



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 6th June 2013

Subject: Application 12/03401/OT – Outline Application for residential development at Fleet Lane, Oulton

APPLICANT	DATE VALID	TARGET DATE
Hallam Land Management Ltd.DW Wilson and trustees of the Thurstaston Park Trust	06.08.2012	05.05.2012

Electoral Wards Affected:
Rothwell

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Following the resolution of the City Plans Panel of 9th May 2013 to approve the principle of this residential development subject to the conditions set out in that report to City Plans Panel, plus additional conditions relating to the delivery of a Travel Plan, limiting the number of dwellings to no more than 80 houses, a condition relating to existing and proposed ground levels and submission and approval of finished floor levels and subject to the completion of the Section 106 Agreement to cover the following matters this report sets out a summary of the terms of a draft Sec.106 Agreement for Members consideration.

DEFER AND DELEGATE to the Chief Planning Officer the completion of the Section 106 Agreement (in consultation with Ward Members) to cover the matters referred to below and the subsequent issuing of the planning permission:

- Provision of 15% affordable provision on site OR as a commuted sum of £1.02 million towards provision of affordable extra care provision off site
- Greenspace contribution of £85,597.41
- Public Transport Infrastructure £98,097
- Travel Plan Management Fee £2,500

- Residential Metrocard scheme £44,425.60
- Education contribution £381,104
- Local training and employment initiatives during the construction of development
- Off site highway works

All the financial contributions are index linked. In the circumstances where the Section 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.

1.0 BACKGROUND

- 1.1 Outline application 12/03401/OT that sought approval for the principle of a development of 80 dwellings at this site was presented to Members at City Plans Panel on the 9th May 2013. Members resolved the following:-

“ To approve the application in principle and to defer and delegate approval to the Chief Planning Officer, subject to the conditions set out in the submitted report, plus additional conditions relating to the delivery of a Travel Plan, limiting the number of dwellings to no more than 80 houses, a condition relating to existing and proposed ground levels and submission and approval of finished floor levels and the drawing up of a Section 106 Agreement to cover those issues set out in the submitted report and consultation with Ward Members and subject to a further report being submitted to Panel for consideration of the Section 106 Agreement”

- 1.2 This report is presented to City Plans Panel for the consideration of the terms of the draft Section 106 Agreement.

2.0 DRAFT SECTION 106 AGREEMENT

- 2.1 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 2.2 The applicant has submitted a draft Sec.106 Agreement and this is currently under negotiation. The submitted draft Section 106 consists of the following:-

- 15% affordable housing provision on site
- Off site greenspace contribution of £85,597.41
- Scheme for the construction and maintenance of the on-site greenspace area
- Education contribution of £381,104 (Primary £237,785.00 & Secondary £143,319.00)
- Public Transport Infrastructure £98,097.00
- Compliance with and implementation of Travel Plan Management Fee £2,500

- Residential Metrocard scheme £44,425.60 or as otherwise agreed
- Local training and employment initiatives during the construction of the development.

2.3 The financial contributions set out above are all index linked and meet the council's full planning policy requirements and are unchanged from those reported to the May City Plans Panel. The draft Section 106 does not include clauses relating to the provision of a commuted sum for the provision of extra care accommodation and off site highway works. With regard to the latter discussions are ongoing about the extent and precise nature of the works. As such both of these issues are subject of ongoing discussions and negotiations. A summary of the terms of the draft Sec.106 Agreement as submitted are set out below:

Affordable Housing

2.4 The draft Agreement includes clauses that require (15%) 12 units be provided on site comprising 6 social rented units and 6 sub-market intermediate affordable units. That the affordable units be disposed to a Housing Association and that the location, type and mix of the affordable units be submitted to and approved by the council.

2.5 Members will recall that at the May City Plans Panel it was reported that negotiations were ongoing in respect of the provision of extra care accommodation in the locality in lieu of the on site affordable housing provision and that this would be in the form of a commuted sum. As a result of those negotiations, the applicant has proposed a commuted sum of £1.02 million for the provision of extra care accommodation in lieu of the onsite affordable housing provision. However, the applicant does want to maintain a degree of flexibility in that the Sec. 106 Agreement will be worded to allow either the payment of a commuted sum or the provision of affordable housing on site. This is in part so the progression of the development will not be delayed unduly by any uncertainties that may exist with the delivery of extra care accommodation. If Members were to support a commuted sum as the preferred option officers would continue to actively explore a delivery route. This would include a procurement process to select a Registered Provider and following that decisions would be taken in respect of the form and timing of the delivery of affordable extra care accommodation.

(i) Background to Extra Care Provision:

2.6 A report on elderly care provision was presented to Executive Board on 15th February 2013. A joint report from Adult Social Services, City Development and Environment and Neighbourhoods seeking approval for the implementation of a holistic city wide approach to increase and improve the range of accommodation for older people available in Leeds. The report outlined a co-ordinated programme of activity which had been developed across the Directorates of City Development, Adult Social services and Environments and Neighbourhoods. Outlining the principles of looking at new ways of supporting the provision of Extra Care Housing. It identifies where the gaps are in the provision for extra care housing, and how this provision can be delivered by working with other sections of the Council. This includes the provision being delivered through the S106 mechanism. The ward of Rothwell was identified in the report as being an area to be a priority for investment. The report also set out that it was proposed to bring forward immediately available land in its ownership for disposal for the development of extra care accommodation and one of the potential sites identified was Windlesford Green in Rothwell.

2.7 Executive Board resolved:-

- “(a) That the requirements for specialist accommodation for older people be noted.*
- (b) That support be given to the approach to investment outlined within sections 3.3 – 3.98 of the submitted report which includes delivery through working with housing associations and independent providers, bidding for external funding support and some direct investment in new build housing.*
- (c) That the principle of the Council disposing of the sites (subject to consultation where necessary)listed at Appendix of the submitted report (sections 1.5, 2.4 and 3.4) for extra care accommodation be agreed, with a further approval being sought from Executive Board for a less than best disposal, should this be required following marketing.*
- (d) That the release of sites at Appendix 1 and Appendix 2 (section 3.5) of the submitted report be agreed(subject to consultation where necessary) for the purpose of disposal on the open market , with the Board noting the potential to ring fence the receipts to support the delivery of this programme and the requirement for separate Executive Board Approval “*

- 2.8 Extra Care Housing differs from other types of older people’s accommodation and can be broadly defined as providing the opportunity for older people with a range of support needs (such as with personal care, meals, cleaning and the taking of medication) to live in their own home, with their own front door, in a safe and secure environment within a community setting. There are generally communal facilities such as activity rooms, dining rooms/restaurants within Extra Care, but these vary depending on what services are already available within the local community. 24 hour emergency access to care and support, usually provided by on-site staff, is a key feature of Extra Care Housing. This level of care and support can be supplemented in response to an individual tenant’s level of assessed need. This allows people to maintain their independence and quality of life for longer and for many older people it offers an alternative choice to residential care.
- 2.9 A detailed demand analysis exercise has been carried out in Leeds, using 2011 census data to identify the quantity and type of older peoples housing required across the city. Indications are that the city needs to develop 879 units of Extra Care accommodation over the period to 2020. The Rothwell ward is estimated to have a current shortfall in the provision of Extra Care Housing amounting to 44 units. Given that Extra Care Housing schemes are relatively expensive in terms of build cost per unit and many of the schemes to date have been developed with high proportions of units for social rent and in areas with low property values subsidy funding has been an essential contribution to the growth of the Extra Care Housing stock. Through the use of the Sec.106 Agreement an opportunity exists to make a valuable contribution to meeting a specific local need.
- 2.10 It is likely that the monies will be used to deliver and secure affordable accommodation via a Registered Provider with the city council retaining a 50% or higher nomination rights. Normally nominations would be based on care assessments undertaken by social workers taking into account the care needs of individuals and the suitability of their existing housing (including whether it can be suitably adapted). The scheme manager would ultimately make the final decision as to who to allocate the accommodation to and this will be based on an assessment that the appropriate level of care can be provided to the potential occupiers.

Primary Education

- 2.11 That the contribution is paid on a phased basis and that 3 payments of £79,262.00 are made to the council. The first payment being paid within 6 months of the commencement of development, the second prior to the occupation of 50% of the dwellings and the final payment prior to the occupation of 75% of the dwellings.

Secondary Education

- 2.12 A phased payment would be made on the same basis as described in 2.8 but with 3 payments of £47,773.00.

Greenspace Areas

- 2.13 That prior to the commencement of development details of a scheme for the construction and maintenance of the Greenspace Area be submitted to and approved by the council. This would be required to include details of planting plans and specifications, a programme relating to timescales for implementation and a future maintenance plan. The maintenance shall either be carried out by the owner of the land or by a management company.

Off-site Greenspace contribution

- 2.14 A phased payment would be made on the same basis as described in 2.8 but with 3 payments of £28,532.47.

Public Transport Improvements Contribution

- 2.15 A phased payment would be made on the same basis as described in 2.8 but with 3 payments of £32,699.00.

Residential Metrocard Scheme

- 2.16 Again a phased payment would be made on the same basis as described in 2.8 but with 3 payments of £22,212.80.

Travel Plan

- 2.17 That reasonable endeavours be used to implement and comply with the terms of the Travel Plan prior to the occupation of the first dwelling. A Travel Plan co-ordinator shall be appointed. The Travel Plan shall be subject to review with the council and any reasonable recommendations made shall be implemented. The developer shall pay to the council a travel plan monitoring fee of £2,500 prior to the first occupation of the first dwelling.

Training & Employment Initiatives

- 2.18 That reasonable endeavours be used to co-operate and work closely with Employment Leeds to develop an Employment and Training Scheme to promote employment opportunities for local people during the construction works. Such a plan would include:
- The employment of local contractors and sub-contractors and local people in construction works;
 - Consult with Employment Leeds with a view to identifying procedures to facilitate the appointment of such persons.

- Prior to the commencement of construction works to agree a method statement with Employment Leeds to facilitate the appointment of such persons.
- To work with Employment Leeds and agree a method statement identifying the number and types of employment and training opportunities that can be accessed by local people.
- To provide Employment Leeds on a 6 monthly basis details of the recruitment and retention of local people as employees.
- To provide Employment Leeds with details of any vacancies that arises during construction.

2.19 For the purposes of the Agreement local people means someone whose principal place of residence is within the electoral ward or adjoining wards in which the development site is located. Or if no such persons can be found persons whose principal place of residence is within the Leeds administrative boundary.

3.0 COMMENT

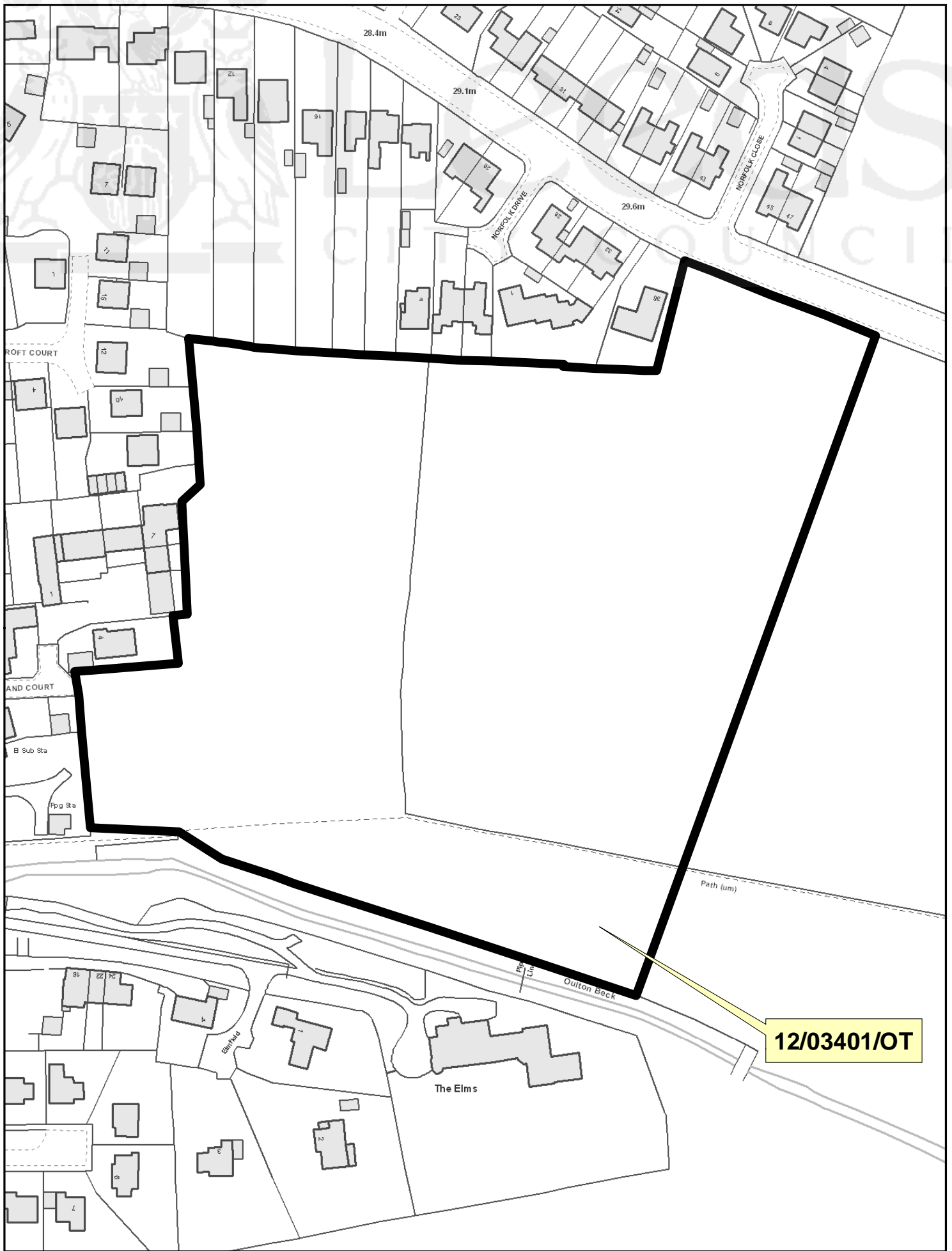
3.1 As set out above this is a draft document and is subject to ongoing negotiation. Members will be updated at Panel of progress on these negotiations. The draft is based upon a model Section 106 Agreement that the council uses. It is not uncommon for commuted sums to be paid on a phased basis and this part reflects current economic circumstances. But it is clear that the phasing of payments should reflect the need to provide local infrastructure enhancements in a timely manner and as such relevant sections of the council, and other bodies, will be consulted to see if the terms of the draft Section 106 meet their requirements. However, clearly this is a matter that Members may wish to comment upon. Discussions are still ongoing with the applicant to secure an off site contribution for extra care accommodation in lieu of the affordable housing. This contribution will be based on the difference between the sum of the open market value of the affordable units and the sum of multiplying the floor areas of the affordable units by the social rent price and the sub-market/intermediate price. This will result in a cash equivalent value to the provision of on site affordable housing and will take into account any uplift in value of the site.

Background Papers:

Planning application file.

Draft Sec.106 Agreement.

Executive Board Report and associated background paper.



12/03401/OT

CITY PLANS PANEL

