

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 15 November 2018

AE

Subject:

An Outline application and associated Listed Building Consent (18/00861/MAO and 18/01396/LBC) for the demolition of school buildings and school house, erection of three storey residential building and two storey educational teaching building and construction of car park, requesting consideration of access and layout.
Former Wapping First School, Wapping Road, Bradford

Summary statement:

This outline application and listed building consent seek to establish the principle of the use of the site for an educational facility and student accommodation for up to 90 students, demolishing the two listed buildings currently on the site, with the boundary wall and original steps retained.

The site is unallocated in the Local Plan. This type of development is CIL exempt and as an educational facility and student accommodation, would not be liable for affordable housing.

The planning merits of the proposal are examined in the Officer Report forming Appendix 1 to this report. This considers the various points of objection and outlines consultation advice received. Officers recommend that planning permission and listed building consent should be refused for the reasons outlined in the officer report. It is concluded that insufficient weight has been given by the applicants to the heritage assets including no clear and convincing justification for the total loss of the listed buildings, insufficient demonstrable substantial public benefits that would outweigh the loss of this listed building and also insufficient information to demonstrate that a viable use of the heritage asset cannot be found. It is concluded that the loss of the listed buildings does not outweigh the benefits derived from this scheme and there is insufficient detail of the design, scale and materials of any replacement.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

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Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Area:

Regeneration and Environment

1. **SUMMARY**

The Regulatory and Appeals Committee are asked to consider the recommendation for the determination of outline planning application ref. 18/00861/MAO and listed building application 18/01396/LBC made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1, which proposes:

18/00861/MAO - Outline application for demolition of school buildings and school house, erection of three storey residential building and two storey educational teaching building and construction of car park, requesting consideration of access and layout.

18/01396/LBC - Demolition of existing school buildings and school house, erection of three storey residential building and two storey educational teaching building and construction of car park.

Former Wapping First School, Wapping Road, Bradford

The proposed facility will provide purpose built educational facilities for the students who attend educational courses at the existing Life Church, along with accommodation for them to live in.

The development includes:

- Two storey education facility with rehearsal space and ancillary storage areas
- 90 bed three storey student accommodation.

Access to the car park will be via the adjacent Prospect Road to the west. The proposed education building and residential accommodation will occupy similar footprints as the existing buildings that are to be demolished.

The proposals will maintain the same ridge height as the existing listed buildings, which are proposed to be totally demolished. The original boundary wall and steps are proposed to be retained if structurally possible.

2. **BACKGROUND**

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to these applications.

3. **OTHER CONSIDERATIONS**

All considerations material to the determination of this planning application and listed building consent are set out in the Technical Report at Appendix 1.

4. **FINANCIAL & RESOURCE APPRAISAL**

None relevant to these applications.

5. **RISK MANAGEMENT AND GOVERNANCE ISSUES**

None relevant to these applications.

6. LEGAL APPRAISAL

The options set out below are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended) and Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to consultation with the Secretary of State on the Listed Building Consent, to allow him opportunity to call in the application if he so wishes under the provisions of the Consultations Direction, if the Committee resolved to approve planning permission.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound basis to conclude that either refusing or approving planning permission would be likely to lead to disproportionate impacts on any groups of people or individuals who possess protected characteristics.

Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are attached at Appendix 1.

7.2 SUSTAINABILITY IMPLICATIONS

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to Sustainable Development, comprising:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The proposal is for the demolition on of two Grade II listed buildings and erection of a three storey residential building and two storey educational teaching building on unallocated land.

The report at Appendix 1 explains why the proposed development is considered to unacceptable. The application cannot be considered to be for Sustainable Development as defined by the NPPF due to the unjustified total loss of the listed buildings and as a consequence contrary to policies set out in the NPPF and adopted Core Strategy.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future occupiers. However the Development Plan seeks to limit such impacts both by directing new development to sustainable locations, either close to existing centres or well connected to those centres in terms of public transportation, and also by requiring air quality mitigation to be incorporated into new developments, such as through travel planning measures and the provision of electric vehicle charging points.

In relation to these matters it should be noted that the proposed development site it is in an urban area, close to frequent bus routes and therefore in a sustainable location. It is accepted that the proposed development would result in greenhouse gas emissions however, it is considered that it is likely that emissions would be lower due to the proposed end users and mitigation could be secured (e.g ELV charging) via conditions if permission was granted.

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications other than those raised in the main body of the report.

7.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

There are no implications for Trades Unions relevant to these applications.

7.7 WARD IMPLICATIONS

The proposal site is within the Bowling and Barkerend Ward. Ward Councillors and local people have been made aware of the application and have been given opportunity to submit written representations through notification letter, site notices and an advertisement in the press.

The Technical Report at Appendix 1 summarises the material planning issues raised in the representations. It is not considered that there are any significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

N/A

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

18/00861/MAO - Outline application for demolition of school buildings and school house, erection of three storey residential building and two storey educational teaching building and construction of car park, requesting consideration of access and layout.

The Committee can refuse the application as per the recommendation contained within Appendix 1, or approve the application.

If the Committee resolve that planning permission should be approved, then they will need to give reasons based on material planning grounds for approval and identify any specific conditions they consider necessary. Members could resolve under these circumstances to delegate the provision of planning conditions to the Assistant Director.

18/01396/LBC - Demolition of existing school buildings and school house, erection of three storey residential building and two storey educational teaching building and construction of car park.

The Committee can refuse the consent as per the recommendation contained within Appendix 1.

The Committee can resolve to approve, in which case reasons for approval will have to be given based upon development plan policies or other material considerations and in accordance with the provisions of Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the granting of Listed

Buildings Consent for the demolition would be subject to a 28 day Secretary of State notification period to allow opportunity for the Secretary of State to call-in the application for his own determination if he so chooses.

10. RECOMMENDATIONS

To refuse planning permission for the reasons set out at the end of the Technical Report at Appendix 1

To refuse Listed Building Consent for the reasons set out at the end of the Technical Report at Appendix 1

11. APPENDICES

Appendix 1: Technical Report

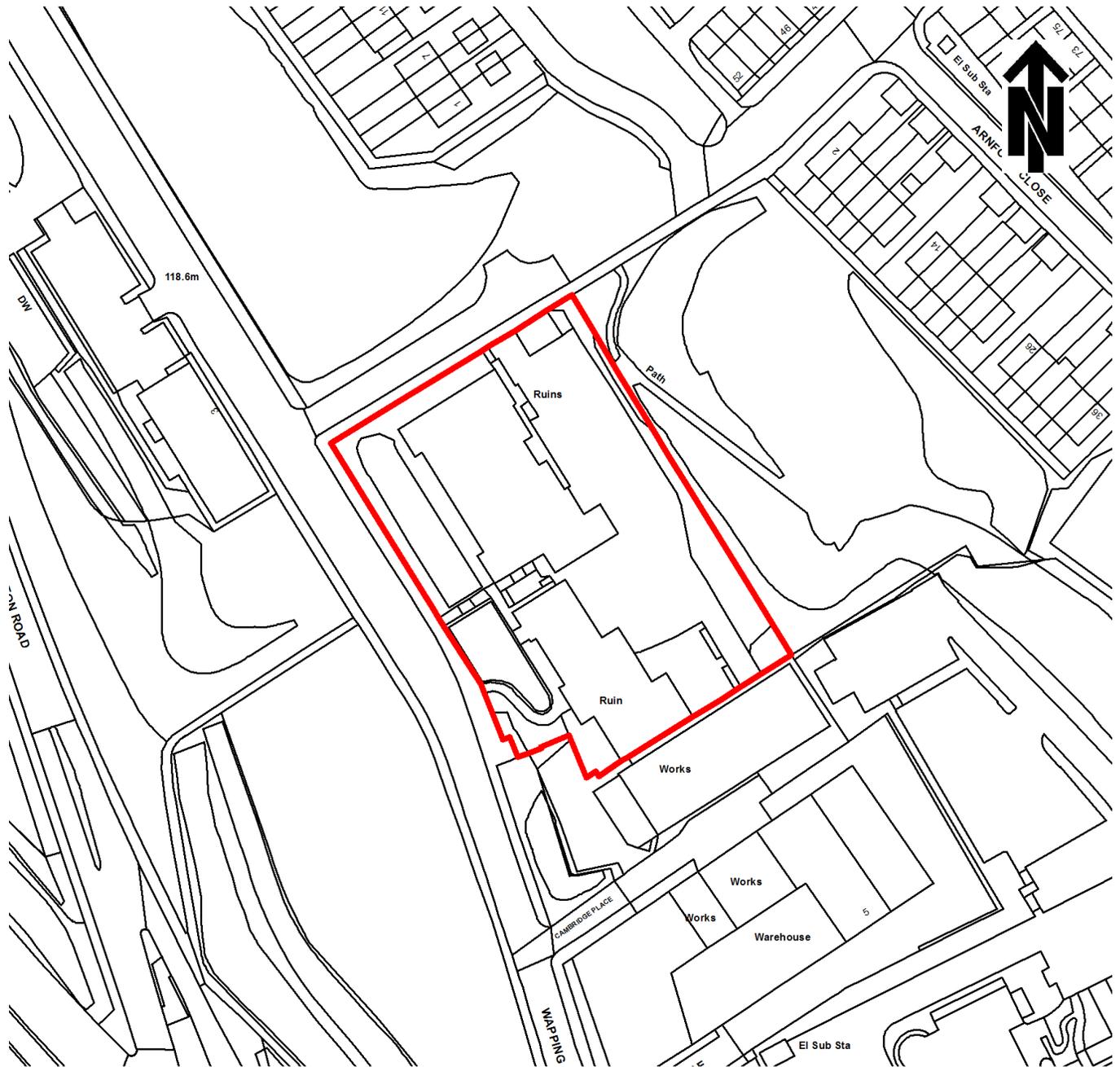
12. BACKGROUND DOCUMENTS

- Adopted Core Strategy
- National Planning Policy Framework
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- 18/00861/MAO and 18/01396/LBC

**18/00861/MAO &
18/01396/LBC**



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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**Former Wapping First School
Wapping Road
Bradford BD3 0EQ**

Date : 15 November 2018

Appendix 1

Ward: Bowling And Barkerend (ward 05)

Recommendation:

18/00861/MAO – REFUSE PLANNING PERMISSION

18/01396/LBC – REFUSE LISTED BUILDING CONSENT (LBC)

Application Number:

18/00861/MAO and 18/01396/LBC

Type of Application/Proposal and Address:

18/00861/MAO - Outline application for demolition of school buildings and school house, erection of three storey residential building and two storey educational teaching building and construction of car park, requesting consideration of access and layout.

and associated LBC:

18/01396/LBC - Demolition of existing school buildings and school house, erection of three storey residential building and two storey educational teaching building and construction of car park.

Former Wapping First School, Wapping Road, Bradford

Applicant:

Life Church

Agent:

J O Steel Consulting

Site Description:

The site is located approximately 1 mile north east of Bradford City Centre, along Wapping Road adjacent to Canal Road and the A658. The Former Wapping First School site sits in an elevated position of Wapping Road, to the east is land in the ownership of the applicant, on which there is a large modern building and associated car parking, the proposal site is partially separated from the applicants existing developed site by light industrial and commercial units. The car parking on the existing applicants developed land connects with land to undeveloped land to the north east in the applicant's ownership, the land to the north east sits directly adjacent to the proposal site.

The former Wapping School site is rectangular in shape with the old school occupying the area of the site closest to Wapping Road. There are three buildings that make up the old Wapping School, the school building, pool building and an ancillary building. The buildings are Grade II Listed.

Relevant planning History:

16/01467/FUL and 16/01468/LBC – GRANTED- Perimeter fence to vacant site

07/03595/FUL and 07/03594/LBC - GRANTED - Housing development new build housing and the alterations and conversion of the former Wapping School buildings into flats including demolition of part of the school buildings This application retains the majority of the listed buildings and utilises land to the north east of the site in the ownership of the applicant.

04/02078/OUT - REFUSED - Housing development — due to insufficient information and demolition of a listed building contrary to policy

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework was revised in July 2018 and is a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC9 Making Great Places
EC4 Sustainable Economic Growth
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing
EN3 Historic Environment
EN7 Flood Risk
EN8 Environmental Protection
DS4 Streets and Movement

Saved RUDP Policies

The site is unallocated.

Other Relevant Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Parish Council:

None

Publicity and Number of Representations:

18/00861/MAO - The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 13 April 2018.

As a result of the publicity exercise 1 individual objected to the proposal and 9 individuals made representations supporting the proposal. A Ward Cllr has requested that Members consider the application and states "It will bring great benefit to the area and Bradford and really needs to happen."

18/01396/LBC - The application was publicised by press notice and site notice. The expiry date for the publicity exercise was the 11 May 2018.

As a result of the publicity exercise 17 individuals made representation supporting the proposal.

Summary of Representations Received:

In support:

- redevelopment of the derelict school would have a very positive impact on the area. The derelict building and the surrounding area has long been a place for antisocial behaviour and illegal activities. A new educational centre can only be a positive thing for the local community and would improve the quality of life for residents and people who work on Wapping Road.

- Whilst I appreciate the building's historical significance, at the moment it has no purpose at all other than to be a danger to society and an eyesore.
- This can only be a good thing for Wapping Road and kick start regeneration and hopefully reduce the drug dealing and the crazy drivers that exceed speed limits constantly. The school as beautiful as it could be, is an absolute eyesore as it stands right now as well a source of constant vandalism and undesirables.
- I think said development would be a fantastic opportunity to make this neck of the woods a safer, more community-cohesive and prosperous place.
- Its current state is completely unsafe and doesn't contribute towards a better Bradford. I'm glad to see it being put towards building a better city for current and future generations.
- Whilst I accept that this building has historical significance I feel this must be balanced against the needs of today's population. I strongly believe that this proposal will have very positive benefits for Bradford residents. In particular I feel the development will lead to a reduction in crime (this area is currently very remote and desolate on a night and is known for drug use and dealing).
- excellent for the area in terms of personal and corporate security, with increased footfall on a regular basis, and economically for the surrounding area with local businesses being able to benefit from the increased availability.
- I strongly support this work. The existing building has attracted vandalism and has caused a lot of anti-social behaviour in the street. The area now feels unsafe and this project would have a very positive impact on the whole street.
- The plans will help regenerate the area. The building has laid dormant long enough
- I fully support this application and I would ask that the planning council understand that by approving the application, they will be actively encouraging a) community involvement, b) increase in employment, c) the regeneration of a deprived area, d) bringing further hope to the City of Bradford.
- We understand the concerns regarding the history of the site, but this has to be weighed against the current issues faced around security, crime and danger that the site poses. We therefore strongly support this development.
- The plans will help regenerate the area. The building has laid dormant long enough
- The building is an eyesore. Doing something with the land is better than leaving it to nature and watching it fall in to further rack and ruin.
- Disturbing levels of crime – 24 hour residential natural surveillance that the proposal will bring will significantly mitigate the level of crime.

Objecting

- The building is clearly of national interest, architecturally and historically.

- Listed buildings are listed and protected as such for a reason. Bradford is all too quick to permit the demolition of heritage assets
- Bradford heritage is under such threat and this once rich city is losing its history so fast. I am NOT in favour of it being demolished because at the present time there is not enough marketing in its original state OR because people feel it is empty. Nor do i believe demolishing it and erecting modern, ill-constructed buildings will magically lift the area.

Consultations:

Biodiversity Officer - No Objection

The biodiversity officer stated : “I concur with the findings of the submitted Habitats Survey – ie. the site is generally moderate to low ecological value but has reasonably high potential for supporting bat roost and habitat. The ecological consultants recommendations that further bat surveys need to be carried out is reasonable and appropriate. (Note : These have now been done to the required level)

As regards the other main recommendation, we agree that there is a need to be mindful of nesting birds when clearing vegetation and undertake appropriate nesting birds surveys beforehand.

With this being an outline application, there is no landscape scheme included, but we would want to see some appropriate enhancement to maximise green space, habitat and biodiversity in the scheme when appropriate – in line with aspirations of the Shipley- Canal Rd Area Action Plan.”

The Coal Authority – No Objection

The Coal Authority concurs with the Preliminary Site Assessment and Coal Mining Risk Assessment report; the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken.

The CA request if planning permission is granted a condition is attached requiring prior to development commencing intrusive site investigations to properly asses the ground conditions.

Conservation Officer – Objects

There have been a number of responses, in which significant concerns have been raised.

The final response notes:

- It is proposed to demolish the caretaker’s house, playground shelters and both school buildings. This would amount to total loss of the significance of the heritage asset. Whilst the applicant suggests the boundary walls and possibly access steps would remain, these would be wholly lacking in relevance when retained without the buildings they serve.

- Para.132 of the NPPF (now 194) notes that heritage assets are irreplaceable, and that any harm or loss requires clear and convincing justification. Total loss of designated heritage assets should be wholly exceptional. Para.133 (195) states that total loss of significance of a designated asset should be rejected unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or loss, and that all the stated tests are satisfied. Para.130 (191) also notes that where there is evidence of deliberate neglect or damage to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision.
- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the statutory duty required of local planning authorities in respect of listed buildings in the exercise of planning functions:
 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.'
 Case law has concluded that this planning function surpasses in importance all other planning considerations.
- ...outline submission does not provide sufficient information to enable proper application of the requirements of the NPPF.
- Within the applicants' land holding, a substantial plot of land to the north-east of the school remains indeterminate in intended use and ignored in the submission. Development of this could assist the applicants' requirements, or cross subsidise a more sympathetic approach to the school buildings. This site remains ignored for the purposes of viability and a comprehensive approach to all elements of the applicants' land holding, despite the matter being raised previously
- Para.133 (195) of the NPPF states that where total loss of significance of a designated heritage asset is proposed, that consent must be refused unless it can be demonstrated that substantial public benefits could be achieved as a result of that loss, and that all of the stated tests can be satisfied.
- The applicants have promoted the public benefits they believe derive from the proposals in the Design & Access Statement. A structural engineer's visual inspection report is provided, but this has not rigorously assessed the condition of the building from close quarters or within, apparently on safety grounds. The report reaches unsubstantiated conclusions on the condition of the building, but is not approached from a conservationist perspective of a presumption in favour of retention and repair of a designated heritage asset, and what measures could be employed to achieve these aims.
- Significant public or third party funding is not immediately apparent which could assist with reinstatement of the school buildings. Sourcing heritage funding would however be able to be more fully explored with a fully developed proposal for the renovation and adaptive re-use of these designated heritage assets.
- It has not been adequately demonstrated that the nature of the heritage asset prevents all reasonable uses of the site. The creative re-use or adaptation of the buildings has not been exhaustively explored. In addition, parts of the site appear to be ignored by the proposals. Further, the proposal is only presented in outline and hence the nature of the proposed development cannot be fully evaluated or understood. By virtue of the application being in outline, with consideration requested solely of access and layout, it cannot be fully evaluated that the benefits of bringing the site back to use outweigh the quantum of harm.

- further information in the form of sketches as to possible methods of constructing a retention framework to support the facades if a façade retention design was to be explored, although the accompanying comments cursorily dismiss this as impractical. Additionally submitted is a sketch illustrating how the intended building form does not conform with the existing pool building elevation in height or form. This appears a cursory exercise and could be concluded to illustrate the inflexibility of the applicant or their agent in adapting their desired development to better accommodate a sensitive adaptation of or retention of parts of the existing buildings, to mitigate the substantial harm which the proposals otherwise generate. These exercises appear to have been undertaken superficially and are in no way adequate to justify total loss of designated heritage assets.
- The conclusions based upon the submitted information and the intended principles of the application are several. The outline nature of the application gives no information in respect of the design, appearance or merit of the replacement structures, thus providing insufficient information in respect of policies SC1, SC9, EN3 and DS3 of the core strategy and para.131(192) of the NPPF. Substantial areas of land within the site appear ignored in terms of any masterplan and how this could better accommodate the heritage assets. There is insufficient justification, detail and certainty within the application to assess whether substantial public benefits would be secured to outweigh the harm which would result to 2 listed assets
- A clear and convincing case has not been made that the approach sought is the only achievable outcome, or that retention of the buildings has been thoroughly evaluated, with all possible options and permutations of development considered and discounted before demolition can be concluded as justified.
- For the LBC the Conservation officer has stated that his comments are equally applicable – further commenting that the Design and Access Statement, highlights the varied work of the Church and the proposal might facilitate some growth of this work, but it does not bring anything new, consequently the Conservation officer considers that there are no substantial benefits to outweigh the total loss of the listed buildings.

Drainage - No objection

- Having reviewed the details submitted the applicant needs to undertake a ground investigation to validate that sustainable drainage of the site is not feasible. The developer must submit to this Council for comment, a copy of a report detailing the results of the ground investigation, together with a scheme for the disposal of surface water from the development using sustainable drainage techniques or, proof that such techniques are impracticable in this instance. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered.
- The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework, Planning Practice Guidance and local planning policies. An assessment of the submitted documentation has been undertaken - conditions required .
- The LLFA is a statutory consultee on matters relating to surface water management on all major developments only. The LLFA also has a role to monitor and manage flood risk from other sources of flooding. As such the LLFA has reviewed the submitted documentation of the planning application against the requirements of

the National Planning Policy Framework, Planning Practice Guidance and other relevant regulations with regards to flood risk from all sources. Insofar, if the following details are implemented and secured by way of a planning condition on any planning permission the LLFA have NO OBJECTION to the proposed development.

Environmental Health – No objection

The Environmental Health department agree with the recommendations in the submitted Curtins Consulting Ltd report and recommend conditions to cover the requirement for phase 2 investigation, implementation, remediation and verification report, along with conditions for unexpected contamination and material imported conditions.

Highways – No objection

Highways have requested a number of conditions, including details on hard surfacing , car parking and a construction plan.

Historic England – Objects

As with the Conservation Officers comments there have been several comments.

The final comments noted:

- “We consider that the applicants have shown that grant funding for the site is unlikely and, ... Historic England is supportive of the use of the site by the Life Church and considers it unlikely that, given the site’s particular issues, another commercial or residential use could be secured for the existing buildings. However, the additional information does not alter the advice provided in our previous letter of 18 April 2018. (in which Historic Eng object)
- Two issues remain:
 1. Would it be possible to secure the same public benefits through a scheme which retains the existing buildings?
 2. If the above is not possible, do acceptable and sufficiently detailed plans for redevelopment of the site provide certainty that substantial public benefits would be delivered to outweigh the harm?
- The application indicates that elements of the buildings could be reused, which would be a means of mitigating some of the harm of the proposals, but without detailed plans these proposals cannot be taken into account.
- We have consistently advised that greater effort should be made to retain and reuse more of the existing listed buildings
- Given the outline nature of the current planning application, we do not consider it is possible to assess whether the scheme would deliver substantial public benefits which would outweigh the harm caused by the loss of the existing buildings. Without greater certainty being provided we would object to the current application due to the conflict with national planning policy. Historic England objects to the applications on heritage grounds. We consider that the applications do not meet the requirements of the NPPF, in particular paragraph numbers 129 (190) and 136 (198).
- If your authority is minded to grant consent for the LBC application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of the LBC application, in accordance with the above Direction.”

The Victorian Society – Objects

- “we have reviewed the submission documents in detail and write now to object to the total loss of the Grade II-listed school buildings and associated school house. We do not make any reference to the new building proposals herein as we do not consider that the prior case for demolition has been made strongly enough.
- Our strong objection rests on the following grounds:
- *Insufficient assessment of the site by heritage specialists:*
The key arguments in favour of demolishing the listed buildings are their poor condition and the financial barriers to their full repair. While we recognise that the buildings have been allowed to fall into very poor repair, reuse of listed buildings is often possible in even the most severe cases of dilapidation. We would therefore urge that an assessment of the buildings’ structural condition – and therefore consideration of the viability of their repair and refurbishment – is carried out by a CARE-accredited engineer in order to obtain a specialist view of the potential for partial or full retention of some or all of the buildings in any development proposals. We would also urge that further heritage assessment is carried out by a heritage rather than planning specialist, in order to fully identify the history and significance of the site. The heritage assessment submitted with the application fails to do this adequately. This is counter to NPPF paragraph 128 (189), which requires an applicant to describe the significance of any heritage assets affected, in proportion to their significance and ‘using appropriate expertise where necessary.’
- *Poor condition of the buildings should not be a consideration in determining the application:*
Although we recognise that the current owners are not responsible for the poor condition of the buildings, their poor condition is nonetheless now their responsibility and the determination of this application should reflect this. In purchasing the site the new owners will have been made aware that they took on the risk of any historic matters pertaining to the listed buildings; and the purchase price should have reflected this circumstance, along with the consideration that the listed buildings are all in poor repair.

NPPF paragraph 130 (191) should therefore apply in determining this case, which states: ‘Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.’ “

West Yorkshire Archaeology (WYAAS) - Objects

- The WYAAS support CBMDC’s desire that Wapping First School should be retained and reused.
- The applicant’s heritage statement gives a factual overview of the school and its current condition but this document is not an adequate record of this important group of buildings. A professional photographic record should be made of the school prior to and during any development of the site.

- The proposal entails the demolition of this nationally significant school complex resulting in the destruction of all evidence of the building's form, development, operation and its historical associations.
- The WYAAS recommend that the current application is refused.
- Should consent to demolish the school be granted then an archaeological and architectural record should be made of all parts of the school prior to and during development on the site.

West Yorkshire Police - No objections

- Seek boundary treatments, external CCTV, access control Building Reg standards on doors and windows.

Summary of Main Issues:

- 1) Principle
- 2) Heritage
- 3) Ecology
- 4) Access and Traffic Impacts
- 5) Flooding and Drainage
- 6) Land Quality

Appraisal:

The Proposal

As the application is outline there is limited detail on some aspects. Matters related to access and layout are provided.

The applicant states that:

“The Life Church on its current site provides church services, community based interventions and conferences. They also provide educational courses to 80-90 students at any given time. A large proportion of these students are from overseas. The vast majority of whom live in rented accommodation a short distance from the current site.

The proposed facility will provide purpose built educational facilities for the students along with accommodation for them to live in.

The development includes:

- Two storey education facility with rehearsal space and ancillary storage areas
- 90 bed three storey student accommodation.

Access to the car park will be via Prospect Road. The educational building and the residential accommodation will be linked by a glazed reception that will have access from the existing retained steps from Wapping Road and the new car park.

The proposed education building and residential accommodation will occupy similar footprints as the existing buildings that are to be demolished.

The proposals will maintain the same ridge height as the existing buildings. The form will be similar to the existing buildings with pitched roofs. The mass of the buildings will be similar with part of the ground floors of both buildings forming retaining elements and set into the rise of the ground.

Where possible existing features from the existing buildings will be retained and incorporated within the proposals.

The extent of this will be determined after the trees and plants that have taken over the building are cleared, the building is made safe and a survey can be undertaken.

It is proposed to retain the existing boundary wall to Wapping Road and steps up to the building.”

A new access is proposed off Prospect Street, which is a ‘dead end’ street coming off Wapping Road.

The Principle

The NPPF directs to approve development proposals that accord with the NPPF and statutory plans without delay.

The site is currently unallocated in the Local Plan (RUDP) however, the Core Strategy supports the principle of educational facilities and purpose built student accommodation through policies SC1, SC4, SC9 and BD1 of the Bradford Core Strategy as set out below

The proposal site is an unallocated site within the Local Plan for Bradford. The Spatial Vision set out in the Bradford Core Strategy seeks under objective 10 to provide “.. a diverse city where socially inclusive and vocal communities live and where the needs of citizens are met through improved access to good quality homes, jobs, shopping, cultural facilities, health and education provision and community facilities for a growing population.”

Policy SC1 seeks to provide sustainable development, supporting local growth with the associated community provision and continued growth of the economy.

Policy SC4 states that city will provide and be focus for housing and education facilities, with attractive, cohesive, inclusive and safe places where people want to live, work, invest, and spend time in.

Policy SC9 seeks to create ‘Great Places’, with an “*Understanding the place and wider context, and taking opportunities to improve areas and make them as good as they can be.*” , “*Being place specific by responding to the District’s distinctive features and character, and being appropriate to the local context.*” “*Creating a strong sense of place through the design of the buildings, streets and spaces.*” “*Designing places which can adapt to changing circumstances and needs, and which will function well over the long term.*”

Policy BD1 seeks to provide sustainable development, regeneration initiatives, including educational infrastructure. The proposal falls into the North East Bradford Area, for which 4,400 new homes are proposed, and for which the provision of associated educational facilities and facilities for younger people are sought.

In principle the proposal is consistent with a number of the policies related to educational facilities as set out in the adopted Core Strategy, but it is questionable if the proposal sits fully with the policies related to educational facilities. The policies set out in the Core Strategy relate to the provision of educational facilities for the Bradford community and it is arguable that a substantial part of the proposal does not provide educational/community facilities directly for the residents of Bradford, rather that it provides facilities for students/visitors to the Bradford District, in that it is stated that it is an educational and purpose built student accommodation for 90 students who are primarily from overseas.

As indicated by policy BD1, up to 4,400 homes would be required in the North East of Bradford and the applicant states that students attending/visiting the Life Church currently rent in the area. The provision of student accommodation would arguably provide housing directly and indirectly by the provision of 90 units and the freeing up of up to 90 rental opportunities, albeit it is considered that this application is purpose built student accommodation in connection with an existing use, which is not considered to be the direct provision of housing.

Policy BD1 also relates to the economy and although the proposal is not directly a business, retail, office or a leisure facility, it is acknowledged that the students would assist in supporting the local economy.

It is also considered that the principle for the use of the site for residential development has been established through the previous 2007 permission, albeit this was based on the retention of the listed buildings.

However, although the principle of residential development was established by the 2007 permission, the proposal is not traditional residential development. It is considered to be purpose built student accommodation. Details are not supplied with this outline planning application, but it would generally comprise of around 6 individual bedrooms with a shared room containing a kitchen and living area, and shared bathroom facilities. Increasingly, they also have en-suite bathrooms.

There are no specific policies set out in the Core Strategy or RUDP for such purpose built student accommodation. Although the adopted City Centre Area Action Plan (AAP) makes reference to student accommodation, the proposal site is not in the City Centre AAP, it lies outside of the boundary to the north north east. The reference to student living and accommodation within the City Centre APP may possibly have been a useful reference if the boundary of the identified "Learning Quarter" within the City Centre AAP was adjacent, rather than in the opposite side of the City Centre AAP (i.e. to the west). Taking this into account, it is therefore considered appropriate to solely utilise the housing policies set out in the Core Strategy and not reference the City Centre AAP.

Under the provisions of Core Strategy policy HO5 the Council need to assess whether proposals will deliver a minimum of 30 dwellings per hectare and whether they represent an efficient use of the site. The application as stated does achieve the required density and is therefore is consistent with this policy.

Policy HO6 relates to previously developed land, which includes land that may still have structures on it. Policy HO6 states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way, the plans, programmes and strategies of the Council will give priority to the development of previously developed land and buildings. However, such priority has to be considered against the overall proposal and intentions of the scheme, in this instance the buildings are listed and the proposal is not to retain them for use, but to demolish them completely. The impacts and policies related to this are discussed in more detail in the heritage section.

Policy HO8 relates to housing mix and HO11 to affordable housing, although student accommodation is not specifically noted in policy HO8 or HO11, the provision of this purpose built student accommodation providing 90 units, is considered to provide a mix of affordable accommodation in the area and in proximity of the City Centre.

Policy HO9 of the Core Strategy states that new housing should be of high quality and achieve good design, should be accessible and easily adaptable to support the changing needs of families and individuals over their lifetime and provide private outdoor space for homes. The planning application is in outline form with only details of the access arrangements and layout submitted for consideration at this stage. Details of the scale, appearance, and, landscaping are reserved for consideration at a later stage. A block plan layout has been submitted with the application and the listed building consent application provides one sketch to indicate the likely appearance, but this is in a limited form. The limitations of the information supplied on the quality and design of the replacement building is something which has been raised by the Conservation officer, Historic England and others, in that it is not possible to understand what will replace the buildings that will be totally lost, this is discussed further in the Heritage section of this report.

In conclusion, the principle of the development of the site for a residential and an educational facility is considered acceptable, consistent and not in conflict with policies SC1, SC4, SC9, BD1, HO5, HO6, HO8, and HO9 of the Core Strategy, but on consideration of the other policies within the NPPF and Core Strategy, outside of the principal of development, the proposal is, overall, not considered sustainable development, primarily for the reasons set out in the following Heritage section.

Heritage

This is considered to be one of the key matters for both applications, the outline permission and listed building consent. The former school buildings are grade II listed and are subject to protection under the Planning (Listed Building and Conservation Areas) Act 1990.

The listed buildings are described by the Conservation Officer as follows :

“Wapping Road School was constructed c1877 with subsequent additions and extensions of 1882 and 1897. The tall caretaker’s house appears to date from c1877. The 2 school blocks employ a Renaissance Revival architectural style on buildings of single storey plan elevated above basements due to the steeply sloping site. The buildings have hipped and gabled roofs with prominent round stone chimney stacks and windows typically with stone mullions and transoms. The prominent gables are emphasised by projecting kneelers and round arched recesses with hoodmoulds, the arches filled with unusual herringbone

pattern masonry. The left hand block had a main hall divided by folding timber screens and with fine arch braced roof trusses, with a smaller adjacent hall. The classrooms open onto the main halls. Stone fireplaces with fine detailing are prominent throughout the building. The right hand block had larger classrooms separated by glazed screens, with an integral swimming pool in the basement. The pool is regarded as being the first serving a primary school anywhere in the country. The buildings have a bold and prominent presence elevated above Wapping Road and with an expansive aspect across the city, and are visible from a wide area.

The buildings are architecturally significant, and have high heritage significance as a school built within a few years of the Elementary Education Act 1870, promoted by William Forster, Bradford industrialist and MP. This was the first legislation providing for education of all children aged 5 to 12. The school demonstrates Bradford having a leading role in the provision of welfare and education to the working classes. The swimming pool provision was unparalleled. Documented evidence illustrates the sustained efforts made within the school in its early years to improve the education and welfare of the children, efforts which would become more widely recognised and adopted within the city and nationally.”

When considering any applications which involve listed buildings, it is imperative not only for the decision maker to give due regard to the NPPF and adopted Core Strategy policies, but also to give great weight to the statutory duty under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard is given to the desirability of preserving listed buildings. The revised NPPF July 2018 now states (para 193) that irrespective of the level of harm to the listed building, great weight, to preserving listed buildings should be given.

The NPPF further states through para 194 that “*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*”

Para 195 of the NPPF states 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

Policy EN3 of the adopted Core Strategy states the Council will “*....proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the District’s designated ...heritage assets and their settings.*” Where there is a proposal to alter, extend or demolish a listed building it will only be permitted if it can be demonstrated that the proposal:

1. *Would not have any adverse effect upon the special architectural or historic interest of the building or its setting.*
2. *Is appropriate in terms of design, scale, detailing and materials.*
3. *Would minimise the loss of historic fabric of the building.*
4. *Or if there is harm to the special interest of the building, that this is outweighed by the public benefits of the proposal.*

There are substantial objections raised by Historic England, the Council's Conservation/Heritage Officer, the Victorian Society and West Yorkshire Archaeology to the total loss of the listed buildings. In short, all these consultees consider the demolition and total loss of listed buildings has not been justified. They do not consider that a clear and convincing case has been made, they do not agree that the approach sought is the only achievable outcome, or that retention of the buildings has been thoroughly evaluated and do not believe that all possible options and permutations of development have been considered and discounted before concluding that the total loss and demolition of the listed buildings is the only option.

All these specialist heritage consultees consider that the requirements of the NPPF have not been met, nor the required tests as set out in policy EN3 of the Core Strategy.

As set out above in para 195 of the NPPF there is a requirement to either demonstrate that the total loss of the listed buildings is necessary to provide substantial public benefits or there is a requirement to meet all four criteria set out in para 195 – that is 1.the heritage asset prevents reasonable use of the site, 2.no viable use can be found 3.grant funding is demonstrably not possible and 4.the loss is outweighed by bringing the site back into use.

In terms of the analysis of the para 195 of the NPPF and EN3 of the Core Strategy, it is appropriate to give due consideration as to whether or not there are substantial public benefits that permit the total loss of the listed buildings.

There is no doubt that the Life Church and the work undertaken by the Church is of merit in terms by providing a range of facilities for both local people and people who visit from outside of the district, this is also noted by the relevant consultees. However, the test of substantial public benefits has to relate to the actual proposal, and considered in light of the requirements and tests set out in the NPPF and Core Strategy. The submissions made by the applicant make it clear, that the student accommodation and educational building are not for public use stating that *“.. it is key to note that all the uses in the building would be for and to support the 90 residential students living on site. These ancillary uses are classrooms, lecture theatre, volunteering space and a communal café area, which all form part of the educational service and social elements of being resident. These are not open to members of the public”*

With regards to public benefits, it is clear that the test set out in the NPPF guidance is that the substantial public benefits should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. The proposed use is not considered a direct public benefit and is clearly not for use of the general public as detailed in the submission by the applicant. Nevertheless, the NPPF accompanying guidance does suggest that public benefits, other than direct use by the public, can be considered. Public benefits are defined as matters that deliver economic, social or environmental progress.

In the submitted documentation and from representations made by the public there is comment that the redevelopment of the site would assist in reducing crime on the site and in the area, that speeding traffic could be reduced and some economic benefits provided. The site, prior to the erection of the security fence in 2016 did suffer from a level of crime, but since the erection of the security fence there are no reported crimes on the proposal site, nor any current issues regarding crime on the site raised by West Yorkshire Police ALO (Architectural Liaison Officer). Although there is evidence that natural surveillance (achieved by the occupation of the site) can assist in reducing crime, it is not assured, nor, on the whole, measurable or capable of being guaranteed in terms of delivery and is therefore not considered sufficient to justify substantial public benefit on its own, to justify the total demolition of the listed buildings.

The use of the site and the enhancing of the natural, built or historic environment may bring aspects which could be considered substantial public benefits. Providing a replacement building which for example significantly contributes to increasing biodiversity, is outstanding architecturally, innovative in its design, adapts to climate change etc, could be deemed an overall public benefit. However, the application is outline and the submission made to support the outline and listed building consent is very limited and clearly does not demonstrate these special attributes. Within the submitted details the potential final visual appearance of the proposed buildings/site amounts to just a sketch, which provides little detail and confidence of what the final proposal would provide and the Conservation Officer notes:

“The outline nature of the application gives no information in respect of the design, appearance or merit of the replacement structures, thus providing insufficient information in respect of policies SC1, SC9, EN3 and DS3 of the core strategy and para.131(192) of the NPPF. “

and Historic England that

“Given the outline nature of the current planning application, we do not consider it is possible to assess whether the scheme would deliver substantial public benefits which would outweigh the harm caused by the loss of the existing buildings.”

In conclusion and in consideration of para 195 of the NPPF, the proposal fails to provide sufficient information and/or evidence that the proposal will provide substantial public benefits. As it is concluded that the proposal does not provide substantial public benefits, all of the four requirements set out in para 195 should be met or (as advised by the NPPF) the application refused. The four tests are:

1. the nature of the heritage asset prevents all reasonable uses of the site; and
2. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
3. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
4. the harm or loss is outweighed by the benefit of bringing the site back into use.

Throughout the application there have been meetings and discussion between the applicant, the Conservation Officer and Historic England with regards to the proposals for

the site, the heritage asset and its preservation. Historic England and the Conservation Officer have requested evidence to demonstrate that it is not possible to retain the listed buildings and also evidence that it is not possible to retain (as a minimum) the façade.

The applicant maintains that the only option is to demolish the listed buildings and that it is not possible to retain any elements of the listed buildings, other than possibly the boundary wall, steps and some minimal internal features for reuse. The applicant maintains the listed buildings are structurally impossible to retain and that there is no funding available to assist in the retention of the listed buildings.

A submitted viability report with the outline application assess two options

- 1) to retain 50% of the existing external facade walls – providing 13 No 1 bedroom apartments and 8 No 2 bedroom apartments
- 2) Demolish and completely re-build – providing student type accommodation of approx. 90 bedrooms.

Although option 2) is shown to be considerably more expensive overall, this is the option that the applicant is pursuing through this outline planning application. It is assumed that this is because the square footage achieved for option 2) is much higher and overall presents a cheaper cost per square foot.

It should therefore be noted that the costs are not necessarily prohibitive to retain 50% of the listed buildings (i.e. option 1), it is the footprint and layout of the listed buildings that the applicant considers is not suitable for their purposes and that the retention of the listed buildings does not achieve the density they seek; with option 1 only providing 29 beds against the 90 sought.

In support of the demolition of the listed buildings the applicant provides some evidence of the condition of the former school, in the form of a structural engineer's visual inspection carried out in December 2016 by Adept Consulting Engineers Limited. It is highlighted that the report was restricted to a visual inspection as it was deemed unsafe to enter the buildings, which was also the case in 2007. It is noted that the entire site comprising the group of buildings is fenced off for safety reasons. Historic England and the Conservation Officer have recommended that more detailed structural engineer reports should be provided, by utilising technology such as drones, but the applicant has not pursued any suggested options or other means of improving the engineers report, restating concerns to personal safety for anyone entering the buildings.

In 2007 the outline and LBC applications proposed to utilise the land to the north east for housing and retain listed buildings to create 1 and 2 bedroom flats (29 beds) and create 29 new dwellings (50 units in all). The land to the north east has not been developed and is in the ownership of the applicant. The current application does not propose to utilise any land to the north east, this has been cited by the Conservation officer as a missed opportunity, with the Conservation officer stating that *“Development of this could assist the applicants’ requirements, or cross subsidise a more sympathetic approach to the school buildings. This site remains ignored for the purposes of viability and a comprehensive approach to all elements of the applicants’ land holding, despite the matter being raised previously.”*

Additionally, a reason given by the applicant as to why (as a minimum) not even part of the façade of the listed buildings could be retained, is that there is insufficient space to accommodate the façade. However, if the land to the north east (or part of the land) was incorporated in the proposal then arguably this would no longer be an unresolvable issue.

The Conservation Officer and Historic England consider there are missed opportunities, which the applicant appears not able or willing to consider. The Conservation Officer and Historic England consider that re-use or adaptation of the buildings has not been exhaustively explored; that the survey reaches unsubstantiated conclusions on the condition of the building and is not approached from a conservationist perspective of a presumption in favour of retention and repair of a designated heritage asset; that the cursory exercise regarding the retention (as a minimum) of the façade appears to have been undertaken superficially and is not adequate to justify total loss of designated heritage assets; and that it has not been adequately demonstrated that the nature of the heritage asset prevents all reasonable uses of the site.

The Victorian Society equally raises concerns, stating that the key arguments by the applicant for demolishing the listed buildings are their poor condition and the financial barriers to their full repair. They urge that an assessment of the buildings' structural condition is carried out by a CARE-accredited engineer in order to obtain a specialist view of the potential for partial or full retention of some or all of the buildings in any development proposals. They suggest that a further heritage assessment is carried out by a heritage rather than planning specialist, in order to fully identify the history and significance of the site. The heritage assessment submitted with the application fails to do this adequately contrary to the NPPF, which requires an applicant to describe the significance of any heritage assets affected, in proportion to their significance and 'using appropriate expertise where necessary.'

With regards to grant-funding, it is acknowledged that this is unlikely to be a successful solution, although the likelihood of Heritage Lottery Funding has not been fully resolved. Funds are available from the Heritage Lottery Fund, but the applicant states that even if there was a fully worked up and costed scheme and an application completed, any submission would be too late for the 2019 grant round. The delay occasioned by putting a bid forward for the 2020 round, would impose an unacceptable time penalty to the applicant, especially as there is no guarantee of success. The scheme could be rejected outright or depending on funds available, to the Heritage Lottery Fund at the time, deferred, to a later year. This commentary by the applicant is accepted.

In conclusion, the application fails to provide the required information to justify the total loss of the listed buildings. There is clearly no intention by the applicant to retain any part of the listed buildings, an impasse was reached between the heritage parties and the applicant. There was a potential compromise, which the heritage parties were prepared to discuss, regarding the retention of at least some of the facade, but the applicant/agent did not consider it practical nor possible to do this, provided limited information on why it was not possible and requested determination of the application. Consequently, based on the information submitted to date and in accordance with para 195 of the NPPF and policy EN3 of the Core Strategy, the proposal is not one that would provide substantial public benefits that outweigh the total loss of the buildings, directly by use, or indirectly by amenity. The four tests set out in para 195 (once established that there are no substantial public benefits) have not been demonstrated, bar the grant funding issue. The nature of the site does not prevent its reasonable use, it has not been demonstrated that there is no

viable use which could permit the retention of the listed buildings (the 2007 application demonstrates the opposite) and overall the loss of the listed buildings is not outweighed by bringing the site back into use.

The level of information supplied for both the outline application and LBC is considered insufficient and without the required level of heritage expertise. The heritage statement submitted with the application makes no reference to, or considers the importance of the statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is a statutory duty under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the desirability of preserving listed buildings. The revised NPPF July 2018 now states (para 193) that irrespective of the level of harm to the listed building, this great weight - to preserving listed buildings - should be given. The application, as submitted, fails to demonstrate that the total loss of the listed buildings is acceptable, therefore to accord with the statutory duty set out in the Act, the listed buildings should be preserved.

The proposal as submitted is, as detailed above, contrary to para 190, 193, 194 and 195 of the NPPF, policy EN3 of the Core Strategy and policies related to heritage matters set out in SC1 and BD1 of the Core Strategy.

Ecology

Policy EN2 of the Core Strategy requires that proposals that may have an adverse impact on important habitats and species outside designated sites needs to be assessed and appropriate mitigation if required proposed.

An extended phase 1 habitat Survey report and bat scoping report was submitted with the application.

The recommendations of this submission are:

Bats: As the buildings on site have been considered to have a moderate-high potential of supporting bat roosting sites, we recommend that dawn/dusk emergence surveys should be carried out to establish the absence/presence of roosting bats at Wapping Primary School, Wapping Road. Dawn and dusk bat surveys are conducted between May until September, and are used to determine whether bats are currently roosting at a site. It can also give you an indication of the level of bat activity at a survey site and any specific foraging patterns. Dawn surveys are started around 1.5 hours before sunrise, when Extended Phase 1 Habitat Survey Report and Bat Scoping Report at: Wapping Primary swarming behaviour can be observed around roost sites. Dusk surveys are started around 30 minutes before sunset and up to 2 hours after, and look for the emergence of bats from their roost sites. If bats are then confirmed to be roosting on the site, a Bat Mitigation Licence may be applied for from Natural England, and a mitigation plan devised so development causes as little impact on local bat populations as possible. It is recommended at Wapping Primary School, Wapping Road that three surveys are required on each building on site. This will require nine experienced bat surveyors to cover all angles of the buildings.

Birds: If any areas of scrub or trees on site are to be removed during the nesting bird season (March-September), a nesting bird survey will need to be conducted. Once concluded, if no nesting birds are found, all surveyed vegetation must be removed within 24 hours of the survey. Outside this period, trees and hedgerow can be removed in respect to birds.

The biodiversity officer has confirmed that these recommendations are acceptable, but prior to a positive determination a detailed bat survey with mitigation would be required.

The necessary detailed bat surveys and proposed mitigation was submitted in October 2018. There is now sufficient information to determine the impact on European Protected Species (including bats) before determining applications, as outlined in BS42020 and case law.

As the identification of bats, detailed surveys and appropriate bat mitigation has been submitted within a comprehensive report and this has been agreed with the biodiversity officer, the proposal is now considered to be in accordance with policy EN2.

Access and Traffic Impacts

The outline application seeks approval of the access and layout.

As part of the submission a transport statement has been submitted. This transport statement details the access and site layout, concluding that the gross floor area proposed is 3,475m², of which 1,575m² relates to the residential 90 bedrooms and the remainder 1,900m² as a learning space.

The site would be accessed by cars/vans via Prospect Road; however larger vehicles would access the site from Wapping Road. Pedestrian and cycle access is proposed via the existing access with Prospect Road and the two existing access points fronting the Wapping Road. 55 car parking spaces are proposed. The site exceeds the requirements for parking spaces as set out in the Core Strategy, which is 1 space per 5 students.

The site is well served by public transport and is in close proximity to the city centre. Walking, cycling and the use of public transport are accommodated and the developer states that the proposal would generate a minimal number of additional trips and therefore no noticeable or negative impact on the local highway.

The Highway officer raises no concerns but seeks a number of conditions.

It is considered that the proposal is in accordance with the relevant highway policies within the Core Strategy, including policies TR1, in that it assists in reducing the demand for travel, that it is in accordance with TR2 in that it provides sufficient parking and TR3/DS4 in that walking, cycling and public transport are well accommodated.

Flood Risk and Drainage Strategy

Policy EN7 of the Core Strategy states that the Council will manage flood risk by assessing proposals for development.

As part of the outline application the Developer has submitted a Flood Risk and drainage strategy report.

Drainage officers have raised no objections, but requested a number of conditions to ensure sustainable drainage techniques are proposed at the detailed stage, including the use of SuDS and green infrastructure. The means of foul water disposal also requires assessment at the detailed stage.

Provided appropriate drainage conditions are attached, it is considered the proposal is in accordance with policy EN7 of the Core Strategy.

Land Quality

Policy EN8 of the Core Strategy states that for development of land which may be contaminated or unstable an appropriate investigation into the quality of the land should be submitted. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment.

A preliminary Site Assessment and Coal Mining Risk Assessment Report was submitted with the outline application. This assessment concludes and recommends that further ground investigation is undertaken to support civil and structural design of the proposed development and to further assess; the identified potential contaminant linkages by means of a Generic Quantitative Risk Assessment as well as, the hazards presented by shallow coal mining and spontaneous combustion.

The Environmental Health department and the Coal Authority agree with the recommendations in the submitted report and recommend conditions that require site investigation, implementation, remediation and verification.

Provided appropriate land quality conditions are attached, it is considered the proposal is in accordance with policy EN8 of the Core Strategy.

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reasons for refusal of outline application – 18/00861/MAO

The proposal is contrary to paragraphs 193, 194 and 195 of the NPPF and Policy EN3 of the Core Strategy as

- no great weight has been given to the heritage asset's conservation; and
- there is no clear and convincing justification for the total loss of the listed buildings; and
- there are insufficient demonstrable substantial public benefits that would outweigh the loss; and
- there is insufficient information to demonstrate that heritage asset prevents reasonable uses of the site; and
- there is insufficient information to demonstrate that a viable use of the heritage asset cannot be found; and
- the total loss of the listed buildings does not outweigh the benefits of bringing the site back into use; and
- there is insufficient detail of the design, scale and materials of any replacement.

Reason for Refusing Listed Buildings Consent – 18/01396/LBC

The proposal is contrary to paragraphs 193, 194 and 195 of the NPPF and Policy EN3 of the Core Strategy as

- there is no clear and convincing justification for the total loss of the listed buildings; and
- there are insufficient demonstrable substantial public benefits that would outweigh the loss; and
- there is insufficient information to demonstrate that heritage asset prevents reasonable uses of the site; and
- there is insufficient information to demonstrate that a viable use of the heritage asset cannot be found; and
- the total loss of the listed buildings does not outweigh the benefits of bringing the site back into use; and
- there is insufficient detail of the design, scale and materials of any replacement.