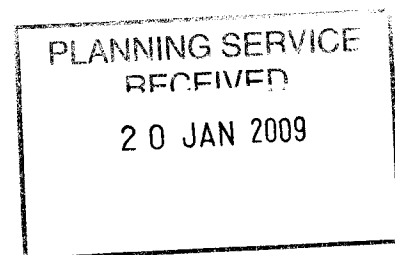


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10th November 2008

Stewart Currie,
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Re: Planning Application 08/06392/CAC

Dear Mr Currie

This letter of objection is in response to your Planning Application Consultant Letter of 20th October 2008. It has two main themes.

Firstly, I wish to object to the application to demolish the former Bradford Odeon building (08/06392/CAC) and request that it be refused Conservation Area Consent. This is based around the wish instead to see the existing Odeon building retained and refurbished. The objection is also based on a number of specific reasons, including:

- 1 That the application is contrary to the Development Plan and planning policy, and in particular:
 - o PPG15,
 - o RUDP Area Planning Policy Statement 1.3.3 for the West End (in accordance with Policy CT1),
 - o RUDP Policies UDP3, UR2, BH7, and BH9,
 - o The Bradford Sustainable Design Guide SPD,
- 2 That there is a very high documented level of public opposition to demolition of the Odeon,
- 3 That the Odeon building which contributes strongly towards the City Centre Conservation Area is to be replaced by a building which does not enhance or preserve the character of the Conservation Area, and is not of a high enough standard of design for this high profile and historic site,
- 4 The lack of an unbiased Design Competition to secure retention of the existing building, including a lack of proper consideration of its structural composition and ability for conversion at the launch of that Design Competition in March 2005, which all pointed to a pre-determined case for demolition.

The second main theme of this objection is that should Bradford Metropolitan District Council be minded to approve the application in spite of the above reasons, the application should firstly be referred to the Government Office/Secretary of State for determination for a call-in. This is because it meets a number of the criteria for call-in applications, namely that it is a site and a scheme with substantial regional controversy, major replacement design issues, and is also a departure application for various reasons. The extremely high level of public interest means that the determination should be taken out of the hands of the Council to an unbiased and impartial inquiry.

Referral to Government Office

The ***Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999***, sets out three criteria (Annex 1, paragraph 3) which require referral of an application by the LPA. Two of these are met in the replacement building scheme:

(a) development which consists of or includes provision of, (ii) more than 5,000 square metres gross retail, leisure, office or mixed commercial floor space;

(c) any other development which, by reason of its scale or nature or the location of the land, would significantly prejudice the implementation of the development plan's policies and proposals.

In addition, ***Government Circular 07/99*** (Annex 2, paragraph 7) sets out the types of development identified for referral, and relevant to this application they include:

(i) applications for development of major importance having more than local significance;

(ii) applications which raise important or novel issues of development control;

(iv) applications significantly affecting... conservation areas;

(viii) applications which, through their cumulative impact with existing and/or proposed development, may have a significant impact on the implementation of the policies and proposals of the development plan.

Another criteria included by the Secretary of State is where major architectural and design issues are involved.

The above criteria are met by the very high level of public interest in the future of the Odeon site ever since it was purchased by Yorkshire Forward in 2003. There has been continuous press coverage throughout Bradford and the wider region. Additionally, there has been a high level of public opposition to the proposed demolition, and a range of national stakeholders have also shown interest and opposition, including the Theatres Trust [Mark Price], Twentieth Century Society [Jon Wright], SAVE Britain's Heritage [William Palin] and the Cinema Theatre Association [Richard Gray]. The re-establishing of the site's previous auditorium space would enable a much greater level of attendance and interest from the national population in events such as the Bradford Film Festival. It could also strongly establish Bradford as a media centre with its City Of Film bid recently submitted to UNESCO. Therefore, the demolition of the Odeon building could effectively stop this from occurring.

The recent application for listing of the Odeon is still under appeal, and the building proposed to replace the Odeon does not respect the public opinion that the existing building (or at the very least the towers) should be retained. The referral criteria regarding design issues, development in a conservation area, and important issues of development control (i.e. the need to assess the proposed New Victoria Place scheme against the existing Odeon building and any alternate schemes involving its retention), are therefore relevant.

The scheme would also significantly prejudice the implementation of the ***RUDP***. The details of this are discussed throughout the section below, where the need for referral should be borne in mind throughout. In summary, it would be contrary to ***PPG15***, the ***RUDP*** policies ***UDP3***, ***UR2***, ***BH7***, and ***BH9***, the ***RUDP Area Planning Policy Statement 1.3.3*** for the West End (in accordance with ***Policy CT1***), and the ***Bradford Sustainable Design Guide SPD***.

Councillor Kris Hopkins has already publicly stated in reference to the Odeon site (on behalf of Bradford Council) that: "*we need to facilitate a quasi-judicial independent planning protocol*" [31/1/2008 - Yorkshire Post]. This means that the scheme should go to public inquiry as this is the only way to an independent judicial decision, and the Council should stand by Councillor Hopkins' statement.

We feel there is unreasonable pressure on decision makers in the Regulatory & Appeals Committee to be able to determine this application in an unbiased manner based on planning policy and other material planning considerations alone. This is partly due to pre-empted decisions openly stated by the Council, and by its mainstream party leaders being directors of Bradford Centre Regeneration. At the very least, promoting referral to the Government Office means that the Council will be seen to have acted fairly and given the opportunity for an impartial decision, an issue which the

public generally have felt to be lacking throughout the recent history of this proposal. The positive press coverage for the Council of such an action should not be overlooked. Equally, if the Council is wholeheartedly convinced that the application should be approved, then logically it should consider that this route via the Government Office would do nothing to alter the application's outcome, and therefore should have no opposition to this route.

Planning Policy

PPG15

PPG15 requires a strong commitment to environmental stewardship and sustainability, through effective protection for all aspects of the historic environment, including conservation areas. It states that most historic buildings can still be put to good economic use, and are of particular importance for tourism and leisure. This is the case for the Odeon; its retention and reuse for leisure purposes would bring vibrancy and vitality to Bradford in synergy with existing film festival and other festivals (City Of Film bid) to attract tourists and locals.

PPG15 states unequivocally that *"planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission"* (4.19). This is also set out in Section 72 of the **Planning (Listed Buildings and Conservation Areas) Act 1990**, and Part I of the **Historic Buildings and Ancient Monuments Act 1953**. Consent for the demolition of the Odeon also has to be linked to a consideration of what is to take its place (**PPG15** 2.12 and 4.27).

The New Victoria Place application (**08/06391/FUL**) therefore needs to be directly assessed against the existing Odeon building to determine which would enhance or preserve the conservation area more. This should not be in the light of the Odeon's current appearance (a result of apparent maintenance neglected by Yorkshire Forward), but a comparison against its potential restoration and re-use. **PPG15** also explicitly states that not only is the physical appearance of a conservation area a factor, that additionally *"account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed"* (4.26). We feel it is clear that the existing Odeon building, with its towers design reflecting the Alhambra towers, its environmental capital through its historic character and associations with the people of Bradford, and its contribution to Bradford's city centre over the past 78 years, best fulfils these criteria. The Bradford Odeon Rescue Group have also developed a suitable and viable scheme for retention of the Odeon (with available private funding), as an example alternative proposal, which is therefore a material consideration to this application as set out by **PPG15**. Bradford Council's R&A Committee did request *"that a full and independent structural survey of the building on the site be sought"* (Regulatory & Appeals Committee minutes 27/04/05), although a "full" assessment has never been undertaken. Two separate structural surveys (Ove Arup 2004 and Ramboll Whitybird 2008) have since proved to have only been visual inspections. Only an intrusive survey could determine the true condition of the steelwork etc. All references to structural issues in 2004 were (in the words of Ove Arup's report) "assumed". However, the more recent findings actually conclude with the view *"There are a number of structural issues throughout the building, but none of these could be deemed to be major, except for the steelwork to the tower domes."* Nonetheless, without consideration of the findings that a more thorough structural survey would have produced, demolition should not be considered as an option in relation to the Odeon's condition.

The conservation area issue is discussed in more detail further below, but in brief the **City Centre Conservation Area Assessment** (2005) states that the Odeon's twin towers *"do make a positive contribution to the streetscape."* **PPG15** states that *"the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area"* (4.27). Indeed, the Council extended the conservation area boundary 2005 specifically to include the Odeon, and commissioned a Development Brief for the site in 2005 which reaffirmed that the Regulatory & Appeal Committee's apparent preference for its retention. To now claim that it is not an important part of the area is therefore highly illogical.

Paragraph 4.27 sets out that the Secretary of State expects that proposals to demolish unlisted buildings in a conservation area are to be assessed against the same broad criteria as proposals to demolish listed buildings, i.e.

those set out in paragraphs 3.16 – 3.19. The following points set out the principles in these paragraphs:

- 1 ***“Clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed.”***
- 2 ***“That preservation in some form of charitable or community ownership is not possible or suitable.”***
- 3 ***“Redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition.”***
- 4 ***“The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building.”***
- 5 ***“The Secretaries of State would expect the authority... to address the following considerations: the adequacy of efforts made to retain the building in use... satisfied that real efforts have been made without success to continue the present use or to find compatible alternative uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building’s condition (the offer of a lease only, or the imposition of restrictive covenants, would normally reduce the chances of finding a new use for the building).”***
- 6 ***“The merits of alternative proposals for the site. Whilst these are a material consideration, the Secretaries of State take the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition.”***

We consider that not a single one of these broad criteria is met either by the application to demolish the Odeon or the separate New Victoria Place application (08/06391/FUL) and so it is in direct contravention of **PPG15**.

A final point concerning **PPG15** is where it states that *“in the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair”* (3.19). There is sufficient evidence that there has been an ongoing and deliberate neglect to the building’s interior and exterior, as well as a dissemination of inaccurate and misleading information as to its true condition in the media, especially during 2004. The condition or cosmetic appearance of the building should therefore not be a material consideration in determining the planning application in this instance.

RUDP (2005) Policies

The **RUDP** contains two main policy themes concerning the proposed demolition of the Odeon building. The first is that the proposal is in direct conflict with the specific area policy for the Odeon site. The second is that it conflicts with the conservation and design policies, which also link back to the points made in relation to **PPG15** above.

Policy CT1 sets out that *“Land and buildings within the city and town centres and the defined expansion areas should be developed in accordance with the area policy statements for each centre as set out in the proposal reports.”* The area planning policy statements reinforce this: *“The area planning policy statements below set out how different parts of the centre may change to accord with policy CT1.”* The Odeon site is within the ‘Central Shopping Area’ under the category ‘West End’. This policy states that *“The West End area is the main focus of leisure activity. This will be consolidated through the redevelopment of the Glydegate site, the former Alexander Hotel site, and the reuse/redevelopment of the Odeon cinema building and adjoining land to Quebec Street, for buildings accommodating mainly leisure uses.”*

The policy goes on to discuss each site. This includes at point 3.3 the ‘Odeon Cinema building’: *“The Alhambra Theatre, the National Museum of Photography, Film and Television and the Central Library form an impressive crescent of buildings along Prince’s Way, with the domes of the Odeon and the Alhambra complementing each other. During the winter of 2000/2001 it was unused. Ideally it should be refurbished and reused for leisure purposes. The twin towers and façade of the Odeon building alongside Prince’s Way should be retained and restored in any redevelopment proposals.”*

This is a clear policy statement with two main points. The first is that the Odeon building/site should be used for leisure

purposes, albeit caveated by the word 'ideally'. The second is an unambiguous statement that the **RUDP** requires the twin towers and façade to be retained in any proposal, irrespective of what use they are put to. Whilst the New Victoria Place proposal does not promote an exclusive leisure use, the restoration of the Odeon building could re-provide the cinema, theatre or any other leisure uses that have historically occurred within it. Therefore, approval of the application to demolish the Odeon building would be a clear departure from the **RUDP**.

Policy UDP3 is one of the 'parent' policies of the **Sustainable Design Guide SPD** (discussed further below). It states that "In particular development should:

- (1) Promote sustainable design and enshrine the principles of good urban design.
- (2) Maintain or enhance heritage assets, environmental resources and biodiversity.
- (3) Maintain or enhance the character or quality of the environment."

In a similar manner, **Policy UR2** sets out that development must contribute to the social, economic and environmental aspects of sustainable development, and make efficient use of existing physical and social infrastructure and minimise adverse impacts from the development."

Demolishing a historic building that could easily be refurbished and reused conflicts with **Policy UR2** and all three criteria of **Policy UDP3** as it is unsustainable design, would not maintain the heritage asset and environmental resources, and would not maintain or enhance the character or quality of the environment. The building contributes towards the social infrastructure of Bradford through being a strong aspect of many citizens' identity with and as part of the city. Indeed, the Bradford Odeon Rescue Group have gained a petition of over 8,000 signatures between 2003 and 2008, which adequately indicates how strongly the people of Bradford wish to see the Odeon retained, as did the near-thousand protesters who came to 'hug the Odeon' on 14th July 2007.

Policy BH7 and **Policy BH9** are directly concerned with conservation areas. **Policy BH7** reiterates clearly the **PPG15** presumption that the character or appearance of the conservation area must be preserved or enhanced. The importance of such areas is then emphasised: "The areas protected by conservation area designation form a major part of the rich legacy of the historic built environment of the Bradford District. It is the responsibility of the Local Planning Authority to safeguard this valuable and irreplaceable resource. New development including alterations to buildings will be expected to respect its historic context in terms of scale, form and quality of detail. Developers must demonstrate... that the proposal will preserve or enhance the specific conservation area by virtue of its use, design, siting and materials" (10.37).

The city centre's Conservation Area was extended in 2005 specifically to include the Odeon building. This shows that Bradford Council must have thought the building worthy of protection as an important historic building. The 2005 **City Centre Conservation Area Assessment** was written to support this revision to the **RUDP** Heritage Chapter. It provides a description of the Odeon: "The twin turrets of the former Odeon Cinema building... complement the image of the area and of the Alhambra alongside. The solid frontage of the building, set immediately to the rear of the footway, provides strong definition to the streetscape and helps tunnel vistas along Princes Way towards Godwin Street... The form of the building was designed to follow the curve of Brewery Street... The twin domes are its most interesting feature and do make a positive contribution to the streetscape in this part of the conservation area." This Conservation Area description could not be matched by such a description of the proposed New Victoria Place scheme in either design terms or historic and place-making references.

However, I find it highly illogical that this very same assessment goes on to additionally state: "though of significant townscape value, the building itself is not considered to be of exceptional quality and an outstanding building of modern, high quality design could make an equally, if not more impressive contribution to what is a key site on the edge of the City Centre conservation area." This is at complete odds with the decision to include the site within the revised conservation area boundary. The main aim of a Conservation Area as outlined by **Policy BH7** is to conserve that area's historic features because they are irreplaceable resources. While a new modern building is often acceptable in a conservation area, this would be where the building it replaces has no merit at all, and not for a building with a stated "positive contribution to the streetscape". If this argument was followed for all the buildings of Bradford, or any other Conservation Area, then a great number of historic buildings would be needlessly lost and the strong sense of place and