

Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 11 June 2015

Subject: PREAPP/15/00332 - PRE-APPLICATION PRESENTATION OF PROPOSALS FOR A ROOF TOP EXTENSION TO THE SOUTHERN ARCADE BLOCK OF THE VICTORIA GATE DEVELOPMENT, AT LAND BOUND BY EASTGATE, ST PETERS STREET AND GEORGE STREET/DYER STREET, LEEDS.

Electoral Wards Affected:

City & Hunslet

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

For Members to note the content of the report and presentation and to provide any comments on the proposals.

1.0 INTRODUCTION:

- 1.1 This presentation is intended to inform Members of the emerging proposal for an extension to the southern block of the Victoria Gate development to create two restaurant units (Use Class A3) at roof level, within Phase 1 of the Victoria Gate scheme. Members will recall approving application 13/02967/FU at Plans Panel on 26 September 2013, for the development of the Phase 1 arcades and buildings.
- 1.2 The current proposal is brought to City Plans Panel as the development involves increasing the height of the southern arcade block by one level, introducing external cladding materials that are new to the materials palette for the wider Victoria Gate development, and adding a further A3 restaurant use to the mix of uses across the full Phase 1 site.

2.0 SITE AND SURROUNDINGS

- 2.1 The full application site for the Victoria Gate scheme (covering both Phase 1 and

Phase 2 of the proposal) extends to approximately 6.9 hectares in size and forms the north east quadrant of Leeds City Centre. It is defined by New York Road (Inner Ring Road A58M/A64M) to the north, Bridge Street to the east, George Street and Dyer Street to the south and Harewood Street and Vicar Lane to the west. Ground levels fall by approximately 14m from the north west (former ABC site) to the south east corner (bus station) of the site.

- 2.2 The development of Phase 1 has commenced on site, with the arcades, the John Lewis building and multi storey car park being currently under construction, however, its previous land use was largely as surface car parking as Union Street Car Park.

3.0 PROPOSALS

- 3.1 The proposal is for the addition of a new structure at roof level on the southern arcade block of the Victoria Gate development, to be used as two restaurants (Class A3). The restaurant would form part of, and be accessed via, the Victoria Gate scheme.

4.0 PLANNING HISTORY

- 4.1 The original outline planning permission for the previous Victoria Gate development scheme (06/03333/OT) was granted consent on 24th August 2007 and permission was extended on 9 July 2010 (10/01477/EXT). Subsequently a revised scheme was submitted under outline planning application 11/0100/OT for major redevelopment, including demolition, involving mixed use to provide retail stores, restaurants, bars and offices (A1, A2, A3, A4, A5 and B1 Use Classes), gym (D2 Use Class), medical centre, crèche, multi-faith prayer room (D1 Use Classes), changing places toilet facilities, with new squares and public realm, landscaping, car parking and associated highway works. This was approved on 6 September 2011. A Non Material Amendment planning reference 12/9/00055/MOD to amend the description to refer to leisure use (D2 use class) instead of gym (D2 use class) was approved on 4 April 2012.
- 4.2 A subsequent Section 73, Variation of Condition application, planning reference 12/03002/OT, was submitted seeking the variation of condition 3 of planning permission 11/01000/OT to allow for Leisure Use (D2 use class) and Casino Use (sui generis) as part of a retail-led mixed use development. This application was approved on 30 October 2012. A Non Material Amendment planning reference 12/9/00098/MOD to amend the description to add in Casino Use (Sui Generis) was also submitted in parallel to the Variation of Condition application (12/03002/OT) and this was approved on 2 October 2012.
- 4.3 Approval was granted for a trio of applications covering Phase 1 of the Victoria Gate development to the south side of Eastgate, on 9 January 2014. These applications were for:
1. 13/02967/FU - Major mixed-use, retail-led development including the demolition of all buildings and construction of retail (use classes A1, A2, A3, A4, A5), leisure (use class D2)/casino (sui generis), public realm works and landscaping,
 2. 13/02968/FU - Demolition of Millgarth Police Station and the erection of a multi-storey car park and associated landscaping, means of access and highway works and
 3. 13/02969/RM - Reserved matters approval for Plot HQ1 (to be occupied by John Lewis) of the outline planning permission, at Land Bound by Eastgate, George

Street and Millgarth Street, Leeds, LS2.

- 4.4 Subsequently planning approval was granted for the following two Section 73 applications to vary specific details;

1. The variation of conditions 2 (which lists the approved plans), 19, 28 and 37 of application 13/02967/FU to introduced alterations to the design of the approved Arcades area of Phase 1 of the Victoria Gate scheme, including the lowering of the western end of the southern block by one level, to amend the wording of Condition 19 allow for further discussion and to amend the triggers to Conditions 28 and 37 to introduce more flexibility, planning reference 14/04437/FU, on 18 February 2015.

2. The variation of conditions 2, 17 and 21 of application 13/02968/FU involving alterations to the approved multi-storey car park for Phase 1 of the Victoria Gate scheme, planning reference 14/04438/FU, on 25 February 2015.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Discussions regarding the pre-application proposals have been undertaken between the Developer and Officers from January 2015. These discussions have focused on layout, scale and massing, appearance and materials, and the opportunities for external terrace spaces and soft landscape features.
- 5.2 Ward Members were consulted by the Case Officer on 24 April 2015. No responses have been received to date.

6.0 POLICY

6.1 National Planning Policy Framework (NPPF)

- 6.2 The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied. This national planning policy document is likely to be of relevance in considering the schemes proposed progression. The NPPF advocates a presumption in favour of sustainable development, and a "centres first" approach to main town centre uses such as retail. The document also promotes economic growth in order to create jobs and prosperity
- 6.3 The 10th principle listed states that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 6.4 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 14 goes on to states that there should be a presumption in favour of sustainable development.
- 6.5 Paragraph 23 of the NPPF states that planning policies should be positive and promote competitive town centres.
- 6.6 Paragraphs 56 and 57 of the NPPF state that good design is a key aspect of sustainable development, is indivisible from good planning and contributes positively to making better places for people., and that design should be of a high quality and inclusive.
- 6.7 The Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
4. Any Neighbourhood Plan, once Adopted

6.8 **Core Strategy**

- 6.9 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district.

- 6.10 Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design. Development should protect and enhance locally important buildings, skylines and views.

- 6.11 Policy P11: Conservation states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals.

6.12 **Unitary Development Plan Review 2006 – Retained Policies**

- 6.13 The UDPR includes policies requiring that matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, and access for all are addressed through the planning application process. The application site lies within the designated City Centre. Relevant policies include:

- 6.14 Policy BD2 (Design and siting of new buildings)
Policy BD5 (Amenity and new buildings)
Policy GP5 (Development control considerations)

6.15 **Natural Resources and Waste Local Plan 2013 (NRWLP)**

- 6.16 One of the strategic objectives of the NRWLP is the efficient use of previously developed land. General Policy 1 is that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

6.17 **Supplementary guidance**

- 6.18 Building for Tomorrow Today – Sustainable Design and Construction.

- 6.19 The Leeds City Centre Urban Design Strategy (September 2000)
The application site falls within the Retail and Entertainment Area (Study Area 2) of the City Centre Design Guide. Pages 78-79 of the Design Guide highlight the aspirations and issues for the area. Some relevant key aspirations are highlighted as follows:

Realise potential for redevelopment of temporary car park areas
Retain and enhance the mixture of new and old buildings

- Improve links to other Quarters
- Preserve and enhance fine grain
- Retain and enhance the existing character of strong street frontages
- Preserve and enhance the quality of priority and permeability for the pedestrian
- Preserve and enhance views
- Provide and enhance spaces
- Encourage lively activity and discourage perceived privatisation of shopping streets
- Improve clear edges

6..20 Eastgate and Harewood Supplementary Planning Document

The Eastgate and Harewood Supplementary Planning Document (SPD) was adopted in October 2005. The SPD was prepared to supplement the guidance in the adopted UDP for the Eastgate and Harewood Quarter. The SPD provides 12 principles to guide the redevelopment of the Eastgate and Harewood Quarter and those of relevance are:

Enhance the public realm through pedestrianisation or street closures if necessary, and encourage pedestrian linkages from the site to the market, river, Sheepscar, Mabgate, Victoria Quarter and Quarry Hill, integrated into the existing fabric of the city centre.

Restrict access to through traffic using local streets and where possible, integrate the traffic displaced by, and accessing, the development into the improved highway network in recognition of safety and capacity constraints.

Preserve where both practical and appropriate, existing historic assets and their settings.

7.0 KEY ISSUES

7.1 Members will recall that the original approved scheme for the Phase 1 Victoria Gate site (approved under planning reference 13/02967/FU) included a 3 storey block to the southern edge of the site. The Developer subsequently considered that they did not require all 3 floors to this side of the Phase 1 site and submitted the Section 73 variation application 14/04437/FU to remove the top floor of this southern block. This was approved, following discussions with the Plans Panel Chair, under delegated powers on 18 February 2015. However, the Developer is now proposing to reintroduce a 3rd floor to the southern block to accommodate an A3 restaurant.

7.2 The approved scheme for the arcade buildings is currently under construction on site and the load bearing specification for the southern block is for the reduced height version of the building. This means that it is not possible to simply go up a storey again using the originally designed top floor, and a lighter weight version is now required. Therefore the current proposal is for this newly designed additional top storey. The proposed development will increase the height of the southern arcade by an additional 4m resulting in an overall height similar to the original scheme. Officers consider the massing and height to be acceptable, being in accordance with the parameters approved under the original Outline and full planning consents, and as such being contextually appropriate in respect of neighbouring buildings.

7.3 **Do Member considered the scale, massing and layout of the proposed extension to be acceptable?**

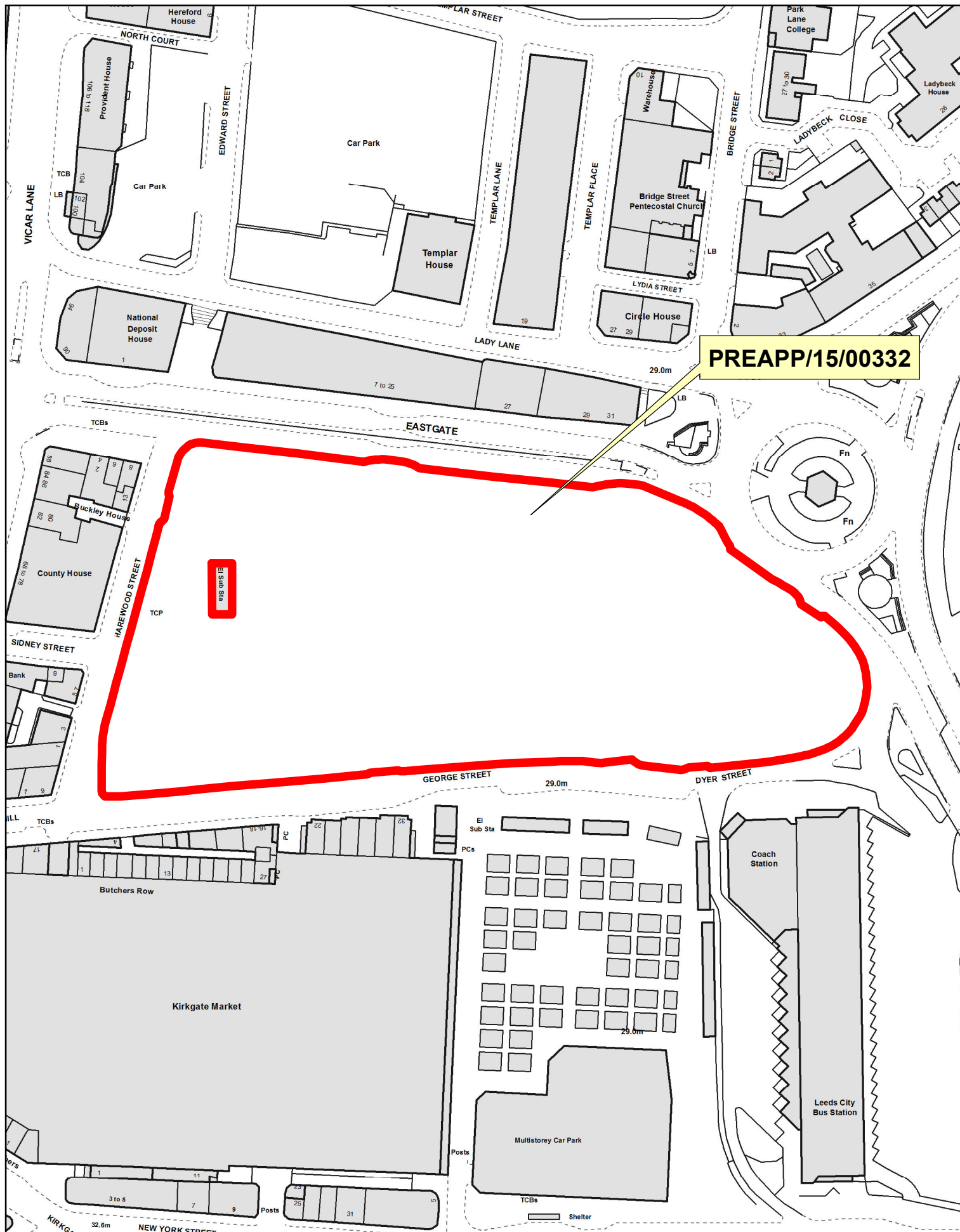
7.4 The additional storey will accommodate two restaurants (class A3 use) measuring 664sqm and 391sqm GIA. The Applicant advices that the amount of additional A3

floor space to be created would be within the range of Gross External Floorspace (GEA) permitted under the Outline Planning application 12/03002/OT.

- 7.5 Both of the restaurants will be accessed via a large shared spiral staircase that connects the ground floor of the arcade to the upper floors. The staircase will be accessible from both the Arcade and George Street..
- 7.6 The extension would be set back from the main façade of the building below and would be behind a parapet formed from the top of the brickwork of the main building façade. The extension would be faced in pleated cladding, most likely to be metal, which would visually reference the design of the pleated brickwork and terracotta on the facades beneath it. The materials would be toned to match the colour palette and quality of the Arcade and in particular those colours that are used within the southern arcade. Inset into the metal cladding would be a series of tall clear glazed windows. The introduction of a further material into the palette is supported by Officers in principal, subject to agreement of the full details, on the basis that the approved palette is a limited one, and the proposed additional material would be visually and texturally treated to ensure it became part of the material's 'family' for the arcades.
- 7.7 **Do Members consider the design and materials proposed to be acceptable?**
- 7.8 Parts of the frontage to the southern face would be set back with integrated canopies above. External roof terraces are proposed to the two areas in front of the setback section, along the southern frontage. There is the opportunity to include soft landscaping in planters to these terraces.
- 7.9 **Do Members considered that the proposal could be delegated to Officers for the determination of any subsequent planning application?**

Background Papers:

PREAPP/15/00332



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SCALE : 1/1500

