



Update Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 11 August 2022

Subject: Planning Application 22/00361/FU for a multi-level residential development (Class C3) with associated hard and soft landscaping and rooftop amenity space at a site on Land Off Water Lane, Holbeck, Leeds.

APPLICANT

McLaren (Water Lane) Limited

DATE VALID

18 January 2022

TARGET DATE

16 August 2022

Electoral Wards Affected:

Beeston & Holbeck

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

For Members to note the contents of this report which is provided by way of an update to the report to 14th July 2022 City Plans Panel and to Defer and Delegate to the Chief Planning Officer for approval, subject to the conditions at Appendix 2 (and any amendment to or addition of others which the Chief Planning Officer considers appropriate), subject to resolving the outstanding concerns of the Health and Safety Executive and subject to the completion of a Section 106 agreement to secure the following:

1. Employment and training of local people
2. Publicly accessible areas
3. Affordable housing provision which is subject to viability (in line with option 4 as detailed in paragraph 8.9 below and Appendix 1)
4. Travel Plan Review fee (see paragraphs 8.12 below)
5. The provision of two Leeds City Council Car Club provider parking spaces
6. The provision of a Residential Travel Plan Fund which is subject to viability (see paragraph 8.12 and 8.13 below and Appendix 1)

- 7. A contribution towards pedestrian and cycle improvements in the area which is subject to viability (see paragraphs 8.12 and 8.13 below and Appendix 1)**
- 8. A Traffic Regulation Orders affecting resident's on street parking, within an 800m radius of the site (see paragraphs 8.12 and 8.13 below and Appendix 1)**
- 9. A green space contribution which is subject to viability (see paragraphs 8.12 and 8.13 below and Appendix 1)**
- 10. A management fee.**

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

Conditions

A list of draft Conditions for the application is provided in the Appendix 2 of this report.

1.0 INTRODUCTION:

- 1.1 The proposal is put before City Plans Panel as the development involves the creation of a number of new dwellings, upon which the Applicant seeks to justify a viability case, requesting that the normal policy requirement for affordable housing and other planning obligations be set aside. The development involves a significant investment in an important site which is located at an area to the south side of the City Centre.
- 1.2 City Plans Panel considered these proposals on the 14 July 2022 and resolved that the Application (No. 22/00361/FU) be deferred to enable further discussions with the developer concerning the following matters;
 - Policy compliance with Core Strategy Policy H4 in respect of the housing mix.
 - Policy compliance with Core Strategy Policy H5 in respect of the provision of affordable housing.
 - Consideration of the financial viability appraisal and its review by the District Valuer and the proportioning of the moneys available for Section 106 contributions.
 - Policy compliance with Core Strategy Policy EN1 (1) in respect of reducing carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate.
 - Policy compliance with Core Strategy Policy EN8 in respect of the provision of 100% electric vehicle charging for all car parking bays from day one of occupation of the scheme.
 - Further details of the contextual and architectural design details of the proposed stepped blocks.
 - Consideration of what physical measures can be incorporated into the scheme to improve the safety of the pedestrian and cycling routes to and from the city in its immediate vicinity.
 - Consideration of the landscape details on site and how to maximise the quality of amenity spaces for the residents of the scheme.
- 1.3 It is also worth noting that as advised in the report of the Chief Planning Officer of 14 July 2022 (which can be found at Appendix 3), the Applicant's team presented the emerging pre-application proposals to City Plans Panel on 30 September 2021. At the meeting Members stated they required the scheme to be policy compliant in

respect of the mix of accommodation, that there was support for the emerging mass and scale, but more details of the design were required including balconies and parking for taxis, visitors and deliveries. Member's comments from the City Plans Panel minutes are set out in paragraph 5.2 below.

- 1.4 The scheme is now brought back to City Plans Panel to report on the progress made since the 14 July 2022 Panel meeting.

2.0 PROPOSAL:

- 2.1 The proposals seek to create a multi-level development of residential apartments, ranging from 2 up to 26 storeys (including ground floor), set within a landscaped area, with undercroft car parking. The scheme would bring forward 375 apartments, with these being in the following mix;

200 one bedroomed apartments (ranging from 39 to 50 m²) 53%

144 two bedroomed apartments (61 to 70 m²) 37%

36 three bedroomed apartments (74 to 95 m²) 10%.

- 2.2 In addition, the proposal would include three internal communal amenity spaces totalling some 700 m² and four external landscaped communal spaces totalling 975m². Part of the external space would be a raised podium to the centre of the site, alongside roof terraced areas at the 9th and 14th floors, as well as the wider ground floor surface greened landscaping.

- 2.3 A total of 46 car parking spaces (including 3 disabled spaces and 2 car club spaces) are proposed in an undercroft parking area, as well as 220 cycle spaces 112 double stack spaces, 20 Sheffield hoops providing 40 spaces, 32 double stack spaces within a Cycle Club area and 36 folding bike lockers) and 4 motorcycle spaces.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is some 0.61 hectares and is laid out as surfaced car park and is surrounded by a number of historical former industrial foundry buildings and abuts the early 1800 Grade II listed building - Midland Mills, as well as being set within Holbeck Conservation Area, and Holbeck Urban Village. To the east sits the Grade I listed building – Temple Works and the Grade II listed buildings – Marshalls Mill, Round Foundry, Matthew Murray House, 99, 101, 103 and 105 Water Lane, 12 to 14 Foundry Street and the former Joiners Shop and Saw Mill to the former foundry at Foundry Street and Sawmill Yard. In addition, the site is adjacent to a redundant railway viaduct and a working railway viaduct.

- 3.2 The Holbeck Conservation Area is considered to be an area of local, national, and international importance in respect of the historical significance and architectural merits of its buildings, as well as for the potential archaeological discoveries that the area could elicit. The area is considered to be the foundation of the Industrial Revolution in Leeds.

- 3.3 The site is also within Flood Zones 2 and 3 and is allocated under reference HG2-195 in the Site Allocations Plan as being for housing use. The site is close to, but outside of, the boundary of the Holbeck Neighbourhood Plan.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Approval was granted for redevelopment of the adjacent site for the refurbishment of Midland Mills and the construction of a 32 storey tower comprising a total of 306No.

apartments; flexible commercial space (class uses A1/A2/A3/A4/B1), the creation of a public realm at Midland Mills, Silver Street, Holbeck Leeds, under applications 18/04579/FU and 18/04580/LI on 18 September 2019. Some minor internal configurations and a small change in height (an increase of 2.1 metres was approved under a Non Material Amendment application referenced 21/9/00226/MOD on 21 September 2021. Development has yet to commence on this approved scheme.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposals have been the subject of pre-application discussions between the Developer, their Architects, and Local Authority Officers since June 2021. These discussions have focused on the proposed uses, the design, the height, positions and massing of the blocks, heritage matters including the relationships to the nearby listed Midland Mills, key views, car and cycle parking, servicing, sustainability and opportunities for greened landscaping in the external communal spaces.
- 5.2 The preapplication proposals were presented to City Plan Panel on 30 September 2021. Members made the following comments;
- Members wanted the development to be policy compliant and would welcome information on the research undertaken.
 - Clarification was required in relation to 1 bedroomed 1 person apartments and 1 bedroomed 2 person apartments.
 - Clarification was required on demand for 3 bedroomed units in the area.
 - Developers were requested to note the comments provided by Members during their discussions on landscaping.
 - Members were of the view that they were unable to comment on the detailed design of the buildings as they had not seen detailed graphics to be able to comment on. However, there was support for the emerging mass and scale across the site with the lower buildings towards the Water Lane frontage and the taller element towards Bath Road.
 - Members wished to see provision of more balconies.
 - Members were concerned that parking in this location was already problematic. Members were of the view that parking should be made available for taxis, visitors and deliveries.
- 5.3 The proposals were presented to Members at Plans Panel on 14 July 2022. The **draft** minutes are as follows;
- Concerns regarding safety for people walking from the city centre – it was reported that there would be security measures on site and as activity increased in the area there would be more natural surveillance.
 - There would not be an active frontage to the development as it was a buy to let scheme. The management of the scheme would involve a community focus and there would be safety initiatives including improved lighting. The developer would investigate any other ways in which safety for people walking from the city to the development could be improved. The scheme would bring significant improvement to the frontage on Water Lane and the reception area and communal spaces would provide natural surveillance. Work was ongoing with other developers to improve public access.
 - If there was no access through the wall between the site and Midland Mills there would be potential for anti-social behaviour.
 - The design was a reasoned resolution for apartment blocks.
 - There needed to be further discussion on design and how it would fit with the Midlands Mill development.
 - It would be preferable to see more of an affordable housing contribution and more of a focus on physical changes than behaviour change measures.

- The design was good and was in keeping with the area.
 - There was a need for more affordable housing in the city centre.
 - The scheme would swamp the Midlands Mill development and detract from the listed building on that site.
 - The landscaping would not work without the removal of the wall between the Midlands Mill site.
 - This area of the city was in need of more greenspace.
 - There was a need to improve connectivity between the site and the city centre.
 - The best way to improve the area would be for development to take place.
 - There were a number of policy issues that were not being met and a motion was made that the Panel were minded to refuse the application as it was contrary to policy H4 relating to affordable housing, H5 housing mix, EN1 and EN8. Also, the need for improved connectivity and the lack of greenspace contribution and the Section 106 contribution.
 - It was suggested that the application be deferred to allow the developer to address the concerns raised. It was requested that should the application be deferred more plans of the surrounding area be provided.
- RESOLVED – That the application be deferred.

5.4 As no further third party comments have been received and there are no new planning considerations, Officers consider that there is no requirement to undertake any re-consultation or to readvertise the planning application.

6.0 RELEVANT PLANNING POLICIES:

6.1 All relevant Policies can be found listed in Section 8.0 of Appendix 3.

7.0 MAIN ISSUES

1. Policy compliance with Core Strategy Policy H4 in respect of the housing mix.
2. Policy compliance with Core Strategy Policy H5 in respect of the provision of affordable housing.
3. Consideration of the financial viability appraisal and its review by the District Valuer and the proportioning of the moneys available for Section 106 contributions
3. Policy compliance with Core Strategy Policy EN1 (1) in respect of reducing carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate
5. Policy compliance with Core Strategy Policy EN8 in respect of the provision of 100% electric vehicle charging for all car parking bays from day one of occupation of the scheme.
6. Further details of the contextual and architectural design details of the proposed stepped blocks.
7. Consideration of what physical measures can be incorporated into the scheme to improve the safety of the pedestrian and cycling routes to and from the city in its immediate vicinity.
8. Consideration of the landscape details on site and how to maximise the quality of amenity spaces for the residents of the scheme.

8.0 APPRAISAL

8.1 Policy compliance with Core Strategy Policy H4 in respect of the housing mix

8.2 Policy H4: Housing Mix states that 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.

Type*	Max %	Min %	Target %
Houses	90	50	75
Flats	50	10	25
Size*	Max %	Min %	Target %
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 H4 states that proposals should take into account the nature of the development and character of the location and that developments over 250 units require a Housing Needs Assessment addressing all tenures so that the needs of the locality can be taken into account at the time of development.

- 8.3 The Applicant proposes the following mix;
 200 one bed roomed apartments (ranging from 39 to 50 sq metres) 53%,
 139 two bed roomed apartments (61 to 70 sq metres) 37% and
 36 three bed roomed apartments (74 to 95 sq metres) 10%.
 In support of this mix the Applicant stated in their Housing Needs Assessment that the scheme does respond to the needs of the locality, in that market advice given to them, as well as sales and letting evidence, indicate that the demographic is one of high numbers of younger people in rented accommodation (the Applicant's evidence states that the percentage of people aged 20-30 currently living in the City Centre is c. 61%). The Housing Needs Assessment went on to state that "*one person households accounts for 33% of all households in Leeds, compared with 20% across the rest of the UK, indicating a greater need for smaller units*" The Applicant states that this demonstrates that there is a high demand for one (in particular with more people living alone) and two bed roomed dwellings in this area, which has led them to proposing the above mix. They have however been able to provide a relatively high proportion of 3 beds compared with historic residential planning consents in the city centre and the affordable housing provision is enhanced, as set out below, by being all 3 bed units
- 8.4 Officers consider that, due to the fact that Policy H4 allows the nature of the development and character of the location to be taken into account and the evidence presented in the Housing Needs Assessment, then this proposed mix can be supported.
- 8.5 Policy compliance with Core Strategy Policy H5 in respect of the provision of affordable housing
- 8.6 The site is located in an area defined as Zone 4 in Core Strategy Policy H5: Affordable Housing. In this zone the required affordable housing contribution of a scheme of the scale proposed here, is 7%, with a mix of 40% affordable housing for Intermediate or equivalent affordable tenures and 60% affordable housing for Social Rented or equivalent affordable tenures.
- 8.7 Policy H5 and Government guidance states that departures from the policy position should be justified by evidence of viability considerations. As set out in the previous Panel report at Appendix 3, the Applicant submitted a viability appraisal which was independently reviewed by the District Valuer (DV). This review by the DV can be seen at Appendix 1.

8.8 As part of the Viability Review Report, the District Valuer set out the viability challenges of this project, especially regarding the build cost inflation that has occurred over the last six months. Consequently, three different options were proposed regarding the level of affordable housing provision and the amount of S106 contributions that the developer could afford to pay. For clarity, these options, as set out below:

- Option 1: 3.2% (12 units) affordable housing, CIL & no S106 costs
- Option 2: 0% affordable housing, CIL and £408,750 of S106 costs
- Option 3: 2.1% (8 units) affordable housing, CIL and £129,750 of S106 costs

During the City Plans Panel meeting of 14 July 2022, Option 3 was presented by Officers as their preferred option. Members however felt that the Applicant should look to provide a stronger offering than any of the options put forward.

8.9 In response to the discussions at the City Plans Panel of 14 July 2022 the Applicant has stated as follows;

Following the Committee meeting, McLaren have worked closely with its funding partner to review the viability of the project by taking a longer-term view, despite the challenging construction market. Consequently, a new and enhanced option (Option 4) has been proposed, as set out below:

	14th July: Option 3	11th August: Option 4
<i>Affordable Housing</i>	2.1% (8 units)	5% (19 units)
<i>CIL</i>	£179,234	£167,342
<i>S106 costs</i>	£129,750	£129,778
<i>Additional Pedestrian Improvement Works</i>	£0	£50,000
<i>Section 278 Works</i>	£215,000	£215,000
TOTAL	£523,984	£562,120

In addition to doubling the number of affordable housing units recommended by the District Valuer, McLaren will also provide all the affordable units as 3-bedroom family sized apartments, which will be pepper potted around the upper floors.

	Pro Rata Mix	McLaren Proposal
<i>1-bedroom</i>	10 units (12 hab rooms)	0 units (0 hab rooms)
<i>2-bedroom</i>	7 units (21 hab rooms)	0 units (0 hab rooms)
<i>3-bedroom</i>	2 units (8 hab rooms)	19 units (76 hab rooms)
TOTAL	19 units (41 hab rooms)	19 units (76 hab rooms)

8.10 Officer consider that due the fact that Policy H5 and government guidance allow for departures from the policy position, provided there is a strongly evidence based justification for viability considerations and that the submitted financial viability appraisal was independently reviewed by the District Valuer, that due Policy process has been followed. In addition, the enhanced Option 4, put forward by the Applicant, which give a higher level of affordable units (19) all of which would be 3 bedroomed, as well as providing monetary contributions, as set out below in paragraph 8.12, means that Option 4 can be supported by Officers.

8.11 Consideration of the financial viability appraisal and its review by the District Valuer and the proportioning of the moneys available for Section 106 contributions and

8.12 In response to discussions at the City Plans Panel of 14 July 2022 the Applicant has stated as follows;

McLaren have increased the quantum of affordable housing to 5% and have provided certainty around the S106 contributions and how they envisage the financial contributions will be allocated:

<i>Residents Travel Fund:</i>	<i>£66,500</i>
<i>TP Contribution:</i>	<i>£10,000</i>
<i>RP Review Fee:</i>	<i>£3,278</i>
<i>Greenspace Contribution:</i>	<i>£50,000</i>
<i><u>Water Lane pedestrian safety improvements:</u></i>	<i><u>£50,000</u></i>
<i>Total:</i>	<i>£179,778</i>

8.13 In comparison with the preferred option 3 viability position reported to Members in July, the overall level of S106 monetary contributions has been increased by £38,136 and this has been redistributed amongst different planning obligations further to the considerations at the July Panel meeting. The residential travel fund amount has been reduced from £93,750 to £66,500. The £10,000 TP contribution referred to above would be to fund any necessary extension of Traffic Regulation Orders in order to prevent potential adverse parking impacts arising from the development. The applicant has also set aside £50,000 to be put towards local greenspace improvement works. Opportunities can be identified in the wider Holbeck area which residents from this site would have access to. It is considered that the £50,000 towards pedestrian safety works would be put towards planned pedestrian and cycle connectivity improvements in the local area rather than just be limited to Water Lane. The works to be undertaken on Water Lane and that are subject to the Section 278 agreement would significantly improve the pedestrian environment on Water Lane (see paragraph 8.23 and 8.24 below). Officers consider that the above proportioning of monetary contributions and the improved position on the number affordable units (19) all of which would be 3 bedroomed, can be supported based on the viability position that has already been verified by the District Valuer.

8.14 Policy compliance with Core Strategy Policy EN1 (1) in respect of reducing carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate

8.15 In response to discussions at the City Plans Panel of 14 July 2022 the Applicant has stated as follows;

Policy EN1 uses the results from the Part L 2013 assessment to set targets for new building projects. The problem with using this methodology to define strategies for new building projects is that the Part L 2013 methodology does not take account of the current CO₂ grid emission factors.

The carbon factors utilised in Part L 2013 are significantly outdated and favour the use of fossil fuel / gas energy systems. Since 2013, due to the introduction of more renewables on the National Grid, the carbon factor for grid electricity has been drastically reduced from the value in the Part L 2013 regulations.

With this, it is proposed that the application is considered on the basis of updated CO₂ factors that will give a better reflection of the anticipated CO₂ emissions for the development and support the transition to move away from fossil

fuels / on site combustion by utilised an 'all electric' energy strategy for Water Lane. This has received support from the sustainability officer.

By adjusting the CO₂ factor to the 0.136 kgCO₂/kWh SAP10.1 figure for electricity, the development achieves an overall 74.1% improvement in CO₂ emissions over the Part L/Gas Boiler Baseline.

See below for a summary of the technologies that are to be incorporated in the scheme:

- *100% electric heating system*
- *MVHR units*
- *Photovoltaic cells*
- *Electric vehicle charging*

- 8.16 Officers consider that whilst this does not directly respond to Policy EN1, it in fact goes further than the requirements of EN1 and is a betterment on the achievable CO₂ emissions reductions that the Policy seeks. As such this alternative approach to CO₂ emissions reduction is supported by Officers. Full details of all measures that will be employed to address sustainability will come forward as part of a Planning Condition, such that sustainability measures will be integrated into the detailed design
- 8.17 Policy compliance with Core Strategy Policy EN8 in respect of the provision of 100% electric vehicle charging for all car parking bays from day one of occupation of the scheme.
- 8.18 In response to discussions at the City Plans Panel of 14 July 2022 the Applicant has stated that they will provide 100% of the electric vehicle charging points from day 1 of the development's implementation. As such the scheme will be fully compliant with Policy EN4. Full details of the electric vehicle charging points will come forward as part of a Planning Condition.
- 8.19 Further details of the contextual and architectural design details of the proposed stepped blocks.
- 8.20 In response to discussions at the City Plans Panel of 14 July 2022 the Applicant has stated as follows;
Building Articulation
The proposed buildings have been designed in conjunction with officers to respond positively to the overall site constraints and surrounding context. The taller elements of the scheme will stand out by expressing the façade in a more intricate way. This variation in articulation will respond to the area of the site each building occupies and its varied contextual conditions.
Character A – Taller elements
Height is located to the south of Midland Mills. This block ends the listed building and responds to the height of the emerging context of the approved Midland Tower. The taller elements of the building are to be characterised by rational building proportions and regular brick piers which provide a vertical emphasis. The infill between the piers are a mixture of glazing and brickwork panels which provide another layer of detail to the façade.
Character B – Lower elements
The lower levels of each block have the same vertical proportions as the taller elements. However, the brick tone is changed subtly. Roof terraces are utilised at changes on level. The elevational strategy focuses on a dominant vertical pier which is criss-crossed with a horizontal brick band to create an aperture which is either fully glazed, partially glazed or infilled according to the plan. Infill panels adjacent to windows will employ a dentil brick panel to emphasise verticality. This principle

forms the overarching framework of the elevations and creates a consistency of approach across both buildings at all residential levels.

- 8.21 Officer consider that the proposal would be of a high quality design, with a footprint, height, and massing that would not unduly dominate the setting of nearby heritage assets. The proposed detailing and materials would complement, rather than competing with, the character and appearance of the neighbouring heritage assets. As such Officers are supportive of the design.
- 8.22 Consideration of what physical measures can be incorporated into the scheme to improve the safety of the pedestrian and cycling routes to and from the city in its immediate vicinity.
- 8.23 In response to discussions at the City Plans Panel of 14 July 2022, the Applicant has further explored the possibilities for enhancing the routes to and from the site, with Officers. It has been concluded that the most appropriate physical measures, that would be possible in this constrained area (due to the road width and structures such as the railway viaducts and flood defences to the Hol Beck) to widen the footway to improve the pedestrian route to and from the city centre, would be to look at making the road one way west bound from Silver Street. This would allow the footway from Silver Street to the site to be significantly widened. It is also now proposed to provide crossing points (with tactile pavers) and new lighting under the bridges. To compliment this the realignment of the footway in front of the site, a new vehicle layby, the speed limit reduction and traffic calming speed cushions already agreed will be required. The full design details of these offsite highways works will come forward via a Planning Condition and will be subject to a Section 278 legal agreement.
- 8.24 In addition, the Applicant has produced a Water Lane, Leeds: Residents Safety Plan which can be read at Appendix 4. This will be added to the list of planning documents and referenced in a Planning Condition.
- 8.25 In respect of cycle space provision the Applicant has responded to Member's comments at the City Plans Panel of the 14 July 2022 by rationalising some of the plant space, which has resulted in an increase to 220 cycle spaces. The Applicant has also confirmed that a Cycle Club will be available to residents and a separate Cycle Club storage area will now be provided within the scheme, accounting for 32 spaces.
The overall mix of cycle spaces provided is as follows:
- 112 double stack spaces
 - 20 Sheffield hoops providing 40 spaces (18%)
 - 32 double stack spaces within Cycle Club area
 - 36 folding bike lockers
- 8.26 Officer consider that the proposed approaches are the most appropriate measures that can be brought in to place to enhance the pedestrian and cycling experience getting to and from the site, given its location and the physical structures around it, such as the railway viaducts and the Hol Beck with its flood defences. As such, Officers are supportive of these proposed enhancements.
- 8.27 Consideration of the landscape details on site and how to maximise the quality of amenity spaces for the residents of the scheme.
- 8.28 In response to discussions at the City Plans Panel of 14 July 2022 the Applicant has submitted an additional landscaping plan that illustrates how informal play

equipment can be incorporated into the scheme to provide additional areas appropriate for children to play. Full details of the layout and equipment provided would be agreed through the condition discharge process.

- 8.29 Officers consider the proposed approach to landscaping can be supported and that, full details of all soft and hard landscape proposals and their maintenance will be required to come forward under Planning Conditions.

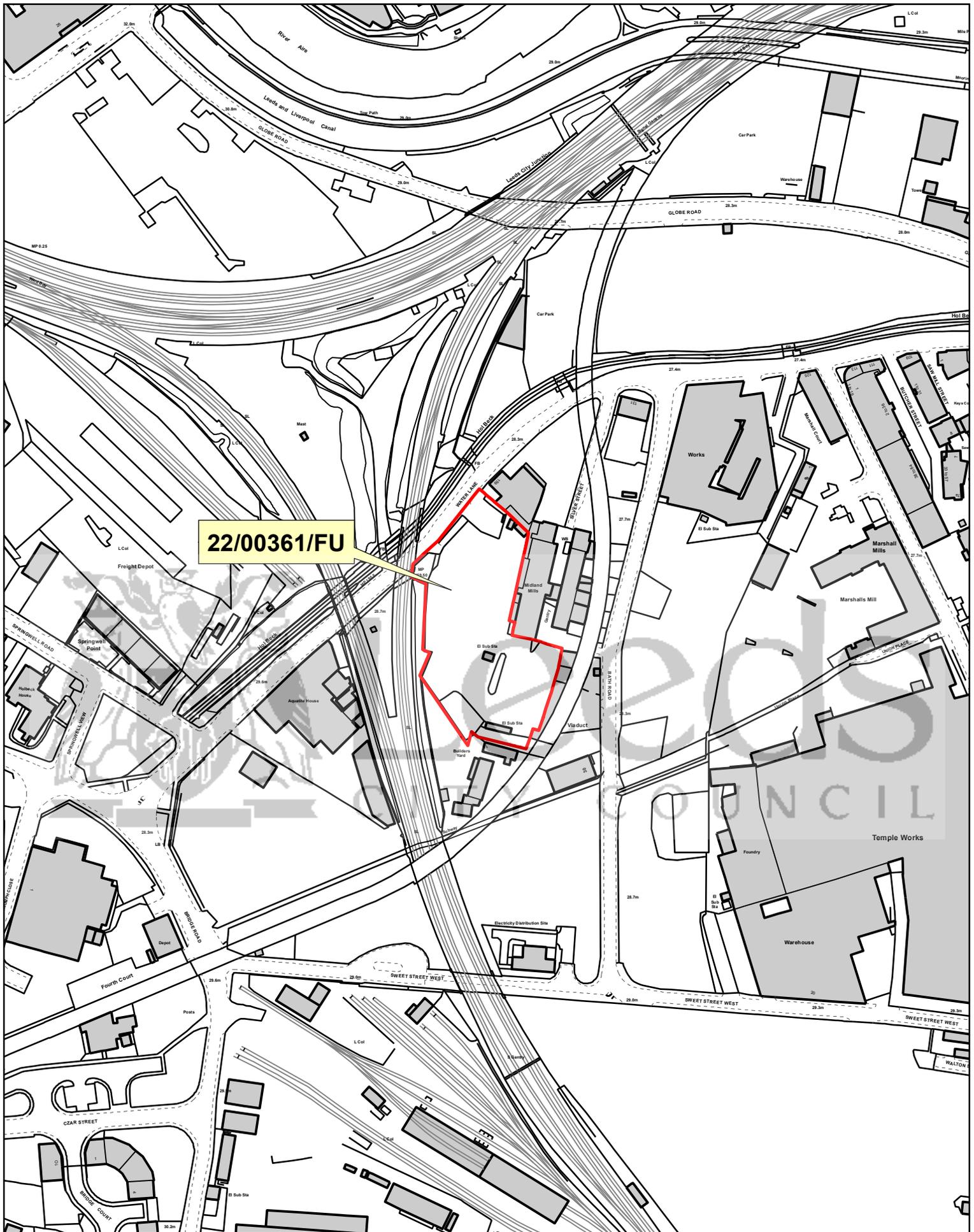
9.0 CONCLUSION

- 9.1 In conclusion it is considered that the updated proposals are appropriate in respect of the use and the scale, design and style of the built form. The resulting scheme would be a high quality, appropriate development, which would contribute to the provision of housing and would add to the vibrancy and vitality to the area and furthering its regeneration. Although the full policy requirement for affordable housing cannot be met, the reduced amount has been improved upon, with a commitment that these will all be 3 bedroomed units and remains justified by a financial viability assessment. Given the viability case, the new option (option 4) presents the maximum provision possible is achieved for affordable housing and the other S106 planning obligations.
- 9.2 Therefore, the proposal is considered to be in accordance with the Development Plan and is considered to be acceptable and is recommended for approval, subject to the conditions set out in Appendix 2, subject to resolving the outstanding concerns of the Health and Safety Executive (see the relevant comments under paragraph 7.3 of the report at Appendix 3) and subject to the completion of the required Section 106 agreement.

Background Papers:

22/00361/FU

PREAPP/21/00259



22/00361/FU

CITY PLANS PANEL

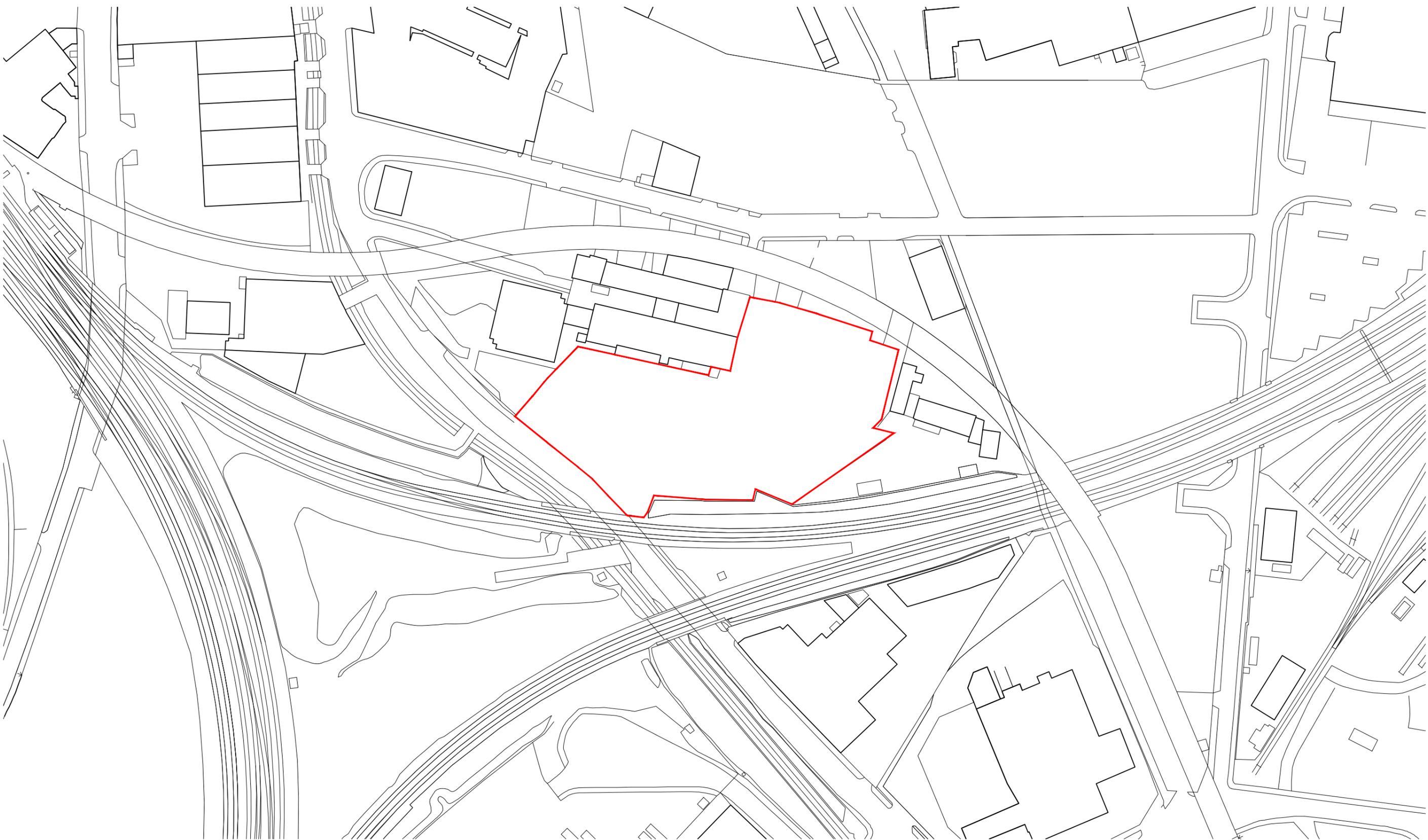
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Nicole to martin



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Location Plan
Scale - 1:1250



Scale 1:1250

A3

Client:
McLaren (Water Lane) Limited

Project:
Water Lane Leeds

Job No.
35012



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Location Plan

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1:1250 @A3

Status:
NXM

Date:
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IJE

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P01

P01 Planning Submission
Rev. Des.

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PLANNING





Valuation Office
Agency

DVS Property Specialists
for the Public Sector

Viability Review Report for 375 PRS Apartments Water Lane Leeds

Report for:

[REDACTED]
Leeds City Council

Prepared by:

[REDACTED]
Principal Surveyor
RICS Registered Valuer
DVS

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Case Number: 1792027

Client Reference: EX000000/22/00361/FU

Date: 4th July 2022

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1.0 Executive Summary

1.1 Proposed Development Details

This report provides an independent review of a viability assessment in connection with:

Proposed Development	A PRS build to rent scheme comprising 375 – 1, 2 and 3 bedroom apartments
Subject of Assessment:	Site at Water Lane, Leeds
Planning Application Reference:	22/00361/FU
Applicant / Developer:	McLaren (Water Lane), Limited
Applicant's Viability Advisor:	Cushman and Wakefield

1.2 Instruction

In connection with the above application Leeds City Council Planning Department require an independent review of the viability conclusion provided by the applicant in terms of the extent to which the accompanying appraisal is fair and reasonable and whether the assumptions made can be relied upon to determine the viability of the scheme.

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.

1.3 Viability Conclusion

It is my considered and independent opinion that:

The above scheme assessed with regards to full planning policy requirement comprising 7% affordable housing, S.106 contributions of £831,426 and CIL contributions of £178,030.19 is not viable.

However, I have undertaken a review of the applicant's appraisal to assess at what level the scheme can viably provide affordable housing, CIL and section 106 costs.

As part of my review I have adopted three scenarios to inform the planning committees decision to grant planning consent:

Option 1

The scheme can support 3.2% affordable apartments (12 Units) at discount market rents (DMR) and support a CIL contribution of £179,234 and no section 106 costs.

Option 2

The scheme can support a CIL contribution of £179,234 and a contribution of £408,750 towards section 106 costs.

Option 3

That the scheme can support the inclusion of 2.1% affordable apartments (8 Units) at discount market rents (DMR) but can also support a CIL contribution of £179,234 and a contribution of £93,750 towards a Sustainable Travel Fund. In addition there is a surplus of £36,000 which can be contributed to other section 106 costs.

1.4 Non-Technical Summary of Viability Assessment Inputs including a 10.02% build cost inflation allowance:

Policy Compliant Inputs	Agent	DVS Viability Conclusion of a sub policy compliant scheme (Option 3*)	Agreed (Y/N)
Assessment Date	10 February 2022	4th July 2022	No
Scheme, Gross Internal Area, Site Area	28,494 sq m 1.5 acres	28,826m2 1.5 acres	Yes
Development Period	3 months pre-construction, 32 month build period	3 months pre construction, 32 month build period	Yes
Gross Development Value	£71,232,632	£84,333,562	No
Market Housing GDV	£69,982,106	£81,049,468	No
Affordable Housing	£Nil	£1,414,094	No
Car parking	£1,250,000	£1,870,000	No
Other GDV	£Nil	Nil	Yes
CIL/Planning Policy / S.106 Total.	£103,778 £138,750	£178,030.19 £129,750.00	No
Total Development Cost (excludes policy; land and fees; profit)	£65,345,676	£65,345,676	Yes
Professional Fees %	8%	8%	Yes
Contingency % (contractor's price risk allowance)	2½%	2.5%	Yes
Finance Interest and Sum	6% - £4,368,223	5% - £4,067,828	No
Other Fees			
Marketing Fees	1.50%	Nil	No
Letting Agency Fees	10.00%	Nil	No
Sales / Agency Fees	0.75%	0.5	No
Letting Legal Fees	2.50%	Nil	No
Gross to Net Rental Adjustment	24.78%	23.5%	No
Sales Legal Fees	0.25%	0.25	No
Land Acquiring Costs	£Nil	£51,676 (SDLT +1.5%)	No
Profit Target %	8.00% profit on cost	8.00% profit on cost	Yes

Benchmark Land Value	£1,080,000	1,080,000	Yes
EUV	£900,000	£900,000	Yes
Premium	£180,000	£180,000	Yes
Purchase Price	Not stated	Not Stated	No
Alternative Use Value	Not stated	Not Stated	N/A
Viability Conclusion Full Policy Scheme	Not Viable	Not Viable	Yes
Deliverable Scheme	No Affordable	8 Affordable Housing Units (2.1%) and £129,750 Section 106 costs & £178,030 CIL	No

I refer you to the section of this report entitled 14.0 Recommendations which provides additional commentary on scenario testing and the application of rental value inflation. The table above summarises option 3 which comprises 8 affordable units and £129,750 for section 106 costs and £178,030 CIL

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.

2.0 Instruction and Terms

5.6 The Client is Leeds City Council.

2.2 The Subject of the Assessment is a proposed scheme of 375; 1, 2 and 3 bedroom apartments, which will be offered as build to rent apartments on a site of approximately 1.5 acres.

2.3 The date of viability assessment is 12 May 2022. 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.

2.4 Instructions were received on 9 March 2022. It is understood that Leeds City Council require an independent opinion on the viability information provided by Cushman and Wakefield, 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. Specifically, DVS have been appointed to:

- Assess the Viability Assessment submitted on behalf of the planning applicant / developer, taking in to account the planning proposals as supplied by you or available from your authority's planning website.

- Advise Leeds City Council in writing on those areas of the applicant's Viability Assessment which are agreed and those which are considered unsupported or incorrect, including stating the basis for this opinion, together with evidence. If DVS considers that the applicant's appraisal input and viability conclusion is incorrect, this report 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.

2.5 Conflict of Interest Statement – In accordance with the requirements of RICS Professional Standards, DVS 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.

2.6 Inspection – As agreed, the site has been inspected from the roadside

2.7 DVS/ VOA Terms of Engagement were issued on 9 March 2022, a redacted version is attached at **Appendix (iv)**

3.0 Guidance and Status of Valuer

5.6 Authoritative Requirements

The DVS viability assessment review will be prepared in accordance with the following statutory and other authoritative mandatory requirements:

- 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 is recognised as the 'authoritative requirement' by the Royal Institution of Chartered Surveyors (RICS).
- RICS Professional Statement '**Financial viability in planning: conduct and reporting**' (effective from 1 September 2019) which provides the mandatory requirements for the conduct and reporting of valuations in the viability assessment and has been written to reflect the requirements of the PPG.
- RICS Professional Standards PS1 and PS2 of the '**RICS Valuation – Global Standards**'.

3.2 Professional Guidance

Regard will be made to applicable RICS Guidance Notes, principally the best practice guidance as set out in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021).

Other RICS guidance notes will be referenced in the report and include RICS GN '**Valuation of Development Property**' and RICS GN '**Comparable Evidence in Real Estate Valuation**'.

Valuation advice (see Note 1) will be prepared in accordance with the professional standards of the of the '**RICS Valuation – Global Standards**' and the '**UK National Supplement**', which taken together are commonly known as the RICS Red Book. Compliance with the RICS Professional Standards and Valuation Practice Statements (VPS) gives assurance also of compliance with the International Valuations Standards (IVS).

Whilst professional opinions may be expressed in relation to the appraisal inputs adopted, this consultancy advice is to assist you with your decision making for planning purposes and is not formal valuation advice such as for acquisition or disposal purposes. It is, however, understood that our review assessment and conclusion may be used by you as part of a negotiation.

The RICS Red Book professional standards are applicable to our undertaking of your case instruction, with PS1 and PS 2 mandatory. While compliance with the technical and performance standards at VPS1 to VPS 5 are not mandatory (as per PS 1 para 5.4) in the context of your instruction, they are considered best practice and have been applied to the extent not precluded by your specific requirement.

3.3 RICS 'Financial Viability in Planning Conduct and Reporting'

In accordance with the above RICS Professional Statement it is confirmed that:

- a) 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.
- b) The professional fee for this report is not performance related and contingent fees are not applicable.
- c) 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.

- d) The appointed valuer, [REDACTED] MRICS 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.
- e) 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.
- f) The DVS viability review assessment has been carried out with due diligence and in accordance with section 4 of this professional statement
- g) The signatory and all other contributors to this report, as referred to herein, has complied with RICS requirements.

3.4 Most Effective and Efficient Development

It is a mandatory requirement of the **RICS 'Financial viability in planning: conduct and reporting'** Professional Statement for the member or member firm to assess the viability of the most effective and most efficient development.

The applicant's advisor has assessed the viability based on a scheme comprising 375 apartments and has assessed the viability based upon a sale of the entire development to an investor. Having considered the size and location of the development, the applicant's proposal is considered to be reasonable. The DVS valuer agrees that the scheme is an efficient and effective development.

3.5 Signatory

- a) It is confirmed that the viability assessment has been carried out by Brian Maguire 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.
- b) As part of the DVS Quality Control procedure, this report and the appraisal has been formally reviewed by [REDACTED] MRICS, Registered Valuer, who also has the appropriate knowledge, skills and understanding necessary to complete this task.
- c) Other Contributors – As part of my viability review I have relied on professional opinions provided by Rex Procter and Partners (Andrew Cooper). Rex Procter and Partners have been independently appointed by Leeds City Council and have provided me with advice relating to build costs.

- d) DVS has provided viability assessment reviews for Leeds City Council for a number of years.

3.6 Bases of Value

The bases of value referred to herein are defined in the TOE and are sourced as follows:

- Benchmark Land Value is defined at Paragraph 014 of the NPPG.
- Existing Use Value is defined at Paragraph 015 of the NPPG.
- Market Value is defined at VPS 4 of 'RICS Valuation – Global Standards'
- Market Rent is defined at VPS 4 of 'RICS Valuation – Global Standards' (delete as appropriate)
- Gross Development Value is defined in the Glossary of the RICS GN '**Valuation of Development Property**' (February 2020).

4.0 Assumptions, and Limitations

5.6 Special Assumptions

As stated in the terms 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 sq. 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.
- That the development as proposed is complete on the date of assessment in the market conditions prevailing on the date.

4.2 General Assumptions

The site has been inspected on a partial basis from the roadside. The below assumptions are subject to the statement regarding the limitations on the extent of our investigations, survey restrictions and assumptions, as expressed in the terms of engagement.

- a) Tenure – A report on Title has not been provided. The review assessment assumes that the site is held Freehold with vacant possession.

- b) Easements / Title restrictions – A report on Title has not been provided. The advice is provided on the basis the title is available on an unencumbered freehold or long leasehold basis with the benefit of vacant possession. It is assumed the title is unencumbered and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- c) Access / highways – Comment on access / highways issues. It is assumed the site is readily accessible by public highway and will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- d) Mains Services – Comment on availability or otherwise of mains services and/ or applicant's assumptions. It is assumed the site is or can be connected to all mains services will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.
- e) Mineral Stability – This assessment has been made in accordance with the terms of the agreement in which you have instructed the Agency to assume that the property is not affected by any mining subsidence, and that the site is stable and would not occasion any extraordinary costs with regard to Mining Subsidence.
- f) Environmental Factors Observed or Identified – It is assumed the site will not occasion any extraordinary costs relating to environmental factors over and above those identified by the applicant and considered as part of abnormal costs.
- g) Flood Risk – The applicant has not specifically included abnormal development costs for flood alleviation. DVS have referred to the Environment Agency's Flooding 'flood risk assessment' mapping tool which indicates the site is in Flood Zone 2 and subject to a flood risk as indicated by the plan below.



Source: Flood Map for Planning

- h) Asbestos - It is assumed any asbestos will not occasion any extraordinary costs over and above those identified by the applicant and considered as part of abnormal costs.

5.0 Proposed Development

5.1 Location / Situation

The subject site is situated to the south of Water Lane, between its junctions with Bath Road and Holbeck Lane.

It is situated within the Southbank regeneration area and lies around half a mile from Leeds train station and the city centre.

The site is surrounded by a mixture of commercial uses including the former Midland Mills, a Grade II Listed building, which lies immediately to the east. It is also situated within the Holbeck Conservation area.

The site is located to the east of a railway line and a short distance to the south of the River Ayr and Liverpool/Leeds Canal.

The site benefits from ease of access to the city centre and close to the main arterial routes serving the M621, M62 and M1.

5.2 Description

The subject site is irregular in shape and currently operates as a temporary pay and display car park. The site enjoys a broadly level topography and is abutted by Water Lane to its north, a railway line to its west and a redundant railway line to the east. The former Midland Mills building abuts the east boundary and is served by Silver Street, which leads south from Water Lane.

5.3 Site Area

Approximately 1.5 acres/0.607 hectares.

5.4 Schedule of Accommodation/ Scheme Floor Areas

The proposed scheme comprises a residential scheme delivering 375 build to rent apartments across a mix of studios, 1, 2 and 3 bedroom apartments, comprising 954 bed spaces.

The scheme extends to a maximum of 25 storeys. The proposed development comprises two blocks, situated parallel to the Midlands Mill building and connected to provide a broadly L-shaped block served via a single vehicular access from Water Lane.

The scheme includes external and undercroft car parking and is interspersed with landscaped areas and public open space. The applicant has originally set out in their viability assessment that the schemes Gross Internal Area (GIA) equates to 304,855 sq ft.

However, in subsequent correspondence between the applicant's cost consultants, RBA (Richard Boothroyd Associates) the scheme is marginally bigger extending to a gross internal area of 310,292 sq ft (28,826m²). I refer you to a summary of areas below which is an extract from the applicant's original viability report illustrating the size and total number of apartments within the scheme expressed as the net internal areas:

Unit Type	No.	NIA (sq m)	Total NIA (sq m)	NIA (sq ft)	Total NIA (sq ft)	%
Studio	4	40.75	163.00	439	1,755	1%
1 bed (1 person)	182	45.06	8,200.92	485	88,274	52%
1 bed (2 person)	13	50.21	652.73	540	7,026	
2 bed (3 person)	94	63.72	5,989.68	686	64,472	38%
2 bed (4 person)	50	71.23	3,561.50	767	38,336	
3 bed (4 person)	13	79.75	1,036.75	858	11,159	9%
3 bed (5 person)	19	86.10	1,635.90	927	17,609	
Total	375		21,240.48		228,630	
Average		56.64		610		

Source: Cushman and Wakefield

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

As agreed in the terms, any office or residential property presented has been reported upon using a measurement standard other than IPMS, and specifically Gross Internal Area has been used. Such a measurement is an agreed departure from 'RICS Property Measurement (2nd 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.

5.5 Planning

- a) Local Plan: Leeds City Council's Statutory Development Plan includes the Core Strategy (2014) where the remaining policies onto the Unitary Development (2006), including the proposals map.

Leeds City Council's Site Allocation's Plan (SAP) was adopted on 10 July 2019. The subject site is allocated for housing with a provision of

179 units under Reference HG2-195. The site lies adjacent to the preferred area for tall buildings but is adjacent to the consented Midlands Mill tower scheme, which extends to 32 storeys and therefore the principle of the taller building in the area has been established in the opinion of the applicant. As referred to earlier, the site is situated within the Holbeck Conservation area and is adjacent to the Grade II Listed Midland Mills.

- b) The Local Authority viability study sets out that a scheme in this location should provide 7% affordable housing.
- c) Developments are expected to meet the policy provision as prescribed in the Plan. DVS have not been made aware of why this scheme has been accepted for site specific viability assessment.

5.6 Policy Requirements for the Scheme

Further to your confirmation my review assessment includes the following Local plan policy requirements:

Sustainable Travel Fund £250 per dwelling equating to	£ 93,750
Traffic Regulation Order Works	£ 10,000
TP Monitoring Fee	£ 5,000
Pedestrian and Cycle Connectivity Improvement	£250,000
Public Open Space	£452,676
Community Infrastructure Levy	£178,030.19

The applicant's original viability assessment incorporated some different costs which departed from policy namely:

CIL	£103,778.00
Traffic Regulation Order Works	£10,000.00
Car Club Provision	£20,000.00

Planning policy requirements should be factual and agreed between the LPA and the applicant. If the review assessment adopts an incorrect figure and/or a (significantly) different figure is later agreed the viability conclusion should be referred back to DVS.

6.0 Summary of Applicant's Viability Assessment

6.1 Report Reference

DVS refer to the Financial Viability Assessment prepared by Cushman and Wakefield dated 10 February 2022, and their appraisal therein. The surveyor and firm are noted to be an RICS member and the member firm of the RICS and the report states that they have followed mandatory and best practice professional statement and guidance of the RICS.

6.2 Summary of Applicant's Appraisal

In summary Cushman and Wakefield's appraisal has been produced using Argus Developer software and follows established residual methodology. This is where the Gross Development Value less the Total Development Costs Less Profit, equals the Residual Land Value, and the Residual Land Value is then compared to the Benchmark Land Value as defined in the Planning Practice Guidance, to establish viability.

The applicant outlines in their report the following:

- The proposed scheme with 7% Affordable Housing and the required Section 106 Policy contributions is unviable;
- The Benchmark Land Value, is **£1,080,000**. The Benchmark Land Value is based upon an EUV+ approach where the EUV is £900,000 and the premium is £180,000;
- A residual land value deficit of **minus** £8,905,286 is below their opinion of Benchmark Land Value and therefore the applicant seeks to demonstrate that no additional Affordable Housing / financial planning contributions are viable.
- The applicant's advisor concludes a scheme of no affordable housing with section 106 costs is unviable. Notwithstanding the significant shortfalls identified, it is understood the applicant intends to deliver this scheme.

To review the reasonableness of this conclusion, the reasonableness of the applicant's appraisal inputs is considered in the next sections.

7.0 Development Period/ Programme

7.1 The development period adopted by the applicant's advisor is three months comprising:

- 3 months pre-construction
- 32 months for construction

The completed scheme will be sold in its entirety at practical completion of the construction phase.

7.2 This is considered reasonable and I have adopted the same development period and programme.

8.0 Gross Development Value (GDV)Costs

I set out below the GDV for the scheme

The applicants viability surveyor have adopted a GDV of £71,232,632 this comprises:

Market Housing GDV	£69,982,106
--------------------	-------------

Affordable Housing GDV	£NIL
Car Parking	£1,250,526

I have reviewed the GDV proposed with regards to RICS Guidance Notes ‘Assessing viability in planning under the National Planning Policy Framework 2019 for England’ and ‘Comparable Evidence in Real Estate’ and my conclusions are set out below.

8.1 Market Value of Build to Rent Units

The applicants consultant has undertaken market research into new BtR developments within the city centre and have focused on three schemes: Mustard Wharf, Leodis Square and The Headline.

Each scheme benefits from ease of access to the city centre amenities, services and transport links, although Mustard Wharf occupies the most superior position, 5 minutes’ walk from the train station and delivering enhanced specification and on-site amenity.

I disagree with the rents adopted by the applicant’s advisor as I have agreed rents for viability purposes at numerous other properties schemes in the city centre including developments off Water Lane/Globe Road which have been agreed with developers at higher rental values for 1, 2 and 3 bedroom units.

I have had regard to previous agreements with PRS/Build to rent developers when determining rental values for this scheme as well as market evidence of comparable PRS schemes such as Mustard Wharf and Headline. I summarize below evidence of previous agreements in respect of PRS/Build to rent schemes in the City which have been anonymised but further details can be provided upon request:

Agreed Rental Values for PRS Schemes in Leeds

Location	Studio (M2 & £/sq m)	1 bed(M2 & £/sq m)	2 bed(M2 & £/sq m)	3 bed(M2 & £/sq m)
Leeds City Centre Scheme A	31.5 / £264.37	47.5 / £201.72	62.5 / £193.75	76.00 / £203.45
Leeds City Centre Scheme B	Blank	49.0 / £201.93	70.0 / £175.56	85.83 / 195.69
Leeds City Centre Scheme C	Blank	45.6 / £249.73	67.8 / £224.75	92.10 / £210.97
Leeds City Centre Scheme D	Blank	42.7 / £201.82	63.45 / £175.45	85.00 / £195.69
Leeds City Centre Scheme E	37.43 / £228.41	45.6 / £249.73	67.81 / £224.75	92.15 / £210.97

In light of the above evidence and market evidence of PRS apartment lettings, I have adopted the following gross rents for the current market value apartments within the Water Lane Scheme:

Rental Area Summary	Units	ft ²	Rent Rate ft ²	Initial MRV/Unit
Private: Studio 1-Bed Apartment	4	1,756	20.51	9,004
Private: 1-Bed Apartment (1)	165	80,025	21.03	10,200
Private: 1-Bed Apartment (2)	8	4,320	19.98	10,789
Private: 2-Bed Apartment (3)	82	56,252	21.50	14,750
Private: 2-Bed Apartment (4)	38	29,146	21.19	16,250
Private: 3-Bed Apartment (5)	3	2,781	21.57	20,000

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, general letting fees and 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	24.78%

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 %
Total	23.5%

Further evidence can be provided in due course on a confidential basis subject to the Commissioners and Revenue Act restrictions.

Capitalisation Yield

The applicant has adopted a Net Initial Yield (NIY) of 4.75% to the net revenue which is considered by DVS to be incorrect, for a prime institutional grade assets of this type in Leeds City Centre.

The applicant states anecdotal evidence for what they believe are comparable schemes in Leeds and Manchester.

I am aware that Legal & General secured forward funding of approximately £57m to bring forward the 'Tower Works' development – 245 BtR units - in the South Bank regeneration area of Leeds which is relatively close to the subject site. Whilst exact transactional details remain commercially confidential.

I refer you to a table below which contains evidence of agreed capitalisation yields, for net income for a number of PRS schemes in Leeds city centre. The developers were advised by a full suite of professional advisers and agreed capitalisation yields as summarised below.

REDACTED

I can confirm that DVS prepared a viability review for Tower Works, which is a nearby comparable scheme, and can confirm I adopted a yield of 4.5% when appraising viability.

DVS Reasoning and Conclusion

Based on my comments above, I have given greater weight to the agreed capitalisation yields for PRS scheme I have reviewed in Leeds City Centre. I have therefore adopted a yield of 4.5%.

8.2 Market Value of Affordable Housing Units (20% Discount to Market Value Rents)

By virtue of my difference of opinion regarding market value rents the Discounted Market Rents (DMR) are higher than those adopted by the applicant. The applicant has adopted the DMR income summarised below:

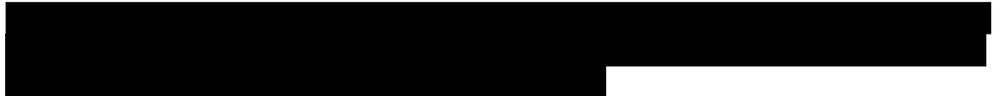
DMR (20%)

Tenure	Type (persons)	No.	NIA (sq ft)	Total NIA (sq ft)	Rent (pcm)	Rent (£ psf)	Gross Rent (pa)
DMR	Studio (1)	-	439	-	-	-	-
DMR	1 bed (1)	17	485	8,245	£680	£16.82	£138,720
DMR	1 bed (2)	5	540	2,702	£720	£15.99	£43,200
DMR	2 bed (3)	12	686	8,231	£920	£16.10	£132,480
DMR	2 bed (4)	12	767	9,201	£980	£15.34	£141,120
DMR	3 bed (4)	13	858	11,159	£1,200	£16.77	£187,200
DMR	3 bed (5)	16	927	14,828	£1,240	£16.06	£238,080

Source: Cushman & Wakefield

8.3 Market Value of Car Parking

In addition to the rental apartments the scheme incorporates 55 car parking spaces, for which the applicants agent has assumed an additional rent of £100 pcm per space.



8.4 Total Gross Development Value (GDV)

My total for GDV is £80,409,803 which is £9,177,171 more than the applicant.

9.0 Total Development Costs

9.1 Summary of Costs

The applicant's viability consultant submitted costs in their original viability appraisal dated 10 February 2022. The report included a cost plan dated 6 January 2022 which was prepared by Richard Boothroyd and Associates (RBA).

Rex Procter and Partners has been appointed by Leeds City Council to act as independent cost consultants and they approached Richard Boothroyd and Associates to confirm that their build costs were current in March 2022. The applicant's cost consultant (RBA) confirmed that their costs were out of date and resubmitted a cost plan dated 12 April 2022.

After the publication of my Stage 1 report the applicant reviewed costs for a third time to account for construction cost inflation.

Since the initial cost plan there has been a significant increase in build costs in the and as a consequence, the applicant's total build cost for the scheme has increased from £63,655,049 in January 2022 to £65,345,676 on 20th June 2022. The most recent construction cost referred to above excludes construction cost contingency and inflation.

Rex Procter and Partners have reviewed the revised costs and can confirm they agree with the revisions to the cost plan.

In summary Rex Procter & Partners comments are summarized below:

- *Updated Cost as cost plan 5.2 dated 20th June 2022 £66,979,318.00 (including 2.5% contingency)*
- *Number of units remains the same as before at 375Nr*
- *Gross internal area has increased to 310,292 sqft from 306,708 sqft. This is due to the inclusion of the cycle and refuse stores in the GIA now as previously they were classed as external areas.*
- *Costs are now current day as at 2Q2022. Previously an allowance for increased costs to 1Q2024 had been included at 10.02%*

Even though the headline costs between the two cost plans are very similar at circa £66.50m, the biggest difference is the fact that the current costs are current day and do not include the circa £6m of increased cost allowance that the previous cost plan included – the base cost therefore, excluding increased costs, has increased by circa £6m.

We have therefore reviewed the cost plan against our own current data and also met with RBA as noted above to understand the current status of the project and level of market input into the pricing.

As noted in my previous report dated April 2022, specifically points 3.06.1 and 3.8, contractors are in the main unwilling to take on fixed price contracts over a 2 plus year build programme given current market conditions and likely future uncertainty in labour and materials availability but also future price increases. In discussions with potential main contractors these points have been noted and it is for this reason that no allowance for increased costs has been included.

In preparing the latest cost plan detailed discussions have been held with main contractors and also major sub-contractors which have helped to inform the updated numbers. This is as noted in RBA's, covering note dated 23rd June 2022.

Again as noted in my earlier report the experience the developer is encountering with contractors and sub-contractors does mirror our own very recent experiences. Contractors are unwilling to fix prices and take a view on forecast cost increases. Also there has been a significant increase in costs over the last few months on steel and concrete which does affect a significant number of the major sub-contract packages. This is particularly relevant on this project which is a 2 year plus build.

On the revisions to the previous cost plan attached is the e-mail I have received from RBA which details the major revisions to the cost plan and also notes areas of potential savings. Our review of the costs concurs with these observations and comments.

In conclusion;

- The revised cost plan does reflect our recent experiences and current market conditions*
- The view on increased costs is not unreasonable given the uncertainties that currently exist*
- Potential for VE on the cost plan is possible – however the packages to review (partitions, ceilings etc) will not yield huge savings*
- Costs reflect recent changes to the Building Regulations*
- Cost plan does include contractors price risk allowance ie a contractor contingency.”*

9.2 Construction Cost

The base build cost proposed of £2,330.89 per sq. m. (£216.54/ sq. ft.) including prelims and contractor's overheads, has been considered by Rex Proctor and Partners as Leeds City Councils independent cost consultant Has reviewed the applicant cost plan reference Nr.5.2 and dated 20th June 2022.

Rex Proctors have commented that they have reviewed the revised costs and confirm agreement to them following the revisions made in June 2022.

9.3 Summary of the Main Cost Inputs

The following cost inputs have been either accepted or changed in the DVS appraisal.

Cost	Agent	DVS	Comments
Construction Contingency	2.5%	2.5%	Contractors Price risk Allowance
Furniture Allowance for apartments	NIL	NIL	No explicit allowance for installation of fitted furniture in apartments
Professional fees	8%	8%	Agreed
Marketing	1.50%	Nil	Marketing Costs including in the gross the net rent adjustment
Residential sales agent fees	0.75%	0.5%	DVS conclusion supported by evidence of agreed comparable DVS financial viability appraisals
Scheme sales legal fees	0.25%	0.25%	Agreed
Build to rent operational costs expressed at percentage of gross rents	24.78%	23.5%	The applicants advisor has an increased allowance and double counted for letting and legal fees.
Letting Agent Fees	10%	Nil	Fees accounted for under allowance for DVS Build to rent adjustment to apartment gross rents
Letting Legal Fees	2.50	Nil	Fees accounted for under allowance for DVS Build to rent adjustment to apartment gross rents

Land acquisition fees	Nil	£51,676	SDLT plus 1.5%
Finance	6%	5%	100% debt funded scheme; land purchased in entirety at day 1.

10.0 Developer's Profit

10.1 The applicant's advisor has adopted an approach which assumes a target profit of 8% profit on cost, which I fully agree with and is evidenced by previous viability schemes in Leeds city centre.

11.0 Benchmark Land Value (BLV)

11.1 Applicant's BLV

The applicant's surveyor has adopted a Benchmark Land Value of £1,080,000, this comprises their opinion of EUV at £900,000 plus a £180,000 premium.

The evidence has been considered and the EUV, premium and BLV are considered acceptable but not on the basis of evidence provided by the applicants advisor who has listed 5 industrial/distribution development sites in the wider Leeds district which I do not consider as comparable to a city centre location.

In forming my opinion of BLV I have followed the five-step process, which is detailed in RICS GN '**Assessing viability in planning under the National Planning Policy Framework 2019 for England**' (effective 1 July 2021).

11.2 Existing Use Value (EUV)

Step one is to undertake a valuation to determine EUV.

The Applicant's EUV is £900,000 based upon adjusted land sales for employment land with superior motorway accessibility . The interpretation of the evidence is not accepted as reasonable.

My EUV is has been approached by reference to market evidence and previously agreed benchmark land values for Leeds city centre build to rent schemes.

11.3 Alternative Use Value (AUV)

An Alternative Use Value approach is not considered applicable in this case.

11.4 Cross Sector Collaboration Evidence of BLV and Premium

The RICS Guidance Note explains that Step three is to assess a premium above EUV based on the evidence set out in PPG paragraph 016, which is 'the best available evidence informed by cross sector collaboration. which can include benchmark land values from other viability assessments' comparisons with existing premiums above EUV'.

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.

I have also had regard to whether the 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, is **minus** £2.26 million which is considerably lower than the applicants opinion of the benchmark land value.

I have given most weight to a site where Cushman and Wakefield acted for the applicant. The site was subject to an application for 783 Dwellings and 2,315m² of Commercial Uses. The site is also situated of Globe Road/Water at the junction of the River Aire and Leeds to Liverpool Canal, and the Leeds to Manchester rail line.

The site is bounded by Globe Road and Whitehall Road with immediate road access to the A643, M621 and wider motorway network. The subject site lies outside the Holbeck Conservation Area but also within Flood Zones 2 and 3. The site comprises 2 parcels of irregular shaped brownfield land.

The larger parcel extends to 1.8 hectares (4.45 acres) and lies to the south of Globe Road, the west of Whitehall Road and to the north of the railway line. The comparable site had been cleared of all industrial buildings and comprised concrete slabs, retaining walls and fences and slopes around 3 metres from west to east.

The smaller parcel extends to 0.20 hectares (0.49 acres) and is bounded by the Leeds to Liverpool Canal to the north, and Globe Road and the railway line to the south. It comprises a redundant showroom and lies at a lower level to the larger site, broadly level with the canal.

The surrounding area is occupied by a variety of established employment uses to the south and east and new build office and retail uses to the north along Whitehall Road and Wellington Street.

The benchmark land value agreed with Cushman and Wakefield was equivalent to £581,983 per acre which supports the proposed BMLV of £720,000 per acre for the subject site after an allowance for the relative locations and quantum.

I have also had regard to the agreed bench mark land value for a scheme at Tower Works comprising erection of 245 Dwellings & Partial demolition of existing structures and the erection of two buildings ranging from five to eleven storeys, comprising PRS apartments.

The site extended to approximately 2.13 acres (0.86 hectares). The viability appraisal was agreed between DVS and the applicants consultant at £843,457 per acre.

It is my balanced and professional opinion having considered all of the above to place greatest weight to other benchmarks, and that a fair and reasonable BLV for this site would be £1,080,000 based on £720,000 per acre.

11.5 Residual Land Value

Step four is to determine the residual value of the site or typology, assuming actual or emerging policy requirements, and this assessment of land value can be cross checked against the EUV+.

Adopting the inputs described herein this report, the residual land value of the proposed scheme with full policy requirements is minus £2,250,807.

The residual land value demonstrates that a planning compliant scheme is clearly unviable and that the benchmark land value is potentially nil, however, a nil land value would not sufficiently incentivise a landowner to release the site for development.

I have considered the applicants existing use and premium evidence reported above, and the additional evidence, reported below.

11.6 Land Transaction Evidence

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

11.7 Purchase Price

The NPPG on viability encourages the reporting of the purchase price to improve transparency and accountability, however it discourages the use of a purchase price as a barrier to viability, stating *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.*

The PPG does not, however, 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.

The applicant has not disclosed the price paid for the site.

11.8 Benchmark Land Value Conclusion

The reasonableness of the applicant's £1,080,000 Benchmark Land Value (£720,000 per acre) has been considered against:

- The EUV of £600,000 per acre
- The Alternative use value is not appropriate in this instance
- Evidence of appropriate premium above the EUV which is £180,000 or 20%
- The Residual Land Value of the planning compliant scheme **minus** £2,250,807
- Benchmark Land Values (BLV) adopted in the local plan study for this typology £750,000 per acre
- BLV adopted and agreed between DVS and an applicant's advisor, with greatest weight BLVs which delivered full policy.

In conclusion, as the Residual Land Value of the policy compliant scheme produces a figure which is less than the EUV / offers an insufficient premium I agree with the applicant's conclusion that full policy cannot be provided. Having considered all of the above approaches, I conclude that a fair and reasonable BLV would be £1,080,000 (£720,000 per acre) this comprises EUV £600,000 and a premium £180,000 (20%).

12.0 DVS Viability Assessment

- 12.1 DVS's Viability Appraisal of a Policy Compliant scheme has been produced using Argus Developer software.

As detailed in this report, I have a difference of opinion regarding values and professional fees. The cumulative effect of these changes is that my viability appraisal generates a negative land value of £3,255,231 for a policy compliant scheme which is less than the applicant's deficit in their appraisal but nevertheless it results in an outcome where a policy compliant scheme is not viable.

I have therefore tested to what extent a sub policy compliant scheme is viable which is summarised below under options 1-3.

Option 1

The scheme can support 3.2% affordable apartments (12 Units) at discount market rents (DMR) and support a CIL contribution of £179,234 and no section 106 costs.

Option 2

The scheme can support a CIL contribution of £179,234 and a contribution of £408,750 towards section 106 costs.

Option 3

That the scheme can support the inclusion of 2.1% affordable apartments (8 Units) at discount market rents (DMR) but can also support a CIL contribution of £179,234 and a contribution of £93,750 towards a Sustainable Travel Fund. In addition there is a surplus of £36,000 which can be contributed to other section 106 costs.

Sensitivity Analysis

- 13.1 Further to mandatory requirements within the RICS Professional Statement '**Financial viability in planning: conduct and reporting**', sensitivity tests are included to support the robustness of the viability conclusion described above.
- 13.2 I have inflated the rental value of apartments which in turn leads to an increase in the Gross Development Value. I have adjusted the rent upwards by 3.8% from the base appraisal assumption, and the output is the residual land value which can be compared to the benchmark land value (BLV).
- 13.3 **Sensitivity Test**

0.5% increment changes to build costs (Increases & Decreases)

Table of Profit Amount and Profit on Cost%					
Construction: Rate /ft ²					
-1.000%	-0.500%	0.000%	0.500%	1.000%	1.500%
208.49 /ft ²	209.54 /ft ²	210.59 /ft ²	211.65 /ft ²	212.70 /ft ²	213.75 /ft ²
£7,005,040	£6,624,607	£6,244,173	£5,863,740	£5,483,307	£5,102,874
9.059%	8.525%	8.000%	7.473%	6.954%	6.441%

- 13.4 The table above illustrates the impact on developers profit assuming the build costs increase and decrease by 0.5% increments before the completion of the construction phase. The base conclusion is shown in orange and the green cells express the level of profit and monetary amount if costs decrease by 0.5% and 1%. Conversely, the red cells express the level of profit and monetary amount if costs increase by 0.5% and 1%.

The sensitivity analysis demonstrates that small changes to costs can have a significant effect on profits and the amount available to section106 costs.

For instance, if construction costs are reduced by 1% through either deflation or value engineering the scheme will provide a monetary surplus above the base profit of £760,867 (£7,005,040- £6,244,173 = £760,866)

- 13.7 If your council requires any additional or specific testing for future reports please let me know.

13.0 Recommendations

14.1 Viability Conclusions

You have requested I model three scenarios for the provision of section CIL, affordable housing and section 106 costs which are summarised below and self-explanatory:

My independent conclusion, based on my own research regarding the gross development value and independent cost consultancy advice from Rex Proctor and Partners, is:

Option 1

The scheme can support 3.2% affordable apartments (12 Units) at discount market rents (DMR) and support a CIL contribution of £179,234 and no section 106 costs.

Option 2

The scheme can support a CIL contribution of £179,234 and a contribution of £408,750 towards section 106 costs.

Option 3

That the scheme can support the inclusion of 2.1% affordable apartments (8 Units) at discount market rents (DMR) but can also support a CIL contribution of £179,234 and a contribution of £93,750 towards a Sustainable Travel Fund. In addition there is a surplus of £36,000 which can be contributed to other section 106 costs.

14.0 Engagement

- 15.1 The DVS valuer has not conducted any discussions negotiations with the applicant or any of their other advisors.
- 15.2 Should the applicant disagree with the conclusions of our initial assessment; we would recommend that they provide further information to justify their position. Upon receipt of further information and with your further instruction, DVS would be willing to review the new information and reassess the schemes viability. DVS valuer has not conducted any discussions negotiations with the applicant or any of their other advisors.
- 15.3 If any of the assumptions stated herein this report and/or in the attached appraisal are factually incorrect the matter should be referred back to DVS as a re-appraisal may be necessary.

15.0 Disclosure / Publication

16.1 This initial review report is not for publication

16.2 The report has been produced for Leeds City Council only. DVS permit that this report may be shared with the applicant and their advisors Cushman and Wakefield, as named third parties only.

16.3 The report should only be used for the stated purpose and for the sole use of your organisation and your professional advisors 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 (named or otherwise) who may seek to rely on the content of the report.

16.3 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 report, nor make reference to it, in any way in any publication.

16.4 As stated in the terms, 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.

16.5 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.

The DVS valuer assume that all parties will restrict this report's circulation as appropriate, given the confidential and personal data provided herein.

If the parties do not wish to discuss or contest this report, a redacted version suitable for publication can be issued following your formal request.

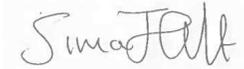
I trust that the above report is satisfactory for your purposes, however, should you require clarification of any point do not hesitate to contact me further.

Yours sincerely

Brian Maguire

Brian Maguire MRICS
RICS Registered Valuer
Principal Surveyor
DVS
Date: 1st July 2022

Reviewed by:



Simon Croft BSc (Hons) MRICS
Principal Surveyor
RICS Registered Valuer
DVS

16.0 Appendices

- (i) Appraisal 1- Option 1
- (ii) Appraisal 2- Option 2
- (iii) Appraisal 3- Option 3
- (iii) Redacted TOE

(i) Option 1

McLaren (Water Lane) Ltd
Water Lane, Leeds
3.2% (12 Units) Affordable Housing Units

Policy Sub Compliant
375 BTR Apartments

Development Appraisal
Valuation Office Agency
04 July 2022

APPRAISAL SUMMARY

VALUATION OFFICE AGENCY

McLaren (Water Lane) Ltd
Water Lane, Leeds
3.2% (12 Units) Affordable Housing Units

Summary Appraisal for Phase 1

Currency in £

REVENUE

Rental Area Summary

	Units	R ²	Rent Rate R ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV	Net MRV at Sale
Private: Studio 1-Bed Apartment	4	1,756	20.51	9,004	27,552	36,016	27,552
Private: 1-Bed Apartment (1)	179	86,815	21.03	10,200	1,396,675	1,825,719	1,396,675
Private: 1-Bed Apartment (2)	9	4,860	19.98	10,789	74,284	97,103	74,284
Private: 2-Bed Apartment (3)	91	62,426	21.50	14,750	1,026,821	1,342,250	1,026,821
Private: 2-Bed Apartment (4)	48	36,816	21.19	16,250	596,700	780,000	596,700
Private: 3-Bed Apartment (5)	32	29,664	21.57	20,000	489,600	640,000	489,600
DMR: 1-Bed Apartment (1)	3	1,455	16.82	8,160	18,727	24,480	18,727
DMR: 1-Bed Apartment (2)	4	2,160	15.98	8,631	28,411	34,524	28,411
Car Parking	55			1,700	84,150	93,500	84,150
DMR: 2-Bed Apartment (3)	3	2,058	17.20	11,800	27,081	35,400	27,081
DMR: 2-Bed Apartment (4)	2	1,534	16.95	13,000	19,890	26,000	19,890
Totals	430	229,544			3,787,891	4,934,992	3,787,891

Investment Valuation

Private: Studio 1-Bed Apartment							
Current Rent	27,552	YP @	4.5000%	22.2222	612,265		
Private: 1-Bed Apartment (1)							
Current Rent	1,396,675	YP @	4.5000%	22.2222	31,037,231		
Private: 1-Bed Apartment (2)							
Current Rent	74,284	YP @	4.5000%	22.2222	1,650,748		
Private: 2-Bed Apartment (3)							
Current Rent	1,026,821	YP @	4.5000%	22.2222	22,818,250		
Private: 2-Bed Apartment (4)							
Current Rent	596,700	YP @	4.5000%	22.2222	13,260,000		
Private: 3-Bed Apartment (5)							
Current Rent	489,600	YP @	4.5000%	22.2222	10,880,000		
DMR: 1-Bed Apartment (1)							
Current Rent	18,727	YP @	4.5000%	22.2222	416,160		
DMR: 1-Bed Apartment (2)							
Current Rent	28,411	YP @	4.5000%	22.2222	688,908		
Car Parking							
Current Rent	84,150	YP @	4.5000%	22.2222	1,870,000		
DMR: 2-Bed Apartment (3)							
Current Rent	27,081	YP @	4.5000%	22.2222	601,800		
DMR: 2-Bed Apartment (4)							
Current Rent	19,890	YP @	4.5000%	22.2222	442,000		
					84,175,361		

NET REALISATION 84,175,361

OUTLAY

ACQUISITION COSTS

Fixed Price (1.50 Acres 720,000.00 pAcre)			1,080,000				
					1,080,000		
Stamp Duty			43,500				
Agent Fee		1.00%	10,800				
Legal Fee		0.50%	5,400				
						59,700	

CONSTRUCTION COSTS

Construction	R ²	Build Rate R ²	Cost	
Construction Cost	310,292	210.59	65,345,676	65,345,676
Contingency		2.50%	1,633,642	
CIL			178,030	
				1,811,672

PROFESSIONAL FEES

Professional Fees		8.00%	5,227,654	5,227,654
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DISPOSAL FEES

APPRAISAL SUMMARY**VALUATION OFFICE AGENCY**

McLaren (Water Lane) Ltd

Water Lane, Leeds

3.2% (12 Units) Affordable Housing Units

Sales Agent Fee	0.50%	246,106	
Sales Legal Fee	0.25%	123,063	
			369,159

FINANCE

Debit Rate 5.000%, Credit Rate 0.000% (Nominal)			
Land		150,793	
Construction		3,894,293	
Total Finance Cost			4,045,086

TOTAL COSTS 77,938,948**PROFIT****6,236,413****Performance Measures**

Profit on Cost%	8.00%
Profit on GDV%	7.41%
Profit on NDV%	7.41%
Development Yield% (on Rent)	4.86%
Equivalent Yield% (Nominal)	4.50%
Equivalent Yield% (True)	4.63%

Rent Cover	1 yr 8 mths
Profit Erosion (finance rate 5.000)	1 yr 7 mths

(ii) Appraisal 2- Option 2

McLaren (Water Lane) Ltd
Water Lane, Leeds
S106 Pot of Money Only

Policy Sub Compliant
375 BTR Apartments

Development Appraisal
Valuation Office Agency
04 July 2022

APPRAISAL SUMMARY

VALUATION OFFICE AGENCY

McLaren (Water Lane) Ltd
Water Lane, Leeds
S106 Pot of Money Only

Summary Appraisal for Phase 1

Currency in £

REVENUE

Rental Area Summary

	Units	ft ²	Rent Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV	Net MRV at Sale
Private: Studio 1-Bed Apartment	4	1,756	20.51	9,004	27,552	36,016	27,552
Private: 1-Bed Apartment (1)	182	88,270	21.03	10,200	1,420,083	1,856,318	1,420,083
Private: 1-Bed Apartment (2)	13	7,020	19.98	10,789	107,299	140,260	107,299
Private: 2-Bed Apartment (3)	94	84,484	21.50	14,750	1,060,672	1,386,500	1,060,672
Private: 2-Bed Apartment (4)	50	38,350	21.19	16,250	621,563	812,500	621,563
Private: 3-Bed Apartment (5)	32	29,664	21.57	20,000	489,600	640,000	489,600
Car Parking	55			1,700	84,150	93,500	84,150
Totals	430	229,544			3,810,919	4,965,093	3,810,919

Investment Valuation

Private: Studio 1-Bed Apartment							
Current Rent	27,552	YP @	4.5000%	22.2222	612,265		
Private: 1-Bed Apartment (1)							
Current Rent	1,420,083	YP @	4.5000%	22.2222	31,557,408		
Private: 1-Bed Apartment (2)							
Current Rent	107,299	YP @	4.5000%	22.2222	2,364,413		
Private: 2-Bed Apartment (3)							
Current Rent	1,060,672	YP @	4.5000%	22.2222	23,570,500		
Private: 2-Bed Apartment (4)							
Current Rent	621,563	YP @	4.5000%	22.2222	13,812,500		
Private: 3-Bed Apartment (5)							
Current Rent	489,600	YP @	4.5000%	22.2222	10,880,000		
Car Parking							
Current Rent	84,150	YP @	4.5000%	22.2222	1,870,000		
							84,687,085

NET REALISATION

84,687,085

OUTLAY

ACQUISITION COSTS

Fixed Price (1.50 Acres: 720,000.00 p/Acre)			1,080,000				
					1,080,000		
Stamp Duty					43,500		
Agent Fee		1.00%			10,800		
Legal Fee		0.50%			5,400		
							59,700

CONSTRUCTION COSTS

	ft ²	Build Rate ft ²	Cost	
Construction Cost	310,292	210.59	65,345,676	65,345,676
Contingency		2.50%	1,633,642	
CIL			178,030	
S.106 Sustainable Travel Fund			93,750	
S.106 TRO Works			10,000	
S.106 TP Monitoring Fee			5,000	
Pedestrian and Cycle Connectivity			250,000	
Public Open Space			50,000	
				2,220,422

PROFESSIONAL FEES

Professional Fees		8.00%	5,227,854	
				5,227,854

DISPOSAL FEES

Sales Agent Fee		0.50%	256,298	
Sales Legal Fee		0.25%	128,149	
				384,448

FINANCE

Debit Rate 5.000%, Credit Rate 0.000% (Nominal)				
Land			150,793	
Construction			3,942,266	

APPRAISAL SUMMARY**VALUATION OFFICE AGENCY**

McLaren (Water Lane) Ltd
Water Lane, Leeds
S106 Pot of Money Only

Total Finance Cost	4,093,079
TOTAL COSTS	78,410,978
PROFIT	6,276,107

Performance Measures

Profit on Cost%	8.00%
Profit on GDV%	7.41%
Profit on NDV%	7.41%
Development Yield% (on Rent)	4.86%
Equivalent Yield% (Nominal)	4.50%
Equivalent Yield% (True)	4.63%

Rent Cover	1 yr 8 mths
Profit Erosion (finance rate 5.000)	1 yr 7 mths

(iv) Appraisal 3- Option 3

McLaren (Water Lane) Ltd
Water Lane, Leeds
2.1% (8 units) Aff £93,750 Sust Travel Fund

Policy Sub Compliant
375 BTR Apartments

Development Appraisal
Valuation Office Agency
04 July 2022

APPRAISAL SUMMARY

VALUATION OFFICE AGENCY

McLaren (Water Lane) Ltd
 Water Lane, Leeds
 2.1% (8 units) Aff £93,750 Sust Travel Fund

Summary Appraisal for Phase 1

Currency in £

REVENUE

Rental Area Summary	Units	ft ²	Rent Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV	Net MRV at Sale
Private: Studio 1-Bed Apartment	4	1,756	20.51	9,004	27,552	36,018	27,552
Private: 1-Bed Apartment (1)	180	87,300	21.03	10,200	1,404,478	1,835,919	1,404,478
Private: 1-Bed Apartment (2)	11	5,940	19.98	10,789	90,791	118,681	90,791
Private: 2-Bed Apartment (3)	92	83,112	21.50	14,750	1,038,105	1,357,000	1,038,105
Private: 2-Bed Apartment (4)	48	36,816	21.19	16,250	596,700	780,000	596,700
Private: 3-Bed Apartment (5)	32	29,864	21.57	20,000	489,600	640,000	489,600
DMR: 1-Bed Apartment (1)	2	970	16.82	8,160	12,485	16,320	12,485
DMR: 1-Bed Apartment (2)	2	1,080	15.98	8,631	13,205	17,262	13,205
Car Parking	55			1,700	84,150	93,500	84,150
DMR: 2-Bed Apartment (3)	2	1,372	17.20	11,800	18,054	23,600	18,054
DMR: 2-Bed Apartment (4)	2	1,534	16.95	13,000	19,890	26,000	19,890
Totals	430	229,544			3,795,010	4,944,298	3,795,010

Investment Valuation

Private: Studio 1-Bed Apartment							
Current Rent	27,552	YP @	4.5000%	22.2222	612,265		
Private: 1-Bed Apartment (1)							
Current Rent	1,404,478	YP @	4.5000%	22.2222	31,210,623		
Private: 1-Bed Apartment (2)							
Current Rent	90,791	YP @	4.5000%	22.2222	2,017,580		
Private: 2-Bed Apartment (3)							
Current Rent	1,038,105	YP @	4.5000%	22.2222	23,069,000		
Private: 2-Bed Apartment (4)							
Current Rent	596,700	YP @	4.5000%	22.2222	13,260,000		
Private: 3-Bed Apartment (5)							
Current Rent	489,600	YP @	4.5000%	22.2222	10,880,000		
DMR: 1-Bed Apartment (1)							
Current Rent	12,485	YP @	4.5000%	22.2222	277,440		
DMR: 1-Bed Apartment (2)							
Current Rent	13,205	YP @	4.5000%	22.2222	293,454		
Car Parking							
Current Rent	84,150	YP @	4.5000%	22.2222	1,870,000		
DMR: 2-Bed Apartment (3)							
Current Rent	18,054	YP @	4.5000%	22.2222	401,200		
DMR: 2-Bed Apartment (4)							
Current Rent	19,890	YP @	4.5000%	22.2222	442,000		
						84,333,562	

NET REALISATION **84,333,562**

OUTLAY

ACQUISITION COSTS

Fixed Price (1.50 Acres 720,000.00 pAcre)		1,080,000		1,080,000
Stamp Duty		43,500		
Agent Fee	1.00%	10,800		
Legal Fee	0.50%	5,400		
				59,700

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost	
Construction Cost	310,292	210.59	65,345,676	65,345,676
Contingency		2.50%	1,633,642	
CIL			178,030	
S.106 Sustainable Travel Fund			93,750	
Public Open Space			36,000	
				1,941,422

PROFESSIONAL FEES

Professional Fees	8.00%	5,227,654		
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APPRAISAL SUMMARY**VALUATION OFFICE AGENCY**

McLaren (Water Lane) Ltd

Water Lane, Leeds

2.1% (8 units) Aff £93,750 Sust Travel Fund

			5,227,654
DISPOSAL FEES			
Sales Agent Fee	0.50%	249,194	
Sales Legal Fee	0.25%	124,597	
			373,791
FINANCE			
Debit Rate 5.000%, Credit Rate 0.000% (Nominal)			
Land		150,793	
Construction		3,910,352	
Total Finance Cost			4,061,145
TOTAL COSTS			78,089,388
PROFIT			6,244,173
Performance Measures			
Profit on Cost%		8.00%	
Profit on GDV%		7.40%	
Profit on NDV%		7.40%	
Development Yield% (on Rent)		4.86%	
Equivalent Yield% (Nominal)		4.50%	
Equivalent Yield% (True)		4.63%	
Rent Cover		1 yr 8 mths	
Profit Erosion (finance rate 5.000)		1 yr 7 mths	

iii) Redacted TOE



DVS Property Specialists
for the Public Sector

Valuation Office Agency
7 Wellington Place
Leeds
LS1 4AJ

██████████
Principal Planner
Central Team
Planning Services,
City Development
Leeds City Council

Our Reference : 1792027
Your Reference :
EX000000/22/00361/FU

Please ask for : Brian Maguire
Tel : 03000 503008

E Mail : brian.maguire@voa.gov.uk

Date : 9th March 2022

Dear ██████████

Review of Development Viability Appraisal

Address: 375 Build to Rent Apartments, McLaren (Water Lane) Limited, Water Lane, Leeds

I refer to your instructions dated 9th March 2022 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, Sarah McMahon.

2. Subject Property and proposed development

The land or property (properties) subject to the review is 375 Build to Rent Apartments, McLaren (Water Lane) Limited, Water Lane, Leeds

It is understood that the development comprises a mix of 1, 2 and 3 bedroom apartments.

3. Purpose and Scope

To complete this assessment DVS will:

- a) 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.
- b) 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.
- c) 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 30th May 2022

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 1st September 2019).

Regard will be made to the RICS Guidance Note "Financial viability in planning" 1st 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' (2nd Edition)** and, where relevant, the **RICS Code of Measuring Practice (6th 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 (2nd 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 Savills dated May 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 [REDACTED] 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 31st May 2022

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 1st April 2022.

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:

Personnel:	Role	Task
[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.

Role	Task	Hourly Fee + VAT
RICS Lead Development Consultant	Report and viability discussions	████
RICS Residential and commercial Valuers	Residential and commercial research and Valuation	████

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 █████ 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.

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



Principal Surveyor
RICS Registered Valuer
DVS



Leeds
CITY COUNCIL

Originator: Sarah McMahon

Appendix 2 - Draft Conditions

CITY PLANS PANEL

Subject: Planning Application 22/00361/FU for a multi-level residential development (Class C3) with associated hard and soft landscaping and rooftop amenity space at a site on Land Off Water Lane, Holbeck, Leeds.

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

3) Prior to the commencement of works to the external façade, details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of façade works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

4) No surfacing works shall take place to the hard surfaced and landscaped areas until details and samples of all surfacing materials to the said hard surfaced and landscaped area have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the approved materials.

In the interests of visual amenity.

5) No above ground building works shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority-

- (i) 1 to 20 scale drawings of the detail of roof line treatments and ground floor treatments

- (ii) 1 to 20 scale section drawings of each type of window detail and the depths of the reveals
 - (iii) 1 to 20 scale section drawings of all new external doors and entrances
 - (iv) 1 to 20 scale section drawings of the junctions of different materials
- The works shall be carried out in accordance with the details thereby approved.

In the interests of visual amenity.

6) No development shall take place until a Statement of Demolition and Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Statement of Demolition and Construction Practice shall include full details of:

- a) details of any phasing of the development
 - b) the positions and types of cranes and details of excavations and earthworks
 - c) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
 - d) measures to control the emissions of dust and dirt during construction and associated air quality (in accordance with the Institute of Air Quality Management (IAQM) planning guidance)
 - e) the construction vehicle routing, means of access, location of site compound, and its means of enclosure and of safety barriers
 - f) details of plant equipment/storage as well as details of any vibro-impact machinery
 - g) details and location of contractor and sub-contractor parking and of the management of abnormal loads
 - h) a local resident and business communications strategy for the duration of the works
 - l) the means for controlling noise from the demolition and construction processes
 - j) how this Statement of Demolition and Construction Practice will be made publicly available by the developer
 - k) Hours of demolitions and construction including deliveries and waste collection
- The Statement of Demolition and Construction Practice shall demonstrate consultation with the Asset Protection Project Manager at Network Rail.

The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.

The approved details shall be implemented at the commencement of work on site and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of the amenity of occupants of nearby buildings.

7) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development (excluding demolition) shall

not commence until a Phase II Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development (excluding demolition) shall not commence until a Remediation Strategy demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Strategy shall include a programme for all works and for the provision of Verification Reports.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use' with respect to land contamination.

8) If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing.

An amended or new Remediation Strategy and/or Soil Importation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that any necessary remediation works are identified to make the site 'suitable for use' with respect to land contamination.

9) Remediation works shall be carried out in accordance with the approved Remediation Strategy. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be 'suitable for use' with respect to land contamination.

10) No installation of externally mounted plant or equipment shall take place until details of the installation and/or erection of any air conditioning or extract ventilation system, flue pipes, window cleaning equipment or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design, noise attenuation, and external appearance have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

Plant and machinery operated from any commercial premises shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

In the interests of amenity and visual amenity, in accordance with Saved Unitary Development Plan Policies GP5, BD2 and BD4, Leeds Core Strategy policy P10 and the NPPF.

11) Notwithstanding the details on the hereby approved plans, hard and soft landscape works shall not take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

Hard landscaping works shall include

- (a) proposed finished levels and/or contours,
- (b) means of enclosure (in particular suitable trespass proof fence is required adjacent to Network Rail's boundary - (approx. 1.8m high)- with provision made for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.
- (c) car parking layouts,
- (d) vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

- (h) planting plans,
- (i) written specifications (including cultivation and other operations associated with plant and grass establishment),
- (j) schedules of plants noting species, planting sizes and proposed numbers/densities,
- (k) soil volumes for tree pits and planted beds
- (l) implementation programme.

All external spaces will have appropriate hard surfacing and planting for the intended use and site conditions, prioritising resident amenity and biodiversity value. For example, spaces adjacent to the site boundary with no natural surveillance are not appropriate as dwell spaces and should be species-rich landscape buffers.

Hard and soft landscaping works shall be carried out in accordance with the approved details prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority and to a reasonable standard in accordance with the relevant provisions of British Standard BS 4428:1989 Code of Practice for General Landscape Operations or other recognised codes of good practice.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

12) No hard or soft landscape works shall take place until a plan, schedule and specification for long term landscape management has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, fencing and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas during the establishment period. It shall provide for an annual inspection during late summer for any areas of failed tree or shrub planting, and the identification of the replacements required in the autumn planting season. Prior to planting, all landscaped areas shall be cultivated and maintained in a weed free condition by mechanical cultivation or chemical control. Maintenance shall be carried out thereafter in accordance with the approved management plan.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

13) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds Core Strategy Policy P12, retained Leeds Unitary Development Plan Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the National Planning Policy Framework.

14) a) No above ground works shall commence until full details of the load bearing cell type rooting zone using proprietary structures has been submitted and approved in writing by the local planning authority. Details shall be fully in accordance with LCC guidance on urban tree planting (available on Landscape Planning website). Details shall include:

- proprietary soil cell structures to support paving over extended sub-surface rooting areas
- Soil cell volume /soil volume calculations

- specification of topsoil including additives and conditioners
- Tree grilles and guards and means of anchoring root balls. Built-in Root Irrigation Pipe system with end cap and aeration system.
- Passive and / or active irrigation including directed use of grey water / roofwater or surface water infiltration to benefit planted areas. Details of distribution system and controls
- Tree grill details
- drainage system for tree pits.
- Where applicable -details of protection measures for statutory utilities and drainage
- Works shall then be carried out in accordance with the approved details.
- Confirmation of Manufacturer supervision on site (free service)

b) To ensure full compliance, a brief report on the installation of the rooting zone system, including supporting photographic evidence, shall be submitted to the LPA when the works are still "open" to allow LPA inspection prior to any finish surfacing works. Seven days written notice shall be given to the Local Planning Authority that the rooting zone structures are in place to allow inspection and approval of them as installed. Confirmation is required that the installation has been overseen by the manufacturer of the system

NOTE-this item cannot be discharged until post inspection approval is confirmed.

c) A three year irrigation programme for the trees (in accordance with BS 8545-2014 Trees from Nursery to Independence) shall be submitted to the LPA for approval in writing. Confirmation of irrigation compliance shall be submitted to the LPA on a quarterly basis for the full three year programme period

To ensure the provision of amenity afforded by appropriate landscape design and its cultural requirements are integrated into the development scheme

15) No development shall take place until plans of the site showing details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be retained thereafter as such.

To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and in accordance with retained Leeds Unitary Development Plan Review (2006) Policy GP5 and the National Planning Policy Framework.

16) Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the Local Planning Authority of integral bat roosting and bird nesting features (for species such as House Sparrow and Swift) within buildings. The agreed Plan shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

To maintain and enhance biodiversity in accordance with Core Strategy Policy G9, NPPF and BS 42020:2013

17) No building works on each phase shall take place until an updated Sustainability Statement has been submitted to and approved in writing by the Local Planning Authority, which will include a detailed scheme comprising

- (i) a recycle material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit);
- (ii) a Site Waste Management Plan (SWMP)
- (iii) an energy plan showing the percentage of on-site energy that will be produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of the total energy demand of the development (including that to be provided via solar energy) and a carbon dioxide reduction target and plan showing a minimum of 20% reduction in carbon dioxide emissions against building regulations targets Including detailed Standard Assessment Procedure (SAP) sheets for embodied carbon emissions)
- (iv) details of the monitoring methods for the Policy EN2 requirement for the intent to use below 110L/person/ day of water

The development shall be carried out in accordance with the detailed scheme for that phase, and

(a) Within 6 months of the first occupation of each phase a post-construction review statement for that phase shall be submitted to and agreed in writing by the Local Planning Authority

(b) The development and buildings comprised therein shall be maintained thereafter and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To ensure the adoption of appropriate sustainable design principles in accordance with Leeds Core Strategy Policies EN1 and EN2, Leeds SPD Sustainable Design and Construction, and the National Planning Policy Framework.

18) Notwithstanding the plans hereby approved, the construction of any phase of the development shall not commence until full details of the wind mitigation measures as referenced in the hereby approved documents FD Global Limited - Water Lane, Leeds, United Kingdom Wind Microclimate dated 14 January 2022 and FD Global Limited -Wind Microclimate Assessment Addendum 1V1 dated 3rd March 2022 or any measures identified in an updated wind report have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the details then so approved and retained for the lifetime of the development.

In the interests of public and highway safety

19) Prior to installation of the agreed wind mitigation measures a scheme for the monitoring of the wind environment shall be submitted to and agreed in writing by the Local Planning Authority, assessing the effectiveness of the approved mitigation measures. The scheme shall incorporate details and timescales for the implementation of any further mitigation measures where these are found to be

necessary by the monitoring exercise and shall be implemented in accordance with the details and timescales thereby approved.

In the interests of public and highway safety.

20) No external lighting shall be installed unless a scheme has previously been approved in writing by the Local Planning Authority. No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties or is a hazard to users of adjoining or nearby highways. The scheme shall be installed and retained thereafter in accordance with the approved details.

The scheme for external lighting shall demonstrate consultation with the Asset Protection Project Manager at Network Rail.

In the interests of amenity.

21) No development shall commence on each phase until full details of the means of access into and out of the buildings and around the public realm areas, for disabled persons, have been submitted to and approved in writing by the Local Planning Authority.

In the interests of disabled people and access for all

22) Following completion of at least 50% of the dwellings within the development as a whole and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post-construction Accessible Housing Certification Table containing confirmation of the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;

- Which and how many dwellings within the development have satisfied M4(2)* accessible and adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4(3)* wheelchair adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4(3)* wheelchair accessible dwellings standard.

*contained within Part M volume 1 of the Building Regulations.

The accessible dwellings shall be implemented and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of disabled people and access for all

23) The development hereby permitted shall not be occupied until a scheme for each phase, detailing the method of storage and disposal of litter and waste materials, including recycling facilities, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers, details of recyclable materials collection with timescales. The approved scheme shall be implemented before the development is brought into use and no waste or litter shall be stored or disposed other than in accordance with the approved scheme.

In the interests of residential amenity and to promote recycling.

24) The development shall be carried out in accordance with the submitted flood risk assessment (titled "Water Lane, Leeds, Flood Risk Assessment", reference "2990-MHTCV-RP-0001", issue "P03" dated "27 May 2022") and the following mitigation measures it details:

Finished floor levels of the ground floor communal spaces shall be set no lower than 28.740 metres Above Ordnance Datum (AOD).

Proofing and resilience measures, i.e. passive prevention of water entry, for the plant rooms and communal spaces shall be set no lower than 29.04mAOD.

There shall be no habitable or more vulnerable uses (e.g. residential uses) on the ground floor.

There shall be no residential units on the ground floor.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

To reduce the risk of flooding to the proposed development and future occupants.

25) The development shall be undertaken in accordance with the listed documents unless otherwise submitted and approved in writing with the Local Planning Authority. The works shall be fully implemented in accordance with the approved scheme before the development is brought into use or as set out in the approved phasing details.

i Report Water Lane Hydraulic Modelling Study Technical Note Rep Ref 5350 HMS TN Final v1.0 16 Dec 2021 Rev v1.0, Weetwood, dated 16 December 2021

ii Report Below Ground Drainage Strategy Rep Ref 2990 MHT CV RP 0002, Rev P03, Meinhardt, dated 10 January 2022

iii Report Flood Risk Assessment Rep Ref 2990 MHT CV RP 0001 Rev P03 Meinhardt dated 27 May 2022

iv Drawing Proposed Site Plan Dwg No WL CJCT XX 0 DR A 0003 Rev P01 Carey Jones Chapman Tolcher dated 24 December 2021

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

26) No development to take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

To ensure appropriate architectural and historic recording and in accordance with the National Planning Policy Framework, and Core Strategy Policies P10 and P11.

27) Notwithstanding the approved details, works above the ground floor slab level shall not commence until full details of cycle/motorcycle parking and facilities,

including details of a cycle hire scheme indicated on the drawing referenced XXXXX, have been submitted to and approved in writing by the Local Planning Authority. The approved cycle/motorcycle parking and facilities shall be provided prior to first occupation of the development and retained thereafter for the lifetime of the development.

In the interests of highway safety and promoting sustainable travel opportunities.

28) Development shall not be occupied until Electric Vehicle Charging Points have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the lifetime of the development.

In the interest of promoting low carbon transport

29) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

30) Notwithstanding the details shown on the approved Proposed Site Layout, the parking area shall not be laid out or be brought into use until a revised Proposed Site Layout demonstrating the provision of disabled car parking has been submitted to and approved in writing by the Local Planning Authority, (in accordance with current British Standard BS8300 unless otherwise agreed in writing). The agreed layout shall be implemented prior to occupation and retained for the lifetime of the development.

To ensure the provision of disabled parking.

31) Development shall not be occupied until a Car Parking, Servicing and Delivery Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

32) Development shall not commence until a survey of the condition of the following streets (Water Lane) has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented within 3 months of the remedial works being agreed with the Local Planning Authority. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to

the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.

Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway.

33) Prior to occupation of the development, the off-site highway works as shown on plan XXXXXXXX comprising the reinstatement of the footway outside the redundant access, a new layby and footway on Water Lane, a new vehicular access off Water Lane, traffic calming on Water Lane and alterations to TROs on Water Lane to reduce speed limit and for the layby, shall be fully delivered.

To ensure the free and safe use of the highway.

34)) Development shall not be occupied until a parking beat survey (including timescales) showing all parking areas within 800m of the site which are either unrestricted or covered by a single yellow line has been submitted to and approved in writing by the Local Planning Authority. The survey shall be fully implemented and the development thereafter operated in accordance with the approved timescales.

To ensure the free and safe use of the highway.

35) Details of a sound insulation scheme designed to protect the future occupants of the proposed accommodation from noise emitted by nearby sources and to protect neighbours from noise emitted from the development shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development. The approved works shall be completed prior to first occupation of the development and shall thereafter be retained.

The scheme shall achieve internal residential noise levels of no higher than noise rating NR20 in bedrooms between 23.00 and 07.00 and NR25 in all habitable rooms between 07.00 and 23.00.

Building services plant noise from the development shall achieve a BS 4142:2014 rating level of no higher than the background both within the development and at nearby noise-sensitive receptors, including the character corrections for tonality, impulsivity, and intermittency as appropriate.

Prior to occupation, a post completion sound test to confirm compliance with specified criterion shall be submitted for approval. In the event that sound levels exceed the specified limits, the applicant shall undertake corrective action and re-test. Once compliance can be demonstrated the results shall be re-submitted for approval.

In the interests of residential amenity.

36) The development hereby permitted shall be operated and maintained as such in accordance with the Water Lane, Leeds: Residents Safety Plan, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity.



Appendix 3 - Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 14 July 2022

Subject: Planning Application 22/00361/FU for a multi-level residential development (Class C3) with associated hard and soft landscaping and rooftop amenity space at a site on Land Off Water Lane, Holbeck, Leeds.

APPLICANT

McLaren (Water Lane) Limited

DATE VALID

18 January 2022

TARGET DATE

15 July 2022

Electoral Wards Affected:

Beeston & Holbeck

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and Delegate to the Chief Planning Officer for approval, subject to the conditions at Appendix 2 (and any amendment to or addition of others which the Chief Planning Officer considers appropriate, subject to resolving the outstanding concerns of the Health and Safety Executive and subject to the completion of a Section 106 agreement to secure the following:

- 1. Employment and training of local people**
- 2. Publicly accessible areas**
- 3. Affordable housing provision which is subject to viability (see paragraphs 10.4 to 10.7 below and Appendix 1)**
- 4. Travel Plan Review fee which is subject to viability (see paragraphs 10.4 to 10.7 below and Appendix 1)**
- 5. The provision of two Leeds City Council Car Club provider parking spaces**
- 6. The provision of a Residential Travel Plan Fund which is subject to viability (see paragraphs 10.4 to 10.7 below and Appendix 1)**
- 7. A contribution towards pedestrian and cycle improvements in the area which is subject to viability (see paragraphs 10.4 to 10.7 below and Appendix 1)**
- 8. A Traffic Regulation Orders affecting resident's on street parking, within an 800m**

radius of the site which is subject to viability (see paragraphs 10.4 to 10.7 below and Appendix 1)

9. A green space contribution which is subject to viability (see paragraphs 10.4 to 10.7 below and Appendix 1)

10. A management fee.

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

Conditions

A list of draft Conditions for the application is provided in the Appendix 2 of this report.

1.0 INTRODUCTION:

- 1.1 The proposal is put before City Plans Panel as the development involves the creation of a number of new dwellings, upon which the Applicant seeks to justify a viability case, requesting that the normal policy requirement for affordable housing and the other above listed planning obligations be set aside. The development involves a significant investment in an important site which is located at an area to the south side of the City Centre.
- 1.2 The Applicant's team presented the emerging pre-application proposals to City Plans Panel on 30 September 2021. At the meeting Members stated that they required the scheme to be policy compliant in respect of the mix of accommodation, that there was support for the emerging mass and scale, but more details of the design were required as well as provision of balconies and parking for taxis, visitors and deliveries. Member's comments from the City Plans Panel minutes are set out below in paragraph 5.2.

2.0 PROPOSAL:

- 2.1 The proposals seek to create a multi-level development of residential apartments, ranging from 2 up to 26 storeys (including ground floor), set within a landscaped area, with undercroft car parking. The scheme would bring forward 375 apartments, with these being in the following mix;
- 200 one bedroomed apartments (ranging from 39 to 50 m²) 53%
 - 144 two bedroomed apartments (61 to 70 m²) 37%
 - 36 three bedroomed apartments (74 to 95 m²) 10%.
- 2.2 In addition, the proposal would include three internal communal amenity spaces totalling some 700 m² and four external landscaped communal spaces totalling 975m². Part of the external space would be a raised podium to the centre of the site, alongside roof terraced areas at the 9th and 14th floors, as well as the wider ground floor surface greened landscaping.
- 2.3 A total of 46 car parking spaces (including 3 disabled spaces and 2 car club spaces) are proposed in an undercroft parking area, as well as 164 long stay spaces (112 double stacked and 52 via Sheffield stands) and 4 motorcycle spaces.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is some 0.61 hectares and is laid out as surfaced car park (although currently not in use) and is surrounded by a number of historical former industrial

foundry buildings and abuts the early 1800 Grade II listed building - Midland Mills, as well as being set within Holbeck Conservation Area, and Holbeck Urban Village. To the east sits the Grade I listed building – Temple Works and the Grade II listed buildings – Marshalls Mill, Round Foundry, Matthew Murray House, 99, 101, 103 and 105 Water Lane, 12 to 14 Foundry Street and the former Joiners Shop and Saw Mill to the former foundry at Foundry Street and Sawmill Yard. In addition, the site is adjacent to a redundant railway viaduct and a working railway viaduct.

3.2 The Holbeck Conservation Area is considered to be an area of local, national, and international importance in respect of the historical significance and architectural merits of its buildings, as well as for the potential archaeological discoveries that the area could elicit. The area is considered to be the foundation of the Industrial Revolution in Leeds.

3.3 The site is also within Flood Zones 2 and 3 and is allocated under reference HG2-195 in the Site Allocations Plan as being for housing use. The site is close to, but outside of, the boundary of the Holbeck Neighbourhood Plan.

4.0 RELEVANT PLANNING HISTORY:

4.1 Approval was granted for redevelopment of the adjacent site for the refurbishment of Midland Mills and the construction of a 32 storey tower comprising a total of 306No. apartments; flexible commercial space (class uses A1/A2/A3/A4/B1), the creation of a public realm at Midland Mills, Silver Street, Holbeck Leeds, under applications 18/04579/FU and 18/04580/LI on 18 September 2019. Some minor internal configurations and a small change in height (an increase of 2.1 metres was approved under a Non Material Amendment application referenced 21/9/00226/MOD on 21 September 2021. Development has yet to commence on this approved scheme.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The proposals have been the subject of pre-application discussions between the Developer, their Architects, and Local Authority Officers since June 2021. These discussions have focused on the proposed uses, the design, the height, positions and massing of the blocks, heritage matters including the relationships to the nearby listed Midland Mills, key views, car and cycle parking, servicing, sustainability and opportunities for greened landscaping in the external communal spaces.

5.2 The preapplication proposals were presented to City Plan Panel on 30 September 2021. Members made the following comments;

- Members wanted the development to be policy compliant and would welcome information on the research undertaken.
- Clarification was required in relation to 1 bedroomed 1 person apartments and 1 bedroomed 2 person apartments.
- Clarification was required on demand for 3 bedroomed units in the area.
- Developers were requested to note the comments provided by Members during their discussions on landscaping.
- Members were of the view that they were unable to comment on the detailed design of the buildings as they had not seen detailed graphics to be able to comment on. However, there was support for the emerging mass and scale across the site with the lower buildings towards the Water Lane frontage and the taller element towards Bath Road.
- Members wished to see provision of more balconies.

- Members were concerned that parking in this location was already problematic. Members were of the view that parking should be made available for taxis, visitors and deliveries.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 One objection received from Leeds Civic Trust stating they object on the basis that their main concerns relate to the impact of the development on the Midland Mill, the quality of the public spaces and how possible access to the viaduct could be "designed in" for the future. To this end they state that in their view;

1) The massing of the buildings is such that the central public amenity space will be in shadow throughout the year except on very rare occasions at midday during high summer. We do not believe that this space could host soft landscape.

2) The proposal does not incorporate an outdoor environment that is truly family friendly. The nearest large green space in the vicinity is Holbeck Moor. This could be accessible along Water Lane/Bridge Road, where the Holbeck NP proposes a strategic green corridor which could reinforce the link. The application needs to address these opportunities.

3) The relationship with the nearby Midland Mills is not properly addressed: the massing of this development is at its highest at the point where it abuts the mill. Another tower block is already planned on the other side. The proposals will result in severe dwarfing of the listed building to the point that the scheme would look of place.

4) It is unclear from the submission whether Council policy on affordable housing and the provision of three bed accommodation will be adhered to.

5) Whilst possible future connection to the disused viaduct are mentioned, the layout appears to preclude any direct links from common parts of the building, or the podium-top garden. Whilst we appreciate that this is not in the applicant's ownership there should be a more pro-active approach to links to the Midland Mills scheme, the viaduct and Bath Road.

Responses: These points are addressed in the appraisal below.

7.0 CONSULTATION RESPONSES:

7.1. **Network Rail** state that they have no objection in principle to the development, but that Conditions and Informatives are required to cover the relationship to the rail line in respect of the construction methodology, drainage, boundary treatments, landscape and lighting, railway noise and glint and glare.

Response: Such Planning Conditions and Informatives will be applied.

7.2 **Environment Agency** state that there are no objections subject to a Condition requiring the scheme to accord with the flood risk assessment and that the sequential and exceptions tests are applied.

Responses; Such a Planning Condition will be applied and the sequential and exceptions tests were already undertaken for this site under Site Allocations Plan and as such there is no requirement to repeat these tests.

7.3 **Health and Safety Executive (HSE)** have objected and requested revisions to the scheme in respect of distances of route and the internal layouts as follows:

- A dry riser for the second firefighting shaft location needs to be amended such that the protected corridor to access it does not exceed 18m in length and a horizontal pipe from the inlet fire main to the vertical part of a dry fire main is of a maximum 18m in length, to ensure these elements accord with the fire safety standards

- A proposed corridor needs to be amended such that it is no longer than 18m, to ensure it accords with the fire safety standards.

- Access from the stair and car parking lobbies into amenity areas in the north tower need to be amended, such that the access is removed here, to ensure accordance with the fire safety standards.

Response: To allow further time for these matters to be resolved to the satisfaction of the HSE Officers request that Plans Panel Members agree to defer and delegate, subject to resolving these outstanding concerns of the HSE. Officers will verbally update on any further progress on these details at Plans Panel.

7.4 **Yorkshire Water** state that If planning permission is to be granted, then Conditions to cover surface run off, foul and surface drainage will be required.

Response: Such Planning Conditions will be applied.

7.5 **District Valuer** state that it is their view that the scheme can support one of the following three options;

Option 1

The scheme can support 3.2% affordable apartments (12 Units) at discount market rents (DMR) and support a CIL contribution of £179,234 and no section 106 costs.

Option 2

The scheme can support a CIL contribution of £179,234 and a contribution of £408,750 towards section 106 costs.

Option 3

That the scheme can support the inclusion of 2.1% affordable apartments (8 Units) at discount market rents (DMR) but can also support a CIL contribution of £179,234 and a contribution of £93,750 towards a Sustainable Travel Fund. In addition, there is a surplus of £36,000 which can be contributed to other section 106 costs.

Response: Please see the appraisal below and full report at Appendix 1.

7.6 **Highways** have requested revisions to address a setback to provide a 5m vehicular area, and the layby to be 2.2m wide with a 3m wide footway adjacent. They also state the cycle space numbers are too low and requires a condition to control their details as well as that of an on-site cycle hire scheme and conditions to cover a parking beat survey and a service and deliveries management plan.

Response: The required Planning Conditions will be applied.

7.7 **Influencing Travel Behaviour** state that there is a requirement for the following obligations;

-A Travel Plan Review fee of £3,278 (subject to a 3% increase annually on 1st April)

- The provision of two Leeds City Council Car Club provider parking spaces

- The provision of a Residential Travel Plan Fund of £95,906.25, £30,125 of which is to be expended on Leeds City Council Car Club free trial membership and usage package.

Responses; These obligations will be addressed via the required S106 legal agreement.

7.8 **Flood Risk Management** require a condition to cover ensure the development is implemented in accordance with the agreed drainage details submitted on the application.

Response; Such a Planning Condition will be applied.

7.9 **West Yorkshire Archaeological Service** state that an archaeological evaluation on the site and ideally this would be done before determination of the application however if the Local Planning Authority is minded to grant approval without the upfront evolution, then this matter must be condition.

Response; Such a Planning Condition will be applied.

- 7.10 **West Yorkshire Police** state that they have no comments.
- 7.11 **Environmental Studies - Transport Strategy** state that the submitted Noise Impact Assessment (NIA) details on-site noise measurements together with a proposed glazing and ventilation strategy such that acceptable noise levels are achieved throughout the development and that they are able to agree with the methodology and findings of the NIA in relation to transportation noise.
- 7.12 **Environmental Health Services (Pollution Control)** no response received.
- 7.13 **District Heating Network Team** state that the site is not close to the current Leeds PIPES heat network, or any installed heat networks. It is likely the Leeds PIPES network will be available in the area in the next c3-5 years. The sustainability statement makes no mention of policy EN4, but should the network be available at a convenient time then it is possible this would be a viable connection.
- 7.14 **Landscape Team** state that the details of the landscape scheme need to be addressed via Conditions
Response; Such relevant Conditions will be applied
- 7.15 **Nature Team** no response received.
- 7.16 **Ramblers Association** no response received.
- 7.17 **Health Partnerships** no response received.
- 7.18 **Employment And Skills** no response received.
- 7.19 **Access Officer** requires details of accessibility across the site and final details of accessible housing via Conditions
Response: such Planning Conditions will be applied
- 7.20 **Contaminated Land Team** state that Conditions to cover the submission of a Phase II Site Investigation Report, a Remediation Strategy and a Verification Report are required.
Response: such Planning Conditions will be applied.
- 7.21 **Wind consultant** states that the Applicant's wind study has shown that there is potential for the proposed development to generate uncomfortable and unsafe wind conditions, onsite and offsite, despite the relatively sheltered ground level location for the site and that mitigation schemes have been assessed as part of this study and the said mitigation removes all but one wind safety issue, and all of the wind comfort issues.
The remaining wind safety issue is extremely small in size but is in a location where pedestrians are expected to pass, and so needs justification if it is to be accepted. No justification is provided in the report, but the following are noted:
- a) Comparison of the computational fluid dynamics (CFD) results against the wind tunnel (WT) results, for the unmitigated scenarios, suggests that the CFD results are more conservative than the WT modelling. Furthermore, the winter comfort results predict that conditions are "suitable for walking" in this location, i.e. are not rated as "uncomfortable". Hence, it is expected that the safety exceedance is extremely marginal.
 - b) This is further confirmed by the "time exceedance" plots in the Addendum report that was provided by the Applicant, which shows that the wind acceleration at this location only occurs for a relatively narrow range of wind angles (245 to

265°), with the majority of the acceleration occurring in the roadway. Hence, the fact that only a tiny slice of this acceleration exceeds the Lawson criterion is further proof that the exceedance is very minor.

As a result, it is judged by the Council's wind consultant that the safety exceedance in the existing surrounds scenario is not significant (in size or time duration) and can be ignored and the Applicant's wind study conclusions are accepted.

7.22 **Local Plans** state that a greenspace obligation of £452,676.45 is required.
Response: this would be addressed via a S106 Legal Agreement and is subject to the submitted Financial Viability Appraisal.

7.23 **Climate Change and Energy Officer** states that the submitted Energy Strategy states its intent to comply with the Leeds Core Strategy Policies EN1 (i) & (ii), EN2 & EN4. EN1(i), but that compliance is not met with the existing carbon factors of the building regulations part L 2013. However, it is also acknowledged that if the existing carbon factors in Standard Assessment Procedure - SAP 10.1 are applied then carbon emissions are much lower (a 74.1% betterment over a gas boiler use and the Building Regulations Part L baseline is stated in the application submission). The document does not specify the site layout, building design and passive measures chosen to minimise the CO₂ emissions, insulate and address the risk of overheating and as such details of these need to come forward at the more detailed design stages. This needs to demonstrate how EN1(ii) is met in respect of solar energy, how EN2 is met in terms of monitoring methods while the building is in use for the water use of below 110L/person/ day, how waste is managed during construction and the subsequent use of the development to address Policy EN6 and the detailed design for the electric vehicle charging to address Policy EN8.
Response; to allow these matters to be addressed fully at the appropriate design stage/s these matters will be controlled via Planning Conditions.

8.0 RELEVANT PLANNING POLICIES:

8.1 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.

8.2 For the purposes of this site the Development Plan for Leeds currently comprises the following documents:

1. Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019)
2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
4. Leeds Site Allocation Plan 2019
5. The Holbeck Neighbourhood Plan

8.3 Core Strategy

8.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Relevant Core Strategy policies will include those outlined below.

8.5 Spatial Policy 1: Location of Development states that;

- (i) The majority of new development should be concentrated within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration and an appropriate balance of brownfield and greenfield land.
- (ii) Redevelopment of previously developed land is to be prioritized in a way that respects and enhances the local character and identity of places and neighbourhoods

- 8.6 Spatial Policy 3: Role of Leeds City Centre states that the importance of the City Centre as an economic driver for the District and City Region will be maintained and enhanced by:
- (iv) Comprehensively planning the redevelopment and re-use of vacant and under-used sites and buildings for mixed use development and new areas of public space
- 8.7 Spatial Policy 11: Transport Infrastructure Investment Priorities states that the delivery of an integrated transport strategy for Leeds will be supported, which takes account of:
- (iv) Expansion of the Leeds Core Cycle Network to improve local connectivity;
 - (v) Improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the 'Rim' and the City Centre;
 - (vi) Measures to deliver safer roads;
 - (vii) The provision of infrastructure to serve new development
 - (xi) Provision for people with impaired mobility to improve accessibility.
- 8.8 Policy CC1: City Centre Development outlines the planned growth within the City Centre. Part B states that residential development is to be encouraged providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers;
- (iii) 10,200 dwellings.
 - b) Encouraging residential development including new buildings and changes of use of existing providing that it does not prejudice the town centre functions of the City Centre and that it provides a reasonable level of amenity for occupiers.
- 8.9 Policy CC2: City Centre South;
- The north and south halves of Leeds City Centre are to be more effectively integrated and better connected. The areas of development opportunity south of the river will be prioritised for town centre uses (see list in Policy P2), particularly large-scale office development, delivery of a new park, residential, cultural and leisure uses,
- 8.10 Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of over 1,000 square metres of floorspace, (including conversion where feasible) whether new-build or conversion, will be required to:
- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and,
 - (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 8.11 Policy EN2: Sustainable Design and Construction states that to require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least the standard set by BREEAM or Code for Sustainable Homes as shown in the table below. A post construction review certificate will be required prior to occupation.
- 8.12 Policy EN4: Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm or more

or 10 dwellings or more (including conversions where feasible) should propose heating systems

- 8.13 Policy EN5: Managing Flood Risk states that the Council will manage and mitigate flood risk by:
Avoiding development in flood risk areas, where possible, by applying the sequential approach and where this is not possible by mitigating measures, in line with the NPPF, both in the allocation of sites for development and in the determination of planning applications.
- 8.14 Policy EN6: Strategic Waste Management
Waste in Leeds will be managed by application of the waste hierarchy in the following way:
(i) Development will be required to demonstrate measures to reduce and re-use waste both during construction and throughout the life of the development; and
(ii) Sufficient space will be provided within all new developments (including conversions) to enable separation, storage, and collection of recyclable materials to take place.
- 8.15 POLICY EN8: Electric Vehicle Charging Infrastructure states;
All applications for new development which include provision of parking spaces will be required to meet the minimum standard of provision of electric vehicle charging points. This requires:
i) Residential: 1 charging point per parking space and 1 charging point per 10 visitor spaces
- 8.16 Policy G5: Open Space Provision in the City Centre states:
Within the City Centre, open space provision will be sought for sites over 0.5 hectares as follows:
(ii) Residential development to provide a minimum of 0.41 hectares of open space per 1,000 population.
- 8.17 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.

Type*	Max %	Min %	Target %
Houses	90	50	75
Flats	50	10	25
Size*	Max %	Min %	Target %
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

- 8.18 Policy H5 Affordable housing:
On major housing developments, affordable housing provision should be provided onsite at the target levels specified in the following zones:
Zone Minimum Target 1 35%, 2 15%, 3 7%, 4 7%
The mix of affordable housing should be designed to meet the identified needs of households as follows:
- 40% affordable housing for Intermediate or equivalent affordable tenures
 - 60% affordable housing for Social Rented or equivalent affordable tenures

Build-to-rent developments shall provide either:

- 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, the percentage of affordable housing specified for zones 1-4 and mix of Intermediate and Social Rented types of affordable housing set out in the first paragraphs of this Policy, or
- iii) a commuted sum in lieu of on-site provision of affordable housing of option ii).

- 8.19 Policy H9 – Minimum Space Standards states:
All new dwellings must comply with the minimum space standards.
- 8.20 Policy H10 Accessible Housing Standards states:
New build residential developments should include the following proportions of accessible dwellings:
- 30% of dwellings meet the requirements of M4(2) ‘accessible and adaptable dwellings’ of Part M Volume 1 of the Building Regulations.
 - 2% dwellings meet the requirement of M4 (3) ‘wheelchair user dwellings’, of Part M Volume 1 of the Building Regulations.
- 8.21 Policy P10: Design states that:
New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.
New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.
- 8.22 Policy P11: Conservation states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals.
- 8.23 Policy P12: Landscape states that;
The character, quality and biodiversity of Leeds’ townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process
- 8.24 Policy T1: Transport Management Policy
States that support will be given to the following management priorities:
- (i) Develop and provide tailored, interactive, readily available information and support that encourages and incentivises more sustainable travel choices on a regular basis.
 - (ii) Sustainable travel proposals including travel planning measures for employers.
 - c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.
- 8.25 Policy T2: Accessibility Requirements and New Development states that new development should be located in accessible locations that are adequately served

by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

8.26 Leeds Unitary Development Plan Review Retained Policies

Policy GP5 (All planning considerations)

Policy BD4 (Mechanical plant and servicing for new developments)

Policy BD5 (Residential amenity)

8.27 **The Site Allocations Plan**

8.28 The Site Allocations Plan 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 and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight. The majority of the site is designated as site HG2-195 (2019) in the Plan and is identified as housing land.

8.29 Leeds Natural Resources and Waste DPD 2013 including revised policies Minerals 13 and 14 (Adopted September 2015).

8.30 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like trees, minerals, energy, 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

Water 7: Surface water run-off and SUDS

Land 1: Contaminated land

8.31 National Planning Policy Framework (NPPF)

8.32 The National Planning Policy Framework (NPPF)) was revised in 2021 and sets out the Government's planning policies for England and how these should be applied

8.33 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development.

8.34 Paragraph 110 of the NPPF states NPPF states that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.

8.35 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process

- 8.36 The NPPF clearly identifies the importance of well-designed places and the need for a consistent and high quality standard of design. Paragraph 127 states that 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...
- 8.37 Chapter 14 identifies the approach to meeting the climate change challenge. New development should avoid increased vulnerability to the range of impacts arising from climate change and should be planned so as to help reduce greenhouse gas emissions, such as through its location, orientation and design (paragraph 150)..
- 8.38 Paragraph 190 of the NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- (a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - (b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - (d) opportunities to draw on the contribution made by the historic environment to the character of a place.
- 8.39 Paragraph 195 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.40 Paragraph 197 of the NPPF states that In determining applications, local planning authorities should take account of:
- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - (c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 8.41 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.42 Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 8.43 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

8.44 Supplementary Planning Documents

- 8.45 Holbeck, South Bank Supplementary Planning Document (SPD) June 2016
- 8.46 Tall Buildings Design Guide Supplementary Planning Document (Spring 2010)
- 8.47 Parking Policies and Guidelines Supplementary Planning Document (January 2016)
- 8.48 Street Design Guide Supplementary Planning Document (August 2009)
- 8.49 Travel Plans Supplementary Planning Document (February 2015)
- 8.50 Accessible Leeds Supplementary Planning Document adopted November 2016

8.51 Neighbourhood Plans

- 8.52 Holbeck Neighbourhood Plan (the site is close to, but outside of, the boundary for the plan area.)

8.53 Other Legislation

- 8.54 S66 Planning (Listed Buildings and Conservation Areas) Act 1990 (the "Listed Buildings Act") provides:

"In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

- 8.55 S72 of the Listed Buildings Act provides:

"In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

9.0 MAIN ISSUES

1. Principle of the proposed use

2. Affordable Housing
3. The impact on the character and appearance of the host buildings, street scene and conservation area
4. Residential amenity
5. Landscape proposals
6. Sustainable Transport and Travel Planning
7. Sustainability and Climate Change
8. Wind impact
9. Access and Inclusion
10. Safety and Security
11. S106 legal agreement

10.0 APPRAISAL

10.1 Principle of the proposed use

10.2 The proposal is for a fully residential Build to Rent scheme of 375 apartments, set in stepped blocks of 2 up to 26 storeys (including ground floor levels). The development would involve the regeneration of a brownfield site, which has most recently been used as a surface car park, but that is currently vacant.

10.3 The site is allocated for housing under reference HG2-195 in the Site Allocation Plan. The National Planning Policy Framework, Core Strategy, Leeds Unitary Development Plan Review retained policies, and the Holbeck South Bank Supplementary Planning Document (SPD) all support the principle of residential use within this defined area. These policies also encourage a mix of uses in the Holbeck South Bank SPD area to ensure a wide range of activities are present at all times of the day. The proposed residential use would contribute to the ongoing mix and the creation of a vibrant community in the Holbeck South Bank SPD area.

10.4 Affordable Housing

10.5 Leeds Civic Trust have questioned whether or not policy complaint levels of affordable housing will be provided. Core Strategy Policy H5 states that the council will seek affordable housing provision equating to 7% of the total provision on major residential developments in this part of the city. In this case this would equate to 26 affordable unit. This policy also identifies that applicants may choose to submit individual viability appraisals to verify that the affordable housing target cannot be met. In such cases affordable housing provision may be reduced accordingly

10.6 The applicant has submitted a viability appraisal which has been independently reviewed by the District Valuer (DV). The DV has provided a report (see Appendix 1) which reviewed the scheme and have stated it is their view that the scheme can support one of the following three options;

Option 1

The scheme can support 3.2% affordable apartments (12 Units) at discount market rents (DMR) and support a CIL contribution of £179,234 and no section 106 costs.

Option 2

The scheme can support a CIL contribution of £179,234 and a contribution of £408,750 towards section 106 costs.

Option 3

That the scheme can support the inclusion of 2.1% affordable apartments (8 Units) at discount market rents (DMR) but can also support a CIL contribution of £179,234 and a contribution of £93,750 towards a Sustainable Travel Fund. In addition, there is a surplus of £36,000 which can be contributed to other section 106 costs.

- 10.7 Whilst the provision of affordable housing cannot be delivered it is clear from Policy H5 and also government guidance that where a viability case is verified, affordable housing provision can be reduced, and accordingly the DV's conclusions should be accepted. Due to the fact that this is a high density residential scheme, with low levels of car parking, Officers preference would be for option 3, as this allows for some affordable housing provision as well as providing some contributions towards important travel planning related contributions as well as a surplus to be put part way towards other contributions.
- 10.8 The impact on the character and appearance of the host buildings, street scene and conservation area
- 10.9 Leeds Civic Trust have objected to the proposals in respect of the impact of its height on the adjacent listed Midland Mills. As identified above, the proposals seek to create 375 residential apartments, within a series of differing level blocks, that would span across the site. To this end, the proposals would be contemporary stepped buildings, with the tallest part acting like a bookend to the approved Midland Mills tower (approved under Planning Applications 18/04579/FU and 18/04580/LI), that is yet to be constructed. The new blocks would be orientated to reflect the former historic street pattern of this area. The 10-storey shoulder of Block B tower is set away from the southern gable of Midland Mills and set down from the 26-storey tower section. To the north of Midland Mills, the approved Midland Mills tower will sit some 9m from the gable of Midland Mill and is joined by a link building following the footprint of an existing redundant structure. Due to this approved arrangement, the current proposal is designed such that the two towers would frame Midland Mills, creating the aforementioned bookend effect.
- 10.10 The applicant has provided key views of the proposed scale of development from the north on the canal and river paths, from the west looking across the railway viaduct, from the east along Sweet Street and adjacent to The Grove public house on Back Row, as well as within views where the listed Temple Works and Marshalls Mills in the foreground. These demonstrate that the form of the tallest element would appear as a point of height rather than a slab block and would not unduly dominate the skyline. The wider area has a number of existing and consented tall buildings and towers (including the consented Midland Mills tower) and the proposals would be viewed predominantly in this context, in longer views across the area. Within the closer view setting of some listed buildings and existing and potential future towers, the positioning would mean that there would be visual separation in these key views, from the said nearby heritage assets, ensuring that their special characters and visual status, were not adversely affected.
- 10.11 The site is surrounded by a number of historical former industrial foundry buildings and abuts the early 1800 Grade II listed building Midland Mills, as well as being set within Holbeck Conservation Area. As such the proposal has the potential to cause a minor degree of harm to the significance of the Holbeck Conservation Area as a result of the loss of evidential value tied to the removal of the former external walls of Midland Junction Foundry. The harm must logically extend to the setting of Midland Mills. The level of harm to the overall significance of the listed building and the Conservation Area are considered to be a very limited form of 'less than substantial harm' in the context of planning policy. The heritage impact assessment undertaken by the Applicant has, in Officer's opinion, correctly identified those public benefits which paragraph 202 of the NPPF requires to be weighed against the harm.

- 10.12 The public benefits put forward by the Applicant are;
- The enhancement of the aesthetic value and significance of the Holbeck Conservation Area;
 - The significant enhancement of a key part of the immediate setting of Grade II listed Midland Mills and improvement in our ability to appreciate the significance of the designated heritage asset;
 - The further enhancements to the settings of Grade II and II* listed Tower Works and the non-designated Farnley & Wortley Viaduct.
- 10.13 In this heritage rich setting the scheme aims to respond to its surroundings in terms of its detailing and materials. As a result, the proposals are predominantly brick buildings, with strong expressed frames to the facades, arranged vertically. Large glazed windows in a mill/warehouse styling, would be recessed within a strong grid with deep reveals. Regularly positioned balconies would be positioned on the blocks, the details of which are yet to be determined. Subtle changes in brick tone are proposed to different parts of the development to prevent a visually homogenous appearance, whilst giving a limited degree of variance.
- 10.14 Officers consider that the proposals would be sensitive to the special character of the nearby listed Midland Mills and the wider setting of other listed buildings and the Holbeck Conservation Area. The proposals would be of a high quality design, with detailing and materials that would be appropriate to the historic context, complementing rather than competing with the character and appearance of these heritage assets. In addition, the proposed footprint, height, and massing of the structure would not unduly dominate the setting of nearby heritage assets.
- 10.15 Residential amenity
- 10.16 Leeds Civic Trust have questioned whether or not the scheme will provide a policy compliant mix of housing in respect of 3 bedroomed accommodation. The proposal seeks to provide a mix of 200 one bedroomed apartments (ranging from 39 to 50 sq metres) 53%, 139 two bedroomed apartments (61 to 70 sq metres) 37% and 36 three bedroomed apartments (74 to 95 sq metres) 10%. The number of 3 bedroomed apartments proposed is lower than the percentage aimed for under Policy H4, however, Policy H4 does allow for local character, demand and need to be taken into account, in such a justification. The Applicant has provided a Housing Needs Assessment which states that the proposed mix aims to address the demographic of the area, which is one of high numbers of younger people in rented accommodation and that evidence (based on market advice) indicates that there is a high proportion of people aged 20-30 currently living in the City Centre (c. 61%). They also state that sales and letting evidence shows a higher demand for 1 and 2 bed apartments, with a low demand for 3 bed apartments and that the proposed 10% for 3 bed units is significantly higher than the existing city centre provision. On this basis, Officer consider the proposed mix to be acceptable in this case.
- 10.17 The proposed apartments would all accord with the requirements of the adopted space standards, as set out in Core Strategy Policy H9 and the accessible housing requirements of Core Strategy Policy H10.
- 10.18 The scheme provides 700 m² of internal communal spaces in multiple locations, these being a gym and lobby at ground floor level, a first floor amenity spaces and a 9th floor amenity space. Externally, four landscaped communal spaces totalling 975 m² are proposed. These would be landscaped areas at ground floor, a landscaped podium deck, a roof terrace at level 9 in Block A and a roof terrace at level 14 of

Block B. In addition, 94 units would benefit from private balconies.

10.19 Landscape proposals and biodiversity

10.20 Leeds Civic Trust have objected on the grounds that the main landscaped amenity space will be in shade most of the time and as such green landscaping will not flourish and it will not be a used family friendly space. The scheme involves the creation of ground level green landscaped areas. A greened, raised podium level courtyard, above undercroft car parking, as well as private roof terraces. This means that there will be different garden terraces across different levels, that offer different aspects, views and micro-climates. The podium space, although partially shaded, will provides respite from over-heating and is space that can be used throughout the daytime and evening. The level 9 terrace will have direct sunlight for a large proportion of time during the year. In winter months, it will be in shadow during the morning. This terrace will be a flexible space with opportunity for family friendly activities. The level 14 terrace is to be a more intimate space, which has direct sunlight from approximately midday onwards. This scale of space offers a more passive activity zone (eg; reading, yoga or lounging).as such there is a variety of external amenity spaces available to the residents of the development where either shade or sun can be sought based on the users preference.

10.21 A variety of planting will be involved, including environment and setting appropriate species and specimen sizes of trees, shrubs, grasses, wildflowers and border plants, to ensure an attractive, colourful landscape scheme is achieved. Although some mature trees will be removed from the scheme to facilitate the development, those that can be retained, will be. These retained trees will be supplemented by 61 new trees, giving a replacement ratio of 8 to 1 in respect of the lost trees.

10.22 Shade tolerant plants will be used on the podium. Seating will be provided at appropriate locations where residents are likely to wish to dwell. In addition, the site will be managed and the emerging design and layout offer natural surveillance of the external landscaped areas. Full details of all soft and hard landscape proposals and their maintenance will be required to come forward under Planning Conditions.

10.23 A biodiversity study has been undertaken, which demonstrated that the existing site low conservation value, with no features deemed likely of supporting protected species, other than nesting birds. The proposals will create some 180m² of neutral grassland, 811 m² of amenity shrub beds, 267m² of native mixed scrub and the planting of 60 mixed trees. Brown roofs measuring 680m² and extensive green roofs measuring 233m² are also proposed. The Biodiversity Metric 3.0 has calculated a total net percentage increase in Habitat Units of 395.18%.

10.24 Leeds Civic Trust also raise concerns that, in respect of, future connection to the disused viaduct, the layout appears to preclude any direct links from common parts of the building, or the podium-top garden. The Applicant has stated that they have been *“actively engaged with the Holbeck Viaduct Project team and will continue to explore possibilities to support this exciting vision. It is not possible to commit to any connections at this stage but as with the adjacent Midland Mills development, the scheme does not preclude future potential connections and respects the emerging vision.”* The proposal to connect this site to the Midland Mill public route that accesses Bath Road below, will also provide opportunity to connect to potential future links to the viaduct from Bath Road.

10.25 Sustainable Transport and Travel Planning

- 10.26 The site is in a sustainable location, close to the city centre and major transport links. As such a low level of car parking is proposed with of 46 car parking spaces (including 3 disabled spaces and 2 car club spaces). In addition, 4 motorcycle spaces, 156 long stay secure cycle parking spaces are proposed. All car parking spaces will be required to have electric vehicle charging point access, to accord with the requirement of Core Strategy Policy EN8. A new pedestrian route (a “green street”) will be created through the site, with this having the potential to create a new walking connection between Water Lane and Bath Road via the adjacent Midland Mills site. The Applicant has commenced discussions with the developers for the Midland Mills site about creating such a through connection.
- 10.27 Due to the low level of car parking a contribution will be required, by way of a Section 106 legal agreement obligation, towards addressing any short fall in Traffic Regulation Orders affecting resident’s on street parking, within an 800m radius of the site. This will come forward via the S106 legal agreement.
- 10.28 Cycling parking is lower than the aimed for 1 per flat, with 164 long stay spaces (112 double stacked and 52 via Sheffield stands) proposed. The Applicant states that this is the case due to constraints of space at the site, principally, as result of fire safety requirements (as required by the HSE), which have also led to reduced car parking spaces numbers. The Applicant states that they will endeavour to provide the best possible provision when discharging the relevant cycle storage condition and that the cycle parking provision could be monitored as part of the Travel Plan. In addition, the Applicant has offered a cycle hire scheme to address the low provision. This will be referenced in the cycle parking Planning Condition.
- 10.29 The development is required to be complaint with Policy EN8 in respect of the provision of electric vehicle charging. The Applicant has stated that they wish to do in a phased manner such that 20% of bays would be fitted with chargers upon construction of the site, and there would be an increase of 20% every year. Highways Officers have stated that this is acceptable to them subject to the details being conditioned. As such, a Planning Conditioned will be applied to address the details of this provision
- 10.30 Servicing and deliveries are proposed to operate via a layby on Water Lane, with a smaller servicing area within the site, for smaller drop offs. Internal bin stores are proposed, with an external holding area for bins to be moved to and from on collection days.
- 10.31 Sustainability and Climate Change
- 10.32 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.
- 10.33 The proposals as submitted are stated to achieve a 11.1% betterment over the requirements of Building Regulations Part L (2013) when using the Part L 2013 carbon factors. This means that the scheme does not initially comply with the performance requirements of EN1 (i). However, the Applicant states that when adjusting the CO₂ factors to ensure they closely reflect those that are being experienced at present, then the simulated building has significantly lower CO₂ emissions. Using Standard Assessment Procedure (SAP) 10.1 carbon factors, the development achieves a 74.1% betterment over a gas boiler use and the Building Regulations Part L baseline. To achieve this the energy strategy proposes to use an

all-electric solution to provide heating for domestic hot water with high performance Mechanical Ventilation with Heat Recovery (MVHR) systems providing ventilation for the apartments. . The Council's Sustainability Officer has accepted this position.

- 10.34 in respect of Policy EN1 (ii) solar Photovoltaic panels are proposed to generate at least 90,000 kWh/annum. This system would provide 10.35% of the development's regulated energy needs therefore complying with LCC Policy EN (ii). The proposals will also comply with Policy EN2 in achieving a maximum daily water consumption of no more than 110 litres per person.
- 10.35 The sustainability measures for the scheme will include:
- The use of water efficient devices (taps, showerheads, dual flush ECs, etc)
 - Rainwater run-off attenuation has been considered, partially through communal landscaped areas
 - The specification of low VOC (Volatile Organic Compound) paints, varnishes and all other internal finishes.
 - Good levels of indoor air quality will be considered, including mechanical plant selection that seeks to minimise NO_x and particulate emissions.
 - A Site Waste Management Plan (SWMP)/Resource Management Plan (RMP) will be prepared during construction to monitor, sort and recycle waste. The contractor will be required to follow good practice site management techniques.
 - The specification of materials that have an A or A+ Green Guide for Specification rating will be given preference where possible.
 - Re-use of spoil / aggregates will be considered where possible.
 - Opportunities for utilising materials that are locally, responsibly and sustainably sourced with a high recycled and/or recyclable content are encouraged to be explored throughout the design and construction phases.
- Full details of all measures that will be employed to address sustainability will come forward as part of a Planning Condition, such that sustainability measures will be integrated into the detailed design
- 10.36 Wind impact
- 10.37 A wind study was submitted as part of the application which considers the impact on the prevailing winds as a result of the development and any creation of localised wind focused micro-climates. The Lawson distress criteria is an industry standard and as such this has been employed in the wind study. This criteria states that a wind speed greater than 15 metres-per-second occurring for more than two hours per year is classified as unsuitable for the general public and represents a wind speed with the potential to destabilise the less able members of the public such as the elderly, cyclists and children. Able-bodied users are those determined to experience distress when the wind speed exceeds 20 metres-per-second for two hours per year.
- 10.38 The wind study assessed wind patterns at locations covering the full site. The wind study considered the current baseline conditions (the site without development, the impact of the proposals on wind conditions and the impact of the proposal plus the cumulative impacts of other planned developments (including the consented tower at Midland Mills). The results demonstrate that upon construction of the proposed development with the current surrounds, a number of wind accelerations are generated by the new buildings, leading to safety exceedances to the east and north of the site, including at some offsite locations. It is considered that construction of the cumulative surrounds, including the adjacent 32 storey Midland Mills tower, would have very little impact on the above results. The predicted wind conditions are

reliant on suitable mitigation measures being implemented as part of the scheme to address any shortfall in comfort.

- 10.39 The Applicant's wind study states that the "wind mitigation measures observe the principle that soft landscaping (trees and hedges) are not implemented in cases where a breach of safety criteria is noted. All safety criteria breaches are mitigated through screening and massing adjustments such as the inclusion of balconies with full height side screening".
The required mitigation is stated to be as follows:
50% porous screens
50% porous parapets/railings
0.9m high solid parapets
Hedges ranging from 1.5 to 1.8m in height (none of which are related to any wind conditions on highways land)
Trees ranging from 2 to 6m in height (none of which are related to any wind conditions on highways land)
- 10.40 The wind study has been peer reviewed and is considered to be robust and of a suitable quality and to provide realistic result, consistent with the reviewer's expectations. The peer review also advises that the mitigation measures as detailed above are considered by the reviewer to be essential to address any wind issues that occur as a result of the siting of the proposed buildings at this location and that these identified mitigation measures would adequately resolve the wind issues in the three identified on and off site areas.
- 10.41 Accessibility and Inclusion
- 10.42 The Developer has confirmed that accessible accommodation will be provided in accordance with Core Strategy H10 requirements. In addition, accessible entrances will be created and lift access is to be retained to all floors.
- 10.43 Safety and Security
- 10.44 The Applicant has provided the following statement on safety and security;
"The Water Lane proposals incorporate access and security principles designed to reduce the opportunity for crime to be committed and to ensure the safety of residents and visitors. The developer has set out to create a safe and accessible environment where fear of crime does not undermine the quality of community cohesion.
Secured by design (SBD) principles have been adopted from arrival at site through to access into each individual residence. A legible and well-lit entrance is visible from the pedestrian and vehicular access point off Water Lane. There will be soft surveillance from reception, which is strategically placed on the Ground floor of the North gable of block A.
Lighting and CCTV is being designed to the relevant BS for all external areas. All CCTV will be recorded and designed to identify persons at strategic locations, with the remainder utilised for observation purposes.
There will be a member of staff on site 24/7 as well as the considerable CCTV coverage both externally and internally.
Landscaping will be regularly maintained to avoid hiding places and gates and fences are discreetly accommodated to maintain privacy and provide a level of security to the less public areas. These private spaces are to the West, South and East of the site and accessible to residents only.
A ground floor car park for 46 cars and 4 motorcycles is provided and accessed via a "green street" from Water Lane. Three delivery points are positioned opposite

reception with good levels of soft surveillance for security on day-to-day deliveries and for when new members of the community move into the development. Car parking areas to include CCTV provision and lighting will mitigate shadowing and dark corners.

To comply with Part Q of the Building Regulations sequential CCTV monitoring of persons using the premises are to be included on the principle that persons can be identified at key entry points to the development and inside the development to reduce the risk of any illegal access to an apartment or other nefarious act.

Multiple lines of access control are to be provided to avoid tailgaters. This will include security at main entrance doors before arrivals pass reception and a secure access to vertical circulation. There will be CCTV in the reception, cores and all lifts. In combination with all appropriate doors, windows and ironmongery being to PAS 24 and Secure by Design principles.”

10.45 S106 legal agreement

10.46 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.

10.47 There is a requirement for the following obligations;

1. Employment and training of local people
2. Publicly accessible areas
3. Affordable housing provision which is subject to viability (see paragraphs 10.4 to 10.7 above and Appendix 1)
4. Travel Plan Review fee which is subject to viability (see paragraphs 10.4 to 10.7 above and Appendix 1)
5. The provision of two Leeds City Council Car Club provider parking spaces
6. The provision of a Residential Travel Plan Fund which is subject to viability (see paragraphs 10.4 to 10.7 above and Appendix 1)
7. A contribution towards pedestrian and cycle improvements in the area which is subject to viability (see paragraphs 10.4 to 10.7 above and Appendix 1)
8. A Traffic Regulation Orders affecting resident's on street parking, within an 800m radius of the site which is subject to viability (see paragraphs 10.4 to 10.7 above and Appendix 1)
9. A green space contribution which is subject to viability (see paragraphs 10.4 to 10.7 above and Appendix 1)
10. A management fee.

These obligations have been subject to a financial viability appraisal as set out above in paragraphs 10.4 to 10.7 and in the report in Appendix 1.

10.48 The development is Community Infrastructure Levy (CIL) liable and is estimated to be in the region of £178,030.19. 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 simply for Members' information only.

11.0 CONCLUSION

11.1 In conclusion it is considered that the proposals are appropriate in respect of the use and the scale, design and style of the built form. The resulting scheme would be

a high quality, appropriate development, which would contribute to the provision of housing and would add to the vibrancy and vitality to the area and furthering its regeneration. Although the full policy requirement for affordable housing cannot be met, the reduced amount has been justified by a financial viability assessment and three options have been put forward by the District Valuer to ensure the maximum provision possible is achieved for affordable housing and travel planning obligations.

- 11.2 Therefore, the proposal is considered to be in accordance with the Development Plan and is considered to be acceptable and is recommended for approval, subject to the conditions set out in Appendix 2.

Background Papers:

22/00361/FU

PREAPP/21/00259

Water Lane, Leeds: Residents Safety Plan

Executive Summary

Proposed safety measures:

- Throughout the scheme, there will be 24-hour presence by members of staff seven days a week.
- A residents' portal system will be implemented through mobile phone applications, allowing for residents to access relevant contacts and information within a central database.
- A residents bulletin board will be displayed in the scheme, notifying residents of relevant updates and travel information.
- Local community engagement will be available and actively encouraged to residents.
- Engagement and forums with the local Police Community Support Officers will be hosted on site, providing security advice and an opportunity for residents to discuss any safety concerns they may have.
- Regular meetings with residents, police, councillors and wider stakeholders will be organised and hosted within the scheme.
- A comprehensive CCTV network is to be active at 'Day 1' of occupation, providing extensive coverage of all areas of the scheme.

Overview

I believe as part of the planning decision that the Leeds planning committee raised some observations that security along Water Lane might be a cause for concern.

Allsop have assisted with the mobilisation and operation of over 5000 BtR units and as such are well experienced with the implementation of management strategies for new schemes. Whilst Water Lane might at present be a relatively quiet thoroughfare the delivery of the scheme will inevitably change that with circa 800 residents potentially living at site.

This footfall will in itself change the nature of the area and create security in numbers, additionally there are visitors, contractors and staff all travelling to site. This will all naturally change the nature of how Water Lane is used.

We also anticipate the scheme being a 24 hour manned scheme with round the clock visibility and accessibility to those staff for residents. Our Resident Portal also encourages residents to interact and meet each other both socially but also for the purposes of travel. Commuting to and from work by foot, bike or car as a group is encouraged through our various online resident bulletin boards. Indeed whilst community initiatives such as litter picking are not necessarily related to safety we recognise these events build community spirit both inside and outside the development and are to be encouraged – they have certainly been very successful on our wider portfolio at sites such as Trilogy and Vox in Manchester, Duet in Salford, Keel in Liverpool and across our 1000+ unit Single Family portfolio across the North West. I know they have been just as effective with other operators.

Whether it is Allsop managing the scheme or one of our peers, the same levels of resident liaison would be expected. Whilst I do not envisage Water Lane presenting a high risk to residents, we have in the past engaged with private security firms to ensure the safety of our residents whilst our schemes bed in – this has usually been to protect bike stores which have sometimes been seen as a “new target” to be tested but this has always proven a short term measure once a scheme has been delivered and is sufficiently occupied. Additionally, Allsop always engage with local communities, local forums as well as PCSOs for that area – additionally we make the local PCSO's details available at site and encourage them to pop in to site, which again gives our customer base the opportunity to chat through any concerns or proactive measures they can take as individuals as well as us as Landlord/managing agent.

An excellent example of this is the work our team have carried out in the past with the Britannia Forum in Cornbrook, Manchester. Regular meetings with local residents, Police, Councilors and wider stakeholders ensured not just our scheme but the wider community took an active role in ensuring the security for each other, I would expect this to be a standard BtR Operator approach, not just an Allsop approach. Part of this customer engagement can often be about coming together to own our environment – engaging with wider stakeholders is something BtR developments are able to encourage in a more focused manner – a great example is our work with Manchester Transport on the Metro underpass round the corner from one of our schemes. Street Art Mural Cornbrook Metrolink Station Manchester - YouTube this work has made the area much more presentable and lighter.

It should also be considered that other residential schemes in the area are being brought to market and so this site will not exist as an island but will be part of a larger community. Indeed, the first two phases of CEG's Temple District will soon be operational which will create a further critical mass of activity, with further phases increasing a community around the **Water Lane development.**