



**Report of the Chief Planning Officer**

**PLANS PANEL NORTH AND EAST**

**Date: 25<sup>th</sup> July 2019**

**Subject: 19/00038/FU – Extension to side including alterations to frontage and replacement windows of existing cinema at Rodney Cinema, Caxton Street, Wetherby, LS22 6RY**

**APPLICANT**

Wetherby  
Film  
Theatre Ltd

**DATE VALID**

04/01/2019

**TARGET DATE**

01/03/2019

**Electoral Wards Affected:**

**Wetherby**

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT PERMISSION subject to following conditions:**

Conditions

- 1 Standard 3 year time limit for commencement
- 2 Plans to be approved
- 3 Matching materials
- 4 Details of openings including windows & doors
- 5 Restriction on hours of use (9am – 11pm Mon – Sat & 12 noon – 11pm on Sundays)
- 6 Statement of Construction Practice in relation to Highways
- 7 Bar area to be used ancillary to the Cinema
- 8 Details of plant including any extraction and ventilation system
- 9 Contaminated Land
- 10 Archaeology

## **1.0 INTRODUCTION:**

- 1.1 This application proposal involves a single storey extension to side including alterations to frontage and replacement windows of the existing Rodney Cinema, Caxton Street, Wetherby. The application site is situated in Wetherby Conservation Area and the cinema is identified as a positive building in the Conservation Area Appraisal.
- 1.2 The application is reported to Panel at the request of Cllr Alan Lamb who is concerned about a number of aspects of the scheme including its design. As this is a material planning consideration that give rise to concerns affecting more than neighbouring properties it is appropriate for the Plans Panel to consider the proposals based upon the content of the report below.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application relates to the Wetherby Cinema, an Art Deco brick and render building set to the west of Wetherby's town centre, away from the main business district and within a broadly residential area amongst short rows of terraced properties to the east, south and west. The application site is situated on the corner of Caxton Street where it meets Crossley Street. The application site is modest in size measuring 459m<sup>2</sup> / 0.05ha and is largely open bounded. A larger detached property and primary school are located to the north of the site. The application site can be accessed from Crossley Street and Caxton Street.
- 2.2 The cinema building is of a two storey scale as it includes rooms in the roofspace. In terms of design the cinema has a traditional rectangular shape and form. The building has not been significantly altered since its construction and largely retains its original character with a small lean-to element to the western side. The cinema has been constructed using red brick on the lower section and cream render on the upper section. Design features include an arched entrance fronting Caxton Street and arched gable end with decorative pillars fronting Crossley Street which adds to the prominence of this elevation of the cinema.
- 2.3 The application site lies with Wetherby Conservation Area and the cinema has been identified as a positive building within the Conservation Area Appraisal as an early example of a purpose-built cinema forming an unusual and interesting 20th century building.

## **3.0 PROPOSAL**

- 3.1 The proposals include the construction of a side extension with lantern roof to the western elevation of the cinema to create a modest lounge area including ticket sales area, bar/café area with a small seating area, toilet block with associated internal access ramp and small store. The extension will be single storey in height and constructed out of brick with a rooflight lantern roof. An external staff only area is also proposed. A new entrance will be formed and visitors will access the cinema through the new extension from Crossley Street. The existing entrance will be converted into a staff office, kitchen area and disabled W/C.
- 3.2 Other alterations include reinstated windows openings, alterations to the existing arched entrance including new glazing panels and, new signage (metal lettering with

spotlights). Installation of mechanical plant to the roof will include decorative screening and access ladder for maintenance.

3.3 The proposals form part of a wider plan to refurbish the cinema involving the subdivision of the auditorium to create two screens in order to be able to offer a wider film choice and day time viewings to attract more visitors.

3.4 The application is accompanied by a number of supporting reports:

- Design and Access Statement
- Bat Survey
- Drainage Documentation
- Supporting Statement
- A number of plans for approval

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

4.1 13/01795/FU - Approved  
Exterior installation of a 1.2m diameter satellite dish to side

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

5.1 During the course of the planning application the plans originally submitted have been amended. The overall design of the extension has now changed and officers have sought to address concerns raised via local residents in relation to dominance and loss of privacy. The public have been re-notified of the amended plans and consultees have been re-consulted on the information provided.

#### **6.0 PUBLIC/LOCAL RESPONSES**

6.1 The application has been advertised as affecting the character of the Conservation Area by site notices which were posted around the site and area on 04<sup>th</sup> February 2019 and a newspaper advertisement published in the Yorkshire Evening Post on 30<sup>th</sup> January 2019. As a result of this publicity, a total of 35 letters of objection have been received. The objections relate to the following issues:

- Splitting the screen would harm the character of the original building
- Building has great historical merit
- Changing the look, size and removing the original historic auditorium is taking away from the character of the building and area
- Cinema is a heritage asset in the Leeds area
- Design will detract character from the area
- New extension with modern design and materials is not in keeping
- Harm to the conservation area
- Height and width of the extension will lead to a loss of light
- Opening hours and harm to neighbour amenity via noise and disturbance as people leave the cinema
- Consumption of alcohol on the premises
- Light pollution from signage
- Mechanical plant equipment unsightly and noisy
- Encroachment onto neighbouring property at No.5 Caxton Street
- Loss of privacy from the glazed door in the southern elevation

- Soundproofing to be carried out in accordance with standards
- Bar area open to the public and form separate drinks establishment
- Lack of site notices and letters
- Parking is already difficult cinema extension would make this worse
- Increased car journeys
- Extension will be brightly lit and will dominate the existing building
- Access for maintenance between cinema extension and neighbouring property at No.17 Crossley Street
- Close proximity of extension in relation to No.17 Crossley Street and No.5 Caxton Street
- Outlook from bedroom window of No.17 Crossley Street will have views of the extension roof and air conditioning unit
- Overdevelopment and scale
- Harm to the conservation area
- Sale of food and drinks will lead to increased deliveries
- Architectural significance and loss of internal detailing
- Plans don't conserve key elements
- Adding a bar will encourage smoking outside of the premises
- Alterations will destroy architectural features and historical nature of the building
- Disruption to residents during the construction process
- Concerned about the loss of 35 seats

6.2 Wetherby Ward Councillors objected to the initial proposals on the grounds of noise, potential change of use and design and materials.

6.3 Wetherby Town Council: The Town Council supports the principle and reasons for the application. Town Council notes the changes to the proposed exterior of the extension and whilst these are welcomed, concerns remain about the rooftop screening which is still of a very modern design. Materials to match the existing building would be more in keeping.

6.4 Two representations raising general comments in relation to the proposal were received these highlighted:

- Conservation Area
- Cinema is a vital component in the town that needs to protect and enhance cultural opportunities
- Cinema needs to secure a future in the town
- Revised plans a more in keeping with the area
- Concerns exist regarding size, privacy, noise and disturbance
- Opening hours need to be restricted

6.5 Letters of support received highlight the following points:

- Amended design is welcomed
- Asset in Wetherby which needs to be preserved
- Well designed
- Good for local jobs and increased business for Wetherby
- More choice for visitors
- Less traffic due to less seats
- Cinema need updating
- Cinema adds a social value to the town
- Two screens will offer commercial viability
- Proposals will enhance the building

- Sympathetically designed
- Enhanced experience for users
- Concerns that the cinema will fail without the support for the alterations

## **7.0 CONSULTATION RESPONSES**

- 7.1 Highways: no objections subject to appropriately worded condition in relation to construction practice.
- 7.2 Conservation Team: no objections, application should be determined in accordance with national and local policy and guidance.
- 7.3 Flood Risk Management: No objection. Flood Risk Management identify The Drainage Documentation (04-Jan-2019) indicates the presence of a 100 m diameter Yorkshire Water combined sewer below where the extension is proposed to be built. According to the Building Regulations, developers should ideally avoid building over sewers. Should the building footprint over the sewer be greater than 6m, the developer will need to seek guidance from Yorkshire Water, as they may need to apply for a sewer diversion.
- 7.4 Contaminated Land Team: The submitted phase 1 desk study and Phase 2 site investigation report identifies the need for a post demolition, site investigation to be carried out. Should permission be granted, a number of conditions are recommended.
- 7.5 Nature Conservation Officer: No objections. There should be no significant nature conservation issues.
- 7.6 West Yorkshire Archaeology: No objections subject to appropriately worded conditions.
- 7.7 Access Officer: Given the small scale nature of the existing cinema and the scale of the proposed extension, it is considered that the access measures proposed by the applicant are reasonable.

## **8.0 RELEVANT PLANNING POLICIES**

### The Development Plan

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:
1. The Leeds Core Strategy (Adopted November 2014)
  2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
  3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)

These development plan policies are supplemented by supplementary planning guidance and documents. The site is also located within Wetherby Conservation Area.

- 8.2 The following Core Strategy (CS) policies are relevant:

Spatial policy 1 Location of development  
Spatial policy 2 Centres first approach for intensive leisure and culture  
Spatial policy 8 Economic Development Priorities  
Policy P2 Town Centre Uses  
Policy P10 Design  
Policy P11 Heritage  
Policy T2 Accessibility requirements and new development  
Policy EN2 Sustainable design and construction  
Policy EN5 Managing flood risk

8.3 Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

GP5: General planning considerations.  
BD6: Extension to buildings should be designed with consideration to amenity.  
N19 – Conservation Areas New Buildings.

8.4 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, e.g. 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. There are no policies of relevance to this particular application.

Supplementary Planning Guidance / Documents:

8.5 Wetherby Conservation Area Appraisal and Management Plan (2010)  
SPD Street Design Guide (adopted).  
Accessible Leeds SPD (adopted)

Emerging Policy - Core Strategy Selective Review (CSSR)

8.6 The Council's Core Strategy Selective Review (CSSR) is at an advanced stage in the plan making process with adoption likely later in 2019. As such the policies in the CSSR should be afforded significant weight in determining planning applications.

National Planning Policy Framework (NPPF)

8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.

8.8 The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

- 8.9 The Government attaches great importance to the design of the built environment. Section 12 (paragraphs 124 - 127) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Good functionality and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - Development to be visually attractive as a result of good architecture and appropriate landscaping
  - Development to be sympathetic to local character and history, including the surrounding built environment and landscape setting,
  - Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - Optimising the potential of the site to accommodate development;
  - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.10 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 8.11 Part 16 relates to the conservation and enhancement of the historic environment. In determining planning applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 196 of the NPPF is of particular relevance and this 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, where appropriate, securing its optimum viable use.”

#### Planning (Listed Buildings and Conservation Areas) Act 1990

- 8.12 Listed Buildings Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.

## **9.0 MAIN ISSUES**

1. Principle of Development
2. Design, Character and Heritage
3. Residential Amenity
4. Highways Safety
5. Accessibility
6. Consideration of Objections
7. Planning Balance

## **10.0 APPRAISAL**

### Principle of Development

- 10.1 The site is already in use as an independent cinema and therefore the principle of the use at the site is already established.
- 10.2 The extension and modernisation of the cinema will allow the operator to remain competitive in an environment which smaller cinema operators often find challenging. Such an approach gains support from part ii of Core Strategy Spatial Policy 8 which seeks to promote the development of a strong local economy through enterprise and innovation. Modernisation of the cinema feeds into the economic aspirations of the policy and will enable the cinema to be able to compete with the rapidly developing cinema market including the Odeon Cinelux at Thorpe Park, planned IMAX Cinema at York, and Everyman Cinemas in Leeds and York. The use of newer and more appropriate projection and sound technology with more comfortable seating, wider choice of food and drinks together with new toilet facilities will offer a very high quality experience for visitors and help secure the longer term future of an independent cinema in Wetherby which will continue to offer local choice and prevent the need for longer trips to those alternative venues noted above.
- 10.3 Therefore, the principle of development is considered acceptable subject to the material planning considerations discussed below.

### Design, Character and Heritage

- 10.4 The application site falls within the Wetherby Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve the appearance and character of Conservation Areas.
- 10.5 The NPPF sets out national planning policy in relation to design (section 7) and conservation (section 16 – see 8.11 above) matters. The Leeds Core Strategy includes a number of policies relevant to conservation and design which are relevant. Policy P10 outlines a number of key principles which fall under the wider objective of ensuring new development delivers high quality inclusive design and Policy P11 looks to conserve and enhance the historic environment.
- 10.6 A number of saved UDP policies are also relevant including policies GP5 and BD5 which encourage good design. Policy N19 requires development proposals to preserve or enhance the character of a Conservation Area and encourage the use of appropriate materials.
- 10.7 The appraisal in the Wetherby Conservation Area and Management Plan (CAAMP) identifies the cinema building as an early example of a purpose built cinema in an unusual and interesting 20th century building. The CAAMP goes on to state that the cinema was initially known as the Picture House and used a gas engine projector to show films. Cinemas were rare at this time, and the survival of this building in a recognisable form, and once again in use as a cinema, is “noteworthy”. It is noted that surviving cinema buildings of this date still being used for this purpose are extremely rare.
- 10.8 The cinema is an attractive Art Deco brick and render building; the design of the extension incorporates 3 rough ring arched openings, slim line aluminium windows

and detailing to reflect the Art Deco character and design features of the original cinema building. The proposals involve a relatively modest extension to the western side elevation including alterations to frontage and replacement windows of existing cinema. The applicant is proposing to retain and reinstate the original external architectural features, matching brick materials and a lantern roof are proposed. This is considered positive given the conservation area status and prominent corner location. The materials and detailing would be conditioned should planning permission be granted.

- 10.9 During the course of the application, negotiations have taken place following concerns raised by ward members and local residents in relation to the proposed design and scale of the extension. The applicants have moved away from a more contemporary design towards a more traditional design and appearance using matching materials. The overall height and footprint of the extension have been reduced. In terms of design, character and heritage the amended plans are considered to comply with relevant local and national planning policy.
- 10.10 It is noted that some local residents are concerned with the extent of internal alterations proposed as part of the cinema refurbishment proposals. It is understood that an assessment was carried out in the past by Historic England, however the internal features of the cinema did not meet the criteria for listing. As such, the building is not listed therefore the internal alterations do not require planning permission.
- 10.11 The application site is located in an area of archaeological potential and within a Class 111 area of Archaeological interest. West Yorkshire Archaeology Advisory Service have requested an appropriate level of archaeological recording as construction of the extension may potentially uncover important archaeological evidence dating to the Roman and other periods. A suitably worded condition should be attached.
- 10.12 Whilst it is noted that design is subjective, the specialist advice provided by the council's Conservation Officer lends support in favour of the design approach adopted. The proposed development is considered to result in a high quality extension that would be sympathetic to its surroundings and compatible with the design policies set out within the Core Strategy. The proposal would also serve to modernise the building helping to secure and maintain its use as a cinema. Accordingly it is considered that the proposals would meet the objectives of and the test set out at paragraph 196 of the NPPF and would comply with Core Strategy Policies P10 and P11 in these respects.

#### Residential Amenity

- 10.13 Core Strategy policy P10, saved UDP policy GP5 and the guidance contained within the NPPF aim to protect residential amenity. It is acknowledged that the cinema is located within a residential area within close proximity of neighbouring dwellings in all directions and therefore careful consideration needs to be given in relation to any additional impact or harm to neighbouring private amenity space.
- 10.14 In terms of dominance and outlook, the proposed extension has been reduced in width and height from the proposal as originally submitted in response to concerns raised by the Council. The extension is now off set from the adjacent property (17 Crossley Street) by 1.5m at its widest and 800mm at its closest point. This has significantly lessened the effects of the extension on the immediate neighbours and any interference with the existing side window at No.17 Crossley Street.

Furthermore, this will enable sufficient access for maintenance of the cinema building in the future. The floor level within the extension has been reduced by 300mm and the parapet at the front of the building has been reduced to lessen the overall massing of the building. The mechanical plant will be set well back from the front elevation so this element will not be visually prominent in views from neighbouring properties. The rear elevation of the extension closest to the neighbours at No.5 Caxton Street has been reduced by 645mm and the overall height is now lower than the existing lean-to element.

- 10.15 With regards to overlooking, the new windows proposed are limited to the northern elevation and will look out in the direction of the highway as opposed to neighbouring private amenity space. It is noted that the adjacent neighbour at No.2 Cooper Street has raised concerns regarding loss of privacy however a distance of almost 30m exists which is considered to comply with relevant guidance. Concern was raised by the Council in relation to the glazed door in the rear elevation and elevated location of the extension near the closest adjacent neighbour at No.5 Caxton Street. In response the double door has been removed and replaced with a single solid aluminium door to alleviate any overlooking and three dome rooflights have been added to allow natural light into the extension.
- 10.16 It is acknowledged that some local residents have concerns in relation to increased noise and disturbance as a result of the extension and cinema refurbishment. It is not considered that the extension and refurbishment will be likely to lead to a significant increase in the number of comings and goings at the site however. The cinema currently operate until 11pm seven days a week. The cinema are proposing to continue to operate the same *hours and as such the timings of comings and goings will not be different to the existing situation.*
- 10.17 Specific concerns were also raised in relation to the sale of alcohol at the premises and how the extension may create a bar area which would function independently to the cinema and attract people to the venue for drinks as opposed to watching films. The applicants have clarified that the lounge and kitchen elements will predominantly be used before the showing of films and will offer visitors to the cinema opportunity to purchase drinks and snacks to enjoy before and during film showings (as is the existing arrangement). Given the residential nature of the area it is not considered an appropriate location for a separate drinking establishment and the Council is able to control this by way of an appropriately worded planning condition.
- 10.18 Local residents have also expressed concern in relation to noise generated from increased comings and goings and people congregating outside smoking. The extension will create a lounge/ticket area to enable customers to meet and congregate inside the cinema as opposed to queuing along Caxton Street (as is the existing arrangement). It is considered this will help to address some of the existing problems as a result. Overall the number of seats will be less than the existing cinema and operating two smaller screens throughout the days and more film choice will enable the cinema to stagger the showings thus reducing the impact of any increased visitor numbers. Even in the event that there may be more visitors overall, it is considered that any additional impact would not be materially harmful as a result. Furthermore the cinema are proposing to soundproof the building to mitigate any noise issues from inside the building. This is considered to improve on the existing arrangements.
- 10.19 In relation to refuse collection, the bins are currently located in a disused area to the side of the cinema on Crossley Street. It is proposed that the new arrangement will

store the bins in a more appropriate location. The proposed bin store is recessed to minimise impact on neighbours. The cinema already operate an existing management policy for the 'consideration to neighbours' e.g. removal of empty glass in social hours. There is no reason why this could not be carried forward once the refurbishment works are complete.

- 10.20 Cooking smells, fumes and noises from extraction systems can be an issue in residential areas, as can noise from other associated plant such as air conditioning units. However the Council is able to control these details by way of condition to ensure the use of sensitive extraction and ventilation methods.
- 10.21 Ultimately there is a package of planning conditions which should be attached if planning permission is granted in order to control harm to residential amenity including restricting the use of the bar and kitchen area to be ancillary to the cinema, restrict opening hours to match those existing, restrict the outdoor area for staff only and details to be submitted in relation to extraction and ventilation and other plant.
- 10.22 The proposal submitted, alongside the aforementioned planning conditions, would not lead a detrimental impact on the living conditions of existing residents in terms of loss of privacy, overdominance, loss of sunlight and daylight or noise and disturbance. As such the proposal would meet the aims of relevant local and national planning policies in these respects.

#### Highways Safety

- 10.23 Core Strategy Policy T2 states that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility. In locations where development is otherwise considered acceptable new infrastructure may be required provided it does not create or add to problems of safety or efficiency on the highway network.
- 10.24 It is acknowledged that the cinema offers no existing off street parking provision and some local residents are concerned about increased pressure on the local highway network. It is the view of the Highways Team there are no highways concerns in respect of parking given the size and location of the cinema. The cinema is a small local cinema which is expected to serve predominantly local people, and be staffed predominantly by local people, who are likely to travel to the site via alternative modes of transport which are not the private car. The site is located within a 5 minute walk of the main commercial part of Wetherby which is well served by public transport.
- 10.25 Notwithstanding the small scale and nature of the use, the roads surrounding the site are protected with Traffic Regulation Orders restricting car parking by potential visitors to the cinema which will mean that it is unlikely that the proposed development would lead to any parking problems in the immediate local area. It is also noted that for those visitors who do choose to travel by car there is a public carpark located on Crossley Street within a 5 minute walk of the site. As such the proposal does not lead to any significant parking or highway safety concerns.

#### Accessibility

- 10.26 The Accessible Leeds: achieving an inclusive environment Supplementary Planning Document was adopted in 2018. This guidance document is intended for use by developers, architects, design teams, and those applying for planning permission, to ensure an inclusive design approach is adopted, and that developments:

a) Can be used safely, easily and with dignity by all, regardless of disability or impairment;

b) Are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or 'special treatment';

c) Are flexible and responsive taking account of the varying needs of people; adopting a pan-disability/ impairment approach.

10.27 The SPD is based upon national policy and legislation in the form of the Equality Act 2010, which provides the legal framework that aims to protect disabled people from discrimination. Section 149 of the Act imposes a duty on 'public authorities' and other bodies when exercising public functions to have due regard to the need to:

a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.28 In this respect, the application includes alterations to the access to the cinema within the proposed side extension incorporating the main customer entrance. This includes the provision of double doors, with a level threshold which would allow unimpaired access into the building. Internally, a disabled WC is proposed as well as a ramp which leads towards the two cinema screens. The applicant has confirmed that the entire extension has been designed to allow for wheelchair access throughout the whole of the cinema. In addition, two of the sofa on the front row can be moved to allow space on the front row for a wheelchair. Space would also be available for an accompanying customers to sit next to them. It is considered that the measures proposed are reasonable given the scale of the existing cinema and size of the proposed extension and as such the authority have addressed the public sector duty to promote inclusion and to consider the SPD and Equality Act 2010 in the decision making process.

#### Consideration of Objections

10.29 The majority of the issues raised in the letters of representation have been considered above with those issues not addressed referenced below.

- Reduction and double seating ridiculous  
*This is not a matter for planning but it is noted that this is reflective of a modernising approach to many cinemas.*
- Loss of an old fashioned nostalgic friendly atmosphere  
*Whilst this concern is noted it is not considered that a well designed proposal should serve to lead to a lesser atmosphere in the refurbished and extended venue.*
- Increase in the cost of cinema tickets  
*This is not a material planning consideration.*

- Double screens – plenty of option elsewhere  
*This is not a matter for planning but it is noted that this is reflective of a modernising approach to many cinemas.*
- No fire report  
*Subject to separate legislation (Building Control)*
- New establishment directed at younger people rather than the established clientele  
*This is not a matter for planning but it is noted there is no evidence to suggest that the established clientele would be dissuaded from using more modern facilities with the many benefits that this would bring.*

### Planning Balance

- 10.30 It is considered that the proposed development, in representing an extension and refurbishment of an existing cinema facility would be acceptable in principle. The proposal would also meet those objectives of the Core Strategy, including in Spatial Policy 8 which seeks to promote the development of a strong local economy through enterprise and innovation. The proposal will secure the longer term future of Rodney Cinema within Wetherby for the benefit of the local community and economy and significant weight should be attached to the economic and social benefits the cinema offers. These are matters that attract substantial weight.
- 10.31 The proposal is considered to be of a design and character which is appropriate for the site and will, as a minimum preserve the special character of this part of the Wetherby Conservation Area. The proposal raises no significant parking or highway safety concerns. In addition the extension (and alterations to the existing cinema) has been designed so that it is accessible. Again these are matters that weigh in favour of the grant of planning permission.
- 10.32 It is recognised that the new extension would create a degree of additional massing and subsequently some additional impact is to be expected on the amenity of immediate residential neighbours. However, subject to appropriately worded planning conditions the proposal will prevent any significant harm to neighbouring amenity.
- 10.33 In this instance, the benefits strongly outweigh any harm created and therefore the planning balance weighs heavily in favour of granting planning permission. Taking into account all relevant factors, including representations both for and against the development, the application is therefore recommended for approval.

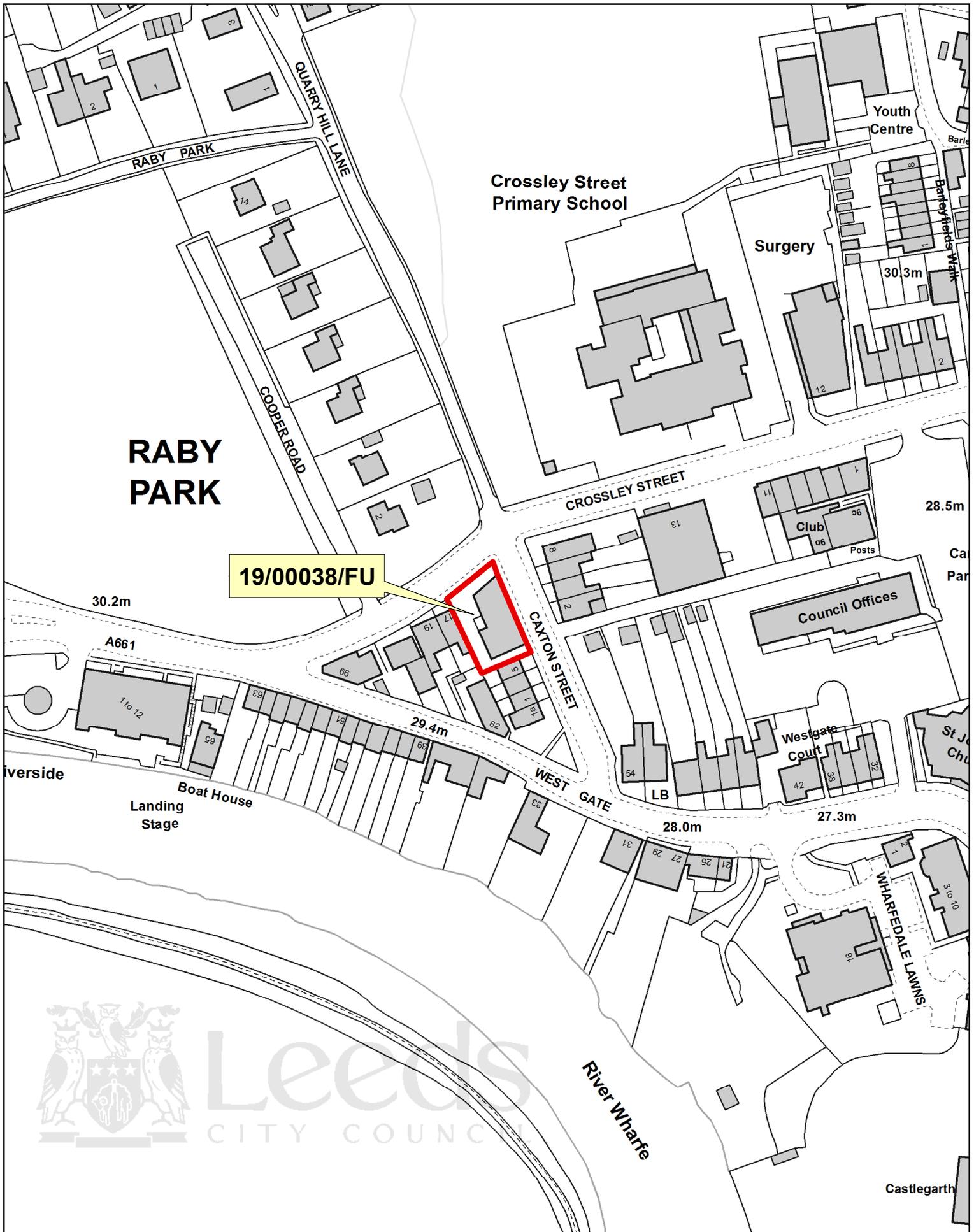
## **11.0 CONCLUSION**

- 11.1 In conclusion, for the reasons set out above, the proposal is considered acceptable and it is recommended that planning permission be granted subject to the conditions set out above.

### **Background Papers:**

Planning Application file 19/00038/FU

Certificate of Ownership: Certificate A signed by the agent.



# NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2019 Ordnance Survey 100019567

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

SCALE : 1/1500



The details shown on this drawing are confidential and the drawing is the exclusive property of Halliday Clark Limited. No use, copy or disclosure of the drawing may be made without our permission and it is to be returned to Halliday Clark Limited when required.  
 Halliday Clark Limited take no responsibility for the use of this drawing for any purpose other than for that which it was intended. All dimensions are in millimeters unless stated otherwise. All dimensions should be verified on site prior to commencement of works.  
 Do not scale from this drawing.  
 All works must be in accordance with British Standards, EC Standards, Health & Safety at work act & all other relevant regulations & Bye Laws.  
 Any discrepancies should be brought to the attention of Halliday Clark Limited.

**NOTES**

**NOTES:**

DO NOT SCALE FROM DRAWING

LAYOUT AND LEVELS ARE BASED ON A PROMAP SURVEY AND ARE SUBJECT TO A FULL DETAILED BUILDING AND TOPOGRAPHICAL SURVEY. ANY DISCREPANCIES TO BE REPORTED TO THE ARCHITECT.

**EXTENT OF APPLICATION SITE**



Ordnance Survey (c) Crown Copyright 2018. All rights reserved. Licence number 100022432

0 -		
INITIAL ISSUE		
REVISION - DATE	DRWN	CHKD

**FOR APPROVAL**

**WETHERBY FILM CINEMA**  
**CROSSLEY STREET**  
**WETHERBY**  
**LS22 6RT**  
**FOR**  
**WETHERBY FILM CINEMA LTD**

**LOCATION PLAN**

Scale **1:1250 @ A3**

**HALLIDAY CLARK**  
 ARCHITECTS

Halliday Clark Limited T 01943 604 123  
 1 Lower Railway Road E info@hallidayclark.co.uk  
 Ilkley LS29 8FL W hallidayclark.co.uk

Dwg. No. **320.05 (--) 001**

Rev.

**Site Location Plan**  
**Wetherby Cinema**

