
Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 19th March 2020

Subject: Application 19/03367/FU – Planning application for 41 dwellings and 8 apartments (100% Affordable Housing) Use Class C3, with associated internal access, car parking and landscaping at:

Land off Moorhouse Avenue and Old Lane, Beeston

APPLICANT

Engie Regeneration Limited

DATE VALID

31st May 2019

TARGET DATE

PPA 30th March 2020

Electoral Wards Affected:

Beeston and Holbeck

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

THIS REPORT IS AN UPDATE FOR MEMBERS, FOLLOWING THE PANEL MEETING ON 16TH JANUARY 2020, WHERE MEMBERS DECIDED TO REFUSE THE APPLICATION DUE TO A LACK OF AFFORDABLE HOUSING PROVISION AND GREEN SPACE CONTRIBUTION.

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning officer subject to the conditions specified (in the Panel Report dated 16.1.20 and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1 100% on-site Affordable Housing Provision. (8 apartments social rented 41 dwelling provided at intermediate levels)**
- 2 Green Space Commuted Sum £107,000**
- 3 Bus Stop Improvement £10,000**

In the circumstances where the S106 agreement has not been completed within 3 months the final determination of the application shall be delegated to the Chief Planning Officer

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel to update Members following the deferral from Plans Panel on 16th January 2020 and 13th February 2020, where Members were minded to defer a formal decision. The full panel reports of these dates are attached to this update. This provides the full background and the previous Officer assessment of the application.
- 1.2 Following the resolution at Plans Panel on 16th January 2020 where Members were minded to refuse the application (due to a lack of affordable housing, green space contribution and concern on some garden sizes) the applicants sought a deferral as they stated they were in discussions with a Social Registered Landlord (RSL) to deliver the entire development as an Affordable Housing scheme. This deferral was agreed by Members at Plans Panel on 13th February 2020.

2.0 UPDATE

- 2.1 Following the resolution at Plans Panel on 13th February 2020, the applicants have amended the application to be a wholly Affordable Housing scheme. The description of the application was changed and re-advertised on 4th March 2020. To date no representations have been received from the public. This publicity expires on the 18th March and any representations received within this publicity period will be reported verbally to the Panel.
- 2.2 Councillor Scopes has confirmed his support to the proposal in writing.
- 2.3 The full green space commuted sum is also proposed. The layout of the development remains unchanged.

3.0 APPRAISAL ON AMENDMENTS

Affordable Housing

- 3.1 A development of 49 units, requires 7.35 Affordable Housing units at 15% provision, following the advice of Policy H5 of the adopted Core Strategy. The proposal exceeds this policy requirement. It is proposed to split the provision by having all 8 of the apartments proposed as social rented units, and the 41 dwellings as 'intermediate housing'. The term 'intermediate housing' describes a range of homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the National Planning Policy Framework's affordable housing definition above. These units would also be subject to the usual provisions in terms of nomination rights etc. These units can include shared equity (shared ownership and equity loans), and intermediate rent. However Sanctuary Housing have stated all 41 dwellings will be rented and not available as shared ownership. This would be secured through the S106 agreement.

3.2 Policy H5 states the mix of affordable housing should be designed to meet the identified needs of households as follows:

- 60% affordable housing for Social Rented or equivalent affordable tenures
- 40% affordable housing for Intermediate or equivalent affordable tenures

However these percentage targets are based on 15% Affordable Housing provision, not a scheme of 100% Affordable Units. Following the advice of Policy H5 with regard to the 60/ 40 split the development would only need to provide 4.41 units available for social rent and 2.94 units as intermediate housing. The proposal way exceeds these minimum requirements and is therefore fully compliant with policy H5 of the adopted Core Strategy.

Green Space

3.3 The commuted sum for off-site green space following the advice of policy G4 is £107,000. The applicants have agreed to make this contribution and it would be secured through a S106 agreement.

Garden Areas

3.4 The layout and the garden areas of the scheme remains unchanged. There are 3 plots where the garden areas are identified as being below the guidance of the adopted SPD 'Neighbourhoods for Living'. These short-falls are highlighted in more detail below.

PLOT NO	FLOOR AREA SQ M	GARDEN AREA SQ M	DEFICIT SQ M
5	86	50.67	- 6.09
45	86	48.70	- 8.06
46	99	52.90	- 12.44

3.5 As this table shows only three of the properties have garden sizes that are less than the 2/3 of gross floorspace guidance set out in Neighbourhoods for Living SPD. In each case this is only a relatively small deficit when considered against the guidance and of these properties. The gardens of plots 45 and 46 are of such a size so as to allow for the retention of trees along Moorhouse Avenue to the wider benefit of the scheme. Furthermore unit 45 exceeds 10.5 metres in depth. It should also be recognised that as this is a relatively flat site without the need for retaining structures within it, all the gardens are fully usable and are not compromised in any other way.

3.6 Whilst the applicant has confirmed that they have revisited those plots which fall below the requisite guidance for garden size and depth, this exercise has concluded that they cannot be increased without either the loss of trees, side driveways or the loss of at least one unit from the development. As a scheme which is already on the margins of viability and is to be subject of grant funding from Homes England, the applicants have stated they unfortunately are not able to withstand the loss of such a unit/ units.

3.7 It is also important to note that the 2/3 rule is guidance contained within an adopted SPD, and not a standalone policy. Leeds City Council has also not been successful at defending this minimum requirement on a number of appeal decisions. Therefore

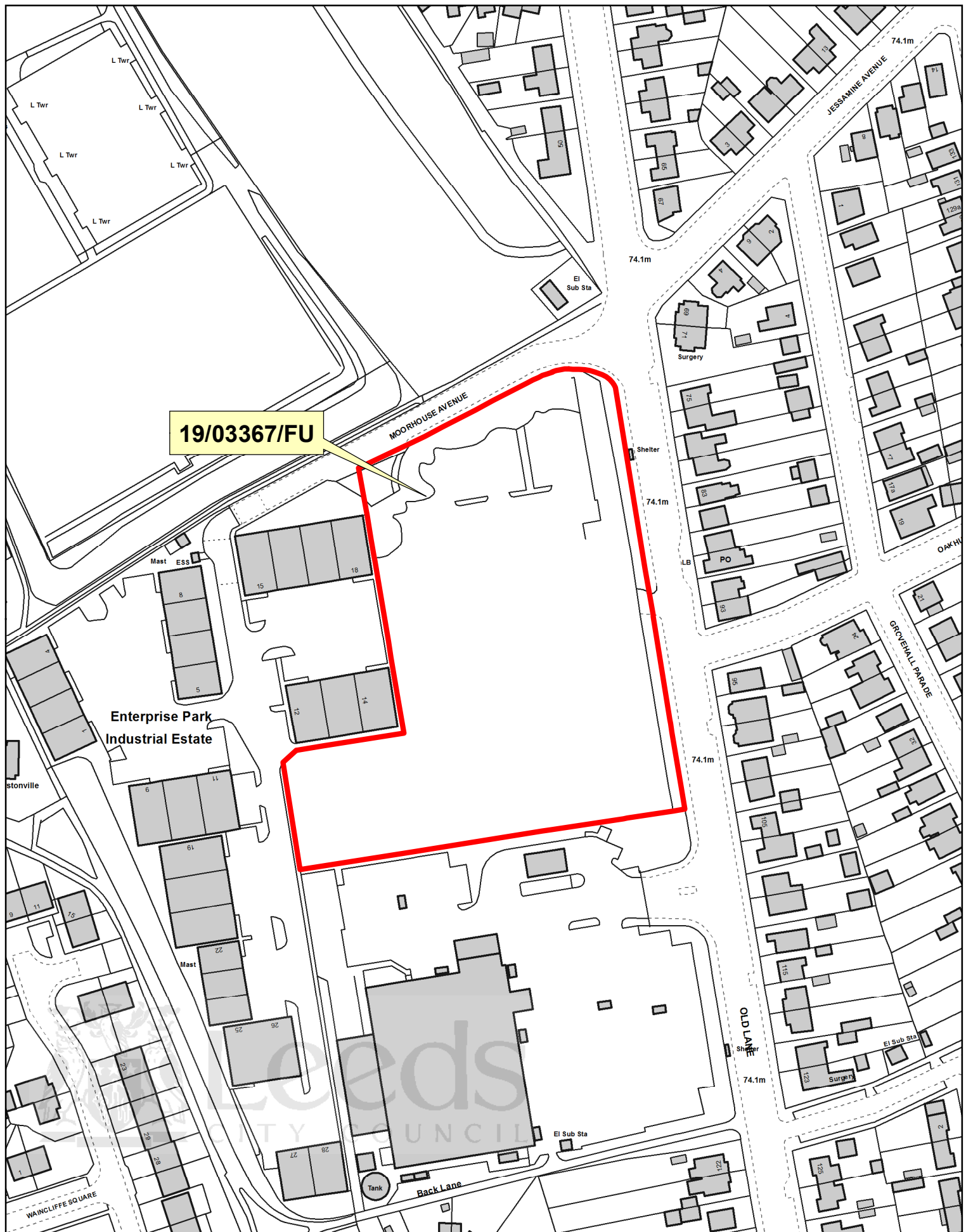
on balance it is not considered the application can be refused due to the smaller gardens areas proposed on 3 plots only.

4.0 CONCLUSION

- 4.1 The application is considered to be a quality scheme which retains most of the large mature trees upon the site. The application will develop a long standing brownfield site, which is allocated for housing.
- 11.2 The scheme offers other benefits, it provides quality new housing which will contribute towards the requirements of housing delivery. All properties also meet the minimum spacing standards of policy H9. The scheme is now offering Affordable Housing Provision at 100% and is considered these benefits; outweigh any harm and constitute sustainable development. It is therefore recommended that the application is approved, subject to the suggested conditions (detailed in the Panel Report dated 16.1.2020) and completion of a legal agreement to cover the obligations discussed above.

Background Papers

Application Files: 19/03367/FU



SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500





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