

Planning Committee

Supplemental Agenda

Meeting date	30 June 2026
Officer	Linda Sparrow
Agenda Item	North Car Park, Six Hills House, Six Hills Way
Proposal	Erection of a 10 storey building comprising of 94 no. flats which consists of 11 no. studios, 36 no. 1 bedroom and 47 no. 2 bedroom units, associated parking, access and ancillary works
Reference	21/01283/FPM
ADDENDUM INFORMATION	

HCC Growth and Infrastructure Contributions for Education

Following the publication of the committee report, comments were received from Herts County Council's Growth and Infrastructure Unit in its role as Education Authority (HCC).

In summary, HCC are objecting to the application on the basis that no financial contributions are to be secured in the s.106 legal agreement towards education provision and that no review clause is to be included in the legal agreement to secure any contributions from uplift in site profits.

They believe this approach is flawed because it excludes education from any future viability review and that it risks permanently under-providing education facilities. They go on to state that on the basis of such a review clause being included on a site at 9-11 The Forum earlier in 2026 that the Council's position is inconsistent.

They conclude that the omission of the review clause conflicts with national policy and guidance which require developments to mitigate their impacts and supports the use of review clauses where viability constraints are applied.

The Council's position thus far has been to reject the request for the review clause on the basis that Policy SP5 which secures financial contributions does not include provision for such clauses and therefore the Council is not obligated to include such a clause. Policy HO7 that secures affordable housing does include provisions for such clauses and that is why there is a clause for uplift in viability to be used to secure contributions towards affordable housing.

Notwithstanding the above, the Council sought legal advice, and the outcome of that advice was that a review clause should be included for education contributions. This is because the Town and Country Planning Act 1990, as amended, requires developments to mitigate their

impacts through Section 106 where appropriate and that in this instance, this would be sufficient to secure the review clause despite the Local Plan not including such clauses.

This action would then fully address the objection from HCC as education authority.

Accordingly, if members are minded to grant planning permission for this development, then it is requested that powers be delegated to the Director of Planning and Regulation to secure the relevant review clause in the section 106 legal agreement.