



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 6th December 2012

Subject: POSITION STATEMENT FOR CORNMILL FOLD, HORFORTH

APPLICATION 11/02389/FU – Part two and part three storey office block
APPLICATION 11/02390/LI – Listed building application to demolish former corn mill building

APPLICANT	DATE VALID	TARGET DATE
Horsforth Office Park Ltd	3 June 2011	2 September 2011

<p>Electoral Wards Affected: Horsforth</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: Members are requested to note the progress report below and following the site visit comment on the main issues set out in the report concerning:

- 1 The proposal to demolish the grade II listed building**
- 2 Parking Issues**
- 3 Design**

1.0 INTRODUCTION:

- 1.1 The report relates to two applications by Horsforth Office Park Ltd, the first for listed building consent for the total demolition of a partially demolished Grade 2 listed corn mill, and the second for planning permission for the redevelopment of the site with offices. The purpose of this report is to update Panel on the present position regarding the consideration of these applications and to enable members to visit the site, and then to seek members' views on: the proposal for the demolition of the listed building, without which the development cannot take place; and on parking and design issues relating to the replacement building.

2.0 PROPOSAL:

- 2.1 This application is for full planning permission for the erection of a part two storey, part three storey office block with associated car parking. In order for the development to take place a listed building application has also been submitted to demolish the existing derelict corn mill building on the site.
- 2.2 The new building would provide 1008 square metres of floor space, all to be used for B1 Office use. Although a single building, the proposal comprises a number of distinct elements (described as zones A, B and C) which broadly reflect but extend the footprint of the existing building on the site. Reference to the existing and proposed floor plans shows:
1. Zone A, to the north east: Broadly on the footprint of existing building “a” (which has been largely demolished but retains some external walls), this will be a three storey development with lime render walls, pitched grey slate roof, a footprint of 16.1 metres x 11.32 metres, an eaves height of 9.5 metres and a ridge height of 12.5 metres.
 2. Zone B, to the south: This section of the new building would be on the footprint of existing buildings “b” and “c”. This will be a two storey section, with the south façade rebuilt to match the existing using original materials and the east facing elevation constructed of other reclaimed stone all under a reclaimed stone slate roof. The western elevation of existing building “c” and the wall between existing buildings “b” and “c” would be demolished to provide a single open plan floor area including Zone C. Zone B is irregular in shape with maximum dimensions of 12 metres x 9 metres, eaves height of 6.6 metres and maximum ridge height of 9.2 metres.
 3. Zone C, to the west, is outside the footprint of the existing buildings and effectively an extension to Zone B, filling in the open area between the site of the existing building and the retaining wall on the highway boundary to the west. Proposed materials are reclaimed stone and grey slate roof. It is also irregular in shape, with maximum dimensions of 9.5 metres x 12 metres, eaves height of 6.4 metres and ridge height of 8.9 metres.
- 2.3 Adjoining the west elevation of Zone A and the north elevation of Zone B, in what is currently an open part of the site, is a three storey link providing stairs and lift to access the upper floors. This building is proposed to be constructed of timber weather board cladding with a flat roof.
- 2.4 The main entrance to the building will be located to the north of Zone B as part of a mono pitched, single storey “extension”, constructed of new stone, to Zones C and B.
- 2.5 With regard to the remainder of the site, the area to the north of Zone A is to be the car park comprising 14 spaces, two of which are for disabled use. The north west part of the site in addition to the pedestrian access route to the lobby, will be partially block paved, with a pond created to the north of Zone C and cycle and bin stores on the north west boundary. To the south and east of the building the area between the building and the site boundary will be grass with some limited shrub planting.
- 2.6 In addition to the drawings this and the Listed Building application are supported by:

- Design and Access Statement, which identifies the key design issues, stating that the proposal identifies the historic water route on the site, reflects the historic development in terms of scale, creates a sustainable building, retains the south elevation, and takes account of flood levels.
- Planning and Heritage Statement, which explains the background to the scheme and considers the planning policy context.
- Flood Risk Assessment, which concludes that the site can be re-developed safely and without increasing downstream flooding
- Land Quality Works relating to the remediation proposals for the contaminated site.
- Bat Survey which found no evidence of bat roosts but advises hand demolition of the remaining structure and presence of an ecologist on site to deal with any unexpected presence of bats.
- Structural Inspection report which concludes that it would be highly unlikely to be viable to re-use what remains of the existing structure due to the financial costs of implementing the structural requirements. The report highlights the difficulty of underpinning the existing walls, the condition of existing structural timber and the difficulties of addressing the necessary increase in finished floor levels in any conversion to take account of revised flood assessments.
- Viability report, which concludes that the proposal granted permission in 2006, for the conversion of the existing building, is not financially viable but that the current proposal produces a sufficient return to make it viable.
- Historic Buildings Investigation which essentially concentrates on the historic significance of the building and its development.
- Transport Statement, discussing parking proposals and sustainable travel measures.
- Statement of Community Involvement, describing the outcome of the Exhibition at St Margaret's Church on 8th December 2010.

3.0 SITE AND SURROUNDINGS:

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

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The buildings and land at Corn Mill Fold were used as part of the adjacent Dickinson's Scrap Yard in the twentieth century, primarily for the storage of engines. Listed in 1988, the corn mill building had by the turn of the century fallen into disuse and disrepair. The area surrounding the site had been identified by developers as having potential for development, and a number of applications were submitted.
- In 1999 an application to demolish the mill was withdrawn before determination.
 - In January 2003, approval was granted for conversion of the disused mill to offices and for the erection of three office blocks on the surrounding land (27/189/02/FU and 27/188/02/LI). The scheme was designed with the listed building as the central element, the office buildings stepping down towards the Corn Mill in order to provide a suitable setting.
 - Subsequently, in July 2004, approval was granted for residential development comprising 123 flats in 4 blocks (27/224/03/FU). The building is now surrounded by this new residential development to the north-west, south-west and south-east with the beck and open land to the north-east. The permission included a condition that required the submission and approval of a programme to ensure the retention and refurbishment of the listed Corn Mill prior to the commencement of development but did not expressly state when the approved scheme had to be implemented. This, and the subsequent separation of ownership of the Corn Mill from the housing site meant that the construction of the residential development took place without the refurbishment of the mill building.
 - In September 2006 a further listed building consent (reference 06/02204/LI) and planning permission (reference 06/02203 FU) were granted for alteration and change of use of the listed building to offices. The motivation for these new applications was that investigations had shown that the extent of hydrocarbon contamination was greater than originally anticipated and the fabric of the building was in worse state than expected. The applications included drawings showing details of the extent of demolition necessary to address contamination and health and safety issues prior to reconstruction works.
- 4.2 In December 2007 it became clear that more of the external walls of the building had been demolished than shown on the approved drawings and the matter was investigated by the Compliance Service. Following meetings with the applicant a further application was submitted (08/00365/LI), which did not seek to alter the end use but proposed to reconstruct the building on the remaining walls.
- 4.3 The drawings accompanying that application showed that additional demolition (over and above that previously permitted in 2006) had occurred on three elevations:
- On the east elevation the removal of all of the wall above first floor level, compared to the retention of approximately 40% of the wall above this level on the 2002 scheme.
 - On the south elevation the removal of 60% of the upper part of the south facing gable, whereas the 2002 scheme proposed the removal of only the top three courses.

- On the north elevation the removal of nearly all of the walling above first floor level, compared with the retention of the majority in the 2002 application.
- Proposed work to the west elevation remained largely unchanged between the schemes, the building having been demolished above first floor level.

4.4 The applicant submitted a letter justifying the need to amend the scheme with the application, indicating that during the process of demolition necessary for the investigation and treatment of contamination it became apparent that certain areas of wall not scheduled for demolition on the proposed drawings “were in a very precarious and poor condition” and “needed to be removed immediately for health and safety reasons”.

4.5 The parts of the walls retained on site were those that were judged to be structurally sound. The stones that were removed had been individually surveyed, marked and identified on plans and stored at a builder’s yard in Malton, North Yorkshire. The applicant submitted a proposed programme of works indicating that it was intended to begin reconstruction on 1 June 2008 with completion targeted for 11 May 2009.

4.6 The listed building application 08/00365/LI was granted on 18 March 2008 and the alterations were accepted as a minor amendment to the planning permission granted in 2006 (reference 06/02203 FU) on 30 June 2008 (08/9/00260/MOD).

5.0 DISCUSSIONS FOLLOWING THE 2008 APPROVAL AND THE SUBMISSION OF THE PRESENT APPLICATION:

5.1 Following the March 2008 approval, the owners made it clear at this time that it was intended to complete the identified de-contamination works and restore the building. The property was actively marketed for an end user. In view of this and the agreed programme of works, the Area Planning Manager wrote to the owners on 2 May 2008 indicating that he was prepared to recommend to the Compliance Service that action shouldn’t be taken to prosecute them for the unauthorised demolition of parts of the building providing that the programme of works was implemented and the building restored.

5.2 Remediation work on the site started in the summer of 2008. On 8 July a further letter was sent to the owners asking for an update to the timetable, since the owners had indicated in correspondence that more time would be needed to implement the scheme. The applicant indicated that the further contamination problems had arisen and there had been delays in agreeing the requirements of the West Yorkshire Archaeological Service. The latter approved the scope of works in July 2008 but a Final Report was still required before the refurbishment work could commence.

5.3 Agreeing the necessary remediation work took some time and the work itself did not commence on site until 13 October 2008. Following this a further meeting was sought with the owners to discuss the implications for the agreed program of works. That meeting took place on 11 December 2008. At that meeting the Applicant indicated that the location of additional contamination would mean that further demolition would be needed. If the completed building was to be occupied for offices this work would have to be carried out in order for the potential purchasers to obtain insurance. Given this and the mounting costs and losses on the project, the only realistic options for the owners would either be to demolish the building or for the Company to go into liquidation. In view of this the applicant sought guidance on how to go about obtaining listed building consent to demolish the building.

- 5.4 The Contaminated Land Team, who had been working with the owners and the Planning Service to address contamination issues on the site subsequently considered the evidence relating to additional contamination. In February 2009 they confirmed that the material should be removed from the site and agreed with the owner that this may require the removal of the northern wall of the building. These comments and requests for further information were communicated to the owners Environmental Consultant on 17 February 2009. Following further exchanges of information a meeting was arranged with the applicant on 1 April 2009. At that meeting the Contamination Officer supported the removal of the northern wall to deal with contamination by hydrocarbons. The owners asked whether, with further demolition, the better option would be the demolition and rebuilding of the whole listed building.
- 5.5 The implications of demolition were pointed out to the owners at the meeting on 1 April 2009. In addition to the need to justify the demolition of the listed building and support this with information relating to commercial viability of the various options, they were also advised that any such proposal would not only require the support of officers but more importantly that of English Heritage, Local Members and the Plans Panel. It was suggested that the owners should meet with and explain their position to Local Members and the Civic Society.
- 5.6 Following this meeting a letter dated 3 April 2009 was sent to the owners suggesting investigation of an alternative development of the site, retaining the largely intact two storey building but demolishing and rebuilding the already largely demolished three storey section. It was made clear that this was an officer suggestion and without prejudice to the decision of the Council. In any event the applicant replied indicating that the proposal was both impractical and non viable.
- 5.7 In view of this an email was sent to the Horsforth Councillors, transmitting the owner's requests for a meeting to discuss the future of the building. However Councillor Townsley indicated he would attend only if it was to discuss the retention of the building.
- 5.8 Following the response from Councillors the owners did not pursue their proposals for a revised scheme demolishing the building and continued to address contamination issues. In April 2010 the Head of Planning Services and the Owners' agent spoke again and agreed to arrange a review meeting, which was held on 20 May 2010.
- 5.9 It was clear at this meeting that the owners had resolved to pursue the redevelopment of the site on the basis that the retention of the building was, in their view, not feasible, practically or economically. Whilst the owner had shared costing and marketing information whilst pursuing the option to repair the buildings in accordance with the approved listed building and planning applications, it was the view of officers that if demolition was proposed much more information would need to be provided on the practicality and viability of the various options if the Council was to be in a position to make an informed decision.
- 5.10 Prior to the current applications, there has been correspondence with the applicant discussing the technical requirements if a new application is to be submitted. At this stage additional information was submitted on viability and Officers expressed the view that on the basis of the information provided to date new build was the only viable proposition.

- 5.11 The owner was further advised that they would have to apply for listed building consent to demolish the remaining fabric and that further justification for demolishing the listed building including marketing details would be required. It was stressed that the views expressed constituted an officer opinion and that members may not agree with this assessment. Following the submission of the present applications additional information was sought in respect of the viability appraisal and the parking issues.
- 5.12 There have since been additional meetings with the agents for the applications and Local Councillors. At a meeting 18 January 2012 the agents agreed to submit additional information considering the viability of stabilizing the building and effectively leaving it safe as a "historic ruin". In addition further information regarding the applicant's proposals for off street parking in the adjacent flats, including a traffic survey to assess existing parking arrangements, confirmation of the number of units and bed spaces in the present scheme and details of a legal agreement with the management company were to be provided.
- 5.13 In relation the parking issue the applicants have been seeking agreement with the management company of the adjacent flats with a view to utilizing parking spaces related to the flats during the day. However, despite commencing these discussions in September 2011 there had been no real progress by the end of October 2012. It is understood that the management company will have made a final decision on the issue in November and if this is the case the outcome will be reported to Panel. With regard to the submission of the whole package of information agreed in January the applicant has indicated that this may be possible by the end of November but that this is dependent on the response of the management company.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Community Involvement:

The applicants organised a five hour community engagement event on 8 December 2010 at St Margaret's Church, Horsforth. Ward members were invited, an advertisement was placed advertising the event in the Wharfedale Observer and posters were placed around the site and in four other locations in Horsforth.

The event involved the use of display boards and people were invited to make comments and ask questions. 22 individuals attended the event including 2 Ward councillors and representatives of the Civic Society, Town Council and Museum. The SCI notes that the key issues raised in the 6 responses were:

- Insufficient parking provided by the scheme.
- Renovation would be preferable to demolition
- A viable use should be provided for the site
- The proposal better than the ruin on the site.

6.2 Publicity:

The applications were both advertised by means of site notices (Listed building and PRow Major) posted on 24 June 2011, inviting comments by 15 July 2011. In addition a notice was published in the Wharfe Valley Times on 30 June 2011.

6.3 Comments received.

Ward Councillors were consulted on 17 June 2011. All three Ward Councillors have objected to the proposals on the basis that the existing listed building should be retained and renovated in accordance with the original intention when the Corn mill development was permitted.

Horsforth Town Council: No comment.

Amenity bodies:

Horsforth Civic Society:

- would like to see more of the original building rebuilt, and certainly all of the on-site materials being used to form new structure, with the original materials exposed and forming feature walling.
- concerned with the look of the central service tower, should be faced with a more sympathetic material, or indeed formed of stone to match the façade.
- concerned about the safety implications of the inclusion of a pond within the curtilage of the building.
- Consider a maximum "recompense" for failure to restore the original building should be applied in respect of this new application, in the form of maximising Section 106 funding to the community. Some company, somewhere, will benefit very significantly from the situation.
- HCS believes that the community has lost a significant heritage building and that Leeds City Council should recognise this and act accordingly.

LEEDS CIVIC TRUST: objects most strongly to the proposed development, and considers that the developer should be made to reconstruct the building as in the original planning approval.

VICTORIAN SOCIETY: Strong objections to this application, on matters of principle. We also wish to object to the making public of officers' advice in support of the applicant's scheme, which prejudices the views any outside parties may have about the case.

ANCIENT MONUMENTS SOCIETY: Do not formally oppose the present application but the Committee was highly sceptical that it represents a legitimate conservation outcome.

Have "very real fears that this would prove to be a good example of the bad practice of facadism."

COUNCIL FOR BRITISH ARCHAEOLOGY: The CBA feels that Horsforth Corn Mill should not be subject to further deterioration or of demolition. Every effort should be made to stabilise, restore and incorporated the mill into a scheme which preserves and enhances this heritage asset for current and future generations. This is not an acceptable treatment of a heritage asset. We ask that your authority refuse the application in its present form.

One individual objection received noting that:

- The flats were allowed as enabling development.
- Unfortunately no Section 106 linkage was made.
- The mill buildings have deteriorated greatly since planning permission was granted over 5 years ago.
- The developer should rebuild the Corn Mill as it was - without further enabling development.
- If this application is allowed it will set a terrible precedent.

In addition one representation has been received **in support** of the applications on the grounds that the use of existing residential parking at the adjacent flats will remove the present eyesore and result in a redevelopment of use and value without inconvenience to local residents.

7.0 CONSULTATION RESPONSES:

Statutory Consultees:

ENVIRONMENT AGENCY: No objection subject to conditions

FLOOD RISK MANAGEMENT: No objection subject to conditions

YORKSHIRE WATER: No objection subject to conditions

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

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

Non Statutory Consultees:

NEIGHBOURHOODS AND HOUSING: Recommend conditions.

CONTAMINATED LAND TEAM: No objection to planning permission being granted, subject to Conditions and Directions.

PUBLIC RIGHTS OF WAY: Public Footpath No.25 Horsforth subsists over the application site. A diversion order was applied for by Miller Homes in February 2011 concerning the above footpath but there are still some outstanding objections which have not been resolved. If the development is to go ahead a Traffic Regulation Order may be required for the duration of the works.

SUSTAINABILITY – CONSERVATION:

Initial comments:

The statement at paragraph 1.9 of Aspinall Verdi's report sums up the current predicament well:

“The overall amount of floorspace also limits the total value of the scheme, which means that fixed costs of development have to be carried out by a smaller scheme. An example of this is the cost of dealing with contamination of the site. The costs of this are relatively fixed and clearly the smaller the scheme, the greater the relative cost on a per square metre basis”.

In other words, refurbishment of the listed building was always unviable and could only be secured by linking it to the new build, which the City Council failed to do.

Procedure

The listed building application needs to be notified to English Heritage and the amenity societies. If the City Council is minded to grant consent, it will have to be referred to the Secretary of State.

Proposal

The applications are supported by specialist reports which help to make informed decisions on the applications. I find the Aspinall and Verdi's viability report, required by policy HE9.3 of PPS5, particularly useful and I am convinced by the marketing information that concludes that there is no viable office scheme. I assume that the building was marketed for offices because this was the consented scheme, but the question must be asked: what about other uses? I would like some commentary on the comparative values of office use versus residential, which is also a likely use.

On the costs of refurbishment, I would like to see the cost of removing contamination isolated and justified. Is it necessary to remove all contamination from site or can it be capped off?

The structural report is by and large descriptive rather than analytical. The condition of building A (using the notation of the archaeological study) is for everybody to see and I do not disagree that it has to be demolished. I would like more assessment of the condition of buildings B and C which are still standing and contain a large proportion of the first phase of building. Simply put: can these building be retained in situ rather than demolished?

My view on both applications cannot be definitive until I have this information. However, I have some suggestions about the design of the scheme which do not depend on the extent of building retention. The office scheme is a well considered response to the character of the existing buildings and the historical development of the site which is clearly express "new" and "old". My concern is that the South elevation of the mill (whether rebuilt or retained in situ) will appear as though it has been transplanted onto the face of a larger and unrelated scheme and will lack integrity. I suggest that gables of buildings B and C are returned into the new build (the apexes of the gables carried on steels over the open plan office space)

and that the attached new build has flat roofs to expose the three dimensional form of the embedded historic element.

Comments on revised supplementary report:

I'm not sure that the revised report takes us much further. It concedes that it is technically feasible to retain the mill (in practice it is the two storey section that we are talking about) but it is difficult to justify this on cost grounds. The "extra" cost is not quantified. Where are we with the appraisal? It is fair to say that if the scheme is marginal, it may not be possible to absorb extra costs.

SDU NATURE CONSERVATION: No objection subject to a condition.

ENVIRONMENTAL POLICY: Depending on the timescale and the views of the developer, outstanding issues could be agreed through Planning Conditions.

ARCHITECTURAL LIAISON OFFICER: I do not wish to make any detrimental comment in respect of this proposal.

ACCESS OFFICER: Require some minor amendments to the layout to accommodate requirements.

HIGHWAYS: Objections. The proposals would result in a demand for car parking which cannot be satisfactorily accommodated within the site. This would lead to an increase in on-street parking which would be detrimental to the safe and free flow of traffic and pedestrian convenience/safety. Proposals to use the residential parking of the adjacent flats during the day are not considered to be acceptable as this has not been properly assessed (evidence of spare capacity) and it already appears that parking is displaced onto the access roads to the site. In addition the demand for parking from residents of the flats may change over time.

ARCHAEOLOGICAL ADVISORY SERVICE (WYAAS): The WYAAS recommend that the current proposals are REFUSED as demolition is an unacceptable and "exceptional" loss of a heritage asset and the significance of a regionally important industrial building.

ASSET MANAGEMENT: The appraisals each give, in my opinion, a fair and reasonable view of the key variables, particularly likely revenues and costs involved in such a project which effect viability.

In the current market to attempt to bring back the historic buildings either in part or in whole for either uses is not considered viable and by a long way.

A combination of the high costs associated with the proposals matched by a poor market has made conversion for residential use or office use at the present time unviable.

In reaching these conclusions I have made my own enquiries and undertaken my own assessment and tested over several scenarios to examine how marginal or otherwise the developer's case is and this suggests that sales /revenues would have to rise significantly relative to costs to bring about a marginally viable scheme.

8.0 PLANNING POLICIES:

Development Plan Policies

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

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

8.2 Whilst the Government has indicated an intention to revoke Regional Spatial Strategies the RSS for Yorkshire and the Humber is still part of the Development Plan. The following policy is relevant:

- Policy ENV9: Aims to safeguard and enhance the historic environment, and ensure that historical context informs future development and regeneration and to conserve distinctive elements of the historic environment and enhance local character and distinctiveness.

Government Policies

- National Planning Policy Framework (March 2012) particularly paragraphs 132 and 133. Para 132 states that great weight should be given to a heritage asset's conservation – the more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Para 133 sets out criteria to be used in assessing applications such as this and is quoted in full in the appraisal.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 Previous planning permission 27/189/902/FU and 06/02203/FU established the principle of B1 (Office) development on the site. The principle of demolishing and reconstructing **parts** of the building was established by applications 06/02204/LI, with minor variations to the rebuilt structure being approved under applications

08/00365/LI (granted on 18 March 2008) and the minor amendment to the planning permission granted in 2006 (reference 06/02203 FU) on 30 June 2008 (08/9/00260/MOD).

Listed building issues

- 10.1 The mill was listed in 1988 for its historical significance as a corn mill. Initially constructed in the 18th century and expanded in the 19th century it is built of sandstone with quoins, stone mullion windows and a stone slate roof. It incorporates a small element of re-used medieval material. It is Grade 2 listed and is considered by WYAAS as of regional significance as it has evidence of both water and steam powered milling technology. It is the last of two corn mills in the area – Troy Mill was demolished in the 1970s.
- 10.2 Whilst the principle of rebuilding the derelict listed building has been accepted, on essentially the same footprint and utilising the remaining structure and the materials that had previously been carefully removed and labeled, the present proposal is essentially for the construction of a new building on the site utilising some of the existing materials but on a larger footprint and with an altered external appearance. Whilst the Design and Access Statement seeks to stress the retention and rebuilding, the fact is that the proposal will result in a new building on the site, not the current listed building. The principal issue to be considered, therefore, is whether the demolition of the building can be justified in Policy terms and on the basis of the evidence submitted by the applicants.
- 10.3 Leeds UDP (2006 Review) Policy N14 sets out the criteria against which proposals to demolish listed buildings should be considered. This states that there is a presumption in favour of retention of listed buildings and that demolition will be permitted “only in exceptional circumstances and with the strongest justification”.
- 10.4 Subsequent National Guidance is included in National Planning Policy Framework (NPPF). Paragraph 133 is particularly relevant, stating that:
- Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- 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 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.
- 10.5. It is clear from the above that the total loss of this grade II listed building should only occur in exceptional circumstances either because the loss will achieve substantial public benefits or all four criteria in paragraph 133 are met.
- 10.6 It is not the view of officers at present that the proposal will deliver substantial public benefits. In this respect the applicant claims that: the quality of design and the viable use of the building; the improvements to the immediate environment; addressing

flood risk and on site contamination; and the contribution to the economic growth of the Leeds City Region will all contribute to a substantial public benefit. Whilst the

building is clearly something of an eyesore in its present state, the mitigation of that problem is not considered to be such a priority to justify the loss of the heritage asset and the other benefits alluded to could potentially be achieved by a scheme along the lines previously permitted by the City Council for conversion and rebuild.

10.7 It is therefore considered that if consent is to be granted for demolition all four criteria in paragraph 133 must be met, specifically, that the nature of the asset prevents all reasonable use of the site, no reasonable, viable use can be found; preservation through funding is not possible; and the loss of the asset is outweighed by bringing the site back into use.

10.8 The applicant's view in respect of these issues, expressed in the application is in summary:

- A redevelopment scheme is the only realistically viable option. Retention and alternative use is exacerbated by a number of technical issues relating to contamination and flood risk management.
- Investigation of alternate funding sources or charitable or public ownership options has not been successful.
- The loss of the asset will protect and enhance the character and historical feature through rebuild, reusing existing materials and reconstructing one of the elevations.

10.9 Support for this view is submitted in the form of a viability study by Aspinall Verdi that considers both the approved 2006 conversion proposal and the current scheme and provides detailed financial appraisals of the two schemes.

The main conclusions are that:

The earlier scheme is non viable primarily due to the abnormal costs of development which drive up costs, and with a small footprint the end value is limited.

Marketing of the 2006 scheme for a number of years has failed to produce any result in a competitive market with significant second hand accommodation available.

The present scheme produces sufficient return to justify proceeding with the development.

10.10 In addition a structural report submitted by WSP with the application stated that the 2006 proposal was unlikely to be viable and cited the following problems: the cost of underpinning existing foundations at a depth of 2 to 3m in wet and contaminated ground; impractical use of existing walls due to their lack of verticality and condition; problems with existing timber elements; and the impact of revised flood assessments which would leave 20% of existing walls below finished floor levels.

10.11 In response to a request by Officers to consider a residential conversion of the building Aspinall Verdi responded that: the sales risk in terms of time taken and price achieved would make any developer or investor unlikely to consider residential

use; it is unlikely that funding could be secured; and the building costs would be unviable.

- 10.12 Following discussions with the developer and local members the applicant has also agreed to consider the implications of retaining the building as a “managed ruin”, but at the time of writing this report this information has not yet been submitted by the applicant
- 10.13 The reports relating to viability have been considered by the Council’s Asset Management Section and are reported in consultation responses. In summary Asset Management’s assessment is that:
- In the current market to attempt to bring back the historic buildings either in part or in whole for either uses (residential or office use) is not considered viable and by a long way.
 - A combination of the high costs associated with the proposals matched by a poor market has made conversion for residential use or office use at the present time unviable.
- 10.14 It is clear from the above that within the terms of the Viability Appraisal submitted by the applicants the proposals to convert the building to offices or residential use are not viable whilst the current application is. It should be noted that the key assumptions made in reaching that conclusions offset the assessed value of the two schemes against the costs of the development including build costs, professional fees, marketing and finance costs. Acquisition costs are not included in the assessment.
- 10.15 In other words the Appraisal only looks at the cost of building the two alternative proposed developments (conversion or redevelopment) against the value of the development once completed. It should be added that the initial Appraisal assesses the position specifically in relation to the current market conditions and looks only at two detailed alternatives for office development and a theoretical assessment of potential for residential conversion. It is for this reason that Officers have sought an assessment of the costs of the “managed ruin” option, since the acquisition costs have, in essence, already been written off.
- 10.16 It is a matter of debate whether the Appraisal and other information submitted with the application is adequate to address the requirements of Policy. Within the context of the assumptions made the results are reasonable. In addition it is likely that in any conversion to offices the removal of contamination and measures to address the flood risk issue would be likely to lead to the demolition of more of the remaining structure and a redesign of the approved conversion scheme in any event.
- 10.17 In considering this issue it is also relevant to note that English Heritage advises that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice. A number of other consultees oppose the demolition and re-development as reported above including:
- WYAAS: objects to the proposal as demolition is an unacceptable and the “exceptional” loss of a heritage asset and the significance of a regionally important industrial building has not been justified.

- Leeds Civic Trust: wishes to object most strongly to the proposed development and considers that notwithstanding the issues raised by the applicant, consent for this scheme should not be granted, with the developer made to reconstruct the building as in the original planning approval.
- Victorian Society: Wish to make strong objections to this application, on matters of principle.
- Council for British Archaeology: considers Horsforth Corn Mill should not be subject to further deterioration or of demolition. The proposal to demolish and rebuild the façade from building 'B' is not an acceptable compromise. This is not an acceptable treatment of a heritage asset. In conclusion, ask that the authority refuse the application in its present form.

- 10.18 On the basis of all the information the issue remains as to whether there is any alternative viable use for the building. Officers accept that within parameters considered by the applicant the present proposal is viable and the other options discussed are not. However, it may be considered reasonable to require the applicant to undertake further investigation on the potential for charitable or public ownership prior to the consideration of any proposals for further demolition and redevelopment and to submit detailed information in respect of these issues, as well as the information relating to retention as a managed ruin.
- 10.19 There remains the issue of the present condition of the building. It is clear that unauthorised demolition took place between the approval of the 2006 application (September 2006) and December 2007, although the approval of application 08/00365/LI on 18 March 2008 effectively authorised the demolition to that point and approved the rebuilding and conversion of what remained of the building.
- 10.20 Given its present condition the building will continue to deteriorate until it is demolished or refurbished. Paragraph 130 of the NPPF states that where there is evidence of deliberate neglect or damage to a heritage asset the resultant deteriorated state of the asset should not be a factor taken in to account in any decision. The applicant can point out, however, that in seeking to retain the building he has obtained a number of permissions for refurbishment and conversion and the Council has considered these applications on the basis that they would result in the retention of the building and in the belief that the proposals put forward by the applicant were feasible and viable.
- 10.21 With regard to future actions, the Council would have a number of options if permission is refused and the applicant makes no attempt to repair the listed building. These include:
- A notice under Section 215 of the Planning Act 1990 could be served if it was considered that the current condition of the site is affecting the amenity of the area. Such a notice is subject to appeal. If the works are not carried out the local authority may enter the land and carry out the work, recovering "expenses reasonably incurred" from the owner.
 - Section 54 of the Listed Buildings and Conservation Areas Act allows an authority may give 7 days' notice that they intend to execute works they

consider urgently necessary for the preservation of a listed building in their area. Again the owner can be served a notice requiring him to pay the costs of the work and the owner may appeal to the Secretary of State within 28 days that the works are unnecessary or the costs unreasonable.

- Section 48 of the same Act allows the service of a Repairs Notice, specifying what works are considered necessary for the proper preservation of a listed building. If the works are not carried out within two months the local authority can start compulsory purchase proceedings. Other powers exist under the Building Act.

10.22 None of these options are likely to provide quick fixes and all are likely to have budgetary and potentially future asset management implications.

In light of the above, Members' initial views are sought on the principle of permitting the demolition of this listed building and what further information may be required before a final decision is taken on this issue. If demolition is not acceptable, views on what further action the Council should take are also sought.

Highway Issues

- 10.23 Notwithstanding the above issues, the Highway Authority has advised that the application as submitted is unacceptable in that the amount of parking provided on the site is inadequate for the development proposed.
- 10.24 The basis for this objection is that the floor area indicated on the application forms for the proposed building is 1008sqm, which would generate a maximum car parking requirement of 31 spaces. The proposed level of parking (14 spaces) is considered to be totally inadequate.
- 10.25 The applicant has suggested that ten car parking spaces could be made available during the day, for parking for office staff, in the car park of the adjacent flats. Town and City Management, who manage the parking bays to the flats consider this to be acceptable in principle. The additional 10 spaces would be provided in perpetuity in accordance with an agreement with the Management Company, not with individual residents. The applicant's advisors consider that because the majority of the residential bays are apparently vacant during the day, this would be a workable joint arrangement which neither party (applicants and management company) consider would lead to problems. To date however the management company have not confirmed that the proposal is acceptable to residents.
- 10.26 If agreement is reached, the applicant is proposing to include these additional ten spaces in the parking provision available for future employees of the Corn Mill Fold site. Town and City Management would issue employees at Corn Mill Fold with permits to park in allocated spaces which they consider would ensure an enforceable system on site. They consider this is a considerable uplift in provision from the current 14 spaces to 24 spaces and that linked with the availability and reasonable access to public transport as set out in Transport Statement would provide an innovative, practical solution.
- 10.27 The applicant would be happy to accept a condition on a consent which requires 24 parking spaces as part of the development (14 on site and 10 through the Management Company operating on the adjacent residential site). A S106 agreement would also be considered between the Council, applicant and Town and

City Management to ensure that the arrangement is linked to the planning permission.

- 10.28 This proposal has been discussed in greater detail with the Highway Authority and there is concern that the proposed allocation of car parking in the flats development for the office has been not been adequately assessed i.e. no evidence has been submitted to suggest that there is spare capacity at the times when office workers would require parking spaces.
- 10.29 In addition, as a total of 31 (max) spaces would be required there would still be a maximum shortfall in car parking of 7 spaces. It is also likely that as a result of the office parking, residents and their visitors could be displaced onto the roadways within the site. This already appears to happen to some extent because some residents are reluctant to park in the car parking bays.
- 10.30 The Highway Authority consider that proper management of the site would ensure that residents park in the marked bays not on the access roads and this should be the main aim of the management company, not the leasing off of space to a third party. Only then could it be proved that there was spare capacity.
- 10.31 It is also possible that the personal circumstances of existing residents could change meaning that they could be at home during the day or they may move on and other residents with different demand for parking could take their places.
- 10.32 In essence the applicant's consultants have sought to address the fact that there is inadequate space for parking on the site for the size of building they are proposing by using private domestic parking associated with the adjacent apartment blocks during the working day. Officers are not convinced that this is either appropriate or practical.

Members' views are requested regarding the level of car parking provided and the proposal to address the shortfall by utilising parking spaces in the adjacent flats during the day.

Design

- 10.33 In general terms the proposed building design is considered acceptable. English Heritage have made comments regarding the reuse of materials and recommended that a contract for the reconstruction is in place before the building is further demolished and the site cleared to undertake the proposal. If consent were to be granted Officers would recommend that these matters should be addressed and should be dealt with by condition.
- 10.34 The Conservation Officer has expressed concerns about the proposals relating to the proposed south elevation which may appear unrelated to the remainder of the building. Again this could be addressed relatively easily by amending the elevations.
- 10.35 The applicant has been made aware of these comments but has not submitted amended proposals and given that the principle of demolition of this building and the parking proposals are unresolved, has not been requested to do so,

Members' views on these design issues are requested.

Other issues

- 10.36 There are a number of other concerns relating to the proposal which have been raised with the applicant which could be addressed by amendments to the proposal if it was otherwise considered acceptable. These include that the footways leading to the site (which were constructed as part of the flats development) are extremely narrow, particularly on the development side, and that as a result of this, pedestrians, especially those with mobility needs, may have to walk in the roadway. To overcome this, the nearside footway around the perimeter of the development should be increased to 2 metres. This would aid pedestrians but will also assist forward visibility around the bend in the roadway.
- 10,37 The Public Rights Of Way Section has indicated that Public Footpath 25 Horsforth crosses the application site and that this will have to be diverted to accommodate the development. They indicate that the developers of the flat development (Miller Homes) have applied for a Diversion Order but that there are outstanding matters which remain to be resolved. Whilst this needs to be progressed in order to accommodate the development, this is unlikely to be a problem for the current proposal and previous planning permissions have been granted for the same site area.
- 10.38 The access officer has also indicated that the disabled user parking spaces shown on the submitted plan need to be revised in accordance with British Standard guidelines i.e. they are not of sufficient size to accommodate the needs of disabled drivers. Amendments could be made to these to meet the guidelines.
- 10.39 All of these “other issues” are essentially minor matters in comparison to the issues of principle relating to the listed building demolition and parking provision raised in this report and they can be addressed if the development is considered acceptable in principle.

11.0 CONCLUSION

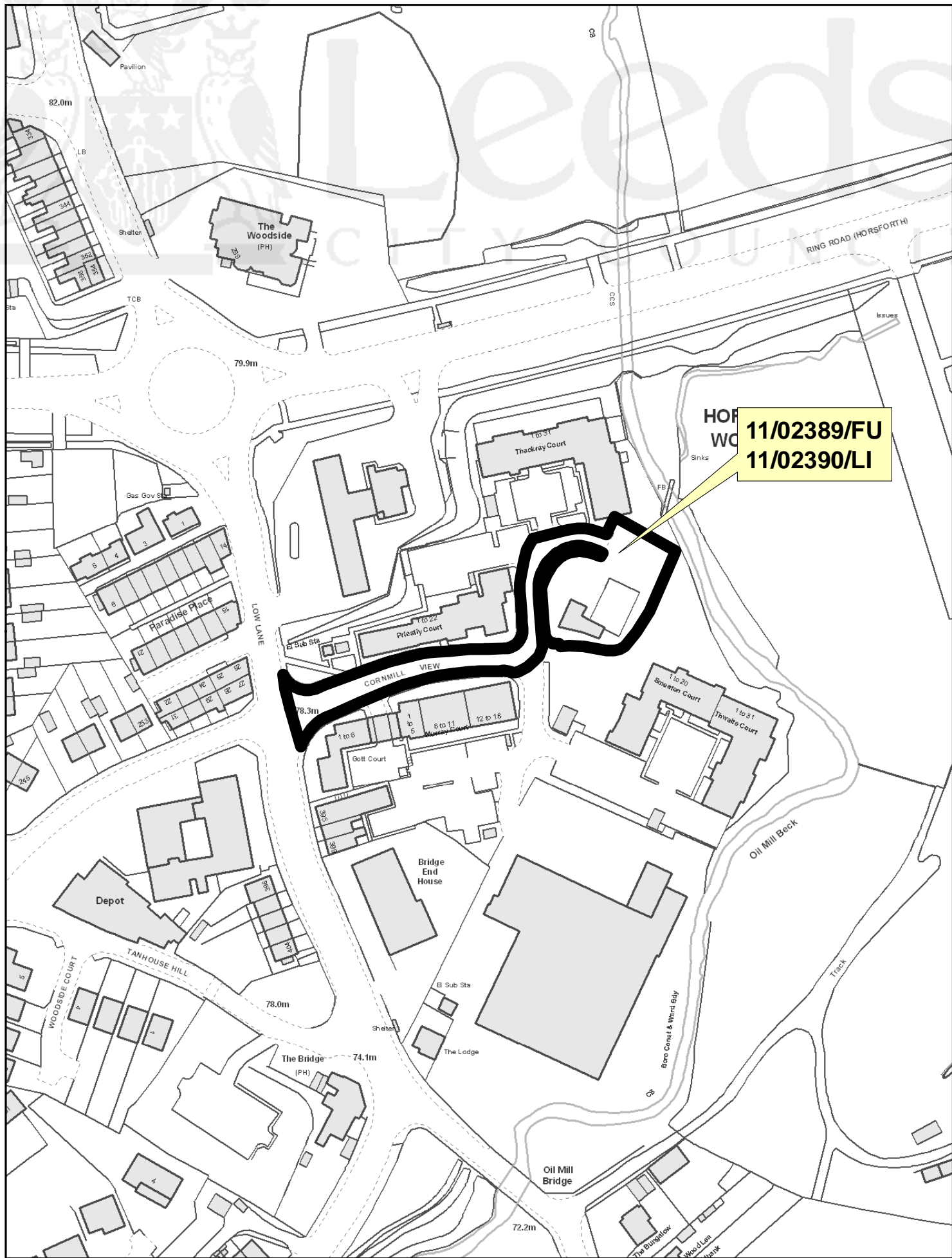
Members are invited to comment on the application at this stage in relation to

Principle of development

Car parking

Design issue

- 11.1 The applications will be returned to Panel for formal determination in due course but it was considered that a position statement was appropriate in this case given the complex history and the issues it raises



11/02389/FU
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SOUTH AND WEST PLANS PANEL

