

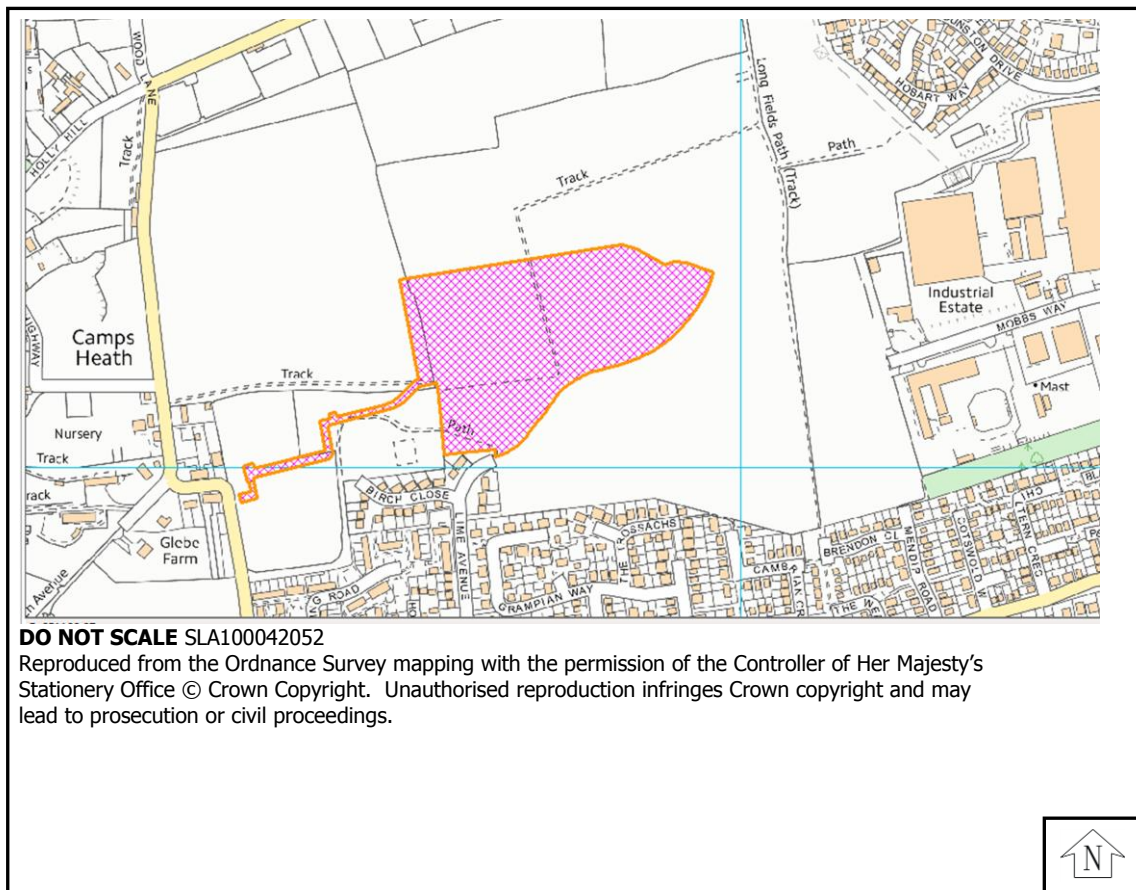
**PLANNING COMMITTEE – 15 JANUARY 2019****APPLICATION NO** DC/17/1680/ARM**LOCATION**

Land south of Hall Lane, Oulton.

**EXPIRY DATE** 6<sup>th</sup> August 2017  
**APPLICATION TYPE** Approval of Reserved Matters  
**APPLICANT** Persimmon Homes

**PARISH** Oulton

**PROPOSAL** 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.

**UPDATE**

This application for approval of reserved matters for Phase 2 of the Woods Meadow development was first considered at the Planning Committee meeting on 14 November 2017.

A decision on the application was deferred on 14 November 2017 as Members expressed concern over the lack of progress and timescales for the transfer of the country park land to the Council as required by the S106 Agreement.

Prior to the transfer of the country park land the Council had to be satisfied that the land was free of contamination. There were two main issues with regards to this.

Firstly, 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.

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

Persimmon Homes have now completed groundwater monitoring and the Environmental Health Officer is satisfied that there is no significant contamination in the soil groundwater and that there is no need for remediation.

The second issue concerned soil spreading across much of the country park land. It was not clear whether this soil was from Phase 1 works or Phase 2 and the Environmental Health Officer required reassurance that there was no soil from a contaminated source on the country park land.

Persimmon provided details of the amount of soil spread over the country park land, the amount that came from the Phase 2 land and copies of haulage tickets to show that Phase 1 soil has been transported off site. This information has been reviewed by the Environmental Health Officer who is of the view that on balance the evidence provided is sufficient to demonstrate that any contaminated soil has been disposed of elsewhere than the country park. Furthermore the soils will have been mixed and diluted and it is highly unlikely that any of the soil is not fit for use in the country park.

On this basis therefore the transfer of the country park land to the Council can now proceed and it is anticipated that this could be completed by the end of 2018. A verbal update on the transfer will be given at the Planning Committee meeting.

Subject to the transfer of the country park land to the Council being completed the application seeking Approval of Reserved Matters for Phase 2 is reported back to this Committee for determination.

The report from the November 2017 Committee meeting is set out below, subject to the following amendments:

- 4.3 The Highways Authority has confirmed that they have no objection to the application subject to conditions.
- 4.4 SCC Rights of Way have confirmed that they have no objection to the amended plan.

- 4.5 Suffolk County Council Floods and Surface Water Management currently recommend a holding objection. If this has not been resolved before the Planning Committee meeting it is suggested that the recommendation be amended to authorise the Head of Planning and Coastal Management to approve the application subject to the holding objection being removed.

SECTION 9 – No longer relevant subject to the transfer of the country park land being completed.

### Primary School

For information - the Primary School opened on 5<sup>th</sup> September 2018.

## **1 SUMMARY**

- 1.1 Land at Woods Meadow was allocated for residential development in the Waveney Local Plan 1996 and authorisation to grant outline consent was given by the Development Control Committee in 2007 subject to the completion of a Section 106 Agreement. The outline planning consent was granted in 2013 and included provision for approximately 800 houses, community facilities, primary school and a country park.
- 1.2 Approval of Reserved Matters of the first phase of the development (246 houses) was granted in 2014 and construction is now well under way with approximately 150 dwellings completed. Construction of the primary school has also commenced.
- 1.3 This application represents the next phase of the development and seeks Approval of Reserved Matters for 220 dwellings, 50 of which will be affordable homes in accordance with the Section 106 Agreement.
- 1.4 A number of amendments have been made to the layout which is now considered by officers to be satisfactory. The proposal is considered to meet the objectives of the Local Plan policies in the further development of this major housing allocation. The application is therefore recommended for approval.
- 1.5 However there are outstanding issues relating to the S106 Agreement that it is considered need to be resolved prior to any planning permission being issued.

## **2 SITE DESCRIPTION**

- 2.1 The application site is currently agricultural land that forms part of the wider Woods Meadow housing development. It has an area of approximately 6.33 ha and is located to the west of Lime Avenue and north of Birch Close and to the west of Phase 1 of the development and the main spine road. The northern boundary of the site abuts the proposed country park and at the eastern end of the site is the primary school.

## **3 PROPOSAL**

- 3.1 This application seeks Approval of Reserved Matters relating to the access, appearance, landscaping, layout and scale of Phase 2 of the Woods Meadow housing development.

Approval of reserved matters for Phase 1 was approved in 2014 and construction is well advanced with some 150 dwellings complete.

- 3.2 The original scheme for Phase 2 proposed 246 dwellings however this has subsequently been reduced to 220. The mix and tenure of dwellings proposed is as follows:

Private:

2 bed dwellings = 36

2 bed + study dwellings = 33

3 bed dwellings = 46

3 bed + study dwellings = 28

4 bed dwellings = 23

4 bed + study dwellings = 4

Shared Equity:

2 bed dwellings = 12

3 bed dwellings = 5

Rented:

1 bed dwellings = 13

2 bed dwellings = 11

3 bed dwellings = 6

4 bed dwellings = 3

- 3.3 The proposed development includes associated roads, paths, driveways, car parking, landscaping and public open space. Access to the site is from two access roads off the main spine road which is situated to the south and east of the site which will connect the site from Lime Avenue to Hall Road. The layout broadly reflects the masterplan for the site which was a requirement of the outline consent and which was approved in 2015.

## 4 CONSULTATIONS/COMMENTS

- 4.1 **Oulton Parish Council:** Oulton Parish Council observations, the use of a swale is of concern as to flooding and safety of public access in the light of today's trends in weather, the council also have concerns of the run off from the site to the soak away at Mobbs Way.

- 4.2 **Neighbour consultation/representations**

None received

### Consultees

- 4.3 **Suffolk County Council Highways:**

**Comments on the original layout:** Before the Highway Authority can recommend the necessary highway related conditions for this proposal, there are several issues that require amendment or further information:

Drg. No. WM2-PL02:

1. The proposed private drive access adjacent to plots 498-499 is too close to the spine road junction with the phase 1 development area. It is appreciated that Suffolk Design Guide junction stagger distances do not apply to private drives (and subsequently the access to plot 500-501 is acceptable). However, the plot 498-499 access is opposite an area within the radii of the adjacent junction (7 metres from the centre) which may lead to conflicts between vehicles when using them simultaneously. Please relocate the private access to a location outside of the adjacent junction radii.
2. The Shared Surface Roads shown on the submitted layout plan are not acceptable. Any proposed Shared Surface Roads shall be in accordance with the Suffolk Design Guide. The shared area to be 5.5m wide, with 1m wide service margin to all sides. Furthermore, the proposed shared surface road from plot 370 to 378 is offset from the adjacent minor access road. This would lead to motorists cutting across the footway or manoeuvring abruptly to continue on their route. Please provide a tapered transition between minor access road and shared surface.
3. The western end of the Minor Access Road (running easterly from plot 422) is straight and over 60 metres in length. A speed restraint feature should be provided to ensure that there are no straight sections of over 60 metres without speed restraints within the development. This is to control vehicle speeds. Please amend accordingly.
4. Further to discussions with SCC PROW (Rights of Way) it is noted that a number of sustainable routes are being lost as a result of this development. Therefore, the foot/cycle path at the northern edge of the development is essential to maintain sustainable routes within the area to comply with paragraphs 32 and 35 of the NPPF. It is noted that the path narrows to 2.5 metres when it joins the footway section. The route should be a consistent 3 metre width and feature a tapered transition where it joins the footway section. Please amend accordingly.
5. New trees should be at least 5 metres from the carriageway edge. It appears that some are less than this distance. Please amend accordingly.

General layout, access and junction visibility, parking provision, and waste bin areas are acceptable and will be conditioned. Secure cycle storage details can also be subject to a recommended condition.

**Comments on the amended layout:** Views awaited. It is anticipated these will be available for inclusion in the Late Representations report.

#### 4.4 **Suffolk County Council Public Rights of Way:**

**Comments on the original layout:** SCC ROW & Access Team object to the layout that proposes moving one of the public footpaths onto a shared space access road, then footway. Following the meeting that Sharon Berry and I had with Simeon on the 7th June 17, I hope that there will be a revised plan submitted that would adequately accommodate the public footpaths both in the long term and perhaps more importantly for Persimmons, in the short term during construction.

**Comments on the amended layout:** Views awaited. It is anticipated these will be available for inclusion in the Late Representations report.

- 4.5 **Suffolk County Council Floods and Surface Water Management:** We have reviewed the following submitted document and we recommend a holding objection at this time:
- FLOOD RISK ASSESSMENT - JULY 2016 – Reference: E3189-WMOB-mjl-frareport-rev2
  - DRAINAGE STRATEGY – PHASE 2 March 2017 – Reference: E3536-WMOB-mjl-dsreport-rev1
  - Site Investigation Report – June 2016 – Reference: GN15283\_SI2\_2016
- 4.6 Further information has been requested in order to overcome the holding objection.
- 4.7 **Suffolk County Council Archaeology:** No objection subject to archaeological investigation
- 4.8 **Suffolk Police Designing Out Crime Officer:** This is a well thought out layout adopting many of the principles of Secured by Design.
- 4.9 On the whole there appears to be good natural surveillance and permeability has been kept to a minimum. The orientation of buildings is good and the developer has considered the need to create a sense of place.
- 4.10 On this basis I would strongly recommend that the developer applies for Secured by Design approval.
- 4.11 **WDC Environmental Health Officer:** I am concerned that application DC/17/1680/ARM includes an area of the former fat and bone works. Although conditions are in place to deal with the contamination I am concerned that at present we have not seen or agreed a remediation method statement for the former fat and bone works. Before works can commence on Phase 2 the developer will have to submit a remediation statement which includes how they will deal with the area within the former fat and bone works.
- 4.12 The acoustic assessment concludes that there should be no noise issues arising from the new link road in respect of the Phase 2 properties providing that the glazing specified in the report is installed.

## 5 PUBLICITY

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Major Application, Public Right of Way Affected,	19.05.2017	08.06.2017	Beccles and Bungay Journal
Major Application, Public Right of Way Affected,	19.05.2017	08.06.2017	Lowestoft Journal

## 6 SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Major Application, In the Vicinity of Public Right of Way, Date posted 26.05.2017 Expiry date 15.06.2017
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## 7 PLANNING POLICY

- 7.1 The National Planning Policy Framework (NPPF) was published in July 2018. At the heart of the NPPF is a presumption in favour of sustainable development (para. 11). The NPPF makes clear that for decision taking, the presumption means approving development proposals that accord with the development plan without delay. The application site is identified on the Lowestoft Area Inset Map (which accompanies the Development Management Policies Development Plan Document) as land with planning permission for housing.
- 7.2 The NPPF places a strong emphasis on design as a principle of sustainable development by stating in paragraph 124 that it *'creates better places in which to live and work and helps make development acceptable to communities'*.
- 7.3 The Waveney Core Strategy was adopted in 2009. Policy CS01 sets the spatial strategy for the District and Policy CS02 requires high quality and sustainable design.
- 7.4 The Development Management Policies were adopted in 2011. Policy DM02 sets design principles for new development. Policy DM17 requires a mix of dwelling types and DM18 requires the provision of affordable housing.

## 8 PLANNING CONSIDERATIONS

- 8.1 This site is part of the allocated major residential development site in Lowestoft thus complying with all spatial policy concerns
- 8.2 As will be noted above the originally submitted scheme for Phase 2 was for 246 dwellings. Officers were concerned that there were fundamental problems with this number of dwellings. In particular the amount of car parking proposed in prominent locations to the front of dwellings meant that the layout was car dominated. This was resulting in an environment that was unlikely to support a quality public realm across much of the scheme and was not very pedestrian friendly. Accordingly officers were of the view that the original layout did not comply with the NPPF which lends considerable weight to good design as a principle of sustainable development.
- 8.3 The amended layout reduces the number of dwellings proposed to 220, a reduction of 26. This has resulted in a much improved layout that is less car dominated and allows more space around the dwellings which in turn will allow for more landscaping and green space to the front of properties. Amendment to the proposed parking include parking spaces to the sides and rear of properties whereas previously they were mainly to the front.

- 8.4 The amended layout now defines character areas of high, medium and low density development with the lower density housing along the main spine road and along the northern boundary of the site facing the proposed country park. Higher density development is proposed more centrally in the site along the east west aligned major and minor access roads. The medium density housing is located between the high and low density housing. As a result of the revisions to the layout visual connectivity through the site and along the country park frontage has been improved.
- 8.5 A variety of dwelling types and heights are proposed (para. 3.2) which is considered to be a good distribution of accommodation that conforms with Policy DM17. Density across the site is 34 per hectare which is generally in accordance with Policy DM18. 22% of the dwellings proposed are affordable in accordance with the requirements of the S106 Agreement.
- 8.6 Officers are of the view that the revisions that have been made to the layout are sufficient to overcome previous concerns, particularly in relation to the amount of car parking proposed and quality of the public realm, and that the proposed layout can be recommended for approval.
- 8.7 It will be noted above that there are some outstanding issues from the Highway Authority and the Rights of Way team based on the original layout and that additional information regarding surface water drainage has been requested. It is therefore suggested that the recommendation for approval is subject to these issues being satisfactorily addressed.

## **9 NON-COMPLIANCE WITH THE S.106 AGREEMENT**

- 9.1 Outline planning permission was granted in 2013 and was subject to a Section 106 Agreement that set down a number of obligations that the developer has to comply with. Many of these obligations relate to financial contributions per dwelling to meet necessary infrastructure provision such as the primary school, community centre, footpath and cycleway improvements and bus service provision.
- 9.2 There are other obligations that relate specifically to 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 the occupation of the first dwelling.
  - transfer the Country Park land to the District Council prior to the occupation of the first dwelling.
- 9.3 To date approximately 150 dwellings within Phase 1 have been completed and the country park is not available for use.
- 9.4 Officers did agree extensions of time with the developer for the Country Park specification which allowed consultation with the Parish Council.



- 9.5 With regards to the transfer of the Country Park land (prior to the occupation of the first dwelling), the deadline was extended on two occasions to allow for the consultations with the Parish Council. The specification was approved in March 2017.
- 9.6 Whilst it is understood that the developer has undertaken investigations on the site, the mitigation strategy for remediation of any known contamination has yet to be submitted, despite several meetings with Persimmon to seek this. As a result, the Council cannot accept the transfer of the land, before the remediation strategy is agreed and implemented.
- 9.7 As such whilst it is acknowledged that the delivery of housing on the first phase is beneficial, these dwellings, and subsequent dwellings in later phases, will 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. It is therefore regrettably advised that whilst it is acknowledged that the scheme to be considered is now acceptable, subject to detail, the non availability of the required country park for residents makes the scheme unacceptable.
- 9.8 Officers will update the Planning Committee at its meeting about the negotiations regarding the Country Park, and whilst it is acknowledged that the amended scheme is acceptable, the Council cannot consent to the delivery of additional housing without the necessary infrastructure being put in place. It is therefore recommended authority is given to officers to continue to negotiate on the delivery of the country park and to determine this application favourably when there is an acceptable and deliverable scheme for this in place. If acceptable details for the country park are not forthcoming the scheme should be refused.

## 10 CONCLUSION

- 10.1 The amended details of the proposed development contained within this application are now considered acceptable and will deliver needed housing, including affordable housing. However there are outstanding issues relating to the S106 Agreement associated with the Outline consent, and in particular the delivery of the country park, which is a necessary piece of infrastructure required for the development, that need to be resolved prior to any planning permission being issued. Negotiations on this are on going and Members will be updated at the meeting

## RECOMMENDATION

That the Head of Planning and Coastal Management be authorised to determine the Application with **Approval** being granted subject to a satisfactory resolution regarding the delivery of the country park and subject to the recommended conditions below or otherwise **Refuse** as contrary to Policies CS02,CS04 and CS14 of the Waveney Local Plan.

1. The development hereby approved shall be begun within the time limits specified on the outline planning permission and is subject to any conditions imposed thereon.

Reason: In accordance with the Town and Country Planning (Development Management Procedure (England) Order 2010 (as amended)).

2. The development hereby permitted shall be constructed in all respects strictly in accordance with:

Dwg. No. WM2-PL02 Rev H received 6 December 2018, WM2-PL03 Rev A received 10 October 2017; and WM-PRoW-04 Rev B received 20 November 2018;

Dwg. Nos. WM2-PL01, WM2-EL01, WM2-EL02, WM2-EL03, WM2-EL04, WM2-EL05, WM2-EL06, WM2-EL07, WM2-EL08, WM2-EL09, WM2-EL010, WM2-EL011, WM2-EL012, WM2-EL013, WM2-EL014, WM2-EL015, WM2-EL016, WM2-EL017, WM2-EL018, WM2-EL019, WM2-EL020, WM2-EL021, WM2-EL022, WM2-EL023, WM2-EL024, WM2-EL025, WM2-EL026, WM2-EL027, WM2-EL028 and WM2-EL029 received 8<sup>th</sup> May 2017;

OAS/15-138-AR01 and OAS/15-138-TS02 received 8<sup>th</sup> May 2017.

E3536-WMOB-mjl-dsreport-rev 1 (March 2017) and E3189-WMOB-mjl-frareport-rev 2 (July 2016) received 8<sup>th</sup> May 2017.

MW2 Materials Schedule received 26 November 2018

for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. The recommendations of the Environmental Noise Assessment (Ref. LA/1547/01L/ML) shall be implemented in full.

Reason: In the interests of amenity.

4. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS17 of Waveney District Council Core Strategy Development Plan Document (2009) and the National Planning Policy Framework (2012).

5. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS17 of Waveney District Council Core Strategy Development Plan Document (2009) and the National Planning Policy Framework (2012).

6. Any conditions recommended by the Highway Authority, Rights of Way and Flood and Water Management

**BACKGROUND INFORMATION:**

See application ref: DC/17/1680/ARM at  
[www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

**CONTACT**

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