



Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 4th December 2014

Subject: Application number 14/03987/FU – Demolition of former corn mill building and erection of two storey offices at Corn Mill View, Low Lane, Horsforth LS18 5NJ

And Application number 14/03988/LI – Listed building application to demolish former corn mill building at Corn Mill View, Low Lane, Horsforth LS18 5NJ

APPLICANT

Horsforth Office Park Ltd

DATE VALID

8th July 2014

TARGET DATE

8th October 2014

Electoral Wards Affected:

Horsforth

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

INTRODUCTION:

- 1.1 This application was presented to Plans Panel on the 2nd October 2014. In the light of comments which were received from English Heritage on the day of the Panel, officers were asked to speak to English Heritage with a view to understanding their concerns about the scheme and considering whether those concerns could be addressed.
- 1.2 Officers met with English Heritage, ward councillors and the applicant's representative on the 14th November. English Heritage indicated that they felt the new building did not sufficiently reflect the layers of history of the listed building. The heritage value of the listed building was considered to be in the story of its development which was highlighted in the extensions and changes to the building over time. A new building which reflected this was suggested.

- 1.3 Officers believe that this approach reflects a highly principled but less than pragmatic response to the replacement scheme which would not be apparent to viewer of the building. In addition, space on site is constrained and changes to the footprint of the building will compromise the availability of parking provision.
- 1.4 Consequently, officers believe that it is not expedient to seek revisions to the current scheme which is considered an acceptable response to the site and its constraints. If the applications are considered acceptable, the listed building application will be referred to the Secretary of State which will give English Heritage opportunity to make further representations if they wish. The schemes are therefore brought back to Plans Panel without further revisions and retaining the previous recommendations of approval subject to notification to the Secretary of State.



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RECOMMENDATIONS

14/03987/FU

GRANT PERMISSION subject to the following conditions

1. Time limit on full permission
2. Notwithstanding the approved plans, details of cycle storage to be provided.
3. Vehicular areas to be laid out, surfaced and drained.
4. Details of contractors' storage area to be submitted and approved.
5. Submission and approval of a Phase 1 Desk Top Study.
6. Need for submission and approval of a new Remediation Statement.
7. Submission and approval of Verification Reports.
8. Submission and approval of a surface water drainage scheme.
9. Identification of safe routes out of building.
10. Finished floor levels to be 73.6m AOD.
11. Separate systems of surface and foul water to be supplied.

12. Sample stonework panel to be approved.
13. Roofing materials to be approved.
14. Samples of surfacing materials to be approved.
15. Landscaping scheme to be submitted and approved.
16. Landscape management plan to be submitted and approved.
17. Submission of details and location for information board.
18. Submission and approval of a plan for bat roosting and bird nesting opportunities.

14/03988/LI

DEFER FOR NOTIFICATION TO THE SECRETARY OF STATE: Listed building consent to be granted subject to the Secretary of State not calling in the application and subject to the following conditions

1. Time limit on listed building consent.
2. No demolition to take place other than in accordance with a timetable for demolition and rebuilding of the approved scheme of redevelopment
3. Archaeological recording.
4. Submission and approval of a plan of demolition.
5. Submission and approval of window/ glazing details.
6. Submission and approval of guttering details.
7. Detailed plans of use of re-claimed materials in service core.
8. Method statement for construction of service core to include coursing, bedding and pointing details.

INTRODUCTION:

- 1.1 The report relates to two applications, the first for planning permission for the redevelopment of the site with offices, and the second for listed building consent for the total demolition of a partially demolished Grade 2 listed corn mill.
- 1.2 A scheme for a part two part three storey office building to replace the listed building was considered by Plans Panel in June 2013. The scheme was refused because of the lack of parking and because the replacement building failed to show sufficient regard for the scale and massing of the listed building.

2.0 PROPOSAL:

- 2.1 Application 14/03987/FU is for full planning permission for the erection of a two storey office block with associated car parking. In order for the development to take place a listed building application (14/03988/LI) has also been submitted to demolish the existing derelict corn mill building on the site.
- 2.2 The proposed replacement building is of a simple two storey pitched roof construction. There are small pairs of vertically aligned windows along the West and East elevations while the other elevations contain larger windows reminiscent of doorways in historical industrial buildings. This building will be constructed from new natural stone with a slate roof.
- 2.3 The service core of the building will be housed within a rectangular block on the western side of the building. This will be constructed from reclaimed stone from the listed building and contain window and door openings from the corn mill rebuilt into the new building. The main building and service core will be linked by a zinc clad element.

- 2.4 A car park is provided to the east of the building with 17 parking spaces including 2 disabled bays and motorbike and cycle parking.
- 2.5 Members are reminded that as this reports refers to 2 applications, Panel will be required to make a decision on both.

3.0 SITE AND SURROUNDINGS:

- 3.1 The corn mill is located in the middle of the Corn Mill Fold development, a residential development comprising flats in 4 blocks to the north, west and south east of the building. To the east is a beck. This property is accessed off Cornmill View, which itself is the western arm of a roundabout only 100m south of the A6120 Ring Road and 1.5km from the centre of Horsforth.
- 3.2 The flats are in four 3 to 5 storey blocks which closely abut the site of the mill to the west and north. To the south is an open grassed area. The site of the corn mill is at a lower level than the estate road which runs to the west of the site. A public footpath runs from the estate road to the bridge over the beck to the north east of the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The buildings and land at Corn Mill Fold were used as part of the adjacent Dickinson's Scrap Yard in the twentieth century, primarily for the storage of engines. Listed in 1988, the corn mill building had by the turn of the century fallen into disuse and disrepair. The area surrounding the site had been identified by developers as having potential for development, and a number of applications were submitted.
- In 1999 an application to demolish the mill was withdrawn before determination.
 - In January 2003, approval was granted for conversion of the disused mill to offices and for the erection of three office blocks on the surrounding land (27/189/02/FU and 27/188/02/LI). The scheme was designed with the listed building as the central element, the office buildings stepping down towards the Corn Mill in order to provide a suitable setting.
 - Subsequently, in July 2004, approval was granted for residential development comprising 123 flats in 4 blocks (27/224/03/FU). The building is now surrounded by this new residential development to the north-west, south-west and south-east with the beck and open land to the north-east. The permission included a condition that required the submission and approval of a programme to ensure the retention and refurbishment of the listed Corn Mill prior to the commencement of development but did not expressly state when the approved scheme had to be implemented. This, and the subsequent separation of ownership of the Corn Mill from the housing site meant that the construction of the residential development took place without the refurbishment of the mill building.
 - In September 2006 a further listed building consent (reference 06/02204/LI) and planning permission (reference 06/02203 FU) were granted for alteration and change of use of the listed building to offices. The motivation for these new applications was that investigations had shown that the extent of hydrocarbon contamination was greater than originally anticipated and the fabric of the building was in worse state than expected. The applications

included drawings showing details of the extent of demolition necessary to address contamination and health and safety issues prior to reconstruction works.

- 4.2 In December 2007 it became clear that more of the external walls of the building had been demolished than shown on the approved drawings and the matter was investigated by the Compliance Service. Following meetings with the applicant a further application was submitted (08/00365/LI), which did not seek to alter the end use but proposed to reconstruct the building on the remaining walls.
- 4.3 The drawings accompanying that application showed that additional demolition (over and above that previously permitted in 2006) had occurred on three elevations:
- On the east elevation the removal of all of the wall above first floor level, compared to the retention of approximately 40% of the wall above this level on the 2002 scheme.
 - On the south elevation the removal of 60% of the upper part of the south facing gable, whereas the 2002 scheme proposed the removal of only the top three courses.
 - On the north elevation the removal of nearly all of the walling above first floor level, compared with the retention of the majority in the 2002 application.
 - Proposed work to the west elevation remained largely unchanged between the schemes, the building having been demolished above first floor level.
- 4.4 The applicant submitted a letter justifying the need to amend the scheme with the application, indicating that during the process of demolition necessary for the investigation and treatment of contamination it became apparent that certain areas of wall not scheduled for demolition on the proposed drawings “were in a very precarious and poor condition” and “needed to be removed immediately for health and safety reasons”.
- 4.5 The parts of the walls retained on site were those that were judged to be structurally sound. The stones that were removed had been individually surveyed, marked and identified on plans and stored at a builder’s yard in Malton, North Yorkshire. The applicant submitted a proposed programme of works indicating that it was intended to begin reconstruction on 1 June 2008 with completion targeted for 11 May 2009.
- 4.6 The listed building application 08/00365/LI was granted on 18 March 2008 and the alterations were accepted as a minor amendment to the planning permission granted in 2006 (reference 06/02203 FU) on 30 June 2008 (08/9/00260/MOD).
- 5.0 DISCUSSIONS FOLLOWING THE 2008 APPROVAL AND THE SUBMISSION OF APPLICATIONS 11/02390/LI and 11/02389/FU:**
- i) Prior to the submission of the applications
- 5.1 Following the March 2008 approval, the owners made it clear at this time that it was intended to complete the identified de-contamination works and restore the building. The property was actively marketed for an end user. In view of this and the agreed programme of works, the Area Planning Manager wrote to the owners on 2 May 2008 indicating that he was prepared to recommend to the Compliance Service that action shouldn’t be taken to prosecute them for the unauthorised demolition of parts

of the building providing that the programme of works was implemented and the building restored.

- 5.2 Remediation work on the site started in the summer of 2008. On 8 July a further letter was sent to the owners asking for an update to the timetable, since the owners had indicated in correspondence that more time would be needed to implement the scheme. The applicant indicated that the further contamination problems had arisen and there had been delays in agreeing the requirements of the West Yorkshire Archaeological Service. The latter approved the scope of works in July 2008 but a Final Report was still required before the refurbishment work could commence.
- 5.3 Agreeing the necessary remediation work took some time and the work itself did not commence on site until 13 October 2008. Following this a further meeting was sought with the owners to discuss the implications for the agreed programme of works. That meeting took place on 11 December 2008. At that meeting the Applicant indicated that the location of additional contamination would mean that further demolition would be needed. If the completed building was to be occupied for offices this work would have to be carried out in order for the potential purchasers to obtain insurance. Given this and the mounting costs and losses on the project, the only realistic options for the owners would either be to demolish the building or for the Company to go into liquidation. In view of this the applicant sought guidance on how to go about obtaining listed building consent to demolish the building.
- 5.4 The Contaminated Land Team, who had been working with the owners and the Planning Service to address contamination issues on the site subsequently considered the evidence relating to additional contamination. In February 2009 they confirmed that the material should be removed from the site and agreed with the owner that this may require the removal of the northern wall of the building. These comments and requests for further information were communicated to the owners Environmental Consultant on 17 February 2009. Following further exchanges of information a meeting was arranged with the applicant on 1 April 2009. At that meeting the Contamination Officer supported the removal of the northern wall to deal with contamination by hydrocarbons. The owners asked whether, with further demolition, the better option would be the demolition and rebuilding of the whole listed building.
- 5.5 The implications of demolition were pointed out to the owners at the meeting on 1 April 2009. In addition to the need to justify the demolition of the listed building and support this with information relating to commercial viability of the various options, they were also advised that any such proposal would not only require the support of officers but more importantly that of English Heritage, Local Members and the Plans Panel. It was suggested that the owners should meet with and explain their position to Local Members and the Civic Society.
- 5.6 Following this meeting a letter dated 3 April 2009 was sent to the owners suggesting investigation of an alternative development of the site, retaining the largely intact two storey building but demolishing and rebuilding the already largely demolished three storey section. It was made clear that this was an officer suggestion and without prejudice to the decision of the Council. In any event the applicant replied indicating that the proposal was both impractical and non viable.
- 5.7 In view of this an email was sent to the Horsforth Councillors, transmitting the owner's requests for a meeting to discuss the future of the building. However

Councillor Townsley indicated he would attend only if it was to discuss the retention of the building.

- 5.8 Following the response from Councillors the owners did not pursue their proposals for a revised scheme demolishing the building and continued to address contamination issues. In April 2010 the Head of Planning Services and the Owners' agent spoke again and agreed to arrange a review meeting, which was held on 20 May 2010.
- 5.9 It was clear at this meeting that the owners had resolved to pursue the redevelopment of the site on the basis that the retention of the building was, in their view, not feasible, practically or economically. Whilst the owner had shared costing and marketing information whilst pursuing the option to repair the buildings in accordance with the approved listed building and planning applications, it was the view of officers that if demolition was proposed much more information would need to be provided on the practicality and viability of the various options if the Council was to be in a position to make an informed decision.
- 5.10 Prior to the 2011 applications, there was correspondence with the applicant discussing the technical requirements if a new application was submitted. At this stage additional information was submitted on viability and Officers expressed the view that on the basis of the information provided to date new build was the only viable proposition.
- 5.11 The owner was further advised that they would have to apply for listed building consent to demolish the remaining fabric and that further justification for demolishing the listed building including marketing details would be required. It was stressed that the views expressed constituted an officer opinion and that members may not agree with this assessment.

ii) Following the submission of the 2011 applications and prior to the Panel meeting of December 6th 2012

- 5.12 Following the submission of the applications additional information was sought in respect of the viability appraisal and the parking issues and there have since been additional meetings with the agents for the applications and Local Councillors. At a meeting on 18 January 2012 the agents agreed to submit additional information considering the viability of stabilizing the building and effectively leaving it safe as a "historic ruin". In addition further information regarding the applicant's proposals for off street parking in the adjacent flats, including a traffic survey to assess existing parking arrangements, confirmation of the number of units and bed spaces in the present scheme and details of a legal agreement with the management company were to be provided.

iii) Since the December 2012 Panel Meeting

- 5.13 Following the Panel meeting the agent wrote to Officers indicating that following the discussion at Panel there appeared to be two options:-
1. Retaining a 'heritage' scheme of the scale and nature currently proposed (with no ability to increase the 14 car parking spaces).
 2. Simplify the scheme and thereby the cost, to enable it to be made smaller and thus deliver a few (not 17) more car parking spaces. That could result in a design which is less reflective of the past heritage.

- 5.14 In response the Head of Planning indicated that in his view members would not support the application as submitted and that they would prefer to see a proposal which retained more of the character of the building, was smaller and had adequate parking. Subsequently the agent indicated that a smaller scheme was being considered and that proposals would be put together for the end of January, but that they remained concerned that a smaller scheme would impact on viability.
- 5.15 At a subsequent meeting between officers and the developer on 29th January 2013 the applicant indicated that he considered that a proposal with restricted car parking would be attractive to potential occupiers. However the architect tabled a proposal which reduced the size of the building to 5000 square feet and produced three additional parking places (total 17), but which the applicant considered would not be viable. In addition the applicant proposed that the parking could be controlled by a 106 Agreement, which would be worded to ensure that the current owner was liable in perpetuity to ensure that no parking problem developed. In addition the agent reported that a local company was interested in occupying the proposed offices as submitted with 14 car parking spaces.
- 5.16 Subsequently the applicant's agent produced an update report on the proposals. The report included the agent's assessment of the views expressed by Panel members, stating that doubt was expressed as to the proposals reflected in the application (11/02389/FU) particularly in relation to matters related to the level of car parking provision, the scale of the scheme (in terms of bulk), the lack of reflection of local heritage and the limited use of the on-site materials. It noted that members requested consideration of an alternative, smaller scheme which better reflects the heritage aspects of the site and which can deliver enhanced parking provision, and that members sought some comfort that should any scheme be consented, that they be given some assurances of the likelihood that it could be implemented.
- 5.17 The report reviewed the amount spent on addressing issues of contamination on the site (circa £85-90000) and noted that a localized area of oil contamination was still to be removed and that this could only be achieved by demolishing the gable wall of the building. This would further reduce the viability of retaining the existing structure and add to the costs (possibly an additional £20-30k) of developing the site.
- 5.18 In addition to these contamination costs the report noted that because of changes to the EA flood maps to take account of Climate change the 100 year flood levels had been raised by 600mmm and office developments were required to have finished floor levels 300mmm above this. The previously approved scheme for the conversion of the building showed a finished floor level of 72.60 AOD, whereas the current requirement would be 73.60 AOD. This would require window openings in the listed building to be relocated at a higher level to the existing to address the 1 metre rise in finished floor levels.
- 5.19 The reasons for the non viability of the conversion proposals approved under references 06/02203 FU and 08/00365/LI were then summarised by the agent as follows:
- Physical constraints
 - Costs of dealing with contamination from previous scrap yard use
 - Requirement to raise ground floor level to mitigate flood risk
 - Design Parameters
 - Floor space provided does not create sufficient value to overcome costs from physical constraints

- Split floors which are unattractive in market place
- Scheme has been continuously marketed with no interest converted into a letting
- The net lettable floor space was insufficient for the scheme to be economically viable.

5.20 The report also highlighted the benefits the applicant considered that would result from the application proposal. The key issues highlighted were:

- A solution which is of a scale and massing generally reflective of the existing building and the historic context.
- Where possible it will retain the use of the existing materials on site
- It is of a design which is acceptable to officers and the Conservation Officer in particular
- There has been no objection from English Heritage to the demolition
- It provides for improvements in layout and functionality that will make it more commercially attractive
- It responds to the issue of flood risk to the satisfaction of the EA.

5.21 In relation to the specific concerns relating to parking the applicant's report stated that:

- The site is in a very sustainable location close to bus stops and walking distance to station.
- There is no evidence that the proposed parking levels will cause problems of highway safety.
- UDP car parking standards are maximum figures.
- The owner had sought to agree the shared use of residents' parking spaces during the day. However, there has been a poor response to resolving this from the Management Company but the applicant believes that with a permission in place it may be possible to reach some accord on this
- There is a parking management scheme in place on site and this could be extended to 'police' the local parking arrangements
- The owner is willing to sell with a long lease or freehold arrangement and to specify clearly to occupiers their parking provision/enforce this. A S106 could be signed to this effect
- Any potential occupier would come forward understanding the significant controls in place and would be unlikely to sign up in any case if they are not confident of their requirement for a certain number of parking spaces.

5.22 The report also considered whether it would be possible to come forward with alternative schemes to reflect the recent concerns raised by Members in relation to increasing the levels of car parking provision and enhancing the detail of the scheme to reflect more heritage considerations. A proposed alternative scheme was considered but it was concluded that it would be viable. Subsequently the Agent has submitted evidence to demonstrate the additional costs involved in the revised scheme to demonstrate it is not viable. The report concluded that the main reasons for this are that:

- The construction costs would increase
- The net lettable floorspace reduces thus making the viability gap larger
- Reinstatement would yield less attractive floorspace,

- 5.23 In relation to all the potential options for the site the applicant has concluded that:
- 1) A restored scheme with additional parking and a reduced scale/mass of building is not economic.
 - 2) Demolition with no replacement building is not considered a satisfactory solution by the owners, as it is considered that the current proposals do more to reflect local history and heritage and that it can deliver a project that will bring jobs back to the locality.
 - 3) The agent indicated that in her view potential to retain the site as a managed ruin has not been supported by any party as a way forward and considers it would lead to problems with health and safety on site and is not a robust long term strategy for the site. The relationship of a ruin and water could be a magnet for children.
 - 4) Doing nothing is not considered to be an option by the applicant.

5.24 In discussing the proposals, concern had also been expressed that even if consent was granted that development may not be implemented and the site remain derelict. In response the agent has submitted information indicating that a Horsforth based company is interested in the site and considers the parking provision adequate.

5.25 The ultimate conclusion of the applicant's agent in relation to the proposals expressed in correspondence dated 8 May 2013 is that:

“In response to requests to review the opportunity to deliver a smaller scheme, our viability and market assessment has clearly demonstrated that our only option, if we are to retain any vestige of heritage in the building design, and deliver a building that would be acceptable to members in terms of its scale would be the current application submission (this being the building in which there is current interest)”.

5.26 In response the agent was informed that officers would recommend refusal on the grounds that the floorspace of the building is too great for the parking provided.

5.27 The applications were taken to Plans Panel on 20th June 2013 with reasons for refusal relating to the lack of parking, massing of the building and failure to provide a satisfactory replacement scheme. The application was determined in line with officers' recommendations and refused.

5.28 Since June 2013 officers have been in discussion with the applicant, Conservation officers and ward councillors with the current application being the result of those deliberations.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Comments received:

Ward Councillors were consulted on 14th July 2014.

Ward councillors are broadly in support of the principal of the demolition of the listed building and redevelopment of the site with the current scheme. They have however still some concerns over a number of detailed matters. Councillor Townsley has raised objection that insufficient of the existing fabric of the building is

being retained and that the walling being retained should be left at 1.0m in height. He had requested that, where the new parking area passes over the footprint of the listed building, this was shown in the car park surfacing. The agent has expressed concern that this would result in an impact on durability of the surfacing. He requested that the new building was named after the Corn Mill; the agent has confirmed that this can be considered.

Amenity bodies:

Leeds Civic Trust: Objects to the proposed development, and considers that the proposed building is a very poor substitute for the historic corn mill building and does not bear any resemblance to the former mill. Two possible outcomes were suggested. Firstly, to press for the reconstruction of the mill building in a form which would be far closer to its original design - this would at least have the benefit of harking back to the past use and appearance, so maintaining the historic links on the site. An alternative would be to remove the requirement for an office building altogether and require the development of affordable housing or a community facility on the site which would fit better with the surrounding uses although it was appreciated that flooding may be an issue.

The Association for Industrial Archaeology: The Association for Industrial Archaeology objects to the demolition of the mill. Every effort should be made to either incorporate the existing structure into a well-designed building of appropriate use, or that it is correctly rebuilt. It is noted that some of the materials from the mill are stored and therefore are available to be used in its rebuilding/repair. Should the application be allowed then there must be appropriate further recording in accordance with paragraph 141 of the NPPF.

Council For British Archaeology: The CBA objects to the proposal and comments that mishandling of a previous application has led to a very disappointing situation. It believes that the scheme is substandard and does not represent the best available outcome which must be sought in order to avoid setting a dangerous precedent. The fabric of the building should be reused in a way that best enhances the connection between the area now and the historic use. The proposed scheme reuses the fabric of the listed building in a random fashion as a token gesture towards the previous building.

One individual objection received noting that: as a listed building the corn mill should have been protected and to allow its demolition sets a dangerous precedent. The history of the site was noted and mention was made that if planning permission was granted remediation works would be required and archaeological recording should take place before this to ascertain if the site contained a Medieval mill.

7.0 CONSULTATION RESPONSES:

Statutory Consultees:

ENVIRONMENT AGENCY: No objection subject to conditions

FLOOD RISK MANAGEMENT: No objection subject to conditions

YORKSHIRE WATER: No objection subject to conditions

ENGLISH HERITAGE: No response received to date; a verbal update will be given at Plans Panel. However in relation to applications 11/02389/FU and 11/02390/LI, the following response was received:

The application requires the demolition of the remaining structure and a partial reconstruction “in the spirit of the mill site”. We would advise that the materials proposed in the documentation for reuse are fully identified, securely stored and a contract for the reconstruction is in place before the building is further demolished and the site cleared to undertake the proposal.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for English Heritage to be consulted again.

Non Statutory Consultees:

CONTAMINATED LAND TEAM: No objection to planning permission being granted, subject to conditions and directions.

PUBLIC RIGHTS OF WAY: Public Footpath No.25 Horsforth subsists along the site road as well as the corn mill building. As long as the footpath is not affected by the demolition and erection of two storey offices this office has no objection to the proposed.

SUSTAINABILITY – CONSERVATION: No objection subject to conditions.

SDU NATURE CONSERVATION: No objection subject to a condition.

ENVIRONMENTAL HEALTH: No specific comments; officer referred to standing advice.

HIGHWAYS: No objections, conditions recommended.

As outlined in the Transport Statement the UDP recommends a maximum 1 space per 20sqm for the first 300sqm and 1 space per 33sqm thereafter for B1 office developments. The application form states that the proposed office building would have 536sqm gross floor area, this would have a maximum requirement of 17 spaces which have been accommodated on the site. In addition, some space is provided for motorcycle parking as well. Space for secure cycle parking is identified on the site plan, 3 staff spaces should be provided in a lockable enclosure and this should be secured by condition of any approval.

ARCHAEOLOGICAL ADVISORY SERVICE (WYASS): The WYAAS defer decision on the demolition of the listed building to the Council’s Conservation department but recommend that an appropriate level of archaeological recording is carried out during any works to the building and its footprint.

8.0 PLANNING POLICIES:

8.1 Government Policies

The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system.

It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraphs 132 and 133 of the NPPF are particularly relevant. Para 132 states that great weight should be given to a heritage asset's conservation – the more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Para 133 sets out criteria to be used in assessing applications such as this and is referred to in the appraisal.

8.2 Development Plan Policies

The Leeds UDP Review identifies the site within the main urban area with no specific allocations or designations. Relevant policies include:

- GP5 – General planning considerations
- N12 - New development should respect character and scale of adjoining buildings.
- N14 – There is a presumption in favour of retention of listed buildings. Proposals for demolition will be permitted only in exceptional circumstances and with the strongest justification
- N16 - Extensions to listed buildings will only be accepted where they relate sensitively to the original buildings. In terms of design, location, mass and materials. They should be subservient to the original building.
- N17 - Proposals should keep original plan form intact and preserve and repair original features.

8.3 Draft Core Strategy

The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the core strategy being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed modifications, to be legally compliant and sound, the policies in the modified core strategy can now be afforded substantial weight. Once the core strategy has been adopted it will form part of the Development Plan.

The following policies are relevant:

Policy EC2 – Office development
Policy P10 – Design
Policy P11 – Conservation
Policy T1 – Transport Management

Policy T2 – Accessibility requirements and new development
Policy EN2 – Sustainable design and construction
Policy EN5 – Managing flood risk

9.0 MAIN ISSUES

- 1 **Principal of development**
- 2 **Listed building issues**
- 3 **Highway Issues**
- 4 **Design**
- 5 **Other issues**

10.0 APPRAISAL

Principle of development

- 10.1 Previous planning permission 27/189/902/FU and 06/02203/FU established the principle of B1 (Office) development on the site. The principle of demolishing and reconstructing parts of the building was established by applications 06/02204/LI, with minor variations to the rebuilt structure being approved under applications 08/00365/LI (granted on 18 March 2008) and the minor amendment to the planning permission granted in 2006 (reference 06/02203 FU) on 30 June 2008 (08/9/00260/MOD).

Listed building issues

- 10.2 The mill was listed in 1988 for its historical significance as a corn mill. Initially constructed in the 18th century and expanded in the 19th century it is built of sandstone with quoins, stone mullion windows and a stone slate roof. It incorporates a small element of re-used medieval material. It is Grade 2 listed and is considered by WYAAS as of regional significance as it has evidence of both water and steam powered milling technology. It is the last of two corn mills in the area – Troy Mill was demolished in the 1970s.
- 10.3 Whilst the principle of rebuilding the derelict listed building has been accepted, on essentially the same footprint and utilising the remaining structure and the materials that had previously been carefully removed and labeled, the present proposal is for the construction of a new building on the site utilising some of the existing materials but on a larger footprint and with an altered external appearance. Whilst the Design and Access Statement seeks to stress the retention and rebuilding, the fact is that the proposal will result in a new building on the site, not the current listed building. The principal issue to be considered, therefore, is whether the demolition of the building can be justified in Policy terms and on the basis of the evidence submitted by the applicants.
- 10.4 Leeds UDP (2006 Review) Policy N14 sets out the criteria against which proposals to demolish listed buildings should be considered. This states that there is a presumption in favour of retention of listed buildings and that demolition will be permitted “only in exceptional circumstances and with the strongest justification”.
- 10.5 Subsequent National Guidance is included in National Planning Policy Framework (NPPF). Paragraph 133 is particularly relevant, stating that:

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, **or** all of the following apply:

1. The nature of the heritage asset prevents all reasonable uses of the site; and
2. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
3. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
4. The harm or loss is outweighed by the benefit of bringing the site back into use.

- 10.6 It is clear from paragraph 132 of the NPPF and the above that the total loss of this grade II listed building should only occur in exceptional circumstances either because the loss will achieve substantial public benefits **or** all four criteria in paragraph 133 are met.
- 10.7 The applicant claims that the scheme will result in substantial public benefits as a result of the quality of design and the viable use of the building; the improvements to the immediate environment; addressing flood risk and on site contamination; and the contribution to the economic growth of the local and wider Leeds area will all contribute to a substantial public benefit. Whilst the building is clearly something of an eyesore in its present state, the mitigation of that problem is not considered to be such a priority to justify the loss of the heritage asset and the other benefits alluded to could potentially be achieved by a scheme along the lines previously permitted by the City Council for conversion and rebuild.
- 10.8 The Local Planning Authority do not consider that the substantial harm or loss of the listed corn mill building is outweighed by the public benefits listed above. The importance of the corn mill has been detailed in 10.2 above and it is not considered that the proposed replacement building can replace the significant history displayed by the building.
- 10.9 It is therefore considered that if consent is to be granted for demolition all four criteria in paragraph 133 must be met, specifically, that the nature of the asset prevents all reasonable use of the site, no reasonable, viable use can be found; preservation through funding is not possible; and the loss of the asset is outweighed by bringing the site back into use.
- 10.10 Consideration of the four policy criteria of the NPPF:
- 1. The nature of the heritage asset prevents all reasonable uses of the site**
The applicant ascertains that the previous planning applications for the site indicate their attempts to find a re-use for the building. They further state that the technical issues of the site have resulted in it proving difficult to re-use. The level of contamination on the site and the remediation works required to make the site fit for use would almost certainly result in the collapses of the remainder of the building. The Structural Report supplied with the application shows that the building would require significant structural works including underpinning the existing foundation, replacing timber elements of the building and potentially rebuilding the existing walls which are no longer vertical. Combined with this, the current ground floor level is well below predicted flood levels such that if the existing building were to be retained and repaired then approximately 20% of the

wall would be below the required ground floor level. This would result in the need to increase the height of the wall by between 1.5m and 2.0m in height to allow for headroom, services etc.

As a result of the state of the listed building, the level of contamination on site and the siting within the flood plain, it is agreed that the re-use of the building would be highly limited and significant rebuilding, if not complete reconstruction, would be required.

2. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

The applicant indicates in the Viability Report that the site has been actively marketed since 2006 when particulars were prepared for the site reflecting the 2006 permission which allowed alteration and conversion to offices. Information has been provided to show that there has been occasional interest in the site but nothing that has progressed. The reasons for this have been identified as the time taken to complete the redevelopment of the site; the nature of the accommodation and its small floors; the current poor impression of the site; and comparisons with other locally available office space.

The financial viability of the 2006 scheme (rebuilding and conversion) has been assessed within the Viability Report and indicates that the scheme would not be viable because of the small conversion footprint and limited returns.

The contamination and flooding issues and state of the building, as well as the small size of the structure have been highlighted as issues affected the viability of the re-use of the site.

3. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible

The Viability Report confirms that during the time the property has been marketed, no community or charitable organisations have come forward which have offered to take the property at a nominal value and to then secure grant funding for an appropriate future project at the site.

The applicant has demonstrated that, despite marketing, no charitable or public ownership scheme has been brought forward to conserve the building.

4. The harm or loss is outweighed by the benefit of bringing the site back into use.

The state of deterioration and disrepair of the site is such that it is a significant eyesore in the locality. It has been discussed that the contamination level on site would mean that much of the building still standing would need to be demolished prior to the removal of the contaminated material. While it is true that the building could then be re-built, significant works would still be required to make the building structurally sound. As has also been stated above, issues relating to flood levels would mean that much of the ground floor was below the flood level and further lead to the conclusion that re-use of the existing building is not feasible.

Without the remediation works, an acceptable re-use for the building is unlikely to be found. It has been demonstrated that it is highly unlikely that the building can be restored without complete demolition and rebuilding. Even then, it is unlikely that it would provide viable accommodation as a result of its restricted floorspace and issues surrounding flood risk. The current scheme however

results in a building which will reflect the previous industrial use of the site in its design while providing office space suitable for modern use. The modest design of the scheme and re-use of materials from the listed building refer back to the previous use of the site and provide an appropriate and viable future use for the site.

- 10.11 The Council would have a number of options if permission is refused and the applicant makes no attempt to repair the listed building. These include:
- A notice under Section 215 of the Planning Act 1990 could be served if it was considered that the current condition of the site is affecting the amenity of the area. Such a notice is subject to appeal. If the works are not carried out the local authority may enter the land and carry out the work, recovering “expenses reasonably incurred” from the owner.
 - Section 54 of the Listed Buildings and Conservation Areas Act allows an authority may give 7 days’ notice that they intend to execute works they consider urgently necessary for the preservation of a listed building in their area. Again the owner can be served a notice requiring him to pay the costs of the work and the owner may appeal to the Secretary of State within 28 days that the works are unnecessary or the costs unreasonable.
 - Section 48 of the same Act allows the service of a Repairs Notice, specifying what works are considered necessary for the proper preservation of a listed building. If the works are not carried out within two months the local authority can start compulsory purchase proceedings. Other powers exist under the Building Act.
- 10.12 None of these options are likely to provide a quick fix and all are likely to have budgetary and potentially future asset management implications.
- 10.13 When these issues were discussed at the December 2013 Panel the view of members was that the demolition of the Heritage asset may be justified if a suitable redevelopment proposal was advanced by the applicant, but that the proposal before the Panel was not acceptable. This resulted in the refusal of applications 11/02389/FU and 11/02390/LI.
- 10.14 The current application seeks to resolve the issues raised in relation to the previous scheme in terms of parking provision and design of the replacement building thereby providing a new building which justifies the demolition of a listed building.

Highway Issues

- 10.15 17 parking spaces have been accommodated on site including 2 disabled parking bays. The UDP recommends a maximum 1space per 20sqm for the first 300sqm and 1 space per 33sqm thereafter for B1 office developments. The application form states that the proposed office building would have 536sqm gross floor area; this would have a maximum requirement of 17 spaces which have been accommodated on the site. In addition, some space is provided for motorcycle parking as well.
- 10.16 Vehicle access arrangements are adequate and the Transport Statement with the application estimates 12 vehicles trips in peak hours. Highways officers have not disputed this figure and it is not anticipated that the projected number of vehicle movements will cause any highway concerns.

Design

- 10.17 The proposed office building is of a simple two-storey pitched roof construction with an adjoining service core housed in a flat roofed block fronted with stone and door and window detailing taken from the listed building. The new building does not pretend to be a reconstruction of the corn mill but harks back to the past industrial use of the site with a simple vernacular building of modest proportions similar to those of the corn mill.
- 10.18 The footprint and scale of the building is similar to that of the corn mill. The proposed pitched roof and large arched windows further reference the previous building without resulting in a pastiche of the demolished corn mill. This similarity in scale and siting allows some impression of the corn mill setting as it once was.
- 10.19 The main building will be constructed from new stone with a slate roof. Down the long side elevations windows are smaller and in pairs separated by stone mullions. The gable ends have larger windows reminiscent the openings in historical industrial buildings.
- 10.20 The service core is housed within a block to the side of the main building and linked to it by a zinc clad section. The outer elevation of the service core is a 'wall of memory' using stonework and openings from the listed building and providing a link with the past without resulting to a pastiche of the demolished building.
- 10.21 It is intended to retain an area of the existing stonework within the landscaped area outside of the office building. The proposal was to retain this at a low level to give an indication of the footprint of the former building although the applicant has indicated that he is willing to retain a higher section of the wall if required. He has further indicated that he considers it would be difficult to retain any further sections of the existing stonework because of the remediation works required and their proximity to the foundations of the new building but is willing to retain as much of the external stonework as possible. He has further expressed concern about retaining areas of stonework within the car park surfacing because of worries about the durability of a mix of surfacing in this area.

Other issues

- 10.22 The office building is some distance from the neighbouring flats and it is not considered that it is likely to result in any significant overlooking and loss of amenity to existing residents. The siting of the building is such that it will cause little overshadowing of the neighbouring sites.
- 10.23 The adjoining public right of way is unaffected by the proposal.
- 10.24 Conditions are recommended to cover matters relating to the demolition and archaeological recording of the listed building, materials and detailing of the new building, contamination issues, drainage, landscaping and nature conservation.

11.0 CONCLUSION

- 11.1 The total demolition of a listed building should only occur in exceptional circumstances. This report sets out in detail how that test and the detailed tests set out in paragraph 133 of the NPPF are considered to be met in this particular case. When the Panel last considered a previous application to demolish the building in

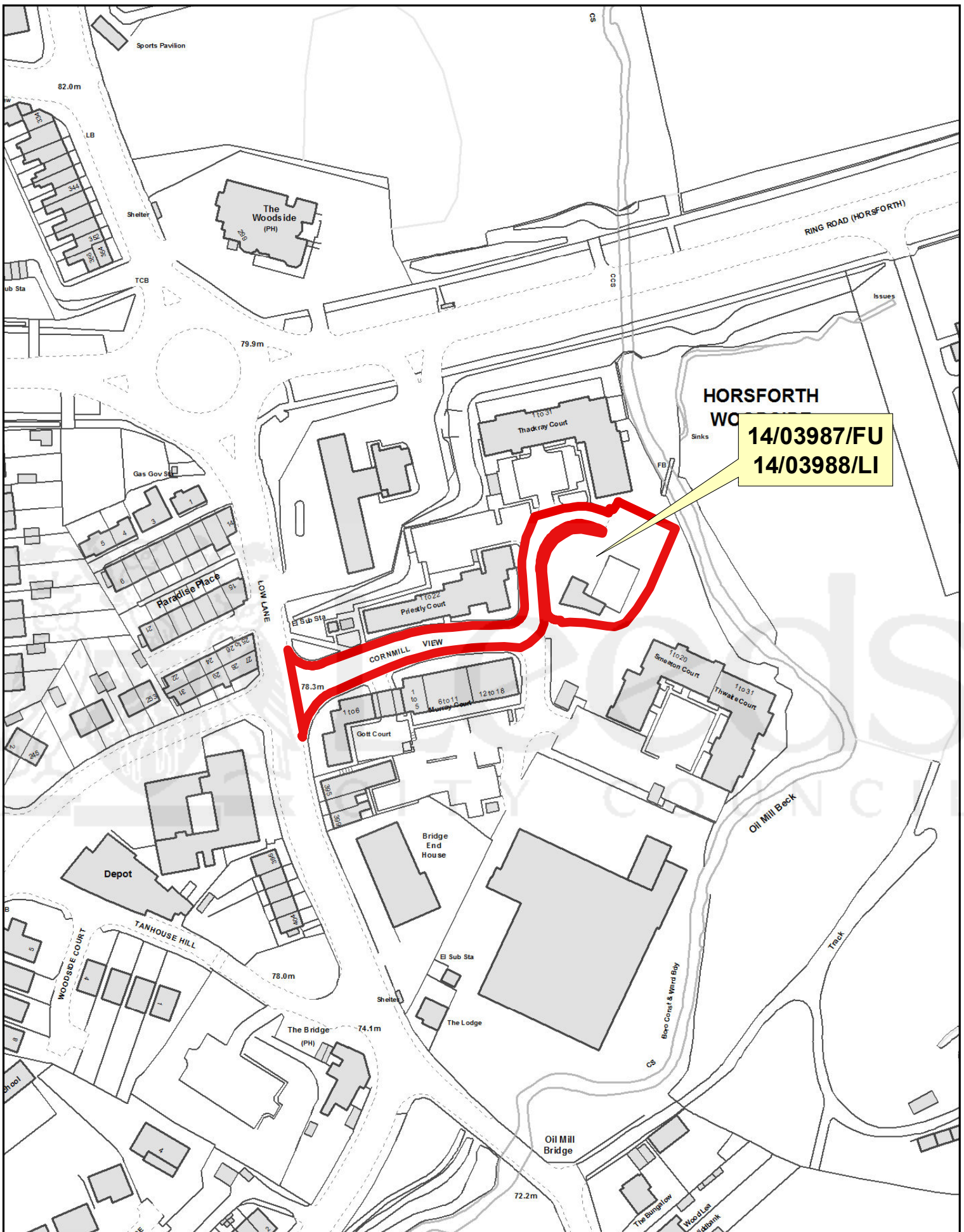
December 2013, the view of Panel was that the proposal to demolish the listed building may be justified if an acceptable scheme for a new building was presented.

11.2 The new building has been substantially revised and reduced in scale from the previously refused building. Its design reflects the industrial heritage of the site whilst not attempting a reconstruction of the listed building. Use of materials from the existing building will serve as a record of the demolished corn mill while an information board detailing the previous use will provide further details.

11.3 The applications 14/03988/LI and 14/03987/FU are therefore recommended for approval subject to conditions.

Background Papers

Application files: 14/03988/LI
14/03987/FU



HORSFORTH
W
14/03987/FU
14/03988/LI

SOUTH AND WEST PLANS PANEL

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