

**4/02539/16/MOA - OUTLINE PLANNING APPLICATION TO INCLUDE UP TO 600 DWELLINGS (C3), LAND FOR PRIMARY SCHOOL (D1), LAND FOR LOCAL CENTRE USES (A1,A3,A4,A5,D1,D2), LAND FOR UP TO 7,500 SQUARE METRES OF EMPLOYMENT USES (B1,B2,B8), LANDSCAPING, OPEN SPACE AND PLAY AREAS, ASSOCIATED INFRASTRUCTURE, DRAINAGE AND ANCILLARY WORKS, NEW ROUNDABOUT ACCESS OFF THREE CHERRY TREES LANE, NEW PRIORITY JUNCTION OFF THREE CHERRY TREES LANE, NEW VEHICULAR ACCESS TO SPENCER'S PARK PHASE 1 AND AN EMERGENCY ACCESS TO THE EMPLOYMENT LAND OFF CHERRY TREE LANE. DETAILED APPROVAL IS SOUGHT FOR ACCESS ARRANGEMENT ONLY, WITH ALL OTHER MATTERS RESERVED (CROSS-BOUNDARY APPLICATION FALLING WITHIN DACORUM BOROUGH COUNCIL AND ST ALBANS CITY AND DISTRICT ADMINISTRATIVE AREAS). SPENCER'S PARK PHASE 2, LAND BETWEEN THREE CHERRY TREES LANE AND CHERRY TREE LANE, HEMEL HEMPSTEAD.
APPLICANT: HOMES AND COMMUNITIES AGENCY AND THE CROWN ESTATE.**

[Case Officer - Ross Herbert]

Update for Members

The application was brought before Members at the Development Management Committee meeting of 17th August 2017. A link to the agenda document pack and addendum are included below:

<http://dbcgfeshare:9070/mgA.aspx?M=1427&LLL=0>

Members resolved to agree the officer's recommendation for the application to be Delegated to the Group Manager, Development Management with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and notification being sent to the Secretary of State, due to the objections from Sport England.

Given the amount of time which has elapsed since the resolution last August, together with a recent change in approach concerning the Secretary of State notification, officers have deemed it prudent to provide Members with a brief update in relation to this application, despite it now being a delegated item.

S106

The primary reason for the application being delegated with a view to approval was to allow the completion of the S106 agreement, with the Secretary of State notification being a secondary procedural matter.

The S106 negotiations have been on-going since the August 2017 meeting and are nearing a conclusion. The final draft of the S106 should hopefully be agreed shortly.

Secretary of State notification

The applicants have recently asked us to confirm whether the Secretary of State notification is indeed required, as they are keen to avoid any further delays in determining the planning application once the S106 has been completed.

Having undertaken a procedural review of the Town and County Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Town and Country Planning (Consultation) (England) Direction 2009, both the case officer and the Council's

solicitor have concluded that there is no need to refer the application to Secretary of State as there was no requirement to consult Sports England.

We consulted them due to the scale of the application and their involvement at pre-application stage. We tend to consult them on major planning applications which involve playing pitches/sports facilities and in this respect we go sometimes go beyond the minimum requirements for consultation.

However, because there was no actual requirement to consult Sports England under the Town and County Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Town and Country Planning (Consultation) (England) Direction 2009, there is no need to refer the application to Secretary of State in this instance.

Therefore, once the S106 has been completed the application can be granted under delegated authority.