

**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**

**13 March 2018**

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Is the report Open or Exempt?

Open

**REPORT**

1. This application for approval of reserved matters for Phase 2 of the Woods Meadow development was considered at the Planning Committee meeting on 14<sup>th</sup> 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.
2. A decision on the application was deferred on 14<sup>th</sup> November 2017 as Members expressed concern over the lack of progress and timescales for the delivery of the country park as required by the S106 Agreement.
3. An Update Report was presented to the Planning Committee meeting on 16<sup>th</sup> January 2018 and the purpose of this report is to provide Members with a further progress report on the delivery of the country park. In summary the situation has not changed significantly as set down in Paragraph 11.
4. 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.
5. 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.
  6. 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.
  7. 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).
  8. 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:
    9. *"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."*
  10. 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.
  11. This was the position as reported to Members on 16<sup>th</sup> January 2018 and to date Officers understand that this position has not changed significantly as the developer has only recently contacted the Environment Agency. The developer has asked the Environment Agency to review and comment on their consultants assessment of the impact to groundwater from a former landfill site in the northern part of the site. As it stands presently therefore the Environmental Health Officer awaits the response of the Environment Agency.
  12. 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.
  13. 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.
  14. 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.

15. 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

16. The 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.

17. However as a potential solution the developer submitted a separate application for the Phase 2 access roads only (DC/18/0114/ARM). This application is currently being determined.

## **RECOMMENDATION**

That the Planning Committee notes the contents 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 May meeting of the Planning Committee.

## **BACKGROUND PAPERS**

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