

Committee Update - HW/FUL/19/00290 – Part of Terminus Street Car Park and Land South of the Car Park, Velizy Avenue, Harlow

Further correspondence:

We have received comments from the applicants in relation to the Officer Report to Committee as follows:

Please see below our comments on the Crown Gate Place Committee Report:

- *The Report makes inconsistent references to the affordable housing provision; referenced as 7.4% in the Proposed Development section; 7% and 7.4% in the Affordable Housing section; and 7.7% in the Planning Balance section. Please can you ensure the affordable housing provision is presented on the basis of habitable rooms as 7.79% throughout the Report. Or clarify that the affordable housing provision equates to 7.79% in your update note?*
- *The Report fails to reference the updated comments issued by Essex CC Place Services. The Report relates only to the informal comments issued via email and not the comments contained within the letter dated 15/09/20. The last paragraph in the Place Services (Comments following revision) concludes Place Services would not support the scheme on the basis of the missing information and clear narrative to design and architecture within the current context. However, the comments dated 15/09/20 explicitly state "...we are confident that the Applicant and the team are able to easily provide and justify their approach in regard to design and its response to Harlow". The third paragraph in the Design and Its Impact on the Character and Appearance of the Local Area also fails to pick up Essex CC's updated comments dated 15/09/20. The update note should explicitly set out:*
 - *That Essex CC prepared updated comments dated 15/09/20 which concluded that they were confident the Applicant and the team are able to easily provide and justify their approach in regard to design and its response to Harlow; and*
 - *The Applicant provided a comprehensive response to Essex CC's comments to justify the architectural approach.*

Officer Response:

In relation to the affordable housing figure – confusion has arisen due to the applicant's use of both a unit percentage and a habitable room percentage in respect of the affordable housing provision. The revised development would provide 150 dwellings; the affordable offer is 11 dwellings. As a percentage of the revised scheme total no. of units this would be **7.4%** (rounded up); nonetheless, this does not significantly alter the relative shortfall in the achievement of the expected baseline of 30% affordable dwellings, nor the conclusions reached in the report in relation to provision of affordable housing.

The applicants have indicated on a habitable rooms basis, e.g., based on no.s of living rooms and bedrooms within the allocated affordable housing units that the percentage is 7.79%, however Policy H5 of the adopted Plan (and Policy H8 of the emerging Local Plan) do not refer to habitable rooms in either the policy or reasoned justification as being an appropriate/acceptable measure for consideration of the provision of affordable housing.

Design:

The Officer Report does not specifically reference all comments received from Place Services or the applicant's response to those comments. Place Services final comments added in that they considered justification would be possible. Comments from the applicants are included at Appendix A.

The Officer Report concludes that the scheme is acceptable in terms of its design and layout, the initial comments by Place Services re lack of justification have not resulted in the scheme being considered to be unacceptable on this ground, however it is recognised that this additional sentence is more positive than the initial comments received from Place Services.

Comments received from the applicants in response to Place Services comments do not alter the proposal and do not therefore require any additional consideration bearing in mind that the Officer Report concluded that the scheme is acceptable in terms of its impact.

However, the emerging Local Plan now has significant weight and it is suggested, in line with emerging Policy H5 (as proposed to be amended In the Major Modifications document) that wheelchair housing should be provided in line with the latest SHMA. The latest SHMA is dated 2015 and at paragraph 6.34 this indicates that "*The evidence therefore supports the need for 10% of market housing and 15% of affordable housing to meet Category 3 [Part M M4(3) of the Building Regulations] requirements*". The applicants have offered to provide all housing across the site as adaptable (within Part M4(2) of the Building Regulations) with 10% wheelchair (including 2 of the 11 affordable housing units – 18%). Officers consider that the proposal would provide sufficient adaptable and wheelchair housing provision to be acceptable and therefore propose the following additional condition:

*"Prior to first occupation of the dwellings hereby approved, the wheelchair adaptable (Part M4(2) and wheelchair-accessible housing (Part M4(3) shall be implemented in accordance with the approved plans
Reason: To accord with the NPPF and the emerging Local Plan Policy H5 of the Local Plan (as amended by the Major Modifications Document)"*

Also, additional proposed conditions relating to climate, as follows:

"The proposal shall be built in accordance with the climate measures proposed within the submitted Energy Statement and shown on the approved plans; such implemented measures shall be retained and maintained.

"Reason: To ensure that the proposal is provided in accordance with climate reducing measures in accordance with the NPPF and emerging policy PL3 of the Local Plan"

"Prior to occupation, the proposed electric vehicle parking provision shall be implemented in accordance with the approved plans and thereafter they shall be retained and maintained solely for use by electrical vehicles.

Reason: In the interests of reducing reliance on petrol/diesel fuels in accordance with the NPPF and Policy IN1 of the emerging Local Plan."

Alteration to recommendation:

It is proposed to the wording of the recommendation (set out on page 24 of the published agenda pack).

It is should now read as follows:

*That Committee resolve to **GRANT PLANNING PERMISSION** subject to:*

- i. The applicant entering into an appropriately worded Section 106 Legal Agreement to secure the proposed 7.4% affordable housing and a viability review mechanism; AND*
- ii. Delegated Authority being given to the Planning and Building Control Manager to negotiate a suitable viability review mechanism/claw-back mechanism to be secured within the S106 agreement. This delegated authority shall extend to the prioritisation and allocation of any funds secured in subsequent reviews to the infrastructure contributions requested during the consideration of this application. AND*
- iii. The conditions (Numbers 1 to 14) as set out in the published committee report, and the additional conditions sent out above.*

Appendix A: