

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

18 September 2018

Report Author and Tel No

Phil Perkin
01502 523073

Is the report Open or Exempt?

Open

REPORT

1. The application for approval of reserved matters for Phase 2 of the Woods Meadow development was considered at the Planning Committee meeting on 14th November 2017.
2. A decision on the application was deferred on 14th 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. Update Reports were presented to the Planning Committee meeting on 16th January and 13th March 2018 and the purpose of this report is to provide Members with a further progress report on the delivery of the country park.
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. Persimmon Homes have completed an interim report on the Country Park in which 2 lots of groundwater modelling has taken place and been reported on. A third modelling exercise has been carried out and there is one more to be done, the timetable for this is not yet available.
9. Once the modelling is complete the interim report will be updated and submitted for consideration.
10. The Environmental Health Officer has read the interim report and has no adverse comments. The report concludes that there is no need for remediation which the EHO agrees with based on the findings so far. However as further monitoring is necessary the report needs to be considered as a work in progress at the moment.

Soil Spreading

11. Persimmon Homes have recently spread soil over 4 fields of the Country Park. It is not clear whether this soil is from Phase 1 works or Phase 2 although Persimmon claim they have evidence that Phase 1 soil was lorried off site. The concern is that no works should have commenced on Phase 2 until contaminated land conditions had been discharged and that the work was carried out in the summer, when red book species were potentially nesting.
12. It has been agreed that Persimmon Homes will produce a written report that states:
 - The quantity amounts of soil that have been spread over the 4 fields
 - The quantity of soil taken from Phase 2
 - Copies of haulage tickets to show that Phase 1 soil has been transported off site
 - Any evidence of who gave the order to spread and why, when we had specifically advised not to.
13. It is possible consideration of this report could hold up the transfer of the country park land. In the meantime a draft transfer agreement will be produced.
14. As the ground water monitoring within the country park is a work in progress at the moment and as the soil spreading report is awaited it is not possible at this stage to

move forward with transferring the country park land to the Council.

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 outstanding issues.

Primary School

16. It is noted that the Primary School is due to open on 5th September 2018.

RECOMMENDATION

That the Planning Committee notes the contents of the report.

BACKGROUND PAPERS

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