



## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 29 March 2018

**Subject: PREAPP/17/00353 - Preapplication presentation for a change of use from A1 retail units to one combined A3 restaurant and internal alterations to the basement, ground floor and upper floors in the Howard Assembly Room of Opera North and an office refurbishment including facade re-modelling and two storey rehearsal studio extension to roof of existing 5 storey Premier House building, and the provision of ground floor education suite, at the Howard Assembly Room and Premier House at Opera North, New Briggate and 8 Harrison Street, Leeds, LS1 6PA.**

### Developer- Opera North

#### 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: This report is brought to Plans Panel for information. The Developer will present the details of the emerging scheme to allow Members to consider and comment on the proposals at this stage.**

### 1.0 INTRODUCTION:

1.1 This presentation is intended to inform Members at an early stage of the emerging proposals for a change of use and enhancement works to the Howard Assembly Room and the remodelling and enhancement of Premier House both of which are important performing arts buildings in the designated City Centre. The proposals are brought to City Plans Panel as the development involves major investment in Opera North, which is an important cultural destination within Leeds City Centre.

### 2.0 SITE AND SURROUNDINGS:

2.1 The site is located within the defined City Centre but is not allocated for a specific use on the Local Development Framework Policies Map. The shop frontages to the New Briggate elevation of the Grand Theatre and Opera North building are currently

part of a designated Secondary Shopping Frontage. This designation is proposed to be removed in the draft Site Allocations Plan.

- 2.2 Harrison Street is a one way link route with a steep incline from Vicar Lane to New Briggate. The site is within the boundary of the Grand Quarter Conservation Area and close to, but outside of the boundary of the City Centre Conservation Area. The site is also within the setting of the Grade II Listed St Johns Church, courtyard and railings. The Grand Theatre and Opera North main building which houses the Howard Assembly Room are Grade II\* Listed.

### **3.0 PROPOSAL:**

- 3.1 The proposed development seeks a change of use of the ground floor vacant former shop units from A1 retail units to one combined A3 restaurant, with internal alterations to the basement, ground floor and upper floors in the Howard Assembly Room of Opera North and an external terrace to the rear of the former shop units. In addition the proposal also involves an office refurbishment including facade re-modelling and two storey rehearsal studio extension to roof of existing 5 storey Premier House building, and the provision of ground floor education suite.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Consent was granted for a change of use of retail units to 2 restaurant a3 unit & 2 retail units on 9 September 2005, planning reference 20/340/05/FU.
- 4.2 Consent was granted for an extension of time period for planning application 20/340/05/FU for a change of use of the retail units to 2 restaurants (class A3) and 2 retail units on 14 July 2010, planning reference 10/02300/LA.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The proposals have been the subject of pre-application discussions between the Developers, their Architects, and Local Authority Officers since May 2017. These discussions have focused on the change of use, heritage matters, scale, massing and design.

- 5.2 Ward Members were consulted on 21 June and 22 December 2017.

- 5.3 The following comments were received from Councillor Davey on 4 January 2018 and were supported by Councillor Iqbal on the same date:

1. This (*the proposal*) is not acceptable as it takes away the theatre's income and costs the theatre extra to man another entrance for tickets. Access to the auditorium must be maintained through the theatre's main entrance to prevent pre and interval drinks being taken in a new bar.

*Officer response - The management of the movement of patrons between areas of the Grand Theatre (LGT) and Opera North (ON) for commercial reasons is not a matter that should be subject of Planning control. However the concern has been raised with the applicant's team who advise that "LGT Access to the auditorium will remain via the theatres main entrances.*

2. Whilst they are just design drawings, the idea of using the pavement for tables and chairs would have a significant impact on patrons arriving at the theatre, pedestrian flow is an important issue anyway and the area will still suffer from the "rat run" up Harrison Street and crossing towards the street by the Opera North reception is dangerous. Extra foot fall will only add to this. –

*Officer response - Officers have raised this point with the applicant's team and made*

*them aware that on street tables and chairs would not be considered acceptable on the basis of the current footway width but could be looked at again when the footway is widened as part of the more wide scale regeneration proposals for New Briggate. They have also been informed that this would require a street café licence. The applicant's team have confirmed that they understand this position.*

3. Consideration needs to be given to amending the taxi / loading ranks to facilitate drop offs to both the Theatre and the restaurant. We also have to consider deliveries as the theatre already suffers from blocked entrances and difficulties with lorries parking on Harrison Street. Extra services deliveries to the restaurant and more shows are only going to add to this.

*Officer response – Officers have made the applicant's team aware of this and Highways have also stated that a transport assessment will be required to allow us to fully understand how the changes will affect transport flows in the area, taxi ranks, movement of people, servicing and deliveries, etc. The applicant's team have confirmed that they understand this requirement.*

4. External signage is important so there is no customer confusion as patrons feel that it is a Theatre restaurant and that they can gain access to the Theatre from the bar. I do not want signage that impacts on the aesthetics of the building and restrictions on the size and nature of advertising is important.

*Officer response – Signage is something officers have also been in discussion with the applicant's team about and we have asked that, although there is no end user yet known for the restaurant, consideration needs to be given to setting out parameters for signage now, in respect of type of signs, likely types of materials and detailing that would be supported and defining signage zone locations on the building. The applicant's team have confirmed that they understand this requirement.*

5. I assume that planning will consider the nature of the restaurant and the positioning of the bar. From my perspective this should be a restaurant with a small bar at the back. If they put the bar up front this would act as further competition and would have a financial impact on pre show drink sales. Anyone running the restaurant will want to offer pre show drinks as well as a food option.

*Officer response – The proposed uses are considered appropriate as town centre uses. There are limitations in respect of the level of control Planning can apply to the levels of each type of use and how the internal layout would be come forward based on potential competition with the Grand Theatre but we will work with the applicant to obtain the maximum information available on the matter at the time of the application submission.*

6. Whilst the theatre has a stage door for workers and artists it still needs a main reception on New Briggate for guests. The provision of a proper business entrance is a current requirement of the Opera North lease. The theatre should not have to bear the additional costs of both creating and manning a new reception.

*Officer response – The management of entrances and reception areas for Grand Theatre (LGT) and Opera North (ON) is not a matter Planning can control but a civil matter for the two parties. However this has been raised by Officers with the applicant's team.*

Councillor Davey has also raised concerns on 19 March 2018 with regard to the proposed perforated metal screen to the alleyway and advises that there are a number of changing and shower and office room windows facing on to the yard area to the side on which the screen would be placed.

*Officer response – the applicant has advised that they are aware of the uses in these rooms and the proposed perforated screen will be designed to be built around, rather than over these window openings.*

## **6.0 RELEVANT PLANNING POLICIES:**

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 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 state that there should be a presumption in favour of sustainable development.
- 6.3 Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 4th principle listed states that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.4 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.
- 6.5 Paragraph 126 states that it is desirable to sustain and enhance the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness.
- 6.6 Paragraph 133 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.7 Paragraph 134 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.8 The Development Plan for Leeds currently comprises the following documents:
- 6.9 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) including revised policies Minerals 13 and 14 (Adopted September 2015).
  4. Aire Valley Leeds Area Action Plan (Adopted November 2017)
  5. Any Neighbourhood Plan, once made.
- 6.10 Core Strategy

- 6.11 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. The most relevant policies in this case are set out below.
- 6.12 Policy CC1: City Centre Development  
The City Centre will be planned to accommodate at least the following:  
(iv) Supporting services and open spaces and improvements to the public realm  
This will be achieved through implementation of outstanding permissions, decision making on planning applications, master-planning, and identification of appropriate sites and mixed use allocations through LDF allocations documents.
- 6.13 Policy P10: Design states that:  
New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.  
New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.
- 6.14 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.
- 6.15 Policy T2: Accessibility Requirements and New Development states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility:  
(i) In locations where development is otherwise considered acceptable new infrastructure may be required on/off site to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrians and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency on the highway network.
- 6.16 Leeds Unitary Development Plan Review Retained Policies  
  
Policy BD6 (All alterations)  
Policy BD5 (All new buildings and amenity)  
Policy GP5 (All planning considerations)  
Policy N16 (Extensions to listed buildings)  
Policy N17 (All listed buildings)  
Policy N19 (New buildings and extensions within or adjacent to a conservation area)
- 6.17 Leeds Natural Resources and Waste DPD 2013
- 6.18 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.

## **7.0 KEY ISSUES**

### **7.1 Principle of the use**

7.2 The proposal involves a change of use of the existing A1 retail units to the ground floor of the Howard Assembly Rooms, to form one large A3 restaurant. The majority of the units have been vacant for a number of years with little interest from potential retail tenants. The emerging Site Allocation Plan City Centre Primary Shopping Frontage Area plans show this frontage to have no specific designation. This emerging plan is at stage where it can be given significant weight and as such Officers consider that the proposed change of use would not adversely affect the frontage or the ability of the wider City Centre to operate as a retail hub. Officers consider that the proposed A3 restaurant use could add to the regeneration, vibrancy and vitality of both the daytime and evening economies of New Briggate and the wider City Centre.

### **7.3 Do Members support the principle of the restaurant use?**

### **7.4 Design, Massing, Scale and Layout**

7.5 The principle changes for the Howard Assembly Room would result in the reconfiguration of the existing ground floor entrance lobby to Opera North's areas, such that new routes would be created inside the lobby area leading to the new Assembly room above as well as directly to the restaurant. In addition a new platform lift would be inserted into the lobby area. The proposals would also involve the reconfiguration of some internal first floor rooms including the removal of an existing storage room to create a new anti-space for patrons to utilise. The existing male artist WCs will be repositioned at stage level to allow the removed storage area to be relocated backstage. In addition a new disabled WC and a grand piano storage area would be created at first floor level. A new internal feature door is proposed at the existing main entrance within the building between Grand Theatre and Howard Assembly Room.

7.6 The basement and ground floor to the former retail units within the Grade II\* Listed Opera North building will be altered, with the removal of internal walls and a section of flooring to create a new restaurant with partitioning for WCs, a cloakroom and a dumb waiter.

7.7 Externally the shopfronts to New Briggate would be reordered to create a series of large glazed windows. Some of which will double as openable doors within reinstated original external stone arches.

7.8 It is also proposed to create an attractive, useable glass roofed atrium terrace space in the existing rear service yard, where the restaurant and its bar can spill out onto. This space would also connect through to the Assembly Room and Grand Theatre to allow the patrons of these two venues to use the break out areas. Rising through this atrium to meet the roof it is proposed to site a sculptural metal tree like feature which would address extract ducting requirements for the new restaurant use. Perforated metal cladding will be applied to the most damaged areas of the service yard walls to hide poor brickwork and existing retained pipework and extract plant

7.9 Officers consider that the level of alterations will lead to less than substantial harm to the significance of the designated Grade II\* Listed heritage asset, and as such

the proposals need to be justified in accordance with the considerations of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings. Case law has held that once harm to a listed building is established, considerable weight needs to be attached to that harm. The National Planning Policy Framework (NPPF) advises at paragraph 134 that where proposal would result in less than substantial harm then this harm needs to be weighed against the public benefits of the proposal, including securing its optimum viable use. Due to the view from Officers that there will be less than substantial harm, it is considered that paragraph 134 of the NPPF is applicable for this proposal.

- 7.10 The proposed demolitions would be largely internal and would be to parts of the host Grade II\* Listed Building where the historic fabric has minimal architectural or historic detailing. In addition there are a number of public benefits to the scheme including:
1. Adding to the heritage led regeneration of the Grand Quarter
  2. The reconfiguration of the spaces in the Assembly Room to make them more accessible and flexible for use
  3. Allowing Opera North to make more effective use of their accommodation which in turn will allow them to programme more productions and shows
  4. Bringing former retail units which have been vacant for a number of years back into viable use
  5. New employment opportunities in the proposed restaurant
- 7.11 It is also the case that the proposed alterations have the potential to impact on the character and visual amenity of the Grand Quarter Conservation Area. As such the proposals again need to be justified in accordance with the considerations of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 134 of the National Planning Policy Framework (NPPF). The said character is predominantly Victorian, with a high number of historic buildings still being evident and spaces and streets retaining the dimensions of the urban Victorian environment. However, it is the case that the proposed alterations would be largely internal and where they affect the exterior of the host building this would be to a rear wall facing onto what has historically been a service yard area. As a result Officers consider that the impact on the conservation would be neutral.
- 7.12 The proposals for Premier House would involve a refurbishment of the building, including a recladding of the facades and a two storey rehearsal studio extension to the roof of existing 5 storey building, with a mixture of punched and projecting windows. In addition the proposal would create a ground floor education suite. The new cladding would be a high quality bronze rain screen panelling facing the main Harrison Street and rear service yard façades, with the upper areas of the new extension being brick to match the existing brickwork below. The proposal to introduce an education suite at ground floor level will allow an exploration of where and how many new windows can be introduced to the ground floor of the elevation facing Harrison Street.
- 7.13 Officers consider that the proposed alterations to the Howard Assembly Room, the basement and ground floor vacant retail units and to Premier House would be a suite of well designed, high quality alterations, which would enhance the character and visual amenity of the host Grade II\* Howard Assembly Room and the non-listed Premier House, and would not result in any detriment to the character and appearance of the wider street scene and the Grand Quarter Conservation Area.

- 7.14 Do Members support the emerging scale, massing and design of the proposals?**
- 7.15 On the basis of the level of information provided in the presentation do Members consider that the proposals can be delegated to Officers to determine the subsequent planning and listed building consent applications?**

## **8.0 CONCLUSION**

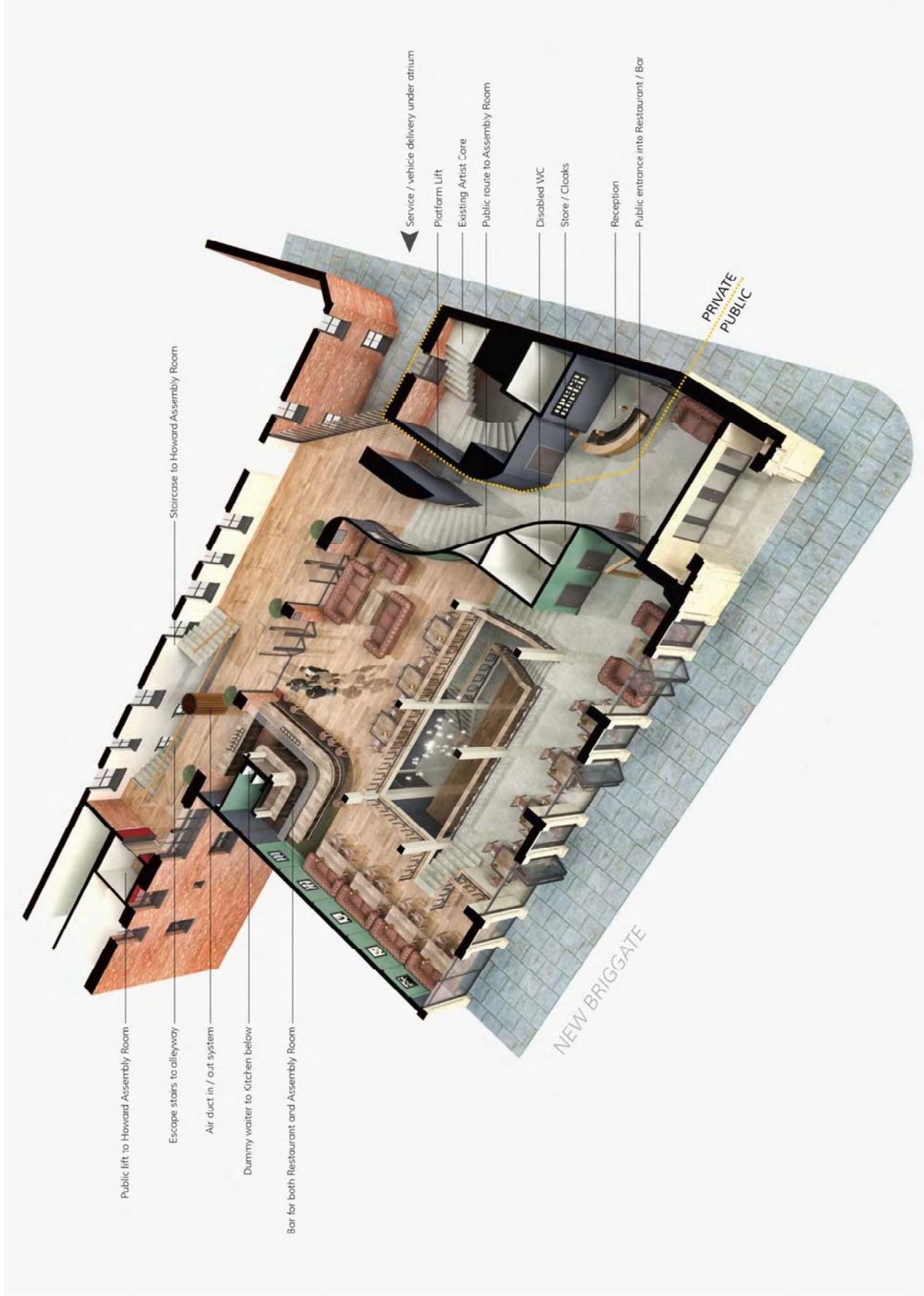
8.1 The key questions asked in the report above are as following:

**7.3 Do Members support the principle of the restaurant use?**

**7.14 Do Members support the emerging scale, massing and design of the proposals?**

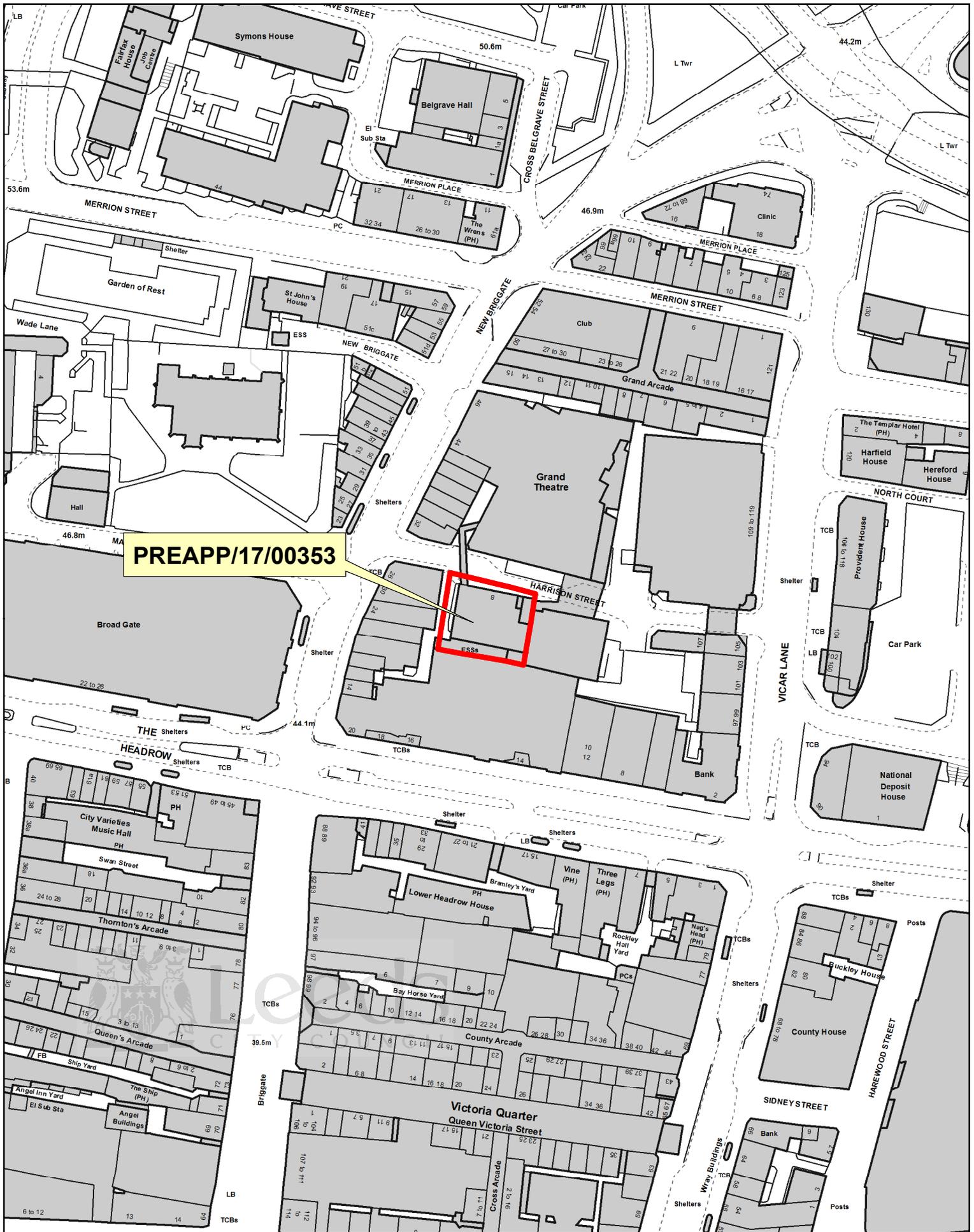
**7.15 On the basis of the level of information provided in the presentation do Members consider that the proposals can be delegated to Officers to determine the subsequent planning and listed building consent applications?**

**Background Papers: PREAPP/17/00353**



Proposed 3D view of the regenerated retail units on New Briggate





**PREAPP/17/00353**

# CITY PLANS PANEL

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