

**Committee:** Development Control Committee  
**Date:** 14 December 2005  
**Title:** Advanced report of issues relating to major planning applications – Oakwood Park, Felsted  
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**Agenda Item**

**7**

Item for decision

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## Summary

- 1 This report concerns an outline application for planning permission that is defined in planning legislation as a major application. At this stage, Officers seek the advice of Members on whether there are additional matters that require consideration prior to drafting a conventional committee report containing a recommendation. Members are reminded they should not offer an opinion at this stage.

## Recommendation

- 2 That Members advise officers as per Paragraph 1, including whether they would wish to have the advice of an independent mediator (Paragraphs 7 and 8).

## Background Papers

- 3 See application file

## Impact

Communication/Consultation	See appended report
Community Safety	None
Equalities	None
Finance	Who pays for any independent mediator?
Human Rights	None
Legal implications	None
Ward-specific impacts	Felsted
Workforce/Workplace	None

## Situation

## Advanced report of issues – Oakwood Park

### Development Control Committee, item 7

- 4 As Members are aware, in order to improve the authority's performance in determining major applications within the 13 week target set by Government it has been agreed that Officers will prepare reports outlining the main issues relating to specific major applications prior to final determination. This will allow Members to identify additional planning issues they consider require investigation prior to determining the applications.
- 5 The report relating to this application is attached.
- 6 The applicant's case is that there are very substantial costs associated with Phase 6, including land reclamation and replacement of the sewage treatment works. These costs cannot be borne by developing Phase 6 as currently permitted, not could they be borne by additional development limited to brownfield land, especially with the requirement to provide 40% affordable housing. It is necessary to promote an additional area of residential development on land which does not require restoration to reduce the average cost per hectare of the development and increasing income from the sale of land.
- 7 The applicant has not submitted details of the financial case, as to do so would be to disclose commercially sensitive information which is legally protected from the public domain. The applicant has suggested the appointing of an independent mediator with the necessary expertise as per Paragraph B38 of ODPM Circular 05/2005 *Planning Obligations*. The mediator would have access to the financial information on a confidential basis and would produce a report that could be made public. Members would have to take the mediator's opinion at face value as there would be no evidence upon which they could form a contrary view.
- 8 The applicant did not approach the Council with a view to appointing a mediator prior to submission, so that any report could be included as part of the planning application. If a mediator is appointed now, determination of the application could be delayed beyond 13 weeks, particularly bearing in mind the approaching Christmas holiday period and the requirement to give publicity to the report. If a mediator is not appointed now, a further option (in the event of an appeal against any refusal of planning permission) would be to subsequently appoint a mediator to agree the financial circumstances as part of the Statement of Common Ground.

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
None	None	None	None