

PLANNING COMMITTEE

Title of Report:

Update Report for DC/17/1680/ARM, Approval of Reserved Matters of DC/01/0977/OUT (W17802) – Outline Application for a mixed use development comprising of residential, neighbourhood shopping centre, community hall, primary school, play areas and country park – Construction of 220 dwellings including access, appearance, landscaping, layout and scale. Land south of Hall Lane, Oulton

Meeting Date

16 January 2018

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Is the report Open or Exempt?

Open

REPORT

This application for approval of reserved matters for Phase 2 of the Woods Meadow development was considered at the Planning Committee meeting on 14 November 2017. Approval of reserved matters for Phase 1 of the development (246 houses) was granted in 2014 and construction is now well under way with approximately 150 houses completed. Construction of the primary school has also commenced.

A decision on the application was deferred as Members expressed concern over the lack of progress and timescales for the delivery of the country park as required by a S106 Agreement. The purpose of this report, as requested on 14 November 2017, is to provide Members with a progress report on the delivery of the country park.

By way of background information there are a number of obligations in the S106 Agreement that relate specifically to the delivery of the country park. In particular the S106 requires the developer to:

- Submit a specification for the country park upon occupation of the first dwelling.
- Agree a mitigation strategy for the remediation of any known contamination within the country park prior to occupation of the first dwelling.
- Transfer the country park land to the District Council prior to the occupation of the first dwelling.

Officers did agree an extension of time with the developer for the submission of the country park specification which allowed consultation with the Parish Council. Notwithstanding this the developer is considerably behind the trigger points set down in the S106 for transferring the country park land to the Council given that some 150 houses are now complete.

There is an area of former landfill adjacent to the northern boundary of the country park, a small part of which actually encroaches into the country park. The Council's Environmental Health Officer needs to be satisfied that any potentially contaminated land within the country park area can be satisfactorily mitigated before the land is transferred to the council.

One of the main issues with regards to the former landfill site is whether it is causing or contributing to significant pollution of controlled waters (ie ground water).

To inform this issue the developer's consultant submitted a report on groundwater monitoring beneath the Country Park on 7 December 2017. The report recommends that further analysis be undertaken as follows:

"The detected concentrations of ammonia in the two boreholes in the landfill area and potentially the concentrations of volatile compounds may present a risk to controlled waters. Further sampling, analysis and detailed quantitative risk assessment are recommended, after consultation with the Environment Agency."

The Environmental Health Officer has considered the report in detail and he agrees with this recommendation. Thus the developer should now consult the Environment Agency as it is their opinion and requirements which will inform the further testing and the detailed quantitative risk assessment.

In terms of timescales it is difficult to determine how long this process may take as it will be largely dependant on the Environment Agency's current workload. It is estimated that the length of time for the Environment Agency consultation could be 1 – 2 months. There will then be further water sampling and analysis plus the detailed risk assessment to prepare. In view of the further work that is required it is suggested that the developer is likely to require 3 months to complete the work.

In view of the further actions that are necessary it is not possible at this stage to move forward with transferring the country park land to the Council.

Houses that have been and are being built under Phase 1, and subsequent dwellings in later phases, do not have available to them the required infrastructure/mitigation to enable the development to be acceptable in planning terms as they do not have access to open space. This is a clear breach of the S106 and needs to be remedied. Whilst the proposed layout for the current Phase 2 application is considered acceptable, the non availability of the required country park for residents makes the scheme unacceptable.

As further work is required to be undertaken before the country park land can be transferred to the Council it is considered that it is not possible at this point in time, to determine the current application for Phase 2. However work is ongoing to move the issue forward and it is suggested that no decision on the application be taken for the time being to enable the applicant to resolve the issue within the above timescale.

Access to the Primary School

This Phase 2 application includes access to the Primary School (which is currently under construction and due to open next September). However the delay in determining this application has resulted in Suffolk County Council experiencing delays on the construction of the access road which means that there is a risk the school may not be able to open in September 2018. However a potential solution to this would be for the developer to submit a separate application for the access road only. Given that there are no known contamination issues affecting land required for the road it is anticipated that an application could be determined quickly subject to acceptable details. This would allow work on the road to commence ahead of issues surrounding the country park. This is regarded as a pragmatic approach that should help deliver the primary school on time. The developer has been advised of this option.

RECOMMENDATION

That the Planning Committee notes the content of the report and that unless the matters relating to the Country Park transfer have been resolved thus enabling the Planning Committee to fully reconsider Application Ref DC/17/1680/ARM that an update report be presented to the March meeting of the Planning Committee.

BACKGROUND PAPERS

Type	Available From
Case File DC/17/1680/ARM	Planning Office, Marina Customer Service Centre, The Marina, Lowestoft
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