
Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 26th March 2015

Subject:

Application 13/00363/OT – Variation of conditions 5 and 4 of outline permission 13/01640/OT to allow amendments to approved Gross Internal Area for cinema and minor material amendment to approved parameter plans to allow increase in approved maximum height to cinema; and

Application 13/00365/RM – Reserved matters application for Phase 1 of development approved under outline permission 13/01640/OT to cover part demolition, alterations and extensions to form new cinema and restaurants and associated works including creation of new public realm, landscaping, and alterations to access routes and car park configuration

At: White Rose Shopping Centre, Dewsbury Road, Morley, Leeds, LS11 8LU

APPLICANT

Ravenseft Properties Ltd

DATE VALID

21st January 2015

TARGET DATE

22nd April 2015

Electoral Wards Affected:

Morley North

☐ Yes

Ward Members notified for Morley North, Morley South, Beeston and Holbeck and Middleton Park

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

15/00363/OT

APPROVE the application in principle and **REFER** the application to the Secretary of State. The referral of the application is necessary as it seeks the variation of conditions on an existing outline permission for a development of over 5000m² of town centre uses on an out-of-centre site and, if approved, would result in the issuing of a new stand-alone permission for the development. In the event of the Secretary of State not wishing to intervene, Members are further recommended to **DELEGATE** final approval to the Chief Planning Officer subject to the conditions specified (and any others he might consider appropriate) and the completion of a Deed of Variation to carry the obligations on the Section 106 Agreement for the original outline forward to this new permission.

In the circumstances where the Deed of Variation has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

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DEFER AND DELEGATE approval to the Chief Planning Officer to be issued subject to and following the approval of the accompanying application 15/00363/OT and subject to the conditions specified. Prior to the issuing of the decision the description of the application shall be changed to refer to the new outline permission and to read as follows:

Reserved matters application for Phase 1 of development approved under application 15/00363/OT: part demolition and alteration of existing buildings and erect extensions to form new cinema and restaurant units, alterations to existing and creation of new public realm and landscaping, alterations to existing vehicular access and creation of new vehicular, pedestrian, service access; alterations to car park configuration; together with infrastructure and associated works

CONDITIONS

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As this is a Section 73 application, if approved it would result in the issuing of a new stand-alone permission. It is therefore necessary to include all conditions which were imposed on the original permission, with variations to the wording as necessary to account for the revisions proposed under the current application, and for instances where some details have subsequently been approved. **For simplicity only those conditions where the wording is proposed to be changed are listed below.** All other conditions would be phrased and numbered as they were on the original permission:

Condition 1:

Unless otherwise approved in writing by the local planning authority, the phasing of the development shall be carried out in accordance with the details on Harris Partnership drawing 13226-PL001 revision F and in the letter from Hannah Smith, Quod, to Jillian Rann, Leeds City Council dated 3rd December 2014 [i.e. the phasing details which have subsequently been agreed in accordance with the requirements of condition 1 of the original outline permission]. Any reference to 'phase' or 'phases' in the conditions below shall refer to the phases detailed in these approved documents.

Condition 3:

Applications for the approval of all reserved matters for each phase shall be made to the local planning authority before 11th September 2019 [5 years from the date of the original outline permission]. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed for each phase.

Condition 4:

The reserved matters to be submitted under Condition 2 shall be in accordance with the approved plans listed in the Plans Schedule, including the parameter plans [plans *schedule to be updated to include the revised height parameter plan now submitted*].

Condition 5:

The uses hereby permitted shall be limited to the following new Gross Internal Areas:

- a. Retail (Class A1): 11,048m²
- b. Cinema (Class D2): 4138m², 1853m² and 482m² at ground, first and second floor levels respectively. Within the cinema, access for members of the public shall be restricted to those areas shown in blue on the approved drawing 13226-C-014 revision C, other than in the area shown in green on this drawing, where public access shall be limited solely to disabled visitors and visitors accompanying them.
- c. Restaurants/catering units (Class A3/A5): 2322m²

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1. The development shall be carried out in accordance with the approved plans.
2. Details of all external materials to be submitted and approved (to include all cladding materials, canopy materials and glazing/frame details and colours).
3. Details of the design/pattern of the perforated cladding panels to the western elevation of the cinema to be submitted and approved.
4. Detailed lighting strategy for the illumination of the cinema and restaurant units.
5. No external illumination to the IMAX screen.
6. The principles in the approved Shopfront Design Guide shall be adopted by all occupiers of the restaurant units in relation to the layout and design of individual units, zones for external seating, and signage [a separate informative note is recommended advising of the requirement for advertisement consent for signage].
7. Detailed hard and soft landscaping proposals for the public square areas, including boundary treatments, design and treatment of retaining walls, surfacing materials, details of any street furniture and lighting, planting proposals, details of planting beds and tree pits, and a management and maintenance plan for the landscaping.
8. Details of signage and road markings in relation to the revised parking layout to the west of the cinema.

1.0 INTRODUCTION

- 1.1 On 12th December 2014 City Plans Panel resolved to approve the following applications:
- Outline permission for extensions to the White Rose Shopping Centre (WRSC), including a new cinema, restaurants and extensions to the existing Debenhams and Primark stores (application 13/01640/OT);
 - Full permission for a new staff car park on the former scrap yard and office site to the south of the Centre (application 13/02684/FU).
- 1.2 The permissions were subsequently issued in September 2014 following the completion of a Section 106 agreement covering various obligations including a travel plan, public transport contribution, bus station improvements and a contingency fund of £700,000 which was requested by Plans Panel to cover additional public transport or highway measures in the event that vehicle trip reduction targets are not met. The conditions on the outline permission include reference to a series of plans setting the area and height parameters for each element of the development, and restrictions on the approved floorspace for each of the proposed uses.
- 1.3 It is the developer's intention to carry out the approved development in phases. The first of these includes the cinema, restaurants and off-site staff car park, together with associated landscaping, access and highway works. The approved retail extensions do not form part of this phase.
- 1.4 Since the approval of the previous applications in September 2014 further discussions have taken place with planning, highways and design officers regarding the detailed design proposals for Phase 1. These have taken account of the operational requirements of Cineworld, now confirmed as the operators of the cinema, who wish to include an IMAX screen within the development. Whilst this would result in a reduction in the number of screens from the 12 indicated at outline stage down to 11, the particular specifications of IMAX screens mean that this part of the cinema complex would be higher than the maximum height parameter approved at that stage. A discrepancy has also come to light in relation to the way the cinema floorspace was expressed at outline stage, which doesn't take into account the multi-level, tiered arrangement of cinema seating, and which means that the floorspace approved in the outline application would not accommodate the full requirements of the cinema. In the light of this, as well as the reserved matters application to cover the layout, scale, appearance, landscaping and access arrangements for Phase 1, the developer has also submitted a separate application which seeks to vary the conditions on the outline permission regarding the approved height parameters and floorspace for the cinema element of the scheme.
- 1.5 A third application has been submitted for minor works within other parts of the site which are associated with the approved development, including the provision of a new pedestrian crossing on the Centre's southern access road, adjacent to the new staff car park, and the reconfiguration of parts of the car parking areas to provide pedestrian access routes from the new car park to the Centre. Given the minor nature of these works, it was not considered necessary to report these to Plans Panel, and it is intended to determine this third application under delegated powers.

2.0 PROPOSAL:

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- 2.1 This is an application under Section 73 of the Town and Country Planning Act 1990 to vary conditions 4 and 5 of the original outline permission for the development (reference 13/01640/OT) in relation to the cinema element of the proposals.
- 2.2 Condition 4 requires the detailed design of the scheme to be in accordance with a series of parameter plans specifying, amongst other things, the maximum height and footprint parameters for each of the extensions. As IMAX screens are higher than conventional cinema screens, at its highest point this screen would be around 6m higher than the maximum height parameter of 13.9m which was originally approved for the cinema. The application therefore seeks to substitute the approved height parameter plan for a revised version to incorporate this and a number of other minor increases around stairwells and fire exits where the roofline would be slightly higher (up to 2m) than the originally approved maximum height. The submitted plan relates only to the cinema and restaurant elements of the scheme, and the increased height parameters proposed are limited to those areas where such increases are necessary, and to the particular heights required for those areas, with the remainder staying within the originally approved parameters. No changes are proposed to the approved footprint parameters and all elements of the scheme would fall within these.
- 2.3 Following concerns regarding the potential visual impact of this additional height, the detailed design of the cinema includes a number of measures which seek to minimise this, including siting the IMAX screen centrally and adjacent to the existing WRSC building, and the use of a sloping roof design and light grey external cladding to this higher part of the building. These details are included in the reserved matters application for this phase and are described further below.
- 2.4 Condition 5 restricts the floorspace of each of the approved uses (retail, restaurants and cinema) to those applied for as part of the outline application, including a Gross Internal Area (GIA) of 4136m² for the cinema. However, the figure which was quoted at that stage was incorrect and related solely to the footprint of the cinema, and therefore did not include floorspace above ground floor level which arises from the raked nature of cinema seating and from the inclusion of gantries for staff access to projection areas, all of which would be reasonably anticipated as part of any cinema proposal. Because of the raked layout of the seating for example, there are areas where there are access aisles to allow public circulation at an upper level within the cinema screen itself, with public circulation or staff/back of house areas on the ground floor below. Once these additional upper floor areas are taken into account, the total GIA for the cinema as now proposed is 6471m².
- 2.5 Although in correcting these inaccuracies a higher GIA for the cinema is now sought, the additional floorspace now included in the figures relates mainly to projection gantries, to which only staff would have access, and to the provision of a circulation corridor between the screens at first floor level to allow disabled visitors access to the screens at the upper level, rather than providing additional floorspace which is accessible to the general public. A plan has been submitted which indicates those areas to which the public has access (4522m²), and the areas over and above this which are proposed solely as circulation/access areas for disabled visitors (a further 261m²). The remaining 1688m² would not be accessible to the public. The applicant has confirmed that they would be happy for the condition to be reworded to make specific reference to this plan in specifying the total permitted publicly-accessible floorspace within the cinema.

- 2.6 The developer has submitted a revised transport assessment (TA) to account for the changes to the scheme. The original analysis of transport impacts for the cinema at outline stage was based on the number of screens (12) and the number of seats (1800), rather than on its floorspace. Therefore, for consistency, although there are no conditions restricting the number of screens or seats, the developer's new TA has been conducted on the same basis, and takes account of the proposed increase in the number of seats from 1800 to 2087. In response to concerns from highways officers regarding the potential additional transport implications arising from the inclusion of an IMAX screen, the TA also covers this element of the proposals.
- 2.7 A draft Deed of Variation has been submitted as part of the application to carry forward the obligations in the original Section 106 agreement onto this new application. The obligations are outlined in more detail in paragraph 4.2 below.

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- 2.8 This is a reserved matters application for the first phase of the development – the restaurant and cinema development to the west of the centre – and seeks detailed approval for the layout, scale, appearance, landscaping and access arrangements, all of which were reserved at outline stage. Although the off-site staff car park is part of the Phase 1 proposals, it was the subject of a separate application for full permission, which was granted alongside the outline. This part of the scheme is therefore not included in the reserved matters application.
- 2.9 The proposals comprise an 11 screen multiplex cinema, including an IMAX screen, together with 6 new restaurant units, to be built facing one another on either side of the existing upper level food court entrance, creating a new central boulevard which would gradually widen outwards into a new public square which is proposed to the west of the new extensions.

Restaurants

- 2.10 The restaurant frontages are proposed to be double-height with full height glazing to their frontages, which would continue around the cinema entrance on the corner of the building. A continuous high-level canopy is proposed above this, continuing around the extensions and the existing food court entrance, and stepping up in height around the cinema entrance, providing some shelter for the glazed frontages and defining an area for the restaurant operators to provide external seating areas below. The underside of the canopy is proposed to be finished in perforated bronze cladding with illumination behind. An external video screen is proposed to be inset within the canopy above the food court entrance at the eastern end of the new boulevard.
- 2.11 The restaurant frontages would be consistent in their main design features, including the glazing specification, door types and locations, signage zones (defined by transom lines in the glazing) and lighting, with the aim of providing unity in the design approach to this area. However, to allow scope for future tenants to introduce brand-specific components such as signage to their individual units without compromising this overall unity in design, a draft Shopfront Design Guide has been submitted as part of the application. This sets out a series of key principles for the design of the restaurants, including the extent and layout of internal and external seating areas, areas where signage can be provided, and restrictions on the type of signage which can be provided (individual letter signs only, no large box signs). It is anticipated that, if approved, the implementation of this Design Guide would be a condition of any approval.

Cinema

- 2.12 The cinema building has been designed to reflect the layout of the screens within, expressing the form of each of the auditoria externally on the elevations. On the main western elevation facing the car park, this is done by splitting the elevation into 5 'screen' sections with recessed areas in between. Each section would be angled in design, getting gradually wider towards the top of the building, and it is proposed to finish these sections in perforated bronze coloured cladding, with illumination behind. The illumination would include downlighting at a height of around 3m to define the pedestrian route alongside the building to the cinema entrance. Above this height, the illumination would be less bright, providing uplighting in 'bursts' which would dissipate and get gradually dimmer as they travel up the building.
- 2.13 The northern elevation of the cinema would express three further auditoria in a more simple design, which aims to maintain the prominence of the main western elevation. This side elevation is proposed to be clad in a darker perforated mesh with illumination behind.
- 2.14 To the eastern (rear) elevation of the cinema building, where there are no public views, the façade would be of a simpler design in cladding and brickwork to match the existing Centre building.
- 2.15 Following discussions with the developer regarding the proposed increase in height of the IMAX section of the cinema, measures have been incorporated into its design which aim to minimise its appearance and visual impact within wider views of the site. With this aim in mind, this higher section has been limited solely to the area needed to accommodate the IMAX auditorium and associated stair/lift tower, and positioned in the eastern part of the cinema building, closest to the existing WRSC building, rather than on the outer edge. Its overall height has been minimised as far as possible within the limits of what is required to accommodate the IMAX screen, and it is proposed to reduce the appearance of massing by incorporating a shallow sloping roof to this section, and finishing it in light grey cladding.

External areas

- 2.16 To the west of the extensions, works are proposed to replace the existing coach park with a drop-off area alongside the site's internal access road, and to regrade and reconfigure parts of the parking areas between this area and the Centre entrance to create a new public square.
- 2.17 The square would be laid out in a series of four spaces, stepping gradually downwards from west to east as levels fall across the site, with curved paths circling around and between the areas and providing level access through the space. From west to east, these spaces are as follows:
- A play area, cut into the existing levels and surrounded by curved perimeter walls providing seating at various heights, and a landscaped buffer. The submitted details indicate that part of the area is proposed to be covered with a canopy feature.
 - An external 'auditorium' in the form of a grassed embankment inset with pre-cast concrete sections to provide seating in tiers. To the western side of the banking these would be sloped gently providing an informal seating and picnic area facing the play area, whilst on the eastern side steeper tiers are proposed in a more formal arrangement facing the 'promotion zone' and multi-use space to the east.

- A promotion zone area. The submitted details advise that this space, which would be unenclosed and defined by a change in paving materials, is intended to accommodate temporary installations, which may include events, promotions and pop-up retail or restaurant facilities.
- The boulevard area between the restaurant frontages. This space would be largely open, with the exception of a small number of large feature benches.

3.0 SITE AND SURROUNDINGS:

- 3.1 The WRSC is a substantial retail centre in south Leeds with over 100 retail and restaurant units, including a Sainsbury's supermarket and large anchor stores at Debenhams and Primark, and around 4700 car parking spaces.
- 3.2 The centre is located in south Leeds, to the north east of Morley, north west of Middleton and south west of Beeston. The site is bordered to the east by Dewsbury Road, which runs north-south from Junction 1 of the M621 to Junction 28 of the M62, and to the west by the Leeds-Huddersfield-Manchester railway line. The surrounding area is mixed in character, with offices at the White Rose Office Park to the north, residential properties on the opposite side of Dewsbury Road to the east, and open land to the west and south.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Outline permission for the new cinema and restaurant units, as well as a series of retail extensions and associated works, was granted in September 2014 (application 13/01640/OT). A separate application for the creation of a new staff car park on the former scrap yard and office site to the south of the WRSC was considered and approved at the same time (application 13/02684/FU). Conditions on both permissions require them to be carried out in accordance with an approved phasing timetable, to ensure that parking provision is retained at constant levels throughout the various phases of the development. The off-site car park is proposed to be delivered as part of this first phase of the development alongside the cinema and restaurants.
- 4.2 These permissions were subject to a Section 106 which covered both applications and which includes the following obligations to be provided as part of the approved development:
- Public transport infrastructure contribution – to be used towards improving bus services between the site and areas of south Leeds.
 - Travel plan and monitoring fee;
 - Improvements to the existing WRSC bus station;
 - Provision of a step-free access route between the bus station and the White Rose Office Park on the adjoining site;
 - Contribution to landscape enhancements on Dewsbury Road to the east of the site;
 - Contribution towards the provision of a cycle path along Dewsbury Road close to the site entrance;
 - Local employment and training scheme;
 - A contingency fund of £700,000 to be used towards further highway or public transport improvements in the event that Travel Plan targets for the development are not met and the traffic impact of the development is therefore greater than anticipated.

- 4.3 A separate application for minor works elsewhere within the WRSC site to facilitate the development, including the provision of a new pedestrian crossing and defined pedestrian route between the new car park and the Centre, has been submitted alongside the two current applications (15/00364/FU). This is still pending consideration.
- 4.4 Permission was originally granted for the WRSC in 1989. As well as a range of applications for minor alterations, changes of use of units and signage, outline permission was granted in March 2011 for around 2000m² of additional retail floorspace and 1850m² of new restaurant floorspace (10/04190/OT). Much of this has now been built out in accordance with a series of subsequent reserved matters applications, including a number of new restaurant units which have recently been completed adjacent to the western food court entrance.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Following the approval of the outline application and the car park application in September 2014, the developer and their representatives have held a series of meetings with planning, highways and design officers to discuss the detailed design of Phase 1 of the development. These discussions included:
- Amendments required to the approved height parameter and floorspace for the cinema to accommodate the detailed design proposals, including the IMAX screen, and agreement that a Section 73 variation of condition application was required to allow these to be considered.
 - Highways concerns arising from the proposal to incorporate an IMAX screen and an increase in the number of seats over and above that which was cited at outline stage, with specific concerns regarding the implications for traffic generation and parking capacity within the existing car parks.
 - What information highways would need to allow them to consider the proposals.
 - Concerns regarding the visual impact of the increased height of the IMAX part of the cinema complex, and discussions around how this might be minimised through design and use of appropriate materials.
 - Detailed design of the cinema and restaurant units including materials and use of a Shopfront Design Guide to ensure consistency in design whilst allowing some flexibility for future tenants to personalise/'brand' individual units.
 - Design and layout of public square to the west of the extensions.
 - Potential impact of IMAX screen on existing IMAX at the Media Museum in Bradford City Centre, and provision of further information from Cineworld on experience and data from existing IMAX facilities.

- 5.2 Following initial feedback from highways on the application as originally submitted, further discussion has been held with the applicant and additional details and clarification on a number of matters have been received from the applicant's highways consultant.

6.0 PUBLIC/LOCAL RESPONSE:

Ward Members

- 6.1 The site is within Morley North Ward. Ward Members for Morley North and for neighbouring Wards Morley South, Beeston and Holbeck and Middleton Park have

been notified of the applications and Morley North Members have been briefed on the proposals.

6.2 Councillor Gettings has advised that he supports the proposals.

Morley Town Council

6.3 Morley Town Council have advised that, 'although we support the project in principle, as we did at the outline stage, we believe that there are matters which need to be addressed before the reserved matters now put forward can be agreed to.'

6.4 The Town Council have made the following comments regarding the Section 73 variation of condition application:

- Cinema could be made to fit within the agreed height parameter by being partly dug into the ground, rather than having to increase the height above the approved parameter to accommodate the proposed IMAX screen
- Working within approved horizontal dimensions, the proposed increase in floorspace to account for tiered seating and access gantries for staff and disabled visitors should be acceptable in principle, though this would be without prejudice to consideration of other aspect of this and the two other applications that have been submitted.
- White Rose is not a designated town centre. Potential impact on IMAX at National Media Museum in Bradford, and there should be a detailed study of this.

6.5 The Town Council's comments regarding the reserved matters application are as follows:

- Confirmation sought as to whether the retail extensions approved at outline are still proposed to be built
- Objection to increased height of cinema – additional headroom could be gained by excavation.
- Mall should be open at night to allow staff and customer access from cinema and restaurants access to bus station and car parks. Suggestion of shuttle bus to staff car park.
- Travel plan depends on increased bus use. Plans to improve bus station have not been implemented. An earlier start to increasing bus use should have been made before submitting the reserved matters application.
- Architecturally the proposed extensions fit well and, together with the external works, would make this part of the site more welcoming and less inward-looking, and would add variety in materials, moving away from the present external effect, which is dominated by large expanses of buff brick and drab cladding.

Other public response

6.6 The Section 73 variation of condition application has been advertised as a major application and a departure by site notice, posted 6th February 2015, and by press notice in the Morley Advertiser, published 11th February 2015.

6.7 The reserved matters application has been advertised as a major application by site notice, posted 6th March 2015.

6.8 An objection has been received from the Science Museum Group (SMG), who operate the National Media Museum (NMM) in Bradford, raising the following concerns:

- The outline application did not assess the implications of including an IMAX screen within the cinema. The current application shows that an IMAX cannot be realistically accommodated within the approved parameters of the outline application, therefore Leeds City Council must consider the implications of allowing this cinema as opposed to a traditional multiplex as originally envisaged, as required by the NPPF.
- The cinema impact information submitted as part of the application is not robust and relies on only a small number of case studies, which the SMG do not consider are directly comparable to the current proposals. A full detail cinema impact assessment should be undertaken before the application is determined.
- The emerging Area Action Plan for Bradford city centre recognises the NMM as having strategic importance to the health and vitality of the city centre and ability to attract visitors.
- There are plans to upgrade the cinema at the NMM, including upgrading the IMAX to a digital screen, which is urgently required and is critical to secure the future of the cinema operation, allowing the museum to retain its position at the heart of Bradford's identity as a UNESCO City of Film, and which aims to increase visitor numbers whilst retaining the capacity to deliver educational experiences.
- IMAX facilities rely on wide catchment areas, and the catchment area for an IMAX at the WRSC would overlap with that of the Bradford facility and will cause the diversion of admissions from Bradford, reducing visitor numbers and undermining the planned investment in the Bradford IMAX.
- The proposed IMAX will therefore affect the NMM facility and the vitality and viability of Bradford city centre as a cultural destination.

6.9 The Media Museum have advised that they have commissioned a more detailed analysis of the implications of the proposed development on their planned investment, however at the time of writing nothing further has been received in this respect. Members will be updated verbally on this at the Panel meeting.

7.0 CONSULTATIONS RESPONSES:

Application 15/00363/OT – Section 73/Variation of conditions

Statutory

Environment Agency and Coal Authority

7.1 The Environment Agency and the Coal Authority raised no objections to the original outline permission, subject to conditions. As the variations of condition relate only to an increase in height and internal floorspace, rather than in the footprint or scale of the development, they have not been reconsulted on the Section 73 application.

Highways Agency

7.2 Similarly, the Highways Agency raised no objections originally, subject to the Travel Plan secured through the outline Section 106 agreement. Although the variations now proposed could have potential highways impacts, it is considered that these would be more local in nature, rather than having implications for the wider strategic highway network and motorways which fall within the Highways Agency's remit. It is therefore considered that these can be adequately considered by highways officers of the local highway authority, and the Highways Authority have not been reconsulted.

Highways

- 7.3 The scheme as proposed under the original outline permission was for an 1800 seat cinema complex with 12 screens. The revised proposals that have now been submitted are for a 2087 seat complex with 11 screens, one of which would be an IMAX screen.
- 7.4 The travel plan targets for the development have always been considered ambitious. There is already a travel plan in place at the WRSC, however recent surveys appear to raise questions about its effectiveness, and reservations still remain about whether the travel plan for the new development would achieve the ambitious targets it sets, even with additional investment in public transport.
- 7.5 The car parks at the WRSC currently operate close to capacity at certain peak times, and it is noted that visitor numbers for an IMAX screen are anticipated to be higher than for a similar conventional cinema screen. Although it is accepted that the proposed reduction in the number of screens would have some influence on visitor numbers, it is not accepted that the increase in the number of seats would have no effect as the applicants suggest, and there is some disagreement about some of the assumptions made by the applicant in their analysis in relation to average vehicle occupancies for cinema visits, which are considered to underestimate the likely numbers.
- 7.6 On the basis of the information submitted by the applicants, and taking account of the increase in the number of seats now proposed, it is calculated that the revised scheme could increase parking demand by 14 spaces over and above that which was associated with the original outline permission, creating an additional potential shortfall in the number of spaces on site at certain times, and extending the period over which highway consider that parking capacity may be exceeded.
- 7.7 Whilst the revised proposals may only increase demand by 14 spaces, there are concerns regarding the apparent lack of success of the current travel plan, and that car parking demand appears to have increased at the site even before the proposed development commences. On the basis of the most recent surveys at the site, carried out in November 2014, and taking into account the additional development now proposed, there is the potential for parking capacity to be exceeded to a more significant extent if the additional travel planning measures associated with the current development are not successful. For this reason highways remain very concerned about the prospect of any further intensification without a further fallback mechanism in the form of a requirement for the provision of additional parking on site in the event that car park occupancy levels are regularly exceeded as a result of the development.

Non-statutory

Yorkshire Water

- 7.8 As Yorkshire Water raised no objections to the original outline, and as no further increase in footprint is now proposed, they have not been reconsulted on the Section 73 application.

Response from neighbouring authorities

Bradford Council

- 7.9 Object on the grounds of the harmful impact on the future economic viability of the IMAX cinema at the National Media Museum (NMM) in Bradford city centre, and on the city centre itself as a result.

- 7.10 Bradford Council have been working with the NMM over the last 2 years to try and ensure its future in the light of possible central government cuts. The NMM have recently secured a central government loan to refurbish and upgrade the Bradford IMAX to a digital format, and have signed a management contract with Picturehouse Cinemas to manage the IMAX, although the NMM are the owners and remain responsible for the operation.
- 7.11 The NMM is a key destination and anchor for Bradford city centre, and the upgrade will ensure more films are screened through the year and complement investment in other key city centre destinations, including the City Park and the Broadway shopping centre, scheduled to open in November 2015.
- 7.12 The proposed IMAX at the WRSC could have a significant impact on attendances at the Bradford IMAX, which has already experienced decline in audience attendances in recent years. This potential fall in income could therefore have an impact on the future economic viability of the NMM and further prejudice public investment in the city in the medium term. The new application fails to take into account the potential impact of introducing a further IMAX cinema to the region and its impact on in-centre investment.

Kirklees Council

- 7.13 Kirklees have confirmed that they have no comment on the application.

Wakefield Council

- 7.14 Wakefield Council were notified of the variation of condition application but no response has been received from them.

Application 15/00365/RM – Reserved matters application

Statutory

- 7.15 None.

Non-statutory

Highways

- 7.16 No objections to the detailed car park layout proposed under the reserved matters application, subject to details of signage and road markings at certain points.

Response from neighbouring authorities

- 7.17 Bradford Council have objected on the basis of the impact of the proposed IMAX on the NMM and Bradford city centre. The details of their objection are discussed above.

8.0 PLANNING POLICIES:

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.
- 8.3 The site is unallocated in the Development Plan.

Application 15/00363/OT – Section 73/Variation of conditions

- 8.4 The policies quoted are relevant to the outline proposals as a whole, however as outline permission has already been granted previously for the development, the appraisal in section 10 below will focus only on those policies which are relevant to the variations which are now sought to the original permission.
- 8.5 The following Core Strategy policies are relevant:
- GENERAL POLICY – Presumption in favour of sustainable development
P8 – Proposals for main town centre uses in out-of-centre locations
SP1 – Location of development in main urban areas on previously developed land
P10 – High quality design
P12 – Good landscaping
T2 – Accessibility
EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floorspace
EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace
EN5 – Managing flood risk
ID2 – Planning obligations and developer contributions

- 8.5 Relevant Saved Policies from the UDP are:

GP5 – General planning considerations
T24 – Parking
BD5 – New buildings, design and amenity
BD6 – Extensions and alterations to existing buildings

- 8.6 Relevant DPD Policies are:

GENERAL POLICY1 – Presumption in favour of sustainable development.
MINERALS3 – Surface Coal resources
AIR1 – Major development proposals to incorporate low emission measures.
WATER1 – Water efficiency, including incorporation of sustainable drainage
WATER6 – Provision of Flood Risk Assessment.
WATER7 – No increase in surface water run-off, incorporate SUDs.
LAND1 – Land contamination to be dealt with.
LAND2 – Development should conserve trees and introduce new tree planting.

Application 15/00365/RM – Reserved matters application

- 8.7 The following Core Strategy policies are relevant:

P10 – High quality design
P12 – Good landscaping
T2 – Accessibility

- 8.8 The following saved UDP policies are relevant:

GP5 – General planning considerations
T24 – Parking
BD5 – New buildings, design and amenity
BD6 – Extensions and alterations to existing buildings

- 8.9 Most of the DPD policies refer to strategic matters which relate to the principle of the development, and therefore are not directly applicable to this application for reserved matters approval. However, policy LAND2, which relates to the retention of existing trees and the provision of new/replacement planting is relevant.

Supplementary Planning Guidance and Documents

- 8.10 The following SPDs are relevant to the consideration of the applications:
- Street Design Guide
 - Building for Tomorrow Today: Sustainable Design and Construction
- 8.11 The Travel Plans and Public Transport SPDs were considered as part of the original outline permission and their requirements were incorporated into the Section 106 Agreement which was signed as part of it. These obligations are proposed to be carried forward as part of the Section 73 application by way of a Deed of Variation, a draft of which has been provided.

National Planning Policy

- 8.12 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.13 The NPPF supports the centres first approach, and states that local planning authorities should 'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality' (paragraph 23) and apply a sequential approach to the consideration of applications for town centre uses that are not in existing centres. It also advises that 'plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34) and that developments should be designed to 'give priority to pedestrian and cycle movements, and have access to high quality public transport facilities' (paragraph 35). The Framework places great emphasis on the importance of good design as a key aspect of sustainable development.

9.0 MAIN ISSUES

Application 15/00363/OT – Section 73/Variation of conditions

- 9.1 Outline permission for the principle of the proposed development has already been granted. The appraisal section below therefore focuses solely on the matters arising from the changes which are now proposed, and does not reconsider the development again in its entirety. In the light of this, the main points for consideration are:
1. Impact on existing centres
 2. Highways implications
 3. Visual implications of the increase in maximum parameter heights
 4. Implications of changes to internal floorspace
 5. Section 106 obligations

Application 15/00365/RM – Reserved matters application

- 9.2 The main issues for consideration in relation to the reserved matters proposals for Phase 1 of the development are:

1. Design, landscaping and visual amenity
2. Highways – parking and access/layout
3. Representations received

10.1 APPRAISAL

Application 15/00363/OT – Section 73/Variation of conditions

Impact on existing centres

- 10.1 The original outline application for the development was accompanied by sequential and impact assessments which considered the implications of the development for existing centres within Leeds and neighbouring authorities. These proposals as submitted at that stage did not indicate an IMAX screen, and were considered on the basis of a standard multiplex cinema, with the conclusion that such a facility would compete mainly with other out-of-centre multiplexes rather than having significant implications for existing or planned cinema developments in existing centres.
- 10.2 Bradford City Council and the Science Museum Group have objected to the revised application on the basis that the inclusion of an IMAX screen within the development was not considered at outline stage, and that the incorporation of such a facility would have a detrimental impact on visitor numbers to the existing IMAX at the National Media Museum, and on planned investment aimed at upgrading and securing the future of this facility, with associated implications for the vitality and viability of Bradford city centre as a result. The Science Museum Group have indicated that they have commissioned further study into this potential impact, however no further details in this respect have been received to date.
- 10.3 Paragraph 26 of the NPPF requires local planning authorities, when considering proposals for out of centre retail, leisure and office developments of a particular size, to have regard to the potential impacts of those developments on existing, committed and planned investment in centres within the catchment area of the proposal and on town centre vitality and viability. Paragraph 27 goes on to say that where an application would have a significant adverse impact on one of these factors, it should be refused.
- 10.4 In the light of the NPPF requirements and in response to concerns raised by officers at pre-application stage regarding the potential impact of an IMAX at the WRSC on the existing IMAX in Bradford city centre, the proposed operators, Cineworld, have provided a statement as part of the current application providing further details and assessment in this respect. Cineworld currently operate 12 IMAX facilities in the UK, including at Castleford and Sheffield, and have provided background information based on their own data, as well as some details of facilities managed by other operators.
- 10.5 Cineworld's statement advises that on sites where IMAX has been installed as a replacement for an existing screen at an existing cinema complex, this is proven to increase admissions for that particular screen. They advise that most of this is from existing catchment customers who make additional visits because of the IMAX experience (either existing customers who go more often because of the IMAX or some customers who only visit because of the IMAX).
- 10.6 In considering the potential impacts of the proposed development, the statement provides an example from Manchester, where in 2013 an IMAX screen was

installed at the existing cinema at the Trafford Centre, 7 miles (20 minutes' drive) from the same operator's cinema at the Printworks in Manchester city centre, which had had an IMAX screen for several years. Based on an analysis of box office data for the Printworks cinema, they found a 6% reduction in takings in the 6 months after the opening of the Trafford Centre facility compared with the 6 months before. However, whilst noting that there was some decline, they also note that this coincided with a similar decline in takings across other successful IMAX sites over the same period, and that this may be partly attributable to the nature of the films on offer at the time the figures were gathered, rather than being wholly as a result of the new facility at the Trafford Centre.

- 10.7 The statement also refers to the installation of an IMAX screen at their cinema in Castleford in 2014, and advises that they found no quantifiable impact on their existing cinema in Sheffield. However, in view of the more significant distances between these two facilities (31 miles/40 minutes), there would be expected to be less overlap between the catchments for these cinemas than would be the case for the Manchester example, and therefore it is considered that less weight can be given to this particular example.
- 10.8 By way of comparison, the drive time from the WRSC to the NMM IMAX in Bradford is 10 miles/20 minutes.
- 10.9 The details submitted with the application also confirm that Picturehouse Cinemas, who are owned by Cineworld, have recently signed a contract to manage the cinema complex (including the IMAX) at the NMM in Bradford which, as the NMM and Bradford Council have both confirmed, has secured government funding to be refurbished and upgraded to a digital format in the near future. The applicant has confirmed that the management contract is incentivised, and is underpinned by an objective of increasing admissions at the NMM, and have advised that Cineworld would not have taken on two such operations if there was the prospect of one undermining the other. Although it is accepted that Cineworld/Picturehouse would not own the Bradford facility and that some of the risk therefore remains with the NMM, it is nonetheless considered unlikely that they would have taken on this commitment if they did not consider it commercially viable to do so, and it is therefore considered that some weight can be attached to this in considering the likely impact of the proposals in this respect.
- 10.10 Whilst the concerns raised by Bradford Council and the NMM are noted, it is also noted that IMAX facilities are becoming a more common and less specialised feature within cinema developments, with numbers expected to continue to grow in the near future, and that the climate in which the NMM's IMAX currently operates – as a more specialised facility – will change. Whilst some impact in this respect may be anticipated, the NMM have not provided any evidence to date to substantiate their assertion that an IMAX at the WRSC would have a significant detrimental impact on their visitor numbers, or that the committed government funding for the upgrade of their facility is likely to be threatened as a result of the proposed development at the WRSC. In the absence of any further evidence in this respect, and in the light of the information which has been provided by the applicant, and the operator's commitment to managing both the existing and the proposed IMAX/cinema facilities, it is not considered on balance that these unsubstantiated concerns are sufficient to warrant refusal of the application on this basis.
- 10.11 The Science Museum Group have indicated an intention to provide further information to substantiate their concerns, and Members will be updated accordingly in the light of anything further that is received prior to the Plans Panel meeting.

Highways implications

- 10.12 A number of concerns were raised by highways officers during the course of the original outline application regarding the transport and parking implications of the development as proposed at that stage, and extensive discussions took place with the developer in relation to possible mitigation measures. The decision to grant outline permission for the development was finely balanced in this respect, and relied on the implementation of a number of measures aimed at encouraging public transport use and reducing car-based travel among staff and customers, which are covered by conditions and the Section 106 for the scheme, including:
- The implementation of a travel plan
 - Improvements to the on-site bus station
 - A public transport contribution to be used towards improving bus services to areas of high unemployment in south Leeds and extending services later into the evening to cater for the extended opening associated with the new cinema/leisure units.
 - A staff car parking management strategy aimed at directing staff parking to the new off-site staff car park and more remote parking areas within the site, leaving spaces closer to the Centre available for customer use
 - Off-site highway works to increase capacity at the Arlington Roundabout on Dewsbury Road to the north east
 - The funding of a cycle route along the site frontage
 - A £700,000 contingency fund to be used for the provision of further highway or public transport improvements in the event that travel plan targets for car use are not met.
- 10.13 In considering and determining the current application, significant weight must be given to the fallback position which exists in the form of the existing outline permission. In determining whether the current proposals are acceptable therefore, the main matter to consider is whether any additional impact for the local highway network which may arise from the proposed revisions would be significantly greater than those arising from the development as already approved. As part of this, it is also necessary to note the Travel Plan and car park management measures proposed by the developer, which they are obliged to implement as an obligation in the S106, and the £700,000 contingency fund which was previously agreed, and which would still apply at the same trigger points in the event that vehicular trips to the development were to increase as a result of the revisions now proposed.
- 10.14 During pre-application discussions with the applicants regarding the revised proposals, highways officers raised concerns regarding a number of aspects of these, including the proposed increase in the number of seats and the inclusion of an IMAX screen, and the potential for both of these factors to increase visitor numbers and therefore put further pressure on parking availability and the local highway network.
- 10.15 In response to the concerns raised by highways at pre-application stage, a detailed transport assessment considering the potential implications of the revised proposals, including the introduction of an IMAX and an increase in the number of seats, has been provided by the applicants.
- 10.16 In considering the original outline application, highways officers raised concerns that the proposed development would result in a shortfall in parking capacity at the site at certain times. However, in the light of the travel planning measures and other

improvements proposed, and the applicant's agreement to a further £700,000 contingency fund for additional highway capacity or public transport measures if trip reduction targets were not met, Members considered that the proposals to be acceptable, and permission was granted on this basis.

- 10.17 Based on an analysis of the information provided, and considering the revised proposals on the same basis as the original outline permission, highways have advised that the revised proposals would increase parking demand at the Centre by 14 spaces over and above that associated with the scheme as originally approved. However, whilst noting that this is a relatively minor increase, highways have raised concerns that, based on more recent survey data, it does not appear that travel planning measures previously agreed at the Centre are being as successful as anticipated or that previously agreed targets are being met. In the light of this, they have raised concerns that vehicle trips to the Centre may be greater than originally anticipated, with an increased likelihood that parking capacity would be exceeded as a result. For this reason, highways have stated that they consider that the revised proposals should be subject to a requirement for a further contingency mechanism, requiring the provision of additional car parking within the site in the event that car park occupancy levels are regularly exceeded as a result of the development.
- 10.17 The applicants have previously advised that there is no scope to provide additional parking within the WRSC without providing decked/multi-storey car parking and that the considerable costs of providing parking of this nature are such that it would not be viable to do so. A viability report confirming this was provided as part of the original outline application, and was accepted by the local planning authority as part of the 'very special circumstances' for the development of a new staff car park on land within the adjacent green belt. It has therefore previously been accepted that the provision of decked parking is not a realistic option at this stage and in association with the development currently proposed. It is therefore necessary to consider whether, in the light of the information submitted by the applicants and the concerns raised by highways, any exceeding of capacity within the car parks would be so significant and so frequent as to generate significant additional implications in terms of highway safety.
- 10.18 The original outline permission is subject to a condition requiring the retention of existing parking numbers (4697) across the existing and proposed car parks upon completion of all phases of the development included within the permission. Whilst noting the concerns raised by highways regarding the potential for additional trip generation and parking demand as a result of the revised proposals, in the context of parking numbers across the site, an increase in demand of only 14 spaces (0.3%) compared with the originally approved scheme is not considered to be so significant as to justify a requirement for further parking to be provided within the site, and in particular it is considered that a requirement to provide this in the form of decked parking would be unreasonable and disproportionate to the very small number of additional spaces required. It is not therefore considered that a condition or additional obligation to this effect could reasonably be justified and in view of the very small numbers of spaces proposed, on balance it is not considered that refusal of the application on this basis could be justified.
- 10.19 Notwithstanding the above, in the light of the additional impact potential raised by highways, the possibility of providing some additional parking across the wider site to try and offset this is still being investigated with the applicant and an update will be provided to Members in this respect at the Plans Panel meeting.

- 10.20 Although highways' concerns regarding the apparent underachievement in relation to travel planning targets is noted, the only travel plan implemented to date is that relating to the previous development approved in 2011, which has been largely built out now. The travel plan and section 106 obligations included in the outline permission for the current scheme include additional measures proportionate to the development proposed, including further public transport and cycle route investments and improvements to the on-site bus station and to pedestrian links to adjacent sites. As noted above, although highways expressed reservations about whether the targets were achievable and about the potential for car parks to be over capacity as a result of the development, Members resolved to grant permission on the basis of this travel plan and the additional £700,000 contingency fund which would be triggered in the event that trip generation reduction targets were not met. As the current development has not yet commenced, the requirement to implement these additional measures has not yet been triggered, and therefore, whilst concerns regarding the existing travel plan and apparent recent increases in trips to the Centre are noted, it is not possible to assess the success – likely or actual – of these additional measures at this stage. It is also worth noting that the trigger point for the £700,000 contingency fund would remain unchanged and that, even if there were to be some additional impact as a result of the revised proposals, this would still come into force at the same point.
- 10.21 Whilst highways' concerns are noted, as neither the development nor the additional travel planning measures associated with it have been implemented at this stage it is not possible to say with any certainty that these measures would not succeed. In this context, and as the contingency fund is still proposed as originally agreed, it is not considered, on balance, that these concerns are sufficient to outweigh the fallback position provided by the original outline permission, which is still considered to be the most appropriate baseline against which to consider the revised proposals. The main issue to consider therefore is whether, the revisions now proposed would have significant implications over and above this.
- 10.22 For the reasons discussed above, it is considered on balance that any additional impact which may arise as a result of the proposed revisions to the original outline permission would be marginal and insufficient to warrant either the refusal of the application on this basis, or a requirement for the provision of additional parking as suggested. The proposals are therefore considered acceptable in this respect.

Visual implications of the increase in parameter heights

- 10.23 To accommodate the proposed IMAX screen and associated stair and lift facilities, it is now proposed to raise the height of part of the cinema building by around 6m above the maximum height parameter approved as part of the original outline. This was discussed with planning and design officers at pre-application stage and some concern was raised regarding the potential prominence of this feature within the landscape and in local and distant public views of the site.
- 10.24 In response to the concerns raised at pre-application stage, the detailed design for the cinema incorporates a series of measures aimed at minimising the prominence and visual impact of this increased height. These include restricting the increases in height solely to those areas where this is required for the IMAX screen and its associated lift/staircase tower, locating this part of the building adjacent to the existing shopping centre building rather than on the outer elevation, minimising the height as much as possible and incorporating a shallow monopitched roof to reduce the massing of this feature, and finishing this part of the building with light coloured cladding, aimed at achieving a better assimilation into the landscape.

- 10.25 To allow an assessment of the visual impact of the increased cinema height, the application is also accompanied by a landscape impact appraisal. This comprises a series of photographs of the site from a number of surrounding viewpoints, identified and agreed in discussion with planning and landscape officers, with an outline of the proposed cinema building included on the photographs to give an indication of its scale, massing and prominence in each of the views.
- 10.26 In view of the impact appraisal and the measures incorporated to minimise its appearance, and in the context of the scale of the wider shopping centre, it is considered on balance that the increase in the height of this part of the cinema would not have significant detrimental implications in terms of its visual impact either within the site or within the wider landscape. Subject to conditions and an appropriate design to be considered as part of the reserved matters application, and to limiting the increases in height solely to those areas indicated on the revised parameter plan, this element of the proposals is considered acceptable.
- 10.27 A number of other minor increases in height above the original approved maximum height parameter are proposed around stairwells and fire exits where the roofline would be slightly higher (up to 2m) than the originally approved maximum height. Within the context of the cinema development as a whole, and subject to an appropriate design and materials as part of a reserved matters application and conditions limiting those areas where the increases in height are proposed, it is considered that these revisions are acceptable and would not detract from visual amenity.
- 10.28 The suggestion from Morley Town Council that the IMAX could be accommodated by excavating part of the site rather than having to increase part of the cinema roof height is noted, and has been raised with the applicant. In response, the applicant has advised that this option was considered at an earlier design stage, but that this was not pursued because of issues with construction feasibility and an inability to deliver acceptable sightlines within the auditorium. The application must therefore be considered on the basis of the scheme as proposed and, as discussed above, is considered acceptable on this basis subject to the incorporation of a number of measures to minimise the appearance of these element of the cinema.

Implications of changes to internal floorspace

- 10.29 As well as increasing the approved height of part of the cinema complex, the application also seeks amendments to the approved internal floorspace area. As discussed above, this is largely to regularise discrepancies in the way that the floorspace was calculated at outline stage, which did not take into account additional floorspace which arises at upper levels as a result of the tiered nature of cinema seating. Although the internal floorspace was incorrectly cited at outline stage, the nature of the use was clear, and the 'raking' of cinema seats is common practice, and it is therefore considered that the extent of the proposals, within the approved footprint parameters, was clear and was fully considered at that stage. No changes are proposed to the approved footprint area parameters, and the number of screens proposed has actually decreased since the outline permission. As demonstrated on the plans submitted with the current application, the increased floor area for which permission is now sought relates primarily to access and storage areas created by the tiered nature of the seating, and it is considered that regularising this discrepancy as part of the decision is acceptable and would not have significant implications in terms of creating significant additional useable floorspace.

- 10.30 The second aspect of the increase floorspace relates to the need to incorporate access gantries to the projection areas for staff and maintenance access, and access routes to allow disabled visitors to access the upper levels of the cinema auditoria. Given the limited level of public access to these areas, and as these are accommodated within the existing approved footprint, it is not considered that these changes would have significant additional implications.

Section 106 obligations and conditions

- 10.31 If approved, this application would result in the issuing of a new stand-alone outline permission for the development. A draft Deed of Variation to the original Section 106 agreement has therefore been provided by the applicant to carry forward all of the planning obligations in the original Section 106 onto this new application. This would be signed and would form part of the decision if approved.
- 10.32 As the approval of this application would result in a new stand-alone permission, it is also recommended that all conditions from the original outline are repeated as part of the decision (including the revisions to the approved height parameter and cinema floorspace which are covered by this application).

Application 15/00365/RM – Reserved matters application

Design, landscaping and visual amenity

- 10.33 It is considered that the design and layout of the proposed cinema and restaurant buildings, together with the external works proposed to create a public square around these areas, would represent a significant improvement to the areas around this entrance to the Centre, which are characterised by large, featureless expanses of cladding at present. With full height glazing extending around the corners of the building and continuing along the length of the gradually tapering boulevard into the main food court entrance, the provision of external seating areas for the restaurants in this area, and new public squares and seating, the proposals would frame the entrance to the Centre, create activity and considerably enhance not just the building frontages but the external areas of this part of the site.
- 10.34 The approach to the design of the cinema, with the external facades reflecting the layout of the auditoria within and a large glazed foyer area continuing around the corner of the building, has been welcomed by design officers. However, it has also been stressed that the success of this part of the development will also rely on the careful selection of cladding materials and a lighting strategy which provides an appropriate balance, highlighting the facades and the entrance routes to the building for visitors whilst maintaining a subtlety and not dominating or appearing unduly prominent in wider views, particularly on the higher parts of the building.
- 10.35 In terms of materials, the general approach proposed, with perforated metal cladding to the main western elevation of the cinema and darker cladding to the northern end elevation, is considered acceptable, and conditions are recommended requiring samples of the proposed materials and details of the perforation pattern/design to be submitted for approval before the works commence.
- 10.36 Indicative details of the proposed lighting strategy for the cinema building have also been provided. For the main western elevation of the building, where illumination is proposed behind the perforated metal cladding, this would include downward lighting at a height of around 3m to illuminate and highlight pedestrian routes to the main entrance from surrounding parking areas, with upward lighting in 'bursts', gradually fading out as it travels up the building, concentrating the illumination at lower levels with no illumination at all above the level of the canopy around the

cinema and restaurant entrances. The general approach proposed for the lighting is considered to provide an appropriate balance between highlighting the building and preventing overspill or overdominance in this respect. Again, conditions in relation to the final design in this respect are recommended.

- 10.37 As the proposed IMAX screen would be higher than much of the main Centre building, its design incorporates a number of measures aimed at minimising its visual impact as far as possible, including locating it centrally rather than on an external elevation, restricting the increase in height solely to this screen and its access areas, and to the absolute minimum height necessary to achieve required internal heights, providing a shallow pitched roof to minimise its massing, and finishing this part of the building in light grey cladding. No illumination is proposed to this part of the building. As discussed above, as a result of these measures, in the context of the existing development, and in the light of the visual impact assessment considering the impact of this part of the development in distant public views of the site, it is considered on balance this part of the development would have significant implications for wider visual amenity. Conditions relating to materials and preventing illumination of this part of the building are recommended.
- 10.38 As noted above, the aim in designing the restaurant units was to ensure a consistency in design approach to these units whilst maintaining some flexibility for future tenants to personalise these with their own brand identities. The restaurant frontages would therefore be consistent in their main design features, including the glazing specification, door types and locations, signage zones (defined by transom lines in the glazing) and lighting, with a canopy running above and variations in paving defining the extent of external seating areas around these units. To allow some scope for future tenants to introduce brand-specific components such as signage to their individual units without compromising this overall unity in design, a draft Shopfront Design Guide for these units has been submitted as part of the application, which the developers would intend to implement if approved. This sets out a series of key principles for the design of the restaurants and for matters including the extent and layout of internal and external seating areas, areas where signage can be provided, and restrictions on the type of signage which can be provided (individual letter signs only, no large box signs). This has been reviewed and is considered to provide an acceptable balance in this respect, and it is recommended that any permission is subject to a condition tying any development into the adoption and implementation of this Design Guide. It is noted also that advertisement consent is likely to be required for key elements of signage, and that the local planning authority would therefore retain some control over the design of these elements.
- 10.39 As part of the works around the entrance to the Centre, it is proposed to install a large visual screen above the existing food court entrance. As this would be at the end of the boulevard and not prominent in any wider views of the site there is no objection to this in principle, and some revised details have been received to incorporate translucent panels around the feature to address concerns that this could appear blocky and at odds with the lightweight approach which has been adopted in the remainder of the canopy design. Subject to conditions requiring details of materials and restricting hours of use of the display, this element of the proposals is considered acceptable. The applicant has been advised that if the screen is to be used for advertising, separate advertisement consent would be required.
- 10.40 The general principles in relation to the layout and design of the external areas and creating a variety of public spaces in this part of the site are welcomed. The

landscape officer has stressed the importance of ensuring that boundaries, retaining walls and surfaces are finished with appropriate treatments and materials, and conditions are recommended to cover these matters. Landscape officers have also raised concerns that the proposed reorganised parking areas do not incorporate tree planting in a way that is consistent with other parking areas, and have advised that this should be reinstated to ensure a consistency in approach and an appropriate soft landscaped setting to these areas. This has been drawn to the attention of the applicant, and conditions requiring additional planting within these areas, details of specifications for planting beds and tree pits, and management/maintenance arrangements are also recommended, to ensure that this is carried out to an appropriate specification and that these areas of planting succeed to become important features of this space in the longer term.

- 10.41 Subject to the conditions outlined above, it is considered that the reserved matters proposals would be appropriate in terms of their design, layout and appearance, and the proposals are considered acceptable in this respect.

Highways – internal parking and access layouts

- 10.42 Morley Town Council have raised concerns that there would be a reduction in the total number of spaces across the site as a result of the Phase 1 proposals. The original outline permission is subject to a condition stating that, once the development is completed in its entirety, the total number of spaces across the wider site (including the new off-site staff car park) shall be no less than the existing number of spaces (4697). As the development is to be built in phases, some variation in the number of spaces is anticipated in the interim, although the original permission is also subject to a condition requiring details of each phase to be provided, including the phasing of parking provision, to maintain sufficient levels of parking during these interim periods.
- 10.43 The applicant has confirmed that because of the implementation of the off-site staff car park and other reconfigurations to existing parking areas as part of Phase 1 of the development, there would be 4943 spaces across the wider site upon completion of this first phase: 246 more than the existing number which are required to be retained upon completion of the full development.
- 10.44 Notwithstanding their concerns regarding the changes proposed in relation to the installation of an IMAX cinema under the accompanying Section 73 application and that there may be a shortfall in parking as a result, highways have advised that the detailed internal parking and access layouts relating to the reserved matters proposals for Phase 1 are acceptable, subject to further details of signage and road markings, which are awaited from the applicant. Subject to conditions relating to these matters, the internal access layouts for Phase 1 are considered acceptable.

Representations received

- 10.45 Morley Town Council have queried whether the retail extensions which were approved as part of the original outline are still proposed to be built. It was indicated at outline stage that the development was likely to be completed in phases, and the developer has confirmed that the retail extensions will not form part of the first phase, however no further details regarding anticipated timescales for any future phases have been received to date.
- 10.46 The Town Council's suggestion that the additional cinema height could be achieved through excavation rather than increasing the height of the building are addressed above.

- 10.47 In response to the Town Council's concerns regarding the safety of staff and customers leaving the cinema and restaurants late at night, the applicants have confirmed that the malls would remain open to allow people to walk through internally to reach the bus station and parking areas. The Town Council's suggestion regarding a shuttle bus has been referred to the applicants, but this is not understood to form part of the proposals at this stage.
- 10.48 The Town Council have referred to measures to improve the on-site bus station, which were indicated as part of the original outline application. Real-time bus information has recently been installed at the bus station and elsewhere within the Centre in association with an earlier permission for extensions at the Centre in 2011. Further improvements to the bus station were secured as part of the original outline application, the details of which are to be submitted to and approved by the local planning authority before implementation, and the developer has confirmed that these are to be carried out as part of Phase 1 of the development, alongside the cinema and restaurant units.

11.0 CONCLUSION

Application 15/00363/OT – Variation of conditions

- 11.1 In the light of the above, in the absence of any evidence to demonstrate that the proposed revisions to the originally-approved scheme would have significant additional implications for existing or planned investment in surrounding centres, including the IMAX facility in Bradford, and in the light of the growth of the IMAX format across the country, it is not considered that the provision of such a facility at the WRSC site would have significant implications in this respect or that refusal of the application on these grounds could be justified.
- 11.2 Whilst noting the concerns regarding the potential for additional parking demand, it is not considered that the anticipated additional impact over and above that associated with the existing outline permission would be so significant as to warrant refusal of the proposals on this basis or to justify a requirement for a further contingency in the form of additional parking, over and above the measures which were secured as part of the original outline. On balance therefore, the proposed revisions are considered acceptable in this respect.
- 11.3 In conclusion, and taking into account the details submitted and the fallback position provided by the existing outline permission, it is not considered that the proposed revisions would have significant additional implications over and above this in terms of their impact on existing centres, highways and parking, or visual amenity. It is therefore recommended that the application is approved, subject to the conditions suggested above.

Application 15/00365/RM – Reserved matters

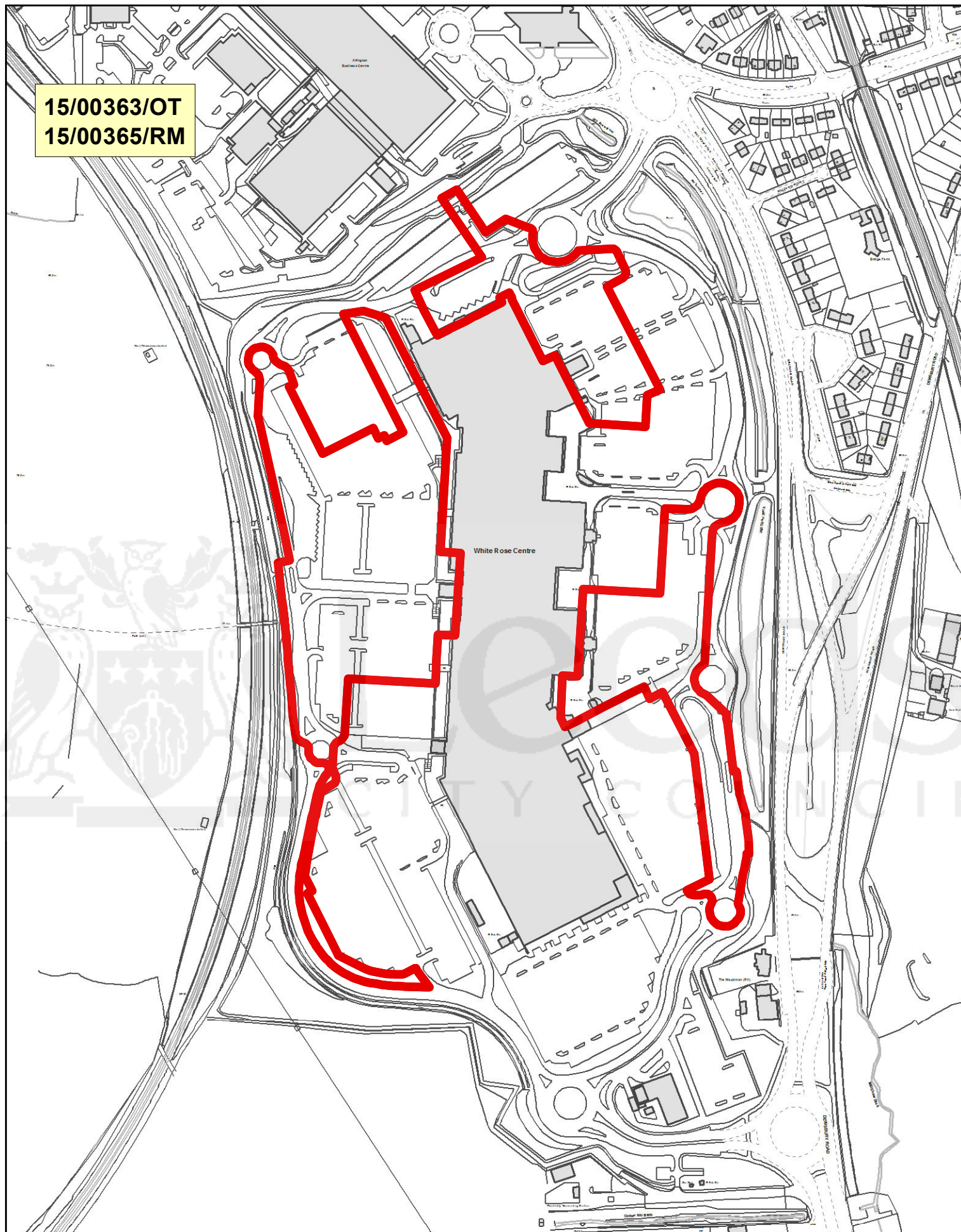
- 11.4 It is considered that the proposals are acceptable and would provide significant enhancements to the appearance and setting of the western part of the Centre. Subject to the conditions suggested above, it is therefore recommended that the application is approved.

Background Papers:

Application files 15/00363/OT and 15/00365/RM, accompanying application 15/00364/FU and history files 13/01640/OT and 13/02684/FU.

Certificate of Ownership: Certificate B signed by applicant and notices served.

15/00363/OT
15/00365/RM



CITY PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/4000

