

19th June 2019



Dear Sirs,

Re: Great Kimble Neighbourhood Plan – Submission on behalf of Whiteacre Ltd

I write to submit formal representations to the above neighbourhood plan consultation on behalf of my clients Whiteacre Limited, who are the promoters of land at The Orchards and The Chequers, Bridge Street, Great Kimble (site 20).

Our submission includes the following documents:

- Completed questionnaire form
- Additional **further comments** relating to that questionnaire
- Separate representations relating to the NP preparation and site selection process (with **appendices**)

We would be grateful to receive the council's acknowledgement of receipt of this **submission**.

My clients would be willing to attend a meeting with the neighbourhood plan team, or its consultants, to discuss the representations, and to explore ways in which the shortcomings in the site selection process might be addressed, in order to produce a sound draft neighbourhood plan.

Yours faithfully



Stuart D Oldroyd MRICS
Consultant Chartered Surveyor

cc. Paul D Phipps, Director, Whiteacre Ltd

Great and Little Kimble cum Marsh Parish Council

Neighbourhood Plan Consultation

REPRESENTATIONS ON BEHALF OF WHITEACRE LTD

June 2019

Introduction and Purpose

This document makes representations to the Parish Council's draft Neighbourhood Plan consultation, in respect of land at The Chequers, Bridge Street, Great Kimble (site 20).

This site is able to make an important contribution to the housing needs of the settlement. Together with consented land at the Orchards, it can comfortably provide 22 new homes including affordable housing; as well as improving access to public open space and providing a potential new village shop.

Representations were made to the earlier stages of the Neighbourhood Plan (NP) consultation. However the land has not been allocated as a draft housing site, which we believe signifies an error on the part of the NP team. This document sets out the apparent process errors which appear to have been made by the Parish Council in reaching that decision.

The purpose of this paper is to supplement the replies which Whiteacre has given to the questions raised in the Feedback Form, by looking beyond those questions to the more fundamental issue of the process which has been undertaken. It outlines the implications which the shortcomings identified in this document have for the soundness of the draft NP, in its current form.

The following serious shortcomings have been identified, to which the Parish Council's NP team's attention is drawn:

1 – Exaggerated Weight Given to Outdated Initial Feedback Forms

It is accepted that the Chequers site fared the worst in the community vote, but that took place at a very early stage, when planning consent had not yet been granted for the development of the Orchards site, or its new access.

Having reviewed the responses in the Neighbourhood Consultation Report 2018 by Local Dialogue, it is apparent that the 2 main objections to the Chequers site were the poor access (onto Bridge Street) and the impact of views/proximity to existing dwellings.

Even though the Site Selection report makes reference to later submissions for both the Chequers land and Kimble Pastures land made by Whiteacre Limited, there is no acknowledgement that updated proposals had overcome those objections, especially for the Chequers land, due to the revised access.

The only reference we could find to that submission is in appendix B of the Site selection report where it states that the revised plans for site 20 were considered as Part of the Sustainability Appraisal. No further detail of justification has been given.

This is very significant, as site 20 was rejected partly on the basis that it had attracted a high degree of objection at the earliest stage of plan making, before the new access was available. In fact, of the 53 objections, 31 cite access from Bridge Street as their main or only reason. Yet that objection was later resolved, meaning that site 20 would no longer have attracted the same level of objection, as almost two thirds of the objections had been overcome. The consequence was that the site no longer attracted a high number of objections, when compared with selected sites, but it was still discounted at an early stage, as if those objections had not been fully resolved by planning approval 17/07378.

2 - Inaccurate Objection Assessment of Land to be Within a Conservation Area

In addition, 4 further objections contained in the responses in the Neighbourhood Consultation Report 2018 by Local Dialogue cited the site's Conservation Area status as the main reason for objection. But the land comprising site 20 does not lie within a designated Conservation Area, rendering those objections factually inaccurate and thus invalid in the site selection process.

This has the effect of reducing the number of valid objections even further from 53 reported at the early stages of plan making to just 18. Had the site been assessed by this more accurate measure, it would not have been rejected at the early stages for the number of objections it attracted. It would have been considered amongst the selected sites at the next stage of site allocations on equal terms with other suitable sites, and which had attracted a similar or lower level of objection.

3 - Illogical Consideration of Location of New Shop

Site 20 was rejected partly on the grounds that it did not have a road frontage onto Grove Lane and thus would be unsuitable as a location to provide a new shop. This ignores the fact that site 20 has consistently been promoted as an extension to the Orchards site, through which its new access would be taken. That site does have a frontage onto Grove Lane.

The NP should therefore have recognised that a simple re-planning of the joint development would have enabled a shop site to be delivered within the land promoted by Whiteacre which has the same road frontage location as site 1 (the preferred location in the NP for the new shop) and patently superior to site 17a, (which is the NP fall-back site for a new shop).

The rejection of site 20 on that criteria is therefore flawed, and inconsistent with the assessment of other sites which were selected for development.

Secondly, siting the new shop on either site 1 or site 17a is not the best location in terms of sustainability. The criteria against which its suitability is measured is that of accessibility from the main road, implying that car trips will be necessary to visit the shop. It would be more logical and more sustainable to locate the new shop closest to the majority of the houses which it will serve. In that way it would be accessible to a greater number of residents, both with or without the use of a car.

Site 20 is much more accessible to the largest concentration of existing houses in the parish, than either of the NP sites for a new shop, as can be seen in the attached plan (appendix 1). It shows that Site 20 is within easy walking or cycling distance of many more existing homes than either sites 1 or 17a, and would not involve those residents having to make a long walk beside the busy main road to reach the remote shop.

This shortcoming in site assessment throws into sharp focus a failure to consider the sites which Whiteacre have been promoting together. It ignores the current planning consent for the Orchards (which was granted prior to the publication of the draft NP), and the obvious alternative ways in which the land could easily be re-planned comprehensively, to provide the shop which the village needs, in the most sustainable location, which would best serve the village better than either of the 2 NP preferred locations.

4 - Illogical Allocation of a Further Recreational Site in Open Countryside

A second area in which the NP team have failed to properly consider the overall benefits of the sites promoted by Whiteacre, is in the failure to recognise site 20's key role in unlocking the access and availability to the community of the recreation land which already has a planning consent.

Instead the NP team has chosen to ignore the existing planning consent and allocate new greenfield open land for recreation, with a high potential detrimental impact on the ALV and open countryside.

The draft NP neither acknowledges nor includes the outstanding requirement of planning permission Ref No. 10/0692/FUL to deliver 2.5 acres Community Land, including Wildlife & Woodland and School nature area on land to the rear of Smokey Row. The land immediately abuts Site 20, the development of which is shown in the submitted plans to deliver a new road link to connect the community land with the wider settlement.

This low impact solution to overcoming a current access problem to the community land has been overlooked in the draft NP in favour of using new higher quality agricultural land in a visually sensitive location to provide a recreational use for which planning consent has already been granted on a less sensitive site.

That approach is not logical, and the decision to ignore the role which site 20 could play in that solution, without justification or explanation, is inherently unsound.

5 - Insufficient Weight Given to Landscape Impact Assessment

When assessing potential development sites in a rural area, adjacent to ALV and open countryside, the visual impact of development on that land should be of paramount weight in the site selection process.

Wycombe DC published a Landscape Sensitivity & Capacity Study in Sept 2017 precisely to inform its emerging local plan. However the site selection process undertaken by the NP team has not paid sufficient weight to the findings of that important assessment.

The NP proposes development on sites which are more visually sensitive than other sites which have been rejected for development by the NP team. That inconsistency with the Landscape Sensitivity & Capacity Study has not been adequately justified, and has patently

led to the selection of sites for development which have a disproportionate impact on the open countryside, when compared with other sites which have been rejected.

Inconsistency of that magnitude, and a failure to attach sufficient weight to visual impact of development land, must surely go to the heart of the soundness of the process by which sites have been selected for development in the draft NP.

6 - Failure to Account for Impact of Known Infrastructure Proposals

A number of the sites which are selected for development in the draft NP will be impacted by planned infrastructure works on adjacent land. The proposed main road realignment and improvements to the railway bridge will both have a significant impact on selected sites in the early years of the plan.

The NP does not appear to have considered the impact on the developable site areas and thus capacity which will arise, nor the phasing and deliverability of selected sites which are affected by those major infrastructure works.

That important criteria does not appear to have been given proper consideration in the selection of sites for development in the draft NP.

By contrast, site 20 is unaffected by those works, both in terms of its developable site area and its potential phasing, yet it was rejected.

7 - Incorrect Agricultural Land Quality Classification

Another reason for the rejection of site 20 was contained in the SA's 'land, soil and water' resources category table. It states that that the land at Chequers is Grade 2 Agricultural land which appears to be the only reason it fails in this category. Inexplicably allocated sites 14 and 17a are also agricultural land class 2 but were nonetheless selected as suitable for development.

That inconsistency is staggering, and patently not indicative of a sound and fair assessment of sites.

Furthermore, recent tests commissioned by Whiteacre confirm that Site 20 (rejected) is in fact 3A agricultural grade, and not 2. A copy of that scientific assessment report is submitted with these representations (please see appendix 2). It shows that the NP's assumptions as to this important section criteria were incorrect. It follows that the rejection of site 20 is flawed and that the site selection process itself is unsound.

Applying the site selection criteria consistently in relation to agricultural land quality, selected sites 14 and 17a should both be rejected on the grounds of their agricultural quality and site 20 should be selected.

8 - Incorrect Assumption on Land Availability

The site selection report states that sites which were not perceived by the NP team to be available (for unspecified landownership reasons) were not considered for selection, even though they may have been promoted by a third party.

At that stage the shareholders (landowners) of the Kimble Pastures Company had not yet voted to decide if their land would be made available for development, so there was no sound evidence to demonstrate that site was not available, yet it was still rejected.

In the last few weeks that vote has now taken place, and the decision has been made not to release the Kimble Pastures site for development. That was not known when the NP team rejected the land, but its incorrect decision may have had a material bearing on the landowners' vote.

Nonetheless, Whiteacre's representations to the NP made it clear that the availability of site 20 was not linked to the availability of the Kimble Pastures site, yet site 20 was rejected together with the Kimble Pastures land; even though site 20 was being actively marketed as available for development by its owner, at the time it was rejected for being unavailable by the NP team.

That assessment was illogical, made without any evidence or consultation with the landowners who had made representations, and was therefore flawed. It has implications for the soundness of the site selection process which was undertaken.

9 - No Weight was Attached to the Positive Pre-application Consultation with WDC

Whiteacre undertook a pre-application consultation with Wycombe DC for site 20, as an extension to the newly consented Orchards site, while the NP was under preparation. That application, together with WDC's written response, were both copied to the NP team.

It contained a favorable assessment of the site's development potential against many of the criteria which the NP team purported to be assessing sites for selection in the NP. Yet the NP makes no reference to that evidence and reaches markedly different conclusions from the planning authority as to the suitability of site 20 to provide new housing.

That omission is a shortcoming in the draft NP which appears to highlight a failure to properly consider all relevant material submitted to the NP process.

Conclusion and Remedy

This document has highlighted no less than nine separate areas in which the site selection process undertaken in the preparation of the draft NP was flawed.

Inconsistencies and omissions of that magnitude must surely render the draft NP and its site selections fundamentally unsound, to the extent that its adoption without modification would be open to legal challenge, as well as giving rise to a lengthy and contested formal examination.

Following the current Regulation 14 consultation, and taking into account the responses and representations which the NP team will now be receiving, the Parish can however modify the plan; taking account those representations and correcting the nine flaws to which their attention has now been brought.

We urge the Parish Council to do exactly that, taking this opportunity to remedy the shortcomings and modify the draft NP in order to make it sound.

Appendices:

1. Plan showing draft NP shop locations and The Orchards alternative
2. Agricultural Land Classification Report

Neighbourhood Plan Consultation Feedback Form

Further Comments - in accordance with questions as set out in Feedback Form.

Submitted on Behalf of Whiteacre (Promoters of The Orchards and The Chequers Sites)

Working Group (WG) Reference Documents:

- 1) Neighbourhood Plan Consultation 2018 (*feedback from public consultation*)
- 2) Site Assessment Report (*comments on sites put forward*)
- 3) Sustainability Appraisal (*contextual summary*)
- 4) Pre-Submission Plan 2013 – 2033 (*Working Group's recommendations KIM 1 - 8*)

KIM 1 Settlement Boundaries : *Oppose*

The recommended Site Allocations would create a fragmented pattern of development, and in turn an incoherent Settlement Boundary. This would lead to undesirable coalescence of the separate and distinct areas which have comprised the settlement pattern of the parish for decades.

The main Settlement Boundary should more logically preserve the existing gaps which characterise the separate development areas comprising the established character of the parish.

Some selected sites intrude into the open countryside and few make any tangible contribution to reinforcing the village core.

Neither do the selected sites provide the desired Community benefits (i.e. recreation and retail.) in a coherent or well-planned strategy, or where they would be accessible to most existing residents.

It would be logical to include all land subject of planning approval Ref No. 10/0692. This was recommended by WDC Landscape Sensitivity & Capacity Study for the Kimble Area Dated Sept 2017. That recommendation appears to have been ignored in the draft NP without adequate explanation or justification.

Furthermore, the linear development which the site allocations would lead to, will inevitably lead to further poorly spatially planned development in future years, owing to the lack of clear physical boundaries, and the encroachment into open countryside which is unrelated to the current pattern of the settlement.

KIM 2 Design Principles : *Unsure*

The Pre Submission NP makes no reference to the provision of affordable or more specialised housing types such as bungalows, special needs housing, key worker homes or housing for the elderly.

KIM 2 prefers that new development will only utilise the existing access points, with no new access to public highways. However the masterplans contained in the draft NP show that a number of the selected sites would require new accesses to be formed onto the highway, breaching that important design principle.

By contrast, site No 20 has the benefit of an existing access onto Grove Lane which has planning permission and full technical approval, thus meeting this criteria. Yet the site was rejected, without due reference to that important design aspect.

KIM 3 Housing Site Allocations : *Oppose.*

Please see attached further representations, specific to the shortcomings we have identified in the process undertaken in producing the draft NP, submitted with this document.

KIM 4 Schools: *Unsure*

The Great Kimble Church of England School is accessed via Bridge Street. It is therefore logical to seek to identify new housing in close proximity to that access, but the draft NP proposes to locate new housing where it cannot provide a safe access to the school.

Any intensification of development to the west of Grove Lane will increase pedestrian movement across the increasingly busy main road.

KIM 5 Landscape Buffer :*Oppose*

The masterplans contained within the draft NP show that most of the chosen sites are open green fields located in prominent positions, where they will have an adverse impact on open countryside and the ALV. For that reason they require extensive buffer planting, to ameliorate their visual impact. That planting will take decades to establish a full visual buffer, and the selected sites are not found in the least sensitive locations identified in the WDC Landscape Sensitivity & Capacity Study of Sept 2017.

Inadequate explanation has been given for the departure from the findings of that report, which should have been the starting point for evaluating selected sites against arguably the most important criteria for this Parish, being impact on open countryside.

The requirement for individual buffer areas to the selected sites only serves to highlight their incorrect site selection, having insufficient regard to the Landscape Sensitivity & Capacity Study.

By contrast Site 20 (rejected) and land between the main bridle path and the rear of Bridge Street does not require a (Strategic) Landscape buffer. This assertion is supported by the WDC Landscape Sensitivity & Capacity Study.

Furthermore planning approval Ref No 17/07378 (6 homes on land called The Orchards,) included a full landscape assessment which found no requirement to provide landscape buffers. That conclusion was supported by Wycombe DC's planners, in the grant of planning consent for that development, as they recognised that this part of the parish has an inherently low visual impact on the ALV and open countryside.

Little or no weight appears to have been given to that decision in the draft site allocations, or to the Landscape Sensitivity & Capacity Study, which is a fundamental flaw in the draft NP.

KIM 6 Employment : *Support*.

No additional comment.

Kim 7 Community & Leisure Uses : *Unsure*

No explanation has been given as to why the community land which already has planning consent under reference 10/06921/FUL has been ignored in the draft NP.

Not only is that consented new facility overlooked, its location in the least sensitive part of the parish would mean that other recreational land proposed in the draft NP would not need to be taken out of open countryside and used for potentially visually prominent recreational uses, where it will be visually prominent.

The NP has therefore taken as its baseline assumption a position of allocating a new visually sensitive recreational site, rather than seeking ways to unlock the one which already has planning consent, in the least sensitive location in the parish.

Our representations have clearly shown that the development of The Chequers site would unlock the long-standing access problems with the community land which already has planning consent under reference 10/06921/FUL. The masterplan which we have submitted shows how a new access and community car parking could be provided, to deliver the full use of that site to the community, crucially avoiding the need to release a new site from open countryside, to meet a need which is already met, but which will be unlocked by development of site 20.

KIM 8 Protecting International Habitats : *Unsure*

No comment, as this is not relevant to the land which we are promoting.

Site 1 Land at Grove Lane : *Oppose*

This is a linear form of ribbon development on the NW of Grove Lane, which will become more isolated following the proposed highway improvements and resultant increased traffic flows.

This is not the best location for a new shop, and is not accessible to non-car modes of transport, being beyond walking distance from the main concentration of existing dwellings in the settlement.

The proposals are not consistent with principles of KIM2 as they require a new development access onto the highway.

This site does not lie in the least sensitive location for visual impact upon open countryside, as identified in the WDC Landscape Sensitivity & Capacity Study of Sept 2017.

Site 10 Land at the Laurels; Unsure

No additional comment

Site 14 Land east of Kimblewick Road : Oppose

With reference to KIM 1 (Settlement Boundaries), it is impossible to reconcile how development on land protruding into the open countryside may be regarded as 'infill development within the settlement boundary'.

The site description in the draft NP is wholly inaccurate in saying that it will prevent encroachment into the countryside. In fact this development is itself an undesirable and unnecessary encroachment into open countryside on a massive scale.

This site does not lie in the least sensitive location for visual impact on open countryside, as identified in the WDC Landscape Sensitivity & Capacity Study of Sept 2017. Its development would have a huge and detrimental impact on views from open countryside and its allocation is wholly inconsistent with the landscape study which ought to have formed the most important criteria against which all draft allocations should have been assessed.

Also, with the future improvements and increasing traffic flows to Grove Lane, new housing development sites should be more strategically selected, to avoid increased pedestrian movements across this important strategic road.

Furthermore, this site is Grade 2 agricultural land, which has been used as a reason to reject other sites. That inconsistency has not been justified.

Site 15 Land at Grove Lane: Unsure

No additional comment

Site 17A Doe Hill Farm: Unsure

This site would appear to lie at least partly in the flood plain. Please see attached plan showing the masterplan for site 17a overlaid with the Environment Agency's Flood Risk map. Future revisions to the flood risk map are only likely to expand the extent of the flood plain, as climate change factors unfold. That issue alone could render development in this part of the parish unwise. It certainly may have implications for the amount / capacity of development which this site could accommodate.

The site is also remote from the main Bridge Street settlement area and disconnected from the established areas of housing. It is not accessible by non-car modes of transport to existing residents. As such, it is unsuitable as an alternative location for a new shop. By contrast site 20 (in combination with the Orchards) has none of those disadvantages, yet it has been rejected.

That decision serves to underline the inconsistent and illogical approach which appears to have been undertaken in the site selection process and renders the draft LP unsound.

Site 17a represents further ribbon development and an unwelcome intrusion into open countryside, in an area of the parish which has not been found by WDC's report to be the least sensitive to visual impact.

The site description in the draft NP suggests that the land can provide a level grassed area of open space, but the masterplan shows only small pockets of open land, which are irregular in shape and largely planted with trees. They do not appear to be useable areas of open space.

Furthermore the attached flood plain overlay plan shows that the open spaces lie within the functional flood plain, and thus may be unusable when recent rainfall has occurred.

Do You Have Any Other Comments? Yes

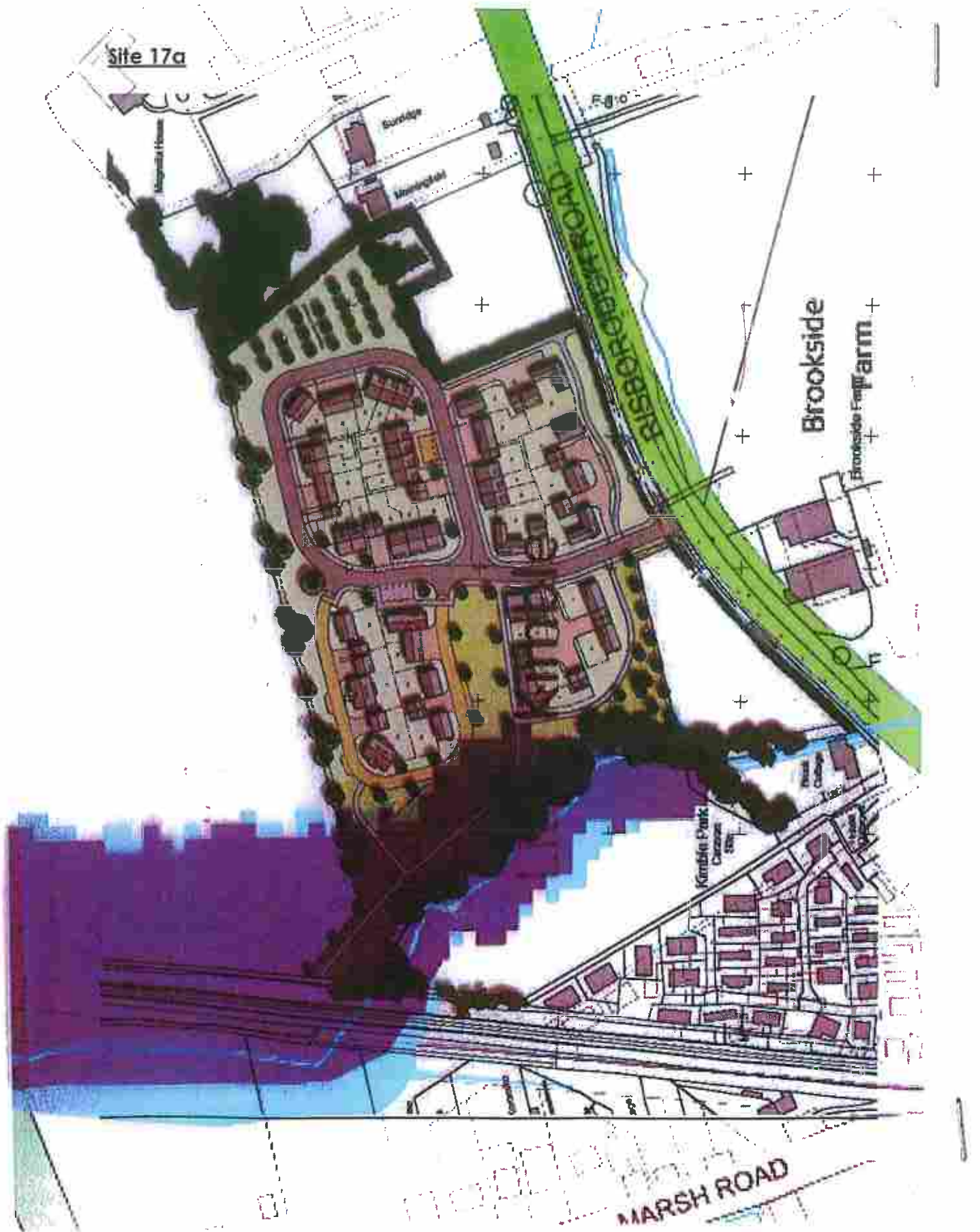
As outlined above, Site 20 (rejected) has several merits that have been overlooked. Those attributes would have led to the allocation of site 20, had a more sound assessment of the sites been undertaken.

The inconsistencies which have been outlined in this document serve to show that the site selection process has been insufficiently robust, and has not led to a sound draft neighbourhood plan.

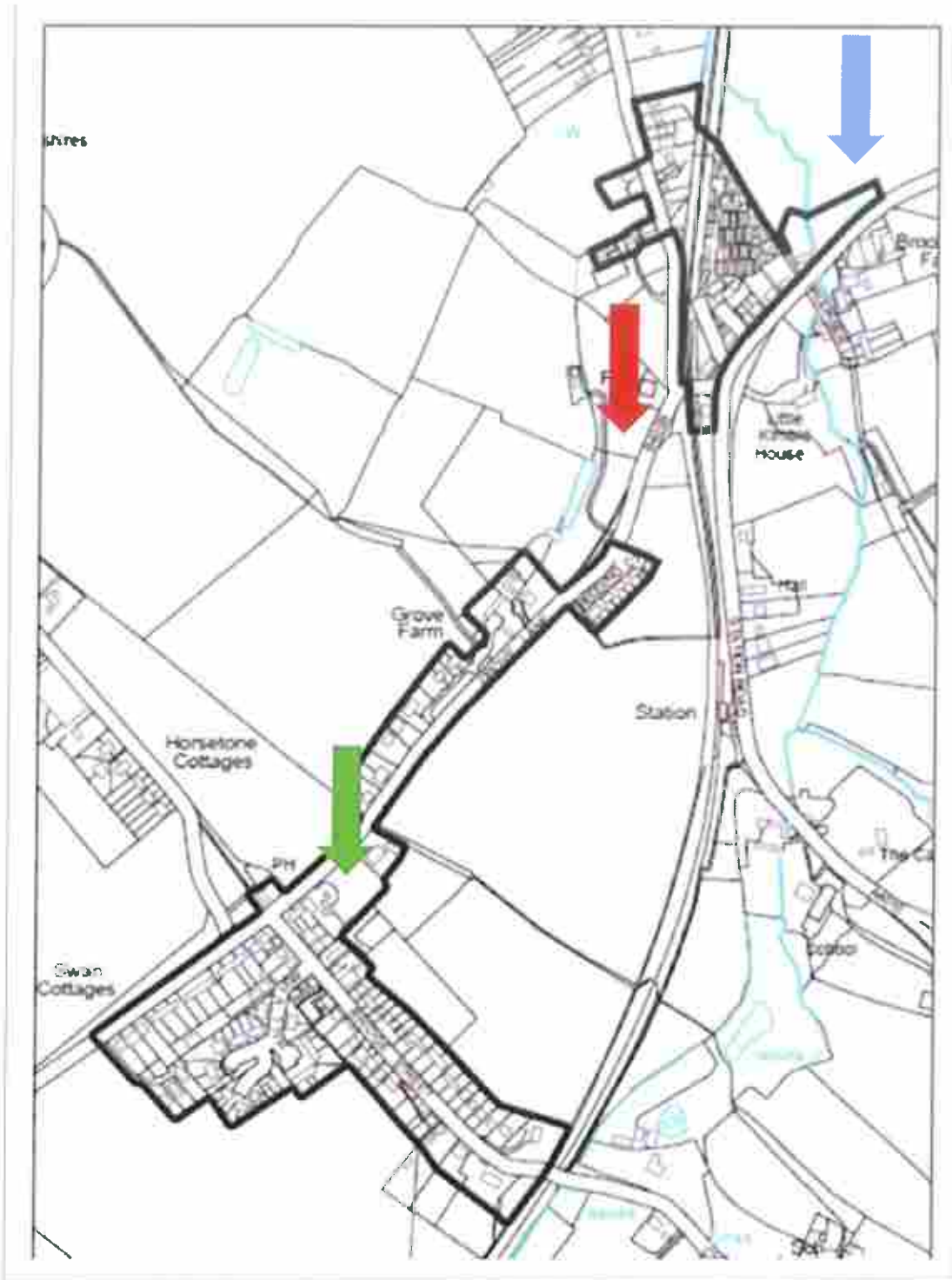
Furthermore, the NP team's attention is drawn to the separate document submitted with these comments, setting out nine serious reservations relating to the NP preparation and site selection process, which go to the heart of the soundness of the draft NP, in its current form.

Do You Support the Pre-Submission Neighbourhood Plan? : No

SITE 17A MASTERPLAN OVERLAID BY EA FLOOD RISK MAP



PLAN SHOWING SELECTED SITE FOR NEW SHOP,
THE ALTERNATIVE SITE AND THE ORCHARDS SITE



- RED = NP PREFERRED SITE
- BLUE = NP ALTERNATIVE SITE
- GREEN = THE ORCHARDS SITE

NOTES

0 20m 40m 60m 80m 100m



REV	DATE	DESCRIPTION	BY	CHECKED



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LOCATION PLAN

SCALE 1:1250 @ A4



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BUCKINGHAMSHIRE SL0 0QS
Tel: 01753 655471 www.spdarchitects.co.uk
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CLIENT



PROJECT TITLE

**THE ORCHARDS, GROVE LANE,
GREAT KIMBLE, BUCKS HP17 9TR**

DRAWING TITLE

LOCATION PLAN

DRAWING REF

190177(02)001

STATUS

Planning

SCALE

1:1250 @ A4

REVISION

-

DRAWN BY

SPP

DATE

Dec 2019

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113.0m

Existing hedging along Grove Lane replaced with native species and feature trees.

Existing property and outbuildings of The Orchard retained

Existing residential curtilage

Road capable of extension to serve future development.
New garage (replacing existing) for The Orchards.

Tractor and maintenance store to Smokey Row.
See planning approval: 13/07944

Newly constructed dwelling
See planning approval: 10/06921

Smokey Row

Garden sheds/cycle stores.

PROPOSED SITE LAYOUT PLAN
SCALE 1:500 @ A3

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SITE AREA (including The Orchards)
0.452 hectares
1.116 acres

SCHEDULE OF ACCOMMODATION

- 1No 2bed 1½ storey flat above parking (plot 6)
- 2No 2bed 2 storey houses (plots 4 & 8)
- 2No 3bed 2½ storey houses (plots 5 & 7)
- 3No 4bed 2 storey houses (plots 1, 2 & 3)
- 8 dwellings

LEGEND

- Existing trees retained
- 8 new specimen (native species) trees along Grove Lane frontage.
- 22 new fruit trees comprising:
8 apple
5 cherry
4 pear
5 plum
- Hedge planting

REV.	DATE	DESCRIPTION	BY	CHECKED

SPD ARCHITECTS
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BUCKINGHAMSHIRE SL9 6DS
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WVA Whiteacre
PROPERTY DEVELOPERS

THE ORCHARDS, GROVE LANE,
GREAT KIMBLE, BUCKS HP17 9TR

PROPOSED SITE LAYOUT PLAN

DATE: 19/01/17 (02/002)

SCALE: 1:500 @ A3

DISCIPLINE: TVISION

SPD

PLANNING

DATE: Dec 2016



113.0m

INDICATIVE
SITE LAYOUT PLAN
SCALE 1:500 @ A1

SITE AREA (including The Orchards)
0.452 hectares
1.116 acres

SCHEDULE OF ACCOMMODATION

- Community store
- 1No 2bed flat above community store (plot 3)
- 1No 2bed 1½ storey flat above parking (plot 6)
- 2No 2bed 2 storey houses (plots 4 & 8)
- 2No 3bed 2½ storey houses (plots 5 & 7)
- 2No 4bed 2 storey houses (plots 1 & 2)
- 8 dwellings + village store

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<p>SPD Architects</p> <p>1 PINWOOD CLOSE, NER HEATH BUCKINGHAMSHIRE SL9 6QS Tel: 01753 534444 www.spdarchitects.co.uk</p>	<p>Whitecove</p> <p>21-23, THE GREAT BRIDGE, BUCKINGHAM</p>
<p>THE ORCHARDS, GROVE LANE GREAT KIMBLE, BUCKS HP77 9TH</p> <p>INDICATIVE SITE LAYOUT PLAN showing future road extension and community store.</p>	<p>DATE: 190177(03)002</p> <p>REVISION: Planning</p> <p>SCALE: 1:500 @ A1</p>