



## Report of the Chief Planning Officer

### PLANS PANEL EAST

Date: 17<sup>th</sup> May 2012

**Subject: APPLICATION 11/03697/FU – Re-building of fire damaged Church and change of use to form 18 flats, two pairs of semi detached houses, associated landscaping and car parking, and APPLICATION 11/03713/LI – Listed Building application for re-building of fire damaged Church and alterations to form 18 flats all at St Marys Congregational Church, Commercial Street, Morley, Leeds LS27 8HY.**

#### APPLICANT

Sandmile (Gibraltar) Ltd

#### DATE VALID

19<sup>th</sup> September 2011

#### TARGET DATE

19<sup>th</sup> December 2011

#### Electoral Wards Affected:

**Morley South**

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**GRANT PERMISSION subject to the following conditions:**

1. Standard full time limit.
2. Development in accordance with approved plans
3. External walling and roofing materials to be submitted.
4. Sample of stone walling to be approved
5. Details of stone heads and sills
6. Details of timber windows
7. Submission of further viability statement prior to commencement of development and details of a scheme to deliver affordable housing and/or greenspace if appropriate
8. Details of cycle parking
9. Site to be laid out, drained, surfaced and sealed.
10. Landscape management plan
11. Submission and implementation of landscaping details.
12. Protection of existing trees.
13. Preservation of retained trees.
14. Method statement for the carrying out of works

## 15. Scheme of archaeological recording

**Reason for approval:** The principle of residential development is considered to be acceptable as the site is situated in a highly sustainable location. The layout and scale of the proposal is appropriate in regard to its surroundings, raises no issues of detrimental harm to visual or residential amenity and no issues harm to highways safety and as a consequence will provide a long term future for a Listed Building and one of the landmark buildings of Morley. As such, the applications are considered to comply with policies GP5, BD5, H4, N12, N13, N15, N17, N19 and T2 of the UDP Review, as well as guidance contained within the National Planning Policy Framework, and having regard to all other material considerations, the applications are recommended for approval

<b>RECOMMENDATION: GRANT LISTED BUILDING CONSENT subject to the following conditions:</b>
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### 1. Standard time limit

**Reason for approval:** The demolition of the existing building which has a negative impact on the character and appearance of the Conservation Area is considered fully acceptable having regard to UDP saved policies and national guidance in NPPF.

### 1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel (East) due to sensitivity regarding concerns over the alterations to a Listed and landmark building and to the surrounding graveyard, as well as the non-provision of affordable housing provision, greenspace contributions and the need for enabling development within the grounds of that listed building.
- 1.2 The key issue in this case relates to the benefits that arise from the restoration, rebuilding and conversion of a fire damaged listed church that has to be balanced against the fact that the scheme does not deliver affordable or greenspace.

### 2.0 PROPOSAL:

- 2.1 11/043697/FU. The proposal is for the rebuilding of a fire damaged church and for its change of use to form 18 flats, and for the construction of two pairs of semi-detached houses, along with landscaping to the graveyard and also the provision of car parking to the flats.
- 2.2 11/03714/LI. The proposal is a Listed Building application for the relevant works that are needed to carry out the rebuilding and change of use of proposal 11/04397/FU to the Listed Church and surroundings.
- 2.2 The proposal is to rebuild and change the use of a former church that has severely fire damaged. It is intended to retain the shell of the church in terms of the remaining stone walls and clock tower that still remain. To this it is proposed to introduce a new roof that will maintain the original eaves and ridge lines of the church but will inset balconies into the roof to enable the formation of flats within the roof space
- 2.3 Traditional materials for walling and roofing are proposed with the use of stone for the walls and slate for the roof. Windows are proposed to be timber and will try to retain, where possible, the forms of the originals. The balconies will be glazed with polished steel to provide a contemporary feel to the traditional nature of the slate roof.
- 2.4 There will also be four new build properties to the Troy Road elevation of the site. These two will be built in traditional materials of stone and slate to compliment the setting of the listed Building and also the Conservation Area.

- 2.5 To the rear of the site there will be a parking area that is accessed from Troy Road but provides the parking for the flats in the church. There will be a footpath across the graveyard to the flats. Pedestrian access will be maintained from the existing access at Commercial Street

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site was a large stone built Victorian church that was one of Morley's two 'principal landmark sites' (the other being Morley Town Hall), with 'key views' towards it from most directions.
- 3.2 It is located within Character Area No. 1 of the conservation area – 'the commercial and civic core of Morley' as suggested by the Conservation Area Appraisal. The site consisted of a listed redundant church and monuments, which are 'Buildings at Risk' and is a 'site of historic importance'. Within the grounds of the church are a significant number of groups of C17 and C18 grave memorials' and also the Listed Scatchard Mausoleum.
- 3.3 The church was located in large grounds that have a large number of trees and provides a key greenspace to the area. The streetscene on the SW boundary (Commercial Street, North) is 'an area of special sense of place' that 'shares the civic pride of the town hall and is dominated by large classically detailed stone civic and religious buildings'.
- 3.4 The boundary along Troy Road has a high stone wall. Towards the junction of Commercial Street and Troy Road there are two recent blocks of apartments that abut the site.
- 3.5 However in June 2010, a serious fire caused massive damage to the church, effectively destroying the internals of the building and leaving a badly damaged shell.
- 3.6 The site is located on the edge of the Designated S2 Town Centre and located within the Morley Town Centre Conservation Area.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 10/01908/FU - Change of use, involving alterations and addition of new mezzanine floors to vacant church, to form restaurant and 9 hotel suites and erect 3 storey detached block of 30 hotel rooms, with relocation of gravestones, new car parking and landscaping. Refused 18.07.2011.
- 4.2 10/01909/LI - Listed Building Application for alterations and addition of new mezzanine floors to vacant church, to form restaurant and 9 hotel suites and erect 3 storey detached block of 30 hotel rooms, with relocation of gravestones, new car parking and landscaping. Refused 22.11.2011.
- 4.3 10/00443/FU - Change of use, involving alterations and addition of new mezzanine floors to vacant church, to form restaurant and 9 hotels suites and erect 3 storey detached block of 30 hotel rooms, with removal/relocation of gravestones, new car parking and landscaping. Withdrawn 27.04.2010
- 4.4 10/00442/LI - Listed Building Application for alterations and addition of new mezzanine floors to vacant church, to form restaurant and 9 hotels suites and erect 3 storey detached block of 30 hotel rooms, with removal/relocation of gravestones, new car parking and landscaping. Withdrawn 27.04.2010

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 There is a long history of negotiations associated with this site commencing with preliminary discussions discussing the conversion of the church to a single dwellinghouse.
- 5.2 The first direct dealings with the current agents for the site concerned the proposal of changing the use of the church to an hotel along with some new build to create more rooms to that hotel. Several meetings were held following the submission of the application, along with public meetings held at Morley Town Hall to discuss and present the proposals.
- 5.3 Whilst the applications for this proposal were under consideration, a serious fire caused massive damage to the Listed Building and ultimately the application that was before the Council could not be implemented. As a direct result of the applicant was requested to withdraw the applications but the applicant preferred for them to be determined and subsequently they were refused.
- 5.4 Meetings were held to discuss the future possibilities for the now severely damaged building and following several meetings, the current proposal was agreed as the only viable way forward.
- 5.5 Prior to the submission of the current applications, the application was presented to the public and subsequently to Morley Town Council in June 2011 where the application was, in general, favourably accepted by most and consequently the proposal was submitted as a formal application on 19 September 2011.

## **6.0 CONSULTATION RESPONSES:**

### Statutory Consultations:

- 6.1 English Heritage – Minor design issues, otherwise acceptable.

### Non Statutory Consultations:

- 6.2 The following consultations have been carried out:
- West Yorkshire Archaeological Service – No objection subject to conditions.
  - Victorian Society – Strongly support the application.
  - Sustainable Development Unit (Conservation Team) – support to the scheme subject to conditions.
  - Sustainable Development Unit (Landscape Team) – Support the scheme subject to conditions

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was advertised by site notice on 30 September 2011 and by newspaper advertisement on 12 October 2011. 4 letters of objection have been received and one letter of general comment from Ward Councillor Neil Dawson. The objections are on the following grounds.

- The development is underprovided in terms of off street parking and on street parking is likely to occur given the long distance from the car
- The highway infrastructure will be unable to cope with the increased amount of traffic
- The development is not sympathetic and out of context with the surrounding area.
- The development will exacerbate existing water and sewer problems.
- The development will harm local wildlife
- Morley already has enough flats and surrounding properties are currently empty
- There is the risk of damage of graves from the carrying out of the development.
- There will be a change in the appearance of the area in that the graveyard will now be lit
- The new build will have a large visual impact on the streetscene.

- There will be disturbance on the properties opposite from car headlights.

7.2 Morley Town Council – Support the principle of the development but some minor detail issues.

## **8.0 PLANNING POLICIES:**

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

8.2 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing.

8.3 The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. 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. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.4 The following policies from the UDP are relevant:

- Policy GP5 seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- Policy BD5 seeks to ensure that all new buildings should be designed with consideration to both their own amenity and that of their surroundings.
- Policy H4 provides guidelines for residential development on sites not identified for this purpose in the UDP.
- Policy N12 seeks to ensure that development should respect fundamental priorities for urban design.
- Policy N13 seeks to ensure that the design of new buildings should be of high quality and have regard to the character and appearance of their surroundings.
- Policy N15 allows for the change of use of Listed Buildings whilst protecting their attributes
- Policy N17 seeks to ensure that the detailing and features which contribute to the character of listed buildings are preserved.
- Policy N19 ensures that all new buildings preserve and enhance the character of Conservation Areas.
- Policy T2 ensures that development proposals should not create new, or exacerbate existing, highway problems.

### Supplementary Guidance:

- Neighbourhoods for Living (SPG)
- Street Design Guide

### National Policy/Guidance:

- National Planning Policy Framework (NPPF) (March 2012)  
Section 4 – Promoting sustainable transport  
Section 6 – Delivering a wide choice of high quality homes  
Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment.  
Section 12 – Conserving and enhancing the historic environment.  
Manual for Streets.

## 9.0 MAIN ISSUES:

- The principle of the change of use of the building to residential use.
- Listed building considerations
- The need for enabling development
- Design and character and appearance of the proposal in the context of the Conservation Area.
- Access and highways safety considerations.
- Impact on residential amenity
- Trees and landscaping
- Private Amenity Space
- Greenspace and affordable housing

## 10.0 APPRAISAL:

The principle of the change of use of the building to residential use and of new build houses within the curtilage.

- 10.1 The site is located adjacent to the defined S2 Morley Town Centre with the boundary passing the front of the site. As a result, it is located within walking distance of all the services provided by such centres (shops, libraries, doctors etc) as well as public transport links that are less than 300 metres from the site. This means that the site is located within a highly sustainable location that is compatible with nearby uses and Policy S3 of the UDP encourages residential uses within town centres, to maintain life and vitality to those centres. As a result, it is considered that the principle of residential conversion of the church is acceptable in this location. The new build is also considered acceptable as it is located on a brownfield site that would accord with the housing policies of the UDP as well as benefiting from all of the sustainable aspects mentioned above.

### Listed Building Considerations

- 10.2 As already stated, the church itself, whilst in a poor state of repair, remains a Grade II Listed Building and furthermore, listed in their own right are both the Scatchard Mausoleum and several of the headstones within the graveyard. As a consequence this has had a significant bearing on the evolution of this application. It was considered that one important factor in the rebuilding of the church was to retain the sense of the original roof line. As a consequence of this, the design has been amended to allow for the original eaves level to be retained and enable the integrity of the Listed Building to be retained. Additionally, the initial plans intended for some of the stone walls to be replaced by rendered panels that were considered to harm the integrity of the Listed Building. It was therefore requested that the rendered elements be removed and the stone retained. The proposal has been amended accordingly and the conservation officer is now content that this element is now acceptable. Other changes have been made to original submission to ensure that window details are now acceptable in terms of both design and also details of how, due to the heights of the windows in many cases, floors and walls are treated at their junction. Materials are to be traditional in that stone, slate and timber are to be used in the main. Further details will be required with regard to how such a scheme will physically be built given that the site is surrounded by other Listed Buildings and gravestones as well as a large number of protected trees. Consequently conditions to deal with construction methods, storage areas and location of areas to be protected will be attached to ensure the safe protection of these listed buildings.

### The need for enabling development

- 10.3 The proposal alongside the rebuilding and change of use of the Listed church proposes the building of four new properties on Greenfield land within the curtilage of a Listed Building. It is the applicant's contention that without this part of the development, the scheme would be financially unviable. The applicant considers that the requirement of this new build as enabling development would secure the future conservation of an heritage asset. There would be no policy objections or development management concerns, as stated above, to such a development should the application have been simply for this new build as a stand alone application. Nevertheless, the development should still be considered as enabling the renovation of the Listed Building. Within the application, evidence has been provided to show the financial viability of the scheme.
- 10.4 The applicant's viability statement has projected that the proposed development will generate a sales revenue of £2,803,000. The appraisal has calculated that the build costs will be in the order of £2,783,500. The cost of the land acquisition has been discounted from the appraisal (i.e. land cost has been assumed to be nil). As such the estimated residual developers profit is calculated at £19,500. Obviously the projected profit is small and reflects a cautious approach that has been adopted by the applicant in assessing the viability. Accordingly the degree of profit will be subject to variation depending on how the projected costs and revenues compare with the actual costs and revenues that exist at the time of undertaking the development. The applicant has set out that despite the limited profit this scheme represents an acceptable risk to them. At the present time the site is a liability for the applicant. This scheme represents an opportunity to realize at least some financial return for the applicant. Due to the constraints that exist at the site (the listed church and graveyard and protected trees) there is only a limited scope to achieve a development that is acceptable in planning terms that generates a reasonable profit.
- 10.5 Colleagues in Asset Management are assessing the submitted viability statement and any further comments will be reported verbally at Panel.
- 10.6 In light of the circumstances of this case it is recommended that a condition be attached to any grant of planning permission to require a further viability statement to be submitted prior to the commencement of development so that the ability of the scheme to generate affordable housing or a greenspace can be re-assessed under the market conditions that exist at that time.

Design and character and appearance of the proposal in the context of the Conservation Area

- 10.7 The re-building and alterations to the church have been discussed at 10.2 above but to summarise, the revised proposal now retains nearly all of the remaining stone shell that still stands after the fire, it retains the previous roof lines in terms of ridge and eaves height whilst allowing the alteration of the roof to allow the insertion of the balconies to form the upper rooms. When converting a Listed Building, there will always be elements of compromise, but it is essential to retain the special character of the listed buildings and Morley Town Centre Conservation Area. Resisting further demolition of the shell by requesting revised proposals removing the rendered insets, and by requiring altered window details that now give balanced elevations as well as many other minor alterations has led to a revised proposal that now achieves the aims of national and local policy and now provides an acceptable proposal.
- 10.8 As with all proposals of this nature it will be necessary to condition many elements of the proposal to ensure that the conversion is done in the manner that would protect both the previous historical and archeological past of the church and also the integrity of the Listed building in the future. As a result, conditions will be attached requesting assessment of the current remains and their possible retention, including details of how this will be undertaken and how it will be maintained in the future, along with details about items such as the clockface, rainwater goods, cleaning of masonry will be achieved.

- 10.9 With regard to the new build element, the buildings are of a scale that is appropriate within the streetscene and they are proposed to be stone with a slate roof. The style is similar to that of surrounding buildings in terms of fenestration details and those window details are to include stone lintels and sills. The properties will sit close to the road as is the way of the traditional terracing in the area and parking will be separately provided to each of the four properties
- 10.10 The traditional design and use of appropriate natural materials of the new build as well as the sympathetic alterations to the listed building mean that it is now considered that the proposal will both preserve and enhance both the special character and appearance of the Morley Town Conservation Area and also of the Listed Building.

#### Access and highway safety considerations

- 10.11 Consultation with the highways Authority has shown that visibility onto Troy Road is acceptable subject to a condition to ensure that it is achieved and maintained. The level of parking is considered to be satisfactory with regard to the houses but not up to guidance standards with regard to the flats which may lead to off street parking on Zoar Street. However the Highways Authority is satisfied that a contribution from the developer to fund additional on street parking restrictions adjacent to the junction in order would ensure that parking from the development does not become an issue. Subject to conditions with regard to bin storage and cycle storage it is considered that there are no issues raised by this application and it is acceptable in terms of highway safety.

#### Impact on Residential Amenity

- 10.12 The site only properties that are likely to incur any impact on their residential amenity are the properties on Troy Road. In terms of distances, the proposal is in accordance with guidance given in 'Neighbourhoods For Living' and therefore there should be no issues of overlooking and overshadowing. There is a driveway opposite the property at No 21 Troy Road but this driveway is for one property and not the main access to the car park as was the case in the previous application and therefore there will be no significant impact on that property. Furthermore, although the graveyard will have to be lit, it will be low level lighting that should have little impact on the surrounding properties. As a result, it is considered that there will be no detrimental harm created from overlooking by the proposal.

#### Trees and Landscaping

- 10.13 The Sustainable Landscape Unit (Landscape) are supportive of the principle of the proposed scheme to bring this Listed Church building back into active use. However, there are concerns at the extent of tree removal currently being proposed. As a result, it is considered that any tree removal needs to be considered and agreed as part of an approved detailed landscape scheme with the retention of more of the existing trees in order to provide continuity and maturity to new development. Additionally, the phased removal of existing trees could be considered as part of longer-term landscape proposals, allowing new tree planting to be established prior to the further removal of existing trees. It is therefore considered that the application be recommended for approval in terms of landscaping, but notwithstanding of the external works scheme as currently submitted. Instead, a detailed consideration of the external works for this site should be provided, secured by condition and landscape proposals should seek to address visual amenity for the wider area as well as for proposed end users. They should also seek to enhance the biodiversity value of the site through the introduction of more variety of suitable plant species, including trees.

#### Private amenity space



10.14 The area required for outside private amenity space for flats as suggested by guidance given in SPG 'Neighbourhoods For Living' is 25% of the gross floor area of the proposal. Whilst there is a large amount of land surrounding the church, it is of course a graveyard and therefore its useability must be called into question, and whilst some of the area would lend itself to private amenity space, it is considered that the development is underprovided in terms of the guidance. However, the unique nature of this proposal, along with the limited options available to this site in terms of alternative uses and the fact that the site is within close walking distance to nearby facilities at Scatterd Park means that it is considered that the proposal should be considered acceptable in these terms.

#### Greenspace and Affordable Housing

10.15 The nature of the proposal for 18 flats and four houses means that it triggers a requirement for both a greenspace contribution and also for affordable housing provision. Given the comments made 10.3 to 10.6 above, the proposal is considered to be viable only with the enabling development of four new build houses. It would therefore be obvious that providing either or both of these provisions would render the proposal undeliverable. It is for this reason that the applicant requests that the LPA forgoes its requirement to these provisions to enable the development to proceed. Ward members have been appraised of this wish and they have given their support to such a suggestion.

### **11.0 CONCLUSION:**

11.1 On balance, it is considered that subject to appropriate conditions as discussed above, the proposal is acceptable. In recommending that planning permission and listed building consent is granted significant weight is attached to the benefits that arise from the restoration and the bringing of the listed building back into a long term beneficial use. The benefits of the scheme are considered to be so significant in this instance so as to outweigh the policy requirements for affordable housing and greenspace. Nevertheless it is recommended that a condition be attached to the planning permission that requires the viability of the scheme to be re-assessed prior to the commencement of development. In this way the ability of the scheme to deliver such obligations can be re-assessed against the economic circumstances that prevail at the time of the commencement of development. It is therefore recommended that the applications be approved.

#### **Background Papers:**

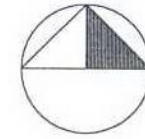
Application files 11/03697/FU and 11/03713/LI

#### **Certificate of ownership:**

As applicant

SEE DWG (02) 21 & 22 FOR FURTHER DETAILS REGARDING SURFACE TREATMENT

N 11/03697



REVISIONS

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MR G. BUTTERWORTH

REFURB & DEVELOPMENT OF ST MARYS CHURCH

MORLEY, LEEDS

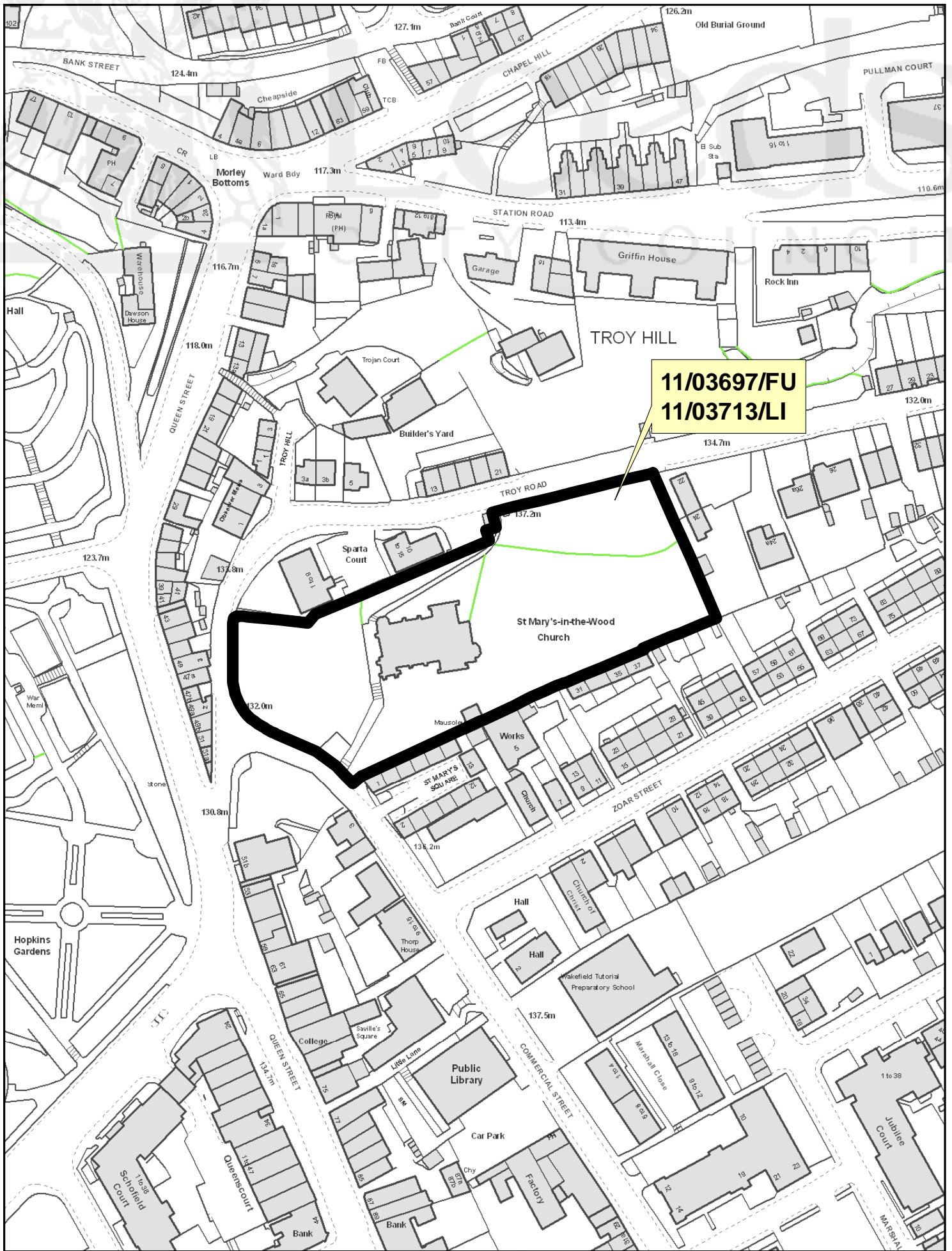
PROPOSED SITE & RETAINED TREE PLAN



Drawn: MB Scale: 1:500 @ A3  
Date: 15/03/10 Checked: CA

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# EAST PLANS PANEL

