

Spitalcroft Allotment Decision

The Inspector has granted outline planning permission for residential development on the site. All matters have been reserved for subsequent approval, including the layout and number of houses, although the appellants indicated at the time that it was envisaged that around 158 dwellings would be built.

Members may recall that I promised at the last meeting that a report would be taken to the Planning Policy Committee in May that would address the implications of both this decision and the one at Kvernerland. That report can now be completed and will address the issues raised by these decisions, including those surrounding the site allocated for residential development at Quakers Walk.

With regard to the issue of the replacement of the Spitalcroft allotments, the Inspector found that the replacement site at Windsor Drive that already benefits from planning permission would meet the local plan requirement of being comparable to that of the existing allotments and that it would be possible to improve the soil at Windsor Drive to a standard suitable for allotment use.

The appellant has also entered in to a legal agreement under Section 106 of the Planning Acts relating to the allotments. This requires that the owners commence the soil amelioration works at Windsor Drive before 30th September 2005, with the aim of completing these improvement works within 12 months of commencement, although it could take longer if the soil assessments are not satisfactory.

The requirements that have to be met for the soil improvement works are set out in detail in the legal agreement (Schedule 3 and Annex 1). The soil has to be assessed to monitor its structure. These assessments are to be carried out by experts instructed respectively by the appellants and the council, with a view to reaching a joint decision as to whether the soil satisfies the requirements set out in the agreement and is of a standard suitable for use as allotments. If they are unable to reach a joint decision, the agreement provides for an arbitrator to be appointed as an independent soil consultant. The legal agreement ensures that the residential development permitted on the Spitalcroft site cannot commence until the experts agree that the soil has been improved in accordance with the requirements of the scheme.

Members are therefore advised that the PSM will be employing a soil expert on behalf of the council and that the decision on whether the amelioration works have been satisfactorily completed in accordance with the agreement will be made by the PSM on the advice of the soil expert. This will ensure that the decision is made solely on the basis of the expert technical evidence on soil quality.

Ted Howles

Planning Services Manager

Regulatory Committee 21st April 2005