
MAIN CASE

Reference No: 14/01264/FUM

Proposal: Construction of 21 affordable dwellings consisting of four 1-bed bungalows, twelve 2-bed houses, four 3-bed houses and one 4-bed house with associated external works and parking.

Site Address: Land Adjacent to 37 St. Johns Avenue, Newmarket, Suffolk

Applicant: Flagship Housing Group

Case Officer: Rebecca Saunt Senior Planning Officer

Parish: Woodditton

Ward: Cheveley

Ward Councillor/s Councillor Tom Kerby
Councillor Sue Willows

Date Received: 5 December 2014 **Expiry Date:**

Report Number [P206]

1.0 RECOMMENDATION

1.1 Members are requested that **Approval** be Delegated to the Planning Manager, subject to the successful completion of a s106 agreement in relation to affordable housing provision, open space provision and maintenance and subject to the recommended conditions below:

1. Approved plans
2. Time limit
3. Materials
4. Contamination
5. Reporting unexpected contamination
6. Archaeological investigation
7. Times of construction and deliveries during construction phase
8. No burning of waste
9. Fire hydrants
10. Driveway drainage
11. Traffic management plan
12. Surface water drainage
13. Phase 1 Habitat Survey mitigation measures
14. Soft landscaping scheme
15. Soft landscaping maintenance scheme
16. Hard landscaping scheme

- 17. Boundary treatments
- 18. Tree or shrub removal outside of bird breeding season
- 19. 10% renewable energy requirements
- 20. Permitted development removed for fences, gates and walls
- 21. Access drainage
- 22. Temporary parking

1.2 The conditions can be read in full on the attached Appendix 1.

2.0 SUMMARY OF APPLICATION

2.1 This application seeks permission for the construction of 21 affordable dwellings situated within a cul-de-sac, consisting of four 1 bed bungalows, twelve 2 bed houses, four 3 bed houses and one 4 bed house. A new access onto St Johns Avenue would be constructed (which would be to an adoptable standard) to enable access to the site, alongside associated external works and parking.

2.2 The dwellings to the front of the site would face St John's Avenue, continuing the existing street elevation from No. 37 St John's Avenue before turning into the site. The parking for these properties are in the main served from the proposed rear parking area, which then opens up onto the area of public open space proposed. The public open space backs onto 1-7 Kings Drive. The remainder of the dwellings are arranged around and fronting onto the new access road, with on plot parking, with plot 13 being a detached dwelling, providing a focal end to the proposed new access. All dwellings would have 2 parking spaces, except the bungalows which would have 1 parking space per dwelling and 2 shared visitor spaces would be provided. This scheme also proposes four off road drop off bays for use by the community in addition to the parking provision outlined above.

2.3 The proposed dwellings are a mixture of single and two storey pitched roof dwellings of modern design, with projecting gables. The dwellings would be set back from the road, with a small garden area to the front and in some cases parking the parking areas. The two storey dwellings would have a maximum ridge height of 7.7 metres and the single storey dwellings would have a maximum ridge height of 5.1 metres. The applicant has advised that the dwellings would be constructed using a mix of buff brick and render walls, with vertical cedar cladding and artificial slate roofing.

2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcamb.gov.uk/online-applications/>. Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.

3.0 PLANNING HISTORY

3.1

10/00608/FUM	Construction of 21 no. two storey dwellings, garages and associated works.	Refused	10.09.2010
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site lies within the development envelope, at the southern end of Newmarket, to the east of St John's Avenue between Kings Drive and the allotments run by Newmarket allotment association, close to the boundary with Forest Heath District Council. The site is undeveloped and overgrown. This is an established residential area that follows a regular suburban form of relatively low density development. The predominant form of development in the vicinity is two storey dwellings dating from the 1970s.
- 4.2 The site is approximately 0.63 hectares and slopes gently from the southwest to the northeast. Opposite the site, to the northwest is Ditton Lodge First School, to the southwest the site adjoins the rear gardens of properties on Kings Drive, to the northeast the site adjoins allotment gardens and in the southeast corner is an existing small play area. The application site is separated from the allotments by the access track which serves the allotments.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and are summarised below. The full responses are available on the Council's website.

Cambridgeshire Archaeology – The site lies in an area of archaeological potential, located to the south of the historic core of Newmarket and to the north is evidence of Prehistoric and Roman occupation. Ring ditches are present to the west and east with evidence of Saxon occupation to the south. In view of the archeological character of the area it is thought that archaeological remains may be present within the bounds of the application site. Would recommend that the archaeological standard condition is added to any permission that the Planning Authority issues.

Anglian Water Services Ltd – No assets owned by Anglian Water or those subject to an adoption agreement with the site boundary. Foul drainage from this development is in the catchment for Newmarket Water Recycling Centre that will have available capacity. The sewerage system at present has capacity for these flows, we will advise them of the most suitable point of connection. Need to seek the views of the EA surface water strategy/flood risk assessment and make sure is reflected in the planning approval.

Architectural Liaison Officer – The area has seen only one crime recorded in the past 12 months, that being a theft from a motor vehicle. In terms of layout, active frontages provide surveillance across the site. Plots 4 to 6 provide surveillance of the parking to the rear of plots 16-21 whilst ideally I would expect the owners would prefer to be able to view their own vehicles. This could be achieved by changing the rear boundary 17-21 from 1.8m high solid fencing to 1.2 c/b fencing topped with 600mm trellis meaning vehicles could be seen from downstairs rooms.

Environmental Health – Would advise conditions limiting construction and deliveries during the construction phase, no burning of waste and contaminated land conditions requiring an appropriate contamination assessment to be attached to any planning permission granted.

Waste Strategy (ECDC) – East Cambs will not enter private property to collect waste or recycling. East Cambridgeshire District Council is permitted to make a charge for the provision of waste collection receptacles. Each new property requires two bins, this contribution is currently set at £43 per property.

Parish – The Parish Council has major concerns and asks for it to be refused:

- Planned development does not seem to be the best for the site;
- White rendered houses and railings are out of keeping with neighbourhood;
- Some buildings too near the road, over the defined building line;
- Loss of green space and potential allotment land;
- No adequate eco assessment and traffic survey;
- Access and parking for cars on site seems inadequate;
- Big problems with traffic on weekdays in term time at Ditton Lodge School opposite the site. Parents dropping off and picking up children cause blockages and some danger to children and the public. School has recently increased by 60 pupils and is likely to increase still further. 21 houses will add to the congestion.

Secretary, Cambridgeshire Local Access Forum – No accessible parking spaces shown on the plans, no disabled facilities internally are shown the 1 bed bungalow only have baths, no street lighting shown and good signage needed.

Cambridgeshire Fire and Rescue – The Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of s106 agreement or a planning condition.

Local Highways Authority – Question the proposed provision of visitor parking along St Johns Avenue, these bays are likely to be used by the residents living in the houses facing the street as these represent the most convenient location for accessing these dwellings. Please add conditions to any permission that the Planning Authority issues in relation to levels to ensure no private water from the driveways drains onto the adopted highway and requiring the submission of a traffic management plan.

The Highway Authority welcomes the proposed widening of the footways to 1.8m. Given the size and nature of the development the Highway Authority will seek to adopt the same as highway maintainable at the public expense.

Ward Councillors – Cllr Tom Kerby – Call the application for 21 homes at St John's Avenue into Planning Committee as I believe this is of wider public interest.

Forest Heath District Council Strategy and Enabling Officer – Strategic Housing Team fully supports this application to provide 21 much needed affordable dwellings in Newmarket. Development will provide a good mix and tenure of quality homes for households with a housing need. Development has been designed in partnership

with Forest Heath District Council and East Cambridgeshire District Council's Strategic Housing Teams to ensure the homes built address the greatest housing needs.

Clerk to Newmarket Town Council – Welcome the additional housing in Newmarket and expected to see the provision of a suitable play area near the development for the children that would be living in the new houses.

Housing Section – The property types and size mix is suitable to meet the local need identified by the Common Housing Register and the Strategic Housing Market Assessment. Welcome the inclusion of bungalows as part of an appropriate housing mix. There is no Affordable Housing currently in the Woodditton part of Newmarket fringe, and this development will contribute to balancing the local housing market and to achieving the outcomes set out in the Council's Sustainable Community Strategy. Should consent be granted, would request a S106 Agreement including the Affordable Housing Provisions as outlined in my comments.

5.2 Neighbours – 76 neighbouring properties were notified, site notice posted and an advert placed in the Cambridge Evening News and the responses received are summarised below. Full copies of the responses are available on the Council's website.

Parking

- Inadequate parking provision and chaotic already, proposal would make it more dangerous and congested.
- The lay-by in front of No's 16-21 would inevitably be used as permanent parking by residents, rather than a drop off point for the school and could create an additional hazard through double parking. Flagship has stated they could restrict houses using it in their Tenancy agreements; however concerns raised regarding enforceability of this.
- Coaches park on the bend.
- No garages provided, some parking spaces against boundaries will be difficult to access, resulting in more vehicles parking on the public highway.
- The road is not wide enough to accommodate cars parked on both sides and traffic to move safely between; new path would reduce the width further and lead to cars parking on the footpath.
- The plan shows parking opposite the school and should be removed from the plans. Both sides of the road should be clear so that pedestrians and children have a clear view for safety.
- A petition has been raised and is supported by local residents against proposed car parking facilities on Peterhouse Drive sports field, due to unsuitable access and loss of green space.
- Current school car park not big enough for the number of staff.

Traffic

- No up to date traffic survey conducted as promised during term time. Application states a Traffic Survey is attached but not viewable online.
- Road already busy through-route to avoid High Street and would be exacerbated.
- Congestion already intolerable and not restricted to the start and end of school hours as stated in the application, due to out-of-hours clubs and classes, plus school service vehicles and coaches.

- Constructing affordable housing would increase young families who would have to travel across town to school and add to traffic problems at peak times.
- Increase in traffic would add to existing traffic issues and prove dangerous for motorists and children arriving and departing the school each day.
- Construction traffic would increase safety issues.
- Police are aware of traffic problem and might be worth talking to them about the increased danger of developing on this land.

Safety of road users and pedestrians

- Creation of an additional road onto St Johns Avenue would be opposite the school and would increase safety issues due to incline, bend and parked cars creating blindspot.
- St Johns Avenue is dangerous to drive or walk along when people are coming and going to school.
- Flagship has offered to pay for speed humps. Speed is not the issue and speed humps would make matters worse.
- Occupier of No.1 of the development would have to reverse in or out of their driveway (on a bend) which is not a safe area to exit.
- Would be safer if all cars came from the main exit, which is a straighter piece of land, the impact on St Johns Avenue will be reduced and it will be safer as there would be one point for cars to pull out of rather than multiple points.

Design / Streetscene

- Materials proposed not in keeping with the existing dwellings.
- Out of context with surrounding properties with large dwellings and gardens.
- Proposal requesting features that are expressly forbidden in deeds of some existing residents along St Johns Road e.g. fencing and building much closer to the road.
- Plots 1 and 16-21 are sited forward of existing dwellings along this stretch of St Johns Avenue.
- Proposal for hedging/1 metre railing fronting St. Johns Avenue was removed from the previous application but re-instated.
- Will affect the outlook of the location.

Density

- The site is not suitable for this scale of development, layout and density out of keeping.
- A smaller scheme would be more appropriate.

Ecology

- The ecological survey was not carried out on the whole site.
- Site important locally for conservation of species.
- Provides foraging for a number of other bird and animal species not mentioned in the Ecological Assessment.
- Provides an important green corridor for wildlife from the country into the town which could be diminished by the development.

Loss of amenities

- The development site is considered by Crockfords Park Residents Association to be Statutory Allotment Land / Green Space (not traditional farming land)

- Loss of Green Space / Open Space (1.6 acres of green space and approximately 1/3 of the playing field in Peterhouse Drive).
- Loss of allotments.
- Lack of access and light to allotments directly behind units 9-15. These allotments could become endangered by the development.

Utilities and Infrastructure

- Can utilities such as Anglian Water cope with the new development?
- Pressure on infrastructure.
- Developer has not listened to local concerns.
- Flagship offered to meet cost of converting a large part of the community play area in Peterhouse Drive to a car park. This would create more congestion and would have to have lockable gates.
- School oversubscribed.
- New homes will put extra pressure on Ditton Lodge School. If capacity is full then traffic would increase with parents taking children elsewhere

Residential Amenity

- House adjacent to 37 St Johns Avenue sited too far forward obstructing views of traffic approaching when exiting and views across paddock land and The Gallops.
- Loss of light to the garden of No. 7 Stretton Avenue.
- Already issues accessing driveways during school drop off and pick up times.

Housing Mix

- Too many single and dual occupancy houses proposed and not enough family houses which is the local need.
- There is no mixed housing being proposed – it is all affordable.

Land status

- Application site still statutory allotment land as never been any change of use agreed, land is still afforded protection. Flagship's statement that the site hasn't been used for allotment gardens in the past is untrue.
- Requests to have allotment space reinstated refused by Forest Heath DC.

General comments

- Been many promises given to Crockford Park Residents' Association by Flagship Housing; however the latest application ignores them all.
- Some of the land should be used for school parking.
- Site more suited to retirement bungalows (shortage of them in the area).
- Restrictions should be placed to prevent deliveries during school drop off and pick up times to limit traffic and safety issues.
- Adverse valuations to homes.
- Assume tax band will be reduced if proposal goes ahead
- Waiting list for allotment land on this site and other local allotment sites.
- The Design and Access Statement contains a number of inaccuracies.
- Essential only 1 entrance to Kings Drive play area. The police have advised that a 2nd entrance could constitute an escape route and be a danger to young children.
- Increase crime.
- No objections to scheme

Neighbour representations received following amended plans

- Previous comments still stand.
- When Flagship purchased land it did not include grass verge at front of the site which now appears to form part of application. If the grass verge is not in their ownership, it would be fundamentally wrong for the application to be rushed through.
- Noted that the width of the shared surface footpath has increased to 1.8m following Highways comments, however on the Plan Key width still stated as 1.5m.
- Transport survey contains inaccuracies. The zigzag keep clear markings to the current school gate is the main entrance which all pupils/parents use and not 'stopped up' as stated in the survey, was established on the corner to improve visibility for oncoming vehicles. It should remain on the corner
- Description of land incorrect - unworked allotment land.
- Loss of 6/8 parking spaces on street is underestimated and more likely to be 12/15.
- 6m junction radius – proposed access is 5m.
- Bus service is minimal.
- Railings objected to in the previous application and would have thought the applicant would have recorded this fact.
- Objection to the shared surface which was previously rejected on grounds of safety.
- The traffic survey suggests that displaced school traffic use the shared surface – children entering/leaving the site would be in direct contact with school traffic.
- The site is a major accident area in the making.
- Vision currently limited getting in and out of drives due to parking.
- Moved to the estate to see allotments and greenery, not buildings.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
CS6	Environment
CS7	Infrastructure
H1	Housing Mix and Type
H2	Density
H3	Affordable housing
S3	Retaining community facilities and open space
S4	Developer contribution
S6	Transport impact
S7	Parking provision
EN1	Landscape and settlement character
EN2	Design
EN4	Renewable energy
EN6	Biodiversity and geology
EN8	Pollution

6.2 East Cambridgeshire Draft Local Plan Pre-submission version (as modified)

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 9	Pollution
COM 3	Retaining community facilities
COM 7	Transport impact
COM 8	Parking provision

6.3 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations

6.4 National Planning Policy Framework 2012

Core Planning Policies
6 Delivering a wide choice of high quality homes
7 Requiring good design
11 Conserving and enhancing the natural environment

6.5 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

Principle of Development

7.1 The site is located within the Newmarket Fringe development envelope. The development envelope defines the built-up part of the settlements where infill development may be permitted.

7.2 There is extensive history associated with this site. The 2009 application which was taken to Planning Committee on 4th November 2009 with a recommendation of approval was overturned and refused for two reasons, the permanent loss of land that is currently being used for allotment purposes with no replacement facilities being made available and that a Section 106 agreement to provide the required affordable housing, public open space, community infrastructure and educational contributions, had not been completed.

7.3 A further application was submitted in 2010 and was refused for 3 reasons, the permanent loss of land currently used for allotment purposes, the lack of a Section 106 agreement and the lack of adequate parking provision.

7.4 One of the reasons for refusal on the 2010 application related to the loss of land currently being used for allotments. This related to a strip of land situated to the rear

of the application site which was being used by 3 allotment holders after the transfer of land to Flagship Housing in 2004. The allotment holders have since been re-located and accommodated within the allotments to the north, east and southeast of the application site. In 2010 a Deed of Surrender, which was supplemental to a previous lease was signed by both Forest Heath District Council and Newmarket Allotment Association Limited.

- 7.5 The recommendation to Members allows for the approval to be delegated to the Planning Manager, subject to the successful completion of a s106 and it is considered, as discussed later, that the parking issues have been overcome. Therefore the main issue to overcome is the loss of allotment land.
- 7.6 The land in question was acquired by Forest Heath District Council (FHDC) pursuant to the Smallholdings and Allotments Act 1908 on 11 November 1921 and formed part of a much larger site, which for the most part has now been developed for private residential purposes and for a school. The land associated with this application was acquired by the Flagship Housing Group on 31 March 2004. The land formed part of a larger site, which also included the existing remaining allotments and was leased to the Newmarket Allotment Holders Association for allotment purposes. However, when the lease was due for renewal in 1994 the Association indicated that they wished to lease a smaller area for allotment purposes and the application site was excluded from the lease on renewal. FHDC have advised that at that time the land was only 70% occupied and therefore the Association only had a requirement for the lesser area. Therefore since 1994 the land which forms the application site was rented out by FHDC for grazing purposes, until it was sold in 2004.
- 7.7 The status of the land is however a separate legal issue and is not a material planning consideration. The issues associated with this have been raised with the agent for the application as this is something the land owner/applicant needs to be aware of, but is not the subject of debate in terms of planning considerations.
- 7.8 As outlined previously, concerns have been raised again in relation to the loss of open space/allotments. Policy S3 of the Core Strategy and COM 3 of the draft Local Plan state that proposals will only be permitted where in the case of open space/outdoor recreation facilities it does not make an important contribution in visual or nature conservation terms **or** alternative provision is made, of equivalent or better quality, in an appropriately accessible location. The site is overgrown and has not been in use for a number of years. Forest Heath District Council have advised that the site has not been used as allotments since 1994 and then from this date until 2004 when it was sold to Flagship Housing was used as grazing land. While this site is an area of open space located within the built form of Newmarket Fringe, the allotments to the northeast, east and south of the site would remain and on balance it is considered that while it does make a contribution in visual terms, the site would not be viewed as making an important contribution, especially as the remaining allotments would be retained. In terms of nature conservation this is discussed in the ecology section of this report.

Residential Amenity

- 7.9 Policy EN2 of the Core Strategy and policy ENV2 of the draft Local Plan Pre-submission Version (as modified) seek to protect the residential amenity by

ensuring there are no significantly detrimental effects on the residential amenity of nearby occupiers. Plots 16-21 which front onto St John's Avenue, while set slightly further forward than No. 37 St John's Avenue would be in the main set in line with the existing built form. The rear gardens of these properties would also sit in line with the rear gardens of existing properties. The proposed parking area to the rear of these properties and the proposed area of public open space would back onto the rear gardens of the properties 1-7 King's Drive, which are also set back approximately 17 metres from the boundary with the site. Plots 1-15 would back onto existing allotment land and therefore no overlooking would be created to the rear of these properties. A condition requiring details of the boundary treatments and a soft landscaping scheme are also recommended to ensure further protection of residential amenity. Due to the layout of the proposed site, the siting of the dwellings and their design it is considered that the proposed development would not be overbearing or create an unacceptable level of overlooking of existing neighbouring properties or the proposed dwellings.

- 7.10 The loss of a view is not a material planning consideration and therefore cannot be taken into consideration.
- 7.11 A condition restricting the works hours during the construction period to 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturdays, and at no time on Sundays and Bank Holidays has been recommended by Environmental Health, alongside a condition restricting the hours of deliveries during the construction phase, to ensure they do not coincide with school drop off/collection times and the burning of waste during the construction phases, to protect the residential amenity of the neighbouring occupiers.
- 7.12 The Architectural Liaison Officer raised concerns that ideally they would expect the owners would prefer to be able to view their own vehicles and this could be achieved by changing the rear boundary of plots 16-21 from 1.8m high solid fencing to 1.2 c/b fencing topped with 600mm trellis so that vehicles could be seen from downstairs rooms. The plans submitted with the application show that the fence proposed is 1.2 meters with 600mm trellis topping so is already in accordance with the recommendations made.

Visual Amenity

- 7.13 Core Strategy Policy EN2 and draft Local Plan Policy ENV2 seek to ensure good and appropriate design, in scale with the surrounding properties and with no detriment to the streetscene. The applicant has produced a Design and Access Statement that shows how the proposals have been developed.
- 7.14 The design of the proposed dwellings does not replicate the design of the dwellings found within in the vicinity, but does take reference by incorporating elements such as pitched roofs. However, it is considered that a modern design approach should be supported in this location as it is important to ensure that not all new developments replicate previous designs. While the applicant has advised that a mixture of buff brick, render, cedar boarding and artificial slate roofing would be used for the external surfaces of the dwellings, no specific details of the materials have been submitted and therefore a condition requiring samples of the proposed materials is recommended to ensure that appropriate materials would sit alongside and complement the existing materials found within the locality.

7.15 The density of the proposed development equates to 33 dwellings per hectare, which meets the requirements of policy H2 of the Core Strategy. While the plots are slightly smaller than those properties to the south and west of the site (which are generally situated on large plots), the overall dimensions of the proposed plots and rear amenity space conforms to the principles set out in the design guide.

7.16 Amended plans were received which removed the railings proposed to the front of the properties along St John's Avenue. This followed the receipt of comments received stating that the deeds of the properties along St John's Avenue removed their right to construct walls/fences/gates etc. to the front of their properties. While deeds are separate to planning restrictions it was considered that the railings proposed should be removed to enable area to the front of the properties to remain relatively open and to protect the existing character and appearance of St John's Avenue.

Historic Environment

7.17 The site is not located within a conservation area and there are no listed buildings located in the site or within close proximity.

7.18 Cambridgeshire County Council Archaeology Officers have advised that their records indicate that the site lies in an area of archaeological potential. The application area is located to the south of the historic core of Newmarket. To the north of the site there is evidence of Prehistoric and Roman Occupation. Ring ditches are present to the west and east with evidence of Saxon occupation to the south of the site. In view of the archaeological character of the area it is considered that archaeological remains may be present within the bounds of the application site and therefore the Historic Environment Team recommend a condition for the implementation of a programme of archaeological work prior to the commencement of development, which has been included in the recommended conditions.

Highways

7.19 Concerns were initially raised by the Highway Authority in relation to the width of the footway and the dimensions of the driveways. Amended plans were submitted by the applicant to overcome the initial concerns raised by Highway Authority and further comments have been received which state that they welcome the proposed widening of the footways to 1.8m. Given the size and nature of the development the Highway Authority will seek to adopt the proposal as highway maintainable at the public expense. A further amended plan has been submitted to alter the plan key following comments received from a neighbour highlighting an error.

7.20 The main concerns raised by residents relate to existing issues with parking and road safety generated by the school which is situated opposite the site. These are existing problems and this proposed development cannot be held accountable for an existing issue. Prior to the submission of this application amendments were made to the layout following public consultation, which removed the individual accesses to each of the properties fronting onto St John's Road. The increased number of accesses onto St John's Road was considered dangerous in terms of highways safety. These accesses have been removed, with only the access to plot 1 remaining alongside the proposed access road. County Highways have raised no concerns in relation impacts on highways safety from the proposed development.

- 7.21 The Transport Statement was submitted at the beginning of February following requests from residents. Residents have commented that the statement contains a number of inaccuracies and inconsistencies. The Transport Statement concluded that “A reviews of the TRICS database indicates that development traffic is unlikely to exceed 9 additional two way trips in either of the peak hours, which equates to less than one vehicular movement every 6-7 minutes. This is therefore likely to be immaterial in terms of highway capacity impact.” The Highways Authority has been consulted on the Transport Statement and has raised no queries or concerns with the information contained within the statement.
- 7.22 Local residents have raised concerns in relation to the proposed lay-by positioned to the front of plots 16-21 and how this will be enforced to ensure that residents of the proposed dwellings do not park in these spaces all the time. Flagship have advised that they are happy to include a clause within their tenancy agreement to state that the tenants are not permitted to use the layby parking spaces, only visitors to the development and the neighbouring school.
- 7.23 Following a number of comments received from neighbours and discussions with Ditton Lodge Primary School they have advised that the busiest times for drop off and collection at the school are between 8:30 and 9:00 and between 14:45 and 15:15, with some children being dropped off around 08:00 for breakfast club and being picked up around 18:00 from after school club. In order to protect the safety of the children and parents it is recommended that a condition restricting deliveries during these peak times should be attached to any decision the Local Planning Authority issue.
- 7.24 The application proposes 44 car parking spaces in total. All dwellings would have 2 parking spaces, except the bungalows which would have 1 space. The total also includes 2 visitor spaces and 4 drop off spaces on St John’s Avenue. The maximum parking standards for East Cambridgeshire District Council are a maximum of 2 spaces per dwelling and up to 1 car space per 4 units for visitor parking. It is therefore considered that the proposal would be in accordance with the parking standards set out in both the Core Strategy and draft Local Plan.

Ecology

- 7.25 There is one designated site within 2km of the application site which is Newmarket Heath SSSI and is located approximately 1.2km west of the proposed development site. There are no other designated sites of importance to nature conservation within 2km of the site. It is considered that the proposed development would not have an adverse impact on the SSSI.
- 7.26 A Phase 1 Habitat Survey and Reptile Survey Report was submitted with the application because the application site occupies a pocket of unmanaged ground located between allotments and existing built development. The majority of the application site is overgrown with dense stands of bramble *Rubus fruticosus* agg. The eastern part of the site is dominated by a contiguous stand of bramble and there are some trees and shrubs visible within and around this bramble. The western part of the site is also predominately overgrown with strands of bramble but between and around these stands there are also areas of rank neutral grassland classed as semi-improved grassland, which support a wider range of plants. The

site does not appear to be subject to any management and the condition is very similar to that which was identified in previous surveys in 2009 and 2010.

- 7.27 During the Phase 1 habitat survey there were no indicators of protected species such as badger setts, birds' nests, or dropping or tracks of protected species. There are no water bodies on or directly around the site. The silver birch trees on site are unsuitable for roosting bats given that they are not mature specimens and have very little retained deadwood or cracks/crevices in which bats could roost. However, the habitats which were found to be present on the site were suitable for reptiles and therefore a reptile survey was subsequently completed and submitted by the applicant.
- 7.28 No reptiles were found during any of the seven surveys which were carried out.
- 7.29 The Phase 1 Habitat Survey concludes that as the site will be cleared as part of the development this would have a negative ecological impact, but would only be significant at site scale. However, the survey outlines ecological enhancements which would help offset the loss of these habitats, with a focus on creating wildlife-friendly gardens and public open space. The survey considers that birds are certain to nest in the scrub on site. However, provided the mitigation measures which are outlined in the report submitted are followed it is considered that there are no realistic potential for the development to cause negative impacts on nesting birds. The scrub and grassland on site provides suitable sheltering and nesting habitat for small mammals such as hedgerows and voles. These species are not legally protected but the survey carried out still recommends mitigation during site clearance and construction to ensure animals are not harmed. The creation of the gardens will mitigate the loss of the scrub and grassland, particularly if the recommended ecological enhancements are adopted.
- 7.30 The Phase 1 Habitat Survey outlines a number of mitigation recommendations which aim to reduce the potential negative impacts that are expected to arise (or could feasibly arise) as a result of the clearance of the site and construction works. A condition is recommended to ensure that the mitigation measures outlined in the survey are adhered to. A condition also requesting details of a soft landscaping scheme and its ongoing maintenance are also recommended in accordance with the site enhancement recommendations outlined in the survey.
- 7.31 Concerns were raised by neighbours that the site was not completely surveyed. The survey outlines notable constraints which include that they could not access the parts of the site which were overgrown with dense bramble but it was still possible to categorise these areas into a habitat classification. The mitigation proposals outlined within the report offer further protection if any protected species were to be found on the site and separate statutory legislation further protects protect species.
- 7.32 On balance, it is therefore considered that while the proposed works would clear the existing site, due to the results of the Phase 1 Habitat Survey and Reptile Survey Report and the proposed mitigation measures the proposed development would not create an adverse impact.

Flood Risk and Drainage

- 7.33 Anglian Water were consulted on the application and advised that the foul drainage from this development is in the catchment for Newmarket Water Recycling Centre which has available capacity. The sewerage system at present also has capacity for these flows and Anglian Water would be able to advise the applicant of the most suitable point of connection. Anglian Water advised in their comments that the Local Planning Authority should seek the views of the EA in relation to surface water strategy/flood risk assessment.
- 7.34 The site is located within flood zone 1 and is therefore at low risk of flooding. The proposed development is less than 1 hectare and located within Flood Zone 1, therefore the proposal is assessed in line with cell F5 of the Environment Agency's Standing Advice. The Standing Advice advises that the main flood risk issue to consider is usually the management of surface water run-off. Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives. A condition requesting details of the surface water drainage is therefore recommended.

Other Material Matters

- 7.35 The Housing Officer has confirmed that the proposed property types and size mix is suitable to meet local need identified by the Common Housing Register and the Strategic Housing Market Assessment. There is also no affordable housing in the Wooddittion part of Newmarket fringe and this development would therefore contribute to balancing the local housing market and to achieving the outcomes set out in the Council's Sustainable Community Strategy.
- 7.36 Paragraph 54 of the NPPF states that "in rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing". This application site was owned by Forest Heath District Council and throughout this application and previous applications there have been ongoing discussions to ensure cooperation with neighbouring authorities in line with the NPPF to deliver a wide choice of high quality homes.
- 7.37 An area of public open space is proposed to be located on site. This area would equate to 0.082 hectares. The applicant has advised that the grounds would be maintained by Kings Forest Housing Association.
- 7.38 The proposal needs to meet the requirements of policy EN3 of the Core Strategy and policy ENV4 of the draft Local Plan in relation to renewable energy sources. It is recommended that a condition requiring details of proposed renewable energy sources should be attached to any permission granted.
- 7.39 Local concerns have been raised about the capacity at the local school. Community Infrastructure Levy (CIL) is the vehicle to deliver infrastructure made necessary by development.
- 7.40 The use of the land as a car park for the school may be considered desirable; however, such proposals have not been submitted.

- 7.41 The devaluation of existing properties and the reduction in tax bands due to the nature of the proposed development and the loss of a view are not material planning considerations.
- 7.42 Comments have been received during the course of the application from a resident which state that Flagship have offered to meet the cost of converting a large part of the community play area in Peterhouse Drive to a car park. This does not form part of this application and is therefore not a material planning consideration.
- 7.43 The application site includes the grass verge at the front of the site. The applicant does not have to own all of the land to which they submit an application for. If they do not own all the land then certificate B needs to be signed and notice served on the owners of that land. This has been queried with the agent and the correct certificate has now been signed and notice served on the landowners.
- 7.44 In summary, it is not considered that the proposal would have an adverse impact on residential or visual amenity, due to the siting of the proposed dwellings and the introduction of a modern design, which it is considered would complement the existing built form. While there is an existing problem with parking and highway safety associated with Ditton Lodge Primary School, these are existing problems and this proposed development cannot be held accountable for an existing issue and County Highways have raised no objections to the proposal. The proposed works would clear the existing overgrown site. However, due to the results of the Phase 1 Habitat Survey and Reptile Survey Report and the proposed mitigation measures the proposed development would not create an adverse impact.
- 7.45 The status of the land is a separate legal issue and is not a material planning consideration. The issues associated with this have been raised with the agent for the application as this is something the land owner/applicant needs to be aware of, but is not the subject of debate in terms of planning considerations.

8.0 **APPENDICES**

- 8.1 Appendix 1 – Planning Conditions
- 8.2 Appendix 2 – Copy of Committee Report for 09/00631/FUM
- 8.3 Appendix 3 – Copy of Officer Report for 10/00608/FUM

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
Application file 14/01264/FUM	Room No. 011	Rebecca Saunt
History application files – 10/00608/FUM and 09/00631/FUM	The Grange Ely	Senior Planning Officer 01353 665555 rebecca.saunt@eastcambs.gov.uk

Draft Local Plan

<http://www.eastcambs.gov.uk/localdevelopment-framework/eastcambridgeshire-local-plan>

Core Strategy

<http://www.eastcambs.gov.uk/localdevelopment-framework/adoption-corestrategy>

East Cambridgeshire Local Plan – post hearing work and proposed modifications

<http://www.eastcambs.gov.uk/sites/default/files/d%26t%20cttee%20report%20on%20post%20hearing%20work%2014apr14.pdf>

14/01264/FUM - Planning Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
ALS5068/200/01		14th November 2014
F-586-P01	C	19th February 2015
TRANSPORT STATEMENT		5th February 2015
F-586-P02		14th November 2014
F-586-P03		14th November 2014
F-586-P04		14th November 2014
PHASE 1 HABITAT & REPTILE SURVEY		14th November 2014

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and policy ENV2 of the draft Local Plan Pre-submission Version (as modified).
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
adjoining land;
groundwaters and surface waters; ecological systems;
archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.

- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN8 of the East Cambridgeshire Core Strategy 2009 and ENV9 of the draft Local Plan Pre-submission Version (as modified).
- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN8 of the East Cambridgeshire Core Strategy 2009 and ENV9 of the draft Local Plan Pre-submission Version (as modified).
- 6 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 6 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy EN5 of the East Cambridgeshire Core Strategy 2009 and policy ENV14 of the draft Local Plan Pre-submission Version (as modified).
- 7 Construction works on site shall not be undertaken outside of the following hours: 08:00 - 18:00 Monday to Friday; 08:00 - 13:00 on Saturdays; and at no time on Sundays or Bank Holidays.

Deliveries during the construction phase shall not be undertaken outside of the following hours 09:00 - 14:45 and 15:15 - 18:00 Monday to Friday, 08:00 - 13:00 on Saturdays; and at no time on Sundays or Bank Holidays.

- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and policy ENV2 of the draft Local Plan Pre-submission Version (as modified).
- 8 There shall be no burning of waste during the preparation or construction phases of the development.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and policy ENV2 of the draft Local Plan Pre-submission Version (as modified).
- 9 Prior to the commencement of development details of the provision of fire hydrants, or equivalent, shall be submitted to and agreed in writing with the Local Planning Authority in conjunction with the Fire and Rescue Authority.

The hydrants or equivalent shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development or in accordance with alternative details of provision approved by the Local Planning Authority.
- 9 Reason: To ensure appropriate infrastructure is in place to ensure adequate public safety provision in accordance with policies EN2 and S4 of the East Cambridgeshire Core Strategy 2009 and policies GROWTH 3 and ENV2 of the draft East Cambridgeshire Local Plan (as modified).
- 10 The proposed private drives shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
- 10 Reason: To prevent surface water discharging to the Highway, in accordance with policies EN2, EN7 and S6 of the East Cambridgeshire Core Strategy 2009 and policies ENV2, COM 7 and COM 8 of the draft Local Plan Pre-submission Version (as modified).
- 11 No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway).
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on the street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway).
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.
- 11 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and policies COM7 and COM8 of the draft Local Plan Pre-submission Version (as modified).
- 12 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 12 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies EN3 and EN7 of the East Cambridgeshire Core Strategy 2009 and policy ENV8 of the draft Local Plan Pre-submission Version (as modified).
- 13 The development hereby permitted shall take place in accordance with the Mitigation Proposals set out in section 7 of the Phase 1 Habitat Survey and Reptile Survey Report produced by Wild Frontier Ecology, dated September 2014.
- 13 Reason: To safeguard protected species and to allow biodiversity gain, in accordance with policies EN1, EN2 and EN6 of the East Cambridgeshire Core Strategy 2009 and policies ENV1, ENV2 and ENV7 of the draft Local Plan Pre-submission Version (as modified).
- 14 No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans in accordance with the Site Enhancement Recommendations of the Phase 1 Habitat Survey and Reptile Survey Report; a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and an implementation programme. The details shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

- 14 Reason: To assimilate the development into its surroundings, in accordance with policy EN1 of the East Cambridgeshire Core Strategy 2009 and policy ENV1 of the draft Local Plan Pre-submission Version (as modified).
- 15 No development shall take place until a scheme for the maintenance of the soft landscaping for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the methods for the proposed maintenance regime, a detailed schedule, and details of who will be responsible for its continuing implementation. The soft landscaping shall be maintained in accordance with the agreed scheme.
- 15 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy EN1 of the East Cambridgeshire Core Strategy 2009 and policy ENV1 of the draft Local Plan Pre-submission Version (as modified).
- 16 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: car park layouts/hard surfacing materials/street furniture. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 16 Reason: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and policy ENV2 of the draft Local Plan Pre-submission Version (as modified).
- 17 No development shall take place until details of the design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority, in accordance with the positions shown on Drawing No. F-586-P01 Rev B. The boundary treatment shall be completed before the occupation of the dwellings. Development shall be carried out in accordance with the approved details.
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and policy ENV2 of the draft Local Plan Pre-submission Version (as modified).
- 18 Any tree or shrub removal shall be undertaken outside of the bird breeding season of February to September in any calendar year.
- 18 Reason: To protect species and sites of nature conservation, in accordance with policies EN2 and EN6 of the East Cambridgeshire Core

Strategy, 2009 and policies ENV2 and ENV7 of the draft Local Plan Pre-submission Version (as modified).

- 19 Prior to the commencement of development, full details of methods to provide at least 10% of the site's proposed energy requirements, from decentralised and renewable or low-carbon sources, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be installed prior to the occupation of any of the dwellings hereby approved.
- 19 Reason: To ensure that the development takes the opportunities available to contribute to delivering the Government's Climate Change Programme and energy policies, and in doing so contribute to global sustainability, and to contribute effectively to tackling climate change, in accordance with policy EN4 of the East Cambridgeshire Core Strategy 2009 and policy ENV4 of the draft Local Plan Pre-submission Version (as modified).
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse in front of any wall of the dwellinghouse which fronts onto a road.
- 20 Reason: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and policy ENV2 of the draft Local Plan Pre-submission Version (as modified).
- 21 The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
- 21 Reason: To prevent surface water discharging to the Highway, in accordance with policies EN2, EN7 and S6 of the East Cambridgeshire Core Strategy 2009 and policies ENV2, COM 7 and COM 8 of the draft Local Plan Pre-submission Version (as modified).
- 22 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.
- 22 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and policies COM7 and COM8 of the draft Local Plan Pre-submission Version (as modified).

MAIN CASE

Proposal: Construction of 18 no, 2 storey dwellings, garages and associated works.

Location: Allotment Gardens St Johns Avenue Newmarket Suffolk

Applicant: Kings Forest Housing Association Ltd

Agent: The Design Partnership (Ely) Ltd

Reference No: 09/00631/FUM

Case Officer: Jacqueline Harding

Parish: Woodditton
Ward: Cheveley
Ward Councillor/s: Councillor Peter Cresswell
Councillor Carl Poole

Date Received: 10 August 2009 Expiry Date: 9 November 2009

[J198]

1.0 EXECUTIVE SUMMARY

- 1.1 Cllrs Cresswell and Poole have requested the application be considered by the Committee in view of the wide ranging issues surrounding this application and the adverse comments received when an application was previously submitted for housing on this site.
- 1.2 The application seeks planning permission for seven two storey three bedroomed houses, ten two storey four bedroomed houses and one two and a half storey five/six bedroomed property. 11 of the dwellings would be for private market sale and the remaining 7 would be shared ownership.
- 1.3 The main issues in considering the application would be the principle of the development of the site, the status of the land, road safety issues and the acceptability of the proposed scheme together with the submission of an appropriate legal agreement.
- 1.4 The principle of the development of a site within an established residential area is acceptable, the ownership of the land is with the applicant, hence clarifying its status, County Council Highways, whilst seeking a number of conditions, raise no objections and an appropriate legal agreement is being negotiated by the District's Legal Section.

1.5 If the land use issues relating to the allotments can be overcome, then the design, layout, access, affordable housing provision, public open space provision, and highways matters would be satisfactory to achieve the high quality required for residential development on the site, and would consequently be recommended for approval subject to conditions and the successful completion of the S106 agreement.

1.6 **A Members' site visit has been arranged for 11:55am prior to the meeting.**

2.0 **THE APPLICATION**

2.1 The application seeks planning permission for seven two storey three bed roomed houses, ten two storey four bed roomed houses and one two and a half storey five/six bed roomed property. 11 of the dwellings would be for private market sale and the remaining 7 would be shared ownership.

2.2 They would be arranged with six dwellings fronting St John's Avenue with the access road bisecting that group into groups of three. The five dwellings to the rear of the site would be accessed off a hammerhead with the aforementioned two and half storey dwelling providing the end stop of the access road.

2.3 The access road would be a width of five metres with 1.5 metre footpaths either side and is intended to be of an adoptable standard. A 1.8 metre wide footpath is proposed to the St John's Avenue frontage, together with school keep clear zig zag lines outside the school.

2.4 Proposed materials would be buff facing brick, off white/cream coloured render, painted/stained weatherboarding, brown concrete interlocking pantile roofing and timber fenestration.

3.0 **THE APPLICANT'S CASE**

3.1 The Applicant's Design and Access Statement and supporting Planning Statement are attached as Appendix A.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 One area of land forming the site is on the south east side of the road. It is within the development envelope but it is not in a Conservation Area. The site has an area of 0.63 hectare and was formerly allotment land. However the furthest south eastern area, with an area of approximately 1000 square metres, still appears to be in use.

4.2 Opposite the site is Ditton Lodge School, to the north are existing allotments, which it is understood, are owned by Forest Heath District Council, to the south are two storey dwelling houses fronting Kings Drive and a children's play area, operated by Woodditton Parish Council, adjoins the southern corner of the site.

4.3 St John's Avenue is not a Classified Road and the predominant form of development in the vicinity is two storey dwellings dating from the 1960s.

5.0 **PLANNING HISTORY**

5.1

03/01361/FUM	Residential housing development for rent consisting of 4no 1 bed flats, 6no 2 bed flats, 4no 1 bed bungalows, 2no 2 bed bungalows, 7no 2 bed houses, 8no 3 bed houses and 2no 4 bed houses and associated works.	Withdrawn	15.03.2004
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6.0 **REPLIES TO CONSULTATIONS**

6.1 Letters sent to 15 nearby addresses and site notices posted – 55 responses making the following observations:-

- Traffic congestion due to traffic and parking in connection with school which would be exacerbated by forthcoming expansion of school.
- Siting access to site opposite the school dangerous.
- Design of dwellings not in keeping with the form of development in the area.
- Proposed three storey dwellings out of keeping.
- Vehicular accesses directly on to St John's Avenue dangerous.
- Density too high.
- No low cost affordable housing
- Transport statement flawed.
- Sheltered housing would be beneficial to area.
- Land could be used as a car park to serve school
- Road safety issues generally.
- Land is Statutory allotment land.
- Area to south east of site leased to Newmarket Allotment Association.
- Proposal could lead to overlooking and loss of privacy.
- Site not Brownfield as described in submitted Planning Statement.

6.2 **Natural England**

Deferred comment until the receipt of a further survey that should have been carried out in September.

6.3 **Cambridgeshire Fire and Rescue**

Seek adequate provision be made for fire hydrants by way of a S106 or by condition.

6.4 **County Council Highways**

Would seek details of railings to St John's Avenue frontage to ensure vehicular/pedestrian visibility is not impaired. Expresses concern in relation to the

parking provision within the site. It would also be necessary for a traffic management plan to be submitted detailing the arrangements for the parking, loading and unloading of vehicles associated with the construction of this development. Reference is also made to areas of indicated tactile paving which would need to be to County Council specification, guard railing to the front of the school and the necessity to relocate a bus stop flag. A number of conditions are recommended in connection with the above.

The updated Transport Statement, undertaken in September, was considered acceptable and raised no further concerns.

6.5 Environmental Health

Under Section 7 of the application form reference is made to wheelie bins. East Cambridgeshire still operate with the black sack scheme and therefore do not use wheelie bins. The applicant also mentions how the wheelie bins can be put out on refuse collection day. The application states the road will be adoptable but this does not necessarily mean it will be adopted - therefore we must advise:-

The collection point for waste in East Cambridgeshire is the property boundary closest to road access. Where a property is accessed by a private road or track, material must be left for collection where this joins the public highway.

The Council's waste contractor will not enter unadopted roads regardless of the standard of construction, and in the example shown all waste from the development would need to be presented where the development joins St Johns Avenue.

If the developer wishes to provide a bin store at the site entrance, the entrance must be no more than 5 metres from public highway. If a bin store is provided, waste will only be collected if presented as required for collection by Council services. Any unacceptable or unacceptably presented materials would be the responsibility of the site management company to remove. The Management company would also be responsible for removal of any litter, loose waste or pest issues resulting from the bin store.

We would have concerns if waste from 18 properties were left at the entrance to the site having the potential to block the pavement.

Would it be possible for the developers to provide a dog waste bin for the public space area. They will need to consult with the dog warden regarding which type would be appropriate.

Under section 15 of the application form they have ticked that the proposed use would be vulnerable to the presence of contamination, therefore a contaminated land report must be submitted.

6.6 Crockfords Park Residents Association

The principle of the development of the site for housing is unacceptable and it should be developed in a way for a more suitable community use, that would not present significant safety risks, such as sheltered housing and or car parking for the school.

Further observations are made in relation to road safety matters and the originally submitted Transport Statement being flawed, the land being Statutory Allotment land and both the Transport Statement and Planning Statement being seriously flawed.

6.7 **Architectural Liaison Officer**

Having conducted a crime review of the area, there is nothing to cause significant concerns. I have not and will not have an opportunity to visit the area albeit I have been to the school opposite so do know the area to an extent.

My only concern would be the permeability from the Open Space into the existing play area but without viewing Kings Drive cannot comment further.

I would recommend sufficient boundary treatments to the northern and eastern sides of the proposal (plots 1-12) recommending 1.8m c/b with a significant trellis topping probably 600mm.

I would like to have spent a bit more time reviewing the proposals but have no objections.

6.8 **Access Group**

Make a series of observations which would be covered by other legislation.

6.9 **Parish Council**

The Parish Council object to the application and would like to see outright refusal of permission. They further feel their comments represent the views of the residents of Crockfords Park. The reasons are:-

Traffic and road safety:-

- The extra traffic will create a safety problem in an already congested area
- There are plans to increase the size of Ditton Lodge School by two classes and the proposed access to the development is nearly opposite the school entrance
- There would be six dwellings fronting St John's Avenue with no turning circles posing a traffic congestion problem with on road parking opposite a school drop off area
- Yellow lines will only move congestion further into Crockfords Park
- The Council feels the Transport Survey is invalid as it was taken on 5 August when the schools were on holiday and the traffic volume and drop off and parking pressure were much less than normal
- Traffic management issues as set out in Policy 119 of the Local Plan are not resolved

Land Issues

- There are ownership issues
- The Council thinks the land remains Statutory Allotment Land as it has not been declassified by the Secretary of State

- There is a local demand for allotments with a waiting list
- Part of the proposed development is on land still in use as allotments and upon which rent is being paid by the Allotment Association

Other points

- The Council has concerns about the adequacy of provision for disposal of sewerage and surface water (Policies 38 and 40)
- The railings and walls may not be appropriate and the fence around the Play Area belongs to the Parish Council

6.10 **Anglian Water**

Advise that they are obliged under the Water Industry Act 1991 to provide water and waste water infrastructure for domestic purposes for new housing and employment developments within their area when requested to do so. To effect that the applicant will have to make a request to them under the appropriate section of the Water Industry Act. They further confirm that there is sufficient water resource capacity to supply the development, that the foul flows from the development can be accommodated within the existing network and the Newmarket Sewage Treatment Works has available capacity for the anticipated flows.

6.11 **Trees Officer**

It is noted that a site reptile survey would be carried out in September. There are currently no trees on the site but there are several trees on two adjacent sites that could be adversely affected, those being a mature Silver Birch and a Cherry tree on the children's play area and two Silver Birch and a Plum tree located at 3 Kings Drive.

In the light of the above a Tree Survey is sought, together with the results of the reptile survey and tree planting proposals with regard to the adjacent allotment use.

7.0 **THE PLANNING POLICY CONTEXT**

7.1 **Core Strategy**

CS2 Housing
 EN2 Design
 H2 Housing Density
 S7 Parking provision

7.2 **Regional Spatial Strategy – East of England Plan**

SS1 Achieving Sustainable Development

7.3 **National Planning Policy**

PPS1 Delivering Sustainable Development
 PPS3 Housing
 PPG17 Planning for Open Space, Sport and Recreation

8.0 **PLANNING COMMENTS**

- 8.1 The main issues in considering the application would be the principle of the redevelopment of the site, the status of the land, road safety issues and the acceptability of the proposed scheme together with the submission of an appropriate legal agreement.

Principle of redevelopment

- 8.2 The site is within a well established residential area served by a bus service. Opposite the site is a school, to the north are existing allotments, which it is understood, are owned by Forest Heath District Council, to the south are two storey dwelling houses fronting Kings Drive and a children's play area, operated by Woodditton Parish Council, adjoins the southern corner of the site. St John's Road is not a classified road.
- 8.3 The proposed dwellings do not emulate the style of development in the area but would be a mix of three, four and five bedroom detached dwellings of individual design which, given their siting, are considered to sit comfortably in the street scene. 11 of the dwellings would be for private market sale and the remaining 7 would be shared ownership. The density, at 28 DPH, is considered not to be too high and would be slightly lower than the 30 DPH recommended in Policy H2 of the Core Strategy. The unit proposed for plot 16 (to the rear of Nos 1 and 3 Kings Drive), which was originally a two and half storey dwelling, has now been amended and would now be type 'D' which would present a lower gable to the above mentioned properties.
- 8.4 Specific materials are not identified but those indicated, buff facing brick, off white/cream coloured render, painted/stained weatherboarding, brown concrete interlocking pantile roofing and timber fenestration, are considered acceptable in principle, but samples of materials would be the subject of a condition.

Status of the land

- 8.5 The land in question was previously owned by Forest Heath District Council (FHDC) and was acquired by the Flagship Housing Group on 30 March 2004. It has been mooted that the site was Statutory allotments which are parcels of land acquired or appropriated by a local authority specifically for use as allotments. These sites cannot be sold or used for other purposes without the consent of the Secretary of State. If the land was Statutory allotment land it would have been the responsibility of the party disposing of that land to follow the appropriate procedure. The current owner of the site is the applicant hence the land cannot be regarded as strictly allotments.
- 8.6 As matters stand, the use of a part of the site for allotments needs clarification. If the land is being used without authorisation then none of the land is statutory allotment land, it having been sold to a third party by Forest Heath DC. If however, the allotment land is allowed under a lease, or other such legal agreement, then the application would fail to comply with Policy S3 of the Core strategy. To satisfy the policy, the applicant would have to be able to assure this Planning Authority that a compensatory area of land would be made available in place of the current allotments or be able to supply evidence that no such requirement is needed. Without such an undertaking, the recommendation could not be for approval.

- 8.7 The availability of allotments in the vicinity is not known and it would appear the existing plots, to the north, are well used. It is clear, however, that the site, barring the approximately 1000 square metres in the south eastern part of the site, has not been used as allotments for many years, further, it is understood it was set aside for grazing purposes in 1994. The use of the 1000 square metres was investigated by the landowners and it is now understood the land was being used without their knowledge or permission.
- 8.8 Whilst there would be a presumption, within PPG17, against the loss of open land, it should be noted that it is proposed to provide 603 square metres of public open space within the site and a compensatory payment is included within the S106 which addresses the on site shortfall and would contribute to alternative provision elsewhere.
- 8.9 Given the previous use of the site it would not be considered a Brownfield site.

Road Safety Issues

- 8.10 County Council Highways observe that the proposed development would result in a net loss of eight existing on-street parking spaces. The provision of six private driveways plus a new road junction would be provided at a location where adequate visibility is provided and the traffic movements associated with the development would not create a hazard to road safety of a significance to merit a refusal on highway grounds. Whilst it was agreed that the Transport Statement may have been more meaningful if it had been carried out in a neutral month and term time. a subsequent survey was carried out in September and CCH remain of the opinion that the results would not significantly alter their advice to ECDC. Whilst misgivings may be expressed with regards the parking provision within the site, 38 spaces are indicated which would be in excess of the maximum parking standards in the Core Strategy. It must be remembered St John's Avenue is not a classified road hence planning permission would not be needed by any householder who wished to create off street parking.

Other matters

- 8.11 County County planning application reference E/03013/09CC, for a proposed three classroom extension, new school main hall, new extension to provide new school main entrance and new entrance to pre-school facilities and internal alterations, at Ditton Lodge School was submitted on 6 October 2009. It is anticipated a decision will be made by the County Council on the application in December 2009. If there are any further comments from CCH in the light of this occurrence these will be reported at the meeting.
- 8.12 Policy 119 of the former Local Plan, mentioned by the Parish Council, strongly supported the introduction of traffic calming measures and traffic management. The application is actually proposing improvements in the form of 'School keep clear' makings, a guard rail outside the school, tactile paving and the provision of a new 1.8 footpath to the front of the scheme. It is therefore considered the provisions of Policy 119 are being addressed, despite the requirements being a matter for the County Council.

- 8.13 The drainage matters mentioned by the Parish Council are addressed within the observations from Anglian Water.
- 8.14 The use of the land as a car park for the school, or for sheltered housing, may be considered desirable, however, such proposals have not been submitted.
- 8.15 The Environmental Health comments are noted however it is the developers intention that the road would be adopted hence normal kerb side collections would be possible. A condition would be applied in relation to contamination.
- 8.16 In summary if the land use issues relating to the allotments can be overcome, then the design, layout, access, affordable housing provision, public open space provision, and highways matters would be satisfactory to achieve the high quality required for residential development on the site, and would consequently be recommended for approval subject to conditions and the successful completion of the S106 agreement.

9.0 **RECOMMENDATION**

RECOMMENDATION: That approval be delegated to the Executive Director Development Services, or Head of Planning and Economic Development, at a later date, following the successful completion of a S106 agreement together with any additional conditions necessary, and taking account of any other outstanding consultation responses, subject to conditions:

Conditions:-

- 1 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 1 REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 2 REASON: To safeguard the character and appearance of the area.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
adjoining land;
groundwaters and surface waters; ecological systems;
archaeological sites and ancient monuments;

(iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.

- 3 REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 5 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 5 REASON: To prevent the increased risk of flooding and to improve and protect water quality
- 6 No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans; a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and an implementation programme. The details shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

- 6 REASON: To safeguard the character and appearance of the area.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.
- 7 REASON: To safeguard the residential amenity of neighbouring occupiers.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the flank elevation(s).
- 8 REASON: To safeguard the residential amenity of neighbouring occupiers.
- 9 Prior to the commencement of development a tree survey, in accordance with BS5873:2005, shall be undertaken and the results submitted for consideration, in relation to the trees adjacent to the site that could be adversely affected by the proposal. That is the trees on the existing play area and those at No 3 Kings Drive.
- 9 REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area.
- 10 Prior to the commencement of any development, a scheme for the provision of fire hydrants, or a satisfactory alternative, shall be submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 10 REASON: To ensure proper infrastructure for the site in the interests of public safety
- 11 Prior to the first occupation of any dwelling, the road and footway shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with current County Council specifications.
- 11 REASON: To ensure construction of a satisfactory access.
- 12 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected to the properties fronting St John's Avenue.
- 12 REASON: In the interests of highway safety
- 13 Prior to the occupation of any of the dwellings the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the

Cambridgeshire County Council construction specification within the highway boundary.

- 13 REASON: To ensure construction of a satisfactory access.
- 14 Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 14 REASON: In the interests of highway safety
- 15 Prior to the commencement of any development a traffic management plan for construction vehicles shall be submitted for the written approval of the Local Planning Authority.
- 15 REASON: In the interests of highway safety
- 16 Prior to the first occupation of any dwelling visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan F. 95 P 101D. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 16 REASON: In the interests of highway safety
- 17 The vehicular access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
- 17 REASON: To prevent surface water discharging to the Highway.
- 18 Prior to the first occupation of any dwelling the following works shall be carried out to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority:-
- A 1.8 metre wide footway across the frontage to meet with the existing footway outside No 37 St John's Avenue.
- Flush kerbing and tactile paving at the crossing place at St John's Avenue.
- Pedestrian guardrailing outside the school.
- The "SCHOOL KEEP CLEAR" marking.
- Driveway protection markings.
- The relocation of the bus stop flag.
- 18 REASON: In the interests of highway safety

APPENDICES

- Appendix 1 – Design and Access Statement and supporting Planning Statement

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Application file 09/00631/FUM	Jacqueline Harding Room No. 011 The Grange	Jacqueline Harding Senior Planning Officer 01353 665555
Local Development Framework	Ely	jacky.harding@eastcambs.gov.uk
East of England Plan 2008		
Relevant and PPSs		

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

PLANNING SERVICES



OFFICER REPORT

Application Number: 10/00608/FUM

Proposal: Construction of 21 No. two storey dwellings, garages and associated works.

Location: Allotment Gardens St Johns Avenue Newmarket Suffolk

Applicant: Kings Forest Housing Association Ltd

Agent: The Design Partnership (Ely) Ltd

Case Officer: Lucie Turnell

The Application:

The application proposes 21 2 storey dwellings, 13 for private market sale and 8 affordable. The site would be served by a new access from St John's Avenue, which would be located centrally and culminate in a hammerhead to the rear of the site. 6 dwellings, 3 either side of the entrance, would be accessed directly from St John's Avenue.

An area of POS (615sqm) would be provide in the southern corner, linking to an existing children's play area that is located to the rear of properties on Kings Drive.

Affordable housing would be located in a group to the rear of the site in the form of 2 pairs of semi-detached properties and a row of 4 terraced houses.

Parking would be provided within the curtilage of each dwelling by 1 garage and 1 space for all private market dwellings plus 14 spaces to be shared between the 8 affordable dwellings.

Relevant Plans:

Plan Reference	Version No	Date Received
F-95-P105		5th July 2010
F-95-P101		5th July 2010
ALS2204/200/01		5th July 2010
F-95-P103		5th July 2010
F-95-P102		5th July 2010

The Site and its Environment:

The site lies at the southern end of Newmarket, close to the boundary with Forest Heath District Council. This is an established residential area that follows a regular suburban form of relatively low density development. Opposite the site, on the north side of St John's Avenue is Ditton Lodge Community First School, which is currently undergoing work to form an extension.

The site itself is undeveloped and overgrown, although a small area of land to the rear of the site has been used as allotments.

Planning History:

09/00631/FUM Construction of 18 no, 2 storey dwellings, Refused 09.11.2009
garages and associated works.

Replies to consultations:

Anglian Water – No objections raised.

County Council – Contributions required for education and County Rights of Way

Environmental Health – Contaminated land conditions required. Clarification re: refuse. East Cambridgeshire District Council does not operate wheelie bins

Fire Service – Fire Hydrants required.

Highways :-

- An extension of the school has been granted but this has no material effect on the proposed development
- Railings to be removed from visibility splays
- Garages are smaller than the 3m x 6m recommended internal size
- Traffic management plan required for construction of this development
- Recommended conditions.

Natural England – The 2009 application had an ecological scoping survey, which recommended further reptile surveys in Sept. The applicant's have been aware of the reptile issue since last year. Your Authority should therefore be provided with this report to take into consideration as part of the decision-making process

Neighbours – 31 letters of representation from neighbours have been received. Concerns have been raised on the following issues: -

- Highway safety – in relation to the school
- Construction vehicles
- Car parking within the proposed development
- Loss of green space

- Loss of allotments
- Status of the land
- Design & density
- POS and link to the existing play area
- Suitability of services/utilities
- Loss of habitat/biodiversity
- Refuse collection

Newmarket Town Council – The Allotment Assoc has reported a shortage and a substantial waiting list. Concern at loss of allotment land.

Parish Council :-

- Not in keeping with Crockfords Park
- Impact of extra vehicles
- Permission would not be given for the removal of the fence to the rear of the existing play area
- Loss of wildlife habitat
- Loss of allotment land
- Request refusal.

Police – Layout of the proposal is fine, no objections.

The Planning Policy Context:

East Cambridgeshire Core Strategy 2009

- CS1 Spatial Strategy
- CS2 Housing
- CS6 Environment
- CS7 Infrastructure
- S3 Retaining community facilities and open space
- S4 Developer contribution
- S7 Parking provision

National Planning Policy

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPG17 Planning for Open Space, Sport and Recreation

Planning Comments:

A similar application was reported to the Council's Planning Committee in November 2009. At that time the case presented to Members was that 'although there were no concerns over the design and layout of the proposed site, there were concerns about provision of allotment land. The applicant had provided no information about providing reciprocal land for the loss of the allotment land from the site' (minutes 4/11/09). The application was subsequently refused.

The Planning Statement that accompanies this application states at para 1.2 that 'since that time agreement has been reached between the applicants and the allotment holders and the latter will now vacate the small number of active allotments and relocate, thereby leaving the vacated land to be incorporated within this development site as comprised within this current application.' Notwithstanding the fact that the allotment holders have left the site the land still constitutes allotment land and remains protected as such under policies S3 and CS6 of the Core Strategy. Despite the case that the applicant's have subsequently tried to present there is no clear evidence that the land is not allotment land and no efforts have been made to provide this land elsewhere.

There has been a great deal of concern raised about the impact of this development on the existing highway conditions particularly in relation to the school opposite. The loss of a so-called 'drop-off/pick-up zone' due to development on the frontage is not a matter that can be considered. County Highways has raised no objection in principle to the development and further work to take into account the extension at the school has not been deemed necessary. Minor work has been requested, some of which can be dealt with by condition. However, it is important, that adequate parking provision is provided on site and garages that are shown to be providing a car parking space should meet the minimum dimensions. Plans to incorporate this would constitute a material amendment that could impact on the site layout and cannot be dealt with by condition.

RECOMMENDATION: Refuse

- 1 The proposed development would mean the permanent loss of land that is currently being used for allotment purposes with no replacement facilities being made available. This would be contrary to Policies CS 7 and S 3 of the East Cambridgeshire Core Strategy 2009 which seek to ensure the retention of such community facilities, or the provision of alternative facilities, of equivalent, or better quality, in an accessible location.
- 2 A Section 106 agreement to provide the required affordable housing, public open space, community infrastructure and educational contributions, has not been completed and therefore the application has not complied with Policies CS 7 and S 4 of the East Cambridgeshire Core Strategy 2009, with particular regard to the location of any new allotment land as required by refusal reason (01).
- 3 Adequate parking provision must be provided on site given (it's) location opposite Ditton Lodge Community First School. Garages that are shown to be providing a car parking space do not meet the required minimum dimensions. Plans to amend this would constitute a material amendment that could impact on the site layout and as such cannot be dealt with by condition. Parking provision is therefore considered to be inadequate and contrary to Policy S7 of the Core Strategy.

Signed and dated:

Case Officer

[Handwritten signature]
10/9

Principal Development Control Officer

[Handwritten signature]
10.9.10

do not accord with the functional dimensions as set out in the CDG