## DEVELOPMENT MANAGEMENT COMMITTEE 16th DECEMBER 2024

Case No: 24/01014/S73

Proposal: Variation of condition 2 (approved plans) of

20/00285/FUL to include an electrical substation with

grasscrete access

Location: F Vindis And Sons St Ives Ltd, Low Road, Fenstanton

**Applicant: Fran Durose** 

Grid Ref: 530974 270460

Date of Registration: 05.06.2024

**Parish:** Fenstanton

#### **RECOMMENDATION - APPROVE**

This application is referred to the Development Management Committee (DMC) as the Case Officers recommendation of approval is contrary to that of the Town/Parish Council.

#### 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This Section 73 application seeks approval for the variation of condition 2 (approved plans) of planning permission 20/00285/FUL to include an electrical substation with a grasscrete access at F Vindis and Sons St Ives Ltd, Low Road, Fenstanton. The proposed electrical substation would be located in the eastern corner of the site.
- 1.2 Application 20/00285/FUL granted planning permission for the demolition of existing structures and proposed erection of 94 dwellings together with associated works including a pedestrian boardwalk. Pre-commencement conditions have since been discharged and development has commenced.
- 1.3 The application site covers an area of approximately 2.76 hectares and lies to the south of the roundabout on the A1096 where Harrison Way, Low Road, Hemingford Road and London Road converge. The site comprises the former Vindis commercial vehicles sales and repair premises.
- 1.4 The eastern and southern boundaries of the site are marked by mature hedge and tree planting. There is also a line of semi-

- mature trees separating the undeveloped part of the site to the east from the commercial site to the west.
- 1.5 The application site lies within Flood Zone 3 on the Environment Agency Maps for Flooding and as designated within the Council's Strategic Flood Risk Assessment 2017.
- 1.6 The site is separated from the St Ives Conservation Area by Harrison Way/London Road to the west and north and by the residential curtilage to the south. The closest Listed Building is Limes Park to the south west which is approximately 125 metres from the site at its closest point.
- 1.7 The site lies within Fenstanton parish with St Ives parish lying to the north and including the northern quadrant of the roundabout and Hemingford Grey parish lying to the west beyond London Road.
- 1.8 It is worth noting that the submitted plans include details to discharge conditions relating to landscaping. However, as this is a Section 73 application to vary condition 2 of planning permission 20/00285/FUL to include an electrical substation with a grasscrete access only, a separate discharge of conditions application would be required. The original conditions relating to landscaping would be reimposed on any permission granted as part of this application.
- 1.9 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

#### 2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (NPPF 2023) sets out the three objectives economic, social and environmental of the planning system to contribute to the achievement of sustainable development. The NPPF 2023 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2023 sets out the Government's planning policies for (amongst other things):
  - delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - achieving well-designed, beautiful and safe places;
  - conserving and enhancing the natural, built and historic environment
- 2.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

#### 3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
  - LP1: Amount of Development
  - LP2: Strategy for Development
  - LP3: Green Infrastructure
  - LP4: Contributing to Infrastructure Delivery
  - LP5: Flood Risk
  - LP6: Waste Water Management
  - LP7: Spatial Planning Areas
  - LP11: Design Context
  - LP12: Design Implementation
  - LP14: Amenity
  - LP15: Surface Water
  - LP16: Sustainable Travel
  - LP17: Parking Provision and Vehicle Movement
  - LP25: Housing Mix
  - LP30: Biodiversity and Geodiversity
  - LP31: Trees, Woodland, Hedges and Hedgerows
  - LP34: Heritage Assets and their Settings
  - LP37: Ground Contamination and Groundwater Pollution
- 3.2 Supplementary Planning Documents (SPD) and Guidance:
  - Huntingdonshire Design Guide Supplementary Planning Document 2017
  - Developer Contributions SPD 2011
  - Huntingdonshire Landscape and Townscape SPD (2022)
  - Huntingdonshire Strategic Flood Risk Assessment (2017)
  - Cambridgeshire Flood and Water SPD 2017
  - LDF Developer Contributions SPD (2011)
  - Annual Monitoring Review regarding housing land supply (2020)
  - Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

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

- 3.3 The National Design Guide (2021):
  - C1 Understand and relate well to the site, its local and wider context
  - I1 Respond to existing local character and identity
  - I2 Well-designed, high quality and attractive
  - B2 Appropriate building types and forms
  - M3 Well-considered parking, servicing and utilities infrastructure for all users

- N3 Support rich and varied biodiversity
- H1 Healthy, comfortable and safe internal and external environment
- H2 Well-related to external amenity and public spaces
- H3 Attention to detail: storage, waste, servicing and utilities.

For full details visit the government website

#### 4. RELEVANT PLANNING HISTORY

- 4.1 20/00285/FUL Demolition of existing structures and proposed erection of 94 dwellings together with associated works including a pedestrian boardwalk Approved.
- 4.2 23/00827/S73 Variation of Condition 5 of 20/00285/FUL Removal of M4(2) (lifts) requirement to Blocks D1-D3 Approved.
- 4.3 Various Discharge of Conditions applications relevant to 20/00285/FUL available to view in full on line

#### 5. CONSULTATIONS

5.1 Fenstanton Parish Council – Recommend refusal as a statement should be provided to explain why the substation is needed, how the location of the substation has been decided and how it impacts on the available flood compensation. Also queries whether an electromagnetic field assessment has been completed, have visual impacts for nearest residents been assessed and have the nearest plots been sold without the future owners seeing the amendment?

Officer Note - The Agent has advised that the development requires a substation that was not previously included within the original application. The proposal has been sited to be in the best location available within the site and has been discussed at length with the Councils Urban Design Officer to seek the best design and location.

It is not a requirement to submit an electromagnetic field assessment.

Further consideration of the residential impact and impact on flooding is considered below.

- 5.2 St Ives Town Council Recommend refusal as this proposal will result in the built form creeping into the eastern part of the site resulting in the loss of views previously identified by the Council as being important, leading to further harm to the area.
- 5.3 Environment Agency Originally objected to the application as shrubs/tree were shown within 8m of flood defences.

- 5.4 National Highways No objections.
- 5.5 Anglian Water The submitted approved plans are not related to drainage or Anglian Water network therefore this application is outside of our jurisdiction to comment.
- 5.6 Cambridgeshire Constabulary Requested conditions be imposed on any planning permission granted securing specific details relating to the substation, its enclosure and signage.
  - Officer Note Amended plans have been received which provide further details however, no further comments have been received.
- 5.7 Cambridgeshire County Council Highway Authority No objection. The proposed pumping station is accessed from a private development, and would have little impact on the adopted highway. Accordingly no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.
- 5.8 Cambridgeshire County Council Lead Local Flood Authority No objection to the variation of condition application. The application does not appear to have any surface water flood risk or drainage implications.
- 5.9 Huntingdonshire District Council's Urban Design Originally questioned the location of the substation and sought additional information/amendments on the proposed landscaping, design/colour of the metal handrails and louvered doors (suggested black).
  - 26.09.24 The revised plans now propose a brick enclosed substation (matching the facing brick of the adjacent B3 Residential Block), raised on an 800mm high concrete plinth (so that the FFL meets the minimum AOD heights set within the FRA). The substation features shallow 150mm grey UPVC fascias, black steel louvered doors, a dark grey single ply roof membrane and is surrounded by a black metal handrail. The submitted plans indicate the required extent of grasscrete for a service vehicle. The roof of the substation would be broadly in line with the top of the balustrades located on the elevated boardwalk on the rear elevation of the B3 block, as such the substation is unlikely to block views of the meadow from the elevated boardwalk or adjacent windows on the rear elevations of Units B3\_02 and B3\_03.

The amendments are considered acceptable in design terms, the substation is considered to be in the best possible location given the site constraints and requirements for the FRA. The introduction of soft landscape is supported and softens the substation and plinth.

- 5.10 Huntingdonshire District Council's Environmental Protection Team No objections.
- 5.11 Huntingdonshire District Council's Conservation Officer No objections. The siting of the substation is outside the conservation area and will not impact the setting of other heritage assets.

#### 6. REPRESENTATIONS

6.1 No third party representations were received during the course of the application.

#### 7. ASSESSMENT

- 7.1 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals. It advises where these modifications are fundamental or substantial, a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there is a relevant condition that can be varied. There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 7.2 The PPG advises that "Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged".
- 7.3 As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original consent.
- 7.4 Under this Section 73 application, it is proposed to vary condition 2 to include an electrical substation with a grasscrete access.
- 7.5 Condition 2 of planning permission 20/00285/FUL detailed the approved plans.
- 7.6 The principle of development has been established under planning permission 20/00285/FUL which has been implemented and is now in the construction phase. Pre-commencement conditions have been cleared and significant progress has been

made in discharging several other conditions in consultation with technical consultees. Therefore the main issues to consider in the determination of this application are:

- Design, Visual Amenity and Impact on the Conservation Area
- Residential Amenity
- · Highway Safety, Access and Parking Provision
- Flood Risk and Drainage

#### Design, Visual Amenity and Impact on the Conservation Area

- 7.7 Policy LP11 of the Local Plan states that a proposal will be supported where it is demonstrated that it responds positively to its context. Policy LP12 states that new development will be expected to be well designed and that a proposal will be supported where it can be demonstrated that it contributes positively to the area's character and identity and successfully integrates with adjoining buildings and landscape. This is also reflected in the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework.
- 7.8 The application site lies outside of but adjacent to the St Ives Conservation Area. Policy LP34 of the Local Plan to 2036 states that 'Great weight and importance is given to the conservation of heritage assets and their settings.
- 7.9 This Section 73 application seeks approval to vary condition 2 of planning permission 20/00285/FUL to allow for the installation of an electrical substation with grasscrete access. The proposed substation would be sited on a concrete plinth to raise the Finished Floor level (FFL) of the substation to minimum AOD as set in the approved Flood Risk Assessment. The substation building itself would measure 4m by 4.7m, extending to 6.7m by 7.5m to include the concrete plinth with a total height of 3.3m and would be constructed with a facing brick finish with a dark grey, single ply membrane roof. It will have black steel louvred doors and will be surrounded by a black metal handrail. The proposal seeks to introduce a band of native planting around the south, east and north sides of the substation plinth, softening its appearance from various view points.
- 7.10 The HDC Design Guide SPD page 161 explains that substations and other service kiosks should be fully integrated into the design of new developments. With regard to the substations siting, while it would be visually prominent, to a degree, given its raised height by the concrete plinth, it is considered to be in the best possible location given the sites constraints and requirements by the originally approved Flood Risk Assessment and therefore the Council's Urban Design Officer has no objections to the proposal. The Conservation Officer has also confirmed that the proposal will not impact the setting of the Conservation Area or other heritage assets.

- 7.11 It is also worth noting that the Local Planning Authority have no objections to the overall design of the proposed substation with the proposed finishing materials being designed to match those of the adjacent residential 'B3' block.
- 7.12 Overall, it is not considered that the proposed amendments to the design of the site to introduce a substation would have any adverse visual impact on the streetscene and would not result in harm to the character and appearance of the site, nor materially diminish the quality of the approved development. It is recommended that condition 2 is amended to refer to the currently submitted amended drawings. As such, the proposal is considered to be in accordance with Policies LP11, LP12 and LP34 of the adopted Huntingdonshire Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework in this regard.

#### **Residential Amenity**

- 7.13 Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.
- 7.14 The roof of the proposed substation would be broadly in line with the top of the balustrades located on the elevated boardwalk on the rear elevation of Block B3, and as such the substation is unlikely to block views of the meadow from the elevated boardwalk or adjacent windows on the rear elevations of Units B3\_02 and B3\_03.
- 7.15 Revised landscape proposals introduce a band of native structural planting (planted at 1m centres) and tree planting around the south, east and north sides of the substation plinth, softening the appearance of the substation and plinth and helping to screen it from adjacent units.
- 7.16 Considering the scale and nature of the development and the proximity to any residential uses, any detrimental residential impacts in terms of noise and disturbance would not be significant and is acceptable in this instance. The scale of the proposed electricity substation represents a relatively modest addition to the wider site. Due to the design and location of the substation, the proposed development would not have a detrimental impact in terms of overlooking, overshadowing/ loss of light or by way of being overbearing on the future occupants of the adjacent dwellings.
- 7.17 Overall, taking the above factors into consideration, the proposal is considered to be in accordance with Policy LP14 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire

Design Guide SPD and Section 12 of the National Planning Policy Framework in this regard.

### **Highway Safety and parking provision**

- 7.18 Policy P17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles.
- 7.19 The proposed pumping station will be accessed via a grasscrete track off the access road within the development. Accordingly no significant adverse effect upon the Public Highway should result from this proposal. The Highway Authority has raised no objections.
- 7.20 Accordingly the proposed development is considered acceptable in terms of its impact on highway safety and therefore accords with Policy LP17 of Huntingdonshire's Local Plan to 2036 and Section 9 of the National Planning Policy Framework in this regard.

#### Flood Risk and Surface Water

- 7.21 Policy LP5 of the Local Plan to 2036 states that a proposal will only be supported where all forms of flood risk, including breaches of flood defences or other defence failures, have been addressed. Policy LP15 of the Local Plan to 2036 requires surface water to be considered from the outset as an integral part of the design process.
- 7.22 The application site falls within flood zone 3 as designated within the Strategic Flood Risk Assessment 2017, which represents land at high probability of flooding. The location of the substation is considered to be in the best possible location given the site constraints and the requirements within the previously submitted FRA. It will be sited on a concrete plinth to raise the FFL to the minimum AOD set within the FRA.
- 7.23 Concerns were raised by the Environment Agency over access to flood defences onsite for maintenance purposes. The applicant has submitted additional information and amended plans to address this. The Environment Agency has been consulted on this but no further comments have been received at the time of writing this report. In order not to delay this going to committee, a landscaping condition regarding this will be retained with the amendment to submission within 3 months. This will therefore require discharge in the future subject to consultation with the Environment Agency. If comments are received from the Environment Agency prior to committee, a written update will be provided on the late representations sheet.

7.24 Overall, the proposal is considered to be acceptable with regard to its impact on both flood risk and surface water and therefore accords with Policies LP5, LP6 and LP15 of Huntingdonshire's Local Plan to 2036 and Section 14 of the National Planning Policy Framework in this regard.

#### Other Matters

- 7.25 An application under Section 73 of the Town and Country Planning Act 1990, if approved, has the effect of the issue of a new, separate, planning permission. Consequently, the conditions applied to the previous permission to which this application relates must be reviewed and added to any approval of this application where they would pass the tests of conditions set out in paragraph 56 of the NPPF 2023. A number of the conditions have been discharged and therefore will be amended to a compliance condition where necessary.
- 7.26 Paragraph 4 on page 11 of the signed Section 106 Agreement related to the full planning permission (20/00285/FUL) states "An application approved by the Council pursuant to Section 73 of the Act to vary or release any condition contained in the Planning Permission shall be deemed to be bound by the covenants and provisions of this Agreement which shall apply in equal term to the new planning permission unless other stated by the Council in writing."
- 7.27 Therefore, if approved, this application would be bound by the covenants and provisions of the Section 106 Agreement signed in relation to Planning Permission 20/00285/FUL.

#### Conclusion

7.29 Having regard to national and local planning policies, and having taken all relevant material considerations into account, it is recommended that the application should be approved for the proposed amendments. It is recommended that the wording of all conditions on the original application (20/00285/FUL) be replicated on this application under Section 73 of the Town and Country Planning Act 1990, excluding those conditions which will be amended as outlined above.

## 8. RECOMMENDATION - APPROVAL subject to conditions to include the following:

- Approved plans
- External materials to be in accordance with details approved under application 23/80168/COND and drawing 22028 0100 P03
- Development shall not exceed 94 dwellings

- M4(2) accessible and adaptable standards to apply to all dwellings except flat blocks D1-D3.
- Within 3 months, a scheme of hard and soft landscaping to be agreed.
- Details of external lighting to be agreed prior to installation
- Future management and maintenance of streets to be in accordance with details approved under application 22/80218/COND
- Removal of PD rights for gates across access
- Details scheme of vehicular access to be agreed prior to occupation
- Access to be constructed to CCC specification
- Implement and retain parking and turning areas
- Access to be laid out and 6m radius kerbs
- Ventilation strategy to be in accordance with details in 24/80096/COND
- Construction Environmental Management Plan to be in accordance with details approved under 22/80236/COND
- Landscape and Ecological Management Plan to be in accordance with details approved under 22/80249/COND
- Fire hydrants in accordance with details approved under 23/80061/COND
- Construction and delivery time restrictions
- Foul water to be in accordance with details approved under 22/80262/COND
- Surface water drainage to be in accordance with details approved under application 22/80262/COND
- Surface water drainage during construction to be in accordance with details approved under application 22/80218/COND
- Survey and report of surface water drainage system and required corrective works to be submitted to and approved by LPA prior to adoption
- Removal of PD rights for Schedule 2, Part 1, Classes A-F and Schedule 2, Part 2, Classes A-C of GPDO
- Architectural details to be in accordance with details approved under application 23/80168/COND
- Contamination remediation scheme to be in accordance with details approved un 23/80236/COND. Verification report prior to occupation
- Compliance wit approved tree protection measures
- Compliance with LP12 Part J Water Efficiency Standards
- Written Scheme of Investigation to be in accordance with details approved under application 22/80274/COND. Completion of post excavation programme required
- Full details of off-site highway improvement works to be submitted, approved and implemented prior to occupation
- Travel Plan to be submitted to and approved by LPA prior to development being brought into use

- Levels to be in accordance with details approved under application 22/80262/COND and drawing number LRSI-BSP-ZZ-XX-DR-C-0210 Rev C02
- No burning of waste during construction
- Flood mitigation measures in accordance with details approved under 23/80061/COND
- Biodiversity enhancement to be in accordance with details approved under application 22/80249/COND
- Elevations for play A3 to be in accordance with details approved under application 23/80168/COND
- 100% affordable Housing

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#### **CONTACT OFFICER:**

Enquiries about this report to Lewis Tomlinson, Development Management Team Leader (South) <a href="mailto:lewis.tomlinson@huntingdonshire.gov.uk">lewis.tomlinson@huntingdonshire.gov.uk</a>



Pathfinder House, St Mary's Street Huntingdon. PE29 3TN Developmentcontrol@huntingdonshire.gov.uk 01480 388424 www.huntingdonshire.gov.uk



Our Ref: 24/01014/S73

11th June 2024

Dear Clerk

PARISH COUNCIL CONSULTATION – APPLICATION REF. 24/01014/S73 Variation of condition 2 (approved plans) of 20/00285/FUL to include an electrical substation with grasscrete access

F Vindis And Sons St Ives Ltd Low Road Fenstanton

Enclosed is the form relating to the above application.

I would be grateful to receive any views your Council would wish to make in respect of the proposed development. Any representations made should be representations of the Parish Council as such and not of individuals and should include material planning reasons for any recommendation of approval or refusal.

Residential neighbours abutting the site will be notified of its submission and invited to make comments. I will suggest to them that they may wish to let you have a copy of their comments but would remind you that it is inappropriate to delay your recommendation for this.

I should be pleased to receive your Council's views as soon as possible or in any case by 2nd July 2024.

Cont.							

The application including documents and plans, is also available to view from Huntingdonshire District Council's Web site at <a href="http://publicaccess.huntingdonshire.gov.uk/online-applications/">http://publicaccess.huntingdonshire.gov.uk/online-applications/</a> It is also possible to submit any comments you care to make direct from this site to this office. Alternatively, you may submit comments by post, email or fax. The quickest way to submit comments is by e-mail to <a href="mailto:developmentcontrol@huntingdonshire.gov.uk">developmentcontrol@huntingdonshire.gov.uk</a>.

If you wish to discuss this matter further, please contact the team via email to <a href="mailto:developmentcontrol@huntingdonshire.gov.uk">developmentcontrol@huntingdonshire.gov.uk</a>.

Yours faithfully Clara Kerr Chief Planning Officer



Pathfinder House, St Mary's Street Huntingdon. PE29 3TN Developmentcontrol@huntingdonshire.gov.uk 01480 388424 www.huntingdonshire.gov.uk

Head of Planning Services Pathfinder House St. Mary's Street Huntingdon Cambridgeshire PE 29 3TN

(Development Management)

Cambridgestille FE 29 3 TN
Application Number: 24/01014/S73  Proposal: Variation of condition 2 (approved plans) of 20/00285/FUL to include an electrical substation with grasscrete access  Location: F Vindis And Sons St Ives LtdLow RoadFenstanton  Observations of Fenstanton Town/Parish Council.  Please √ box as appropriate
Recommend approval because(please give relevant planning reasons in space below)
Recommend <b>refusal</b> because(please give relevant planning reasons in space below)
A Statement should be provided to explain why this substation is needed, how the location of the substation has been decided, does the location/ design have an impact on the available flood compensation, has an electromagnetic field assessment been completed, have visual impacts for nearest residents been assessed, have the nearest plots been sold without the future owners seeing this amendment?
No observations either in favour or against the proposal
Clerk to Fenstanton Parish Council. (For GDPR purposes please do not sign)
Date :28.06.2024
Failure to return this form within the time indicated will be taken as an indication that the Town or Parish Council do not express any opinion either for or against the application.
Please send response to email address below:-
Development.control@huntingdonshire.gov.uk

## **Development Management Committee Application Ref:** 24/01014/S73

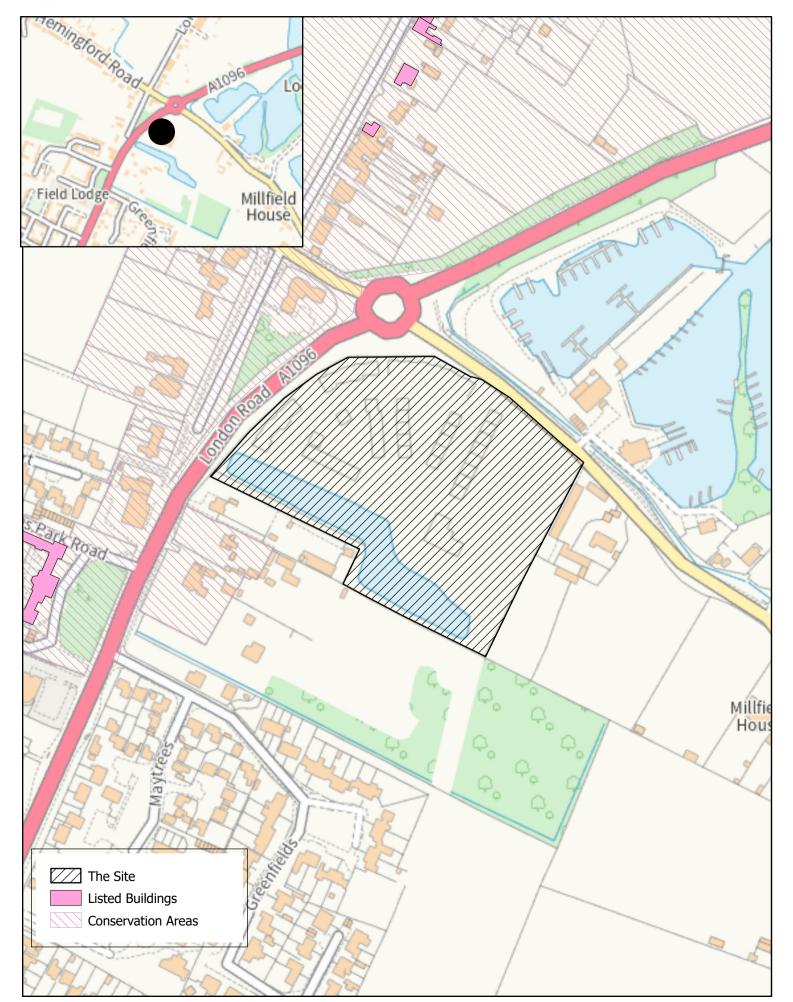


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H.M. LAND REGISTRY

TITLE NUMBER

CB104173

ORDNANCE SURVEY PLAN REFERENCE

TL3070 TL3170

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COUNTY CAMBRIDGESHIRE

DISTRICT HUNTINGDONSHIRE

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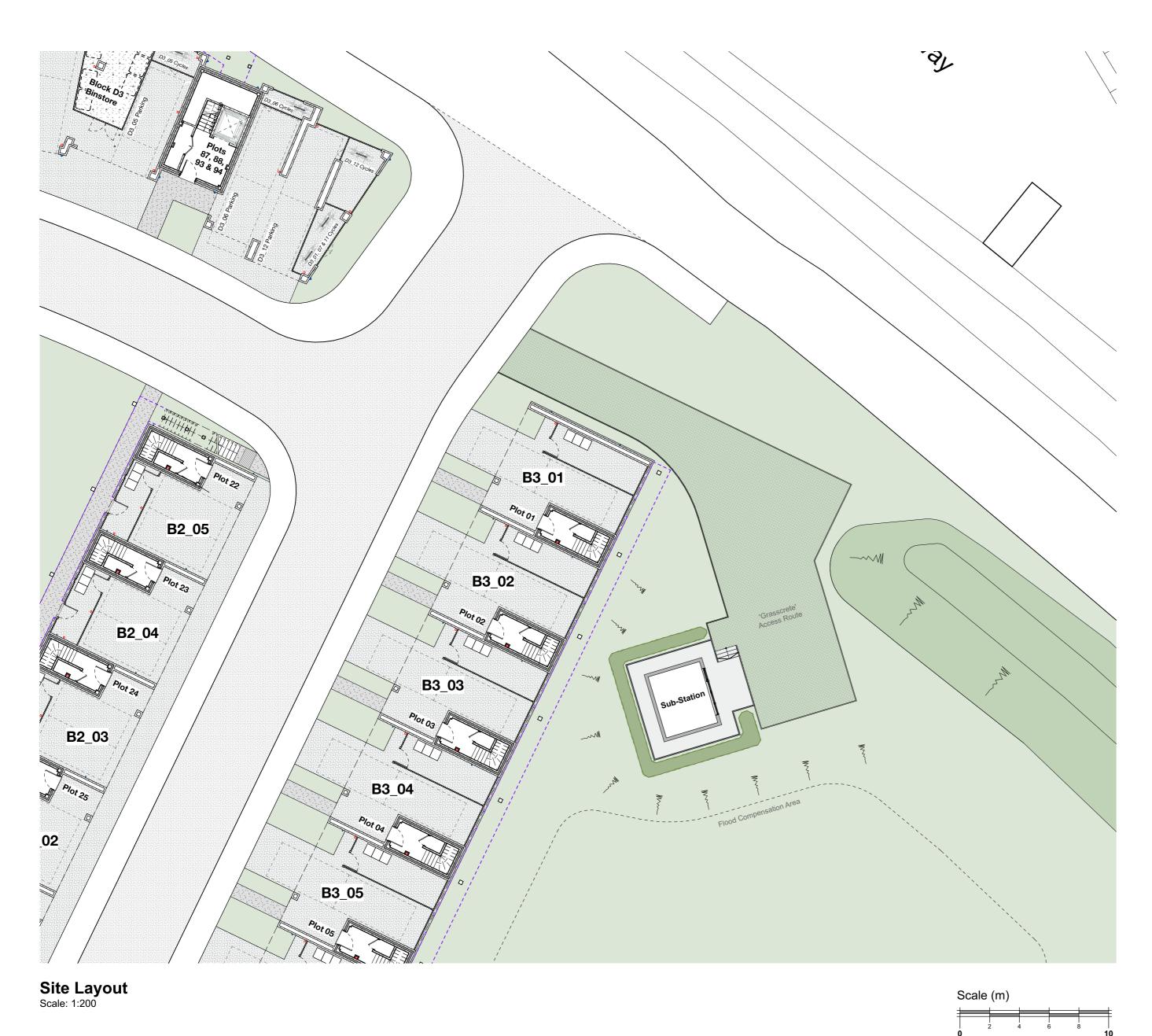


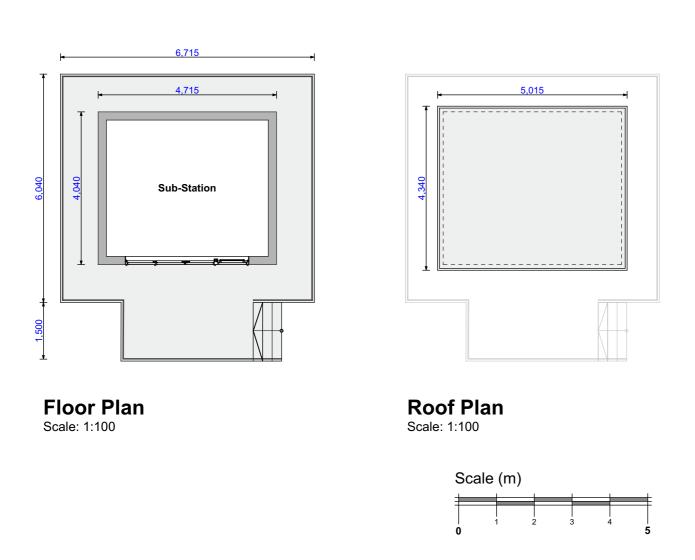


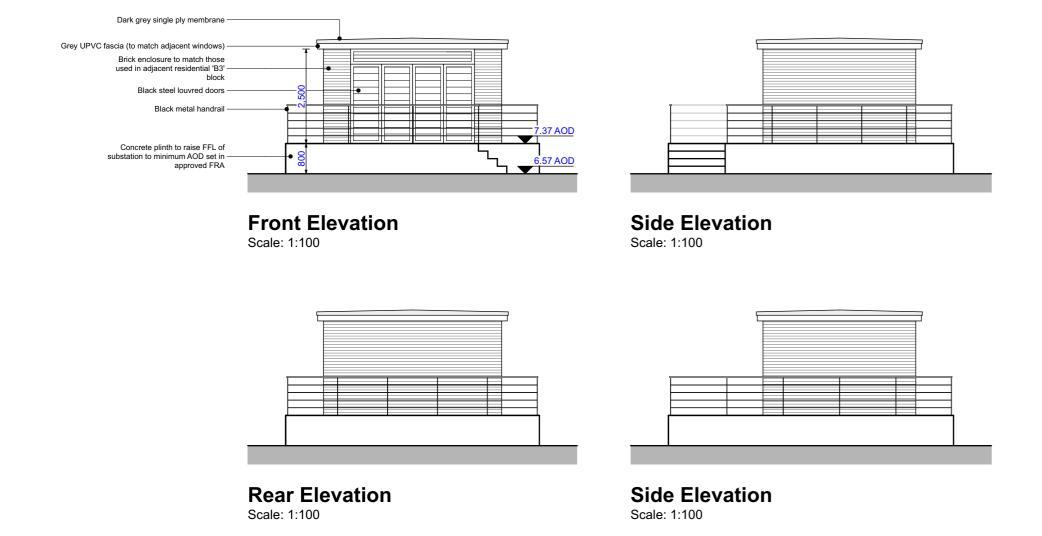




# Substation - Site Layout, Floor Plans, Elevations and Site Section Scale: 1:200 & 1:100

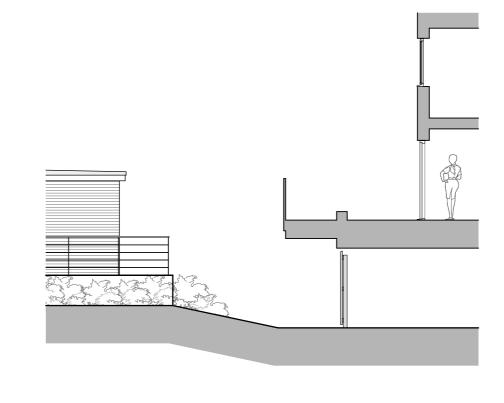








**Front Elevation in Context** Scale: 1:100



Section A-A Scale: 1:100

Scale (m)

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Rev Date

Drawn Note P02 04/06/2024 JKG Drawing status updated to planning. Updated following comments from Urban Design.



Proposed Residential Development at Low Road,

Fenstanton (Vindis Site)

Substation - Site Layout, Floor Plans, Elevations and Site Section

22028

Planning Scale(s): 1:200, 1:100 Original Paper Size: A1 JKG 03.06.24 0100

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