



Leeds
CITY COUNCIL

Originator: Paul Wilson

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Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 05/01/2012

Subject: APPLICATION 11/02402/FU – Erection of 86 houses at Unit 12, Temple Point, Austhorpe

APPLICANT

Strata Homes Ltd and
Checkhire Ltd

DATE VALID

23 June 2011

TARGET DATE

22 September 2011

Electoral Wards Affected:

Temple Newsam

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified and the completion of a legal agreement which may include the following obligations subject to further consultation with Ward Members as to priority;

- Contribution of £99,544 towards public transport infrastructure improvements (sums are index linked).
- Contribution of £2,500 towards the monitoring of the travel plan.
- Contribution of £35,679 for the provision of metro cards for bus travel
- Contribution of £10,000 towards provision of bus shelter with real time information at bus stop 28894
- Contribution of £117,253 in lieu of provision of greenspace on site
- Contribution of £261,564 for primary education provision
- Contribution of £157,651 for secondary education provision
- Local employment and training initiatives
- Long term management plan for open space
- Start to be made on development within specified period
- Provision of a Toucan crossing on Stile Hill Way

In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time limit for permission
2. Development carried out in accordance to approved plans
3. Materials to be as specified
4. Submission of a Travel Plan
5. Protection of existing trees
6. Preservation of existing trees
7. Submission and implementation of landscape details
8. Landscape management plan
9. Submission of a surface water drainage scheme
10. Protection of grassland area to south during construction
11. Protection of wildlife habitats
12. Protection of watercourses
13. Protection of wild birds during breeding season
14. Porous surfacing for hardstandings
15. No piped discharge of surface water until aforementioned surface water drainage conditions completed
16. Development in accordance with details on drawing number 946 – 1 (Revision A)
17. The appearance and location of the boundary treatment, walls and fences shall be as shown on drawing no. TP/BTP/01 Rev H and specified drawings
18. Specified plots to have permitted development rights removed

Reasons for approval: The application is considered to comply with policies SA1, SA3, N49, N51, T2, T2C, T2D, T5, T7A, T24, H1, H2, H4, BD5 and LD1 of the UDP Review, as well as guidance contained within SPG3, SPG4, SPG10, SPG11, SPG13, SPG22, SPG25, SPD Adopted Street Design Guide, Adopted SPD Public Transport and Developer Contributions, Adopted SPD Designing for Community Safety, Draft SPD Travel Plans and Draft SPD Sustainability Assessments and, having regard to the appropriateness of Policy E18 in the light of a recent refusal of a planning application and dismissal on appeal for office development on the site and all other material considerations, the proposal is considered acceptable.

1.0 INTRODUCTION:

- 1.1 The application is reported to the Plans Panel as it constitutes a significant development that raises complex planning issues.

2.0 PROPOSAL:

- 2.1 The application originally sought planning permission for the erection of 88 houses with associated open space on land previously granted planning permission for an office park. In the course of negotiations on this proposal, in order to achieve a less intense layout, the number of dwellings proposed on the site has been reduced to 86.
- 2.2 The majority of the house types (80) are two and a half or three storey 3, 4 and 5 bedroom dwellings of traditional design. The remaining 6 comprise 5 two storey two bedroom dwellings and 1 flat over a garage.

- 2.3 The development will employ a palette of red and cream facing bricks, with some dwellings having cream brickwork at first floor level with ivory render at ground floor. The flat over a garage unit will be wholly ivory rendered.
- 2.4 Access to the site will be from Bullerthorpe Lane, via an existing road network that serves the surrounding office park.
- 2.5 In the southern part of the site, an area of open space which contains a flood storage/balancing reservoir which was provided as part of the previous permission for an office park is to be retained as such as part of this proposal.
- 2.6 The applicant has submitted a Design and Access Statement, a Noise Attenuation Report and a Development Viability Statement (in respect of the provision of affordable housing) in support of the application.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies close to Colton Village and Colton Retail Park and is bounded to the east by the M1 Motorway (Junction 46).
- 3.2 The site slopes gently from north to south and has been cleared for development although it now appears quite overgrown.
- 3.3 It is bounded to the west by the carriageway of Bullerthorpe Lane and Finch Drive and the office developments beyond, to the north by existing commercial and office developments, to the east by the slip road to junction 46 of the M1 and to the south by agricultural fields.
- 3.4 Two stub access points have been constructed from Finch Drive into the site.
- 3.5 To the south is an area of open land which includes a balancing reservoir with associated planting. This part of the site lies in the Green Belt.
- 3.6 To the west of the site are the completed elements of the Temple Point office development. Beyond lies an area of open land and to the north west Colton village.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The following planning history is relevant to the consideration of this application:
1. 08/03752/FU - Laying out of access and erection of 3 storey office block with 28 car parking spaces and landscaping
 2. 08/01462/FU - 2 storey office block- Approved (18/06/08).
 3. 06/07270/RM - 2 storey office block- Approved (02/03/07).
 4. 32/140/05/RM - Laying out of access and erection of 4 two storey office blocks with car parking and landscaping- Approved (07/07/05).
 5. 32/188/02/RM - Laying out access & landscaping proposals- Approved (15/11/02).
 6. Outline approval for the business park (ref: 32/195/99/OT) issued in 20/12/01.

7. A number of other reserved matters and full applications have been submitted and granted within the Temple Point development although only the outline relates to the application site itself.
8. 08/03752/FU – Laying out of access and erection of 3 storey office block with 28 parking spaces and landscaping. Refused (18/09/08).
9. Above application taken to appeal and appeal dismissed.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the planning application the applicant submitted a pre-application enquiry. This pre-application enquiry established that residential development on this employment site could be supported in principle, subject to it being acceptable in planning, design and access terms.
- 5.2 The pre-application discussions also focussed on the proposed site layout. This was not considered acceptable and further modifications were made to the layout in the light of initial comments. The form of the layout put forward at this point formed the basis of the layout submitted with the planning application.
- 5.3 Various meetings, with the applicant, have taken place as part of the processing of the planning application in relation to the site layout. The site layout has been amended in accordance with officer suggestions, resulting in a reduction of dwellings proposed from 88 to 86, providing garden sizes which accord with 'Neighbourhoods for living', improvements to boundary treatments and a simplified and clearer layout.
- 5.4 This site layout is now considered acceptable.
- 5.5 In addition to the above discussions have been ongoing regarding the issue of noise from the adjacent M1 motorway and its impact on the residential amenity of the proposed dwellings. The applicant has proposed mitigation measures in relation to window design to secure an internal noise level which is considered appropriate. Within the garden areas the use of acoustic fencing between the noise source and the gardens to the development is considered to achieve a level of amenity for the occupants of the dwellings which would not be detrimental.
- 5.6 Discussions have also taken place with regard to the level of contributions required, especially in relation to public transport, secondary education and affordable housing. The level of contribution that can be supported is discussed in the Appraisal section below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notices, posted 1st July 2011 The application has also been advertised as a departure from the Adopted Development Plan in The Leeds Weekly News, published 21st July 2011.
- 6.2 2 letters of representation have been received in respect of this proposal.

- 6.3 The comments received related to the development resulting in increased traffic on Stile Hill Way and using Colton Lane East as a cut through and that Colton Primary School is at capacity.
- 6.4 Local Ward Councillors were consulted on this application. One member expressed concern regarding the capacity of local schools.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Environment Agency – no objections subject to conditions

Non-statutory:

- 7.2 Yorkshire Water – no objections
- 7.3 Environmental Health - Initial comments raised concerns regarding noise nuisance to occupants of proposed dwellings from traffic on adjacent slip road to M1 and the motorway itself.
- 7.4 Through negotiation the noise levels within the houses has been reduced to a satisfactory level. The noise levels within the gardens is also an issue but through the use of acoustic fencing the noise levels in the gardens can be mitigated in all but three properties.
- 7.5 They are concerned about the effect of the proposal on these three proposed dwellings.
- 7.6 Policy – Employment site. Policies E4/E18 relevant. Following appeal decision on site no requirement to retain site as a Key Business site (Policy E18), Assessment against criteria in Policy E7 through issues report shows that criteria can be met. Site is considered to be Greenfield, however, recent release of Phase2 and 3 sites would support this alternative use of this employment site. Requirements in respect of affordable housing and greenspace contributions set out.
- 7.7 Highways – No objections
- 7.8 Ecology – No objections subject to conditions
- 7.9 Drainage – No objections subject to conditions
- 7.10 Access – Concern regarding shared surfaces
- 7.11 Contamination – No objections subject to conditions
- 7.12 Metro - discounted residential metro cards to be provided by developer and bus stops

- 7.13 Asset Management – Viability appraisal in respect of affordable housing submitted by applicant. Considered that in relation to other contributions required would not be viable to provide affordable housing.
- 7.14 Sustainability – Proposal does not provide sufficient information on sustainability. Code for sustainable homes pre-assessment required.
- 7.15 Travel wise – Request for Toucan crossing on Stile Hill Way and other off site highway works.

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing.

8.2 Regional Spatial Strategy (adopted May 2008):

H4: Affordable housing.

YH4: Focus development on Regional Cities

YH4(b): Informs detailed design considerations

E2: Centres of regional cities should be the focus for offices

8.3 Government Guidance:

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS4: Planning for Sustainable Economic Growth

PPS9: Biodiversity and Geological Conservation

PPS12: Local Spatial Planning

PPS25: Development and Flood Risk

PPG13: Transport

PPG24: Planning and Noise

Manual for Streets

8.4 UDP Review (adopted July 2006):

SA1: Secure the highest possible quality of environment.

SA3: Adequate provision for housing needs.

E4: Allocated Employment site

E7: Except for residential development and uses ancillary to employment, applications for uses outside B use classes not permitted on allocated sites

E18: Key business park sites reserved for B1 use

GP5: General planning considerations.

GP7: Use of planning obligations.

CP11: Sustainable development.

N2: Greenspace hierarchy.

N4: Provision of greenspace.

N24: Development proposals abutting the Green Belt
N38a: Prevention of flooding.
N38b: Flood Risk Assessments.
N39a: Sustainable drainage.
N49: Habitat protection.
N51: Habitat enhancement.
T2: New development and highways considerations.
T2C: New development and Travel Plans.
T2D: Public transport contributions.
T5: Safe access for pedestrians and cyclists.
T7A: Requirement for secure cycle parking.
T24: Car parking provision.
H1: Provision for completion of the annual average housing requirement Identified in the RSS.
H2: Monitoring of annual completions for dwellings.
H4: Residential development on non allocated sites
BD5: General amenity issues.
LD1: Landscape schemes.

- 8.5 **Leeds City Council: Supplementary Planning Guidance/ Documents:**
SPG4 Greenspace relating to new housing development (adopted).
SPG3 Affordable Housing (adopted) and Affordable Housing interim policy (applicable to all applications determined after 1st June 2011)
SPG10 Sustainable Development Design Guide (adopted).
SPG11 Section 106 Contributions for School Provision (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPG25 Greening the Built Edge (adopted).
SPD Street Design Guide (adopted).
SPD Public Transport Improvements and Developer Contributions (adopted).
SPD Designing for Community Safety (adopted).
SPD Travel Plans (draft).
SPD Sustainability Assessments (draft).

9.0 MAIN ISSUES

Principle

- 9.1 The application site is allocated within the Leeds UDPR as an employment site under policies E4 and E18. As such, the Council's preferred use for the site is for employment purposes.
- 9.2 Policy E18 identifies specific employment sites allocated under Policy E4 as Key Business Park sites which are reserved for B1 use, (in this case, for prestige office development). However, PPS4 requires that office developments are subject to a sequential test with, in the first instance, such developments being located within City or Town Centre locations, then edge of centre and only if no such sites can be identified, on out of centre sites. This is clearly an out of centre site and other sites in city centre or edge of centre are available to accommodate such an office park development. As

such, in the light of the above, the use of such sites for office development could not be supported. In addition to the above, the fact that there is at least a ten year availability of office sites within the City, there is now no requirement for the site to be retained as a Key Business Park site under Policy E18. This approach is supported by a recent appeal decision under ref: APP/N4720/A/08/2092127) on this site.

9.3 Having established that the site is no longer needed for employment use the proposed use needs to be assessed against the requirements of Policy E7. This policy sets out four criteria that development, including residential development, that are outside the B use classes, must meet to be able to be supported in planning terms.

9.4 The criteria are set out below with a commentary against each one:

i) The site is not reserved for specific types of employment use under Policies E8 and E18;

The site is allocated under E18 as a key business park for prestige office use. However, as discussed above the change in the national policy stance to require the sequential approach for office uses means that this site no longer needs to be retained as a Key Business Park site. Policy E8 does not refer to this particular site and as such is not considered relevant.

ii) Sufficient alternative employment sites exist district wide, readily available in terms of quality and quantity so as to not prejudice the achievement of the employment land strategy through Policies E1 and E2;

Policy E1 seeks to make sufficient land available for the retention of existing firms and the growth of new economic sectors. Policy E2 seek to identify adequate employment land to maintain a balanced portfolio of sites in the district. The majority of the employment allocation at Bullerthorpe Lane has already been developed for employment use. Within Leeds there is more than adequate employment land already available for the employment uses envisaged for the site. In the Core Strategy Preferred Options document it is proposing to de-allocate employment land in the east of the district. There is also a considerable supply of employment premises on the market.

Whilst the site could, in theory, be developed for B1 light industrial uses or B1 research and development, the UDP does not envisage this. Market demand for these uses on the site is currently very weak, as evidenced by the increased amount of floorspace on the market compared with the same time last year.

iii) Within the locality there are sufficient alternative employment sites available in terms of quality and quantity so as not to prejudice opportunities for local employment uses;

As mentioned in (ii), the majority of the original allocation has already been developed for employment use. To the north of the site, on the opposite side of the A63 is Thorpe Park, one of the largest business parks in the region. The Council's October 2009 property market report indicates that there is currently over 117,000 sq ft of office floorspace available at Thorpe Park with a further 1,200,000 sq ft proposed. In addition, there is over 240,000 sq ft of industrial floorspace available in East Leeds with a further 77,500 sq ft proposed.

iv) The proposal would not result in environmental, amenity or traffic problems.

The existing roads constructed for the anticipated office development on the site are more than adequate to cater for residential traffic. In this regard residential and B1 office development are by definition compatible. Residential development on the site would not result in environmental or amenity problems for existing development and users. In respect of the amenities of the future occupants of the development the mitigation measures proposed as part of this development will reduce to a satisfactory level any issues.

In the light of the above, it is considered that the criteria in Policy E7 have been met and the proposal could be considered favourably. Given the amount of employment land available in the area it would be very difficult to mount an argument that the land was required for employment use, certainly in the short to medium term.

- 9.5 The application site, is already partly serviced by infrastructure previously intended to serve the proposed office development. Whilst the site outwardly has the appearance of a Greenfield site, its allocation as an employment site and the surrounding existing office developments, means it is in effect an area of land which, because of circumstances, has been left undeveloped. As such, the nature of the site is not clear cut. In the light of the above, it is considered that support could be given, in principle, to the residential development of this urban greenfield site subject to it being otherwise acceptable in planning, design and access terms.

Site layout

- 9.6 The site is accessed through a recently constructed development of office buildings. The application site previously had planning permission for office development which lapsed and, due to a change in national planning policy, an application to renew the permission was refused and dismissed at appeal. The application seeks permission for residential development as an alternative use of this site.
- 9.7 The office buildings are situated on the opposite side of Finch Drive , facing the site and adjacent to the northern boundary and are approximately 7.0 metres high to the eaves with front elevations that are a mixture of glazing and metal panel.
- 9.8 The existing road layout which serves the built part of the area includes two stub roads from Finch Drive into the site. These stub roads will be extended into the site as part of the road layout to serve the proposed residential development.
- 9.9 The layout shows a development of mainly 3 storey dwellings ranged along a central spine road terminated at the north and south ends of the site by cul-de-sac with housing around it. Certain of the housing will also front Finch Drive. The overall height of the adjacent office buildings means that the 3 storey

housing at approximately 6 metres to the eaves relates well to these office units.

- 9.10 The layout has been amended following discussions with officers. The original submission showed 88 dwellings with garden sizes which did not accord with guidance, large expanses of off street parking and rear gardens accessed via high fenced alleyways which compromised security. The amended layout now shows 86 dwellings and provides garden sizes that, in the main, accord with guidance. The layout of the parking areas have been amended to provide more landscaping in the street scene and except for one dwelling the high fenced alleyways have been removed and garden to garden relationships have been established.

Amenity

- 9.11 There are two areas where the amenity of the future occupants of the proposed houses could be compromised. One is through possible overlooking and secondly because of noise.
- 9.12 In respect of overlooking the main issue relates to the relationship between the existing office units facing the northern boundary of the site. The height of the office building and the double height glazing means that care is needed to ensure that overlooking does not occur or can be mitigated to a satisfactory degree.
- 9.13 At ground floor level overlooking has been overcome through the provision of 1.8 metre high screen fencing along the northern boundary with tree planting. At first floor level the distance between the office building and the first floor windows of the dwellings achieve distances above those given as guidance in Neighbourhoods for Living.
- 9.14 These proposed methods of mitigation, it is considered, will reduce to a satisfactory level, problems of overlooking.
- 9.15 In respect of noise, the main issue relates to noise from traffic on the slip road to the M1, (especially on the concrete section) and traffic on the main M1 carriageway.
- 9.16 Noise from the motorway will impact on the proposed houses in two ways. Firstly, noise within the dwellings themselves and secondly, noise in the private garden areas of the dwellings.
- 9.17 In respect of noise within the dwellings themselves it is proposed to provide windows to dwellings in the near vicinity of the motorway with enhanced double glazing and acoustically treated background ventilation. This will ensure that, especially at night time, when windows are closed, the ventilation system will operate to ventilate the houses but not leave them subject to noise issues, like they would if the windows had to be opened to provide ventilation.
- 9.18 In respect of noise in the garden areas, it is intended to provide acoustic

fencing of between 2.4 and 3 metres high along the eastern boundary with the slip road. The fencing will be 2.4 metres high adjacent to that part of the slip road where the surface is tarmac rising to 3 metres high where the surface of the slip road changes to concrete. This, it is considered, will reduce to an acceptable level noise within the gardens of dwellings which lie adjacent to the slip road. This is except for Plots 58, 59 and 60 at the extreme south eastern corner of the site where the gardens will still be affected by noise. It is considered that, whilst these plots will still be affected by noise it will be somewhat mitigated by the acoustic fencing. In addition, there will be an element of 'buyer beware', in that any person interested in purchasing one of these plots will be aware of the traffic noise when visiting the plot and can assess the pros and cons of this situation before buying. The issue of noise will only remain unresolved in respect of these three plots and it is considered that, on balance, a refusal on this basis, could not be substantiated.

Highways

- 9.19 No objections to the principle of development on this site but matters of detail, mainly in respect of provision and size of parking spaces and garages and other minor amendments, were identified and the plans have been amended to the satisfaction of Development Control Highways.
- 9.20 The issues regarding the possibility of further queuing of traffic on Stile Hill Way and the potential for traffic taking a shortcut through Colton, raised in the two letters of objection, referred to above, have been considered by Development Control Highways. The Development Control Highways file indicates that the highway improvement works at the nearby traffic signal controlled roundabout of Stile Hill Way/Selby Road were carried out on the basis of an anticipated commercial/employment development being implemented at the application site. A comparison of the vehicular traffic generated by a residential development of 86 dwellings with the equivalent employment use indicates that traffic associated with the residential scheme would be less than the originally envisaged employment development. Accordingly, it is considered that the proposed development would not have a material traffic impact on the local highway network.

Access

- 9.21 The Access Officer has raised concerns about shared surfaces within the development and the problems that could arise for the safety of blind and partially sighted residents who rely on changes in surfaces to indicate whether they are on a footway or a carriageway used by vehicles.
- 9.22 It is considered that the main area of shared surface where such a situation may occur is the cul-de-sac at the southern end of the development which serves plots 58 to 62. However, it is considered that vehicles traveling in this area will be approaching the end of a cul-de-sac and will, of necessity, be slowing down. In such situations, drivers will be more aware of pedestrians in the road sufficiently in advance to take any necessary avoiding action.

Public Open Space

- 9.23 The application site includes an area of land adjoining the southern edge of the development which is situated in the Green Belt. This land includes a flood storage/balancing pond which was provided to serve the built and proposed office development. This land will be retained as a green buffer to the development and will provide semi-wild open space for informal recreation.
- 9.24 A footpath link is to be provided from the development direct into this open space area and existing trees between the development and the open space will also be retained.
- 9.25 Policy N24 requires that, where development adjoins the Green Belt, provision shall be made to assimilate the edge of development into the Green Belt. It is considered that the vegetation that exists between the built part of the site and the Green Belt/Public Open Space is sufficient to achieve such assimilation and no additional planting will be required. Conditions requiring the retention of this existing vegetation can be imposed.
- 9.26 This will be considered to provide open space for use by the occupants of the development, but the developer will still be providing a commuted sum in lieu of open space. This is discussed in the section on Contributions below.

Sustainable Design and Construction

- 9.27 The SPD in respect of Sustainable Design and Construction is guidance only at this stage and is voluntary. The applicant is aware of the SPD and has indicated the elements in its development where sustainable design and constructions methods will be employed.
- 9.28 Whilst the elements offered by the applicant do not achieve all the code levels that would be desired by the SPD, because it is a voluntary code, the applicant cannot be compelled to achieve these levels.
- 9.29 As such the information provided by the applicant in respect of Sustainable Design and Construction is considered satisfactory.

Travel wise

- 9.30 There has been a request from Travel wise in respect of safe access for children to school. They have suggested a number of off site highway works such as a Toucan crossing on Stile Hill Way, various works including yellow lines before the mini roundabout on Colton Road east at the junction to School Lane and TRO on the zig zags outside Colton Primary School and a footpath across the grass verge on Colton Road East near to School Lane.
- 9.31 The Toucan crossing not only will allow safe access across a busy road for school children, it will also provide safe access to bus services on the other side of Stile Hill Way and to the Colton Retail Centre. In this respect,

therefore, it is considered that the provision of a Toucan crossing can be supported and can be addressed in the Section 106 Agreement.

- 9.31 However, the other provisions requested are considered to be remote from the application site and as such are not reasonably related to the development. In the light of the foregoing, it is not considered that these provisions can be required.

Contributions

- 9.33 A development of the size proposed (86 dwellings) would generate a requirement for various financial contributions. These contributions would relate to provision of Affordable housing, contribution in lieu of greenspace payments in respect of public transport provision, provision of metro cards for bus travel and a new bus shelter with real time information, education contributions in respect of both primary and secondary provision.

- 9.34 The contributions required to be paid are as follows:

Metro Cards	£34,737
Bus shelter	£10,000
Greenspace	£115,212
Public Transport	£97,091
Education (Primary)	£255,620
Education (Secondary)	£154,068
Local Employment and apprenticeships	
Monitoring of Travel Plan	£2,500
Travel Plan	
Requirement to commence development within a specified period	

These amounts have been recalculated to reflect the reduction in the number of dwellings proposed.

- 9.35 The above are the benefits which flow from the development (with the exception of Affordable Housing). The applicant has set out the sum total that they have available for contributions. The contributions requested by the Council exceed the developer's sum total by approximately £40,000. Ward members have previously been offered the opportunity of a briefing about the proposed contents of the Section 106 Agreement which included the likely contributions to be requested.
- 9.36 In light of the applicant's most recent representations in respect of their total available for contributions, Members are requested, if they would support the proposal, to defer and delegate any grant of permission to officers subject to officers having further discussions with the ward members regarding the amount and order of priority of these revised contributions. These discussions would also include consideration of the provision of a Toucan crossing on Stile Hill Way and its method of provision.
- 9.37 Members are also asked to note the advice from Asset Management which indicates that even if no contributions at all were being made, the viability of the scheme would be marginal.

- 9.38 All of the obligations and contributions proposed within the section 106 as identified above are considered to be directly related to the development and compliant with the three legal tests introduced by the Community Infrastructure Levy.
- 9.39 In respect of Affordable Housing there would be a requirement for 15% of the number of dwellings to be affordable. This would equate to 13 dwelling units of which 5 should be for social rent and 8 submarket.
- 9.40 The applicant submitted, with the application, a Viability Assessment in respect of the required provision of Affordable Housing. This explained why the applicant did not consider that any affordable housing could be provided without making the scheme unviable. The applicant will, however, provide the other financial contributions requested above.
- 9.41 Officers in Asset Management have appraised the Viability Assessment. They are of the opinion that market conditions, at the moment, for a site in this location, are such that it is only marginally viable in the market generally to develop the site for housing at all, this being without requirements for either S106 contributions or affordable housing.
- 9.42 The applicant has set out below the particular circumstances that influence, for them, the site's viability:
- This application site is the balance of a larger site allocated for employment (office) development in the UDP. In the context of changes to policy the site cannot come forward for office development.
 - This is, therefore, a serviced brownfield site where considerable expenditure has already been incurred on infrastructure to enable development and this is reflected in the price paid for the land. (*Note that the reference to brownfield is the view of the applicant. See para 9.5 above.*)
 - The land price reflects the cost of providing off and on site infrastructure related to the office scheme and also includes the cost of the land itself and related finance and site-wide professional fees. Up to this point, as each office phase of the scheme was completed, each phase was allocated (i.e. paid for) these site wide costs pro-rata based on that particular scheme's share of total floorspace. In other words, if an office scheme in a particular phase comprised 20% of the total floorspace expected to be accommodated on the site it would pay for 20% of the site wide infrastructure, land, finance and professional costs. The balance of these costs that would have been paid by an office scheme, had the site been developed as originally intended, will now be paid by the residential scheme.
 - Other relevant factors in the appraisal are:

Build costs – Strata Homes has considerable experience in appraising and developing residential schemes throughout the Yorkshire region. Based on their experience it has been estimated that total development costs per sq m are lower than BCIS costs and lower than the industry norm - a point confirmed by the Council's assessment of the appraisal.

- Strata's build costs are also significantly below the build costs of £95 per sq ft assumed in the Council Economic Viability Assessment. The section 106 costs incurred by Strata on the Temple Point Scheme are also higher than the Section 106 costs of £2,104 per unit in the Council's Viability Assessment.
- Finance charges - are at competitive rates as the company is funded by Yorkshire Bank and Strata's own funds. The company is funded by Director Loans. For this reason it is not necessary to calculate finance on a site by site basis. Average interest charges are therefore much lower than the industry norm.
- As a private company Strata can take commercial views on levels of return to progress schemes that other PLC developers would not be able to progress.
- The return on the scheme is significantly lower than the current industry norm of 17.5% – 20% and this point has been accepted by Asset Management.

9.43 Local Ward Members were contacted in respect of the contents of the Section 106 Agreement and a briefing offered. One Local Ward Member asked for clarification that contributions were being sought in respect of education provision in the area. The requirement for an education contribution and the amount sought was confirmed to that member. This ward member had also made comments previously regarding the capacity of local schools and the education contributions, it is considered, will assist in addressing this issue. No comments were received, from other ward members.

10.0 CONCLUSION

10.1 The use of the site as a Key Business Park site as identified within the Leeds UDPR can no longer be supported, following a recent appeal decision on the application site which dismissed an appeal against refusal for renewal of planning permission for an office development. In addition to the above, the fact that there is at least a ten year availability of office sites within the City, there is now no requirement for the site to be retained as a Key Business Park site. The alternative use of the site for residential development is, therefore, considered appropriate and acceptable.

10.2 The proposal provides a layout which relates well to the existing adjacent office development in terms of design, scale and massing. The revisions to the layout since the original submission have resulted in a cohesive development which provides dwellings in their own plots incorporating garden

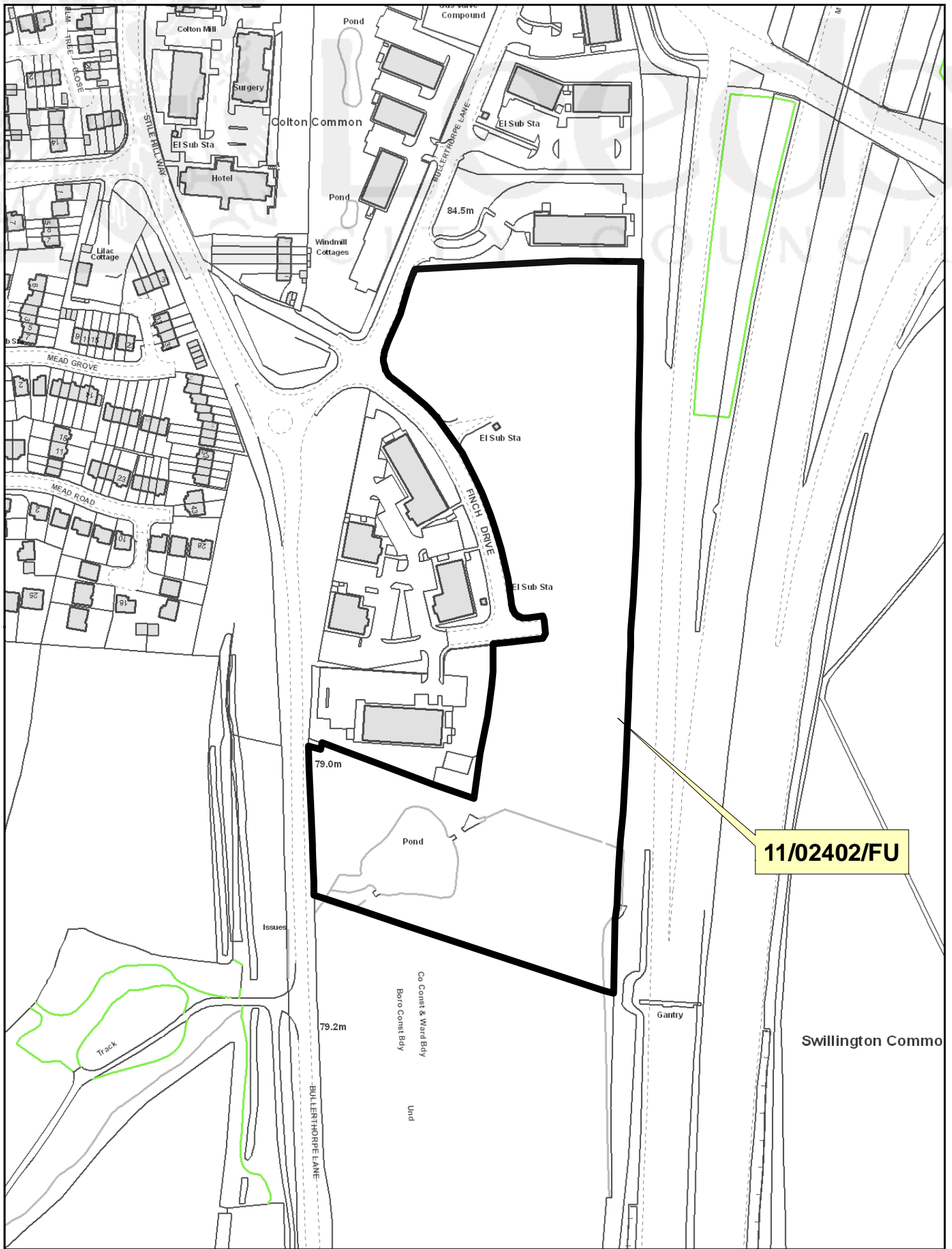
areas. These accord with Council requirements and avoid issues of overlooking, overshadowing and overdominance.

- 10.3 The boundary treatment along the eastern boundary, comprising of 2.4 and 3 metre high acoustic fencing will serve to reduce, in the main, to reasonable levels, noise from the adjacent slip road to the M1 motorway both within the dwellings themselves and within the gardens to these dwellings.
- 10.4 It is a balanced decision that involves bringing forward a site for development which would otherwise lie vacant. The proposal will contribute to housing numbers and the delivery of family housing. It is in a sustainable location in a main urban area and the applicants have indicated that they are keen to start and implement the proposal and use local labour.
- 10.5 Whilst it does not deliver affordable housing it does deliver other planning benefits as outlined in the report. In the current climate, therefore, officers consider the scheme should be supported.

Background Papers:

Application and history files.

Certificate of Ownership.



EAST PLANS PANEL

