



**Leeds**  
CITY COUNCIL

Originator: David Jones

Tel: 0113 3788023

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**Report of the Chief Planning Officer**

**NORTH & EAST PLANS PANEL**

**Date: 9<sup>th</sup> December 2021**

**Subject: 20/03519/FU and 20/03520/LI - Demolition of the Nave and Aisles of the church, replaced with a six storey 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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**RECOMMENDATION: DEFER AND DELEGATE** grant of planning permission and listed building consent to the Chief Planning Officer for approval subject to the conditions specified below (and any amendments to the same or others which he might consider appropriate) and the completion of a Section106 Agreement pursuant to the planning permission to include the following obligations:

- **City Car Club - provision of 2 spaces; one provided prior to first occupation and a second space to be provided 12 months after occupation if required**

- **Traffic Regulation Orders - £20,000 contribution to be paid prior to occupation and spent on relevant parking controls on the adjacent streets.**
- **Leeds City Council Travel Plan Review fee of £3,660.00**
- **Viability Review Clause to include early, mid and late stage reviews:**

**Contributions subject to the viability review clause:**

- **Off-site contribution for the provision of Public Open Space within Burmantofts & Richmond Hill - £213,339.44**
- **Off-site contribution for the provision of Affordable Housing within Burmantofts & Richmond Hill – To be confirmed at Panel**
- **Residential Travel Plan Fund of £43,793.75**
- **Off-site contribution towards the delivery of Biodiversity Units to deliver Net Gain - £42,240**
- **Off-site cumulative impact contribution toward improvements to the local highway network in accordance with the draft Transport SPD - £87,500**

**In the circumstances where the Section 106 Agreement has not been completed within 3 months of the Panel resolution to grant planning permission and listed building consent, the final determination of the application shall be delegated to the Chief Planning Officer.**

**CONDITIONS (20/03519/FU):**

1. 3 year time limit
2. Approved plans
3. Phasing condition prior to occupation
4. Phasing method statement
5. Phasing of construction works
6. Material samples
7. Protection for birds and bats
8. Mitigation Method Statement Bats
9. Lighting Design Strategy Bats
10. Hard and soft landscaping
11. Landscaping implementation
12. Cycle Parking
13. Electric Vehicle Charge Points
14. Footpath crossing with reinstatements
15. Vehicle space to be laid out
16. Highway condition survey
17. Provision for contractors
18. Construction practice
19. Accessibility H10
20. Drainage separate systems
21. No piped discharge of surface water
22. Noise and ventilation protection
23. Intrusive site investigations
24. Site investigation findings

25. Verification report coal
26. Submission report and remediation strategy
27. Amendment of remediation strategy
28. Verification report contamination
29. Importing soil
30. Unexpected contamination
31. Surfacing materials to be agreed
32. Boundary treatments to be agreed
33. Wheel cleaning facilities required.
34. External lighting details to be agreed.
35. Drainage details to be agreed (multiple conditions).
36. Details of compliance with Policies EN1 & EN2 and verification of.

**Conditions (20/03520/LI):**

1. Approved plans
2. Phasing condition prior to occupation
3. Phasing method statement
4. Phasing of construction works
5. Material samples
6. External lighting details to be agreed.

**INTRODUCTION**

1. Members resolved to defer and delate approval of these applications to officers (subject to completion of S106 Agreement) at the 18<sup>th</sup> February 2021 meeting of the North and East Plans Panel. This scheme is now returning to Panel as the applicant is now seeking greater flexibility in terms of the potential delivery method (to include both Build to Rent, as originally reported, and now Build to Sale too). As the chosen delivery method would have implications for the scheme's overall viability compared to that which was originally presented to Members in February it is necessary for this element of the proposal to be presented for consideration.
2. In view of the narrow focus which Members are now being asked to consider, this report is limited to the consideration of the viability appraisal only and how the review mechanism will be undertaken, rather than seeking to revisit the scheme in its entirety - which has not altered. It should also be noted that there have been no other changes to material considerations since the proposals were last reported to Panel including that the planning policy context remains the same. Nonetheless, in recognition of the fact that a number of current Panel Members were not party to the consideration of the scheme in February 2021, and that it is strictly speaking open to Members to consider all elements of the scheme, a copy of the original officer report is attached (Appendix 1) and also the minutes from the February 2021 meeting (Appendix 2).
3. The officer recommendation remains as set out in February 2021 with the

exception of the delivery method which now includes both Build to Rent and Build to Sell options. Members are therefore asked to reaffirm the previous resolution to defer and delegate approval of both applications to officers, subject to completion of the S106 Agreement (and conditions), and to allow the proposed change to the delivery method to be included for the purposes of undertaking any viability review that may be required.

## **CONSIDERATION OF THE VIABILITY APPRAISAL**

4. When this scheme was formally considered in February 2021, it was accompanied by a viability appraisal. This was by way of supporting justification for the applicant's contention that (a) the full retention and conversion of the existing listed buildings was not viable and a certain amount of demolition (as proposed) and (b) because of this it would not be possible to make the number or extent of S106 contributions normally required under local and national planning policy. The submitted viability appraisal was reviewed in the normal way by the District Valuer (DV) and the outcome of this independent examination formed part of the decision-making process. In addition, the DV spoke to this at the February 2021 Panel meeting and responded to Members questions with regard to viability.
5. Although the original submitted viability appraisal did contain details for both delivery methods, confirmation was provided at the time that the Built to Rent model was the more likely of the two options and so the detailed assessment undertaken by the DV focused solely on this. This also meant that Panel Members were only ever presented with information relating to Build to Rent.
6. Build to Rent schemes are typically much less risky for developers which means the profit level for the purposes of both the initial viability appraisal and any subsequent review (which is of relevance to this scheme) can be relatively low and certainly much lower than the Build to Sell option. A profit level of 8% was therefore accepted and this same level would then follow through to the viability review(s) that are required as part of the S106 obligations.
7. No changes to the above position are proposed but to give the developer more options in terms of attracting investment to help deliver the scheme, a request to also include the more traditional Build to Sell option within the drafting of the S106 obligations is advanced.
8. As before, the DV has considered the viability appraisal on the basis either delivery route could be advanced and the overall assessment that the scheme is not viable does not alter. This conclusion is based on a developer profit level of 15% for the Build to Sell option or 8% for Build to Rent.
9. Officers consider a Build to Sell profit level of 15% to be reasonable as the advice in the National Planning Practice Guidance on viability suggests profit levels between 15% and 20% will be acceptable in most instances. A

summary report of the DV's assessment is included at the foot of this covering report and as can be seen in the Non-Technical summary table the Build to Sell option is significantly less viable than Build to Rent.

10. In reflecting on the above, the proposed introduction of the Build to Sell option is largely academic on the basis the scheme is still not viable under either option. Furthermore, the inclusion of viability review clauses within the S106 still provides the Council with the opportunity to revisit the viability position in the event the scheme is not implemented in the short term and/or profit margins alter over time. Officers are therefore supportive of allowing the Build to Sell option to feature within the S106 obligations in addition to Build to Rent clauses - which Members have already accepted. A profit level of 15% would however need to be applied and feed into any viability appraisal review.
11. In addition to the above and for Members information, the submitted viability appraisal makes no allowance for Community Infrastructure Levy (CIL) – for which this application would be liable. It is understood the applicant intends to apply for special CIL relief under the Council's Exceptional Circumstances Policy. This process is however separate to the consideration of these applications and can only be applied for after planning permission has been granted. Accordingly, any such request will be assessed separately but if not accepted will clearly only worsen the viability position as currently presented. The CIL payment initially calculated is approximately £73,568. As noted, this is for Members information only and is not a material planning consideration in the assessment of the overall applications and decision-making process.
12. Linking into the above, the applicant may also request for Vacant Building Credit (VBC) to be applied to the affordable housing component of the S106 obligations. VBC allows the floorspace of existing buildings that are to be redeveloped to be offset against the affordable housing requirement, which in turn would impact on the scheme's overall viability and baseline inputs for any viability review. VBC was introduced with the intention of incentivising the redevelopment of vacant buildings and to help tackle the disproportionate burden of developer contributions.
13. As with CIL, a formal request to the Council has to be made before VBC is potentially applied. No such request has been made but were it to happen it would represent a material consideration that would then need to feature in any viability review. It is nonetheless important to recognise that caselaw has clearly established VBC should not automatically be applied without regard being paid to the full circumstances of each given case, including the provisions of the development plan policies. Each matter will be taken on a case-by-case basis.
14. In the absence of a formal request for VBC to be applied, it is difficult for officers to comment further on this matter. However, in deciding if VBC should be applied, the following would normally be of relevance:
  - whether the building has been made vacant for the sole purposes of

- re-development;
  - whether the building can be regarded as abandoned rather than just vacated; and
  - whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.
15. For the avoidance of doubt, VBC does not apply where a building(s) has been abandoned. On this issue, the courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:
- the condition of the property
  - the period of non-use
  - whether there is an intervening use; and
  - any evidence regarding the owner's intention

## **CONCLUSION**

16. The content of both the planning and listed building applications have not altered since the Members of the North and East Plans Panel formally resolved to grant permission in February 2021. The substantive material considerations which applied at the time have also not altered and as such, the scope of this report is deliberately focused on the proposed changes to the S106 in terms of how the scheme's viability will be assessed as part of any subsequent review.
17. As originally considered, the viability appraisal only presented a single delivery method via Build to Rent and where a developer profit level of 8% was accepted. The applicant, whilst content with the original proposal would nonetheless like the ability to also deliver the scheme via the more traditional Build to Sell route with a developer profit of 15%.
18. Although it is clear from the DV's appraisal the Build to Sell option is the less viable of the two options, this could obviously alter and its inclusion would at least provide the applicant with greater flexibility to bring forward the scheme. As the proposed developer profit for the Build to Sell option at 15% is considered by officers to represent an acceptable return in the context of the development proposals and noting also that viability review clauses are already included as part of the officer recommendation, no objection is raised to the proposed S106 changes.
19. Panel Members are therefore recommended to reaffirm the original officer recommendation to defer and delegate approval of the applications subject to completion of the S106 and conditions but to include a second delivery method via Build to Sell.



## DVS Independent Review of a Development Viability Appraisal

<b>Proposed Development</b>	Demolition of the Nave and Aisles of the Church, a place for the six storey extension, the Chancel, transport areas and Altars will be retained and restored containing 62 apartments. The presbytery will also be demolished and replaced with a five storey apartment block of 113 apartments (total residential development comprising of 175 units); other works include new access, proposed ECVP, ECVP parking, cycle storage and landscaping works subject of assessment.
<b>Subject of Assessment:</b>	The Former St Marys Church, Church Road, Richmond Hill, Leeds, LS9 8LA
<b>Planning Ref:</b>	20/03519/FU
<b>Applicant:</b>	Estate Aid Limited
<b>Applicant's Viability Advisor:</b>	

The applicant's advisor has submitted a report which contains a variety of options for development of the property.

The applicant has considered the viability of the scheme submitted for planning herein and is referred to as the applicants preferred option. The preferred option scheme restores the Chancel but all other existing buildings are demolished and the site is redeveloped to provide 175 apartments across two blocks. One block is an extension to the Chancel and another is a new block along the eastern boundary of the site.

I have carried out a viability review assessment of the applicants preferred option which is the development of 175 apartments across two blocks and including the Chancel as a build to rent scheme (PRS). In addition, I have reviewed the developments viability based on 1) a build to rent scheme and 2) a build to sell scheme.

The proposed development will comprise 175 x 1, 2, and 3 bedroom apartments suitable for occupation as build to rent accommodation.

I have carried out a detailed review of the applicants revenues. In addition, Leeds City Council has appointed an independent cost consultant to comment on the applicant's development costs. This Viability Report concludes a neither a build to rent or build to sell are not viable and cannot provide any affordable housing or contribute towards Section 106 Costs or CIL.

The scheme is unviable due, in part, to the costs associated with retaining part of the Grade II\* listed structure which requires refurbishment works in order to incorporate it within the scheme.

Non-Technical Summary of Viability assessment Inputs

Policy Compliant Inputs	Agent Viability conclusion Build to Rent Scheme (Preferred Option)	DVS Viability Review Build to Rent Scheme (20% Discount to Market Value Rents)	DVS Viability Review Build to Sell (7% 12 units) Policy Compliant Scheme Conclusion	Agreed (Y/N)
Assessment Date	June 2020	June 2020	June 2020	Y
Scheme, Gross Internal Area, Site Area	175 apartments, 11,084m <sup>2</sup> 1.97 acres (0.79 hectares)	175 apartments, 11,084m <sup>2</sup> 1.97 acres (0.79 hectares)	175 apartments, 11,084m <sup>2</sup> 1.97 acres (0.79 hectares)	Y
Development Period	25 months	25 months	43 months	Y
Net realisation	£26,299,049	£30,002,381	£28,221,632	N
Affordable Housing	£Nil	£Nil	£Nil	N
Planning Policy / S.106 Total	£Nil	£214,530	£214,530	N
Construction Cost inc. Prelims, External Works Total and £/m <sup>2</sup>	£26,146,883 £2,337.88 (per m <sup>2</sup> )	£26,146,883 £2,337.88 (per m <sup>2</sup> )	£26,146,883 £2,337.88 (per m <sup>2</sup> )	N
Abnormal Cost	£3,023,496 (Chancel)	£3,023,496 (Chancel)	£3,023,496 (Chancel)	Y
Contingency (new build)	5%	5%	5%	Y
Contingency (Chancel)	7.5%	7.5%	7.5%	Y
Professional Fees	6%	6%	6%	Y
Finance Interest and Sum	6.25% - £678,271	5% - £986,197	5% - £986,197	N
PRS Investment Agency Fees	1% - £262,990	0.75% - £228,642	Not Applicable	N
Legal Fees	0.5% - £131,495	0.5% - £152,148	0.5% - £152,148	N
Land Acquiring Costs	Not Calculated (negative land value)	Not Calculated (negative land value)	Not Calculated (negative land value)	N
Profit Target %	10% of Gross Development Cost	8% of Gross Development Cost	15% of Gross Development Value	N
Residual Land Value	Negative Land Value -£3,716,626	Negative Land Value -£1,069,019	Negative Land Value -£6,372,776	
EUV	Not presented by applicant	£1	£1	N
EUV Premium to BLV	Not presented by applicant	0%	0%	N
Benchmark Land Value	Not presented by applicant	£1	£1	N
Purchase Price (if relevant)	Not presented by applicant	Not presented by applicant	Not presented by applicant	N/A
Alternative Use Value	Not applicable	Not applicable	Not applicable	N/A
Viability Conclusion	Not viable	Not viable	Not viable	Y

# APPENDIX 1



**Leeds**  
CITY COUNCIL

Originator: Hannah Lucitt

Tel: 0113 3781413

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## Report of the Chief Planning Officer

### NORTH & EAST PLANS PANEL

Date: 18<sup>th</sup> February 2021

**Subject: 20/03519/FU and 20/03520/LI - Demolition of the Nave and Aisles of the church, replaced with a six storey 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

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Narrowing the Gap

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**RECOMMENDATION: DEFER AND DELEGATE** grant of planning permission and listed building consent to the Chief Planning Officer for approval subject to the conditions specified below (and any amendments to the same or others which he might consider appropriate) and the completion of a Section 106 Agreement pursuant to the planning permission to include the following obligations:

- **City Car Club - provision of 2 spaces; one provided prior to first occupation and a second space to be provided 12 months after occupation if required**
- **Traffic Regulation Orders - £20,000 prior to occupation to be held by the Council for 10 years unless spent on relevant parking controls on the adjacent streets prior to commencement.**
- **Leeds City Council Travel Plan Review fee of £3,660.00**

**Viability Review Clause:**

<b>Early stage review</b>	If the permission hasn't been 'substantially implemented' within 24 months from the date of grant of permission this triggers a review of the viability position at the point when substantial implementation is reached. If substantial implementation has been reached within the 24 month period, it doesn't trigger any review. An early stage review will still use estimated figures (as at this point actual values haven't been achieved yet).
<b>Mid stage review</b>	At the sale of 50% of the units the actual development costs and receipts to date will be assessed to identify if there is a surplus. Any additional provision made at the early stage review (e.g. if based on the early stage review a POS contribution had been provided) should be offset against what is required at this stage.
<b>Late stage review</b>	At the sale of 75% of the dwellings, the actual costs and receipt to date will be assessed to identify if there is a surplus. A late stage review must take place prior to sale of the whole development to ensure that the review and any additional contribution arising from it are enforceable. Any additional provision made at the early and mid stage reviews should be offset against what is required at this stage.

**Contributions subject to the viability review clause:**

- **Off-site contribution for the provision of POS within Burmantofts & Richmond Hill - £213,339.44**
- **Off-site contribution for the provision of AH within Burmantofts & Richmond Hill – To be confirmed at Panel**
- **Residential Travel Plan Fund of £43,793.75**
- **Off-site contribution towards the delivery of Biodiversity Units to deliver Net Gain - £42,240**
- **Off-site cumulative impact contribution toward improvements to the local highway network in accordance with the draft Transport SPD - £87,500**

**In the circumstances where the Section 106 Agreement has not been completed within 3 months of the Panel resolution to grant planning permission and listed building consent, the final determination of the application shall be delegated to the Chief Planning Officer.**

**CONDITIONS (20/03519/FU):**

1. 3 year time limit

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**Conditions (20/03520/LI):**

1. Approved plans
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4. Phasing of construction works
5. Material samples
6. External lighting details to be agreed.

**INTRODUCTION:**

1. These applications are presented to North and East Plans Panel as they comprise 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 represent a departure from the Development Plan.

2. The applications also have potential wider implications which warrant consideration by Members. This application was originally presented to Plans Panel as a Position Statement on 03<sup>rd</sup> December 2020. The application has been revised to respond to the concerns and comments raised by Panel Members and is now presented for formal determination.
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. None of these have been implemented and all have since expired. The last permissions expired in September 2014.
4. 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.
5. So that Members are aware, it is also to be noted that the applicant has proposed (with supporting justification) 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 a number of the contributions normally required under local and national planning policy

6. Members were previously 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. This is no longer the case as the referral requirements have changed since previous applications were considered.

**POSITION STATEMENT UPDATE:**

7. Below is a summary of the main issues discussed at the position statement stage and the response received:

<b>Member question</b>	<b>Response by Applicant</b>	<b>Officer Response</b>
Members requested further information in respect of housing needs in this locality and how the accommodation proposed as part of this	The applicant provided additional information in terms of a Housing Needs Assessment and	Further consideration regarding housing mix/need is provided within the appraisal (paras 94-101)

<p>application sits against the identified need.</p> <p>Members also requested a more detailed explanation as to why the numbers of units proposed as part of the application is greater than that set out in the housing allocation for the site.</p>	<p>set out their case as to why their proposal is acceptable.</p>	<p>and officers feel able to support the current mix when considering these applications in their entirety.</p>
<p>Significant concerns were raised about the proposed demolition and the loss the listed buildings.</p> <p>However, balanced against this Members acknowledged that the viability evidence submitted indicated that such demolition appeared necessary to save the retained Grade II* element of the church building.</p>		<p>Member's comments noted.</p>
<p>In light of the viability evidence Members were generally supportive of the proposed new build and conversion and of the design approach.</p> <p>Some concern was raised in respect of the palette of materials for the new build apartment block and that, consequentially, the building might visually dominate and detract from the church.</p>	<p>The applicant has provided further detailed specification of the material pallet as proposed to better show Members how the new build apartment block will differ from the materials proposed within the church extension.</p>	<p>Officers are content with the materials proposed but further information on this will be provided as part of the officer presentation.</p>

<p>Significant concerns were expressed about the failure to deliver on any of the planning policy obligations that a development of this nature and scale would normally expect to generate.</p> <p>Members questioned the applicant and his representatives on the profitability and long term viability of the scheme.</p> <p>In light of this Members requested that officers and the applicant discuss the possibility of entering into an agreement that links delivery of appropriate obligations on an appropriate phased basis if and when the development delivers a reasonable level of profit.</p>	<p>Applicant has entered into negotiation to include viability review clause as part of a s.106 agreement.</p>	<p>Essentially review clauses will be introduced into the legal agreement (para 125)</p>
<p>The relationship between the new build apartments to neighbouring dwellings was noted. The degree of separation between the two was noted and, in light of the council's residential design guidance, no significant concerns were raised.</p> <p>Members wanted re-assurance that policy requirements in respect of internal space standards and accessible housing would be met.</p>	<p>The applicant has made minor revisions to plans to ensure that accessibility standards are met on site.</p>	<p>Member's comments noted in regard proximity to neighboring dwellings.</p> <p>(paras 130 &amp; 131)</p>
<p>Panel noted ward Members' concerns over</p>		

<p>the proposed vehicular access to the development and the suggested alternative access proposal. However, Members considered that the proposed vehicular access arrangements contained within the application to be the best of the available options.</p> <p>Concerns were raised over pedestrian accessibility to the site and whether the proposals provided suitable and appropriate access for all.</p> <p>Members requested that further information be provided about the existing steps that provide access to the site. Particularly who has responsibility for the maintenance of the steps, their usability and heritage value/importance.</p>	<p>The applicant has made minor revisions to plans to ensure that accessibility standards are met on site.</p>	<p>The steps are confirmed not to fall within the applicants ownership.</p>
<p>Members also asked officers to explore and set out how the proposed retention and conversion of the Pugin designed element Grade II* listed building can be secured and delivered as part of any planning permission granted.</p>		<p>This has been secured by a number of phasing conditions.</p>
<p>Members also requested that the officers and the applicant explore</p>	<p>The applicant is reviewing alternative</p>	

<p>alternative avenues of funding including from heritage grants from the Irish Government due to the link between the building's history and Leeds' Irish community.</p>	<p>avenues of funding albeit none is understood to be available.</p>	
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**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 138 cycle parking spaces, and 51 standard car parking spaces with EV charging, 3 disabled parking spaces with EV charging, and 2 car club spaces with EV charging 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. The steps form part of an existing (though unused and blocked) PROW. The steps are not within the applicant's ownership but form an important historic link between the application site and the former residential area of 'Bank', (now demolished). These steps lead to a further set of steps behind the Urban Splash development.
18. As the developer is not proposing to make any contributions for affordable housing, public open space, or other 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 full extent 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:**

19. 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.
20. 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.

21. 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.
22. 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.
23. 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 nave 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:**

24. Officers have met with the planning agents at an early stage to discuss the proposals. As part of this, 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.
25. As part of the pre-application, Ward Members were consulted and have continued to be engaged during the formal application process. Ward Members 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.
26. In the light of this request, the applicant explored the alternative access route suggested to the site. However, Places Road was not considered a suitable option as it would be through Leeds City Council land which is formally allocated as greenspace that is also used to provide playing pitches.
27. In addition, officers note Places Road that although an adopted highway it is a narrow and 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 accordingly any intensification in its use would be detrimental to highway safety.
28. Furthermore, 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.
29. 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.
30. Since consideration of the application as a Position Statement further discussions have taken place to respond to any issues/concerns raised. Ward Members have also been contacted but at the time of writing had not yet responded. An update on this matter will be provided to the Panel as part of the officer presentation.

#### **CONSULTATION RESPONSES:**

31. Local Plans: Proposal is not compliant with a number of Local Plan policies including Policies H4, H5 and G4.

There are complications and abnormal development costs associated with this scheme and these may be reasonable grounds for accepting a mix which falls outside the targets set out in Table 4 of the relevant policy. Providing that the viability case is justified and the weight accorded to the retention/restoration of the listed building outweighs other planning policy and material considerations, no objection would be raised to the housing mix proposed on planning policy grounds.

This would be on the basis of the flexibility offered by the policy for individual sites and the very specific circumstances relating to this scheme rather than on the basis of setting any general precedent.

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.

32. PROW: No objection, subject to the PROW being enclosed as agreed with applicant.

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.

A phasing condition has been agreed with the applicant to ensure that the most important element of the Grade II\* listed church is retained.

33. 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.

34. Highways Team: No objection, subject to conditions. Traffic Management have advised that a contribution of £20,000 would adequately cover the costs of implementing a resident car parking permit scheme on the adjacent streets if this were to prove necessary following occupation of the building. A S106 Obligation is therefore required to cover these costs. This has been agreed by the applicant.

It should also be noted that a Direction would require that no occupants of the development would be eligible for a permit in any of existing or future permit controlled zones.

A further contribution of £87,500 is sought toward improvements on the local highway network for the reasons set out in the initial highway consultation response, this has not been addressed by the revised Transport Statement. This contribution is included as part of the viability review clause.

35. 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.
36. Environmental Studies Transport Strategy Team: No objection subject to the inclusion of a condition addressing noise and ventilation.
37. Coal Authority: No objection, subject to the inclusion of conditions.
38. Yorkshire Water: No objection, subject to the inclusion of conditions addressing surface and foul water drainage.
39. Flood Risk Management: No objection, subject to the inclusion of drainage conditions.
40. Nature Team: Proposal would result in a net loss of biodiversity. As per LCC Guidance on Achieving Net Gain for Biodiversity, the applicant can make a payment through a S106 for the LPA to take on responsibility of delivering the 1.76 Biodiversity Units off-site.

$$1.76 \times £24\,000 = £42\,240$$

This figure has been agreed with the applicant to form part of the contributions within the review clause.

41. Land Contamination Team: No objection subject to the inclusion of conditions relating to a Phase 2 (Site Investigation) Report and Remediation Statement.
42. Landscaping Team: No objection in principle. Suggestions that 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.

43. Sport England: No comment.
44. West Yorkshire Police: No objection, subject to conditions.
45. Access Officer: No objection, the proposal is compliant with Policy H10. Shared areas and entrances should also be accessible in terms of gradient.

Amenity spaces should be designed to meet BS8300 and this will include widths of paths, seating areas and other street furniture or features. External lighting and signage should also be designed to aid wayfinding.

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

46. 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.
47. 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.

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:**

48. 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.

No Neighbourhood Plans are applicable in this instance.

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):

The Natural Resources and Waste Local Plan (NRWLP) sets out where land is needed to enable the City to manage resources (e.g. minerals, energy, waste and water) over the next 15 years and identifies specific actions which will help use natural resources in a more efficient way.

The following NRWLP policies are considered to be relevant:

- 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):

The site lies within the boundary covered by the Aire Valley Leeds Area Action Plan (AVLAAP) which was adopted by the Council on 8 November 2017 and forms part of the Development Plan for Leeds, such that it is to be accorded full weight in planning decisions.

The application site lies within the AVLAAP and has been identified for housing uses under AVL AAP Policy AVL6 (site AV24). The following policies are also considered to be relevant:

- AVL6 - Identified housing site (AV24 – estimated 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 Framework:

The National Planning Policy Framework (NPPF) sets out the Government's 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:

Achieving sustainable development

- 4. Decision-making
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

55. 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.

**MAIN ISSUES:**

56. The following main issues are considered to be of relevance to these applications:
- The acceptability of the demolition proposed.
  - Housing Delivery
  - The acceptability of the church conversion/extension and new block.
  - The case for not delivering the normal package of developer contributions.
  - Potential impact on surrounding residents living conditions, including the proposed mean of access and parking arrangements.
  - Highway Safety & Amenity
  - Climate Change
  - Public Rights of Way
  - Biodiversity and Landscaping
  - Accessibility
  - Flood Risk

**APPRAISAL:**

**The acceptability of the demolition proposed**

57. 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.
58. The proposal would cause substantial harm to the special interest and setting of the listed buildings.
59. Paragraph 195 the NPPF states:

60. *“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”.*
61. The Viability Assessment (VA) is intrinsic in considering the case for demolition.
62. The District Valuer (DV) has undertaken an independent review of the VA information in terms of the extent to which the accompanying appraisal was fair and reasonable and whether the assumptions made were acceptable and could be relied upon to determine the viability of the scheme. The DV concluded that the alternative options as described by the applicant would be even more unviable than the proposed scheme, which is also unviable.
63. It is therefore considered that reasonable efforts have been made to sustain existing uses or find viable new uses and that preservation by way of a charitable/community use has not proved possible, while redevelopment would conversely produce substantial community benefits to outweigh the loss resulting from demolition.
64. In relation to the proposed apartment block, paragraph 202 of the NPPF states that:
65. *“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”.*
66. 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:
67. 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.
68. The adequacy of efforts made to retain the building in use.
69. The merits of alternative proposals for the site.

70. Given the outcome of the DV's report, it is considered that the applicant has complied with paragraph 202 of the NPPF in that clear and convincing justification has been provided which justifies the demolition of elements of the historic asset.
71. 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. This can be secured by way of a number of phasing conditions to ensure compliance with paragraph 198 of the NPPF.
72. In considering 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, 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.
73. 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.
74. The applicant has looked into heritage grants or other forms of public funding, however, there does not appear to be any grant funding readily available that would make the scheme viable. The buildings have declined steadily over many years with emergency repairs being undertaken more recently by the applicant.
75. Whilst losing such a large amount of a II\* listed building and an entire Grade II building is a significant area of concern, this proposal will at least allow a proportion of the most important element of this Grade II\* Listed church on a landmark site in Leeds to be retained. 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.
76. 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. Previous difficulties in establishing who was ultimately responsible for the buildings' upkeep contributed to their decline and this is the starting position with respect to the current applications.
77. 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 been proposed over the years but never been implemented. The applicant only purchased the site in more recent years when the majority

of the damage had already occurred.

78. The proposed loss of the Presbytery and church Nave is clearly 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.
79. 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.
80. To this end, should the Members be minded to agree the officer recommendation, a phasing condition has been agreed with the applicant which ensures that the most important elements of the scheme are retained. This is in accordance with officers' proposals during the consultation process and the national policy position stipulated in paragraph 198 of the NPPF.
81. 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.
82. 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.
83. 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.
84. A viability assessment for each option has also been undertaken and an indication of the anticipated deficit is provided.

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

Option 2:

Option 2 consists of two separate blocks and has reduced the massing around the presbytery.

Deficit: -£9,158,764

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

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

85. 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.
86. Though the 'deficit' figures as provided within the applicant's viability assessment do not fully match those calculated by the DV, fundamentally the DV broadly supports the applicant's findings, in that the scheme as submitted would be the most viable from the alternative options presented.
87. If this position is accepted, the advice issued by Historic England regarding enabling development is that it is also necessary to consider the consequence of not supporting the current scheme. Officers have therefore considered the option of not supporting the current scheme, but are strongly of the opinion 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.
88. In the light of all the above, the applicant is considered to have adequately justified the case for demolition.
89. 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”.*

### **Housing Delivery**

90. The residential use and number of units proposed is broadly consistent with the housing allocation for the site in the AVLAAP (AVL6 / AV24) and therefore this aspect of the scheme is considered to be acceptable in principle.
91. 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**

92. The density of the proposed development is 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 and so officers are accepting of the proposed density noting its direct links to viability.

### **Housing Mix**

93. 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.”*
94. 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 forecasted growth of households. In Leeds, like most other large authorities, the main driver of household growth in city centre location 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%). Though it should be acknowledged that the application site is outside the city centre boundary.
95. 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 over-provision 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.
96. 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.

97. The need within the Richmond Hill area may differ from the Inner Area as a whole and the need for three bedroom properties may be lower, however, it is not considered reasonable to assume the level of need for three bedroom properties is lower than the 20% lower range target or as low as the 6% proposed by the development.
98. Overall, it considered that the housing mix proposed is not consistent with local need. Comments on housing mix by the applicant have suggested that the development is catering for the city centre market. Clearly, housing need in the city centre differs from the Inner Area with a greater need for 1 or 2 bedroom properties. However, the application site is not located in the City Centre HMCA so this is not the relevant starting point for this application.
99. However, there are complications and abnormal development costs associated with this scheme which can be used as justification for accepting a mix which falls outside the targets set out within the supporting policy text.
100. 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 and it is to be taken into account as part of the overall planning balance in the decision-making process, whereby adverse impacts of the proposal (including non-compliance with policy) are to be weighed against the proposal's benefits.

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

101. 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, while partly retaining the building's iconic form and prominent position on the Leeds skyline.
102. 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.
103. 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.

104. 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.
105. 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.
106. 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'.
107. 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.
108. 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.
109. Members had previously suggested at Plans Panel that alternative cladding was explored by the applicant. To this end, though the applicant has not changed the proposed cladding, they have provided further detail on the cladding as proposed, which is considered acceptable.
110. 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.
111. 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.
112. 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.
113. 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.

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

114. 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:

- City Car Club - provision of 2 spaces; one provided prior to first occupation and a second space to be provided 12 months after occupation if required Traffic Regulation Orders - £20,000 prior to occupation to be held by the Council for 10 years unless spent on relevant parking controls on the adjacent streets prior to commencement.
- Leeds City Council Travel Plan Review fee of £3,660.00

The following contributions form part of the review clause element of the legal agreement:

- Off-site contribution for the provision of POS within Burmantofts & Richmond Hill - £213,339.44
- Off-site contribution for the provision of AH within Burmantofts & Richmond Hill – To be confirmed at Panel
- Off-site contribution towards the delivery of Biodiversity Units to deliver Net Gain - £42,240
- Off-site cumulative impact contribution toward improvements to the local highway network in accordance with the draft Transport SPD - £87,500

115. 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.

116. 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 would be calculated to be £214,530.67

117. In terms of affordable housing, the affordable housing requirement is 7% of the total number of units, 40% for Intermediate or equivalent affordable tenure and 60% for Social Rented or equivalent affordable tenures. This would equate to 5 immediate affordable units and 7 social rented units.

118. The applicant is not proposing to provide affordable housing on viability grounds.
119. Para 5.2.17.4 in the Core Strategy sets out the basics of how a commuted sum is calculated and states it “will be equivalent to the differential between affordable price and market price (free of restrictions) with adjustment for any locality delivery costs.” It is therefore necessary to value the affordable units as if they were market units and then take away their value as affordable units using the Benchmark Transfer Values. The difference is the commuted sum to be paid. In this case, the contribution would will be confirmed at Panel.
120. A further contribution of £87,500 is sought toward improvements on the local highway network for the reasons set out in the initial highway consultation response, this has not been addressed by the revised Transport Statement.
121. The developer has made clear within its submission that it cannot afford to provide normal developer contributions for AH and POS. This position has been supported by the DV, who agrees that the proposal as submitted is not currently financially viable.
122. 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 which is on the Buildings at Risk Register.
123. In this regard a legal agreement setting out a review clause is in the process of being negotiated with the applicant.
124. It is envisioned that the format will be as follows in order of trigger timing and priority to clawback contributions where possible:

#### Prior to commencement

City Car Club - provision of 2 spaces; one provided prior to first occupation and a second space to be provided 12 months after occupation if required.

Traffic Regulation Orders - £20,000 prior to occupation to be held by the Council for 10 years unless spent on relevant parking controls on the adjacent streets prior to commencement.

#### Early Stage Review

If the permission hasn't been 'substantially implemented' within 24 months from the date of grant of permission this triggers a review of the viability position at the point when substantial implementation is reached. If substantial

implementation has been reached within the 24 month period, it doesn't trigger any review. An early stage review will still use estimated figures (as at this point actual values haven't been achieved yet).

Mid Stage Review:

At the sale of the 50% of the Units – Viability Review in order of priority

- Off-site contribution for the provision of POS within Burmantofts & Richmond Hill -of £213,339.44
- Off-site contribution for the provision of AH within Burmantofts & Richmond Hill - To be confirmed at Panel
- Residential Travel Plan Fund of £43,793.75
- Off-site contribution towards the delivery of Biodiversity Units to deliver Net Gain - £42,240
- Off-site cumulative impact contribution toward improvements to the local highway network in accordance with the draft Transport SPD - £87,500

Late Stage Review:

At the sale of 75% of the units – Viability Review

- Off-site contribution for the provision of POS within Burmantofts & Richmond Hill -of £213,339.44
- Off-site contribution for the provision of AH within Burmantofts & Richmond Hill – To be confirmed at Panel
- Residential Travel Plan Fund of £43,793.75
- Off-site contribution towards the delivery of Biodiversity Units to deliver Net Gain - £42,240
- Off-site cumulative impact contribution toward improvements to the local highway network in accordance with the draft Transport SPD - £87,500

**Potential impact on surrounding residents living conditions**

125. 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.
126. 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.
127. 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.

128. 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. While objectors' comments on these matters are nonetheless acknowledged, as such and in light of the points identified above, the potential impact on existing residents living conditions is considered to fall within acceptable tolerances and accordingly officers have no concerns in this regard.
129. 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 compared to previous schemes and now complies with internal space standards in compliance with Policy H9.
130. 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. The applicant has clarified which apartments meet these standards specifically.

#### **Highway Safety and Amenity**

131. 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.
132. 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.
133. 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.
134. 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.

135. 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.
136. 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 applicant has agrees to make a contribution of £20,000 for TRO/TROs to this effect on Richmond Hill Close/Richmond Hill Approach.
137. A total of 51 parking spaces are proposed for the 175 apartments, equal to provision of just 29%. 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 this level of provision is considered to be acceptable.
138. The Influencing Travel Behaviour Team have also requested that a Residential Travel Plan Fund is provided by the applicant. The Fund will cover some or all of the following:
  - Public transport ticketing
  - Personalised travel planning
  - Cycle purchase schemes
  - Car sharing/walking cycle measures/promotion and/or further infrastructure enhancements
  - Car Club Trial and usage, support and marketing
139. For information, the residential travel plan fund is the equivalent cost of the Residential Metrocard scheme, bus only, with a 50% discount for city centre fringe location. The free trial membership and usage of the car club is included in this fund, but is specified separately in the S106. The initial offer should be for an either or measure although this can be reviewed once the fund has been operational.
140. 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.
141. 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.

142. 138 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 way of condition.
143. For information, the cycle and car parking facilities have been reduced from the time that the Position Statement was discussed at Plans Panel in December 2020 to allow adequate space to reinstate the PROW. A further contribution of £87,500 was sought toward improvements on the local highway network for the reasons set out in the initial highway consultation response, this contribution will be included within the viability clause section of any legal agreement.

### **Climate Change**

144. Members will be aware that the Council declared a Climate Emergency in 2019. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources. These policies only bite for applications for development of 10 houses or more. It is acknowledged that development of this site for housing will have a reduced impact on the environment in comparison to the development of a site that is not brownfield land.
145. Through discussions and negotiations with the developer has indicated that they will be able to provide a schedule of compliance in accordance with the targets set within Policy EN1. The schedule of compliance will indicate that the target of 20% less than building control for Carbon Dioxide emissions will be achieved through the development.

### **Public Rights of Way**

146. As acknowledged above the site features a Public Right of Way (PROW) that has been blocked for many years, which runs from Church Road to Richmond Hill Close. As part of the development this route would be reinstated.
147. Given the revised proposal the PROW team raise no objections to the proposal.

### **Biodiversity and Landscaping**

148. Core Strategy Policy G8 seeks to protect important species and habitats while Policy G9 seeks that new development demonstrates that there will be a net gain for biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Habitat Network.
149. The application has been assessed using the DEFRA Biodiversity Metric where it was concluded that there would a net loss of 1.76 biodiversity units which is contrary to the NPPF and Policy G9 which seeks a net gain to

habitats after development.

150. Following negotiations, as per LCC Guidance on Achieving Net Gain for Biodiversity, the applicant has agreed to include a biodiversity contribution within the viability clause section of the s.106 to take on responsibility of delivering the 1.76 Biodiversity Units off-site, amounting to a contribution of £42,240.
151. Policy P12 of the Core Strategy seeks to ensure that the character, quality and biodiversity of Leeds' landscapes is conserved and enhanced to protect their distinctiveness. Policy LAND 2 of the NRWLP seeks to ensure that development conserves trees where possible and introduce new tree planting as part of creating a high quality living and working environments and enhancing the public realm. Where tree removal is agreed in order to facilitate development, suitable tree replacement should be provided as part of an overall landscape scheme.
152. In this case, some 30 trees are proposed for removal, the hard and soft landscaping scheme shall address the requirements of policy LAND2 in terms of a ratio of 1:3 tree planting.
153. Given the above, no objection has been raised from the Nature Team or Landscaping Team.

### **Accessibility**

154. New build residential developments should include the following proportions of accessible dwellings:
  - 30% of dwellings meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M Volume 1 of the Building Regulations.
  - 2% of dwellings meet the requirement of M4(3) 'wheelchair user dwellings' of Part M volume 1 of the Building Regulations. Wheelchair user dwellings should meet the M4(3) wheelchair adaptable dwelling standard unless Leeds City Council is responsible for nominating a person to live in the dwelling.
155. Where the scale of development would generate more than one accessible dwelling, the mix of sizes, types and tenures of M4(2) and M4(3) dwellings should reflect the mix of sizes, types and tenures of the development as a whole as closely as possible (unless the applicant can demonstrate an evidenced need locally to provide accessible housing in dwellings of a particular size, type and / or tenure). Locally will normally mean the Designated Neighbourhood Area, or where this is not defined, will mean relevant settlement, or ward if the site lies within the main urban area.
156. The total number of apartments proposed is 175, we have 53 Apt which meet M4(2) 30% and a further 4 Apt which meet M4(3) 2%. The accessible requirements of 30% M4(2) and 2% & M4(3) will be achieved within the

development.

### **Flood Risk**

157. The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no other known flood risk which require mitigation and would impact on the proposed development.
158. The applicant has submitted a Flood Risk & Drainage Assessment which identified that there are no flood risks that specifically require any mitigation. The drainage of the site is addressed by way of condition.

### **CONCLUSION:**

159. It is acknowledged that the proposal would result in the alteration and demolition of both the Grade II\* listed St Mary's Convent Church and the Grade II listed Presbytery and, as such, is a departure from the Development Plan.
160. However, it is considered that the applicant has provided robust justification for the works as proposed in terms of both the demolition of the Grade II listed presbytery and the partial demolition and extension of the Grade II\* listed Mount St Marys Church, which are required in order to preserve as much of possible of an iconic building on the Leeds skyline, while ensuring that the site can benefit from some form of sustainable and viable use going forward in the long-term
161. It is not considered that there would be any significant detrimental impact on visual or residential amenity, be it for existing residents in the surrounding area of future occupiers of the site once the proposed development is complete. The impact on highway safety and amenity is also considered acceptable, subject to conditions and developer contribution for resident permit parking as discussed.
162. The proposal will allow for the retention of the most important elements of one of Leeds's Grade II\* listed heritage assets, as well as redeveloping an allocated brownfield housing site, providing 175 new residential units, reinstating a blocked PROW and positively impacting the character of the wider area.
163. In terms of the contributions, it is envisaged that these will be secured through the viability clause at the early, mid and late stage of the completion of the development if and as appropriate.
164. In this instance, it is considered that the benefits strongly outweigh any harm created and any adverse impacts of the scheme (including its non-compliance with national and local planning policy). Therefore the planning balance

weighs heavily in favour of granting planning permission. Taking into account all relevant factors, including representations both for and against the development and relevant policy considerations, the application is therefore recommended for approval.

**Background Papers:**

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

## APPENDIX 2

Agreed minutes for 18<sup>th</sup> February 2021 meeting:

**63 Application - 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.**

The report of the Chief Planning Officer set out an application for the demolition of the Nave and Aisles of the church, to be replaced with a six story extension; the Chancel, Transept and Altar areas to be retained and restored to contain 62 no. apartments. The Presbytery would also be demolished and replaced with a 5 storey apartment block of 113 no. apartments (total residential development comprising of 175 units); other works include a new access, proposed EVCP parking, cycle storage and landscaping works at Mount St Marys Church, Church Road, Richmond Hill, Leeds, LS9 8LA.

Slides and photographs were shown throughout the presentation by officers. Members were informed of the following points:

- This application had been presented as a position statement at the Panel meeting on 3rd December 2020;
- The application site has had a number of previously approved planning permissions for the residential re-development of the site which are similar to that proposed now. None of these had been implemented and all have since expired. The last permissions expired in September 2014;
- The building has not been occupied since 1989 and is currently in a state of disrepair;
- The site is close to residential properties on Richmond Hill Approach and Richmond Hill Close and is close to St Mary's School;
- The applications proposed 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. The units would be 1,2 and 3 bedroom units;

- Materials for the extension to the church were proposed to be a metal (bronze coloured) cladding system. The 5 storey, flat roofed residential block is proposed as grey/silver cladding as well as white render, buff brick;
- Proposal for 138 cycle parking spaces, and 51 standard car parking spaces with Electric Vehicle (EV) charging, 3 disabled parking spaces with EV charging, and 2 car club spaces with EV charging are shown with vehicular access provided direct from Richmond Hill Approach;
- The site would be landscaped with a pedestrian link to the city centre which would see the reinstating of the existing Public Right of Way (PROW);
- The developers proposed no contributions to affordable housing or public open space. A financial appraisal from the District Valuer was appended to the report. It was noted that previous discussions at Panel had sought for possible inclusion of a viability review clause such that contributions could be sought if the viability situation altered and this had been included in the conditions outlined within the report with a 3 phase review process proposed. The District Valuer - Brian Maguire, was in attendance at the meeting;
- Discussions had taken place with the applicant and the Ward Members should the viability clause come into effect as to what the Ward Members would want prioritising;
- It was noted that the housing mix proposed did not fit with the housing needs of the area. However, it was advised that if the developer was to achieve a viable and deliverable scheme the proposal for 1,2, and 3 bed apartments was the most viable option;
- It was noted that an objector was in attendance at the meeting who had raised concerns that the new apartment block would have a significant impact on her property, located on Richmond Hill Close. Members were advised that the apartment block and the current residential properties had 18 metres between them which exceeded the measurements stated as guidelines to ensure appropriate residential amenity. It was also noted that this distancing is the same as in the previous permissions which were approved;
- Members were advised that the residential properties are sited to the north east of the proposed apartment block and may cause some overshadowing during the late afternoon and in early evening;
- The PROW falls outside the application site. It was noted that the path leads into the city centre and has been in existence since 1888, it would be accessed by steep steps from the development. There are also other access points south west of the development site for disabled users.

Ms Julia McHale an objector to the application informed the Plans Panel of the following concerns that she had:

- She had lived at her property for 32 years on Richmond Hill Close which would look onto the rear of the proposed new apartment block. She had concerns that the new block would take away her privacy and right to light and also undermine air quality;
- She also raised concerns that the height of the proposed apartment block would cause an issue with wind. She said that this area in Richmond Hill, being located high, already suffered when it was windy;

- Ms McHale was of the view that saving the church was a good idea, however, there was already a number of flats in Burmantofts with plans for more to be built nearby. It was her view that there was a need for more family homes in the area, creation of a neighbourhood / community and a need for more green space;
- She said that the houses that her and her neighbours lived in did not have big windows and that the loss of light would affect residents wellbeing;
- In addition, Ms McHale was concerned that the existing value of homes in the area would be adversely affected if the development went ahead;
- Ms McHale said that the area does not feel like it is located on the edge of the city centre, there was a good community-feel and it was a quiet street, but she had concerns that the development would increase traffic on the road and also thereby increase night time noise;
- She also raised concern that not only was the proposed apartment block 5 storeys high but was also the length of the church.

In response to questions from Members, Ms McHale provided the following information:

- Flats would not enhance the area;
- There had been no contact from the developers directly but she had voiced her opinions when able to;
- From her property she would only be able to see a brick wall, she was of the view that a 2 storey block would be better. Her concerns were that a high building in this location would cause a wind tunnel;
- Ms McHale said that keeping and repairing the church would mean a lot to the people of Richmond Hill;
- She noted though that developers are not just proposing this development to ensure the church is 'saved', but will be making a profit and that this meant they were not providing the appropriate housing on the site (focusing on provision of apartments) as there is a wish to make money from the development.

Mark Henderson the applicant informed the Members of the following points:

- Mount St Mary's was a challenging site, but an important one. This area needs investment that leads back to the city centre and also so as to enable the church to be brought back into a good state of repair;
- The site has laid dormant for several years and could be a valuable housing asset;
- Consultation had taken place with a number of representative bodies including Historic England, LCC's Conservation Team and Leeds Civic Trust.
- These consultations (and the previous presentation of the Position Statement at Panel) had raised a number of points of concern and consideration, which the applicant felt had been appropriately responded to subsequently;
- The PROW would provide an access to the site;
- The plans, while being similar to the two previous, successful planning permissions, had been amended a number of times and included the retention of the Chancel. He was of the view that if the proposal was not approved there would be a risk to the church which was in a bad state of repair;

- The extension to the church has been designed to be sympathetic, but also aesthetically striking so as to reflect the church's important focus point on the Leeds skyline;
- Mr Henderson had noted the concerns raised by Ms McHale in relation to wind but said that they had not been asked to provide a wind study for this development.

Member's discussions included:

- The proposed materials to be used for the development, including reassurance that the cladding to be used was non-flammable and within current legislation;
- Amenity distance between the development site and the residential properties;
- Configuration of parking spaces and landscaping;
- Amenity space for future residents of the development and efforts to ensure that the maximum amount has been provided on-site with considerable consideration going into how this can be provided, appropriately landscaped etc.;
- Maintenance of the (approximately 2.5m high) wall between the residential properties and the proposed development;
- Suggested that the apartment block be moved closer to the church to provide more amenity space, but balancing this against providing sufficient amenity space between the church and the new-build for residents;
- Wind tunnel issues but that the storey-level proposed for this development is not such that a wind assessment (and subsequent peer review) would have been expected.

The Panel were advised that the site would not be viable if there was instead to be built a two storey apartment block or build houses on the site as this lesser volume of residential units would not provide enough monetary profit to restore the church.

The District Valuer, Brian Maguire, explained that as part of his appraisal he had to assess the viability of the site and assess whether the valuations put forward by a developer / applicant were fair and reasonable. He had reviewed a number of scenarios which had been submitted and this was a challenging site. In every scenario proposed, the developer lost money. It was his view that the worst case scenario would be that the developers would lose £7m and the best case would be a loss of £1m. The appraisal had been provided in consultation with other independent consultants employed by the Council, but all were in agreement that there would be significant losses in all scenarios.

It was noted that there would be a significant cost to retaining the Chancel and these were to be regarded as abnormal costs. The creation of apartments and communal space does make the site more viable but does not sufficient to provide affordable housing or other S106 contribution costs.

Responding to a question in relation to approaching charitable organisations for contributions, the Panel were advised that organisations would not start talks until there was planning approval and construction details in place.

Officers responded to Members questions with the following information:

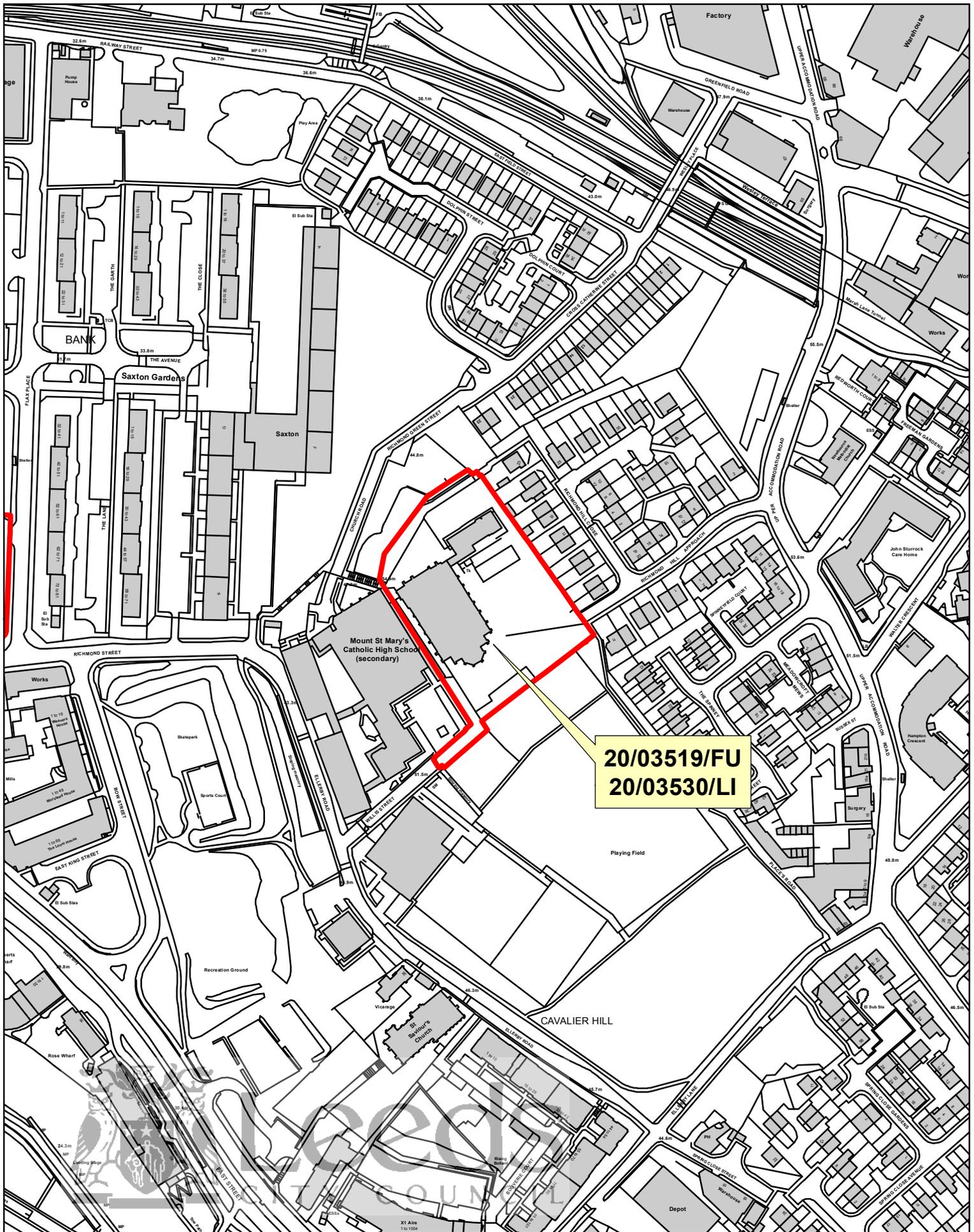
- Confirmed that the steps leading to the PROW were outside the red line boundary. It was recognised that the steps are steep and not easy to walk up. The Panel noted that there was no further work proposed to the steps. The Panel were advised that if the steps were dangerous this would be picked up by Building Control and direction would be taken from PROW to undertake remedial works;
- Officers were of the view that there was not much scope to move the apartment block, though some thought could be given to reconfiguration of the car parking area and interspersing with landscaping so as to aid filtering and reduce the 'sense' of density;
- The apartment block is not considered to be a tall building and therefore did not fit the criteria for a wind study;
- It was noted that the species of trees and shrubs to be planted as part of the landscape would need to be selected with care so as not to impact on space and residential properties either for proposed future residents of the development OR on the other side of the wall and existing residents' amenity;
- Officers will make checks on who owns the wall but it was believed that it belonged to the applicant and therefore would fall (in maintenance terms) within the proposed condition relating to ongoing site maintenance / management.

**RESOLVED** - To defer and delegate grant of planning permission and listed building consent to the Chief Planning Officer for approval subject to the conditions specified in the report (and amendment of the same or addition of any that the Chief Planning Officer deems necessary), and the completion of a Section 106 Agreement pursuant to the planning permission, which will comprise the 3 phase Viability Review Clause as specified in the report.

In addition:

- A clause is to be added to the Sec.106 Agreement to require details of and the implementation of a delivery plan.
- Conditions to be added to the planning permission to require details of a scheme in respect of and compliance with Core Strategy policies EN1 and EN2.
- Officers to contact PROW in respect of the existing steps that form part of the public footpath that is to be opened up and whether they are safe to use and who is responsible for any remedial work and maintenance.
- Officers to seek clarification over ownership and maintenance responsibility for wall between application site and rear gardens of properties of Richmond Hill Close.
- Cleaning of existing stone work to retained part of Church to be considered as part of restoration works.





**20/03519/FU**  
**20/03530/LI**

# NORTH AND EAST PLANS PANEL





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MOUNT  
 ST MARY'S  
 LEEDS

PROPOSED  
 SITE  
 PLAN

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

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Dwg No: 507/18(02)030 #