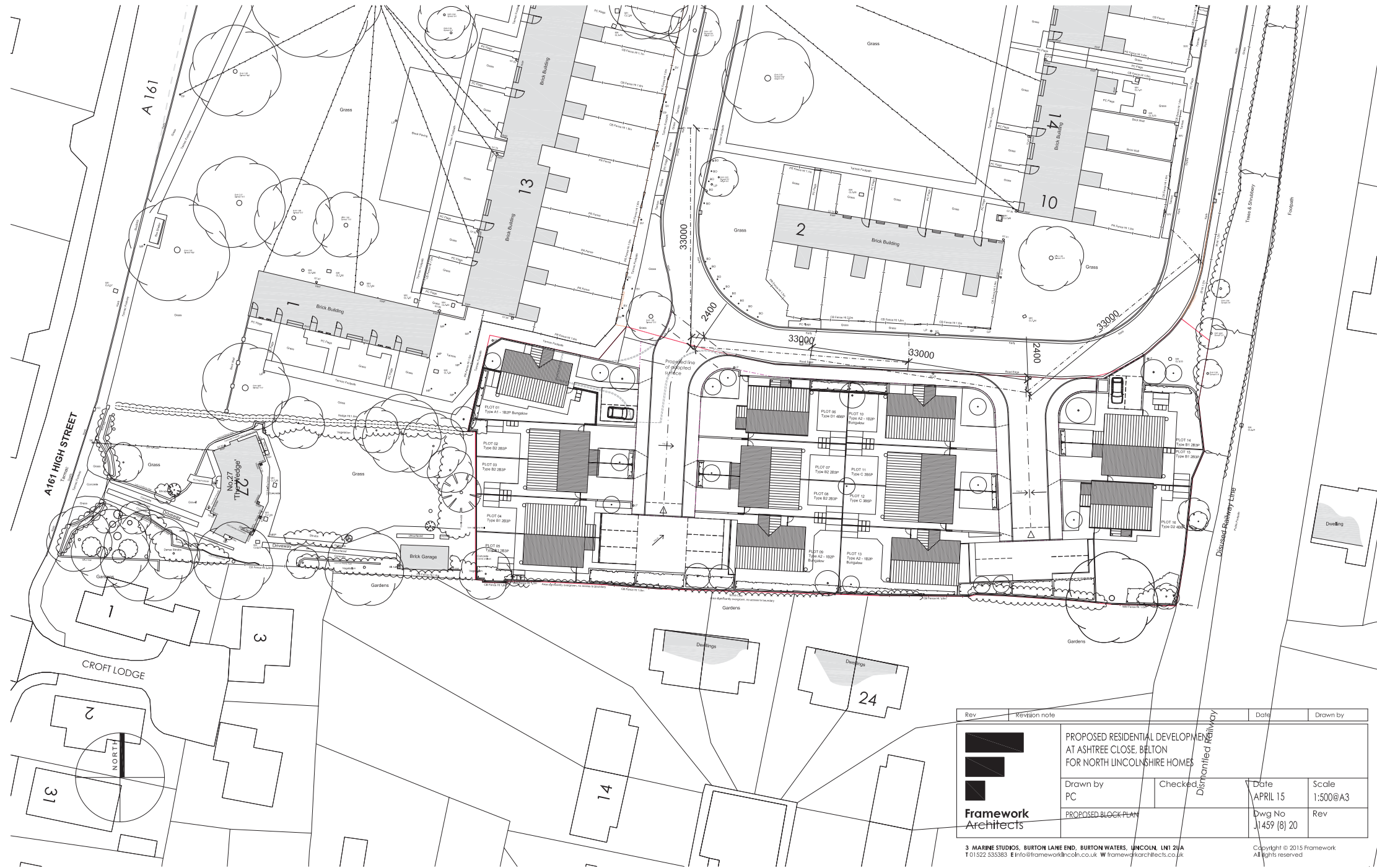
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Director of Places  
Peter Williams  
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# PA/2015/0960 Proposed Layout Plan - Not to scale

Do not scale off this drawing - All dimensions and setting out to be verified on site. If in doubt contact the originator for clarification.  
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Rev	Revision note	Date	Drawn by

		PROPOSED RESIDENTIAL DEVELOPMENT AT ASHTREE CLOSE, BELTON FOR NORTH LINCOLNSHIRE HOMES	
Drawn by PC	Checked [Signature]	Date APRIL 15	Scale 1:500@A3
PROPOSED BLOCK PLAN		Dwg No J1459 (8) 20	Rev [Blank]