



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 16th June 2011

Subject: Application 11/01019/EXT: Extension of time application 07/05804/LI for 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 at St Mary's Church & Presbytery, Church Road, Richmond Hill

Application 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 to form 109 flats, with car parking and associated landscaping at St Mary's Church & Presbytery, Church Road, Richmond Hill

APPLICANT

MSM (Leeds) Ltd (part of
Rushbond Plc Group)

DATE VALID

Listed building – 10.03.11
Full application – 10.03.11

TARGET DATE

Listed building – 05/05/11
Full application – 09/06/11

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

RECOMMENDATION:

Approve in principle both extension of time applications for listed building consent and its related planning application and defer and refer to the Department of Communities and Local Government as a demolition application of a Grade II* listed building and a Departure from the Statutory Development Plan and delegate approval to the Chief Planning Officer subject to the specified conditions should the Secretary of State decide not to call in either application for determination.

Application 11/01019/EXT (Listed building consent)

1. 3 year time limit.
2. Demolition tied to contract for redevelopment.
3. Method statement for demolition works to be agreed.
4. Method statement for repair/conservation works to be agreed.
5. Method statement for works to provide Transept flats to be agreed.
6. External materials to be agreed.

Application 11/01021/EXT (Full application)

1. 3 year time limit.
2. Method statement for repair/conservation works to be agreed.
3. Method statement for works to provide Transept flats to be agreed.
4. Phasing condition for construction works.
5. External materials to be agreed.
6. Surfacing materials to be agreed.
7. Boundary treatments (including all entrance gates) to be agreed.
8. Parking (vehicle/cycle) and access road to be provided and retained.
9. Finished floor levels to be agreed.
10. Obscure glazing to main windows facing Richmond Hill Close (selective flats only).
11. Restricted access to roof area facing Richmond Hill Close.
12. Landscaping scheme to be agreed (including maintenance and timescale for planting).
13. Drainage details to be agreed (multiple conditions).
14. Bin storage/recycling details to be agreed.
15. Sound insulation scheme to be agreed.
16. Details of public access arrangements (and interpretation) to be agreed.
17. Requirement to facilitate off-site highway works (if necessary).
18. Ground floor window/door locks to comply with BS7950 and use of safety glazing.
19. Sub-station details (including appropriate noise insulation if required) to be agreed.
20. Travel plan to be agreed.
21. Disabled parking bays to remain available in perpetuity.
22. Contractors parking/storage compound details to be agreed.
23. Contamination works to be agreed (multiple conditions).
24. Wheel cleaning facilities required.
25. External lighting details to be agreed.

Full details of the wording of the conditions to be delegated to the Chief Planning Officer, including any amendments as considered necessary.

Reasons for approval:

In recommending approval of listed building consent and planning permission the City Council has taken into account all material planning considerations and matters relating to the buildings special architectural or historic interest, including those arising from the comments of any statutory and other consultees, public representations about the applications and Government guidance and policy. The applications are considered to comply with policies GP5, N2, N4, N12, N13, N14, N15, N16, N17, N23, N25, N29, T2, T5, T6, T24, H4, H12, H13, BD2, BD5, BD6, BC1, BC2 and BC6. On balance, the City Council considers the development's impact on the special architectural or historic interest of the listed buildings can be accepted and overall the scheme would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

- 1.1 These applications are brought to the Panel for determination for the following reasons:
- Listed building consent for the partial demolition of Grade II* and complete demolition of Grade II building is proposed and accordingly needs to be referred to the Department of Communities and Local Government.
 - The planning application would not deliver the normal developer contributions expected under adopted UDP policy and is therefore a departure application.
- 1.2 Both applications have been submitted as 'extension of time' applications under changes made to the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 and the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009 which came into force on 1st October 2009. As such, the applicant is effectively applying for an extension of time within which to implement the scheme through the grant of new permissions for the development already authorised by the original applications.

2.0 BACKGROUND

- 2.1 These applications relate to the comprehensive redevelopment of the Mount St Mary's Church site. The original listed building consent and full planning application were presented to East Plans Panel for approval on 14th February 2008. Both applications were agreed in principle subject to final referral to the Department of Communities and Local Government. Following the referral process, the Secretary of State decided not to intervene and accordingly the applications were formally approved on 2nd June 2008.
- 2.2 Since the applications were granted consent in June 2008, the downturn in the economy has meant the applicant has for financial reasons been unable to implement the scheme within the original three year time period associated with each application. An extension of time is therefore sought in the hope the market recovers sufficiently to allow the development to be implemented.

3.0 PROPOSAL:

- 3.1 These applications relate to the redevelopment of Mount St Mary's Church (Grade II* listed) and its associated Presbytery (Grade II listed) to provide a residential development comprising of 171 flats.
- 3.2 The scheme proposes to demolish the Nave and Aisles of 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 different sized window openings (including some with coloured glass) would provide the flats with natural light. 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. Also, the outline of the original Nave and Confessional walls would be retained to a height of approximately 0.5m.
- 3.3 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, Lady Altars and a third Altar (un-named) would

also be preserved. The remodeled church would contain a total of 62 x 1 and 2 bedroom flats with the vast majority located within the new 7 floor extension. The original Chancel area would form the main entrance and remain largely open although living accommodation would be provided within the retained transept areas above ground floor level (2 per transept).

- 3.4 As part of the enabling development for the main church, the Presbytery would be completely demolished and replaced with a 5 storey, flat roofed residential block containing a further 109, 1 and 2 bedroom flats. The new block would have a similar overall height and massing as the original Presbytery when viewed from the north but would extend east to beyond the original church. The walls would be predominantly white render and bronze coloured window frames and panels would be used throughout.
- 3.5 On-site parking is to be provided along the site's eastern and southern boundaries and a total of 95 parking spaces (including 9 disabled) are shown with access provided direct from Richmond Hill Approach. The remainder of the site would be landscaped and a pedestrian link to the city centre which leads onto Church Road (serving only the development) would be retained via the church's original steps. The existing footpath through the site from Richmond Hill Close to the same steps would however be closed to the public.
- 3.6 The developer does not propose to make any S106 contributions normally required under UDP policy and a financial appraisal has previously been provided to support this approach. The original appraisal was also used to demonstrate that retention of the original listed buildings was not viable and accordingly the amount of demolition proposed was justified.

4.0 SITE AND SURROUNDINGS:

- 4.1 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 19th 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.
- 4.2 Both buildings are now in an advanced state of dereliction following the church's closure in 1989 and in particular the church has required various emergency works to ensure the integrity/safety of the structure does not deteriorate further. They are both on the Council's 'Buildings at Risk' register.
- 4.3 The Church is a local landmark due to its size and the elevated nature of the site (known locally as 'The Bank') and is therefore visible over a considerable distance from the north. Vehicle access is only available from the west via Willis Street and this road also divides the adjacent Mount St Mary's High School (also Grade II listed) site.
- 4.4 Open sports pitches are located to the south and work has recently started on a new sport's block for the school that would front Ellerby Road. 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'. The previously derelict blocks located closest to the church have recently been refurbished by Urban Splash and now have a modern, contemporary external appearance. Abutting the site to the east is a small estate of sheltered housing which provides accommodation to the elderly in

traditionally designed single or two storey properties although a high brick wall separates the different uses.

- 4.5 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.

5.0 RELEVANT PLANNING HISTORY:

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.

6.0 HISTORY OF NEGOTIATIONS:

- 6.1 No negotiations have taken place in view of the limited issues which are to be considered as part of these extension of time applications.

7.0 CONSULTATION RESPONSES:

- 7.1 The guidance note which accompanies extension of time applications indicates that Local Planning Authorities have discretion to decide who should be consulted. A proportionate approach is therefore advocated on the basis full consultation was carried out at the time of the original applications.

- 7.2 In the light of the above and in recognition that central government advice relating to the historic environment (formally PPG15 – ‘Planning and the Historic Environment’) and archaeology (PPG16 - ‘Archaeology and Planning’) have been combined and replaced by PPS5 – ‘Planning for the Historic Environment’ (March 2010) all statutory consultees have been re-consulted. English Heritage’s own guidance titled ‘Enabling development and the conservation of significant places’ has also been updated and issued formally since the original scheme was considered.

- 7.3 In addition to consulting all statutory consultees, the Council’s own highway guidance has altered since the applications were originally considered and the adopted ‘Street Design Guide’ (August 2009) now applies. On this basis, Highway officers have also been re-consulted.

Statutory consultees:

- 7.4 English Heritage – Previous conditional approval for the scheme has been granted after involvement in pre-application discussions followed by detailed advice. The original advice remains (summary provided below) and the application should be determined in accordance with it.

Summary of previous advice:

“Mount St Mary’s is an important monument to Irish immigration and mid-Victorian ecclesiastical design. The loss of the presbytery and nave would erode the completeness and value of the group. However, the poor condition, difficulty of conversion and lack of viability mean that these major changes may be justified. On balance, the benefits of restoration of the east end and transepts, together with public access and interpretation, and the viability of the whole project, justify the proposed losses. English Heritage therefore supports the project.”

- 7.5 National Amenity Societies (Ancient Monuments Society, Council for British Archaeology, Society for the Protection of Ancient Buildings, Georgian Group, Victorian Society, Twentieth Century Society) – No comments have been received from any organisation.

Non-statutory consultees:

- 7.6 Highways – No objection. The conditions and obligations previously attached to the extant permission should be carried forward in any extension of time approval.

8.0 PUBLIC/LOCAL REPRESENTATIONS:

- 8.1 The applications were advertised by site notices dated 08/04/11 and by a newspaper notice published in the Leeds Weekly News on 07/04/11. Representations have been received from 7 separate households making the following main comments:

- Numerous flat windows would face into the garden areas and properties situated within Richmond Hill Close resulting in a loss of privacy
- New flat block will result in overshadowing and loss of sunlight to rear windows and garden area.
- Inadequate parking proposed as part of the scheme which will result in on-street parking problems
- Use of Richmond Hill Close is unacceptable as it will adversely affect existing residents due to the substantial increase in traffic and its associated noise/disturbance
- Level of demolition proposed is unacceptable and profit should not be put ahead of retaining these historic assets. Developer contributions (e.g. affordable housing, greenspace and public transport contributions) are also not being provided
- The proposed development is not in keeping with the element which is to be retained. Copper sheeting and a white stucco finish are not appropriate to the area
- The development would be better used for affordable housing, particularly as many other flat schemes in the area are coming on line. Large numbers of flats also remain vacant so more are not needed
- Some elderly residents are upset about the development but do not know how to object
- Problems with dirt and dust during demolition and noise during construction.
- Closing off the footpath will create a strip of no-mans land and area for anti-social behaviour to occur
- Unacceptable not to have received an individual notification letter about the scheme
- The development does not incorporate any sustainable features
- The formation of an access road running across the playing fields is inappropriate
- The site has been left to go into disrepair but the Council can serve notices to require works are undertaken (as happened with the York Road library). The developer know what they were taking on and should be made to repair the existing buildings

9.0 PLANNING POLICIES:

Development Plan:

- 9.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region setting out regional priorities in terms of location and scale of development. No RSS policies have specific relevance to the application site or scheme proposed.

Leeds Unitary Development Plan (Review):

- 9.2 The application site is unallocated within the Adopted Unitary Development Plan (Review 2006) proposals map. Nevertheless, the following UDP policies of considered to be of relevance:

- GP5: Seeks to resolve detailed planning considerations as part of the application process.
- N2/4: Requirement to provide/improve greenspace as part of larger residential developments
- N12: Development proposals should respect the main principles of good urban design.
- N13: Requires all new building to be of high quality and have regard to their surroundings. Good contemporary design will be welcomed.
- N14: Presumption in favour of the preservation of listed building. Demolition or substantial demolition will only be permitted in exceptional circumstances.
- N15: Where the original use of listing building is no longer required, proposals for change of use will be favourably considered providing the new use does not diminish its special architectural or historic value.
- N16: Extensions to listed building will be accepted only where they relate sensitively to the original building.
- N17: Wherever possible, existing detailing and important features (including internal) of listed building should be preserved, repaired or replaced if missing.
- N23: Incidental open space around new development should provide an attractive setting and where appropriate, contribute to informal recreation/natural conservation.
- N25: Site boundaries should be designed in a positive manner
- N29: Sites and monuments of archaeological importance will be preserved and investigated.
- T2: New developments should be adequately served by existing/proposed highway network.
- T5: Safe and secure access and provision for pedestrians/cyclists are required within new development.
- T6: Access and provision for disabled users should be provided within new development.
- T24: Parking provision should be in accordance with UDP guidelines.
- H4: Residential development on unallocated sites will be permitted provided they are acceptable in sequential terms and within the capacity of existing/proposed infrastructure.
- H12/13: Relates to the provision of affordable housing as part of major residential developments.
- BD2: The design and siting of new buildings should complement and, where possible, enhance existing vistas, skylines and landmarks.
- BD5: All new buildings should be designed to have consideration to both their own amenity and that of their surroundings.

- BD6: All alterations/extensions should respect the scale, form, detailing and materials of the original building.
- BC1: The Council will aim to secure the retention, continued use and maintenance/restoration of all listed buildings.
- BC2: Listed building repairs should normally be carried out using matching traditional materials and methods.
- BC6: Demolition of a listed building will only be allowed providing English Heritage are notified and given opportunity to record the building.

Supplementary planning documents:

Neighbourhoods for Living: A guide to residential development in Leeds'
Street Design Guide

National Policy Guidance:

PPS1: 'Delivering Sustainable Development'.

PPS3: 'Housing'.

PPS5: 'Planning for the Historic Environment'.

PPG13: 'Transport'.

English Heritage: Enabling development and the conservation of significant places

10.0 MAIN ISSUES

- 10.1 These are extension of time applications rather than applications for a completely new development in their own right and accordingly the main issues which should be considered are not the same as would normally be expected. In particular, the guidance note which accompanies these type of applications states that:

“Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date.”

The guidance goes on to state that whilst applications should still be determined in accordance with the statutory development plan:

“Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.”

- 10.2 In the light of the above, the issues to be considered as part of these extension of time applications are limited and should concentrate on the implications of any changes to development plan policies and other material considerations since the original scheme was granted. The main changes to planning policy/material considerations as they relate to these applications are summarised as follows:

- 10.3 National planning policy/guidance:

PPS5: 'Planning for the Historic Environment' (a replacement for PPG15 – 'Planning and the Historic Environment' and PPG16 - 'Archaeology and Planning'). The new PPS5 is effectively an amalgamation of two previous guidance notes although its overall message and content remains broadly the same as before.

PPS3: 'Housing'. This guidance was re-issued in June 2010 following two minor changes introduced by the coalition government (garden areas to be classified as greenfield and the removal of density targets).

Enabling development and the conservation of significant places (English Heritage): This is English Heritage's own guidance and is the final version of the 2007 document originally used. Its content relative to the current scheme is the same as before.

10.4 Local planning policy/guidance:

Street Design Guide: This document provides the most update guidance on highway matters and was not available at the time the original scheme was considered.

10.5 Other material considerations:

Economic climate: Changes to the economic climate are relevant in view of the fact viability has previously been used to justify not securing S106 contributions and also the amount of demolition proposed.

Third party comments: Extension of time applications are subject to normal publicity requirements and accordingly any representations received still need to be considered - where relevant.

10.6 The planning policy/guidance and other material considerations as outlined above are considered to represent the main areas where change has taken place since the original scheme was considered. On this basis, these are the only matters which need to be taken into account in determining if it is appropriate to grant the extension of time applications.

11.0 APPRAISAL

11.1 The changes to national planning policy and guidance which have taken place since the original scheme was granted are not considered to impact on the acceptability of granting the current extension of time applications as the general requirements remain broadly the same as before. In particular, the changes to PPS3 'Housing' are not pertinent to the development and the advice as it relates to listed buildings has merely been updated and condensed rather than changed. This view is also supported by the fact English Heritage have only repeated its original advice which recommends acceptance of the scheme and the National Amenity Societies have not responded at all (whereas originally some objected).

11.2 With respect to changes in planning guidance at a local level, only the introduction of the Street Design Guide is considered to have any bearing on the current applications. Highway officers have therefore been re-consulted but raise no concerns subject to the original conditions being attached.

11.3 Turning to the other material considerations which could have impact on the acceptability of the current applications, the economy has declined considerably since the original viability appraisal was carried out in 2007. Flat schemes have also been particularly hard hit by the recession and accordingly the developer's potential return on the development is likely to have gotten worse rather than improved. Within this context, the original case advanced for not seeking normal S106 contributions for affordable housing, greenspace and public transport are considered to remain. Similarly, the case for demolition is also accepted as this is directly linked to viability.

11.4 The final consideration which could have a bearing on any decision to support the current extension of time applications is the comments made by third parties. Having reviewed the responses received, most relate to detailed matters concerning how the proposed development would impact on individual residents living conditions in terms

of loss of light, overlooking, overshadowing, dust, future on-street parking problems, the point of access, etc. However, the acceptability of all these matters was previously considered when the original applications were assessed and only the circumstances which have already been discussed have altered. As such, these issues are not relevant to the consideration of the current applications.

11.5 Notwithstanding the above, some brief comments are provided on the other main points raised:

- The applications have been advertised by site notices and within the local press in accordance with the Council's normal publicity requirements.
- The current permission (and therefore these extension of time applications) do not involve the formation of any road across the adjacent playing fields.
- The ability to insist that urgent repair works are carried out is noted and the York Road library is an example of where this approach has been adopted. The Council's Conservation Officer is fully aware of the poor condition which the Church and its associated presbytery are in and the option to serve such a notice is kept under constant review.

12.0 CONCLUSION

12.1 Although some planning policy and guidance as it relates to the current extension of time applications has either been altered, replaced or updated since the original scheme was granted, in terms of the actual assessment relative to the current applications the requirements have remained largely the same.

12.2 The material considerations which could be of relevance are not considered to alter the outcome of the original applications and on this basis it is considered appropriate to support the current extension of time applications. As all other matters are not to be considered as part of extension of time applications, both are recommended for approval subject to the same conditions as were originally imposed.

Background Papers:

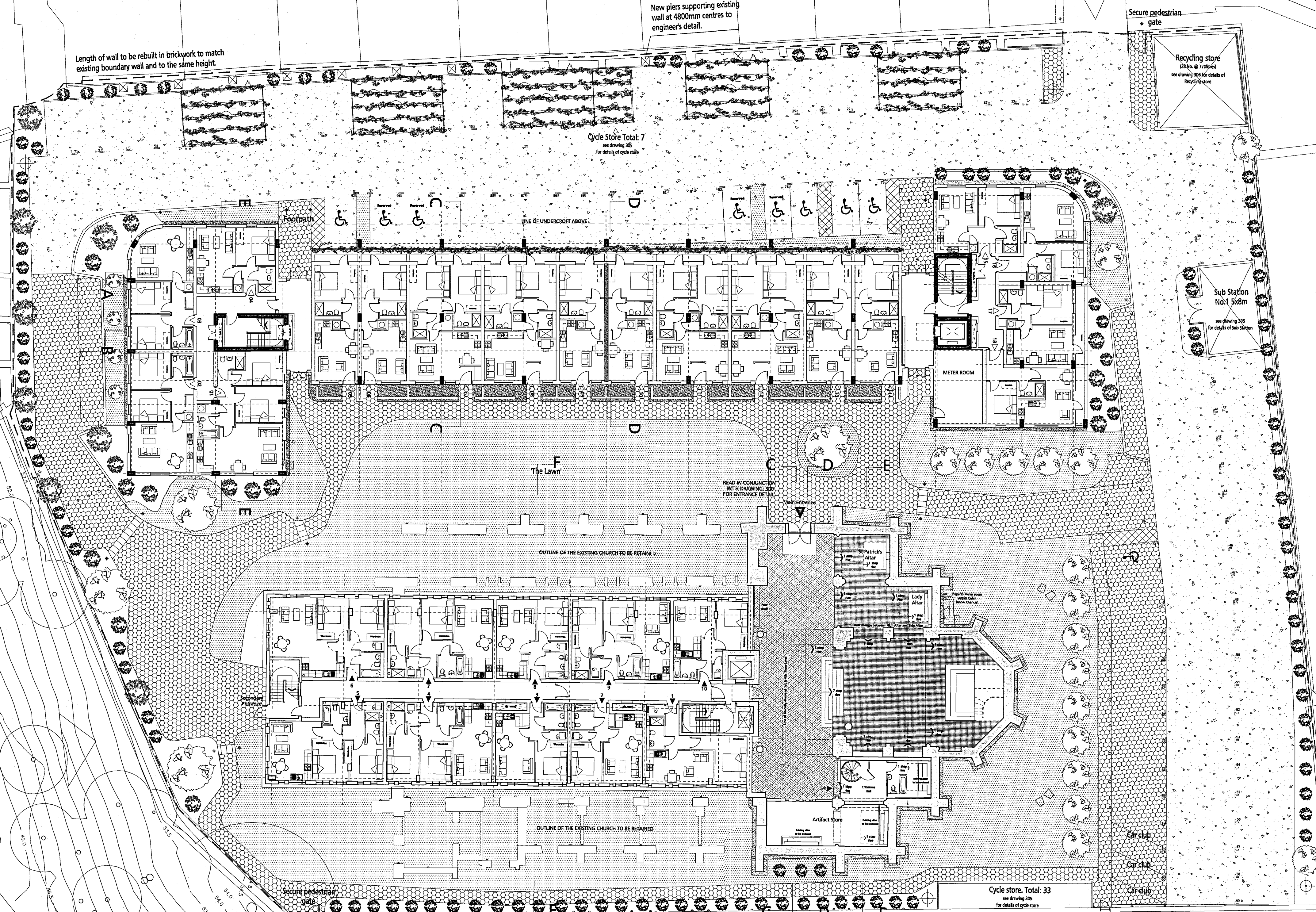
Application files 11/01019/EXT & 11/01021/EXT

Certificate of Ownership:

Notice served on – Diocese of Leeds & Leeds City Council 08/03/11

REVISIONS			
A	03/12/07	MH	CL
LANDSCAPE UPDATED.			
B	17/01/08	DPN	CL
LANDSCAPE UPDATED.			

11/01021



- SOFT LANDSCAPE SCHEDULE**
- TEGULA COBBLES to Pedestrian Areas**
 - GRAVEL**
Self binding gravel, 50mm compacted thickness, colour to reference.
 - RESIN BOUND GRAVEL**
 - SEMI MATURE ACER GLOBOSUM AT 3M CENTRES**
 - GRASS**
 - SPECIMEN SHRUBS**
 - LIGHTING**
 - BOLLARD LIGHT**
 - BULKHEAD LIGHT**
 - STANDARD LAMP**
 - DOWN LIGHT HIGH**
 - FLOODLIGHT**

NOTES
HATCHING TO PAVING IS INDICATIVE ONLY AND DOES NOT REPRESENT LAYING PATTERNS

PLANNING ISSUE



1-2 St John's Path | Clerkenwell
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Tel : 020 7553 3030 | Fax : 020 7553 3040
Email: info@dl-a-architecture.co.uk | www.dla-architecture.co.uk

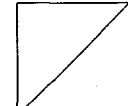
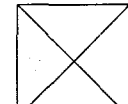

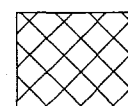
PROJECT
**MOUNT ST. MARY'S
RICHMOND HILL, LEEDS**

TITLE
LANDSCAPE PLAN

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DWG PATH	

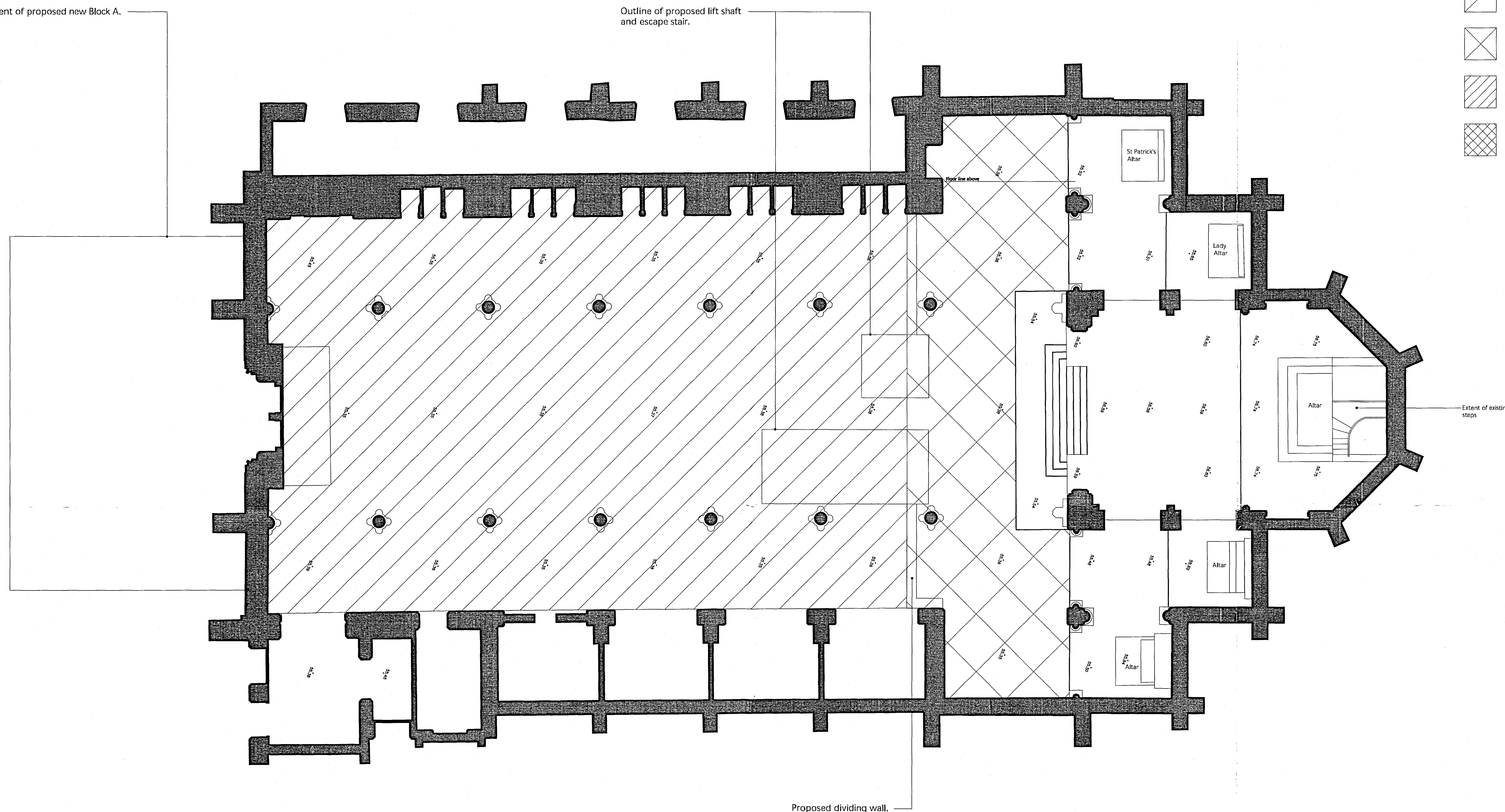
1:2004/2004-045/2006-NEWCAD - Drawings\Drawings\100-199 Site\902

LEGEND

-  Extent of demolitions to existing nave.
-  Extent of demolitions to existing buttresses.
-  Extent of new foundation to transept units.
-  New access point cut into existing chancel.

Extent of proposed new Block A.

Outline of proposed lift shaft and escape stair.



Extent of existing steps

Proposed dividing wall.

DEMOLITION SCHEDULE: Existing Ground Floor Plan



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Email : info@dle-architecture.co.uk | www.dle-architecture.co.uk

PROJECT
MOUNT ST. MARY'S
RICHMOND HILL, LEEDS

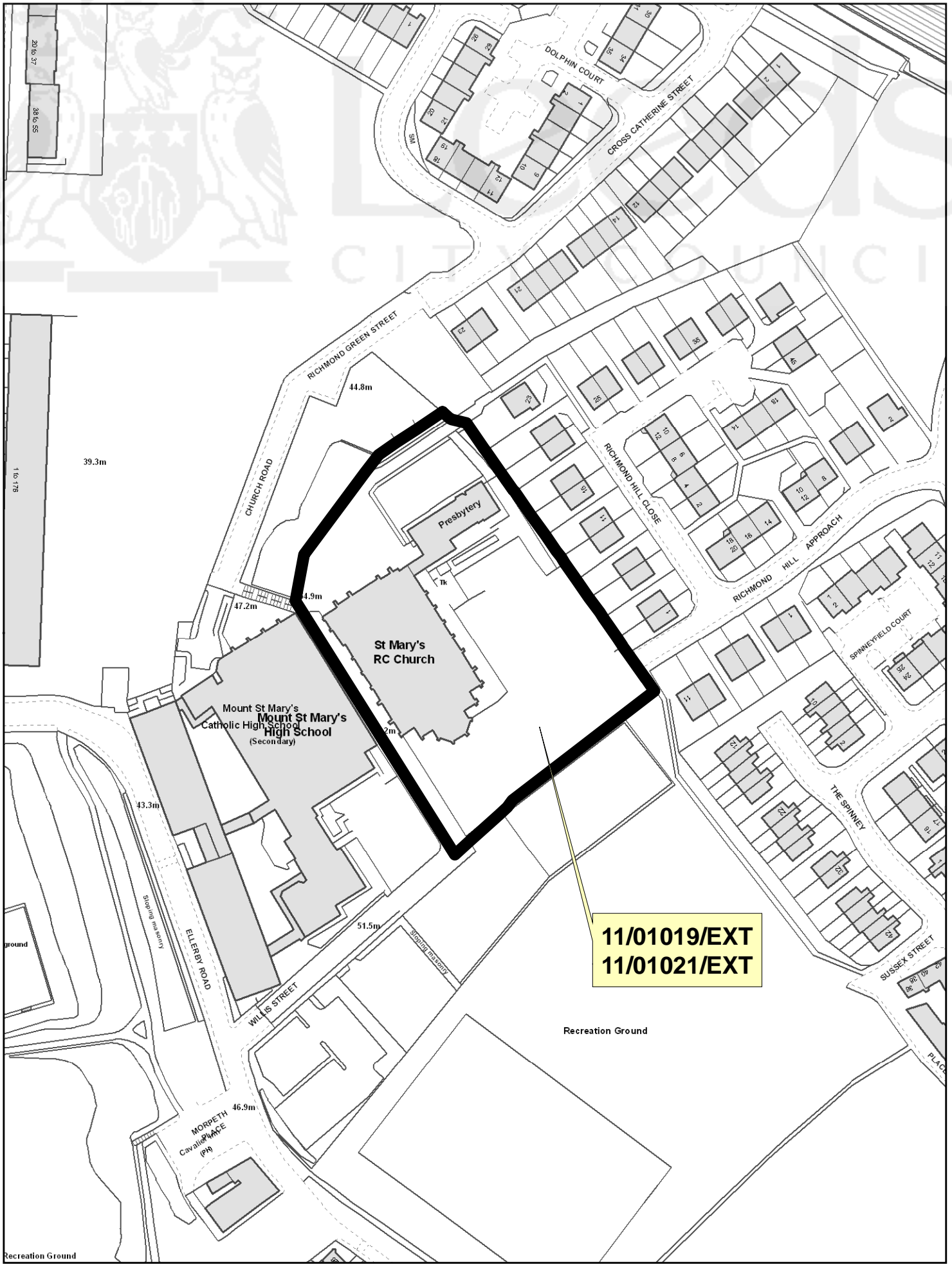
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MOUNT ST. MARY'S CHURCH
DEMOLITION SCHEDULE

SCALE 1:100@A1 DATE 26/07/07

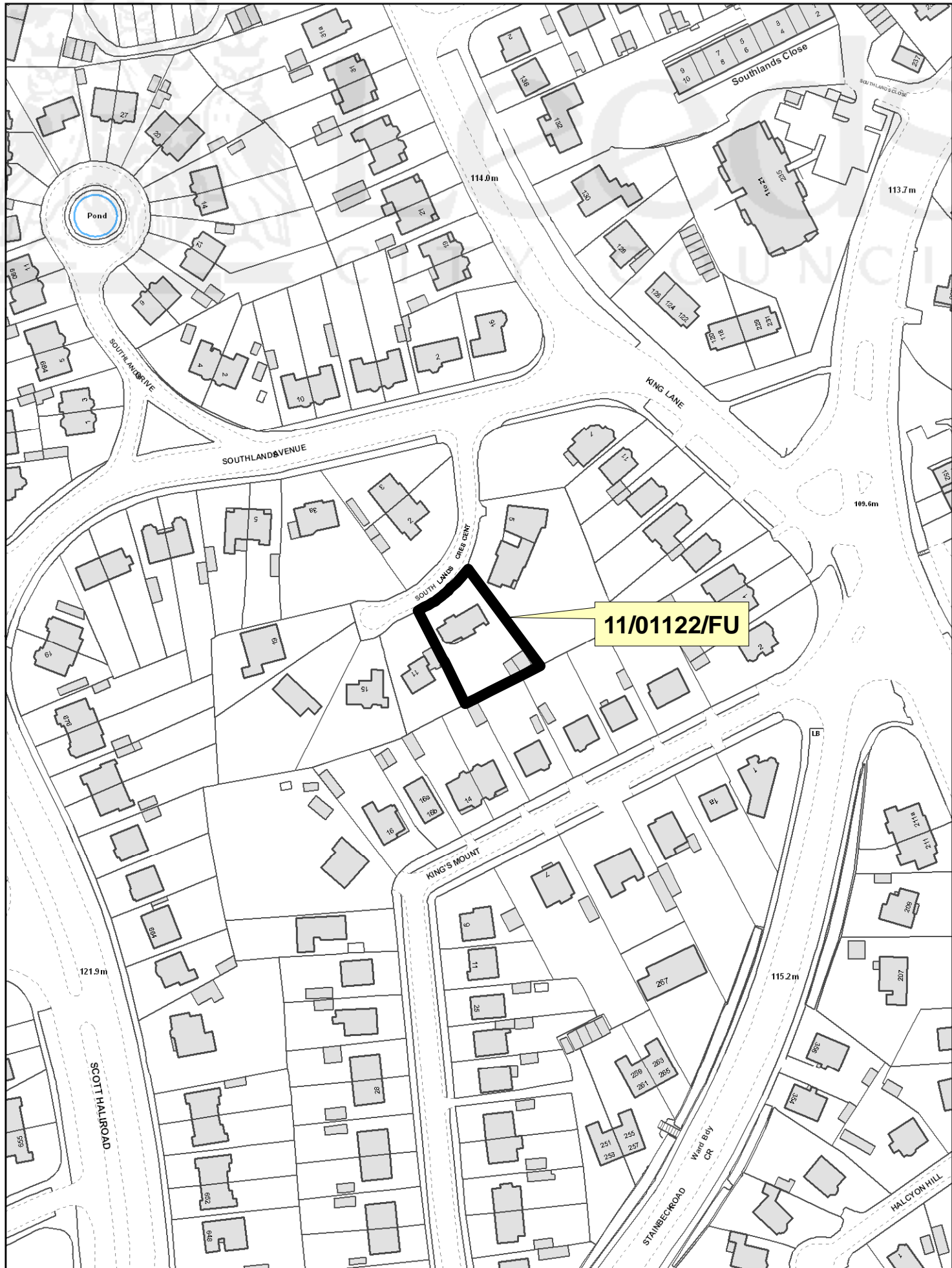
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DWG PATH



EAST PLANS PANEL



EAST PLANS PANEL