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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

10<sup>th</sup> June 2021

**20/06989/RM - Reserved matters application for appearance, scale and landscaping for Phase 3 development of Blocks B and C for 331 build to rent units and ancillary accommodation together with Class A1 and A3 use and the provision of public realm areas with the Phase 3 area pursuant to Outline Planning Permission 14/06534/OT - Quarry Hill St Peters Street Leeds LS2 7UP**

**Applicant – Quarry Hill Developments Ltd. Valid Date:9.11.20 Target date:8.2.21**

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**Electoral Wards Affected:**

**Little London & Woodhouse**

No

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECCOMENDATION**

**Defer and Delegate to the Chief Planning Officer to APPROVE subject to completion of a deed of variation to the Section 106 legal agreement to address change in residential tenure and the delivery of on-site affordable housing for this phase of development as detailed in paragraph 9.9 below and the following additional conditions to the outline consent (and any amendment to or addition of others which the Chief Planning Officer considers appropriate):**

- 1. Provision of details for car park roller shutters**
- 2. Full visual and locational details of wind mitigation measures, method of affixment and control of delivery in advance of occupation.**

## **1.0 Introduction**

- 1.1 This application is for the approval of reserved matters pursuant to outline permission 14/06534/OT for the development of the wider site at Quarry Hill – now commonly known as SoYo. This application relates to Phase 3 of the development site and is for 2 of the blocks (B & C) which sit on the southern side of the site and are proposed to be developed as Build to Rent (BTR) residential accommodation with the provision of A1(retail) and A3 (café/restaurant) uses at the ground floors. The proposal also brings forward public realm works within the Phase 3 area.

## **2.0 Site and Surroundings**

- 2.1 This is part of the larger Quarry Hill (SoYo) development site which is the area of land which links Playhouse Square in the west, to Quarry House in the east. It currently consists of a mix of hard and soft landscaped areas with a redeveloped central pathway containing steps and ramps leading from the junction with the Eastgate roundabout along the northern elevation of the Leeds Playhouse. The on-going development of blocks E & F (Phase 1 of the outline scheme) currently dominates the immediate setting, with much of the northern end of the application site taken up by the redevelopment of these plots and associated site welfare. The originally programmed Phase 2 is the provision of the Multi Storey Car Park, which has received Reserved Matters approval. The matter of the status of the MSCP will be addressed in the appraisal below.
- 2.2 The site has vehicular access from the A64 York Road/Inner Ring Road to the north and from York Street to the south. The application site sits on the southern side of the east/west route which runs through the site which is referred to as 'The Street' by the applicant in their supporting information. This part of Quarry Hill is accessed by vehicle from the A64 York Road.
- 2.3 To the west is Leeds Play House (LPH) and to the south is the Leeds College of Music (LCM) with its associated student residential tower and the Northern Ballet HQ. Historically, pedestrian access has been gained from the west using the set of pedestrian steps and ramp arrangement to Eastgate roundabout which is outside the application site. This area has been the subject of considerable recent redevelopment which has provided the new Leeds City College building, the Gateway Court public realm enhancements and the refurbishment to LPH including the provision of a new main entrance to LPH from St.Peters Street. A pedestrian bridge across the A64 to Mabgate is accessed from the north-eastern corner of Quarry Hill.

## **3.0 Proposals**

### **3.1 Detailed design of the two blocks**

- 3.1.1 The proposal creates a development of 331 residential apartments arranged in two 'inverted C' format blocks. Block B (seven stories) is to be located as the eastern most of the two buildings, with Block C (part thirteen storey, part twelve part eight storey) would be located thirteen metres due west of Block B.
- 3.1.2 The residential uses are supported by a range of ancillary facilities including gym (Block C), ground floor resident amenity areas and a rooftop terrace above Block C's eight storey volume. In addition to the 'front of house' residents facilities, there are administrative support facilities along with fully managed bin store / service /

deliveries areas. Both buildings B and C include private residential below ground car parking and cycle store areas.

- 3.1.3 The building form of Block C is modelled to create a lower scale frontage along the main east/west site axis, stepping upward as it moves away from the central street area; akin to the design approach taken with Blocks E&F to the northern side of the wider SoYo site. Block B is designed at a consistent seven storey height.
- 3.1.4 Both buildings are to be faced predominantly in a brickwork cladding material, set atop a plinth/colonnade level at the ground floors formed of a lighter architectural masonry block / ceramic stone cladding. With respect to Block B, a larger quantity of rain screen aluminium cladding in bronze tones is proposed to be employed to the eastern elevation facing Quarry House and where facades such as the southern and northern elevations are captured in longer views from the south or from within the SoYo site itself, the predominant facing material would be brick. The north wing of Block C includes soldier coursing banding that frames the elevation. The banding is then replicated within the aluminium rainscreen as a lighter colour panel. The southern elevation of Block C would be predominantly formed in bronze aluminium cladding with the top storey of Block C receiving a lighter tone of look-a-like glazing/cladding to reduce the visual presence of the twelfth and thirteenth storeys against the backdrop of sky. Windows throughout both blocks are proposed of bronze toned framework, save for the higher levels of Block C where chrome toned framework will be employed. All windows are of vertical orientation.
- 3.1.5 Residential entrances and reception areas to both Blocks B and C are located on the northern facades, providing access and visibility onto the public realm areas termed 'SoYo Square' and the central 'street' provided along the east-west axis of the site's central spinal area. Further, secondary residential access points are located within the landscaped courtyard areas as well as from the south of each building.
- 3.1.6 Vehicular access for both buildings is designed with off road service bays located to the south of each block. These areas have direct access to the plant and bin store areas and would also handle service deliveries for the commercial units within the buildings. Private residents' basement car parking and cycle stores are also accessed from the southern access roads and allow direct internal secure access to the residents' stair and lift cores as well as onto pedestrian footways which link northward into the centre of the SoYo site and the pedestrian public areas.

## 3.2 Uses

- 3.2.1 The proposals are for 331 residential units and ground floor commercial units. The residential units would be delivered via the Build to Rent (BTR) model. The mix of unit sizes is proposed to be as set out in the table below, with all of the units designed to meet (and in the majority, exceed) the space standards set out in Core Strategy (CS) Policy H9.

<u>Unit size</u>	<u>No.</u>	<u>(as% of total units)</u>
Studios	8	(2.4%)
1 beds	186	(56.1%)
2 beds	121	(36.5%)
3 beds	16	(4.8%)

3.2.2 Block B would also deliver a retail/food use under Class A1/A3 at 188 sqm at ground floor. Block C is proposed to deliver a single unit in this use class for retail/food led uses at 321 sqm at its ground floor level, with associated external space to provide outdoor seating, including an area sheltered within the ground floor colonnade arrangement.

### 3.3 Landscaping

3.3.1 The proposed landscaping associated with this application for Reserved Matters for Blocks B and C is part of a wider public realm masterplan for the larger SoYo development. It includes areas termed 'SoYo Square' (due north east of Block C and north of Block B up to the western periphery of Quarry House), the 'Street' (the east-west axis pedestrian route through the site) as well as a landscaped courtyard area within the envelope of each of the two proposed buildings.

3.3.2 These areas will connect to the already completed Playhouse Gardens, Playhouse Square and the area of public realm forming the southern periphery of Blocks E&F currently under construction. The scheme also includes the provision of footway and highway to the west of Block B and to the south of both blocks (two short access roads and pavement areas associated with the undercroft parking areas to both blocks and provision of servicing drop off).

3.3.3 The proposals include a rectangular area within the main public area and provision of trees alongside seating, a square 'flexible events space' and series of trees, planter boxes and seating to the north of Block B. A tree lined avenue is proposed to the east of Block B. The finer details of materials, species and maintenance are controlled through condition 10 of the outline consent, however layout details for this phase are provided for consideration at this reserved matters stage.

### 3.4 Affordable Housing

The site has been the subject of a Viability Appraisal which has been reviewed by the District Valuer. See section 9.9 in the appraisal below alongside the report of the District Valuer at Appendix A.

### 3.5 Highways

The proposals involve the provision of undercroft car parking to both blocks (15 spaces to Block B and 19 spaces to Block C) along with a combined total of 237 cycle spaces, 3 car club spaces, the provision of a drop off area with direct access onto the main public realm at the centre of SoYo and the provision of a new and improved highway and associated series of footway treatments to the west of Block B and along the south of both blocks.

## 4.0 **Relevant planning history**

4.1 **14/06534/OT** – '*Outline application for mixed use redevelopment including A1, A3, A4 and A5 uses, offices (B1), hotel (C1), residential (C3), medical centre (D1), college (D1), student residential accommodation, multi storey car park, basement car parking, access and open space*'. - Approved 02.11.2017.

- 4.1.1 14/06534/OT comprises 'the outline consent'. A S106 Agreement was signed on 1st November 2017. Access and layout were approved, and appearance, scale and landscaping were reserved matters to be addressed at each phase stage. The outline consent was accompanied by a Matrix of Accommodation (MOA) which was based on anticipated uses within each of the proposed development blocks identified i.e. Blocks A – E. It also proposed potential alternative uses in a number of blocks to maximise the opportunity to respond to market signals once the outline application had been approved.
- 4.1.2 The outline planning permission is subject to 41 planning conditions which have been framed to reflect that the development of the wider SoYo site will come forward as a series of phases. The conditions are worded to enable each phase to progress independently subject to compliance with the relevant phase specific requirements, and adherence to the wider global outline planning conditions.
- 4.1.3 The outline consent contains provision for:
- 705 (approx.) residential units - of which approximately 280 units could be used as student accommodation to provide approx. 720 student bed spaces (277 residential units were to be located in Blocks B and C combined)
  - 10,000 sqm office
  - 3,200 sqm A3 (cafes restaurants), A4 (bars) and A5 (takeaways)
  - 700 sqm A1 (retail)
  - 1,200 sqm D1 medical centre
  - 6,000 sqm education use (This would replace approx. 110 flats or 280 student residential units in building B located in front of Quarry House )
  - 1,100 car parking spaces in total to be provided in 2 levels of basement beneath Buildings C,D,E and F, a single basement level beneath Building B and the MSCP (Block A) (578 spaces)
- 4.1.4 The Section 106 Agreement relating to the outline consent provides for the following obligations:
- Requirement for public access to, and maintenance of, all routes through the scheme and public spaces
  - Affordable Housing: a financial contribution for the first phase (Private Rented Sector - PRS) of development (blocks E&F) of £1,840,348. This sum to be increased by £926,142 should units subsequently be sold on the open market. For any subsequent residential development on site, Affordable Housing to be 5% of the total number of units to be provided on site, 40% of these to meet the needs of households on the lower quartile of earnings and 60% of these to meet the needs of households on the lower decile of earnings.
  - Travel Plan initiatives:
    - i) £34,000 for free trial car club membership package for residents and staff
    - ii) Provision of 3no. car club parking spaces
    - iii) £10,210 Travel Plan Review fee
  - Up-grading of bus stop on York Rd to include real time display (£20,000)
  - Money for off-site highway works £213,765 – for improvements to junctions and crossings
  - Management and pricing strategy for Multi Storey Car Park
  - Safety improvement works to the footbridge over the A64(M) (£50,000)

- Local Employment Initiatives

4.2 **17/07206/RM** – *‘Reserved Matters Application for appearance, scale and landscaping in relation to the Phase 1 development of Blocks E and F for 515 Private Rented Sector units and ancillary accommodation together with Class A3 use and the provision of public realm areas within the Phase 1 area of the Quarry Hill site pursuant to outline planning permission reference 14/06534/OT’*

4.2.1 17/07206/RM addressed the development of Blocks E and F of the outline consent. This Reserved Matters application (for appearance, scale and landscaping) was for 515 residential Build to Rent units and ancillary accommodation together with Class A3 use and the provision of public realm areas within the Phase 1 area of the Quarry Hill site pursuant to outline planning permission reference 14/06534/OT. The Reserved Matters application was approved on 14th May 2018 and is the development currently on site and in an advanced stage of build out.

4.3 **19/03175/RM** – *‘Reserved Matters application for appearance, landscaping and scale for the proposed Multi Storey Car Park pursuant to outline approval 14/06534/OT’* (approved)

4.3 The proposals for the 610 space Multi Storey car park were presented at pre-application stage to City Plans Panel in March 2019 (PREAPP/18/00525) and the subsequent application has been approved under delegated powers. A variation to the S106 agreement is intended to address changes to the outline scheme accommodation matrix in respect of the number and use of spaces within the envelope of the approved MSCP. This matter was agreed in principle by the members of City Plans Panel when members also agreed that the reserved matters application and an associated non-material amendment (application 19/9/00148/MOD) to the outline approval to address the change in accommodation matrix could be delegated to officers to determine.

## **5.0 Responses from the Public**

The application was publicized by site notices (18.11.2020) and published in the Yorkshire Evening Post on 20.11.2020. No comments have been received from the general public in relation to the proposals. One letter of support concerning the delivery of the Multi Storey Car Park from Leeds Playhouse has been received, is appended to this report as Appendix B and addressed at paragraph 9.1.12 of the appraisal.

5.1 A response has been received from Leeds Civic Trust and their comments can be summarised as follows:

- Apartments on the top floor: these are proposed as fully glazed units, may be problematic in terms of solar gain and sustainability and more traditional cladding may be appropriate as an alternative.
- A different colour of cladding or further use of brick may be a more robust material.
- Narrowness of corridors, size of entrance lobbies and lack of personal outdoor space should be given consideration in light of the pandemic.
- Further detail of the sustainability of landscaped areas should be provided, with specific reference made to run-off and ecological diversity.

## **6.0 Consultation responses**

### **6.1 Statutory**

#### **6.1.1 Yorkshire Water**

No objections to the proposals.

### **6.2 Non Statutory**

#### **6.2.1 Design Team**

No objections, the application proposals generally follow the design advice provided to the applicant at pre application stage with regard to height/scale, building forms and materials.

#### **6.2.2 Access Officer**

The proposals meet the standards of Policy H10 in terms of the quantity of accessible units within the scheme, with sufficient internal circulation, corridor widths and clear landings provided to meet the requirements of the British Standard. Although there is a lack of a fully accessible route for people with limited mobility along the western edge of Block C, due to the need to use steps to negotiate the significant change in ground levels along this route (ahead of the delivery of block D), it is accepted that a route is needed to provide onward access between “the street” and the south side of block C in order to avoid creation of a dead end which could have adverse implications for personal security and safety. It is also noted that fully accessible alternative north/south routes would be available in the interim to the east of block B and to the eastern side of the LPH. On balance the proposals are considered acceptable in access terms.

#### **6.2.3 Highways**

No objections subject to minor amendment to the line of adoption to the south of Block B to include the basement car park entrance, technical details on EVCP (addressed by condition on the outline consent) and a condition addressing details of car park roller shutters. Following officer discussions and negotiation, a realignment of the proposed line of the highway proposed for adoption, to take into account the prevention of wind mitigation measures in the adopted highway and to also incorporate the servicing area to the south of Block B has been secured. These necessary alterations to the Section 38 Highways Act layout have been agreed by the applicant and revised plans received accordingly.

#### **6.2.4 Landscape Officer**

Concerns were raised by the Landscape Officer with regards to the quality and level of size and number of trees provided in the landscape scheme, as well as the capacity of the courtyard areas to provide meaningful tree provision given the limited available soil depths above the lower ground floor car parking areas. These matters are addressed in the appraisal section and are now resolved to the satisfaction of the landscape officer.

#### 6.2.5 Environmental Studies (Transport Strategy)

No objections to the proposed development on the basis of transportation noise.

#### 6.2.6 Flood Risk Management

The Flood Risk Management Team advises the scheme as proposed includes landscaping works which provide opportunities to incorporate various SuDS features within the detailed drainage design of both the buildings. The use of SuDS techniques should be maximised when undertaking the detailed drainage design to support the discharge of the relevant matters controlled through conditions 15, 16, 17 of the outline consent for this phase of the wider development.

#### 6.2.7 Environmental Protection Team

No objections, sound insulation would be addressed through the phased discharge of condition 21 of the outline consent, extract and plant requirements are controlled through condition 33 of the outline consent and external lighting through condition 24 of the outline consent.

#### 6.2.8 Contaminated Land

No objections, land contamination matters will be addressed through the subsequent discharge of conditions 11-14 of the outline consent for this phase.

#### 6.2.9 Wind and Microclimate (RWDI Consultants)

As required under the conditions associated with the outline consent, the applicant has provided a wind microclimate report (Windtech Consultants report reference 'WF581-01F02-Rev1' dated October 23rd, 2020), for which Leeds City Council have instructed a peer review by RWDI Consultants, who have in turn provided both initial comments requesting further information and clarifications to the report (27.01.2021) and a final response (27.04.2021). The matter of wind is addressed under paragraph 9.6 below.

#### 6.2.10 Influencing Travel Behaviour Team

3 car club spaces have been provided, one includes EV Charging, as agreed at outline consent stage and the submitted travel plan is also considered to be acceptable and its implementation controlled through the legal agreement associated with the outline consent.

### **7.0 Relevant Planning Policy**

#### 7.1 Development Plan

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making on this application, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (Adopted 2014 and as amended by the Core Strategy Selective Review 2019)



- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
- Leeds Site Allocations Plan (SAP, Adopted July 2019)

## 7.2 Leeds Core Strategy (CS)

7.2.1 The adopted CS sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The site is located just inside the City Centre boundary as defined in the CS. Relevant CS policies include:

Spatial Policy 1: Location of Development: prioritises the redevelopment of previously developed land within the Main Urban Area, taking advantage of existing services and high levels of accessibility.

Spatial Policy 3: Role of Leeds City Centre: seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space; enhancing streets and creating a network of open and green spaces to make the City Centre more attractive; and improving connections between the City Centre and adjoining neighbourhoods.

Spatial Policy 8: Economic Development Priorities: supports a competitive local economy through promoting the development of a strong local economy through enterprise and innovation, job retention and creation, promoting the need for a skilled workforce, educational attainment and reducing barriers to employment opportunities, and by supporting training/skills and job creation initiatives via planning agreements.

Spatial Policy 11: Transport Infrastructure Investment: sets out a series of spatial priorities for the delivery of an integrated transport strategy for Leeds. One such priority includes improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the edges of the City Centre and the City Centre itself.

Policy CC1: City Centre Development: outlines the planned growth within the City Centre including for 10,200 new dwellings, supporting services and open spaces. Part (b) encourages residential development, providing that it does not prejudice other town centre functions and provides a reasonable level of amenity for occupiers (both future and existing neighbouring users).

Policy CC3: Improving Connectivity: states new development will need to provide and improve walking and cycling routes connecting the City Centre with adjoining neighbourhoods and improve connections within the City Centre through developer contributions.

Policy H3 states that housing development should meet or exceed 65 dwellings per hectare in the City Centre.

Policy H4: Housing Mix states:

Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.

<b>Type*</b>	<b>Max %</b>	<b>Min %</b>	<b>Target %</b>
Houses	90	50	75
Flats	50	10	25
<b>Size*</b>	<b>Max %</b>	<b>Min %</b>	<b>Target %</b>
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

\*Type is applicable outside of City Centre and town centres; Size is applicable in all parts of Leeds

Policy H5: Affordable Housing: identifies affordable housing requirements for BTR developments. The following methods of provision are identified:

- i) on-site, according to national policy advice, currently 20% Affordable Private Rent dwellings at 80% of local market rents administered by a management company with appropriate arrangements for identifying households in need, including city council nomination rights, which apply in perpetuity, or
- ii) on-site, (7% at 60/40 split social rented/intermediate) at affordable housing benchmark rents administered by either a registered provider or a management company with appropriate arrangements for identifying households in need, including City Council nomination rights, which apply in perpetuity, or
- iii) a commuted sum in lieu of on-site provision of affordable housing of option ii).

Policy H9: Minimum Space Standards: requires that residential units meet a set of minimum space standards dependent on their number of bedrooms and whether they are apartments or houses.

Policy H10: Accessibility: requires that a certain percentage of residential units are accessible for the needs of those who have accessibility constraints.

Policy P10: Design: requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and that development protects and enhances the district's historic assets in particular, historically and locally important buildings, skylines and views.

Policy P12 requires the character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, to be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.

Policies T1 (Transport Management) and T2 (Accessibility and New Development): identify transport management and accessibility requirements to ensure new development is adequately served by highways and public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

Policies EN1 and EN2 set targets for CO<sup>2</sup> reduction and sustainable design and construction requiring developments of 1,000 sqm of non-residential development to be BREEAM 'excellent', at least 10% low or zero carbon energy production on-site, and a maximum daily water usage per person of 110 litres per-day on sites of more than 10 dwellings.

Policy EN4: District Heating: requires energy systems to be considered on a hierarchy with district heating at the top of the hierarchy.

Policy EN5: Managing Flood Risk: identifies requirements to manage flood risk.

Policy EN8: Electric Vehicle Charging Points: requires all spaces that are to be used for residential purposes to be set out as EVCP.

Policy ID2: Developer Contributions: Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective. In order to provide the necessary infrastructure and facilities to support the growth of Leeds and the proposals and Policies in the Core Strategy, developer contributions will be sought through Section 106 planning obligations and the Community Infrastructure Levy as appropriate.

### 7.3 Saved Unitary Development Plan Review policies (UDPR)

#### 7.3.1 Relevant Saved Policies include:

Policy GP5 – All relevant planning considerations should be taken into account.

Policy BD2 - New buildings should complement and enhance existing skylines, vistas and landmarks.

Policy BD4 – Plant equipment and services areas criteria are outlined.

Policy BD5 – States that a satisfactory level of amenity for occupants and surroundings should be provided, including usable space, privacy and satisfactory daylight and sunlight.

LD1 - Sets out criteria for landscape schemes.

### 7.4 Natural Resources & Waste DPD 2013

#### 7.4.1 The DPD sets out where land is needed to enable the City to manage resources, such as minerals, energy, trees, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Relevant policies include:

Air 1 management of air quality through new development

Water 1 water efficiency including incorporation of sustainable drainage

Water 7 surface water run-off

Land 1 contaminated land

Land 2 development and trees

## 7.5 National Planning Policy Framework (NPPF)

The NPPF and the National Planning Practice Guidance (NPPG) set out the national policies for England and how these are expected to be applied. It is a material consideration in planning decisions. One of the key principles running through the NPPF is a presumption in favour of sustainable development set out in three parts: Economic, Social and Environmental (Paragraphs 10-11). The NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible, with a strong emphasis placed on high-quality design and place-making.

Development proposals that accord with an up-to-date development plan are to be approved without delay (NPPF Paragraph 59).

The below sections of the NPPF are considered to be particularly relevant to this proposal:

Section 5: Delivering a sufficient supply of homes – to support the Government’s objectives of significantly boosting the supply of homes.

Section 9: Promoting Sustainable Transport – developments should give priority first to pedestrian and cycle movements and facilitate access to high quality public transport; address the needs of people with disabilities; create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles; avoid unnecessary street clutter; respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 11: Making effective use of land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land

Para 123 (c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

### Section 12: Achieving Well-designed places

Para 127: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The guidance in NPPF: Section 5 - Delivering a Sufficient Supply of Homes; Section 6 - Building a Strong Competitive Economy; Section 7 - Ensuring the Vitality of Town Centres; Section 8 - Promoting Healthy & Safe Communities also support the proposal.

#### 7.6 Relevant Supplementary Planning Guidance includes:

SPD Tall Buildings Design Guide  
 SPD Parking  
 SPD Street Design Guide  
 SPD Travel Plans  
 SPD Building for Tomorrow Today: Sustainable Design and Construction  
 SPD Accessible Leeds  
 SPG City Centre Urban Design Strategy  
 SPG Neighbourhoods for Living  
 Affordable Housing Benchmarks Update 2020/21 (supports CS Policy H5)

#### 7.7 Site Allocations Plan (SAP)

The SAP was adopted in July 2019. Following a statutory challenge, Policy HG2 – so far as it relates to sites which immediately before the adoption of the SAP were within the green belt – has been remitted to the Secretary of State. It is therefore to be treated as not adopted for these sites. However, all other policies within the SAP remain adopted and should be afforded full weight. The SoYo site has been identified as part of the larger Quarry Hill site, for mixed use development containing offices and residential (reference MX2-23) with the capacity to deliver 600 residential units and 11,000 sqm of office floor-space. This is not affected by the statutory challenge, it remains as per the identified allocation, and this allocation carries full weight.

#### 8.0 **Key Issues**

- Principle of the uses / sequencing
- Scale
- Form and visual detailing
- Residential Amenity
- Accessibility and inclusivity
- Climate Change and Sustainability
- Wind
- Highways
- Housing Mix
- Affordable Housing / Planning Obligations

- Public Realm and Landscaping
- Representations

## 9.0 APPRAISAL

### 9.1 Principle of the uses / sequencing

- 9.1.1 The outline planning permission was accompanied by a Matrix of Accommodation (MOA) which was based on anticipated uses within each of the proposed development blocks identified i.e. Blocks A – E. It also proposed potential alternative uses in a number of Blocks to maximise the opportunity to respond to market signals once the outline application had been approved. Residential use was indicated as the preferred use in Blocks B and C to which this application relates and therefore the principle of residential accommodation has been accepted, albeit not in the specific form of BTR model of delivery now proposed. Therefore, a deed of modification (DoM) to the S106 Agreement secured pursuant to the outline consent will be required to bring the units proposed in Blocks B and C under the same BTR definition as the already approved (and under construction) Blocks E and F. The DoM will also be required to amend the approved Matrix of Accommodation to reflect the reserved matters proposal for 331 residential units within the two blocks. This number exceeds the outline consent MOA allowance of 277 units. The outline consent contains no planning conditions which control the development in terms of the updated policies in the 2019 Core Strategy Selective Review (concerning space standards, provision of 7% affordable housing, EVCP and accessible dwellings) and established case law only supports compliance with the policies relevant at the time of consent when considering an application for reserved matters. Notwithstanding this, the applicant has agreed to provide a policy compliant scheme in terms of current Core Strategy Policies on space standards (H9), accessible dwellings (H10) and EVCP (EN8) in consideration of their wish to vary the approved MOA and vary the existing legal agreement to allow for a Build to Rent model of delivery for Blocks B&C.
- 9.1.2 The outline consent is the extant consent for the site and (in effect) supersedes the potential office use figures for the site set out within the SAP, given that the outline consent does not impose a minimum threshold or quantum of office space to be delivered across the site and the approved matrix of accommodation associated with the outline approval does not guarantee office delivery. Plan monitoring information (March 2020) indicates surplus of office sites of 246,000 sqm compared to the allocation target of 1,000,000 sqm for the plan period 2012-28. Therefore officers consider the residential use of the two blocks is acceptable in principle, generally in accordance with the outline consent and without detriment to maintaining office supply in the city.
- 9.1.3 With regard to the proposed supporting uses at ground floor, the outline consent was subject to sequential assessment and as a corollary of its findings, the approved matrix of accommodation allows for a capped limit of 2300 sqm food and drink based uses (falling within Classes A3, A4 and A5 of the use classes order at the time of consent) and 700sqm retail uses (falling within Class A1 of the use classes order at the time of the consent) to be distributed across the wider Quarry Hill scheme as acceptable supporting uses.

9.1.4 This reserved matters application proposes 321sqm of flexible retail/food use within Block C and 188 sqm within Block B, therefore a total of 509 sqm of floor space. Block A (Multi Storey Car Park) proposes 137 sqm of floor space associated with food and drink based use, whilst the twin ground floor food based uses approved as part of Blocks E&F equate to 638 sqm. The component of this reserved matters application to provide active food based/retail uses is therefore in accordance with the parameters set out in the outline consent and will assist in realising the aspiration to create active frontages to the buildings at pedestrian level along the site's main east-west route.

9.1.5 Sequencing

9.1.6 At the time of consideration of the outline consent Members had expressed concern about the loss of the existing public car parking which was considered to support the existing uses on Quarry Hill. As a result Members had asked for the proposed block A Multi Storey Car Park (MSCP) to be delivered as an early phase of development.

This requirement is addressed by Condition 41 to the outline consent as follows:

*Condition 41: 'The submission of each reserved matters application after the first phase, (i.e., from the second reserved matters submission onwards) which does not include the multi storey car park (identified as Block A on the plans hereby approved) shall include a review of the public car parking provision on the site and a statement setting out the reasons why the multi storey car park is not needed as the next phase of development.'*

9.1.7 Although the developer has submitted and obtained reserved matters consent for the MSCP and intend to deliver this within the two year implementation limit set for the reserved matters consent (no later than 2023), due to current market circumstances, the applicant now wishes to bring forward Blocks B&C as the next phase of build rather than Block A.

9.1.8 Market interest for funders to deliver Blocks B&C / No market interest in MSCP

9.1.9 The applicant has provided a detailed report justifying their position which has been summarised below:

Subject to approval of permission for this current reserved matters application, a funding stream has been secured to allow for the applicant to meet residential market demand through the provision of BtR Housing. By way of contrast, the applicant advises that in the current market (in which cautious attitudes with respect to risk have been adopted by the majority of car park operating companies), the likelihood of successfully negotiating a lease of the MSCP is considered to be low. Without the guaranteed income stream afforded by a lease, the prospects of funding the car park development will be drastically reduced and the likely outcome is that the MSCP would not be viable from a development financing perspective until a larger proportion of the other uses within the outline scheme are largely complete and occupied/trading. The applicant advises that when there is sufficient critical mass of land uses generating parking demand, the provision of the SoYo MSCP will be necessary to meet the needs of the scheme's residents, customers, and commercial occupiers, who will require convenient parking near their homes or places of work etc. This will then generate the vehicle numbers required to support financial viability of the car park, which in turn will enable the development of the car park to be funded as a later phase.

### 9.1.10 Impact of COVID19

The applicant's report advises that, as a result of COVID-19, activity in the UK parking operator market declined in 2020, with few new lettings taking place and that most operators experienced a significant reduction in revenue across their current portfolios as a result of the pandemic and the impact of the various lockdowns/restrictions on town and city centre retail and footfall. As a result car park operators are taking a more cautious approach to considering new leases and, whilst the long term effects of the pandemic are unknown, the likelihood of agreeing a new lease on optimal terms in the current market appears to be low.

### 9.1.11 Demand

Following the implementation of development works for Blocks E and F there are currently 100 public car parking spaces on site. The implementation of Blocks B and C would result in no public car parking spaces on site until the delivery of the 610 space MSCP (which is subject to a requirement to maintain a minimum provision of 250 public short stay spaces at all times) in 2023. However that potential shortfall in public parking is considered against the following circumstances:

- There is a high level of local alternative parking, with 5 off-street car parks within a 5 – 10 minute walk of SoYo providing a total of 2,090 spaces.
- Both Victoria Leeds MSCP and The Markets (providing 1,451 spaces combined) are predominantly retail-facing car parks. This means that firstly, the majority of vehicle demand will be concentrated during the day, leaving sufficient capacity in the evening to accommodate excess vehicle demand from SoYo residents and the Leeds Playhouse.
- The rate of recovery from COVID19 may be slow and overall vehicle numbers may be lower than the historic averages. This could lead to an increase in available supply at nearby car parks, allowing demand from SoYo to be accommodated for the interim period.

9.1.12 The Council's policies are supportive of the regeneration of brownfield sites and delivery of residential use in the city centre. The earlier delivery of this residential phase however has to be balanced against the potential impact of the public parking shortfall on the highway network. Officers consider that given the sustainable location of the site in reference to access to public transport, goods and services and the widespread on-street parking controls that the shortfall in parking would not have an adverse impact on the highway network. Officers also accept the commercial/economic justification put forward for delivering block B and C ahead of the MSCP, and would not wish to hold up the development of Blocks B & C, on the basis of the parking shortfall being temporary. It should also be noted that LPH have confirmed support in writing to the later delivery of the MSCP citing in particular that the provision of reasonably priced car parking at the Victoria Gate Leeds car park in the evening will adequately cater for the needs of their patrons (see appendix B). Therefore on balance officers accept the applicant's position and support the later delivery of the MSCP.

## 9.2 Scale, form and visual detailing

9.2.1 The reserved matters proposals for the blocks involve two departures from the layouts indicated at the outline stage. The first is the shape and form of Block B.



Originally proposed as a single, predominantly rectangular block designed to mirror the form of the multi-storey car park, the proposals for consideration here see this building take the form of an 'inverted C' to produce a courtyard area within the enclave of the building's western side. The building would retain its formerly envisaged height, thereby retaining a degree of symmetry with the similarly scaled height of the MSCP and aligning with the parapet of Quarry House.

- 9.2.2 The proposals see the southern elevation of Block B move between 3 and 7 metres further towards the southern demise of the site as a variation to the layout plans considered by officers and members at the outline consent stage. Officers consider this change to be acceptable, deeming the opportunity to create a further landscaped area within the western side of Block B and the opportunity to increase solar gain to windows located within the western elevation of the block (created by the more generous separation between these windows and the eastern edge of Block C) to be of significant benefit to residents. This is whilst still maintaining separation distances between the buildings which are comparable to and consistent with those elsewhere on the site.
- 9.2.3 The second departure relates to the height of the southern section of Block C. As part of the outline consent, the heights of the buildings were carefully considered to allow light penetration to both the main pedestrian route through the site and into the courtyard within Blocks C, E and F, producing a built form in which the more centrally located components of buildings are lower in height, resulting in a more human scale fronting the main pedestrian east-west route. The proposal for Block C involves an increase in the height of the southern-most section of the building by just under six metres (in effect, the provision of two additional storeys). Officers consider this level of scale acceptable, given that this point of height would be largely shielded in northward views from the south, south east and south west by the Unite Students building immediately to the south and Quarry House to the east. In addition, it would continue to relate well to those of the existing and proposed developments on the remainder of Quarry Hill partly as a result of the continuing symmetry of the lower section of Block C (and its proposed roof garden) read in tandem with the height and location of the roof gardens of Blocks E&F in easterly views from Eastgate until such time as the development of Block D.
- 9.2.4 The form of Block B is defined by 2 brick wings to the west projecting from the longer wing to the east of metallic aluminium panels. This range of materials is replicated across both buildings B & C creating a shared palette utilised various ways and broadly replicates the characteristics and materiality of Blocks E&F through the combination of vertical format windows, bronze aluminium elements, use of more reflective materials to the upper floor elements predominantly brick facades to the main spinal east-west route and appropriate window depths to create a sense of three-dimensionality and visual interest to the elevations. In this way officers consider the design, scale and materiality of the proposed buildings are in keeping with the emerging character of the site, consistent with the design aspirations of the outline permission, and would make a positive aesthetically-appropriate contribution to the context of the wider area.

### 9.3 **Residential Amenity**

- 9.3.1 All residential units within the scheme meet the minimum floor space and accommodation requirements set out in adopted Core Strategy policy H9, with 326 of the 331 residential units proposed exceeding the minimum requirements of the policy. All rooms are considered to feature adequate capacity for the receipt of daylight from dedicated windows to each habitable room. The information provided shows that all units provide adequate space and levels of amenity in order to carry out everyday functions of sitting, eating, washing and sleeping. In addition, BTR operators also provide communal facilities for their residents, giving them access to space outside their units of living accommodation and in the case of the two blocks for which consent is sought, this includes access to residents' lounges (162sqm in Block B & 158sqm in Block C) with a resident's gym (96sqm) within Block C providing additional dwell spaces and common areas outside of the individual residential units within the buildings.
- 9.3.2 With regard to privacy, Block C's position remains consistent with that considered at the outline stage with respect to its relationship with the siting of the future Block D and would be located approximately 13 metres from the eastern elevation of the building associated with that future phase. The outline scheme which envisaged residential use has been designed around a series of routes and open spaces and the buildings have been oriented to maximize the amount of light received by each of the units. The degree of separation between the buildings has been accepted in principle as part of the outline scheme and at that time, was a negotiated increase on the originally proposed 10 metre separation put forward by the applicant. The alterations to the form of Block B and use of the 'Inverted C' form substantially reduces the number of habitable room windows likely to be proposed at the 13 metre distance from windows to the eastern façade of Block C. Where possible, windows in the western elevation of Block B are not located directly parallel to those within the eastern elevation of Block C, in order to reduce the potential for overlooking between residential properties in the two blocks.
- 9.3.3 Officers consider that there are benefits of increased levels of sunlight reaching the courtyard area of Block B and residential windows facing the landscaped area created by the proposed design. The alterations to the design of Block B create a greater degree of separation between residential windows in the two blocks from that envisaged at the outline stage. On balance, this relationship is considered acceptable in terms of outlook and privacy.
- 9.3.4 Therefore, it is considered that the proposed residential units meet the appropriate standards with regard to residential amenity of the occupiers and are of sufficient size and quality to be considered acceptable.

### 9.4 **Accessibility and Inclusivity**

- 9.4.1 Core Strategy Policy H10 requires the provision of 2% of the residential stock proposed to meet the requirements of M4(3) (Wheelchair user dwellings) and 30% of the residential stock to meet the requirements of M4(2) (accessible and adaptable dwellings). With respect to M4(3) provision, a total of 6 apartments (4 no. 1 x bed and 2 no. 2 x bed units) meet the requirement, whilst a total of 99 apartments within the two blocks (43 x 1 bed, 42 x 2 bed and 14 x 3 bed units) are proposed as M4(2) compliant, constituting a policy compliant scheme with respect to H10.

- 9.4.2 Discussions have taken place with the access officer regarding the proposed pedestrian route along the north-south axis of the western elevation of Block C. The landscape scheme for this area of the site is an interim arrangement intended to provide for a more limited pedestrian route, until such time as the redevelopment of what will become Block D of SoYo. The land level change between the south and northern elevations of Block C is approximately 4 metres, which is not insignificant and has resulted in a steep incline to the Block's western edge. The use of a linear (and accessible route) which runs parallel to Block C cannot be achieved by virtue of the gradient and overall land level change. This site constraint can potentially be addressed in the design of the future Block D's eastern section, in order to meet the Council's place-making and inclusivity policies.
- 9.4.3 In the interim scenario, the access from the south of the site to the north is via St Cecelia's Street, where existing levels are maintained. The existing access to the west of the site along Leeds Playhouse to Playhouse Square is also retained. Whilst the interim route does not provide step free access, there is a recognition that a through route needs to be provided at this location in order to avoid the creation of dead ends which would have potential safety issues for pedestrians users. The interim arrangement is therefore proposed to provide a basic stepped through access until such time as the precise footprint and detailed design of Block D are known and can be developed with an integrated and accessible solution to resolve this issue and work alongside the two longer accessible routes around Block C which will subsist until the detailed design of Block D is known.

## 9.5 **Climate Change and Sustainability**

- 9.5.1 Members will be aware that the Council has declared a Climate Emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources.
- 9.5.2 Condition 30 of the outline consent obliges the applicant to produce a bespoke energy statement for each phase of the development in order to demonstrate the feasibility of achieving the sustainable design and construction principles of policies EN1 and EN2 and, the feasibility of a connection to the district heating network under policy EN4 (in line with the principles set out in the CSD Ltd 'Energy Statement for Quarry Hill' which was approved at outline stage). This matter is controlled through the discharge of conditions associated with the outline consent.
- 9.5.3 The applicant has advised that subject to receiving RM approval on matters relating to the scale, appearance and landscaping of Blocks B and C, pre-commencement and pre-building works conditions will be progressed with a view to the initial phase of works related to these two blocks commencing on site in the summer of 2021.
- 9.5.4 Therefore, at this stage, the preparation of a specific Energy Statement for Blocks B and C is not yet fully complete. However, energy calculations and building fabric performance and systems set out in the initial Energy Statement confirm the calculated carbon improvement will achieve the 20% betterment and the provision of roof mounted photovoltaic panels also provide 10% of the predicted energy needs from renewable energy as set out in policy EN1.

## 9.6 **Wind**

9.6.1 Condition 31 of the outline consent requires the submission of a wind study assessment with each reserved matters application which demonstrates a safe wind environment for the intended activities and occupants for that phase of the development. A wind study was accordingly submitted as part of the application which considers the impact of the prevailing winds as a result of the development and any creation of localised wind focused micro-climates.

9.6.2 The results of the undertaken wind tunnel assessment have been verified by RWDI acting as the council's specialist peer reviewer and indicate that all areas of the proposed site and neighbouring surroundings are rated safe for pedestrian use throughout the year, save for three safety failure points (two to the Block C roof terrace and one point to the south eastern corner of Block E, within the pedestrian realm). In order to facilitate safe use of these areas, a series of limited mitigation measures are required to achieve the required wind speed criteria for pedestrian comfort (Lawson Criteria) as follows:

- Recessed entrance to the south elevation of Block C
- 30% porous screening 2m x 2m to six locations within the pedestrian public realm to the north of Blocks B and C and within the courtyard of Block C.
- 30% porous screening located to the south western corner of Block C with adjacent shrubs

These measures can be easily installed and following negotiation and revision to the submitted plans, do not involve interventions within the adopted highway. The revised highway layout to the south of Block C allows for the wind mitigation screen to be located in private land behind the 2m footway which runs around the back of the loading bay. It is considered that given the importance of these measures in terms of public safety, conditions will be used to control the detail and delivery of these measures in line with the recommendations of the report and peer review.

## 9.7 **Highways**

9.7.1 Cycle storage, refuse store provision and servicing for the buildings are being provided on site, notably within the lower ground floor/basement areas to both blocks and serviced from the south. The public realm and highways layout allows for a pickup/drop off point north of the two blocks, with access directly onto the main east-west pedestrian street. EVCP provision is in line with Policy EN8 i.e. an EV charging point for each residential parking space for the blocks to be provided prior to occupation. As outlined in the Council's Transport SPD, residential car parks with over 10 spaces can reduce the electrical supply per space to 16amps if a load balancing system is installed. The applicant has stated their intention that development will be implemented in line with this guidance and the provision of specific technical information concerning EVCP to achieve this will be addressed through the future discharge of Condition 26 of the outline consent.

9.7.2 The Blocks will be managed through appropriate servicing strategies which are proposed to be secured through the tenant leases. This will ensure that when known, the future occupiers of the commercial units will need to follow the proposed arrangements to be addressed through the relevant Condition 23 of the outline approval which requires any retail or food based uses to be subject to an agreed servicing management plan. Highways are satisfied that the proposed parking

layouts, layouts provisions for servicing and bin/cycle storage are acceptable in terms of highway safety.

## 9.8 **Housing Mix**

- 9.8.1 The proposals are for 331 apartments. This equates to 56% of the units being one bedroomed, 36.5% of the units being two bedroomed, 4.8% of the units being three bedroomed and 2.4% being studios. The number of 3 bedroomed apartments proposed is lower than the percentage aimed for under Policy H4 (20% minimum).
- 9.8.2 Policy H4 aims to ensure that the new housing delivered in Leeds is of a range of types and sizes to meet the mix of households expected over the Plan Period, taking account of SHMA preferences and difference in demand in different parts of the city, and changing demand. With this aim in mind, the Policy is worded to offer flexibility and be responsive to market signals. The applicant has submitted a Housing Needs Assessment that advises the proposed provision of three bedroomed units at 4.8% recognizes the aspiration to improve the diversity of stock in the city centre above the existing 1% availability of 3 bedroomed units, but also advises that market interest in the city centre predominantly centres on 1 and 2 bedroom unit provision given the likely demographic of tenants – which their evidence base suggests mainly comprises young professionals and singles, as well as the parental investment market. It is for these reason that the applicant seeks flexibility in the application of the policy, allowing the nature and location of the scheme to be taken into account when assessing the appropriate mix of unit types and officers consider this approach to be acceptable in this case.

## 9.9 **Affordable Housing**

The level of affordable housing referred to in the existing s106 Agreement for the outline consent is in accordance with the Development Plan at the time of the consent: Core Strategy (adopted November 2014), Policy H5 which required a 5% provision and is for general market housing on this phase of the development. There were no specific provisions for on site affordable housing within BtR developments in the s106 and therefore a variation to the legal agreement is proposed to address this aspect of the proposal.

In addition the applicant has submitted a viability appraisal, advising that the scheme cannot support the provision of on-site affordable units in accordance with the Council's revised affordable housing policy which now includes provision for BTR developments. This appraisal has in turn been assessed by the District Valuer, who concludes the scheme can support a reduced level of provision of 27 on site affordable units (8.15%) based on discounted rents equivalent to 80% of market rents pursuant to the Council's affordable housing policy H5, criteria (i) for BTR developments. The District Valuers report is provided at appendix A. The applicant has agreed to this level of provision to be secured through the legal agreement.

It should be noted that the Council's affordable housing policy for BtR development (as opposed to general market housing) allows the developer flexibility in meeting local affordable housing need by either providing the required affordable units on site or by offering a commuted sum in lieu of on-site provision. In this case the developer is conscious of the Panel's previous wishes that affordable housing provision should be on site and therefore have agreed to forgo the flexibility allowed by the Council's policy and commit to on-site delivery.

## 9.10 **Public Realm and Landscaping**

- 9.10.1 The courtyard spaces are to contain soft-landscaping with larger areas of grass and smaller scale peripheral tree planting. The two landscaped courtyards are located above basement car park areas which impacts on the type of species able to grow and the depth of soil. It is considered to be appropriate that the courtyard spaces are proposed to be of a character consistent with the main courtyard space between Blocks E&F. Residential units will look out on to these spaces and so a softer landscape setting is considered appropriate here. Residents of Block C will have the opportunity to access the roof top landscaped space which will provide additional private facilities for the residential occupiers, which is considered positive. The finer detailed design, tree species and sizes of planting to occupy these spaces will be developed to inform the discharge of Condition 10 of the outline scheme in due course.
- 9.10.2 With regard to the more public areas surrounding the two buildings, the use of solid surface treatment with raised planters in the main 'street area' is appropriate given the level of footfall expected and that the area will be used for sitting out in relation to the ground floor commercial uses. The planters will be able to support large tree planting and further built in seating will also provide places for people to sit and spend recreational time, whilst areas of public realm close to the building's northern elevation will provide adaptable spill-out spaces for demountable seating associated with the active ground floor uses during their hours of operation, but also generous circulation spaces for pedestrians when the uses are not in operation.
- 9.10.3 As is the case with previous phases of the outline consent, paving materials will be utilised to define a hierarchy of vehicular and pedestrian routes and spaces through the Quarry Hill site. Natural stone materials would be used through the main pedestrian spine, providing a visual and physical connection between the city centre and Quarry House. The key pedestrian routes would be sandstone paving, and any changes in level or definition of spaces would be in a dark grey granite.
- 9.10.4 As noted above, initial concerns were raised by the Landscape Officer with regard to the quality and level of size and number of trees provided in the landscape scheme, as well as the capacity of the courtyard areas to provide meaningful tree provision given the limited available soil depths above the lower ground floor car parking areas, to which the courtyards in effect act as 'roof gardens' above. The applicant has advised that a detailed planting plan with tree species and sizes, soil depths, methods of irrigation and anchoring details will be prepared as detailed design progresses and submitted as part of the phased condition 10 discharge of the outline scheme. This would be consistent with the approach undertaken as part of the recent provision of Blocks E&F within the outline scheme.
- 9.10.5 The applicant has further advised that the provision of further tree planting within the main public realm area is compromised by the need to provide emergency vehicle access, circulation space for elevated work platforms for maintenance of the buildings and the preservation and protection of underground services. The applicant has noted the comments of the Landscape Officer and made further provision for tree planting to the north of Block B, which is noted. Smaller multi-stem trees are proposed in the courtyards in recognition of the constrained depths of these areas. This has been accepted by the Landscape Officer subject to further iterative discussions on species, maintenance and irrigation at the time of the discharge of Condition 10 of the outline scheme.
- 9.10.6 Officers consider that the planting schemes for the public and courtyard areas will strike the necessary balance between the provision of an attractive arrangement of

planting to soften the significant massing of buildings at the pedestrian scale, whilst maintaining access to underground services, provision of clear and legible movement routes for pedestrians, routes for maintenance and emergency access. Where the provision of landscaping is compromised due to the limited available width of footways, the applicant has elected to provide vertical soft planting via trellises to the buildings themselves, which is considered positive and, acceptable.

9.10.7 The approach in terms of the quality of surfacing materials, soft planting and street furniture marries with the holistic landscaping proposals for the wider site and is considered to provide a consistent visual typology across the entire Quarry Hill scheme. The inspection of surfacing materials will be tightly controlled through the future discharge of Condition 10 for this phase of the outline consent, along with maintenance proposals, details of irrigation and full details of soil volumes to ensure the softer elements of landscaping endure in the longer term.

## 9.11 **Representations**

9.11.1 As noted above, comments have been received from Leeds Civic Trust with matters raised summarised and addressed as follows:

9.11.2 Apartments on the top floor: these are proposed as fully glazed units, may be problematic in terms of solar gain and sustainability and more traditional cladding may be appropriate as an alternative.

The upper floors glazed façade has been carefully considered as part of pre-application discussions with planning and design officers prior to the submission of the application. This is deemed to create a visually lighter weight glazed 'cap to the upper storeys of Block C. Consideration has been given to the thermal performance of the façade in this area with the introduction of insulated panels to the rear of the glass spandrels to provide a fully insulated wall build up and full thermal performance. The glazed upper floors are consistent with the outline concept design of Block C and are also consistent with the approach taken on buildings E+F, providing a lighter roofscape 'cap' to the building when viewed from surrounding vistas.

9.11.3 A different colour of cladding or further use of brick may be a more robust material.

As noted in the appraisal above (paragraph 9.2.4) the selected building façade materials have been considered in the context of the materials' palette for the wider scheme under development and construction. Blocks B and C are proposed to utilise a mix of brick façade detailing, ceramic granite, masonry and aluminium cladding panels to clearly articulate the form of the various building wings. The brick selection has been carefully considered as part of the 'SoYo' palette of materials and reflects the materials utilised on Blocks E and F and also reference the continuation of the Headrow/Eastgate materials palette progressing eastward through the site towards Quarry House.

9.11.4 Narrowness of corridors, size of entrance lobbies and lack of personal outdoor space should be given consideration in light of the pandemic.

Both Block B and Block C include large glazed entrance lobbies which provide direct access to the ground level reception and resident amenity areas with glazed lobbies providing security as well as protection from drafts and heat loss.

Residents will be granted full access to the significant areas of shared public realm within the wider site as well as access to the landscaped garden courtyards provided in both blocks B and C and all residents will also have access to the roof terrace provided at level 8. The corridors are generally at 1375mm min width as opposed to the min 1200mm requirement. The corridor lengths and layout have been designed to be short in length and provide good access to the wider lobby areas of the lift/circulation cores.



9.11.5 Further detail of the sustainability of landscaped areas should be provided, with specific reference made to run-off and ecological diversity.

Whilst the fuller and more technical aspects of the proposed landscape design and drainage are addressed under Conditions 10 and 17 of the outline approval, consideration has been given by the applicant to these points. The intention is for the roof terrace to drain into the main surface water drainage system. Sustainable drainage principles and agreed discharge rates were agreed at outline stage in the approved Flood Risk Assessment & Drainage Strategy embodied in Condition 17 of the outline approval and the detailed drainage design for these two buildings will follow these principles.

In terms of the approach to landscaping and the landscape courtyards the paving is designed with permeable joints (details to be provided at the time of the condition 10 discharge for this phase) and will be supported on attenuation crates. Water will then permeate through these and collect here before being removed by pipes.

The planting species selected will be suitable for growing in raised planters and will be drought resistant so they can survive in dry soil. A range of herbaceous perennials, grasses and shrubs will be selected which will include species that are wildlife friendly. Multi-stem trees in planters will help create a comfortable scale for residents using the external spaces while providing seasonal interest as well as foraging opportunities for local wildlife. Detailed planting plans and schedules will be provided for outline planning permission Condition 10 discharge for this phase, which is consistent with the process followed on Blocks E and F and on the public realm.

## **10.0 Planning Obligations and Community Infrastructure Levy**

- 10.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. 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.
- 10.2 The obligation to provide 8.15% (27 units) at a discounted market rent pursuant to core strategy policy H5, criteria (i) for BTR development as advised by the District Valuers review of the applicant's viability accords with the above legal test..
- 10.3 The development is Community Infrastructure Levy (CIL) liable and is estimated to be in the region of £175,601.47. CIL is generally payable on the commencement of development. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented for Members' information only.

## **11.0 Conclusion**

- 11.1 In light of the above, it is considered that the proposed development represents an acceptable development of the site that addresses all the relevant and material planning considerations.

- 11.2 The proposals are regarded as appropriate in respect of the appearance, scale and landscaping elements for which the applicant is seeking reserved matters approval. The resulting scheme would be a high quality, appropriate development. This would bring much needed housing, alongside commercial uses, adding to the vibrancy and vitality of the area. Overall, it serves as a further important step in bringing the wider SoYo development to fruition.
- 11.3 Therefore the proposal is considered to be in overall accordance with the Development Plan, alongside other national and local policies, such that it is considered to be acceptable and is recommended for approval, subject to completion of a modification to existing planning obligations and the conditions set out at the head of this report.

### **Background papers**

Application Site: 20/06989/RM, 14/06534/OT

General comment from Leeds Civic Trust

Appendix A – Valuation Office Agency Viability Report

Appendix B – Letter of support from LPH regarding MSCP delivery



Valuation Office  
Agency



**DVS** Property Specialists  
for the Public Sector

Viability Report for  
SOYO Blocks B & C  
Quarry Hill  
Leeds  
LS2 7UP

Report for:

██████████ Principal Planner  
City Centre Team  
Development Management  
Leeds City Council

Prepared by:

████████████████████  
Principal Surveyor  
RICS Registered Valuer  
DVS

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Case Number: 1765433

Client Reference: 14/06543/OT

Date: 21 May 2021

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## 1. Executive Summary

The applicant is has submitted a Financial Viability Assessment in support of a reserved matters ('RM') planning application to be made to Leeds City Council for the delivery of SOYO Blocks B & C, Quarry Hill, Leeds.

The proposed scheme is described by the applicant as a mid-market Build-to-Rent ('BTR') development comprising 331 units together with class A1/ A3 uses and the provision of public realm.

This report provides an Independent Review of a Financial Viability Appraisal in connection with:

<b>Proposed Development</b>	<b>The reserved matters application pursuant to the extant outline planning permission for the wider site (ref: 14/06534/OT). Delivery of SOYO Blocks B &amp; C, Quarry Hill, Leeds ('the Site') as a mid-market Build-to-Rent ('BTR') development comprising 331 units together with class A1/ A3 uses and the provision of public realm</b>
<b>Subject of Assessment:</b>	<b>SOYO Blocks B &amp; C, Quarry Hill, Leeds, LS2 7UP</b>
<b>Planning Ref:</b>	<b>14/06534/OT</b>
<b>Applicant:</b>	<b>Caddick City Living</b>
<b>Applicant's Viability Advisor:</b>	<b>Turley</b>

### Viability Conclusion

A site specific viability assessment review has been undertaken, the inputs adopted herein are unique to this site and scheme and may not be applicable to other viability assessments undertaken or reviewed by DVS.

It is the considered conclusion of the DVS that This stage 1 Viability Report concludes a planning compliant scheme including 8.15% (27 Units) on site affordable housing (assuming a 20% reduction in market rents) and £175,602 CIL is viable.

Should the applicant request for flexibility under Leeds City Council's policy to provide an offsite contribution for affordable housing rather than on site, the offsite contribution in lieu of the 27 affordable units amounts to £1,140,822.

### Non-Technical Summary of Viability assessment Inputs

Viability Inputs	Agent Viability conclusion Build to Rent Scheme January 2021	DVS Viability Review Build to Rent Scheme (8.15% Discount to Market Value Rents) 27 Units	Agreed (Y/N)
Assessment Date	January 2021	January 2021	Y
Scheme, Gross Internal Area, Site Area	GIA 293,229 sq ft Site area 2.25 acres	GIA 293,229 sq ft Site area 1.97 acres	N
Development Period	3 months lead-in period Construction 24 months 1 months to complete sale	3 months lead-in period Construction 24 months 1 months to complete sale	Y
Net realisation	£70,295,288	£74,268,846	N
Affordable Housing	Nil	8.15% (27 Units) Discounted market value rents The offsite contribution in lieu of the 27 affordable units amounts to £1,140,822.	N
Planning Policy / S.106 Total	CIL £175,602	CIL £175,602	Y
Construction Cost inc. Prelims, External Works, abnormals costs, services & diversions, fitout of apts and communal space £/m <sup>2</sup>	£57,843,704	£57,843,704	Y
Contingency	3%	3%	Y
Professional Fees	7.5%	7.25%	N
Finance Interest and Sum	4.5%	4.5%	Y
<b>Other Fees</b>			
Marketing Fees	£250,000	£10,501	N
Letting Agent Fee	10%	10%	Y
PRS Investment Agency Fees	1%	0.50%	N
Legal Fees	0.5%	0.25%	N
Investor monitoring cost	Nil	£250,000	Y
Land Acquiring Costs	Agent 1.0% Legal 0.5%	Agent 1.0% Legal 0.5%	Y
Profit Target %	10% profit on cost	8% profit on cost	N
EUV	Not Stated	£1,423,000	N
EUV Premium to BLV	Not Stated	£177,000	N
AUV	£6,243,107	Not Stated	N
Benchmark Land Value	£6,243,107	£1,600,000	N
Purchase Price (if relevant)	Not provided	Not provided	N/A

<p><b>Viability Conclusion</b></p>	<p><b>No on-site Affordable</b>  <b>Scheme can support £175,602 CIL</b></p>	<p><b>Full Planning Compliance cannot be met. The scheme can deliver: 8.15% affordable (where Affordable Tenure 20% discount on Market Rents) 27 units</b> <b>Scheme can support £175,602 CIL</b></p> <p><b>The offsite contribution in lieu of the 27 affordable units amounts to £1,140,822.</b></p>	<p><b>N</b></p>
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## 2. Introduction

2.1 I refer to your instructions dated 25<sup>th</sup> March 2021 and my Terms of Engagement dated 25<sup>th</sup> March.

2.2 The opinion of the development viability of the proposed development scheme is based on a review of the planning applicant's agent's report dated January 2021 submitted to the Local Authority.

2.3 I have inspected the property from the roadside and prepared a stage 1 viability assessment and I am pleased to report to you as follows.

2.4 A copy of my Terms of Engagement dated 25<sup>th</sup> March 2021 are attached.

### 2.5 Identification of Client

Leeds City Council.

### 2.6 Purpose of Assessment

It is understood that Leeds Planning Department require an independent opinion on the viability information provided Turley, 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.

### 2.7 Subject of the Assessment

SOYO Blocks B & C, Quarry Hill, Leeds, LS2 7UP

## 3. Date of Assessment

The date of viability assessment is January 2021.

Please note that values change over time and that a viability assessment provided on a particular date may not be valid at a later date.

#### **4. Viability Methodology / Professional Guidance**

4.1 The review of the applicant's viability assessment has been prepared in accordance with the recommended practice set out in the National Planning Policy Framework; the NPPG on Viability (July 2018, updated May 2019, September 2019) and the Royal Institution of Chartered Surveyors (RICS) Professional Statement, Financial Viability in Planning (**FVIP: Conduct and Reporting**) (effective from 1<sup>st</sup> September 2019) and the RICS (**FVIP**) Guidance Note (1<sup>st</sup> Edition) (GN 94/2012), where applicable. In addition I have had regard to emerging guidance published 1<sup>st</sup> March 2021 entitled "Assessing viability in planning under National Planning Policy Framework 2019 for England".

4.2 The Residual appraisal methodology is established practice for viability assessments. In simple terms the residual appraisal formula is:

**Gross Development Value less Total Development Cost (inclusive of S106 obligations, abnormal development costs and finance) less Profit, equals the Residual Land Value.**

4.3 The Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance on Viability. Where the Residual Land Value produced from an appraisal of a policy compliant scheme is in excess of the Benchmark Land Value the scheme is financially viable, and vice versa:

**Residual Land Value > Benchmark Land Value = Viable**  
**Residual Land Value < Benchmark Land Value = Not Viable**

4.4 The appraisal can be rearranged to judge the viability of a scheme in terms of the residual profit, which is compared to the target profit:

**Residual Profit > Target Profit = Viable**  
**Residual Profit < Target Profit = Not Viable**

4.5 For this case the DVS appraisal produces a Residual Profit which is then compared to the Target profit.

**Gross Development Value less Total Development Cost (exclusive of S106 obligations) less Profit, less Benchmark Land Value = Residual Pot available for policy requirements.**



## **5. RICS Financial Viability in Planning Conduct and Reporting**

In accordance with the above professional standard it is confirmed that:

- 5.1 In carrying out this viability assessment review the valuer has acted with objectivity impartiality, without interference and with reference to all appropriate sources of information.
- 5.2 The professional fee for this report is not performance related and contingent fees are not applicable.
- 5.3 DVS are not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- 5.4 The appointed valuer, [REDACTED] MRICS Principal Surveyor is not currently engaged in advising this local planning authority in relation to area wide viability assessments in connection with the formulation of future policy.
- 5.5 Neither the appointed valuer, nor DVS advised this local planning authority in connection with the area wide viability assessments which supports the existing planning policy.
- 5.6 DVS are employed to independently review the applicant's financial viability assessment, and can provide assurance that the review has been carried out with due diligence and in accordance with section 4 of the professional standard. It is also confirmed that all other contributors to this report, as referred to herein, have complied with the above RICS requirements.

## **6 Restrictions on Disclosure / Publication**

- 6.1 The report has been produced for Leeds City Council only. DVS permit that this report may be shared with the applicant and their advisors as listed above, as named third parties.
- 6.2 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisers and solely for the purposes of the instruction to which it relates. Our report may not, without our specific written consent, be used or relied upon by any third party, permitted or otherwise, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. No responsibility whatsoever is accepted to any third party who may seek to rely on the content of the report.
- 6.3 Planning Practice Guidance for viability promotes increased transparency and accountability, and for the publication of viability reports. However, it has been agreed that your authority, the applicant and their advisors will neither publish nor

reproduce the whole or any part of this report, nor make reference to it, in any way in any publication. It is intended that a final report will later be prepared, detailing the agreed viability position or alternatively where the stage one report is accepted a redacted version will be produced, void of personal and confidential data, and that this approved document will be available for public consumption.

- 6.4 None of the VOA employees individually has a contract with you or owes you a duty of care or personal responsibility. It is agreed that you will not bring any claim against any such individuals personally in connection with our services.
- 6.5 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. Validity**

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

## **8. Limits or Exclusions of Liability**

Our viability assessment is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our viability assessment may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our viability report. If we do provide written consent to a third party relying on our viability assessment, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

## **9. Confirmation of Standards**

- 9.1 The viability assessment review has been prepared in accordance with paragraph 57 of the National Planning Policy Framework, which states that all viability assessments should reflect the recommended approach in the National Planning Practice Guidance on Viability, (July 2018, updated May 2019 and September 2019).

- 9.2 The viability assessment review report has been prepared in accordance with the Professional Statement Financial Viability in Planning: Conduct and Reporting (effective from 1<sup>st</sup> September 2019). Regard has been made to the RICS Guidance Note “Financial Viability in Planning” 1<sup>st</sup> Edition (GN 94/2012), where applicable. I have also had regard to emerging guidance published 1st March 2021 entitled “Assessing viability in planning under National Planning Policy Framework 2019 for England”.
- 9.3 Valuation advice (where applicable) has been prepared in accordance with the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards 2017 and RICS UK National Supplement, commonly known together as the Red Book. Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).
- 9.4 Whilst professional opinions may be expressed in relation to the appraisal inputs adopted, this consultancy advice is to assist you with your internal decision making and for planning purposes, and is not formal valuation advice such as for acquisition or disposal purposes. It is, however, understood that our assessment and conclusion may be used by you as part of a negotiation, therefore RICS Red Book professional standards PS1 and PS2 are applicable to our undertaking of your case instruction, compliance with the technical and performance standards at VPS1 to VPS 5 is not mandatory (PS 1 para 5.4) but remains best practice and they will be applied to the extent not precluded by your specific requirement.
- 9.5 Where relevant measurements stated will in accordance with the RICS Professional Statement 'RICS Property Measurement' (2<sup>nd</sup> Edition) and, the RICS Code of Measuring Practice (6<sup>th</sup> Edition).
- 9.6 As specifically requested by you, any residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal Area / Gross Internal Area have been used. Such a measurement is an agreed departure from 'RICS Property Measurement (2<sup>nd</sup> Edition)'. I understand that you requested this variation because the operator needs to compare viabilities on a like for a like basis. The applicant has submitted a scheme based on Net Internal Area (NIA) and Gross Internal Area (GIA).

## **10. Conflict of Interest**

- 10.1 In accordance with the requirements of RICS Professional Standards, DVS as part of the VOA has checked that no conflict of interest arises before accepting this instruction. It is confirmed that DVS are unaware of any previous conflicting material involvement and is satisfied that no conflict of interest exists.

10.2 It is confirmed that the valuer appointed has no personal or prejudicial conflict in undertaking this instruction. It is confirmed that all other valuers involved in the production of this report have also declared they have no conflict assisting with this instruction. Should any conflict or difficulty subsequently be identified, you will be advised at once and your agreement sought as to how this should be managed.

## 11. Engagement

11.1 The DVS valuer has not conducted any negotiations with the applicant or any of their other advisors. They have however contacted the applicant for clarification in relation to their appraisal and requested digital copies of their Argus appraisal.

## 12. Status of Valuer

12.1 It is confirmed that the viability assessment has been carried out by [REDACTED], BSc (Hons) MRICS, Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge, skills and understanding necessary to undertake the viability assessment competently and is in a position to provide an objective and unbiased review. [REDACTED] is referred hereafter and in redacted correspondence as 'the DVS Valuer.'

12.2 As part of the DVS Quality Control procedure, this report and the appraisal has been peer reviewed by [REDACTED] MRICS, Registered Valuer, who has the appropriate knowledge, skills and understanding necessary to complete this task.

## 13. Assessment Details

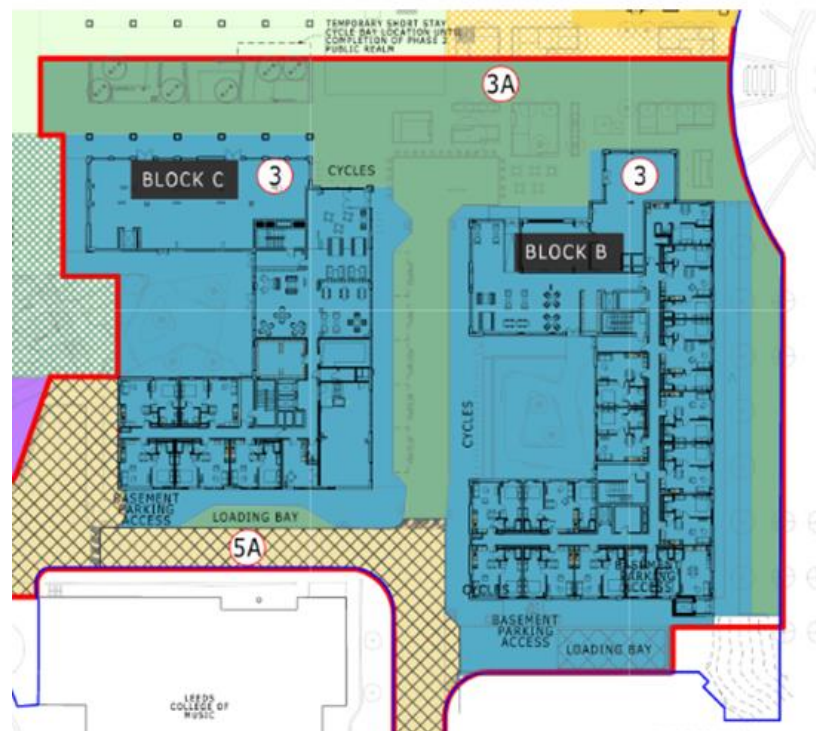
### 13.1 Location

The Site, also referred to as 'SOYO Phase 3', is part of the larger Quarry Hill development site which is the area of land which links Playhouse Square in the west to Quarry House in the east, in Leeds city centre.

The Quarry Hill development site is bounded to the north by York Road, to the east by Quarry House, Northern Ballet and Marsh Lane, and to the south and west by Leeds Playhouse, Leeds College of Music, Leeds City College, St Peter's Square and York Street. Vehicular access to the Site is via York Street to the south.

The Site is located towards the south of the Quarry Hill development site and comprises a mix of hard and soft landscaped areas. The applicants states the development occupies an area of approximately 0.91 hectares (2.24 acres) which I have checked and challenge the actual development area under section 19 of this report under section 19. Benchmark Land Value (BLV).

### Phase 3 SOYO Blocks B & C



It is understood that it has been utilised as a surface car park (with 417 car parking space across the Site and the broader Quarry Hill development site).

#### 13.2 Description

The subject of this viability appraisal is a former brownfield site, previously occupied by a car park. The applicant proposes to develop a Build to Rent Scheme (BRS) comprising 331 apartments.

The scheme is intended to provide a mix of 1, 2 and 3 bedroom apartments. The completed development will comprise a gross internal area of 293,229 sq. ft.

I summarise below an extract from the applicant’s viability report which details the size of the scheme.

**Summary Use Type Schedule | Proposed Development**

Block	Use	Total GIA (m <sup>2</sup> )	Total GIA (ft <sup>2</sup> )
B	Residential	10,959	
	Residential ancillary	394	
	Parking	598	
	Commercial	214	
<b>Block B Total:</b>		<b>12,165</b>	<b>130,975</b>
C	Residential	13,698	
	Residential ancillary	398	
	Parking	629	
	Commercial	344	
<b>Block C Total:</b>		<b>15,069</b>	<b>162,254</b>
<b>Grand total:</b>		<b>27,234</b>	<b>293,229</b>

*Source: DLG Architects LLP*

**13.3 Site Area**

Applicants Calculation 2.24 acres (0.91 hectares).

DVS Calculation 1.97 acre (0.79 hectares) in accordance with Development Phasing Plan

**14. Date of Roadside Inspection**

1<sup>st</sup> April 2021.

**15. Planning Policy / Background**

The proposed reserved matters (RM) application for the Site is pursuant to the extant outline planning permission for the wider site (ref: 14/06534/OT), for the following:

“Mixed use redevelopment including A1, A3, A4 and A5 uses, offices (B1), hotel (C1), residential (C3), medical centre (D1), college (D1), student residential accommodation, multi storey car park, basement car parking, access and open space.”

Access and layout were sought for approval, and appearance, scale and landscaping were the reserved matters. The outline planning application was approved on 2 November 2017 and was accompanied by a signed s106 Agreement, dated 1 November 2018. RM applications have been submitted in relation to SOYO Phases 1 & 2. Reserved Matters approval for Phase 1 was granted in May 2018 and approval (by LCC) has been recommended for Phase 2.

The signed s106 Agreement attached to the outline permission (ref: 14/06534/OT) contains a number of financial contributions (i.e. off-site highway works, bus stop; car club) and includes the following obligations relating to affordable housing contribution:

- “5% of the ‘Non-Private Rented Sector Development’, which excluded Blocks E&F, would be affordable housing – 40% sub market/intermediate affordable housing and 60% social rent affordable units.
- The trigger for affordable housing provision is that no more than 25% of the Open Market Dwellings can be occupied before contracts for the transfer of the affordable housing have been entered into and no more than 75% of the Open Market Housing can be occupied until 75% of the Affordable Housing have reached practical completion.
- The location, type and mix of Affordable Units are to be agreed as part of a Reserved Matters Consent.
- In the event that no offers are received from a Housing Association to purchase the affordable housing then a commuted sum is payable defined as the Affordable Housing Commuted Sum in respect of which a methodology for calculation is set out together with triggers for payment.
- A commuted sum of £1,840,343 is to be paid in lieu of affordable housing provision in E&F.
- The trigger for the payment is 50 % prior to occupation of block E and 50 % prior to block F.
- There is an additional residual commuted sum of £463,071 to be paid on the sale of the first unit in either of the 2 buildings (E&F) on the open market, (maximum amount £946,142).”

It is understood that, pursuant to the s106 Agreement dated 1 November 2017, a Deed of Variation ('DoV') was completed on 6 September 2019 to correct an error in the original agreement, as follows:

- "Changed the definition of Open Market dwelling so that it excluded 'any dwelling within the PRS Block' as well as Affordable Units. Thus, dwellings in Blocks E & F did not count towards the affordable housing trigger
- "PRS Block" was defined by reference to the area edged red on a new Plan 4 which was labelled as showing the demise of [Blocks] E & F
- A new paragraph was introduced to make it clear that the affordable housing obligations did not apply to [Blocks] E & F

It is understood that the Variation was entered into by both parties on the basis it was correcting an error in the Agreement." 1

The level of affordable housing referred to in the a106 Agreement is in accordance with the prevailing statutory Development Plan at the time of execution: Core Strategy (adopted November 2014), Policy H5, which required a 5% provision within Zone 4 (within which the Site is located) - there were no specific provisions for affordable housing within BTR developments.

**It is understood that the s106 Agreement/ DoV currently considers Blocks B & C within the definition of 'Open Market Dwellings' which are subject to the 5% affordable housing provision.**

#### **Proposed Development - Reserved Matters Application (RM)**

It is understood that the appearance, scale and landscape of the Proposed Development generally follows the principles of the approved outline layout, but a reserved matters application, will develop the detailed design within those parameters. Moreover, the applicant states in response to changes in the City Centre residential market, the RM application proposes a mid-market BTR scheme at the Site (Blocks B & C). It is expected that the s106 Agreement will require modification to reflect this change.

#### **16. Local Plan Policy Scheme Requirements / S106 Costs**

Current planning policy provides developers with two options for the provision of affordable housing.

The applicant should either provide 7% affordable based on published transfer rates or 20% affordable subject to the market rents being discounted by 20% across all affordable housing. The applicant has expressed a preference for a 20% reduction



in market rents. Therefore I have prepared my appraisal for the Build to Rent Scheme based on a policy target of 20% of all units (66 units).

## 17. Special Assumptions

17.1 The following assumptions and special assumptions have been agreed with the Council and applied:

- that your council's planning policy, or emerging policy, for affordable housing is up to date
- There are no abnormal development costs in addition to those which the applicant has identified, and the applicant's abnormal costs, where supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report.

## 17.2 Scheme Floor Areas

I refer you to an extract from the applicant's viability report which summarises the residential accommodation within the scheme. I am informed the proposed total area is 202,943 sq. ft. (net sales area), the average unit size will be 622 sq. ft for block B and 613 sq. ft for block C.

**Summary Residential Apartment Schedule | Proposed Development**

Block	Apartment Type	Qty	Average NSA (ft <sup>2</sup> )	Total NSA (ft <sup>2</sup> )
B	1-bed	80	492	39,396
	2-bed	60	745	44,703
	3-bed	7	1,044	7,309
<b>Block B Total/ Avg:</b>		<b>147</b>	<b>622</b>	<b>91,407</b>
C	1-bed	114	505	57,565
	2-bed	61	743	45,295
	3-bed	9	964	8,676
<b>Block C Total/ Avg:</b>		<b>184</b>	<b>606</b>	<b>111,536</b>
<b>Grand Total/ Avg:</b>		<b>331</b>	<b>613</b>	<b>202,943</b>

## 17.3 Mineral Stability

The applicant's viability appraisal makes no reference to Mining Subsidence or whether it is located in an underground mining area.

## 17.4 Environmental Factors Observed or Identified

The applicant's viability appraisal makes no reference to contaminants affecting the site. Asbestos may be present in the construction of the existing buildings. While this material remains intact and in good condition the asbestos fibres are likely to be safe but specialist advice should be sought in the event of alteration, maintenance or demolition.

17.5 Tenure

Freehold with vacant possession.

17.6 Easements and Restrictions

I have not been provided with a report and title and cannot comment as to whether any onerous easements or restrictions exist.

17.7 Services

My viability appraisal assumes that all services are either available or connected to the site unless otherwise stated by the viability consultant acting on behalf of the applicant.

17.8 Access and Highways

The applicant makes no comment in their viability appraisal with regards to onerous restrictions regarding access and highways. My report assumes the surrounding road network is maintained at the public expense.

**18. Development Scheme information**

18.1 Gross Development Value (GDV)

Applicant's Evidence & Opinion of Value

The applicant's advisor has presented new-build data comprises rental asking prices from purpose-built BtR developments which are currently under construction in Leeds City Centre.

Legal and General's Mustard Wharf at South Bank will provide 250 high quality apartments with multiple amenities (gym, roof garden, clubhouse, work areas, private dining rooms). The applicant considers that asking rents at Mustard Wharf are at a premium to the Proposed Development at the Site.

Dandara Living's Leodis Square is south of Mustard Wharf, on Sweet Street. The 744 apartment unit development proposes fewer resident amenities (gym and concierge) and is considered, by the applicant's adviser, to have greater

comparability to the Proposed Development. The evidence does not represent comparable evidence for build to rent schemes and simply refers to a range of rents summarised in size and rental range, average rent per calendar month (pcm) and average rent per sq. ft.

DVS Evidence

I have reviewed the evidence presented by the applicant in terms of apartment rents. In addition, The VOA holds details of all sales of residential properties in the city including referencing information such as accommodation, floor areas etc. The valuer has analysed lettings of dwellings built since 2016 in the surrounding post code areas.

DVS also holds evidence of numerous schemes either under construction or in planning where viability appraisals have been submitted to the planning authority creating a body of evidence for PRS accommodation rents which the market place states will be let at a premium to conventional “buy-to-let” properties. I summarise below the most recent agreed rents in respect of PRS units for similar schemes in Leeds City Centre.

Location	Studio		1 bed		2 bed		3 bed	
	Average	Size	Average	Size	Average	Size	Average	Size
Leeds City Centre	sq.m / £/sq. m.		sq.m / £/sq. m.		sq.m / £/sq. m.)		sq.m / £/sq. m.	
Site A	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
Site B	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
Site C	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
Site D	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
Site E	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
Average								

Further detailed evidence can be provided in due course on a confidential basis subject to the Commissioners for Revenue Act restrictions. My assessment of the estimated rental value has considered the evidence above and I have made suitable adjustments.

I summarised below the market rents adopted in the applicant's appraisal which I regard as fair and reasonable for the purposes of assessing viability.

## Applicants Rental Values

Achievable Gross Open Market ERVs | Proposed Development

Block	Unit Type	Total Units	Avg. Area (ft <sup>2</sup> )	Total Area (ft <sup>2</sup> )	Avg. Gross Rent PCM (£/Unit)	Avg. Gross Rent PA (£/Unit)	Total Gross Rent PA (£)	Avg. Gross Rent (£/ft <sup>2</sup> )
A	1-bed	80	492	39,396	£901	£10,814	£865,140	£21.96
	2-bed	60	745	44,703	£1,295	£15,535	£932,100	£20.85
	3-bed	7	1,044	7,309	£1,775	£21,300	£149,100	£20.40
<b>Block A Total/ Avg:</b>		<b>147</b>	<b>622</b>	<b>91,407</b>	<b>£1,103</b>	<b>£13,240</b>	<b>£1,946,340</b>	<b>£21.29</b>
B	1-bed	114	505	57,565	£908	£10,895	£1,242,000	£21.58
	2-bed	61	743	45,295	£1,293	£15,511	£946,200	£20.89
	3-bed	9	964	8,676	£1,687	£20,247	£182,220	£21.00
<b>Block B Total/ Avg:</b>		<b>184</b>	<b>606</b>	<b>111,536</b>	<b>£1,074</b>	<b>£12,883</b>	<b>£2,370,420</b>	<b>£21.25</b>
<b>Total / Average:</b>		<b>331</b>	<b>613</b>	<b>202,943</b>	<b>£1,087</b>	<b>£13,042</b>	<b>£4,316,760</b>	<b>£21.27</b>

Source: Turley analysis

## Car Parking Revenue

In addition, to the PRS units within the scheme there are 30 parking spaces which have been valued by the applicants agent at £1,200 per space per annum which I consider as reasonable.

## Commercial Units

The Proposed Development incorporates commercial use(s) (Use Classes A1/ A3) on the ground floor of both blocks. Turley has undertaken a pricing analysis drawing on Co-Star lease and sales transactional evidence in order to inform achievable terms for the commercial units. The evidence comprised comparables typically located to the west of the Site, towards the city centre core. Accounting for the location and new-build specification of the Site, it is assumed that commercial units at the Site would be leased for a mix of uses (Use Classes A1/ A3) at a blended rent of £17.50/ft<sup>2</sup>, capitalised at an investment yield of 7.00%. Turley expect a typical void/incentives would represent a 9 month rent free period.

In my impartial role, I consider there is increasing uncertainty regarding demand for the commercial units within the city centre. In line with other viability cases I have adopted a rental void and incentives package for occupiers which in this instance is equivalent to 24 months.

DVS Evidence and Opinion of Value

**Net Rental Income Capitalisation Yield**

The manner in which the revenue is assessed for a PRS Scheme it is essential to consider the total rental value of the accommodation and then make an adjustment for the running costs for the entire development. For instance, the landlord will receive rent from tenants, however, the landlord is also required to pay for all of the operational costs in relation to heating, cleaning, maintenance and general management of communal areas.

Therefore, the rental value of each apartment builds up a total gross revenue for the development after which it is important to make a deduction to the gross rent for the ongoing management of the property including site staff, building operations, tenancy operational expenditure and management fees cleaning, maintenance, utilities costs and voids/lettings these.

I summarise below the applicant's surveyor's allowance for running costs within the scheme:

Description	Cost expressed as a percentage of gross revenue
BTR Operating Costs	23.5%

Their viability report did not include a detailed commentary justifying the allowances adopted.

I have adopted the same percentage for calculating the net rental income of 23.5% which is supported by agreements with other developers in Leeds where PRS viability appraisals have been submitted for multiple buildings within a scheme.

Operation Voids	2.5%
Bad Debt	0.5%
Council Tax Voids	1%
Void Utilities	1.5%
Management Fees	9% inclusive of VAT
Operational Expenditure	9.0 %
<b>Total</b>	<b>23.5%</b>

Further evidence can be provided in due course on a confidential basis subject to the Commissioners and Revenue Act restrictions. In the meantime, I refer you to a schedule of anonymised evidence in Appendix 24.5.

## **Capitalisation Yield**

The applicant has adopted a Net Initial Yield (NIY) of 4.50% to the net revenue which is considered appropriate, by DVS, for a prime institutional grade asset in Leeds City Centre as at Q4 2020.

The applicant states anecdotal evidence from reputable Capital Markets agents active in prime regional city BtR markets suggests a NIY of 4.50% for forward funded BtR investments.

Turley are aware that Legal & General has recently secured forward funding of approximately £57m to bring forward the 'Tower Works' development – 245 BtR units - in the South Bank regeneration area of Leeds. Whilst exact transactional details remain commercially confidential, Turley state Knight Frank has confirmed that the NIY equated to circa 4.50%.

I can confirm that DVS prepared a viability review for Tower Works and can confirm I adopted a yield of 4.5%.

## DVS Reasoning and Conclusion

Based on my comments above, I have given greater weight to the agreed capitalisation yields for PRS schemes, including a schemes. I have therefore adopted a yield of 4.5%.

## Applicant's Development Period

The applicant's surveyor has adopted a development period, comprising a 3 month lead-in period followed by a construction period of 24 months and a further 1 month complete the sale of scheme.

I agree with the development period adopted. The valuation methodology and timings are similar to other BTR schemes in Leeds City Centre that I have reviewed throughout Leeds in the past 2 years.

## Applicant's Distribution Curves

The applicants have adopted an s-curve distribution for construction costs and professional fees.

## DVS Development Period and Distribution Curve

DVS has not adopted the same curve and has weighted professional fees to reflect the proposed construction procurement method, i.e a high proportion of the professional fees will be incurred during the early stages of the scheme.

### 18.3 Development Costs

The Applicant instructed Richard Boothroyd & Associates ('RBA'), chartered quantity surveyors and project managers, to prepare a Cost Plan for the Proposed Development.

RBA originally issued individual Cost Plans for Block B & C. The Cost Plans, dated 5 October 2020, quote total estimated costs for construction of:

- Block B - £23,556,174
- Block C - £29,603,982

RBA costs exclude professional fees and inflation, and include contingencies equating to approximately 5.0% - Turley state they consider this an appropriate allowance for inclusion within viability testing.

The applicant has subsequently submitted increased costs in a letter dated 26<sup>th</sup> April 2021 comprising a full Contract Sum Analysis ('CSA') underwritten by a detailed Bill of Materials ('BOM') has been produced by Caddick Construction Ltd.

The build cost has therefore been adjusted as follows:

- Block B: Cost adjusted to: £24,521,547.64 (£187psf)
- Block C: Cost adjusted to: £30,599,693.73 (£189psf)

### 18.2 DVS Total Construction Cost

Para 12 of the NPPG explains that the assessment of costs should be based on evidence which is reflective of local market conditions. The RICS viability guidance indicates that site specific costs should be used to assess viability of a scheme where available.

Having regard to other build cost information, and after consulting Leeds City Councils Quantity Surveying consultant, Rex Proctor and Partners, the DVS valuer can confirm that construction costs are fair and reasonable. DVS have compared the build cost with other PRS schemes city centre schemes, and can be accepted as reasonable to determine the viability of this site.

However, in my capacity as an independent party I have reduced the cost for my appraisal relating to the provision of furniture within apartments from £3,000 to £2,000 per apartment.

### Contingency

The applicant's advisors originally allowed an additional £2,513,056 contingency. My analysis of the amount indicates it is an allowance of 4.72% based on the October 2020 build cost. This is considered to be an unacceptable allowance. I have reduced the contingency to 3% in line with other Build Rent Schemes appraised by DVS in Leeds City Centre.

### Professional Fees

The applicants have used 7.5% for professional fees, applied to build cost. On the evidence available 7.5% is regarded to be high for PRS schemes in the city centre. The DVS valuer has adopted professional fees of 7.25%.

I refer you to a schedule of evidence contained within section 24.5 of this report. Further detailed evidence can be provided in due course on a confidential basis subject to the Commissioners and Revenue Act restrictions.

### Planning Policy Financial Contributions

The applicant has stated in their viability report:

The Council has issued a CIL Guidance Note, produced on 20 December 2019, which confirms the indexed CIL charges applicable from 1 January 2020. The following indexed CIL charges are applicable at the Site:

- Residential – Zone 4 - £6.45/m<sup>2</sup>
- 'All other uses' - £6.45/m<sup>2</sup>

The following table details the indexed CIL liability calculation for the Proposed Development which totals £175,601.



**Indexed CIL Liability Calculation**

‘Residential – Zone 4’ Indexed CIL Liability Calculation		
R	‘Residential – Zone 4’ Rate (adopted Charging Schedule rate)	£5.00
A(i)	Proposed Floorspace (m <sup>2</sup> GIA)	26,676
A(ii)	Existing Floorspace (m <sup>2</sup> GIA)	0.00
A	Net Additional Floorspace (m <sup>2</sup> GIA)	26,676
‘Residential – Zone 4’ CIL Liability = (R * A)		<b>£172,004</b>

‘All Other Uses’ Indexed CIL Liability Calculation		
R	‘All Other Uses’ Rate (adopted Charging Schedule rate)	£5.00
A(i)	Proposed Floorspace (m <sup>2</sup> GIA)	558
A(ii)	Existing Floorspace (m <sup>2</sup> GIA)	0.00
A	Net Additional Floorspace (m <sup>2</sup> GIA)	558
‘All Other Uses’ CIL Liability = (R * A)		<b>£3,598</b>

<b>Total CIL Liability</b>		<b>£175,601</b>
----------------------------	--	-----------------

Section 106 Hierarchy and Timing

Regarding the timing of these contributions, the valuer has sought guidance from your Authority and consequently DVS has adopted a cash-flow assumption for the CIL costs whereby the contributions are paid in accordance with the schedule below.

Instalment Schedule			
Instalment 1	33%	6 months from commencement	£58,534
Instalment 2	33%	12 months from commencement	£58,534
Instalment 3	33%	18 months from commencement	£58,534

*Source: Turley; LCC*

Finance

The applicant's debit rate of 4.5% is considered reasonable.

Remaining Cost Inputs

The remaining development cost inputs have been adopted in the DVS review. These include:

- DVS has adopted letting legal fees 5% of commercial rents.

- DVS has adopted 0.5% for the sale of the completed scheme.
- Land acquisition and legal fees including 1.5% for agents and 0.5% legals.
- Stamp Duty Land Tax at the prevailing (commercial) rate is also included.

Purchasers Costs

The applicant has adopted purchaser’s costs as follows for the completed scheme:

Purchaser’s costs (Land)	-	Standard fees relating to stamp duty (land only), agent’s fee (1%) and legal fee (0.5%).
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**19. Benchmark Land Value (BLV)**

- 19.1. The applicant's surveyor has adopted a Benchmark Land Value of £6,243,000, this has been reached through the surveyors interpretation of the AUV methodology and their opinion of AUV £6,243,000.

The applicant’s calculation of the BMLV by adopting the sites AUV is based on a justification summarised below:

***“The outline planning permission (application ref: 14/06534/OT) for the broader development site established general development parameters, based upon an approved Matrix of Accommodation and parameter plans, which permitted a mixed use redevelopment including A1, A3, A4 and A5 uses, offices (B1), hotel (C1), residential (C3), medical centre (D1), college (D1), student residential accommodation, multi-storey car park, basement car parking, access and open space.*”**

***Alternative uses permitted for Blocks B & C included offices (Use Class B1), medical/ college uses (Use Class D1) and purpose-built student accommodation (‘PBSA’) up to maximum floor space parameters. In order to assess the AUV for the Site, Turley has sought to test a mix of office (Use Class B1) and PBSA (Use Class Sui Generis) within Blocks B and C, respectively, in accordance with the maximum parameters approved and contained within the Matrix of Accommodation.”***

I must make the important point that I do not believe the applicant’s valuation of B1 offices is supported by sufficient rental and market evidence. I disagree with the applicants approach as RICS guidance states the adoption of an alternative use should be implementable and reasonable. I agree the use is implementable, by virtue of the outline planning consent, but I question how realistic the development of offices are in this location.

The position adopted by the applicant represents a “circular argument” which leads me to pose the question: “If applicants believes B1 offices represent the alternative use value and produces such substantial land value, why has the applicant chosen to develop Build to Rent apartments.” I make this point based on comparable evidence of land sales for both student and PRS accommodation which I will address further later in this report.

I do not believe the adoption of an AUV as a B1 office development is realistic. The location is not part of the city’s central business district and there are superior sites and existing developments in the city centre and I contend an office development at SOYO would not prove viable on the grounds of tenant and investor demand. Furthermore the type of development that has been undertaken in the surrounding area, which has been principally residential, does not support the notion that the site is a prime office location. I have reviewed numerous PRS schemes at Saxton 1, Foundry Lane, Flax Place and Ellerby Road. I contend the adoption of an AUV approach based on a B1 office scheme is not supported by sufficient comparable evidence and the applicant’s conclusion artificially inflates the benchmark land value.

I have concluded the appropriate process to determine the BMLV is:

- 1) Consider the sites existing use value based on an “owner occupied” residential development based on 5% Affordable.
- 2) Consider the 331 unit PRS schemes natural residual value
- 3) Have regards to market transactions for residential apartment blocks in the city centre
- 4) Have regard to benchmark land values agreed with applicants for similar schemes

Existing Use Value – Owner Occupied Residential Scheme

I have prepared a residual appraisal based on an owner occupied scheme identical to the proposed PRS scheme including commercial accommodation. I summarise the revenues below which can be support with comparable evidence upon request:

REVENUE Sales Valuation	Units	ft <sup>2</sup>	Sales Rate ft <sup>2</sup>	Unit Price	Gross Sales
1 Bed	185	91,575	393.94	195,000	36,075,000
2 Bed	114	84,702	370.12	275,000	31,350,000
3 Bed	7	7,308	301.72	315,000	2,205,000
3 Bed	8	7,704	311.53	300,000	2,400,000
1 Bed SO	4	1,980	105.14	52,044	208,177
1 Bed AR	5	2,475	81.76	40,471	202,356
2 Bed SO	2	1,486	105.14	78,119	156,238
2 Bed AR	5	3,715	81.76	60,748	303,738
3 Bed AR	1	495	81.76	40,471	40,471
<b>Totals</b>	<b>331</b>	<b>201,440</b>			<b>72,940,981</b>

<b>Investment Valuation</b>					
<b>Block B: Commercial (A1/ A3)</b>					
Market Rent	40,303	YP @	7.0000%	14.2857	
(2yrs Rent Free)		PV 2yrs @	7.0000%	0.8734	502,882
<b>Block C: Commercial (A1/ A3)</b>					
Market Rent	64,803	YP @	7.0000%	14.2857	
(2yrs Rent Free)		PV 2yrs @	7.0000%	0.8734	808,586
<b>Car Parking</b>					
Current Rent	27,540	YP @	4.5000%	22.2222	612,000
<b>Freehold Groundlease</b>					
Current Rent	63,000	YP @	5.0000%	20.0000	1,260,000
					<b>3,183,468</b>
<b>GROSS DEVELOPMENT VALUE</b>				<b>76,124,449</b>	

I also refer you to the full appraisal in Section 24.4 of this report. My valuation of the site based on the extant planning permission on the policy requirement for 5% affordable housing results in a residual land value of £1,423,000 or £722,335 per gross acre (1.97 acres).

### 19.3 Premium (EUV)

There is no evidence or reasoning provided by the applicant as they have not adopted the EUV plus methodology.

In assessing the level of premium I have had regard to market transactions for land sales for city centre apartment blocks which leads me to adopt a premium of £177,000.

### 19.4 Purchase Price

19.4.1 The PPG and the RICS encourage the reporting of the purchase price to improve transparency and accountability.

19.4.2 RICS FVIP (1<sup>st</sup> edition) 2012 guidance states at para 3.6.1.2 "It is for the practitioner to consider the relevance or otherwise of the actual purchase price, and whether any weight should be attached to it, having regard to the date of assessment and the Site Value definition.."

19.4.3 However, the NPPG on viability very much dissuades the use of a purchase price as a barrier to viability this is reinforced at several places in the PPG: The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. And Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

19.4.4 The PPG does not invalidate the use and application of a purchase price, or a price secured under agreement, where the price enables the development to meet the policies in the plan.

19.4.5 DVS has declined from disclosing the purchase price for the entire SOYO site.

19.5. Market Transactions

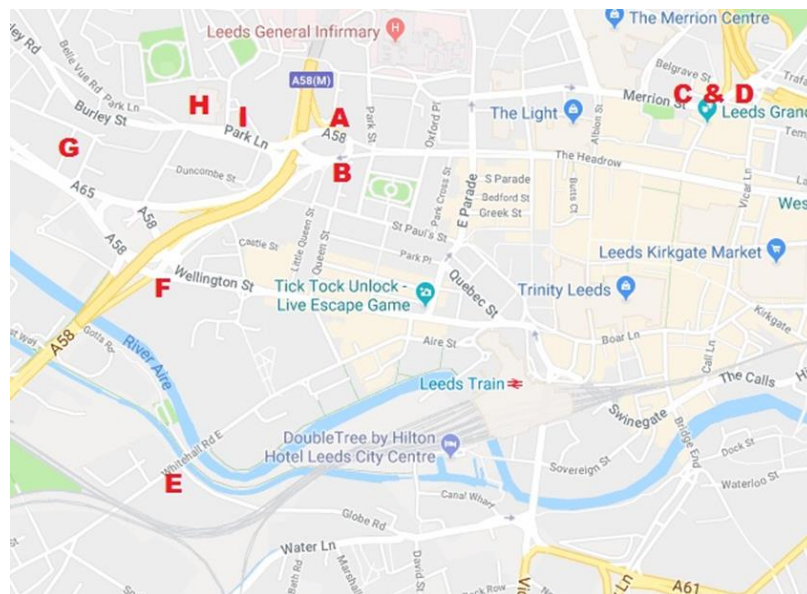
To accord with the requirements of the RICS professional statement Market Evidence must be reported, and adjusted in accordance with (Paragraph 14 of) the PPG. This explains that market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value.

There may be a divergence between benchmark land values and market evidence; and plan makers should be aware that this could be due to different assumptions and methodologies used by individual developers, site promoters and landowners.

This evidence should be based on developments which are fully compliant with emerging or up to date plan policies, including affordable housing requirements at the relevant levels set out in the plan. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

In accord with the requirements of the RICS professional statement Market Evidence must be reported, and adjusted in accordance with (Paragraph 14 of) the PPG. The applicant has not provided any evidence of land sales. The DVS valuer is therefore unable to comment upon how the BLV relates to adjusted market evidence.

Market Comparables Leeds City Centre



Sites C and D on the above plan refer to purpose built student accommodation which has been granted planning consent and is on site. Site C relates to a property formerly known as Symons House, Belgrade Street, Leeds where a 1990s office building was sold on [REDACTED]

Subsequently a planning consent was granted for the building to be demolished and a part 9 and part 23 storey student accommodation building constructed incorporating 349 bedspaces. The price paid is equivalent [REDACTED] per student bed space.

In addition at location D on Wade Lane, a planning consent has been granted for the construction of 752 student bed spaces at land at Belgrave Gardens, Wade Lane, Leeds, LS2 8JU. I understand the site extended to 0.6 acres which included an area of public open space, however, only a small section of the site has been redeveloped and was sold for [REDACTED]. The price paid is equivalent [REDACTED] student bed space.

Site F, is the site of the former Yorkshire Post newspaper group and has planning consent for the construction of private rented apartments within Phase 1. The site was originally purchased by the current owner some time ago in 2014 for [REDACTED]. For a site extending to 1.90 hectares and the sale price was equivalent [REDACTED] per acre. Phase 1 of the regeneration project was granted consent in early 2017 and it was reported that a block of 242 build to rent apartment units have been forward sold to Granger, the UKs largest residential landlord and build to rent specialist. Opposite site F there is a second site which has consent for general residential which has not been developed.

Adjacent to location G there is a development site extending to 0.239 hectares which has recently been developed and comprises an 11 storey 107 unit residential development with commercial on the ground floor. The property comprises 26 studios, 16 x 1 bedroom, 62 x 2 bedroom and 3 x 3 bedroom apartments. The site was sold in October 2017 for £[REDACTED] which is equivalent to [REDACTED] per bed apartment.

I have also provided a viability review of a substantial PRS scheme at Globe Road which comprises 783 Dwellings and 2,315m<sup>2</sup> of Commercial Uses and Landscaped Public Realm and an Outline Application for Associated Hub Building in a Flexible Commercial Use.



The site extended to 4.94 acres and sold for [REDACTED] excluding VAT on 15th June 2017. At the time of the sale planning consent had lapsed. The lapsed consent for the site was (Ref 12/03459/FU) for a multi-level development up to 17 storeys with 609 residential apartments, commercial units (Class A1 to A5, B1, D1 and D2). The sales of the site was equivalent to [REDACTED] per acre or £10,217 per apartment (783 apartments).

#### Comparable Marsh Lane and Shannon Street

**REDACTED**

The site, above, at on the corner of Marsh Lane and Saxton Lane was granted planning consent for a sub-policy compliant scheme of 349 apartments, of varying types and sizes. The total floor area of the development is 27,344m<sup>2</sup> GIA on a site of 1.15 acres. The transaction is equivalent to [REDACTED] apartment or [REDACTED].

The sale of a property on Shannon Street related to the sale of a policy compliant scheme of 85 units which is equivalent [REDACTED] acre or [REDACTED] per apartment. I believe the Shannon Street planning compliant scheme is the most reliable market data when viewed against the context of RICS and NPP guidance. I note the scheme is smaller and should be adjusted for quantum but it is relative close proximity to SOYO.

#### 19.6 331 Unit BTR Land Value Residual

19.6.2 I have also considered the residual land value for a policy compliant BTR scheme. I have undertaken an appraisal in line with the inputs summarised earlier in this report. I refer you to Section 24.4 of this report which includes a copy of the appraisal.

19.6.3 My residual valuation results in a negative land value of £420,000 (rounded). As a consequence I have concluded a fully policy compliant scheme is not viable.

19.8 Benchmark Land Value Considerations

19.9 I have first considered Other Benchmark Land Values (BLV) such as those adopted in local plan studies produced under public scrutiny to inform policy for viability purposes or those put forward by applicants and accepted by DVs, or those put forward by DVS and accepted by an applicant or as adopted and agreed between DVS and an applicant's advisor.

In terms of established benchmarks the area study for city centre residential was agreed at £750,000 per acre as published by Avison Young on behalf of Leeds City Council.

In addition, I have agreed benchmark land values in the surrounding area based on approximately £800,000 to £850,000 per acre for site without an extant consent for residential development.

I have also had regard to whether the subject site specific costs would support a benchmark land value consistent with the evidence. The residual land value of the planning compliant scheme, based on 20% of units have discounted rents at 80% of market value rents, results in a negative land value. .

For the Stage Two report the DVS reviewer has adopted a BLV of £1,600,000 (£812,000 per acre) this comprises an EUV of £1,422,999, and a £177,000 premium. The BMLV is equivalent to previous agreed land values for PRS viability appraisals where the schemes provided approximately 50% of the affordable housing policy requirement.

**20. Developer Profit**

**20.1 Applicant's Profit Position**

The applicant's adviser have concluded that a developer's return of 10% of gross development costs is appropriate for assessing viability. I do not consider this conclusion to be reasonable.

The applicant's advisors conclusion is not supported by comparable data. I have assessed numerous Build to Rent schemes within the city centre and agreed appraisals at a profit on gross development cost at 8%.

I refer you to Section 24.5 of this report which summarises agreed inputs for Build to Rent schemes in Leeds City Centre. Further evidence can be provided in due course



on a confidential basis and subject to the Commissioners of Revenues Act restrictions.

10% of GDC is not accepted as a suitable profit for this scheme. For my review I have adopted a target profit at 8% of gross development costs for the entire scheme. I consider profit margins at this level is well supported by other similar PRS developments DVS have appraised and reviewed in Leeds and that 8% profit is acceptable for determining the viability of the scheme.

## 21 DVS Viability Assessment

### Methodology

The DVS development appraisals fixes the developer's profit. The residual land value of the planning compliant scheme a negative figure and lower than the BMLV and therefore I conclude a planning compliant scheme is not viable.

## 22. Sensitivity Analysis and Testing

As set out in the RICS Professional Standard 'Financial viability in planning: conduct and reporting' (effective from 1<sup>st</sup> September 2019), I have carried out sensitivity tests to test the robustness of the stage 1 viability conclusion described above.

I have varied a number of the most sensitive inputs of the development appraisal relating to base construction cost. I have adjusted the cost upward by steps of £1/sq ft from the base conclusion which is shown as shaded red at the centre of the results table below.

The results show the revised Residual Land Value (RLV) which can be benchmarked against either the Benchmark Land Value (BLV) of £1,600,000.

Sensitivity Analysis Report											
Table of Gross Development Value and Land Cost											
	Construction Rate /ft²										
Land Value: Residualised Land Value	-5.00 /ft²	-4.00 /ft²	-3.00 /ft²	-2.00 /ft²	-1.00 /ft²	0.00 /ft²	1.00 /ft²	2.00 /ft²	3.00 /ft²	4.00 /ft²	5.00 /ft²
0.00%	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846
8.00%	-2,957,838	-2,688,911	-2,419,984	-2,151,057	-1,882,130	-1,613,203	-1,344,276	-1,075,349	-806,421	-537,493	-268,566
5.00%	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846
8.40%	-2,754,967	-2,486,040	-2,217,113	-1,948,186	-1,679,259	-1,410,331	-1,141,404	-872,477	-603,550	-334,623	-67,696
10.00%	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846	74,618,846
8.80%	-2,553,587	-2,284,660	-2,015,733	-1,746,806	-1,477,879	-1,208,952	-940,025	-671,097	-402,170	-133,243	135,684

The table above shows the residual land value of £1,600,000 will decrease to if the built cost increases by £1 per ft. However, if the developer achieves costs savings of £2 per sq ft through value engineering or reducing the internal specification of the apartments the scheme could produce a surplus of £537,854 which could provide

additional affordable units. This shows the *viability* conclusion is very sensitive to changes in the cost profile.

## **23. Comments and Recommendations**

### Market Uncertainty

The outbreak of COVID-19, declared by the World Health Organisation as a “Global Pandemic” on the 11th March 2020, has and continues to impact many aspects of daily life and the global economy – with some real estate markets having experienced lower levels of transactional activity and liquidity. Travel restrictions have been implemented by many countries and “lockdowns” applied to varying degrees. Whilst restrictions have now been lifted in some cases, local lockdowns may continue to be deployed as necessary and the emergence of significant further outbreaks or a “second wave” is possible.

The pandemic and the measures taken to tackle COVID-19 continue to affect economies and real estate markets globally. As at the valuation date some but not all property markets have started to function again, with transaction volumes and other relevant evidence returning to levels where an adequate quantum of market evidence exists upon which to base opinions of value. Accordingly, and for the avoidance of doubt, our valuation is being reported as being subject to ‘material valuation uncertainty’ as defined by VPS 3 and VPGA 10 of the RICS Valuation – Global Standards.

### Material valuation uncertainty

In respect of PRS as at the valuation date we continue to be faced with an unprecedented set of circumstances caused by COVID-19 and an absence of sufficient market evidence on which to base our judgements. Our valuation of SOYO is therefore reported as not subject to ‘material valuation uncertainty’ as set out in VPS 3 and VPGA 10 of the RICS Valuation – Global Standards.

I trust that the above report is satisfactory for your purposes. However, should you require clarification of any point do not hesitate to contact me further.

Yours sincerely

██████████ MRICS  
Principal Surveyor  
RICS Registered Valuer  
DVS

Reviewed by:

██████████ MRICS  
Principal Surveyor  
RICS Registered Valuer  
DVS

## 24. Appendices

- 24.1 Terms of Engagement
- 24.2 Location Plan

- 24.3 Site Layout Plan
- 24.4 Development Appraisal
- 24.5 Summary of PRS Evidence

## 24.1 Terms of Engagement



Daljit Singh  
Group Manager  
Planning Services,  
Leeds City Council

**DVS** Property Specialists  
for the Public Sector

Valuation Office Agency  
6<sup>th</sup> Floor, Castle House  
31 Lisbon Street  
Leeds  
LS1 4DR

Our Reference : 1765433  
Your Reference : 14/06534/OT

Please ask for [REDACTED]  
Tel : 03000 503008

E Mail : [REDACTED]

Date : 25<sup>th</sup> March 2021

Dear [REDACTED],

### **Review of Development Viability Appraisal Address: SOYO Blocks B & C, Quarry Hill, Leeds**

I refer to your instructions dated 25<sup>th</sup> March 2021 I am pleased to confirm my Terms of Engagement in undertaking this commission for you.

This document contains important information about the scope of the work you have commissioned and confirms the terms and conditions under which DVS proposes to undertake the instruction.

It is important that you read this document carefully and if you have any questions, please do not hesitate to ask the signatory whose details are supplied above. Please contact them immediately if you consider the terms to be incorrect in any respect.

Please note that this terms of engagement document is confidential between our client, Leeds City Council, and the VOA. As it contains commercially sensitive and data sensitive information, it should not be provided to the applicant or their advisor without the explicit consent of the VOA.

#### **1. Client**

This instruction will be undertaken for Leeds City Council and the appointing planning officer is yourself, [REDACTED].

## 2. Subject Property and proposed development

The land or property (properties) subject to the review is land at SOYO Blocks B & C, Quarry Hill, Leeds.

It is understood that the development has:

- a site area of 0.91 hectares
- a total GIA of 293,229 sq ft
- the proposed schedule of accommodation is as follows:

Block	Use	Total GIA (m <sup>2</sup> )	Total GIA (ft <sup>2</sup> )
B	Residential	10,959	
	Residential ancillary	394	
	Parking	598	
	Commercial	214	
<b>Block B Total:</b>		<b>12,165</b>	<b>130,975</b>
C	Residential	13,698	
	Residential ancillary	398	
	Parking	629	
	Commercial	344	
<b>Block C Total:</b>		<b>15,069</b>	<b>162,254</b>
<b>Grand total:</b>		<b>27,234</b>	<b>293,229</b>

## 3. Purpose and Scope

To complete this assessment DVS will:

- Assess the Financial Viability Appraisal (FVA) submitted by / on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authorities planning website.
- Advise you on those areas of the appraisal which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion.
- If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, we will advise on the cumulative viability impact of the changes and in particular whether any additional affordable housing and / or s106 contributions might be provided without adversely affecting the overall viability of the development. This will take the form of sensitivity tests.

3.1 My report to you will constitute my final report if my findings conclude that the planning applicant / developer cannot provide more affordable housing and s106 payments than have been proposed.

3.2 **However**, if having completed my assessment I conclude that the planning applicant / developer may be able to provide more affordable housing and s106 payments than have been proposed, I understand that my findings report may only constitute stage 1 of the process as the report will enable all parties to then

consider any areas of disagreement and potential revisions to the proposal.

- 3.3 In such circumstances, I will where instructed by you be prepared to enter into discussions on potential revisions to the applicant's proposals, and / or consider any new supporting information. Upon concluding such discussions, I will submit a new report capturing my subsequent determination findings on the potentially revised application; for convenience and to distinguish it, this report on a second stage assessment may be referred to as my Stage 2 report.

#### **4. Date of Assessment**

The date of the assessment is to be 1st April 2021.

#### **5. Confirmation of Standards to be applied**

The viability assessment will be prepared in accordance with paragraph 57 of the National Planning Policy Framework, which states that all viability assessments should reflect the recommended approach in the National Planning Practice Guidance on Viability, this document was revised in May 2019.

The viability assessment review report will be prepared in accordance with the professional statement Financial Viability in Planning: Conduct and reporting (effective from 1<sup>st</sup> September 2019).

Regard will be made to the RICS Guidance Note "Financial viability in planning" 1<sup>st</sup> Edition (GN 94/2012), where applicable.

Valuation advice (where applicable) will be prepared in accordance with the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards and RICS UK National Supplement, commonly known together as the Red Book. Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).

Measurements stated are in accordance with the RICS Professional Statement '**RICS Property Measurement' (2<sup>nd</sup> Edition)** and, where relevant, the **RICS Code of Measuring Practice (6<sup>th</sup> Edition)**.

#### **6. Agreed Departures from the RICS Professional Standards**

As agreed by you, any office and/or residential property present has been reported upon using a measurement standard other than IPMS, and specifically Net Internal Area has been used. Such a measurement is an agreed departure from 'RICS Property Measurement (2<sup>nd</sup> Edition)'.

I understand that you requested this variation because this measurement standard is how the applicant has presented their data, is common and accepted practice in the construction/ residential industry, and it has been both necessary and expedient to analyse the comparable data on a like with like basis

RICS Red Book professional standards PS1 and PS2 are applicable to our undertaking of your case instruction but as our assessment may be used by you as part of a negotiation, compliance with the technical and performance standards at VPS1 to VPS 5 is not mandatory (PS 1 para 5.4) and they will only be applied to the extent not precluded by your specific requirement.

## **7. Basis of Value**

### **7.1 Benchmark Land Value.** Paragraph 014 of the NPPG (May 2019) states that Benchmark land value should:

be based upon [existing use value](#)

allow for a premium to landowners (including equity resulting from those building their own homes)

reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees

Viability assessments should be undertaken using benchmark land values derived in accordance with this guidance. Existing use value should be informed by market evidence of current uses, costs and values. Market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value. There may be a divergence between benchmark land values and market evidence; and plan makers should be aware that this could be due to different assumptions and methodologies used by individual developers, site promoters and landowners.

This evidence should be based on developments which are fully compliant with emerging or up to date plan policies, including affordable housing requirements at the relevant levels set out in the plan. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

In plan making, the landowner premium should be tested and balanced against emerging policies. In decision making, the cost implications of all relevant policy requirements, including planning obligations and, where relevant, any Community Infrastructure Levy (CIL) charge should be taken into account.

Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the



price paid for land (or the price expected to be paid through an option or promotion agreement).

See related policy: National Planning Policy Framework [paragraph 57](#)

Paragraph: 014 Reference ID: 10-014-20190509

Revision date: 09 05 2019

**7.2 Existing Use Value:** the NPPG (May 2019) explains Existing Use Value at para 15 as follows:

Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development).

Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.

See related policy: National Planning Policy Framework [paragraph 57](#)

Paragraph: 015 Reference ID: 10-015-20190509.

Revision date: 09 05 2019.

**7.3 Gross Development Value (GDV)**

GDV is the cumulative total of the market values of the entire development, as detailed in the schedule of accommodation.

**Market Value (MV)** RICS VPS 4, para 4 defines MV as:

*“The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.”*

On occasion, it may be agreed that a basis of value requires to be modified and a Special Assumption added, for example where there is the possibility of Special Value attaching to a property from its physical, functional, legal or economic association with some other property.

Any Special Assumptions agreed with you have been captured below under the heading Special Assumptions, in accordance with VPS 4, para 9 of the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards and RICS UK National Supplement, and will be restated in my report.

## **8. Special Assumptions**

The following special assumptions have been agreed and will be applied:

- that your council's planning policy, or emerging policy, for affordable housing is up to date
- There are no abnormal development costs in addition to those which the applicant has identified, and (for cases with no QS review) the applicant's abnormal costs, where supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report.
- 

## **9. Extent of Valuer's Investigations, Restrictions and Assumptions**

An assumption in this context is a limitation on the extent of the investigations or enquiries that will be undertaken by the assessor.

The following agreed assumptions will apply to your instruction and be stated in my report, reflecting restrictions to the extent of our investigations.

- Such inspection of the property and investigations as the Valuer decides is professionally adequate and possible in the particular circumstance will be undertaken
- No detailed site survey, building survey or inspection of covered, unexposed or inaccessible parts of the property will be undertaken. The Valuer will have regard to the apparent state of repair and condition, and will assume that inspection of those parts that are not inspected would neither reveal defects nor cause material alteration to the valuation, unless the valuer becomes aware of indication to the contrary. The building services will not be tested and it will be assumed that they are in working order and free from defect. No responsibility can therefore be accepted for identification or notification of property or services' defects that would only be apparent following such a detailed survey, testing or inspection. If the Valuer decides further investigation to be necessary, separate instructions will be sought from you.

- It will be assumed that good title can be shown and that the property is not subject to any unusual or onerous restrictions, encumbrances or outgoings.
- It will be assumed that the property and its value are unaffected by any statutory notice or proposal or by any matters that would be revealed by a local search and replies to the usual enquiries, and that neither the construction of the property nor its condition, use or intended use was, is or will be unlawful or in breach of any covenant.
- It will be assumed that all factual information provided by you or the applicant or their agent with regard to the purpose of this request and details of tenure, tenancies, planning consents and all other relevant information is correct. The advice will therefore be dependent on the accuracy of this information and should it prove to be incorrect or inadequate the basis or the accuracy of any assessment may be affected.
- Valuations will include that plant that is usually considered to be an integral part of the building or structure and essential for its effective use (for example building services installations), but will exclude all machinery and business assets that comprise process plant, machinery and equipment unless otherwise stated and required.
- No access audit will be undertaken to ascertain compliance with the Equality Act 2010 and it will be assumed that the premises are compliant unless otherwise stated by the applicant
- No allowances have been made for any rights obligations or liabilities arising from the Defective Premises Act 1972 unless identified as pertinent by the applicant.

## **10. Nature and Source of Information to be relied upon by Valuer**

### **10.1 From the client**

Information that will be provided to the VOA by the client comprises the following material, which will be relied upon by the viability assessor without further verification.

- a) The Planning application details.
- b) Confirmation of S106 / S278 planning obligations triggered by the scheme. In particular whether the applicant's assumptions on these matters are correct, if they are incorrect then please provide the correct details.
- c) A copy of, or a link to, the relevant planning policy applicable to the site, including current designation (and emerging designation if applicable).
- d) Details of any extant or elapsed consents relating to permitted Alternative Use.
- e) If the applicant has relied on an alternative use that is not permitted, a statement as to whether this alternative would be an acceptable development.

- f) If the applicant has applied vacant building credit, a statement as to whether this is agreed by your Council, if not the appropriate figure.
- g) A copy of the applicant's financial viability appraisal prepared by Turley dated January 2021.

## **10.2 Information from the applicant**

### Site access

It is understood that the site is accessible and no appointment to inspect is required. In particular it is understood there are no extraordinary health and safety issues to be aware of. If this is incorrect, please provide details of access arrangements and any PPE requirements.

### Viability assessment

With regards to the applicant's financial viability appraisal the applicant should provide sufficient detail to enable DVS to assess the applicant's contention that the scheme would not be viable if the requirements for affordable housing and other public realm contributions were met as stated in the Local Plan.

To support the contention, the applicant's FVA should include a report with the following details:

- a) A planning policy compliant viability assessment, if completed by a member the RICS this should be prepared in accordance with the Financial Viability in planning: conduct and reporting Professional Statement (effective from 1 September 2019). The follow details are required:
- b) Site area -and schedule of accommodation the gross developable area and net developable area should be stated together with an illustrative plan showing the respective boundaries (or reference to the appropriate planning document with this information )
- c) Development programme assumptions, to detail the anticipated period involved in development, including pre- build, build period and marketing period.
- d) Gross Development Value:
  - (i) Market evidence in support of the sales values adopted
  - (ii) Tenure assumptions and Values for affordable housing
- e) Land Value
  - (i) The Benchmark Land Value should be clearly stated with reference to:
    - i. EUV (as defined in the Viability PPG para 015)
    - ii. Premium (see PPG para 016)
    - iii. Market evidence (suitably adjusted in accordance with PPG para 016)

- (ii) Alternative use value for the site such be provided, where it exists. (see para 17 of the PPG).
  - (iii) The Purchase Price (or expected price as agreed through a conditional or optional agreement) should be reported for transparency. Where this is below the assessment of BLV a brief explanation of the reasoning should be provided.
- f) Gross Development Costs
- (i) Build Cost assessment - the evidence should include a full build cost estimate, showing how the costs have been estimated.
  - (ii) Abnormal Costs total - Supporting reports for site abnormalities should be provided, together with the calculation adopted
- g) Cash flow. Either in the form of an accessible viability toolkit (Argus developer or HCA DAT) or as a Microsoft Excel unprotected document.

### **10.3 DVS Information**

DVS will make use of VOA held records and information. The sources of any other information used that is not taken from our records will be identified in the review report.

### **10.4 Information Outstanding**

We have reviewed the viability information already supplied and can confirm that we have most of the information to complete this case with the exception of the following

From your council:

A summary of Section 106 Costs applicable to the application

A summary of CIL charges applicable to the application

The report delivery date will be dependent upon timely receipt of this information.

### **11. Identity of Responsible Valuer and their Status**

It is confirmed that the valuation will be carried out by a RICS Registered Valuer, acting as an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the assessment competently.

The valuer responsible will be Brian Maguire and their contact details are as stated above in the letterhead.

Any graduate involvement will be detailed in the report.

### **12. Disclosure of any Material Involvement or 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 DVS are 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.

It is confirmed that the valuer appointed has no personal conflict undertaking this instruction.

**13. Description of Report**

A side headed written Stage 1 report as approved by you for this purpose will be supplied and any differences of opinion will be clearly set out with supporting justification, where inputs are agreed this will be stated also.

Further to the requirements of the RICS a non-technical summary will be included in the report, together with sensitivity tests to support the viability conclusion.

**14. Report Date**

It is my intention to submit the stage 1 report of my findings by 14<sup>th</sup> April 2021.

If unforeseen problems arise that may delay my report, you will be contacted before this date with an explanation and to discuss the position.

In order to meet the above reporting date it is essential that the information requested with section 10 of these terms is supplied by 29<sup>th</sup> March 2021.

**15. Validity Period**

The report will remain valid for 6 months unless circumstances alter or further material information becomes available. Reliance should not be placed on the viability conclusion beyond this period without reference back to the VOA for an updated valuation.

**16. Restrictions on Disclosure and Publication**

The client 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.

**17. Limits or Exclusions of Liability**

Our viability advice is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our advice may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our valuation report.

If we do provide written consent to a third party relying on our valuation, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

**18. Fee Basis**

18.1 You have asked for a fixed fee quote for the viability appraisal. Having considered the initial details of this application, we have agreed a fixed fee basis of [REDACTED] plus VAT in order to complete the work set out above.

The personnel involved in this assessment will be as follows:

<b>Personnel:</b>	<b>Role</b>	<b>Task</b>
[REDACTED]	Development Consultant Residential and commercial Valuer	Report and Viability Residential and commercial research and Valuation

18.2 This fixed fee proposal is for the provision of a report stating my findings on the development viability appraisal as initially provided by the planning applicant / developer. It will include a meeting with you to deal with initial issues. It may require revision if the information supplied by you or the applicant is not quickly forthcoming at our request or if the initial task is varied by you and in both cases we would revert to you for advice on the way forward. Abortive fees would be based on work already carried out.

18.3 If there is a subsequent need following the delivery of my report to discuss issues with the planning applicant / developer or you, including the consideration of potential revised proposals, or to attend meetings, this will constitute a second stage requiring a Stage 2 report and we would need to charge on a time spent basis as an additional cost at hourly rates as shown in the table above for this Stage 2 work. I am able to reduce the amount of time I need to spend upon your work by delegating some functions to colleagues who have a lower cost and this will be reflected in the invoice for this work.

<b>Role</b>	<b>Task</b>	<b>Hourly Fee + VAT</b>
RICS Lead Development Consultant	Report and viability discussions	[REDACTED]
RICS Residential and commercial Valuers	Residential and commercial research and Valuation	[REDACTED]

18.3 If there is a subsequent need following the delivery of my report to discuss issues with the planning applicant / developer or you, including the consideration of potential revised proposals, or to attend meetings, this will constitute a second stage requiring a Stage 2 report and we would need to charge on a time spent

basis as an additional cost at hourly rates as shown in the table above for this Stage 2 work. I am able to reduce the amount of time I need to spend upon your work by delegating some functions to colleagues who have a lower cost and this will be reflected in the invoice for this work.

- 18.4 **Payer of fees:** With regard to the payment of fees, Homes and Communities Agency has issued a Good Practice Note: "Investment and Planning obligations - Responding to the downturn". In this GPN is a comment that it is common practice for developers to fund the cost of independent validation. The reasoning for this is that you have a planning policy which the applicant is seeking to vary. In order to assess the applicant appraisal you need advice which it is reasonable for the applicant to bear in these circumstances. I understand that the planning applicant / developer has agreed to reimburse your reasonable costs incurred in this review.

Please note that you will be our named Client. As such, our contractual obligation is to you and not to the applicant and your authority will be responsible for payment of our fees. Any arrangement between your authority and the Applicant relating to payment of the fees would be a matter between yourselves.

Please note that that my minimum fee is £200 unless agreed otherwise as part of a contract or SLA.

## 19. **Currency**

All prices or values are stated in pounds sterling.

## 20. **Fee Payment and Interim Billing**

Our fees are payable by our client within 30 days from the receipt of our invoice whether or not the amount is disputed or is being passed on to a third party for reimbursement.

The VOA reserves the right, subject to prior notification of details of time spent, to invoice at suitable points during the financial year for work in progress undertaken but not yet formally reported. In order to ensure timely cash flows within the public sector, such interim bills may be issued at either monthly or two monthly intervals. You will be advised beforehand that any such bill is imminent.

Where a case is cancelled before completion, our fees will be calculated on a 'work done' basis with added reasonable disbursements unless alternative arrangements have been prior agreed.

**Please note** under HM Treasury Managing Public Money we are required to review our charging on a regular basis. The VOA reserves the right to undertake an annual review of our rates going forward.



## **21. Purchase Order Numbers**

If your organisation uses Purchase Order) Numbers, and you have not already provided one with your originating instructions, please supply this number to us as soon as possible as I cannot proceed without this information.

## **22. Complaints**

The VOA operates a rigorous QA/QC system. This includes the inspection by Team Leaders of a sample of work carried out during the life of the instruction together with an audit process carried out by experienced Chartered Surveyors upon completion of casework. It also includes a feedback cycle to ensure continuous improvement.

The VOA has a comprehensive complaints handling procedure if you are not getting the service you expect. If you have a query or complaint it may be best to speak first to the person you have been dealing with or their manager. If you remain dissatisfied you should be offered a copy of our brochure "Our Code of Practice on Complaints". If it is not offered to you, please request a copy or access it on our website [www.voa.gov.uk](http://www.voa.gov.uk).

## **23. Freedom of Information**

We will do all that we can to keep any information gathered or produced during this assignment confidential. The Freedom of Information Act 2000 or Environmental Information Regulations 2004, and subordinate legislation, may apply to some or all of the information exchanged between yourself and the VOA under this engagement. Therefore the VOA's duty to comply with the Freedom of Information Act may necessitate, upon request, the disclosure of information provided by you unless an exemption applies.

The VOA undertakes to make reasonable endeavours to discuss the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, with you prior to responding to any third party requests. However, the VOA reserves the right to comply with its statutory obligations under the Act in such manner as it deems appropriate.

The VOA requires you to make all reasonable endeavours to discuss with us the appropriateness of disclosure, or the applicability of any exemptions allowed by the Act, prior to your responding to any third party requests for information provided to you by the VOA.

## **24. Monitoring Compliance by RICS**

It is possible that the RICS may at some stage ask to see the valuation for the purposes of their monitoring of professional standards under their conduct and disciplinary regulations.

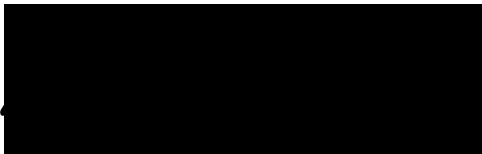
**25. Revisions to these Terms**

Where, after investigation, there is in my judgement a need to propose a variation in these terms of engagement, you will be contacted without delay prior to the issue of the report.

For example, should it become apparent that the involvement of specialist colleagues would be beneficial, your consent will be sought before their involvement and we shall, if not included in the original fee estimate, provide an estimate of their costs.

The valuer will be grateful to receive at your earliest convenience brief written confirmation by email or letter that these terms and conditions are accepted and approved by you. If you have any queries please do not hesitate to contact the valuer listed above.

Yours sincerely



Brian Maguire MRICS  
Principal Surveyor  
RICS Registered Valuer  
DVS

24.2 Aerial Image of Location



### 24.3 Site Development Plan



## 24.4 Development Appraisals

### Appraisal 1

#### **EUV Valuation comprising 331 owner occupied scheme and ancillary commercial accommodation**

Caddick City Living Ltd  
SOYO, Block B & C, Quarry Hill, Leeds

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Proposed Development:  
331 Owner Occupied Apartment Units

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Development Appraisal  
Valuation Office Agency  
09 April 2021

**APPRAISAL SUMMARY**

**VALUATION OFFICE AGENCY**

Caddick City Living Ltd  
SOYO, Block B & C, Quarry Hill, Leeds

Summary Appraisal for Merged Phases 1 2

Currency in £

**REVENUE**

Sales Valuation	Units	ft <sup>2</sup>	Sales Rate ft <sup>2</sup>	Unit Price	Gross Sales
1 Bed	185	91,575	393.94	195,000	36,075,000
2 Bed	114	84,702	370.12	275,000	31,350,000
3 Bed	7	7,308	301.72	315,000	2,205,000
3 Bed	8	7,704	311.53	300,000	2,400,000
1 Bed SO	4	1,980	105.14	52,044	208,177
1 Bed AR	5	2,475	81.76	40,471	202,356
2 Bed SO	2	1,486	105.14	78,119	156,238
2 Bed AR	5	3,715	81.76	60,748	303,738
3 Bed AR	1	495	81.76	40,471	40,471
<b>Totals</b>	<b>331</b>	<b>201,440</b>			<b>72,940,981</b>

**Rental Area Summary**

	Units	ft <sup>2</sup>	Rent Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV at Sale	Net MRV at Sale
Block B: Commercial (A1/ A3)	1	2,303	17.50	40,303	40,303	40,303	40,303
Block C: Commercial (A1/ A3)	1	3,703	17.50	64,803	64,803	64,803	64,803
Car Parking	30			1,200	27,540	36,000	27,540
Freehold Groundlease	315			200	63,000	63,000	63,000
<b>Totals</b>	<b>347</b>	<b>6,006</b>			<b>195,645</b>	<b>204,105</b>	<b>195,645</b>

**Investment Valuation**

<b>Block B: Commercial (A1/ A3)</b>						
Market Rent	40,303	YP @	7.0000%	14.2857		
(2yrs Rent Free)		PV 2yrs @	7.0000%	0.8734	502,882	
<b>Block C: Commercial (A1/ A3)</b>						
Market Rent	64,803	YP @	7.0000%	14.2857		
(2yrs Rent Free)		PV 2yrs @	7.0000%	0.8734	808,586	
Car Parking						
Current Rent	27,540	YP @	4.5000%	22.2222	612,000	
Freehold Groundlease						
Current Rent	63,000	YP @	5.0000%	20.0000	1,260,000	
					<b>3,183,468</b>	

**GROSS DEVELOPMENT VALUE**

76,124,449

Purchaser's Costs

(214,884)

Effective Purchaser's Costs Rate

6.75%

(214,884)

**NET DEVELOPMENT VALUE**

75,909,565

**NET REALISATION**

75,909,565

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price (2.25 Acres @ 32,251.63 pAcre)

1,422,566

1,422,566

Agent Fee

1.00%

6,958

Legal Fee

0.50%

3,479

10,437

**CONSTRUCTION COSTS**

**Construction**

	ft <sup>2</sup>	Build Rate ft <sup>2</sup>	Cost
Block B	130,975	171.35	22,442,600
Block C	<u>162,254</u>	173.83	<u>28,204,500</u>
<b>Totals</b>	<b>299,235</b>		<b>50,647,100</b>

Accessible Bathrooms

99,000

EV Charging Points

90,000

Stats and Diversions Contribution

367,862

Public Realm Contribution

1,014,028

CIL: Instalment 1

58,534

CIL: Instalment 2

58,534

CIL: Instalment 3

58,534

1,746,492

**Caddick City Living Ltd**  
**SOYO, Block B & C, Quarry Hill, Leeds**

<b>PROFESSIONAL FEES</b>			
Professional Fees	7.00%	3,558,527	3,558,527
<b>MARKETING &amp; LETTING</b>			
Marketing	1.00%	697,351	
Commercial Letting Agent Fee	10.00%	10,511	
Commercial Letting Legal Fee	5.00%	5,255	
			713,117
<b>DISPOSAL FEES</b>			
Investment Sale Agent Fee	1.00%	713,388	
Investment Sale Legal Fee	0.50%	8,543	
Apt Sales Legal Fee	331 un 750.00 /un	248,250	
			970,179
<b>FINANCE</b>			
Debit Rate 6.000%, Credit Rate 0.000% (Nominal)			
Total Finance Cost			3,999,670
<b>TOTAL COSTS</b>			<b>63,068,088</b>
<b>PROFIT</b>			<b>12,841,477</b>
<b>Performance Measures</b>			
Profit on Cost%		20.36%	
Profit on GDV%		16.87%	
Profit on NDV%		16.92%	
Development Yield% (on Rent)		0.31%	
Equivalent Yield% (Nominal)		5.80%	
Equivalent Yield% (True)		6.02%	
Rent Cover		65 yrs 8 mths	
Profit Erosion (finance rate 6.000)		3 yrs 1 mth	

## Appraisal 2

### **BTR DVS Conclusion Residual Appraisal 27 Units (8.15%)**

Caddick City Living Ltd  
SOYO, Block B & C, Quarry Hill, Leeds  
8.15% at 20% Discounted of MV Rents

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Policy Compliant Residual Land Value  
331 BTR Apartments

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Development Appraisal  
Licensed Copy  
21 May 2021



**APPRAISAL SUMMARY** **LICENSED COPY**

Caddick City Living Ltd  
30YO, Block B & C, Quarry Hill, Leeds  
8.15% at 20% Discounted of MV Rents

Summary Appraisal for Phase 1

Currency in £

**REVENUE**

**Rental Area Summary**

	Units	£	Rent Rate £	Initial MRV/Unit	Net Rent at Sale
Block B: 1-Bed Apartment	74	36,441	21.96	10,814	612,192
Block B: 2-Bed Apartment	55	40,978	20.85	15,535	653,635
Block B: 3-Bed Apartment	6	6,265	20.40	21,300	97,767
Block C: 1-Bed Apartment	105	53,020	21.96	11,089	890,711
Block C: 2-Bed Apartment	56	41,582	20.89	15,511	664,512
Block C: 3-Bed Apartment	8	7,712	21.00	20,247	123,910
Block B: Commercial (A1/ A3)	1	2,303	17.50	40,303	40,303
Block C: Commercial (A1/ A3)	1	3,703	17.50	64,803	64,803
Car Parking	30			1,200	27,540
Block B: 1-Bed AFF	6	2,955	18.50	9,110	41,816
Block B: 2-Bed AFF	5	3,725	16.68	12,427	47,535
Block B: 3-Bed AFF	1	1,044	16.03	16,738	12,804
Block C: 1-Bed AFF	8	4,040	18.50	9,342	57,171
Block C: 2-Bed AFF	6	4,455	16.68	12,386	56,850
Block C: 3-Bed AFF	1	964	16.80	16,195	12,389
<b>Totals</b>	<b>363</b>	<b>209,188</b>			<b>3,403,937</b>

**Investment Valuation**

<b>Block B: 1-Bed Apartment</b>					
Current Rent	612,192	YP (d)	4.5000%	22.2222	13,604,266
<b>Block B: 2-Bed Apartment</b>					
Current Rent	653,635	YP (d)	4.5000%	22.2222	14,525,225
<b>Block B: 3-Bed Apartment</b>					
Current Rent	97,767	YP (d)	4.5000%	22.2222	2,172,600
<b>Block C: 1-Bed Apartment</b>					
Current Rent	890,711	YP (d)	4.5000%	22.2222	19,793,574
<b>Block C: 2-Bed Apartment</b>					
Current Rent	664,512	YP (d)	4.5000%	22.2222	14,766,925
<b>Block C: 3-Bed Apartment</b>					
Current Rent	123,910	YP (d)	4.5000%	22.2222	2,753,547
<b>Block B: Commercial (A1/ A3)</b>					
Market Rent	40,303	YP (d)	7.0000%	14.2857	
(2yrs Rent Free)		PV 2yrs (d)	7.0000%	0.8734	502,882
<b>Block C: Commercial (A1/ A3)</b>					
Market Rent	64,803	YP (d)	7.0000%	14.2857	
(2yrs Rent Free)		PV 2yrs (d)	7.0000%	0.8734	808,586
<b>Car Parking</b>					
Current Rent	27,540	YP (d)	4.5000%	22.2222	612,000
<b>Block B: 1-Bed AFF</b>					
Current Rent	41,816	YP (d)	4.5000%	22.2222	929,253
<b>Block B: 2-Bed AFF</b>					
Current Rent	47,535	YP (d)	4.5000%	22.2222	1,056,332
<b>Block B: 3-Bed AFF</b>					
Current Rent	12,804	YP (d)	4.5000%	22.2222	284,539
<b>Block C: 1-Bed AFF</b>					
Current Rent	57,171	YP (d)	4.5000%	22.2222	1,270,470

Project: R:DV Services/DEVELOPMENT CONSULTANCY SERVICES/VAH Yorkshire, NE, Part Midlands/Leeds/LEEDS CITY  
ARGUS Developer Version: 7.70.000 Date: 21/05/2021

**APPRAISAL SUMMARY** **LICENSED COPY**

**Caddick City Living Ltd**  
**SOYO, Block B & C, Quarry Hill, Leeds**  
**8.15% at 20% Discounted of MV Rents**

<b>Block C: 2-Bed AFF</b>					
Current Rent	56,850	YP @	4.5000%	22.2222	1,263,330
<b>Block C: 3-Bed AFF</b>					
Current Rent	12,389	YP @	4.5000%	22.2222	275,318
					<b>74,618,846</b>

**GROSS DEVELOPMENT VALUE** **74,618,846**

Purchaser's Costs			(250,000)		
Effective Purchaser's Costs Rate		0.00%		(250,000)	

**NET DEVELOPMENT VALUE** **74,368,846**

**NET REALISATION** **74,368,846**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price (1.97 Acres @18,884.53 pAcre)			1,613,203		1,613,203
Stamp Duty			70,160		
Agent Fee		1.00%	16,132		
Legal Fee		0.50%	8,066		
Investment Purchasers Cost Land Onl		6.75%	108,891		
					203,249

**CONSTRUCTION COSTS**

Construction	ft <sup>2</sup>	Buld Rate ft <sup>2</sup>	Cost		
Block B	130,975	187.22	24,521,547		
Block C	<u>162,254</u>	188.59	<u>30,599,695</u>		
<b>Totals</b>	<b>299,235</b>		<b>55,121,242</b>	<b>55,121,242</b>	

Contingency		3.00%	1,653,637		
Accessible Bathrooms			99,000		
EV Charging Points			90,000		
Stair and Diversions Contribution			367,862		
Public Realm Contribution			1,223,600		
CIL: Instalment 1			58,534		
CIL: Instalment 2			58,534		
CIL: Instalment 3			58,534		
					3,609,701

**Other Construction**

Apartment FF&E	331 un	2,000.00 /un	662,000		
Amenity FF&E			250,000		
					912,000

**PROFESSIONAL FEES**

Professional Fees		7.25%	4,009,993		4,009,993
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**MARKETING & LETTING**

Marketing		10.00%	10,511		
Commercial Letting Agent Fee		10.00%	10,511		
Commercial Letting Legal Fee		5.00%	5,255		
					26,276

**DISPOSAL FEES**

Investment Sale Agent Fee		0.50%	374,244		
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**APPRAISAL SUMMARY** **LICENSED COPY**

**Caddick City Living Ltd**  
**SOYO, Block B & C, Quarry Hill, Leeds**  
**8.15% at 20% Discounted of MV Rents**

Investment Sale Legal Fee	0.25%	187,122	561,366
<b>FINANCE</b>			
Debit Rate 4.500%, Credit Rate 0.000% (Nominal)			
Land		180,931	
Construction		2,622,080	
Total Finance Cost			2,803,011
<b>TOTAL COSTS</b>			<b>68,860,041</b>
<b>PROFIT</b>			<b>5,508,805</b>
<b>Performance Measures</b>			
Profit on Cost%		8.00%	
Profit on GDV%		7.38%	
Profit on NDV%		7.41%	
Development Yield% (on Rent)		4.94%	
Equivalent Yield% (Nominal)		4.55%	
Equivalent Yield% (True)		4.68%	
Rent Cover		1 yr 7 mths	
Profit Erosion (finance rate 4.500)		1 yr 9 mths	

## 24.5 Schedule of PRS Evidence





Dear Myles,

Further to our recent conversations I wish to record the Playhouse's support in respect of the planning application for 331 additional residential units on blocks B & C at SOYO/ Quarry Hill. There is a huge transformation underway in this part of the City with the opening of the College, new public realm and the 515 units well under construction, to complement the redeveloped Playhouse. The benefits of new residents and footfall will add significant vibrancy to the district, which will be hugely beneficial for the Playhouse. So the prospect of an additional 331 units at SOYO is welcome, and we hope these can be delivered as soon as possible. We accept there will be some short term disruption as a result of construction activities, but this is far outweighed by the longer term benefits in our view.

In terms of car parking provision, obviously this is an important issue for our visitors as we open up again post pandemic. The parking provision in the immediate area has significantly improved since the opening of the Victoria Gate multi storey car park next to John Lewis, immediately opposite our new entrance. Evening parking rates are currently £3, which is affordable for our visitors. We are also pleased to see the grant of planning permission recently for the proposed multi storey at SOYO, and understand that construction of this car park cannot commence yet for logistical reasons given the ongoing building work for blocks E & F, and also the need for city centre traffic levels to recover from the pandemic to help underpin demand. We are very supportive of blocks B & C being commenced before the new car park, given the additional benefits this will bring and the availability of the Victoria Gate car park. Obviously we still wish to see the SOYO multi storey car park delivered in the longer term, but are comfortable with this being constructed later on in the programme rather than immediately.

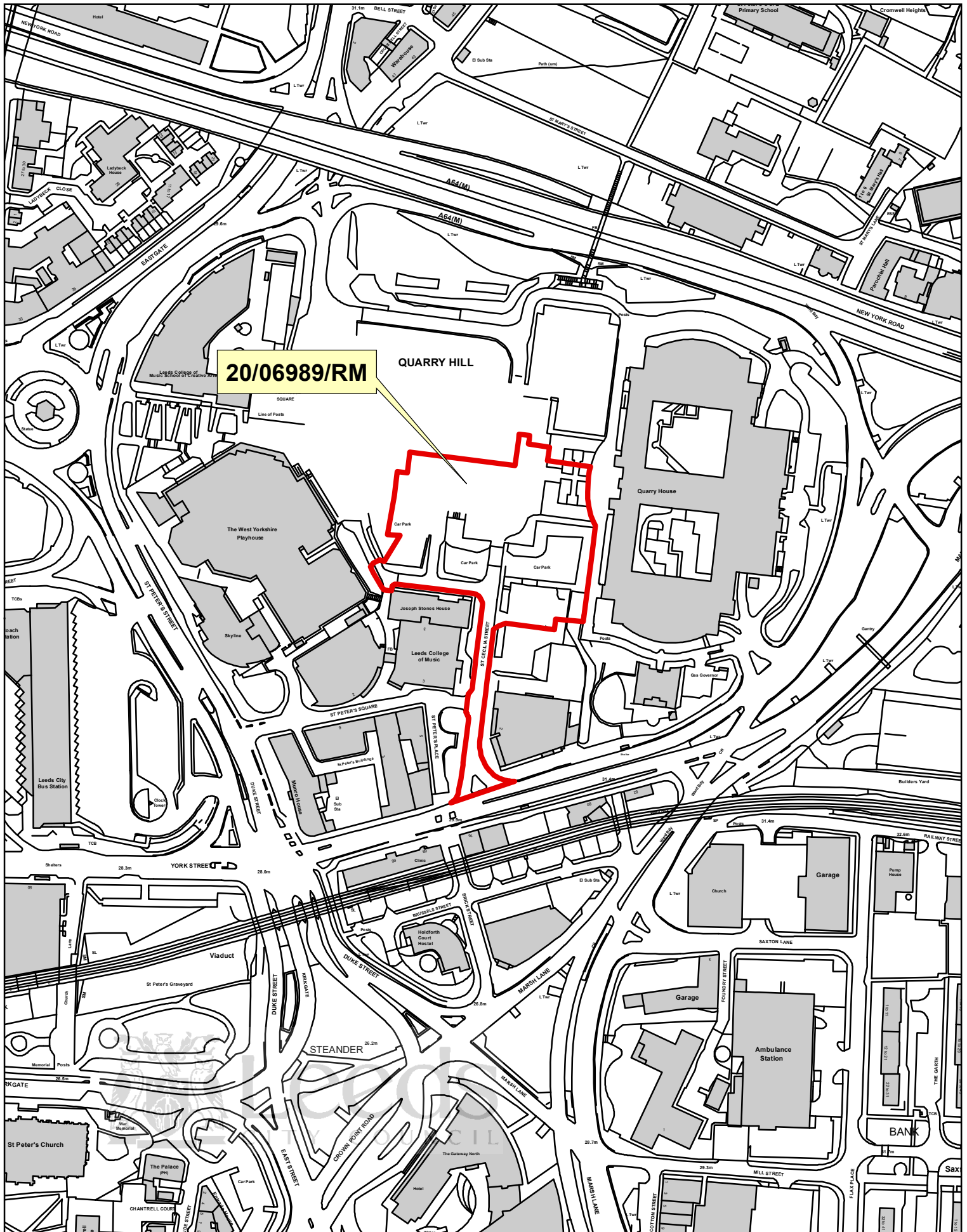
Kind regards

A stylized, black and white graphic signature of Robin Hawkes, consisting of overlapping, jagged lines that form a dense, abstract shape.

Robin Hawkes

Leeds Theatre Trust Limited  
Leeds Playhouse  
Playhouse Square  
Quarry Hill  
Leeds, LS2 7UP

**Administration** 0113 213 7800  
**Box Office** 0113 213 7700  
info@leedsplayhouse.org.uk  
[leedsplayhouse.org.uk](http://leedsplayhouse.org.uk)



# CITY PLANS PANEL

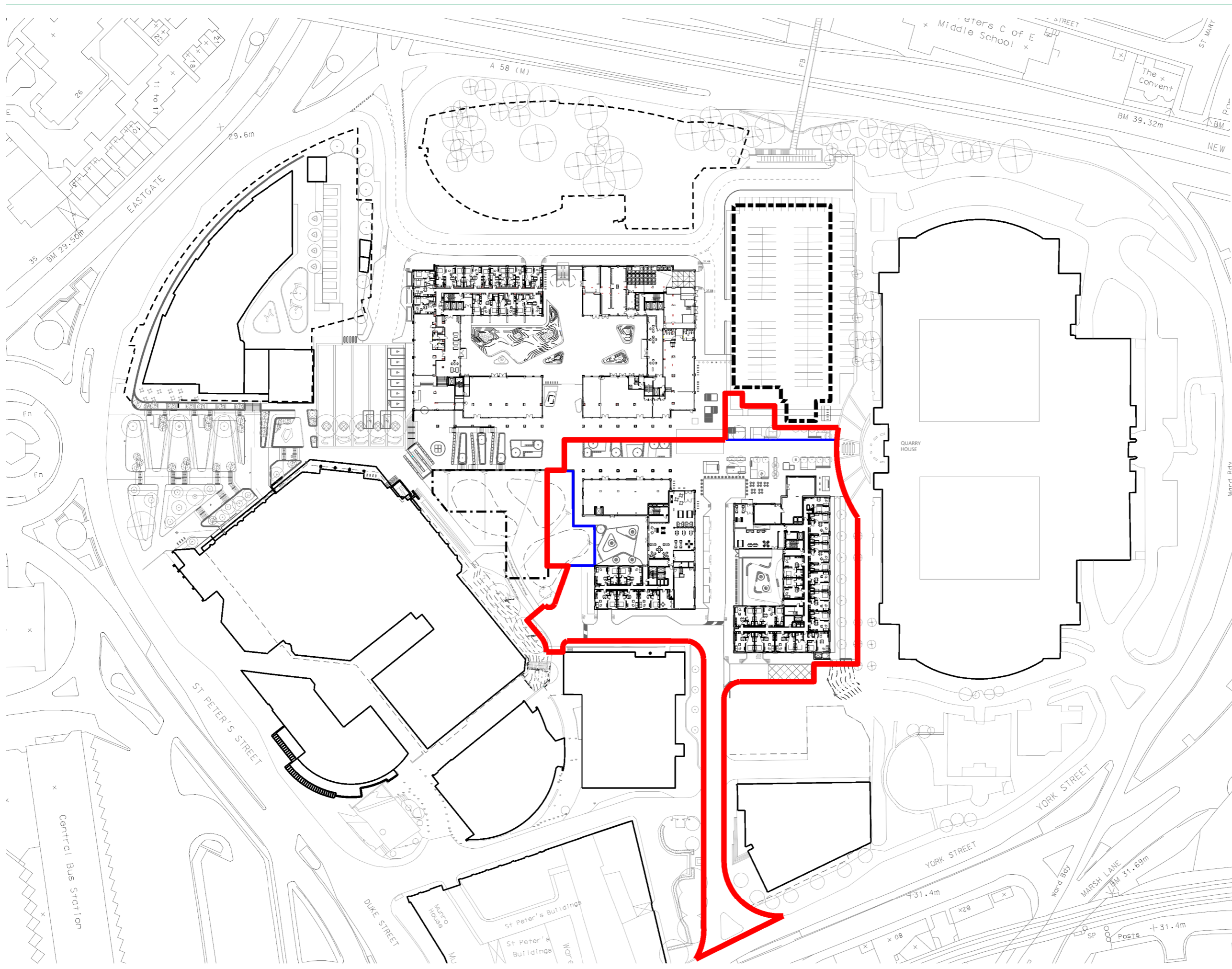
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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500

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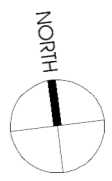




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# SOYO\_B&C\_PL

REV DESCRIPTION INITIALS/DATE



- █ RESERVED MATTERS APPLICATION BOUNDARY
- █ TEMPORARY WORKS BOUNDARY

LANDSCAPE WORKS INDICATIVE, REFER TO LANDSCAPE ARCHITECTS DRAWINGS FOR FURTHER DETAILS

**JOB NAME**  
 SOYO  
 QUARRY HILL  
 LEEDS

**DRAWING TITLE**  
 LOCATION PLAN  
 BLOCK B&C

**STATUS**  
 Planning

**DATE** SEPT '20    **SHEET BY** CLB    **SCALE @ SIZE** 1:1250@A3

**JOB NO** 4252    **CODE** SOYO\_B&C\_PL\_001    **REV** -

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