

18 January 2019

By email: neighbourhoodplanning@milton-keynes.gov.uk

Neighbourhood Planning
c/o Development Plans Team
Milton Keynes Council
Civic Offices
1 Saxon Gate East
Milton Keynes
MK9 3EJ

Dear Sir

Hanslope Neighbourhood Plan: Regulation 16 consultation

Smith Jenkins Ltd acts for McCann Homes.

On behalf of our client we write with formal comments concerning the submission draft of the Hanslope Neighbourhood Plan, which we understand has been published under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 for consultation until 18th January.

We previously made representations directly to the Parish Council in August 2018 during their pre-submission consultation. Our client is disappointed to learn that no substantive changes have been made to the Neighbourhood Plan in light of our comments and furthermore that only cursory mention of their significance has been made in the submitted consultation statement. For this reason we formally request that the Independent Examiner appointed to assess the Plan's compliance with the Basic Conditions does so by way of an Informal Hearing. We appreciate that the process of Examination is entirely at the Examiner's discretion but consider that in this instance a hearing is appropriate given the context of the Plan and the serious concerns we raise below.

You will be aware that McCann Homes control the Milton Keynes Equestrian Centre (MKEC) and have been refused permission for the erection of 51 dwellings (including affordable housing) on this previously developed site. An appeal has been lodged against the decision of Milton Keynes Council. We enclose a plan of our client's site and proposed development for clarity.

We continue to believe that the residential redevelopment of the Equestrian Centre represents significant benefits including a reduction in traffic volumes, the provision of affordable housing, infrastructure funding, and the reuse of previously-developed land. We therefore respectfully requested that the site be allocated in the Neighbourhood Plan.

Our clients consider that the submission draft of the Neighbourhood Plan is unsound and does not satisfy the Basic Conditions required of Neighbourhood Plans. Furthermore, we have serious doubts

that the Neighbourhood Plan would achieve its implicit objective of restricting further development in Hanslope, particularly as sustainable opportunities have not been given the appropriate degree of consideration.

Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) outlines the basic conditions that Neighbourhood Plans are required to meet. These may be summarised as:

- a) Be consistent with national policy and guidance issued by the Secretary of State;
- b) Contribute to achievement of sustainable development;
- c) Be in general conformity with the strategic policies in the local Development Plan;
- d) Do not breach and be otherwise compatible with EU obligations;
- e) Not have significant effect on a designated European site.

We have serious concerns that the current Plan does not pass four of the five basic conditions. The one exception is regarding European sites. We acknowledge the Plan will have no such impacts in this regard.

We address our concerns below according to each of the Basic Conditions in turn as well as our general comments on the evidence base and due process the Plan has been informed by.

Consistency with national policy and guidance issued by the Secretary of State

The Plan does not represent the “positive planning” required by Paragraph 16 of the National Planning Policy Framework (NPPF, 2018). This is apparent from the outset of the document with a foreword that effectively prejudices the consideration of any additional growth in the village and outlines inaccurate and unsubstantiated concerns regarding cumulative impacts. We agree that it is helpful for the background and context of the Neighbourhood Plan to be provided. However, in this instance it serves only to highlight that the steering group do not intend the Neighbourhood Plan to deliver sustainable growth; it has been prepared instead to prevent further growth of any kind in direct conflict with national policy (specifically Paragraph 16 of the NPPF).

We are aware that the flyers were circulated within the plan area prior to the plan’s preparation (contained in our **Appendix 1**). The wording of these clearly demonstrate the negative planning that has informed the plan and the leading nature of ‘consultation’ carried out by the steering group. The purpose and objective of the plan has therefore been inconsistent with national policy from the outset and the submission draft fails the Basic Conditions in this respect.

Paragraphs 65 and 66 of the NPPF refer to how the housing requirement figure for a Neighbourhood Plan should be derived. In the case of Milton Keynes and Hanslope, it is considered that Paragraph 66 is particularly relevant as it may not be possible to provide a definitive requirement figure for the neighbourhood area due to the emerging Plan:MK. Nevertheless, Paragraph 66 advises that the Local Authority may provide an indicative figure for housing if requested to do so by the neighbourhood planning body. In the absence of any Hanslope-specific housing needs assessment, we are surprised and disappointed that the steering group have not availed themselves of the opportunity to formally establish a planned figure of growth via Milton Keynes Council. The assumption that no further growth is needed is not based on any objective information or formal request under Paragraph 66. In this respect the Plan is also inconsistent with national policy and fails this Basic Condition. A housing needs assessment or similar must be prepared to support the Neighbourhood Plan.

Contribute to Sustainable Development

We have serious concerns that the Plan makes no meaningful contribution to sustainable development, as best exemplified by its “allocations”. Of the five sites where “development proposals will be supported”, four already benefit from some kind of permission. The contribution of the Neighbourhood Plan is therefore overstated and simply consists of shaping the details of reserved matters. Whilst these are important, the delivery of sustainable development has already been established in principle on those sites. The Basic Condition will therefore be more demonstrably met if the Plan identified other sustainable opportunities in the village.

Site D is the only “allocation” that does not benefit from planning permission but suffers from its own problems in terms of availability, scope, and deliverability. Together these seriously undermine the Plan’s contribution to sustainable development.

Site D comprises garaging that is claimed to be redundant although there is no confirmation of this. The land is understood to be in public ownership according to records maintained by Milton Keynes Council although there is no evidence that the Council have been consulted as to its availability for development. The garages were apparently granted permission in 1969 under reference NR/194/69; a separate permission to the dwellings on Williams Close that predate the garages. We have established this factual background to this site of our own accord. There is no such undertaking in the Plan itself, suggesting the site’s provenance and characteristics are poorly understood. Indeed, the very fact that the garages were granted permission separate to the dwellings they serve suggests that there is and was a need for separate secure storage on Williams Close. We would therefore question the likelihood of each individual garage owner/leasee agreeing to the redevelopment of the site and therefore whether the “allocation” is deliverable enough to realistically contribute towards sustainable development in accordance with the Basic Condition.

Furthermore, it is not clear whether the “allocation” of site D is even a housing allocation for the purposes of Paragraph 14 of the NPPF (as originally introduced in the 2016 Ministerial Statement). Policy HAN2 simply says “for approx. 8 care bungalows”. This is an imprecise allocation that is of questionable deliverability. A “care bungalow” implies accommodation or a facility in a C2 use-class that would not constitute a housing allocation. The proposed scale of the “allocation” also appears to require a density in excess of 100 dwellings per hectare. That is at least four times greater than a typical housing site in a rural location, even before a reduction is applied for the fact bungalows are actually a low density form of development. It is therefore entirely inconsistent with other policies in the Neighbourhood Plan and Local Plan including Policy HAN4 and Policy H8.

It is completely unclear how this site and the Plan more generally contributes to sustainable development. It is imprecise, undeliverable, inconsistent, and does not meet the Basic Conditions.

EU Obligations

It is questionable whether the Neighbourhood Plan complies with Human Rights obligations. Neither our clients nor the freehold owners of the Equestrian Centre (Mr & Mrs Gifkins) have been given any opportunity to formally promote their site or challenge the presumptions of the steering group in declining to allocate it for development. This is certainly against the spirit, if not the exact wording, of Article 6 of the Convention that requires a fair and public hearing of matters that are in dispute (in

both civil cases and criminal cases). Article 8 of the Convention enshrines the right to respect of private and family home-life. The Neighbourhood Plan has allocated a site (Site D – garages off Williams Close) for development without any recorded justification of how this would affect the owners and leasees of this property.

General conformity

The Neighbourhood Plan is due to be submitted at a time where the prevailing strategic policy for the Borough (the 2013 Core Strategy) is due to be replaced by a new Local Plan (Plan:MK) that has not yet been adopted. Therefore this Basic Condition will need to be particularly carefully addressed by the Neighbourhood Plan.

We believe that the steering group are presently relying too heavily on the fact that Plan:MK defers extensively to Neighbourhood Plans to determine what proposals should be granted permission within the rural area. Plan:MK proposes a wholly different settlement hierarchy to the Core Strategy with no distinction between the varying sustainability of villages in the rural area. Policy CS1 of the 2013 Core Strategy defines a settlement hierarchy that includes more tiers and specifically identifies Hanslope as being one of three villages in its third tier ('selected villages'). Although the policy explains that no further allocations will be sought in the village, the Core Strategy as a whole has fallen demonstrably short in delivering its housing targets and there are numerous recent examples of windfall developments in sustainable rural locations being granted permission.

General conformity with the Development Plan would therefore be best demonstrated if the Neighbourhood Plan were to acknowledge Hanslope's sustainability and position within the settlement hierarchy and allocate a sufficient level of additional development to assist with maintaining rural land supply ahead of Plan:MK being adopted.

Evidence base and site selection

Our clients are frustrated by the lack of site-specific evidence that underpins the Plan. There is no clarity over what sites have been considered, how they were selected, or whether landowners have had any opportunity to engage in this process. As outlined above, neither McCann Homes nor Mr and Mrs Gifkins (the freehold owners of MKEC) have received any formal approach from the Parish Council as to the availability or suitability of their land.

Our response to the pre-submission draft of the neighbourhood plan highlighted the fact that no site assessment proformas were available and no audit trail as to how the steering group drafted their proposed allocations. This lack of transparency and collaboration in the neighbourhood planning process is deeply concerning. In the period since the pre-submission consultation closing and the plan being submitted to the Local Authority, it appears that some 'site assessments' have been undertaken and inexplicably tagged onto the Consultation Statement under a section titled 'evidence base'. Not only is the Consultation Statement the wrong document to cover this vital area of plan preparation, it is obvious that the 'assessments' have been done retrospectively and have not purposefully informed the plan; they are dated 12 November 2018, i.e. after the pre-submission draft was published. The 'assessments' comprise a simple commentary of how just 5 criteria apply to each of the allocated sites. There are no conclusions and no other sites have even been considered. The 'assessments' are not a comparative exercise to discern the best available sites within the Parish and are therefore not

worthwhile. The steering group have been well aware that our client's site is available and at the very least we would have expected to see some form of site assessment undertaken to explain why it has been discounted in favour of the 'allocated' sites.

We consider that this is a grossly inadequate and self-justifying process that should have been undertaken in far more detail during the preparation of the plan. This is the first time any interested party have had the opportunity to comment on the 'assessments', which should have instead been subject to their own detailed consultation exercise. To submit such a basic form of site assessment in the consultation statement is plainly a token gesture that should be fully interrogated by the Local Authority and indeed the Examiner in due course.

We wish to bring to the steering group's attention the fact that a similar Neighbourhood Plan in nearby Aylesbury Vale was challenged under Judicial Review, partially quashed by a court order, and permission subsequently granted on a site where the Neighbourhood Plan's site assessments were inaccurate¹. The Haddenham case concerned a Neighbourhood Plan with a much stronger audit trail and evidence base that had nevertheless deployed flawed reasoning. For the Hanslope Neighbourhood Plan to essentially provide no reasoning for its "allocations" is plainly deficient and highly vulnerable to similar legal challenge. Whilst an important tool for communities without professional expertise, the power to prepare a Neighbourhood Plan should not be exercised without due care and attention. It is a matter of critical public responsibility that it is prepared correctly.

It is unlikely that without allocating other sustainable sites for housing, such as the Equestrian Centre, the Neighbourhood Plan will benefit from the reduced 3-year housing land supply requirement set out in Paragraph 14 of the NPPF. The village will remain vulnerable to speculative greenfield applications on sites that are most vehemently opposed by local residents. We would respectfully highlight that whilst being refused permission, the proposed redevelopment of the Equestrian Centre benefitted from far fewer objections from local residents than other proposed sites around the village. Its allocation in the Plan would therefore represent a compromise between facilitating sustainable development to ward off speculative development, and respecting the wishes of prospective voters on the Plan.

The redevelopment of the Equestrian Centre is the most sustainable and least controversial way of ensuring the Neighbourhood Plan meets the Basic Conditions. Our client would be willing to assist the steering group and outline their site's offer in more detail if the Neighbourhood Plan is reviewed ahead of Examination. It is essential that such a review is made in light of the serious concerns that exist in respect of the Basic Conditions.

Conclusion

McCann Homes respectfully request the allocation of the Milton Keynes Equestrian Centre for residential development in a revised version of the Neighbourhood Plan. To date we are not aware of

¹ See Haddenham Neighbourhood Plan:

<https://www.aylesburyvaledc.gov.uk/news/legal-challenge-haddenham-neighbourhood-plan>

https://www.aylesburyvaledc.gov.uk/sites/default/files/page_downloads/Decision%2007.03.16%20Consent%20Order.PDF

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/527095/16-06-02_DL_IR_Haddenham_Aylesbury_3014403.pdf

any efforts on the part of the steering group preparing the Plan to formally contact landowners and appraise development options for Hanslope in an objective and transparent manner. This is lawfully deficient and must be rectified by preparing and publishing a proper evidence base for comment. The draft Plan is not supported by any such evidence base and appears to have been prepared with an anti-growth focus that is completely inconsistent with national policy, as displayed by its supporting flyers (our Appendix 1).

The Neighbourhood Plan in its current form does not therefore meet the required Basic Conditions. It makes no meaningful contribution to sustainable development and cannot demonstrate general conformity with the strategic policy. There also appears to be uncertainties as to whether the Plan meets EU obligations, a matter that must be clarified.

The "allocations" within the Plan are largely redundant by virtue of the fact that they either already have planning permission or have significant issues in terms of suitability and availability. We would respectfully suggest that a more pragmatic and sustainable approach for the Plan would be to allocate a more sizeable opportunity, such as the Equestrian Centre, to definitively ward off further undesirable speculative allocations. Our client's proposed development is notable for attracting few objections during its recent application, which stands in stark contrast to other more controversial sites around the village that are greenfield, as opposed to our client's brownfield land, and do not offer the same benefits in terms of traffic reduction.

In summary the submitted Neighbourhood Plan fails the Basic Conditions for the following reasons:

- An unsubstantiated assumption that no further housing needs should be accommodated;
- No meaningful contribution to sustainable development;
- "Allocations" that either already have permission or are inconsistent with Paragraph 14 of the NPPF.
- A retrospective and wholly inadequate site assessment process that fails to consider sites other than those proposed for "allocation".

We trust that the Local Authority and/or Examiner will consider the plan's compliance with the Basic Conditions in light of these reasons and amend it to be robust enough to serve its purpose for the local community. We would be happy to meet with you to discuss our representation and our client's development in more detail. Should you have any queries in the meantime then please do not hesitate to contact me at this office.

Yours faithfully



Jennifer Smith MRTPI
Director

Enc.

Cc. McCann Homes
Cc. Hanslope Parish Council

Appendix 1

**LARGE SCALE DEVELOPMENT IN HANSLOPE; 150 HOUSES PROPOSED.
HUNDREDS MORE TO COME?**

The residents of Hanslope have successfully opposed large scale development in and around Hanslope Village for at least the past 15 years, now that time has come again...

When asked, in the past, residents have overwhelmingly expressed opposition. This has preserved the character of the village and the sense of community.

In 2003 when 125 houses were proposed 67% responded to a survey and 96% opposed the proposal. Milton Keynes Council and the Housing Inspector supported Hanslope residents and the development was stopped.

In 2009 the Hanslope Parish Plan was published following a detailed survey. The Hanslope Parish Plan is currently the document that our elected officials should be working to and can be viewed on the village website. **The Hanslope Parish Plan established five excellent planning policies for Hanslope** and instructed our elected officials with an action. The two most important policies and the action are listed below;

- Policy; there should be no development outside the village boundary.
- Policy; there should be no development on agricultural land.
- Action; the Parish Council, Milton Keynes Council (*including Ward Councillors*) and our MP to reject any future proposed developments which contradict the above policies.

Hanslope residents must continue to be vigilant to maintain existing protection from development....

Three large developers own the majority of land suitable for development in Milton Keynes itself where services and facilities are already in place so that new development can readily take place. These Developers are now building in MK at a **reduced rate** because building is not very profitable for them at the moment. Under pressure to meet targets, either Milton Keynes Council or the Planning Inspectorate in Bristol are minded to grant large scale development on **agricultural land outside of village boundaries.**

This presents an opportunity for Developers such as Simon Hill who has proposed the building of **150 houses in the field between Western Drive and Cuckoo Hill Rise and opposite the recreation ground.** **This proposal is contrary to the established planning policies in the Hanslope Parish Plan** as the field is **agricultural land outside the village boundary.** A planning application is expected imminently.

Worse still it is likely that **this will open the floodgates** for other similar improper planning applications. Land owners may get rich, Government targets may be met but **Hanslope will certainly suffer the consequences**, not least the effect on already overloaded infrastructure. Roads, parking, schools, doctors' surgery, drainage, sewage, broadband, and possibly even utilities will be affected. Most of these have not received significant investment in the last forty years and none is planned.

Neighbourhood Development Plan

Hanslope Parish Council is consulting all residences to establish a Neighbourhood Development Plan that must then be accepted by referendum. This consultation is extremely important as the Plan forms a type of development contract between Milton Keynes Council and Hanslope Parish. The Plan will set policy for Hanslope and **significantly reduce the requirement for additional consultation; anything you agree to may be exploited by Developers** who may use the Plan to support applications.

The consultation talks about updating the existing Hanslope Parish Plan **but not keeping the existing planning policies.** It could be interpreted that the consultation is sympathetic to future development.

Our call to action...

Please try to complete the consultation and return it to the Newsagents; **the closing date for returns is 12th August 2016.** Please read the first four paragraphs of the consultation very carefully. Express your wishes honestly and don't feel obliged to be sympathetic to "some" development. The Neighbourhood Development Plan is not likely to be completed for some significant time.

Supplementary Survey

Local volunteers will be knocking doors in the next few weeks to survey the Parish of Hanslope to update residents' opinion of large scale developments on agricultural land outside of the village boundary. It is intended that the results of this supplementary survey will be established quickly. **The results will be used as evidence when responding to any planning application that goes against our Parish Plan Policies** and it will be proposed that the results are included in the Neighbourhood Development Plan prior to referendum.

**IMPORTANT HAN Slope ISSUE; PLEASE READ
HANDS OFF OUR HAN Slope ACTION GROUP**

**LARGE SCALE DEVELOPMENT IN HAN Slope; 300 HOUSES PROPOSED.
HUNDREDS MORE TO COME?**

Residents of Hanslope, can it be said that;

- never in living memory has the threat by outside influences to our community and Village status been greater?
- our elected representatives are not keeping us informed, canvassing our opinion, rallying us together, and championing our cause in the manner that we have become accustomed to over the past few decades?

We will find out over the next few months and years. If Hanslope residents do not get involved in the process now then it is extremely likely that the outcome will be very much against the wishes of the vast majority!

Please be aware that;

- planning permission has been granted for 12 houses between Hanslope and the Halfway Houses
- Simon Hill has submitted a planning application for 150 houses in the field adjacent to Western Drive and opposite the recreation ground
- a planning pre-application has been made for 140 houses in the field adjacent to Williams Close and Long Street Road. There is a public consultation event on Tuesday; 13/09/2016, 14.30-19.30 in the Village Hall
- a planning pre-application has been made for 220 houses in the field adjacent to Eastfield Drive
- although the City of Milton Keynes has for many years been bounded by the River Ouse on the other side of Haversham, a daughter settlement is now being conceived very close to our Parish boundary. This daughter settlement will affectively be an extension of Milton Keynes but without any fundamental civil planning and investment in infrastructure. Vast tracts of open countryside have already been sold to developers. Our beloved village could soon become a sprawling urbanisation.

This is the second flyer that the Hands off Hanslope action group has produced. The first flyer can be referenced on the Hanslope Village website. The first flyer drew a strong reaction from Hanslope Parish Council. As can be seen above, the information communicated in the first flyer is proving correct and the rush to develop the agricultural land just outside our village boundary is progressing without proactive opposition from our locally elected representatives. Effectively events are conspiring against us and a failure of both local and national governance to achieve targets responsibly and the greed of unscrupulous developers who appear to put profit above residents interests could leave us sorely disadvantaged. There has been very little investment in our local infrastructure for at least half a century. Large scale development with no imposed investment in infrastructure will push already groaning services to breaking point; roads, parking, schools, doctors' surgery, drainage, sewage, broadband, and utilities will be affected, some severely. Clearly targets should be met in the city where planned infrastructure exists and precious countryside should be preserved. Residents will gain very little benefit from the development but will suffer in the aftermath. Our village status and associated sense of community is under severe threat and once lost will not be recoverable.

What can we do?

We must write to Milton Keynes Council to object to these large scale planning applications stating sound planning reasons for doing so.

Urgently as many Parishioners on the electoral role as possible must write to object to the Simon Hill development. A template letter has been prepared following professional consultation and is posted on the Hanslope Village website. Simply copying this letter, adding your details and forwarding it to Milton Keynes Council will register a valid objection. Sound planning reasons for objecting and the number of objections will be factors when planning permission is being considered. Alternatively you may decide to personalise your letter but please try to list as many of the planning reasons outlined in the template letter as possible.

**IMPORTANT HANSLOPE ISSUE; PLEASE READ
HANDS OFF OUR HANSLOPE ACTION GROUP**

When planning applications for other large scale developments around Hanslope are submitted for consideration by Milton Keynes Council we must repeat this exercise and write again.

National Government is slowly catching up and considering the actions of large developers who act slowly on granted planning permission to increase demand and profit on the houses they do build. The window for the speculative, legally exploitative and seemingly unreasonable applications that we are experiencing is hopefully closing. Efforts now to stop permissions being granted may prevent our village being spoilt by the loophole.

There is a Parish Council meeting this Monday, 12/09/2016, 7.30pm at the Village Hall (small hall). Parishioners have lodged requests to address the Committee on the following;

- details of the Committees response to the Simon Hill planning application; whether or not an objection will be made and on which planning reasons.
- whether or not the Committee will consider generating a fighting fund to pay for professional services to advise on the opposition of planning applications for large scale developments
- explanation of which information was considered factually incorrect in the first flyer and why
- explanation of why the Committee is not actively representing established and documented Parish opinion on development. The Parish Council was not receptive to the concerns initially raised so their sanction of the first flyer was not possible despite their subsequent objection.
- explanation of the unnecessary defamatory language used in the A4 notice from the Parish Council posted to all residents, particularly the insinuation of bullying.
- explanation of how the notice was sanctioned by a quorate committee and recorded.
- justification of the Parish resources invested in the notice from the Parish Council which could have been much better spent engaging with Parishioners to oppose planning applications for large scale development.
- explanation of why the existing sound and locally supported Hanslope Parish Plan development policies cannot be maintained in the proposed Neighbourhood Development Plan.

If you can spare the time, please exercise your right come along to listen to the meeting and debate. You will not be able to speak unless you are invited to do so, however, you will be able to experience first-hand how the committee "represent the best interests of Hanslope at all times".

Supplementary survey

In our first flyer a supplementary survey was proposed following a fairly swift timetable. This survey has been postponed due to the emerging situation.

It has become clear that our efforts are much better served objecting to the Simon Hill planning application as outlined above.

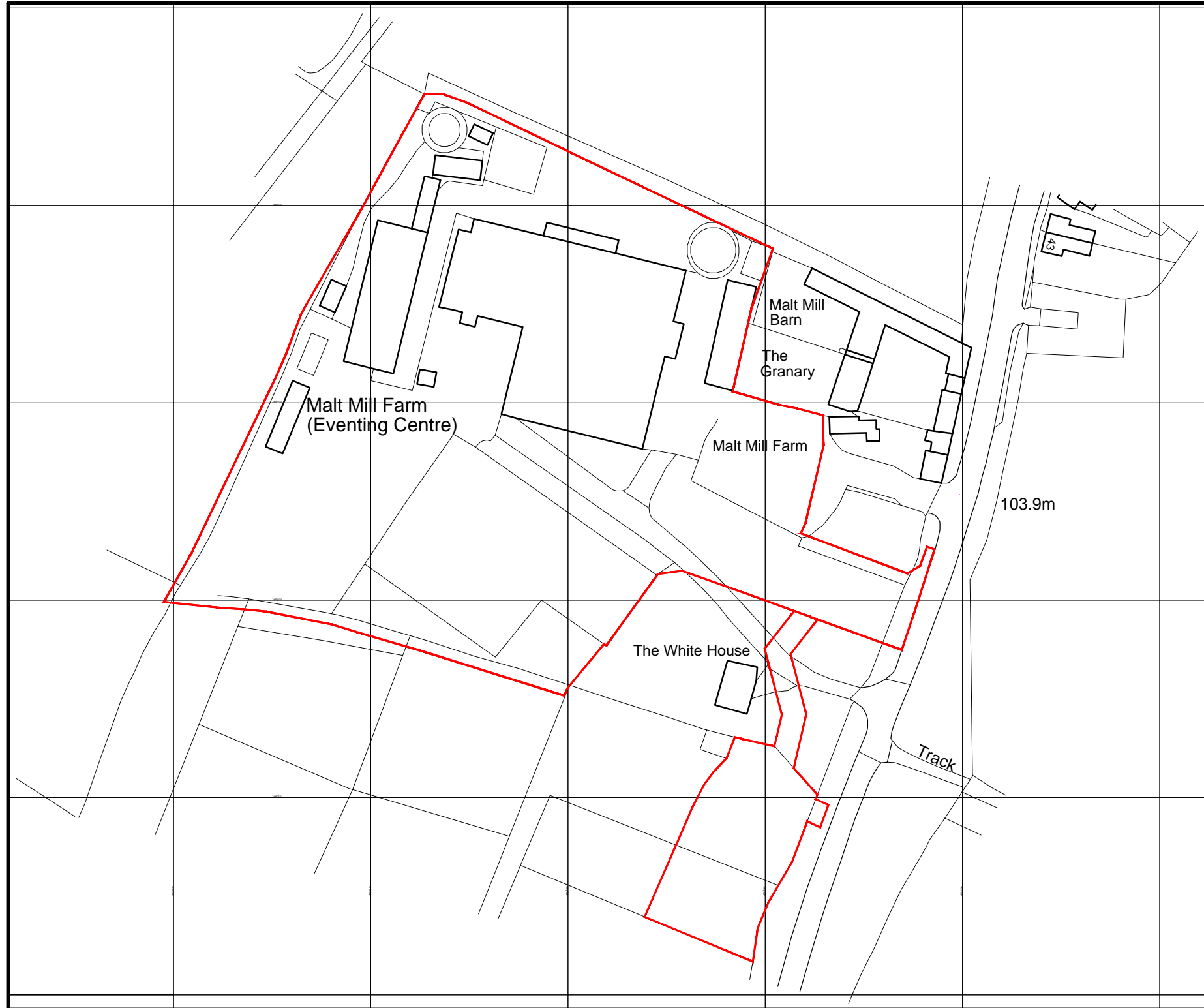
It is likely that our locally elected representatives, the Parish Council and Milton Keynes Council Development Control will support our objections and ultimately the MKCDC will refuse these planning applications based on the existing policies and law that still apply to all but the Planning Inspectorate.

Unfortunately the irresponsible manner in which development targets must be achieved regardless of the cost to our local community, means that our established planning policies and indeed usual planning law can for the time being be completely bypassed by the Planning Inspectorate. However, MKCDC will report details of their decision to the Planning Inspectorate and it is hoped that our influence on these details will appeal to the Inspectorate for a decision in our favour.

Further, there is sufficient evidence to direct the locally elected representatives toward the correct planning policies to be included in the Neighbourhood Development Plan prior to referendum. Consolidation of this evidence can be scheduled at a later date.

Thank-you

Thank-you very much for your time to read and assimilate the somewhat complex information provided. Please try to get involved as much as possible as your contribution really will make a cumulative difference. If you are able to get involved with the action group and provide any particular expertise then please come forward and contact us at handsoffourhanslope@gmail.com.

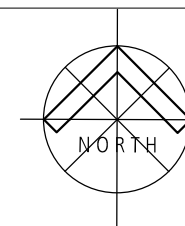


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REV	DESCRIPTION

19-03-18
DATE



Client: McCann Homes Limited
 Project: Malt Mill Farm, Hanslope
 Title: Existing Site Location Plan
 Project No: V16-129
 Drawn by: PJM Scale: 1:1250 @ A3
 Date: March 2017
 Drg No: V16-129-SLP02 Rev: A
 scale (m)
 1:1250



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