



**Leeds**  
CITY COUNCIL

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**Report of the Chief Planning Officer**

**NORTH & EAST PLANS PANEL**

**Date: 3<sup>rd</sup> December 2020**

**Subject: 20/03519/FU and 20/03520/LI - Demolition of the Nave and Aisles of the church, replaced with a six story extension; the Chancel, Transept and Altar areas will be retained and restored to contain 62 no. apartments. The Presbytery will also be demolished and replaced with a 5 storey apartment block of 113 no. apartments (total residential development comprising of 175 units); Other works including new access, proposed EVCP parking, cycle storage and landscaping works at Mount St Marys Church, Church Road, Richmond Hill, Leeds, LS9 8LA.**

**Applicant: Estate Aid Limited & MSM Limited**

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**Electoral Wards Affected:**

**Burmantofts & Richmond Hill**

Yes Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**POSITION STATEMENT: Members are requested to note the contents of this report on the proposal and to provide views in relation to the questions posed to aid the progression of the application.**

**INTRODUCTION:**

1. These applications are presented to North and East Plans Panel as they are a significant proposal which involves the alteration and demolition of both the Grade II\* listed St Mary's Convent Church and the Grade II listed Presbytery

and are so is a departure from the Development Plan.

2. The applications also have potential wider implications which warrant consideration by Members. This report is a Position Statement meaning the applications are not reported for determination at this point in time. The purpose of this Position Statement is to inform Members of the proposal, to report on the progress of the applications and to seek Members comments on key planning issues associated with this particular development.
3. The application site has a number of previously approved planning permissions for the residential re-development of the site which are similar to that proposed now. Unfortunately none of these have not been implemented and all have since expired. The last permissions expired in September 2014.
4. Officers have met with the planning agents at pre-application advice stage to discuss the proposals at the applicant's request. At the meeting, Officers outlined the key issues relating to the proposal, including the need for the application to comply with the latest local and national planning policies since previous applications had been considered including, for example, space standards. Officers also highlighted the need for an up-to-date, detailed and bespoke Viability Statement to provide robust justification for any enabling works proposed.
5. Since the application has been submitted, several iterations of revised plans have been received. The revisions have largely covered technical issues in response to consultee comments regarding highways, landscape and design matters.
6. So that Members are aware, it is also to be noted that the applicant has proposed (with supporting justification) that:
  - that full retention and conversion of the existing listed buildings is not viable and accordingly the amount of demolition proposed is required: and
  - that because of the above it will not be able to make the contributions normally required under local and national planning policy
7. Members are also advised that in the event support for the applications was forthcoming, prior to the application/s being determined, they must be referred to the Ministry of Housing, Communities and Local Government as a demolition application of a Grade II\* listed building to ascertain if the Secretary of State wishes to call in either application for determination.

#### **PROPOSAL:**

8. The applications propose to redevelop the Mount St Mary's Church (Grade II\* listed) and Presbytery (Grade II listed) site to provide a residential development comprising of 175 apartments in two buildings, including 62

residential units within the existing and extended church, and 113 residential units within the proposed separate apartment block, overall comprising:

83 one-bedroom apartments;  
82 two-bedroom apartments; and,  
10 three-bedroom apartments.

9. The wider scheme includes the retention and restoration of the Church chancel, transept and chapels (by Edmund Welby Pugin), the demolition of the main nave and aisles (by Joseph Hanson & William Wardell) and construction of a replacement extension. The entire demolition of presbytery (William Wardell) and replacement with a new five storey apartment block.
10. The scheme proposes to extend the church and replace the space with a modern, contemporary extension with a similar scale and massing to the original structure. A metal (bronze coloured) cladding system to cover both the walls and the pitched roof is proposed and a variety of window openings would provide the flats with natural light. The proposed façade includes vertical planes articulating the idea of traditional church architecture.
11. A 'feature' window is shown to be provided in the west gable to create a 'lantern' effect at night to imitate the church's original west window which would be demolished.
12. The Chancel, Transept areas and altars would be retained and restored including repair of the stained glass windows, the High Altar and steps, general redecoration works and retention of the St. Patrick and Lady Altars (a third Altar would also be retained as part of recent internal revisions). The original Chancel area would form the main entrance and remain largely open although some living accommodation would be provided within the transepts.
13. As part of the enabling development for this scheme, the Presbytery would be demolished and replaced with a 5 storey, flat roofed residential block containing a further 113, 1, 2 and 3 bedroom apartments. The new block would have a similar overall height and massing as the original Presbytery when viewed from the north but would extend further east to beyond the original church. The upper most floor has been set back approx. 1200mm and both sides have been raised to create buke ends.
14. In terms of external facing materials, grey/silver cladding is proposed, as well as white render, buff brick, feature corners and balconies.
15. On-site parking is provided along the site's eastern and southern boundaries and a total of 152 cycle parking spaces, and 56 car parking spaces are shown with vehicular access provided direct from Richmond Hill Approach. There was previously a building at the end of Richmond Hill approach, at the point of the proposed access into the Church, which has been demolished historically.

16. The remainder of the site would be landscaped and a pedestrian link to the city centre (reinstating the existing PROW from Church Road to Richmond Hill Close) would be retained via the church's original steps.
17. As the developer is not proposing to make any contributions normally required under local and national planning policy, the applicant has submitted a financial appraisal to justify this. The appraisal seeks to demonstrate that retention of the existing listed buildings is not viable and accordingly the amount of demolition proposed is acceptable. Fundamentally also that retention of the Pugin elements of the church would be secured and this is an important heritage consideration but even then significant enabling works are still required.

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

18. The site is dominated by the almost cathedral sized Mount St Mary's Church and its associated Presbytery. The church is Grade II\* listed and was constructed in two parts during the middle of the 19<sup>th</sup> Century (Nave and Aisles 1853 to 57 – Joseph Hanson & William Wardell and the Chancel and Transepts 1866/7 – Edmund Welby Pugin). The Presbytery is also listed (Grade II) and was built in 1856/7, again to the designs of William Wardell.
19. Both buildings are now in an advanced state of dereliction following the church's closure in 1989 and in particular the church has required emergency works to ensure the integrity/safety of the structure is maintained. Both buildings are on the Council's 'Buildings at Risk' register.
20. The Church is a local landmark due to the elevated nature of the site (known locally as 'The Bank') and is visible over a considerable distance from the north. Vehicle access traditionally has been from the west via Willis Street and this road also divides the adjacent Mount St Mary's High School (also Grade II listed) site. Open sports pitches are located to the south and a group of 7 tower blocks (9 and 10 storey) associated with the 1960's Saxton Gardens development are located to the north at the bottom of 'The Bank'. 2 of the blocks have been refurbished by the residential developer, Urban Splash. Abutting the site to the east is a small estate of sheltered housing which provides accommodation to the elderly in either single or two storey properties.
21. More generally, the area to the west/southwest has been subject to major redevelopment schemes over the last few years, the majority of which involve multi-storey buildings (both new build and conversion) for residential use.

Since the redevelopment of the site was first granted permission by the Local Planning Authority in 2008, the site has become further dilapidated and is now in an even more advanced state of dereliction.

## **RELEVANT PLANNING HISTORY:**

PREAPP/19/00642: 175 apartments in two buildings; retention and restoration of chancel, transept and chapels; demolition of name and aisles and construction of extension; demolition of presbytery and construction of new five storey building.

11/01021/EXT: Extension of time application 07/05805/FU for change of use, part demolition, restoration and 7 floor extension to church to form 62 flats and erection of 5 storey block of 109 flats, with car parking and landscaping – Granted 26/09/11

11/01019/EXT: Extension of time application 07/05804/LI for Listed building application to demolish presbytery, part demolish, restore and add 7 storey extension to church to form 62 flats and erect 5 storey block of 109 flats, with car parking and landscaping – Granted 26/09/11

07/05805/FU: Change of use, part demolition, restoration and 7 floor extension to church to form 62 flats and erection of 5 storey block to form 109 flats, with car parking and associated landscaping – Granted 02/06/08

07/05804/LI: Listing building consent to demolish presbytery, part demolish and restore and add 7 floor extension to church to form 62 flats and erection of 5 storey block to provide 109 flats, with car parking and associated landscaping – Granted 02/06/08

21/193/94/FU: Change of use and 3 storey extension of Presbytery to form 18 flats – Withdrawn – 12/01/95.

None of the above approved permissions have been implemented and all have since expired.

## **HISTORY OF NEGOTIATIONS:**

22. As stated above, Officers have met with the planning agents at an early stage in the planning process to discuss the proposals at the applicant's request. At the meeting, the Officers outlined the key issues relating to the proposal, including the need for the application to comply with the latest local and national planning policies. Officers also highlighted the need for an up-to-date Viability Statement to provide robust justification for both the demolish works and also any enabling works proposed. This early meeting has led to the submission of amended plans and further information, as outlined earlier in the Report.
23. As part of the pre-application, Ward Members were consulted and have continued to be engaged with the formal application. Ward Members (Cllrs Asghar and Ragan only as Cllr Grahame did not attend the meeting) raised concerns about the proposed access to the site from Richmond Hill Approach causing unacceptable noise and disturbance to existing residents and the

potential for the access to be blocked. An alternative access was suggested via Places Road/Ellerby Lane.

24. In the light of this request, the applicant explored the alternative access route suggested to the site. However, Places Road was not considered a viable option as it would be though Leeds City Council land which is formally allocated as greenspace that is also used to provide playing pitches.
25. In addition, officers note Places Road is an adopted highway from Ellerby Road as far as the properties fronting The Spinney. However, it is a narrow single width street unable to support two-way passing of vehicles and does not have segregated footways for much of its length. Visibility at its junction with Ellerby Lane is also severely limited by the neighbouring building and any intensification in its use would be detrimental to highway safety.
26. The properties that front onto Places Road have limited off street parking availability and therefore the street must accommodate much of their parking and servicing needs which would also hinder access to the site.
27. Given the above, an alternative access from Places Road is not considered a viable option. Therefore, the Local Planning Authority is bound to consider the vehicle access as proposed, which is from Richmond Hill Approach.

#### **CONSULTATION RESPONSES:**

28. Local Plans: Proposal is not compliant with a number of Local Plan policies including Policies H4, H5 and G4. The applicant has indicated that they intend to make a viability case in order to ensure exemption from payments under the Community Infrastructure Levy (CIL) and Section 106 planning obligations.

Subject to a viability case being demonstrated and a scheme that is otherwise policy compliant, the positive benefits of the scheme would include bringing two listed buildings, which are on the Buildings at Risk Register, back into use. This would need to be weighed against any aspects of the scheme which were not policy compliant.

29. PROW: No objection, subject to the PROW being enclosed as agreed with applicant.
30. Design and Conservation Team: The proposal will cause substantial harm to two listed buildings (former Grade II listed Presbytery demolished and nave of Grade II\* listed church demolished). The new-build needs to be justified as enabling development. The harm that this would cause needs to be weighed against the benefit of enabling the retention of part of the listed church, which requires a viability assessment.

Setting these principle issues aside, it is concluded that the public benefit of replacing these elements of the site would outweigh the harm caused to the

historic environment. It would provide an opportunity to enhance public understanding of the historical development of the site as a whole and the architectural merits of the Church sanctuary and transepts.

It is considered that the current proposal will give an improved relationship to the retained nave and extension.

31. Historic England: No objection in principle, subject to the need for a phasing plan, further details regarding the future maintenance of the building fabric and historic artefacts associated with the building, delivering the public benefits of access and interpretation and appropriate recording being addressed.
32. Highways Team: No objection in principle.

Additional information required.

The connection to the public highway should be included in the application boundary and improvements (surfacing/handrails/steps etc) should be indicated on the plan.

Vehicle tracking should be provided to demonstrate the turning head would still be usable, cycle parking and car parking should be re-distributed within the site. The plan needs to account for 2.6m wide parking bays as all spaces will require Electric Vehicle Charge Points (EVCPs).

33. Influencing Travel Behaviour Team: No objection, subject to the inclusion of conditions addressing the need for a suitable Travel Plan, cycle parking, car club spaces and EVCPs.
34. Environmental Studies Transport Strategy Team: No objection subject to the inclusion of a condition addressing noise and ventilation.
35. Coal Authority: No objection, subject to the inclusion of conditions.
36. Yorkshire Water: No objection, subject to the inclusion of conditions addressing surface and foul water drainage.
37. Flood Risk Management: No objection, subject to the inclusion of drainage conditions.
38. Land Contamination Team: No objection subject to the inclusion of conditions relating to a Phase 2 (Site Investigation) Report and Remediation Statement.
39. Nature Team: Awaiting comment.
40. Landscaping Team: No objection in principle.

Additional information required.

An updated tree survey showing the site boundary and shadow lines, and an Arboriculture Impact Assessment (AIA) should be commissioned to inform and guide spatial planning of hard infrastructure to help maximize the retention of mature, healthy trees.

More trees could be retained to the NE boundary adjacent to the existing housing Richmond Hill Close to act as buffer.

The proposed tree planting is mainly hidden in the "Link Garden" more landscape treatments with large species trees will be required to the boundaries that will help to assimilate this quantum of development compared to what is existing.

41. Sport England: No comment.
42. West Yorkshire Police: Additional information is required by way of a Crime Impact Assessment prior to determination.

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

43. The application was advertised as a major development and a Departure from the Development Plan. Site notices were posted around the site and the application has been publicised in the Yorkshire Evening Post.
44. As a result of this publication, 16 letters of objection have been received to date, the contents of which are summarised as follows:

##### Historic Environment Concerns

Demolition of the listed buildings is not justified;

##### Design Concerns

The design of the proposed development would have a detrimental impact on the character of the area;

##### Highway Safety and Amenity Concerns

The applicant has over-exaggerated the frequency of available public transport links;

The proposal will exacerbate existing parking congestion issues to the detriment of highway safety;

The site is not located within a sustainable area in terms of local amenities; and,

The proposed access is not acceptable, alternative access points should be considered.

##### Amenity Concerns

The proposal will cause unacceptable overlooking and loss of privacy;

The proposal will overshadow the amenity space for dwellings on Richmond Hill Close;

The proposal will cause unacceptable noise and disturbance during the

construction period; and,  
The proposed access into the site from Richmond Hill Approach will cause noise and disturbance to existing residents.

Other matters

The proposal was not publicised widely enough; and  
The proposal will reduce the value of dwellings locally.

45. Leeds Civic Trust raise no objection to the scheme in principle, but raise concerns about the design of the new apartment block, and comment that the retention of the Presbytery would be preferred.

A number of concerns were also raised with regard to the scale, design and massing of the proposed apartment block. Residential amenity concerns were also raised with regard to space standards.

**PLANNING POLICY:**

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the adopted Core Strategy (amended 2019), the Site Allocation Plan (adopted 2019), saved policies within the Unitary Development Plan (Review 2006) (UDP), the Natural Resources and Waste Local Plan (2017), the Aire Valley Leeds Area Action Plan (AVLAAP) adopted in 2017 and any made Neighbourhood Plans. These development plan policies are complemented by supplementary planning guidance and documents.
47. No Neighbourhood Plans are applicable in this instance.
48. The policies below are considered to be most relevant in this instance:
49. Core Strategy (amended 2019):

- SP1 - Location of development
- SP6 - The housing requirement and allocation of housing land
- SP7 - Distribution of Housing Land and Allocations
- H3 - Housing Density
- H4 - Housing Mix
- H5 - Affordable Housing
- H9 - Minimum Space Standards
- H10 - Accessible Housing Standards
- P9 - Local Community Facilities
- P10 - Design and Context
- P11 - Conservation
- P12 - Landscape Quality, Character and Biodiversity
- T1 - Transport Management
- T2 - Accessibility Requirements

- G1 - Enhancing and Extending Green Infrastructure
- G4 - New Greenspace Provision
- G6 - Protection of Existing Greenspace
- EN1 - Climate Change and Carbon Dioxide Reduction
- EN2 - Sustainable Design and Construction
- EN5 - Managing Flood Risk
- EN8 - Electric Vehicle Charging Infrastructure
- ID1 - Implementation and Delivery Mechanisms
- ID2 - Planning Obligations and Developer Contributions

50. Saved UDP (2006):

- GP5 - General planning considerations
- N14 - Presumption in favour of the preservation of listed building
- N15 - Where the original use of listing building is no longer required
- N16 - Extensions to listed building
- N17 - Works to listed buildings
- N23 - Open space around new development
- N24 - Seeks to ensure that development assimilates into the landscape.
- N25 - Site Boundaries
- BD3 - Disabled access and new buildings
- BD5 - New buildings and amenity
- LD1 - Landscaping
- LD2 - New and altered roads

51. The Natural Resources and Waste Local Plan (NRWLP):

- WATER1 -Water efficiency, including incorporation of sustainable drainage
- WATER 2 -Protection of water quality
- WATER4 -Effect of proposed development on flood risk
- WATER6 -Provision of Flood Risk Assessment
- WATER7 -No increase in surface water run-off, incorporate SUDs.
- LAND1: -Land contamination to be dealt with.
- LAND2: -Development should conserve trees and introduce new tree planting.
- AIR1: -Management of air quality through development
- MINERALS3:-Surface Coal Mineral Safeguarding Area

52. The Aire Valley Leeds Area Action Plan (AVLAAP):

- AVL6 - Identified housing site (AV24 - Capacity 171 units)
- AVL12 - Strategic Transport Infrastructure Improvements (pedestrian/cycle routes)
- AVL13 - Green Infrastructure Network
- AVL14 - Protecting green space
- AVL17 - Applies in respect to carbon reduction and district heating

53. Supplementary Documents/Guidance:

Neighbourhoods for Living: A guide for residential design in Leeds (Dec 2003)

English Heritage: Enabling development and the conservation of significant places

SPG Sustainable Urban Drainage

SPD Street Design Guide (2009)

SPG Sustainable Design and Construction - Building for Tomorrow Today

SPD Leeds Parking Policy (2016)

SPD Accessible Leeds (2016)

SPG S106 Agreements and Developer Contributions

54. National Planning Policy Guidance:

National Planning Practice Guidance (NPPG) recommends that Local Plans should identify specific opportunities for the conservation and enhancement of heritage assets and notes that this might for example include the delivery of development within their settings that would make a positive contribution to or better reveal their significance

The NPPG also makes clear the need to consider the relationship and impact of other policies on the delivery of the positive strategy for conservation.

55. National Planning Policy Framework:

The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and provides a framework for Local Planning Authorities to follow when preparing their local plans. The NPPF must be taken into consideration in the preparation of local plans and is a material planning consideration in determining planning applications.

The aforementioned local planning policies have been considered to be sound when viewed in the context of the NPPF.

The NPPF promotes sustainable development and in order to achieve this, breaks down the role of the planning system into three overarching objectives. The NPPF seeks to ensure that development is sustainable and promotes the economic, social and environmental objectives it has outlined.

At the heart of the NPPF there is a presumption in favour of sustainable development. This means for determining planning applications, development should be approved where it accords with an up-to date development plan, or is refused consent where adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

The following sections are most relevant:

2. Achieving sustainable development

4. Decision-making

12. Achieving well-designed places

16. Conserving and enhancing the historic environment

## **MAIN ISSUES:**

56. Given that a Position Statement is under consideration and the application is not at Plans Panel for determination at this time, only the key planning issues will be covered in order to focus discussion. The key planning considerations for the current proposal are considered to be:
- Housing Delivery
  - The acceptability of the demolition proposed.
  - The acceptability of the church conversion/extension and new block.
  - The case for not delivering the normal package of developer contributions.
  - Highway Safety & Amenity
  - Potential impact on surrounding residents living conditions, including the proposed mean of access and parking arrangements.

## **APPRAISAL:**

### **Housing Delivery**

57. The residential use and number of units proposed is broadly consistent with the housing allocation for the site in the AVLAAP, therefore, this aspect of the scheme is considered to be acceptable in principle.
58. As an identified housing site there are no specific site requirements in the AVLAAP that apply but all other plan policies will remain relevant considerations.

### **Housing Density**

59. The density of the proposed development is well above the minimum 65 dwellings per hectare target set for site within the city centre and fringe, and is therefore in accordance with Policy H3. More generally, the total number of apartments proposed is only very marginally over the site's identified capacity.

### **Housing Mix**

60. Core Strategy Policy H4 requires 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.”*
61. Maximum and minimum targets for each size of unit are also set out in Policy H4 but overall it seeks to ensure that all housing developments provide an appropriate mix of homes to meet the forecast growth of households. In Leeds, like most other large authorities, the main driver of household growth is single person households and the policy's supporting text table reflects this

by seeking a larger proportion of 1 and 2 bed properties (60%) than 3 and 4+ bed homes (40%).

62. The Authority Monitoring Report (AMR) has recorded the housing mix delivered since 2012. The monitoring shows that there has been a constant over provision of 1 and 4+bed homes since 2012. The 1 bed overprovision is mainly focussed in the City Centre and is mainly as a result of a high proportion of apartments in overall housing completions (43%). The 4+bed over provision is as a result of developer preference, largely in the outer areas.
63. The applicant's submission indicates that the development would consist of 83 one-bedroom units (47.4%), 82 two-bedroom units (46.8%) and 10 three-bedroom units (5.7%). Clearly the proposed mix does not comply with the minimum provision of 20% of three bed units as set out in Policy H4 but this is not unusual for apartment schemes. As can be seen in other sections of this report, a balance is proposed in regard to both the amount of built development and also the total number of apartments offered as this directly impacts on the scheme's overall viability.
64. This element of the scheme must therefore be considered in the round and based on the current proposals officers have not raised any objection to this identified policy conflict.

**Do Members wish to comment on the housing mix and density advanced by the applicant?**

**The acceptability of the demolition proposed**

65. The partial demolition of a prominent Grade II\* listed church and the complete demolition of its associated Grade II listed Presbytery can only be considered appropriate in the most exceptional cases and when fully justified in accordance with the guidance contained within section 16 of the NPPF.
66. The proposal would cause substantial harm to the special interest and setting of the listed buildings.
67. Paragraph 195 the NPPF states:
68. *"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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
  - i. the nature of the heritage asset prevents all reasonable uses of the site; and*
  - ii. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

- iii. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
  - iv. the harm or loss is outweighed by the benefit of bringing the site back into use”.*
- 69. The viability statement will be intrinsic in considering the case for demolition. The District Valuer has been consulted and the formal response is expected imminently.
- 70. It will be necessary to provide clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, that preservation from a charitable/community use has not proved possible or that redevelopment would produce substantial community benefits to outweigh the loss resulting from demolition.
- 71. In relation to the proposed apartment block, paragraph 202 of the NPPF states that:
- 72. *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies”.*
- 73. To help reach a decision on these matters, it is suggested that the following issues are taken into consideration before deciding if demolition of any listed building (either wholly or in part) is justified:
  - i. The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.
  - ii. The adequacy of efforts made to retain the building in use.
  - iii. The merits of alternative proposals for the site.
- 74. In summary, clear and convincing justification will be required to justify the demolition of elements of the historic asset. The outcome of the Viability Assessment is still pending at this time but officers are aware through the consideration of previous applications that similar viability challenges have existed and are unlikely to have altered significantly.
- 75. As the site has a long history of planning applications, it is essential that, should an application be recommended for approval, every effort is made to ensure that the new development would proceed after any demolition of the heritage asset has occurred, in accordance with paragraph 198 of the NPPF.
- 76. Notwithstanding the outcome of the Viability Assessment, the merits of the points above can be broadly considered:

The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.

77. In considering the above point, it is obvious the poor condition of both buildings and substantial cost now required for their repair and future maintenance is the overriding reason why the buildings still remain in a derelict state.
78. Whilst the architectural and historic importance of the buildings both individually and as a group is in no doubt, regrettably the condition of both buildings is now so poor it would not be possible to bring them back into any form of use without spending a large amount of capital. As the capital required is not available from heritage grants or other forms of public funding, the buildings have declined steadily over many years with emergency repairs being undertaken more recently by the applicant.
79. Whilst losing such a large amount of the Grade II and II\* listed buildings is far from ideal, this proposal will at least allow a proportion of the most important element of this Grade II\* Listed building on a landmark site in Leeds to be retained.

The adequacy of efforts made to retain the building in use.

80. Mount St Mary's is a Roman Catholic Church and was built for the Irish immigrants who had escaped the potato famine in 1849-1851. The religious use continued until 1989 when it finally closed because of a declining local congregation and it has remained vacant ever since.
81. Up until the church and the associated Presbytery were closed, their physical condition was understood to be reasonable and it is only because neither building has been in use or maintained properly during the intervening period that they have declined so much. Obviously this is very unfortunate and previous difficulties in establishing who was ultimately responsible for their upkeep contributed to their decline. Nevertheless, this is the starting position with respect to the current applications. The applicant only purchased the site in relatively recent years when the majority of the damage had already occurred.
82. Whilst it is clear the site's original owners failed in their duty to secure alternative uses for the buildings or to maintain the buildings, redevelopment schemes have nevertheless been proposed over the years. Unfortunately, these proposals have never been implemented.

The merits of alternative proposals for the site.

83. The proposed loss of the Presbytery and church Nave is regrettable, however their landmark presence within both the local community and on the Leeds skyline would be achieved by replicating the buildings form/grouping and by creating a modern interpretation of the church's original outline and west window. This, in addition to the retention, restoration and future maintenance of the Chancel, Transepts and main Altars (including limited public access) is considered positive in that not only would the most important parts of the church be saved, but also that the site would no longer be the highly visible

example of urban decay on the Leeds skyline that it has been for many years.

84. In addition to the above considerations and in recognition of the exceptional circumstances required before demolition can be considered, a full architectural and historic assessment of both buildings and their setting has been undertaken. The reports clearly explain the significance of both the individual buildings and their group value but concludes that the Pugin elements are by far the most important in architectural terms. This view is supported by both the Conservation Team and Historic England.
85. The fundamental starting point for regeneration of the site is the reuse of both buildings with minimal alterations. As already discussed, no alternative uses have come forward and fundamentally their poor condition, internal layout, location, limited access arrangements and positioning within a residential area (with the exception of the school) is such that a residential use is now the only realistic end use as only this type of use could generate anywhere near the amount of revenue required to achieve the regeneration.
86. With this in mind, the applicant has prepared a variety of residential schemes, starting with 'The Preferred Option' which is essentially the scheme as submitted, then working through three alternative options.
87. A viability assessment for each option has also been undertaken and an indication of the anticipated deficit is provided. The assessment of the viability assessment is pending.
88. Prior to the consideration of any residential options, the appraisal first considers the availability of funding streams from central government, the public sector, private sector and voluntary organisations. Unfortunately, no funding sources are available.
89. Option 1:  
The first alternative option splits the development into three separate blocks. One of the blocks retains the presbytery but with attached extensions on both sides.  
Deficit: -£9,884,906
90. Option 2:  
Option 2 consists of two separate blocks and has reduced the massing around the presbytery.  
Deficit: -£9,158,764
91. Option 3:  
Option 3 proposes a tower block which allows the presbytery to be refurbished and standalone, disconnected from the main church extension.  
Deficit: -£12,277,110
92. Option 4 (The Preferred Option):  
Demolition of church Nave and replacement structure containing 63 flats.  
Presbytery demolished and new block containing 106 flats proposed (i.e. the

current development)  
Deficit: -£7,501,241

93. In considering the acceptability of redevelopment options 1 to 4, clearly some are more preferable in planning terms than others. It is important to note that all of the options are not considered viable.
94. The 'deficit' figures as provided within the applicant's viability assessment are currently being assessed by the District Valuer, and must be confirmed as being reasonable.
95. The applicant has chosen Option 4, as it is the scheme which would bring about the least deficit.
96. If this position is accepted, the advice issued by Historic England regarding enabling development that it is also necessary to consider the consequence of not supporting the current scheme. In this respect, Officers are of the opinion the issue is relatively straightforward and have, in consultation with Historic England expressed the view that it is better to conserve the most important architectural components of the church as identified within the architectural and historic assessments (namely the Chancel and Transepts as designed by Pugin), rather than risk losing both buildings completely.
97. In the light of all the above, subject to confirmation of the figures as shown within the Viability Assessment by the District Valuer, the applicant is considered to have adequately justified the exceptional circumstances to support the case for demolition.
98. To reiterate, *"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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
  - *the nature of the heritage asset prevents all reasonable uses of the site; and*
  - *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
  - *the harm or loss is outweighed by the benefit of bringing the site back into use".*

**Do Members wish to comment on the acceptability of the demolition as proposed, or the viability of the scheme advanced by the applicant?**

**The acceptability of the church conversion/extension and new block.**

99. It is clear that the retention of Chancel and Transepts has greatly influenced

the design of the proposed extension and accordingly the general scale, massing and form of the original Nave has been followed. This approach is considered to be the most appropriate means of re-providing the lost space as the building's iconic form and prominent position on the Leeds skyline would be somewhat retained.

100. The proposed means of connection between the retained church and the extension would be expressed vertically by a slot window and vertical planes within the proposed flank and rear façade, articulating the idea of traditional church architecture.
101. The proposed external facing materials and modern, but sympathetic window fenestration would amount to a clear demarcation of old meeting the new. The proposed bronze external cladding will 'weather in' over time.
102. In this respect, the building's residential use would not be so apparent at first glance and the introduction of a large feature window within the new west elevation (facing towards the city centre) again refers back to the building's original use by providing a modern interpretation of the original stained glass window.
103. The window grid formation has been broken down using vertical louvers and mesh screens. The mesh screens have patterns taken from the retained stained glass windows creating another connection between the old and new.
104. Notwithstanding the above as a reference to the church's original outline, the Nave walls would be retained within the landscaped area to the flank of the extension as a 'ruin'.
105. Turning to the acceptability of the new flat block, it has been designed to respect the contribution originally made by the Presbytery in terms of group impact and its overall height relative to the extended church ensures it is the more subservient building.
106. The new block's massing relative to the extended church is informed by the scale and vertical details of the original church structure. As such, a number of vertical sections are shown to be provided within the elevation facing the extended church and is why the new block effectively 'frames' the church.
107. In design terms, it is considered that the proposed development would amount to an architectural improvement to its historic predecessor. The proposed external facing materials allow the two elements of the scheme, the conversion and extension of the church, and the apartment block, including bronze cladding, to visually tie both buildings together.
108. With respect to the proposed layout, the proposal includes a significant increase in soft landscaping on site, both between the buildings, and around the church, over and above the previously approved schemes.
109. Though there are still areas of hardsurfacing, it is acknowledged that these

are as a consequence of having to provide a reasonable level of on-site parking. In order to break these areas up, further soft landscaping is shown to be provided at various intervals and landscaping will be added at the common boundaries.

110. In addition, a central courtyard would be provided between the extended church and the new block and this would provide the main amenity area for future residents. As acknowledged earlier, the applicant had considered that this area might be feasible as an area of public open space within the scheme. However, it is not considered that, by virtue of its scale, accessibility and siting, that this landscaped area would be readily used by the public. A comprehensive landscaping scheme will be provided although full details would ultimately be secured by condition were the scheme to advance.

**Do Members wish to comment on the acceptability of the conversion and new building(s) proposed?**

**Do Members wish to comment on the formative designs proposed at this stage by the applicant?**

**The case for not delivering the normal package of developer contributions.**

111. Under normal circumstances and in accordance with local and national planning policy, a major residential application containing 175 flats would be expected to deliver the following, main developer contributions:
- Affordable Housing: 7% of the total number of units (12)
  - Off-site green space provision: £214,530.67
  - Public Transport contributions: The cumulative impact of development at the A64/Burmantofts Street junction should also be considered.
112. As discussed above, it is not currently considered that the landscaped area of land between the listed church and the proposed apartment block could reasonably be considered 'public open space', as the land could not readily be considered to be both useable and accessible by members of the public.
113. Policy G4 (green space provision) sets out the requirement for provision of on-site green space outside the city centre based on the number and size of dwellings proposed in the development. Green space provision based on 175 apartments and the mix set out in the applicant's submission is calculated to be 5,096 sqm. The applicant is not proposing to provide on-site green space and this would be difficult to achieve in any case given the scale of the requirement and the size and characteristics of the site. Assuming no on-site green space provision is provided, the off-site financial contribution is calculated to be £214,530.67
114. The developer has made clear within its submission that it cannot afford to

provide normal developer contributions and this also includes the cost of delivering 12 affordable units. As already reported, officers are waiting to hear back from the District Valuer but hope to be able to update Members verbally on this matter as part of the officer presentation.

115. As outlined above, the proposal currently fails to comply with a number local and national planning policies in relation to developer contributions that would usually be required to mitigate what would otherwise be the adverse impacts created by the development. This has to be balanced against consideration for the redevelopment opportunity that the application presents, including the restoration and return to use of a derelict, listed building.

**Do Members wish to comment on the failure to deliver the required planning obligations?**

**Potential impact on surrounding residents living conditions**

116. The relative proximity of the proposed apartment block to nearby dwellings on Richmond Hill Close is acknowledged as a separation distance of approximately 24m between each building.
117. As 'Neighbourhoods for Living' suggests a minimum distance of 18m should normally be provided for similar relationships, the additional separation provided is considered adequate to compensate for the extra floors proposed and is broadly comparable to the relationship accepted on previous applications. Elsewhere, separation distances are also considered adequate to ensure that overlooking does not occur to an unreasonable extent.
118. With respect to possible reduction in the amount of daylight/sunlight received by existing residents, as with the overlooking issue the separation distance provided relative to the total height of the building is such that any loss of direct sunlight would be unlikely as it is at least 13m to the common boundary which itself comprises of a 2.5m high wall that is to be retained.
119. In terms of a possible reduction in the amount of daylight received, the houses themselves are considered to be a sufficient distance from the new block to ensure the living accommodation would not be adversely affected. A degree of overshadowing/loss of light, however, is expected to affect parts of the rear gardens although the orientation of the block relative to the gardens is such that it would only occur in the latter part of the day. As such, the potential impact on existing residents living conditions is considered to fall within acceptable tolerances and accordingly officers have not raised concerns in this regard, although the objectors comments on these matters are nonetheless acknowledged.
120. Turning to the impact on future occupiers, Neighbourhoods for Living provides guidance regarding housing developments and notes that family houses should have a reasonable level of outdoor amenity space. The proposal has been updated relative to previous schemes and now complies with both internal space standards in compliance with Policy H9.

121. The proposal also complies with Policy H10, which sets out accessible housing standards and states that 30% of dwellings meet the requirements of M4 (20 and 2% of dwellings meet the requirements M4 (3) of Part M Volume 1 of the Building Regulations. Additional information has been requested in this regard to clarify which apartments meet these standards specifically.

**Do Members wish to comment on the scheme's impact on existing residential amenity and the future residential amenity of occupiers advanced by the applicant?**

**Highway Safety and Amenity**

122. The site is located in a highly accessible location in the City Centre Fringe identified by the Parking SPD. The Transport Statement (TS) identifies the accessibility standards for housing as set out in Appendix 3 of the Core Strategy and demonstrates that the site meets the recommendations.
123. In addition to the above, the applicant has provided two Car Club spaces and cycle storage facilities, to further promote the travel sustainability of the site.
124. The principle of vehicle access via Richmond Hill Approach was previously approved under the historic permissions (07/05805/FU and 11/01019/EXT) and is proposed again at part of this scheme. Whilst officers acknowledge this would open up what is otherwise a relatively quiet cul-de-sac to more activity and this is a significant concern to these existing residents, this is the only suitable vehicular access into the site. Noting no technical highway objection exists and the level of activity is not so sufficient as to warrant a refusal on amenity grounds, officers again support the proposed access arrangements into the site.
125. Construction traffic would impact on Richmond Hill Approach. A dilapidation survey would need to be undertaken prior to construction and the road and footways would need to be repaired and re-surfaced prior to occupation of the development. In addition, a Construction Management Plan would be appropriate to agree contractor access and parking arrangements during construction. These matters can be addressed by way of condition.
126. Noise disturbance may arise from refuse collection to from the application site once the development is occupied. Additional information has been requested from the applicant to ensure that no significant noise and disturbance occurs by virtue of refuse collection on site.
127. On the issue of parking, Highway Officers have acknowledged that the proposed level of car parking could lead to a demand for parking on the adjoining residential streets, which do not have any parking restrictions. The possibility of introducing a permit parking scheme is currently under consideration.
128. The Transport Statement advises that 56 parking spaces are proposed for the

175 apartments, equal to provision of just 32%. Full provision would provide approximately 175 car parking spaces. In considering this level of provision, officers are mindful of the proximity to the city centre and the direct pedestrian link to it. Therefore on balance this level of provision is considered to be acceptable.

129. Notwithstanding the above and as raised in some of the neighbour objections, some occupants and visitors may choose to park on the surrounding highway. The streets leading to the development from the east are not subject to any parking restrictions at the present time and a developer funded permit parking scheme would be appropriate if the application were to be supported. This matter is currently being discussed in detail with the applicant but it is a concept that has previously been accepted as part of historic approvals.
130. Policy EN8 requires all applications for new development to meet a new minimum standard for the provision of electric vehicle charging points, at a ratio of 1 charging point per residents' parking space and 1 charging point per 10 visitor spaces. EVCPs are provided for all but two parking bays as per the policy, with final details and provision to be secured by condition of any approval.
131. 152 cycle parking spaces will be provided at the site in an internal store on the ground floor of the new apartment block and in external bike storage facilities. Detail and provision will be secured by condition of any approval.
132. It is acknowledged that additional information is currently sought to address some existing concerns raised by Highways Officers. An update will be given on these matters when they are resolved. It is expected that these elements will be resolved prior to Plans Panel.

**Do Members wish to comment on the impact on highway safety and amenity, including the access as proposed by the applicant?**

**CONCLUSION:**

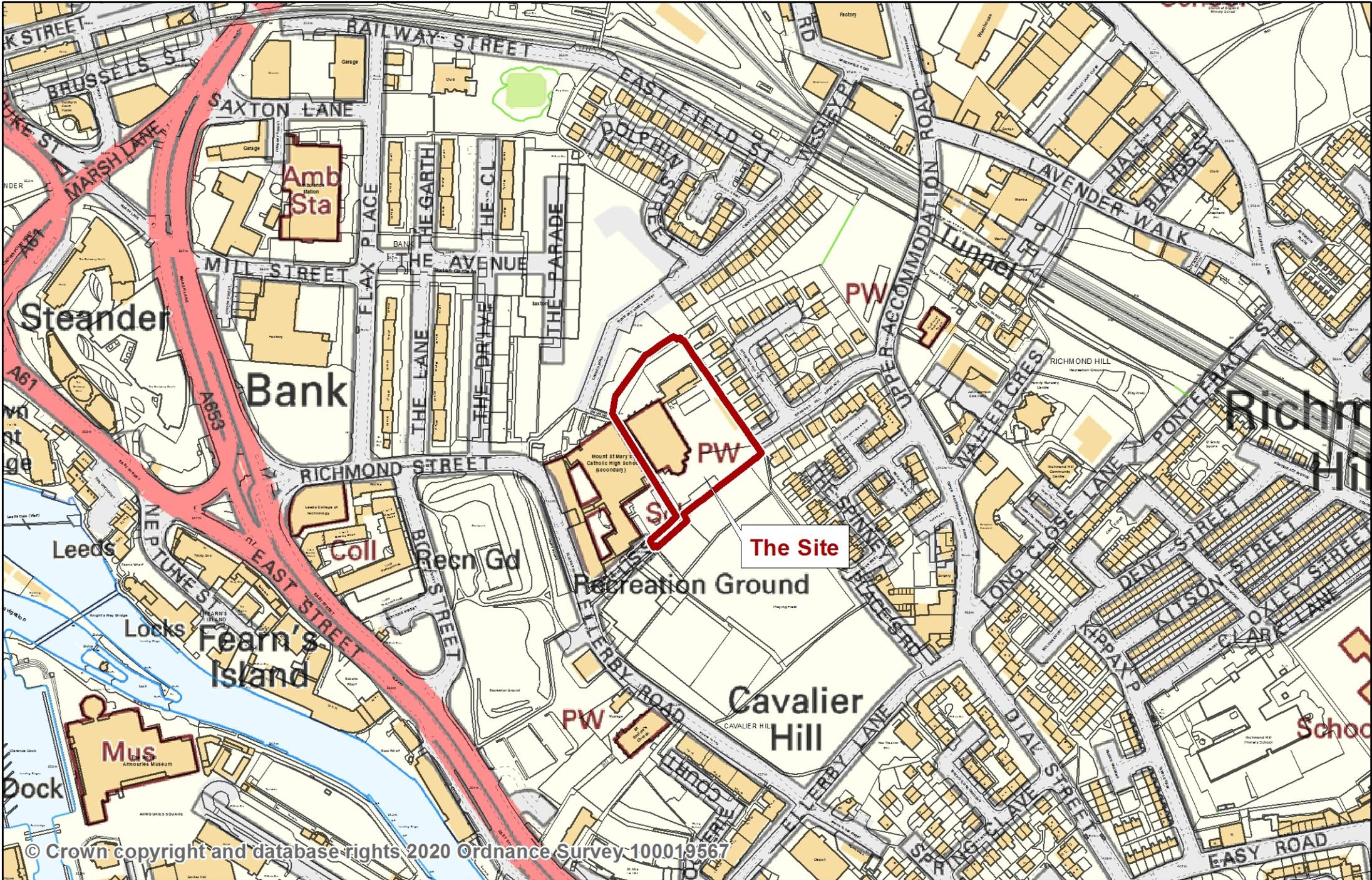
133. Subject to additional information being provided as discussed, and the above matters being addressed by way of conditions, with particular attention paid to the response from the District Valuer in regard the Viability Assessment, the principle of the proposed development may be considered acceptable.
134. In the event of a favourable officer recommendation being advanced and then supported by Panel Members, prior to the applications being determined, they must be referred to the Ministry of Housing, Communities and Local Government as a demolition application of a Grade II\* listed building to ascertain if the Secretary of State wishes to call in either application for determination.
135. Members are respectfully requested to provide answers to the questions posed in the main body of this report, all of which are reproduced below for ease of reference and to offer any additional comments that they consider are

appropriate regarding this development proposal:

- Do Members wish to comment on the housing mix and density advanced by the applicant?
- Do Members wish to comment on the acceptability of the demolition as proposed, or the viability of the scheme advanced by the applicant?
- Do Members wish to comment on the acceptability of the conversion and the new building(s) proposed?
- Do Members wish to comment on the formative designs proposed at this stage by the applicant?
- Do Members wish to comment on the failure to deliver the required planning obligations?
- Do Members wish to comment on the scheme's impact on existing residential amenity and the future residential amenity of occupiers advanced by the applicant?
- Do Members wish to comment on the impact on highway safety and amenity, including the access as proposed by the applicant?

**Background Papers:**

Application file: 07/05804/LI, 07/05805/FU, 11/01021/EXT, 11/01019/EXT & pre-application papers.



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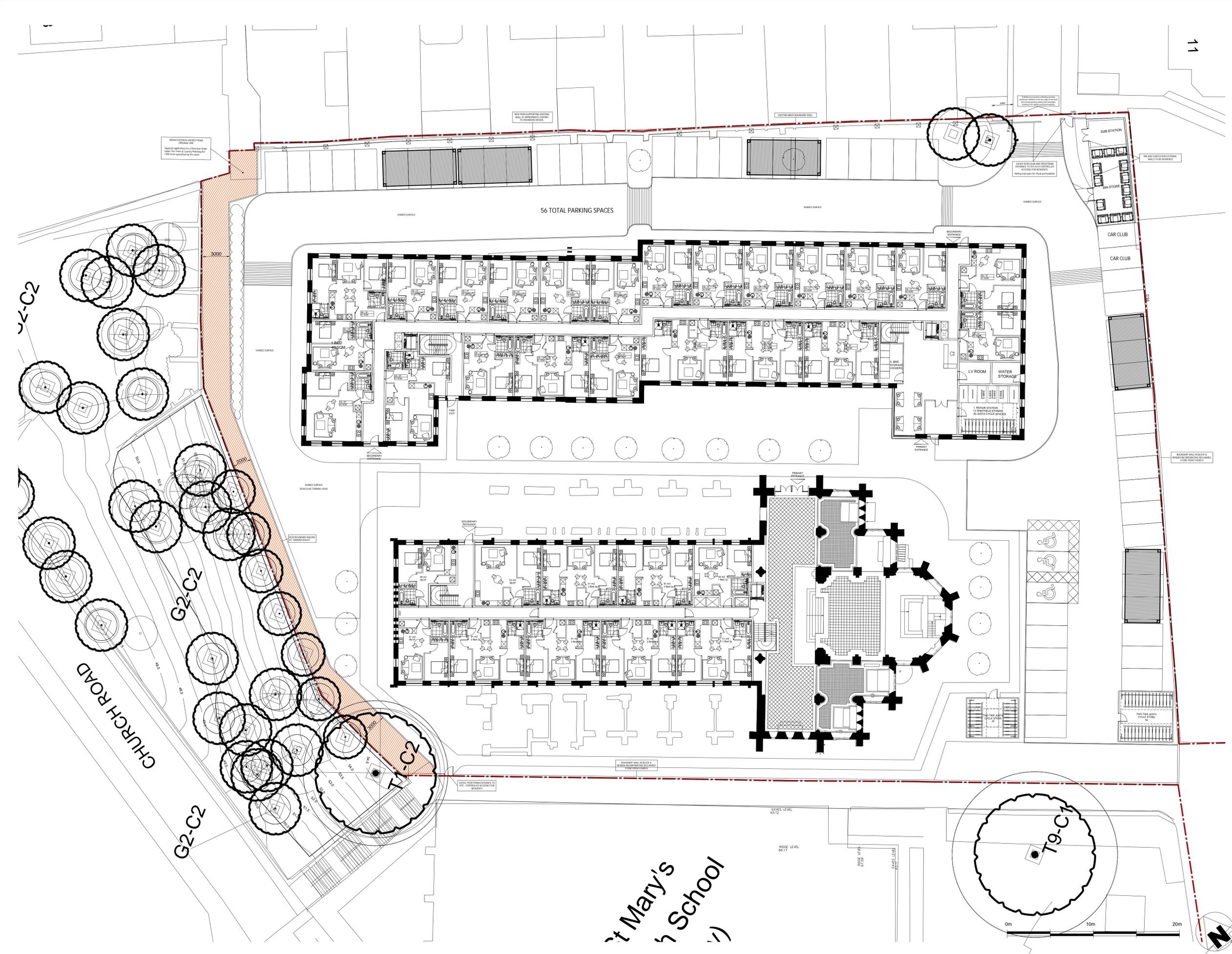
# PLANS PANEL PRESENTATION

SCALE 1:3500



**PROW FOOTPATH**  
 Separate application for a Diversion Order under The Town & Country Planning Act 1990 to be submitted by the client before development commences.

 PROPOSED ENCLOSED PROW PATH



REV: A (DATE: 02/11/20) DRAWN: WH | CHECKED: MH  
 PROPOSED LAYOUT ADJUSTED TO INCORPORATE PROW FOOTPATH. TOTAL PARKING NOW 56 FROM 57. VISIBILITY INCREASED AT ENTRANCE NORTHWEST TURNING HEAD ADJUSTED & MINOR AMENDMENTS.

REVISIONS

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**MOUNT ST MARY'S**  
 LEEDS

**PROPOSED STIE PLAN**

Drawn: WH | Scale: 1:200 @ A1  
 Date: 13/03/2020 | Checked: CA

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