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**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**Date: 7<sup>th</sup> September 2017**

**Subject: APPLICATION 16/07784/FU – Development of 28 no. apartments and 13 no. houses including new access on land at the former St Joseph's Convalescent Home, Outwood Lane, Horsforth, Leeds.**

**APPLICANT**

Yorkshire Housing

**DATE VALID**

14 December 2017

**TARGET DATE**

8<sup>th</sup> September 2017

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**Electoral Wards Affected:**

Horsforth

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION:**

**DEFER and DELEGATE APPROVAL** to the Chief Planning Officer for approval subject to the specified conditions set out below and also the completion of a Section 106 agreement to include the following obligations:

- 68% Affordable housing
- Provision and maintenance of on-site amenity space
- Off site highway works

**In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer and subject to the following conditions.**

1. Time limit on full permission
2. Development in line with approved plans
3. Samples of walling and roofing materials to be submitted
4. Sample panel of stonework
5. Area to be used by vehicles to be laid out

6. Surfacing materials to be submitted.
7. Cycle/motorcycling parking to be submitted and implemented
8. Feasibility study into infiltration drainage methods required
9. Details of surface water drainage to be submitted
10. Phase 2 to be submitted
11. Amended remediation statement if required
12. Verification report to be submitted
13. Details of importation of any soil
14. Provision of contractors during construction
15. Landscaping scheme to be submitted and implemented
16. Protection of existing trees
17. Preservation of existing trees
18. Replacement of existing trees
19. No removal of vegetation between 1<sup>st</sup> March and 31<sup>st</sup> August
20. Details of bat roosting and bird nesting features to be submitted

## **1.0 INTRODUCTION**

- 1.1 The application is for a residential development comprises 28 affordable housing apartments and 13 new houses for private sale. The application is brought to Plans Panel as it constitutes a departure from the development plan. Due to financial viability matters the proposal fails to meet policy requirements in respect of greenspace provision.

## **2.0 PROPOSAL**

- 2.1 The application is for a residential development which comprises 28 apartments which will be affordable homes and 13 new houses which will be for sale on the open market.
- 2.2 The apartments will all be of two bedrooms and will be located in 2 buildings (14 flats in each) which are located to the New Road Side of the site. These blocks will be three storey's on the Outwood Lane side of the application site and four storey on the New Road Side due to a change in levels. Each building will consist of two blocks with a staircase joining the two blocks together. The buildings will be constructed from natural stone and slate and will have windows with mullions, heads and cills four paned windows to the front and rear elevations and Juliet style windows on the side elevations. There will also be stone corbel features underneath the eaves. The roof design will be sloping on all four elevations.
- 2.3 The 13 houses will be four bed roomed and will be sited on the Outwood Lane frontage. The rear gardens to these properties will be onto Outwood Lane and the houses are located over 10.5 metres back from the street. The car parking for the houses will be located on the rear of the properties and will face into the site. The houses will be three storey and will be in one block of 4, one block of 3 and 2 blocks of 2. The elevation onto Outwood Lane will be simple and traditional using natural stone and slate with the window design and stone corbels to match the design of the proposed apartments to the rear. The ground floor facing Outwood Lane will have large patio style windows. The elevations to the rear will be similar but will also have bay windows on the ground and/or the first floor. The houses are located in blocks and each block will be sited close to each other. Each block will have a pitched roof. The roof form will be hipped at each end of the blocks and gables on the elevations where the blocks are adjacent to each other.

- 2.4 The access will be a new access off Outwood Lane further to the eastern side of the development than the existing access and the parking for the houses and the apartments will be located in the middle of the site. The development will require a traffic calming scheme along the whole length of Outwood Lane which will also involve a Traffic Regulation Order for no parking outside of the site boundary. This has been estimated to be approximately £200,000 and will be secured through the section 106 agreement.
- 2.5 There are 19 trees that need to be removed as part of the development with the majority being category C (moderate quality and value) or U (remove – any existing quality lost within 10 years). There will be a large area of communal greenspace provided on the site for the intended residents which is located around the proposed apartments on the New Road Side part of the site.
- 2.6 The applicant has submitted a financial viability statement to show that even though there will be finance generated from the sale of the 13 houses this will not completely fund the development. The development to be policy compliant requires 35% affordable housing provision, off site highway works (equating in financial cost terms to £2000,000), on site greenspace or a financial contribution to off-site greenspace (£137,000). Consultees have also requested the provision of Metrocards at a cost of £20,137 and a bus stop upgrade of £10,000. However, the proposal is not of such a scale to trigger the requirement to provide these latter two contributions.
- 2.7 This scheme provides 68% contribution to affordable housing as well as the off-site highway works. On site amenity space is provided for use by the intended residents and consequently this does not meet the policy requirement of providing publically accessible greenspace. Due to the higher provision of affordable housing the applicant is looking not to fund the requisite off-site greenspace contributions, Metrocards and bus stop upgrade although not a policy requirement have been considered as part of the financial viability argument. This financial viability appraisal has been submitted to and assessed by the District Valuer, a copy of which is attached to this report for Members information.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The site is situated between Outwood Lane and New Road Side and previously housed a care home which has now been demolished. The previous building and car park were to the Outwood Lane part of the site with the gardens. The majority of trees located to the New Road Side part which are protected by a Tree Preservation Order. There is a significant height difference between Outwood Lane and New Road Side.
- 3.2 On the Outwood Lane side of the site the nearest residential property is to the east and is a dormer bungalow with further residential development beyond this. On the western side of the site boundary is a care home. On the opposite side of Outwood Lane is a wooded area.
- 3.3 On the New Road Side part of the site on the eastern side is a small residential development know as Oliver Hill. On the other opposite side of New Road Side is another small residential development known as the Throstles.
- 3.4 The site is located within the Horsforth Cragg Hill and Woodside conservation area and close to the New Road Side town centre.

## **4.0 RELEVANT PLANNING HISTORY**

4.1 PREAPP/16/00038 – Residential development for affordable apartments and private housing. Issues related to highways, conservation area, design, trees and residential amenity

4.2 10/04924/FU – proposed replacement care home refused on 27/6/2011 for two reasons:

1. Poor design in terms of scale, massing and elevational treatment
2. Impact on the conservation area in terms of overdevelopment and design.

An appeal was submitted regarding this refusal which was dealt with via a public inquiry. The Planning Inspectorate dismissed the appeal.

4.3 09/03666/FU – proposed replacement care home refused on 21/6/10 for two reasons:

1. Overdevelopment of the site in terms of scale and massing.
2. Overbearing and overdominant in relation to adjacent residential properties.

## **5.0 HISTORY OF NEGOTIATIONS**

5.1 Officers have been working with the applicant along with Ward Members since the pre application enquiry was submitted in 2016. Negotiations have related to design, layout, off site highway works, impact on adjoining residents and trees.

## **6.0 PUBLIC/LOCAL RESPONSE**

6.1 The application was advertised by a major site notice which was erected on 5 May 2017 and expired on 26 May 2017. The application was also advertised in the Yorkshire Evening Post on 28 April 2017 which expired on 19<sup>th</sup> May 2017.

6.2 Horsforth Town Council supports the application

6.3 Cragg Hill & Woodside Residents Group have a number of concerns:

- Loss of trees and impact of development on proposed retained trees
- Precise design and materials need to be defined
- In terms of parking and highway impacts need to reserve judgement until scheme approved by LCC highways
- Plots 12 and 13 too close to the eastern boundary in terms of overbearing
- Access would be preferable further to the west which could be achieved by losing one property
- Long term protection of walls on Outwood Lane
- The access onto Oliver Hill is welcomed.

6.4 Four letters of objection concerned with:

- The proposed buildings are too big
- Too many residents proposed
- Impact on local infrastructure which is already under pressure
- The design is unacceptable
- Schools already oversubscribed
- Unacceptable access
- Flooding
- Trees alongside A65 should be retained

- Pedestrian access to A65 required
- Overdominance of existing bungalow on Outwood Lane from property on plot 13
- Parking near entrance will cause highway issues

## **7.0 CONSULTATION RESPONSES**

- 7.1 Highways – conditional approval and off site highway works on Outwood Lane required.
- 7.2 Contaminated land – conditional approval
- 7.3 Flood risk management – conditional approval
- 7.3 Air quality team – conditional approval
- 7.4 Metro – new live bus stop at £10,000 and Metrocards at £20,137.15

## **8.0 PLANNING POLICIES**

### Development Plan

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made Neighbourhood Development Plan.
- 8.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve the appearance and character of Conservation Areas

### Adopted Core Strategy

- 8.3 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered the most relevant;

Spatial policy 1: Location of development

Policy P10: Design

Policy P11: Conservation

Policy P12: Landscape

Policy T2: Accessibility requirements and new development

Policy EN2: Sustainable design and construction

Policy EN5: Managing flood risk

### Natural Resources and Waste Local Plan (January 2013)

- 8.4 The following policies are considered relevant:

WATER 1: Water efficiency

WATER 2: Protection of water quality

WATER 7: Flood risk assessments

LAND 1: Contaminated land  
LAND 2: Development and trees

Saved Policies - Leeds UDP (2006)

- 8.5 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5: Development proposals should resolve detailed planning considerations.

BD2: Design of new buildings should complement and enhance existing views

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

N19: Advice in relation to new buildings within the conservation area

Relevant supplementary guidance:

- 8.6 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

Street Design Guide

Parking

Public Transport Improvements and Developer Contributions

Neighbourhoods for Living

Horsforth Cragg Hill and Woodside Conservation Area.

National Planning Policy Framework (NPPF)

- 8.7 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.8 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.9 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.10 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged

that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

- 8.11 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.12 Paragraph 135 sets out guidance regarding applications involving non designated heritage assets. A balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

## **9.0 MAIN ISSUES**

1. Principle of development
2. Conservation area and design
3. Highways
4. Residential amenity
5. Trees
6. S106 and viability matters
7. Representations

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is unallocated in the Unitary Development Plan and the Core Strategy. Therefore Policy H2 from the Core Strategy is applicable which relates to new housing on non-allocated sites. This policy states that a number of criteria need to be met including:
- i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure. *There is requirement that the applicant funds off site highway works so that the scheme can be accommodated on the existing highway network. The site will also provide a CIL contribution which can be used for educational infrastructure and there are a number of health providers located close to the site. For these reasons the application is considered to comply with this part of the policy.*
  - ii) Should accord with accessibility standards. *The site is located within walking distance of bus stops on New Road Side where there is an excellent service of buses into and out of Leeds City Centre. It is also located within walking distance of the town centre located on New Road Side where there are shops and facilities such as doctors. The site therefore complies with accessibility standards.*
  - iii) Relates to site within green belt. *The site is not within green belt.*

The other two criteria relate to if a scheme is proposed on greenfield land and it is considered that this site is not greenfield as it has been previously developed so this part of the policy is not applicable.

- 10.2 Overall it can be concluded that the development complies with policy H2 of the Core Strategy and the principle of development for residential on this site is considered acceptable.

Design, scale and conservation area

- 10.3 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. There are two elements to the proposed scheme which need to be considered in terms of design and the impact on the conservation area.
- 10.4 The site is located on character area 3 – Cragg Hill and Victorian villa development. Within this conservation area there are no positive or listed buildings in close proximity to the site. The main characteristics of the area are either Victorian villa development or terraced row development which have the following:
- Use of coursed sandstone and traditional roofing materials including chimney stacks
  - Two storey eaves height
  - Building set within large plots
  - Loose grain built form
  - Stone boundary walls used
  - Back of pavement edge location of properties orientated to face the road.
  - Quite ornate employing door hoods and monolithic lintels
- 10.5 This application involves two design types being the apartment buildings and the row of houses. The apartment block and the houses take on board the design features within the conservation area. The materials will be stone and slate and will involve chimney stacks within the design. There will be traditional design window with mullions, heads and cills and also ornate stone corbels underneath the eaves.
- 10.6 The apartment block design and scale is based on the villa style in the area with two separate buildings situated within their own grounds. The new houses are located close together to give the appearance of a terrace. The houses have their main gardens to the street frontage which is similar to a row of existing properties on the opposite side of Outwood Lane just a few hundred metres from the site. The houses do have patio doors on the elevation facing onto Outwood Lane which is a design not normally seen on a front elevation. However this ground floor level will not be visible in the street scene due to Outwood Lane being at a higher level. The houses will be 3 storey and the blocks of apartments 3 to 4 storey's. This is not consistent with the characteristics identified within the Conservation Area Appraisal where it sets out that detached villa developments and terrace rows are commonly of two storey to eaves height. However, properties in this part of the conservation area are tall with a majority having rooms in the roofspaces. The levels on the site, the distances to other developments and the land surrounding the buildings allow for 3 and 4 storey buildings to be accommodated on the site without a detrimental impact on the conservation area. As the site slopes significantly from Outwood Lane down to New Road Side these extra storey's will not appear dominant and out of scale with the conservation area.
- 10.7 There is a large area of car parking between the proposed houses and the proposed apartments which will involve a large area of hardstanding which is generally not encouraged. However, due to the layout of the buildings and the levels on site this



will generally not be visible in the street scene and the conservation area.

- 10.8 Overall it is considered that the proposed scheme will enhance the existing conservation area due to its scale and design. It is therefore acceptable in terms of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy N19 of the Revised Unitary Development Plan and policy P11 of the Core Strategy as well as paragraph 135 NPPF.

#### Highways

- 10.9 The proposal will increase traffic along Outwood Lane which is a substandard road in highway terms due to its narrow width and lack of pedestrian footpaths in places and visibility. The scheme will require off site highway works along the length of Outwood Lane to ensure that the traffic along Outwood Lane will be reduced to a speed of 20mph. This is required due to the additional traffic onto Outwood Lane created by the development and the visibility from the proposed access. The precise details in relation to the traffic calming scheme are still being finalised and can form part of the section 106 agreement. There also needs to be road marking outside of the site to ensure that parking demands for the development do not spill out onto Outwood Lane. Parking outside the site on this section of Outwood Lane is not acceptable due to the narrow width plus it will block visibility for cars emerging from the development.
- 10.10 The proposed access for the development is to be situated further east than the existing access into the site. This allows for better visibility into and out of the site than the existing which will disappear as the proposed houses will be constructed over it and the drop kerb removed. Parking in the development is also adequate for the number of dwellings proposed.
- 10.11 For all these reasons the proposal will not have a detrimental impact on highway safety and complies with policy T2 of the Core Strategy.

#### Residential amenity

- 10.12 The scheme needs to be assessed in relation to residential amenity in terms of the proposed dwellings and the impact on existing houses surrounding the development.
- 10.13 The layout complies with Neighbourhoods for Living in terms of garden lengths and distances between the proposed houses and the proposed apartments and the distances between the two apartment blocks. The gardens for the proposed houses whilst adequate in terms of garden length fall short of the requirement set out in Neighbourhoods for Living being less than the 66% of the proposed floorspace of each house. However, the reason for this is because the proposed houses are 3 storey. The properties will be four bed family homes and the form of garden provision is not dissimilar to other properties of a similar character in the locality. In light of these factors the proposed gardens are considered acceptable.
- 10.14 The closest existing property to the development is number 8a Outwood Lane. The side of the new development and the side of this bungalow are 11 metres apart and there are no principal windows on the gable end. The layout has been amended so that the new property is generally in line with the existing bungalow with a small projection to the rear of the property. Whilst the new property is three storey next to an existing bungalow the distance separating and the position of the new house

ensure that there is no detrimental impact in terms of overdominance and overshadowing.

- 10.15 Overall the development is considered to be acceptable in terms of impact on residential amenity and complies with policy GP5 of the Unitary Development Plan. Whilst it is not fully in compliance with Neighbourhoods for Living in terms of garden sizes it is considered that in this instance the scheme is acceptable.

### Trees

- 10.16 The proposal does involve the loss of some trees as part of the development, which are covered by a Tree Preservation Order. The main area of trees on New Road Side will remain which have the greatest visual impact in the street scene. Overall there are 66 trees on the site and 19 will be lost as part of the development. Out of these 19, 4 are category B trees (moderate quality and value) with 10 category C (low quality and value) and 5 category U (remove – any existing value lost within 10 years). A landscaping scheme will be required for replacement of these trees along with other planting to help soften the development and conditions are recommended in this regard.
- 10.17 As the site has a large number of trees there is inevitably some tree loss to facility a viable development on the site. However, the layout ensures that the most important significant trees which have the greatest visual impact will remain on the site and the layout can be accommodated without damage to these trees. Conditions are recommended in this regard.
- 10.18 The apartment development ensures that the majority of the important trees will be located within the greenspace area for the development. This ensures that a management company will maintain this area as one rather than a layout where these trees are separated into individual gardens and managed by the homeowners. This will ensure the long term management of the trees on the site.
- 10.19 Overall whilst there is some tree loss this is considered acceptable for the reasons above and the scheme complies with policy P12 of the Core Strategy.

### Section 106 requirements and viability

- 10.20 In terms of affordable housing the site is located in an area where 35% of any residential development should be provided as affordable housing. The apartments for this development will all be affordable so 68% of this scheme will be affordable housing units. This is almost double the policy requirement. Other policy requirements involve a financial contribution to greenspace and whilst there is on site amenity space due to its location and security related to the proposed residents of the apartments this area of amenity space will only be available for the residents on the development itself. Policy G4 of the Core Strategy states that greenspace should be available for everyone so a top up financial contribution for this development is required. Further financial asks (from the West Yorkshire Combined Authority) relate to the provision of Metrocards and a new bus shelter on the A65. However, as less than 50 units are proposed these requirements are not triggered by the development. The off-site greenspace contribution amounts to £137,000 and all three of these commuted sums total a payment of £167,137. The development also needs off site highway works discussed below which will cost approximately just over £200,000.

- 10.21 A financial viability appraisal has been submitted and assessed by the District Valuer to show that the scheme would be unviable if the contributions to greenspace, Metrocards and the bus stop were required as part of the consent. This is in light of the costs of the off-site highway works mentioned above, the over supply of affordable housing and in consideration of the CIL liability
- 10.22 The District Valuer has robustly assessed the appraisal and has confirmed that if the planning obligation requirements are required (in order to make the development policy compliant) the scheme would indeed be unviable and would not be able to proceed. This would mean much needed housing would not be delivered which includes the provision of 28 affordable homes. As well as a missed opportunity to redevelop a brownfield site within the conservation area which has remained vacant for a number of years despite the site being on the market.
- 10.23 To make the development policy compliant and viable would mean either increasing the number of private sale houses on the site which could have a detrimental impact on the conservation area or selling some of the apartments and reducing the amount of affordable units the scheme would provide.
- 10.24 Despite the policy requirement, in this particular circumstance, the lack of a financial contribution to greenspace will not have a significantly detrimental impact on the area in general. As mentioned above there is 'policy compliant' amount of open space being provided on the site for the proposed residents. The financial contribution would be for the provision/enhancement of publically accessible greenspace in the area. There are other public benefits to this site being developed including a vacant site being brought into beneficial use and off site highway works which whilst they are required due to traffic generation from this scheme they will also benefit the existing residents on Outwood Lane.
- 10.25 For all the above reasons and due to the viability of the site it is considered in this case that the requirement for an off-site greenspace contribution is outweighed by the need to bring forward a housing development including 68% affordable as well as the need to redevelop a longstanding vacant site.

### Representations

- 10.26 The vast majority of the concerns from the representations have been addressed above except for the following:
- Precise design and materials need to be defined – it is recommended this is secured by condition.
  - Long term protection of walls on Outwood Lane – it is recommended this is secured by condition.
  - Schools already oversubscribed – the development will generate a CIL contribution which can be used towards any required school provision.
  - Flooding – it is recommended drainage matters are controlled by condition. Pedestrian access to A65 required – There is concern regarding a direct access to the A65 from the development due to privacy and security matters related to the apartments. There is a link onto the existing public footpath at the eastern side of the development which goes down to the A65 so provides adequate access for future residents.

### CIL

- 10.27 The Community Infrastructure Levy (CIL) Charging Schedule was adopted on 12<sup>th</sup> November 2014 with the charges implemented from 6<sup>th</sup> April 2015 such that this application is CIL liable on commencement of development at a rate of £90 per square metre of chargeable floorspace. The amount for this scheme will be £301,586.87. CIL is not a material consideration but in any event, consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the Regulation 123 list.

## **11.0 CONCLUSION**

- 11.1 To conclude it is considered that this residential development is acceptable in principle and complies with the criteria within policy H2 of the Core Strategy. The development is in keeping with the Horsforth Cragg Hill and Woodside Conservation Area Appraisal document and will enhance the conservation so comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy N19 of the Unitary Development Plan Review and P11 of the Core Strategy. There will not be a detrimental impact on highway safety so the proposal complies with policy T2 of the Core Strategy and there will be no detrimental impact on residential amenity so complies with policy GP5 of the revised Unitary Development Plan. Overall whilst the scheme is not fully policy compliant due to viability consideration when balanced against the benefits it brings the scheme is considered acceptable.

### **Background Papers:**

Certificate of ownership: Signed by applicant.

Planning application file: 16/07784/FU

**DRAFT**

**DVS** Property Specialists  
for the Public Sector

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Date : 23 August 2017

**IN CONFIDENCE**

Dear Carol

## **DVS Independent Review of a Development Viability Appraisal**

<b>Proposed Development Scheme:</b>	<b>Land at Former St Josephs Convalescence Home, Outwood Lane, Horsforth, Leeds</b>
<b>Scheme:</b>	<b>28 Apartments and 13 dwelling houses</b>
<b>Planning Ref:</b>	<b>16/07784/FU</b>
<b>Applicant:</b>	<b>Yorkshire Housing</b>
<b>Applicants Agent:</b>	<b>CP Viability Limited</b>

### **1. Introduction**

Further to your instructions dated 5 July 2017 and my Terms of Engagement dated 10 July 2017. I have now inspected the site and reviewed the viability assessment prepared by CP Viability Limited on behalf of the applicant, and I am pleased to supply my report.

It is understood that Leeds City Council Planning Authority require an independent opinion of the viability information provided by Yorkshire Housing, in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme.

The report gives overview of the applicant's viability appraisal, then provides advice on those areas of the appraisal, which I consider to be incorrect, along with justifications where appropriate. A summary of the key differences of opinion and impact is then provided.

**It is my conclusion that a planning compliant scheme incorporating CIL, 28 affordable apartments, and the specified S.106 contributions is unviable.**

## **2. Assumptions and Limitations**

This report is for the purposes of determining viability. It is not a Red Book Valuation Report.

## **3. Date of Viability Review**

The viability review has been assessed at August 2017, adopts values, and built costs at this time. I note that the applicant's review is dated 26 June 2017. It is my opinion that the conclusions regarding viability remain valid as at the date of this report.

## **4. Viability**

This report remains valid for 6 (six) months from the date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

## **5. Conflict of Interest**

In accordance with the requirements of the RICS Standards, the VOA has checked that no conflict of interest arises before accepting this instruction. It is confirmed that I am unaware of any previous conflicting material involvement and am satisfied that no conflict of interest exists. Should any such difficulty subsequently be identified, you will be advised at once and your agreement sought as to how this should be managed.

## **6. Restrictions on Disclosure and Publication**

The report has been produced for Leeds City Council. The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers. No responsibility whatsoever is accepted to any Third Party who may seek to rely on the content of the report unless previously agreed.

It is understood that the report may be made available to the applicant and their viability adviser listed above. It is agreed that your authority and applicant/their viability adviser will neither make available to any Third Party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

This report is considered Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to information) (Variation) Order 2006 and your Council is expected to treat it accordingly.

## **7. Status of Valuer**

It is confirmed that the viability assessment has been carried out by myself, Simon Croft BSc (Hons) MRICS RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased viability assessment.

The assessment of the applicant's viability assessment has been prepared in accordance with the recommended practice set out in the Royal Institution of Chartered Surveyors (RICS) Financial Viability in Planning Guidance Note (1<sup>st</sup> Edition); the RICS Valuation - Professional Standards 2014 UK Edition; the National Planning Policy Framework; and where appropriate the Viability Testing Local Plans (Harman) Report.

I have inspected the site and am familiar with the area and property values in the locality.

As part of the DVS Quality Control procedure, this report and my appraisal has been reviewed by Simon de Whalley MRICS, RICS Registered Valuer.

## **8. Background**

The site at the date of this report is a principally brown field site, formerly the St Joseph's Convalescent Home. This building has been demolished. We understand that applicant has submitted a planning application for the construction of 13 semi-detached/townhouses and 28 apartments.

The site is located in Horsforth, adjacent to the A65 New Road Side with access to the rear from Outwood Lane.

## **9. Applicant's Assessment**

I refer to CP Viability Limited's report titled Land at the Former St Joseph's Convalescent Home, Outwood Lane, Horsforth, Leeds, dated 26 June 2017.

I have not conducted any negotiations with CP Viability Limited, the applicant or any of their other advisers. I have however sought their confirmation on a number of items within their report.

The proposed development comprises of 13 semi-detached and townhouses and 28 apartments. The total floor area is 3,156m<sup>2</sup>. The site has a net site area of 0.83 hectares (2.05 acres).

I make no comment about the density, design, efficiency, merit or otherwise of the suggested scheme.

There is a single appraisal within the CP Viability Limited report.

The scheme is summarised below:

Type	Bedrooms	Units	Size (m <sup>2</sup> )	Total size (m <sup>2</sup> )
3 storey semi-detached townhouse	4	6	120	720
3 storey terraced townhouse	4	7	120	840
Apartments	2	28	57	2,807
<b>Total</b>		<b>41</b>		<b>3,156</b>

In summary the report by CP Viability allows for all 28 apartments to be affordable homes, split 60% Social Rented (Lower Decile) and 40% Intermediate (Lower Quartile). This equates to an affordable housing level of 68.3%. My understanding is that this is because the applicant is a housing association and intends to retain the apartments on site. I have been advised by Leeds City Council that it will be a planning condition that the apartments remain as affordable homes.

The applicant's appraisal thereafter shows a Gross Development Value (GDV) of £6,754,046 subject to costs of £5,770,657 resulting in a profit of £983,389, which equates to a 17.04% profit on cost and a 14.56% profit on GDV. I note that the applicant's appraisal incorporates a grant of £602,000. My report will focus on this appraisal.

## **10. CP Viability Limited Appraisal Assumptions**

### **10.1 Development Period**

The appraisal and report by CP Viability provides details in terms of the assumptions for the development period. The report states that they have assumed a pre-construction period of 6 months, a 15 month build period followed by a 6 month sales programme for the market value homes. They have assumed that the apartments are transferred immediately upon completion.

I consider the lead in period to be too long and have adopted a period of 2 months, but have accepted the build period. In my experience a developer is likely to start to sell the market housing during the construction period. I have therefore assumed that sales commence 8 months after construction starts on site and all 13 units are sold in a 9 months period which equates to 1.5 units per month which I consider reasonable for this size of site and location.

### **10.2 Revenue - Gross Development Value (GDV)**

I have considered the applicant's GDV of £6,754,046, which includes market housing, affordable housing and the grant funding.

### **10.3 Market Housing**

The applicant intends to construct 13 units of market housing. These will comprise 6 semi-detached properties and 7 townhouses. I understand that these will all be 3 storey in height.

CP Viability have applied a rate of £3,166.67 per m<sup>2</sup> to the semi-detached properties and a slightly lower figure of £3,125 per m<sup>2</sup> to the townhouses. This equates to a unit price of £380,000 and £375,000 respectively.

I have considered these figures and also considered evidence for sales of other new properties within the vicinity. As matters currently stand there is only one local development site, being Horsforth Vale, where Redrow are currently selling residential properties. The details are as follows:-

#### **Horsforth Vale, Calverley Lane, Horsforth**

This is a large scheme on the former site of the Clariant Chemical Plant which over the last three years has been redeveloped for housing by Redrow. The majority of the properties on site are two storey detached and semi-detached properties. However my research has



indicated in 2015/16, 13 three storey dwelling houses have been sold. These include townhouses, semi-detached and detached properties, and these are 4 or 5 bedrooms.

The median sales rate for these properties is £3,157 per m<sup>2</sup>.

In my opinion, the location of the subject property is marginally better than Horsforth Vale, this is due to the fact that it is much closer to amenities within Horsforth and backs onto Outwood Lane, which is an attractive tree lined avenue and part of a conservation area. Further the last sale of these properties took place in 2016. I have therefore made an adjustment to reflect these factors and considered the sales rate for the semi-detached and townhouses should be £3,200 per m<sup>2</sup>. I have adopted this value within my appraisal.

#### 10.4 Affordable Housing

As detailed above, it is the applicant's intention to retain the apartments on site as affordable homes. I understand that there will be a planning condition to that reflects this. The applicant's agent, has split the 28 apartments in accordance with the affordable housing policy of Social Rented (Lower Decile) - 60% and Intermediate (Lower Quartile) - 40%.

They have then applied current transfer rates for apartments in suburbs of Social Rented (Lower Decile) - £702 per m<sup>2</sup> and Intermediate (Lower Quartile) - £904 per m<sup>2</sup>.

I have accepted that these values and ratios and have incorporated them within my appraisal.

#### 10.5 Ground Rent Revenue

Ground rent revenue has a positive impact in terms of viability. Some national builders sell the houses subject to a long leasehold interest and receive an annual rent, typically ranging from £100 to £500 per annum. This practice is being considered by the government in the light of recent onerous cases coming to light and may be banned in the future. However, at the present date ground rent revenue can positively impact on the viability of a scheme.

Whilst it would be normal for the apartments to generate a ground rent revenue. However they are being retained, as affordable homes by the applicant, I have therefore assumed that there will be no ground rent revenue generated from the scheme. I note that the CP Viability whilst not stating this explicitly have implicitly accepted that there will be no ground rent revenue.

#### 10.6 Gross Development Value (GDV)

My opinion of the GDV of the scheme comprises:

Market Housing	£4,992,000
Affordable Housing	£1,247,046
Grant Funding	£ 602,000
<b>Total GDV</b>	<b>£6,841,046</b>

CP Viability GDV is £6,754,046. The difference reflects the fact that my GDV incorporates a slightly higher figure for the market housing.

As part of any future negotiations or appeal process, and in the event of further or better sales evidence, I may revisit this opinion of GDV.

### 10.7 Construction/Abnormal Costs

CP Viability have provided a construction cost of £3,958,052. They advise this is based on BCIS build costs for new build houses and apartments in Leeds as at the date of their report.

I have checked the BCIS figure and note that as of 21 July 2017, the median BCIS build cost for 3 storey estate housing in Leeds is £1,082 per m<sup>2</sup>, and for 3 to 5 storey apartments the median cost is £1,201 per m<sup>2</sup>. I have increased the apartment build costs by 10% to allow for common areas. I have also added to this in line with the CP Viability, externals at 10% and a 3% contingency, which gives an overall construction rate of £1,363 per m<sup>2</sup>. I have incorporated this figure within my appraisal.

This give a construction costs of £4,301,316.

### 10.8 Planning Obligations

CP Viability have used within their appraisal the following obligations:

- Community Infrastructure Levy - £149,073

Leeds City Council have also advised that the following figures are applicable to the development.

- |                                 |          |
|---------------------------------|----------|
| • Public Open Space             | £137,000 |
| • Travel Plan                   | £20,137  |
| • Upgraded bus stop information | £10,000  |
| • Community Infrastructure Levy | £140,400 |

Therefore in terms of total S.106 contribution, and affordable housing is as follows:

- S.106 Cost - £307,537
- Affordable Housing - 28 units

### 10.9 Section 106 Hierarchy and Timing

Regarding the timing of these contributions there is no detail within the applicant's report in this respect. I have assumed that all Section 106 costs are spread through the construction period.

### 10.10 Professional Fees and disposal costs

CP Viability has assumed a figure of 6% as professional fees for this project. I consider that this is what we would normally expect for the scheme and I have incorporated this rate within my appraisal.

In respect of disposal costs CP Viability Limited has incorporated the rate of 1.5% which given the size and nature of the scheme I consider to be reasonable. I have incorporated this figure within my appraisal.

### 10.11 Finance

The applicant's agent has used a debit rate of 6% and a credit rate of 4%. I consider that the debit rate to be reasonable, however I would normally use a credit rate of 2%. I have

incorporated these figures within my appraisal. I note that my interest calculation is £236,330 compared to the applicant's of £160,370.

#### 10.12 Land Value

The site is currently a vacant serviced brownfield site, located in Horsforth, close to the A64 new road site. The site was previously used for a convalescent home. In terms of planning policy, the site is unallocated (white land) within the Leeds unitary development plan, (reviewed 2006).

In the current draft site allocations plan, the site is allocated for housing and is referred to as reference HG2 - 45. This states that the site has a potential capacity for 30 units. It also notes the site is suitable for older person/independent living policy HG4, and it is within a conservation area. CP Viability have stated that they expect that the Benchmark Land Value (BLV) to be no lower than £300,000 an acre. This would equate to BLV for the site of £615,000. They further state that the agreed purchase price of the site by the applicant equates to 'in excess of £950,000 per acre'.

Their appraisal based upon a profit and cost of 17.04% and a profit of GDV of 14.56% shows a residual value of £323,558. This is therefore below there BLV.

I do not agree with the applicants level of BLV.

For the purposes of determining land values there are two general publications which assist surveyors in Viability Appraisals being "Financial Viability and Planning" August 2012 by the Royal Institution of Chartered Surveyors (RICS) and Viability Testing Local Plans June 2012 by the Local Housing Delivery Group (LHDG).

In terms of key points to consider in relation to this viability review the RICS Guidance states.

Paragraph 2.3.2 Box 7 "Site value should equate to the market value subject to the following assumptions that the value has regard to the development prime policy and all other material planning consideration and disregards that which is contrary to the development plan".

Paragraph 2.1.2 "it follows for example that the land value is flexible and not a fixed figure to the extent that site value has to be termed as part of the viability assessment".

The flexibility of land value cannot result in the value going below the Current Use Value (CUV).

It is recognised therefore that the CUV forms some sort of benchmark but how (or whether) it needs to be adjusted is not explained in the RICS document.

To arrive at the value of a typical owner will sell for, the RICS does not favour taking the CUV and adding something on in a formulaic way to incentivise the owner to release the site, (paragraph 3.4.1 (and) at 3.4.4) says "The return to the land owner will be in the form of a value in excess of the Current Use Value but it will be inappropriate to assume an uplift based on certain percentages".

The LHDG guidance states at "treatment of threshold land value" that "threshold land value should represent the value at which a typical willing landowner is likely to release land for development"

For viability assessments the site value is usually assessed by means of a residual valuation (frequently referred to as a development appraisal) and is generally determined last, rather than a fixed input at a level unrelated to the cost of development, abnormal cost and that planning requirements.

For viability assessments it is the planning policy and material considerations that drive the land value and not the other way around.

The valuation process therefore involves the surveyor judging where the value of the site would be if the respective costs of applying all the Council policies in undertaking the normal works (if applicable) were fully reflected. I refer to this as the natural residual value of the compliant scheme.

This is then viewed alongside the price at which a reasonable hypothetically commercially minded landlord would dispose of the land having regard to the sites' Current Use Value (CUV) or any Alternative Use Value (AUV) should one be available and comparable market evidence of land transactions.

In determining the Benchmark Land Value (BLV) for the site I have considered other recent benchmark land values on other schemes in the vicinity of the subject site. These are as follows: Note - as these figures are confidential so I have anomalised them.

Date	Location	Size (Acres)	Benchmark Land Value per acre	Remarks
Sept 2014	Chapel Allerton	1.79	£392,007	
March 2015	Cookridge	0.79	£284,810	
Sept 2016	Chapel Allerton	3.88	£198,481	
Jan 2017	Bramley	1.79	£231,844	
Jan 2016	Otley	0.57	£879,771	High Density development of apartments
April 2014	Wetherby	1.89	£260,000	
June 2017	Adel	5.89	£585,738	Scheme of detached houses

Further I note that in the case of the Bramley site GDV values for the market housing were £1,798 per sq m and for the Chapel Allerton site they were £2,111 per sq m. I have increased the land values to reflect this difference in house values between these sites and the subject site, as follows:

- Chapel Allerton - £392,007 + 51.5% = £593,890 per acre,
- Bramley - £231,844 + 78% = £412,682 per acre.

I have also considered an alternative approach looking at the market value of comparable sites. I am aware of the sale of a number of comparable sites. I have anonymised the data as follows;

Date	Site	Size ( acres)	Sale price	Sales rate per acre
Sept 2012	Adel	6.2	£3 M	£483,870

Nov 2013	Moortown	4.57	£2.4 M	£525,164
Sept 2016	Moortown	2.2	£0.85 M	£386,000

Whilst I generally consider that the benchmark land values give a more robust guide I am mindful of the fact that the subject site is an attractive site located in a high value area. As a consequence I consider that the Benchmark Land Value for this site should be based on £550,000 per acre. I therefore calculate my Benchmark Land Value as follows;

- 2.05 acres @ £550,000 = £1,128,012 but say £1,130,000.

#### 10.13 Remaining Appraisal Inputs

All other costs have been carried forward into my review. I may not agree with all these inputs, and DVS reserve the right to reconsider these as part of any future discussions.

#### 10.14 Profit

For moderate to large sized residential developments it is not uncommon for developers to state a profit figure as a certain percentage based on scheme costs or scheme value. There are no hard and fast rules here and some developers will be content if the profit is expressed as a significant cash sum.

CP Viability's appraisal shows a profit on costs of 17.04% on profit on GDV of 14.56%. This equates to £983,389. In my own appraisal I have incorporated a profit margin of 17.5% on GDV for the market housing and 6% profit on cost for the affordable units. This gives the blended profit rate of 14.68%. This dual rate approach to profit is also recommended by the HCA.

To demonstrate viability therefore I am looking for the residual figure for profit of a planning compliant scheme to show a positive profit level in excess of the rates detailed above.

### 11. **Key Differences**

The key differences between the two appraisals are summarised below:

	CP VIABILITY LIMITED	DVS	Monetary Difference	DVS figure Impact on viability
<b>Land Value</b>	£615,000	£1,130,000	£515,000	negative
<b>Finance</b>	£160,370	£251,330	£90,960	negative

### 12. **DV Appraisal and Conclusion**

My appraisal has been undertaken "through the eyes" of a typical developer intent on implementing the planning permission.

As detailed above I have a difference of opinion over a number of inputs to the CP Viability appraisal and the cumulative effect is that my planning compliant appraisal generates a negative outcome, it is not viable.

**It is my conclusion a planning compliant scheme with 28 on site affordable units, CIL and s106 costs is unviable.**

A copy of my appraisal is included.

I have tested the scheme with a no s106 cost, but with the CIL and the 28 onsite affordable units and note that the scheme is still produces a negative outcome and so is not viable.

### **13 Recommendations**

If the factual matters above relating to sales revenue, unit numbers, floor areas, tenure split, planning obligation hierarchy, cost of planning obligations, cost of abnormals or any other input are factually incorrect my report would not be valid and I would have to revise my appraisal and advice.

I recommend that any increase in abnormal or build costs should be reviewed by an independent expert.

I emphasise that my appraisal embraces the costs and revenues appropriate to the review date and is therefore valid only if the building construction work commences within 12 months and proceeds at a rate consistent with achieving sales in the market.

If commencement of the works were to be delayed and is then undertaken at some other time when market conditions may be different, then I believe a re-appraisal will be required adopting the costs and revenues then obtaining.

Should it be that on site affordable housing is preferred before any the greenspace contribution another appraisal could be carried out at additional cost, to determine the maximum numbers of affordable units that would be viable as part of a revised report.

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Some of the content of this report may be regarded by DVS, Applicant's surveyor or the applicant as commercially confidential and, in this regard, I assume that you will restrict the report's circulation as appropriate.

I would be pleased to discuss any of the foregoing with your authority if you wish. My instruction does not extend to negotiations with the applicant or applicant's surveyor however if your authority think that this would be of benefit this can be facilitated through a separate instruction.

Should the applicant disagree with the conclusions of our assessment, we would recommend that they provide further information to justify the values and costs they have adopted. Upon receipt of further information and with your further instruction, we would be happy to review the information and reassess the schemes viability.

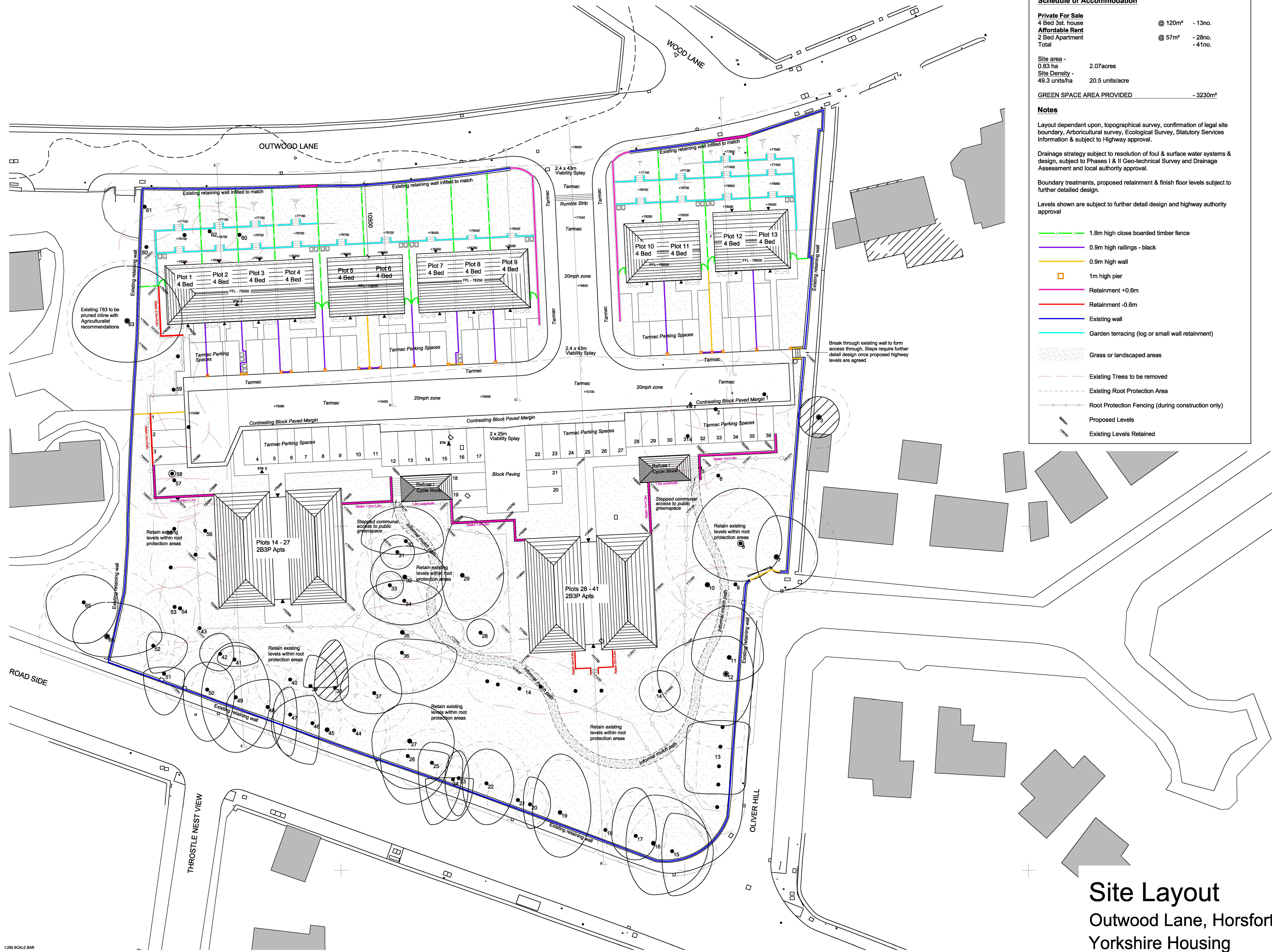
Yours sincerely

Simon Croft MRICS  
Senior Surveyor  
RICS Registered Valuer  
DVS

Report reviewed by

Simon de Whalley BSc Hons MRICS Registered Valuer  
Principal Surveyor DVS  
Head of Development Viability and Disposals





**Schedule of Accommodation**

**Private For Sale**  
4 Bed 3st. house  
**Affordable Rent**  
2 Bed Apartment  
Total

@ 120m² - 13no.  
@ 57m² - 28no.  
- 41no.

Site area -  
0.83 ha  
Site Density -  
49.3 units/ha

2.07acres  
20.5 units/acre

GREEN SPACE AREA PROVIDED - 3230m²

**Notes**  
Layout dependant upon, topographical survey, confirmation of legal site boundary, Arboricultural survey, Ecological Survey, Statutory Services Information & subject to Highway approval.  
  
Drainage strategy subject to resolution of foul & surface water systems & design, subject to Phases I & II Geo-technical Survey and Drainage Assessment and local authority approval.  
  
Boundary treatments, proposed retainment & finish floor levels subject to further detailed design.  
  
Levels shown are subject to further detail design and highway authority approval

1.8m high close boarded timber fence

0.9m high railings - black

0.9m high wall

1m high pier

Retainment +0.6m

Retainment -0.6m

Existing wall

Garden terracing (log or small wall retainment)

Grass or landscaped areas

Existing Trees to be removed

Existing Root Protection Area

Root Protection Fencing (during construction only)

Proposed Levels

Existing Levels Retained

**Revisions:**

Rev A	05.10.2015	RJJ/RW
Layout revised		
Rev B	24.12.2015	JF/JRW
Layout revised		
Rev C	02.02.2016	RJJ/RW
Layout revised		
Rev D	03.03.2016	RJJ/RW
Layout revised		
Rev E	08.03.2016	RJJ/RW
Drawing amended to A1. Levels added		
Rev F	11.03.2016	RJJ/RW
Plots 10 to 13 amended		
Rev G	31.05.2016	RJJ/RW
Paving amended, boundary treatments highlighted and doors highlighted		
Rev H	14.06.2016	RJJ/RW
Apartment numbers amended		
Rev J	24.06.2016	RJJ/RW
Updated tree survey information added		
Rev K	11.07.2016	JF/RJ
Updated site layout.		
Rev L	28.11.2016	RJJ/RW
Updated site layout.		
Rev M	19.12.2016	RJJ/RW
Bins added to houses.		
Rev N	03.02.2017	RJJ/RW
Viability plays, surface materials, notes & tender cycle stores added to drawing.		
Rev O	10.02.2017	RJJ/RW
Trees updated inline with revised report.		
Rev P	22.02.2017	RJJ/RW
Ramp & block paving removed as per highway comments. Further levels & connection through to existing path added as requested.		
Rev Q	22.03.2017	RJJ/RW
Access to Greenspace amended.		

**YORKSHIRE HOUSING**

Drawing Status

☒ preliminary

☐ planning

☐ information

☐ tender

☐ comment

☐ construction

☐ approval

☐ record/as built

Scale

1:250 @ a1

Date

July 2015

Drawn/Checked

RJJ/RW

Dwg No

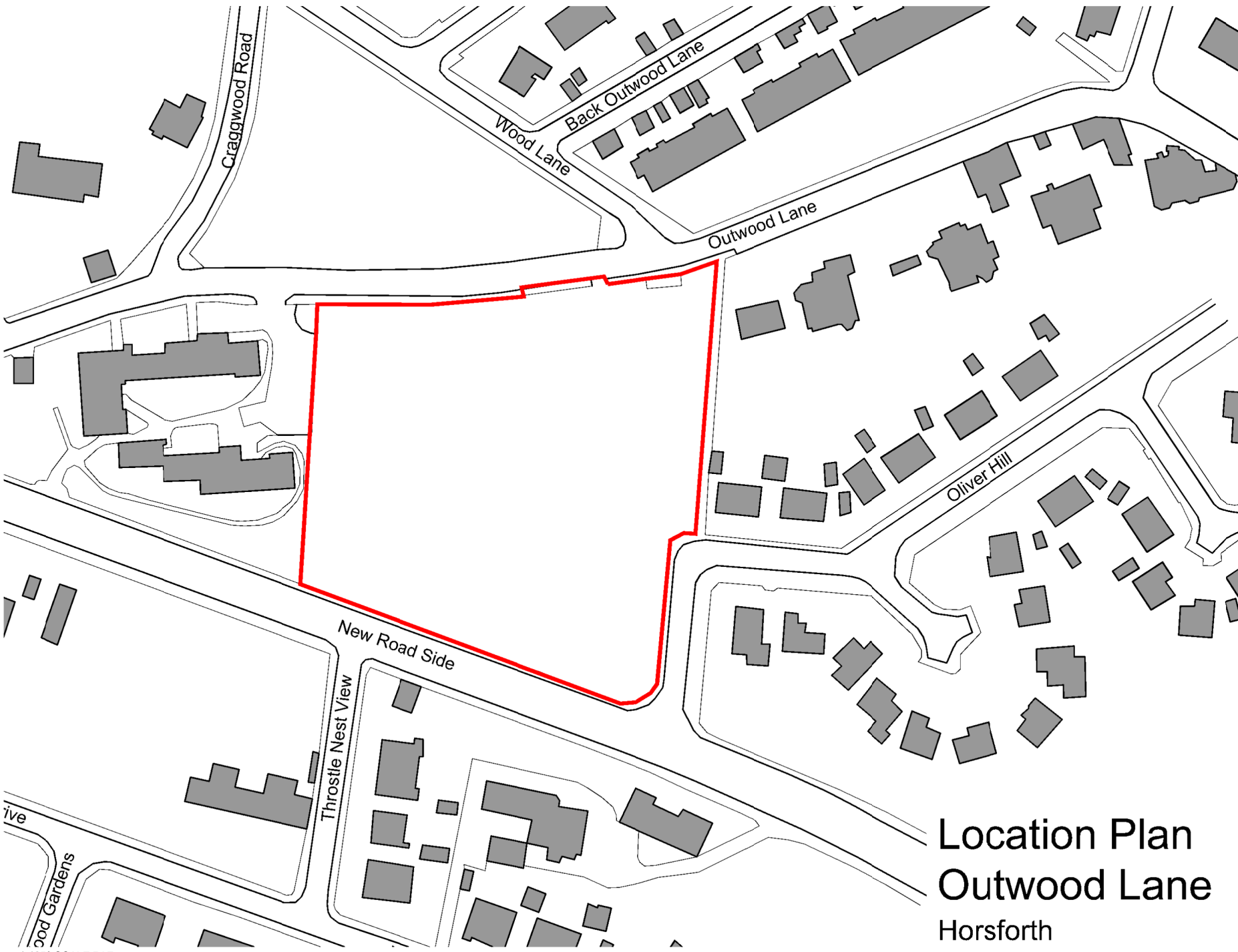
2121.154.11Q

Acanthus WSM Architects

Woodhall, Woodhall Lane, Leeds LS28 5NY. TEL 0113 239 3414. FAX 0113 256 9886. E-Mail: architects@acanthuswsm.com

Site Layout  
Outwood Lane, Horsforth  
Yorkshire Housing





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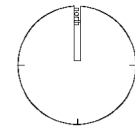
The general contractor is responsible for the verification all dimensions on site and the architect is to be informed of any discrepancy.


The status of information contained in a computer copy of this drawing shall be limited to that conveyed by the paper copy.

- Design Criteria
- Site to comply with the following design criteria subject to confirmation of the form of construction and assessment by an external accredited assessor.
- ☐ Design and Quality Standards: (NA)
  - ☐ Code for Sustainable Homes Level: (NA)
  - ☐ BREEAM Rating: (NA)
  - ☐ Lifetime Homes: (No)
  - ☐ Building For Life Minimum Score: (NA)
  - ☐ Secured by Design: (NA)

Revisions:

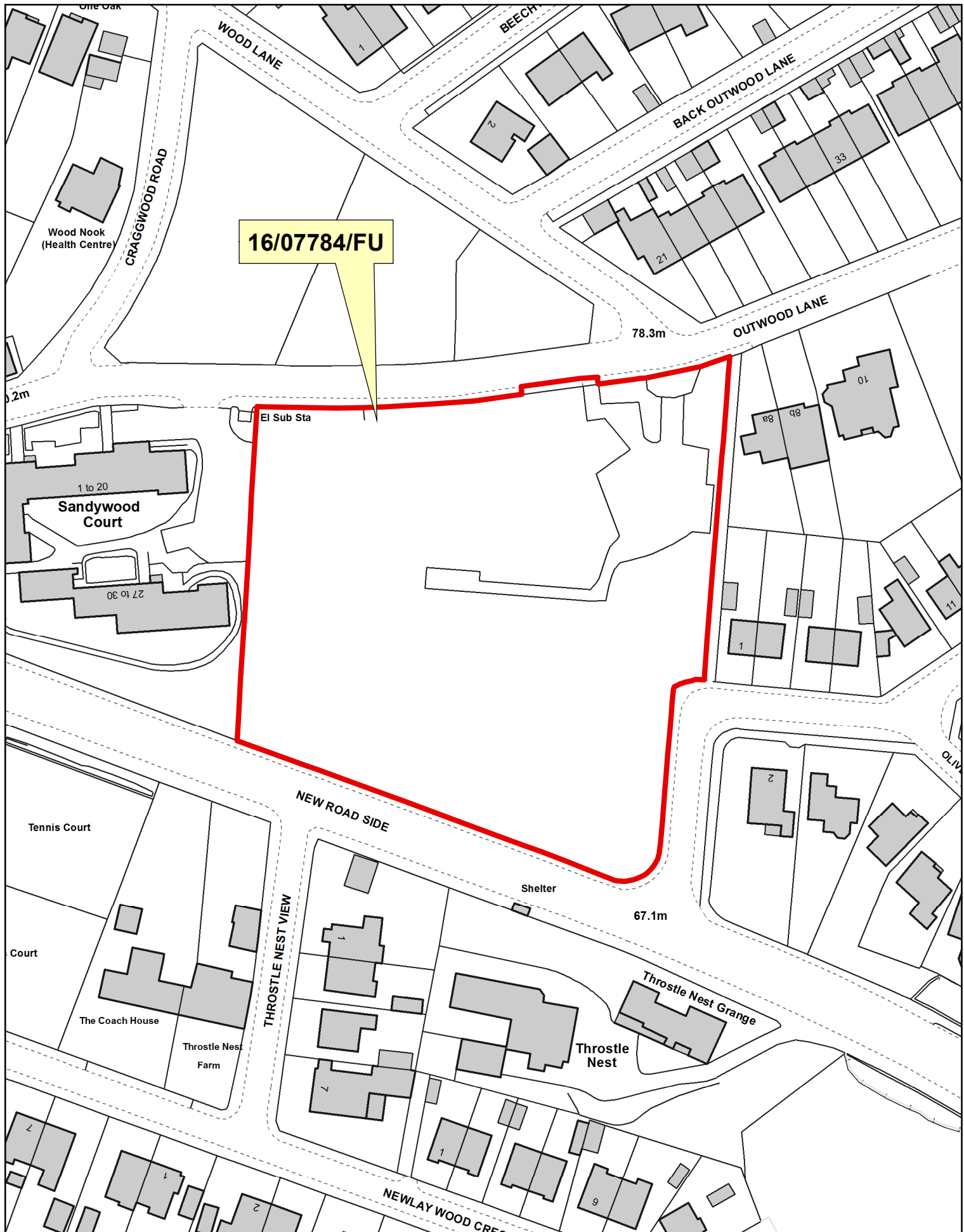
Rev	Date	By/Chk
Note		



	
Drawing Status	
<input checked="" type="checkbox"/> preliminary	<input type="checkbox"/> planning
<input type="checkbox"/> information	<input type="checkbox"/> tender
<input type="checkbox"/> comment	<input type="checkbox"/> construction
<input type="checkbox"/> approval	<input type="checkbox"/> record/as built
Scale	1:1250 @ A4
Date	July 2015
Drawn/Checked	JF/RJ
Dwg.No	2121.154.001

Location Plan  
Outwood Lane  
Horsforth  
Yorkshire Housing





# SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1000

