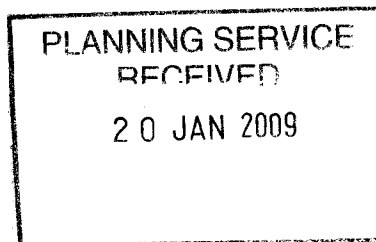


Norman Littlewood  
Westcroft House  
628 Huddersfield Road  
Wyke  
Bradford  
BD12 8JR

10<sup>th</sup> November 2008

Stewart Currie,  
Case Officer,  
Planning Dept.  
3<sup>rd</sup> Floor,  
Jacob's Well  
Bradford,  
BD1 5RW



**Re: Planning Application 08/06391/FUL**

Dear Mr Currie

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

Firstly, I wish to oppose the New Victoria Place application (**08/06391/FUL**) and request that it be refused planning permission. The objection is 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, BH9 and D1,
- 2 That there is a very high documented level of public opposition to the demolition of the Odeon, which is required for the construction of New Victoria Place,
- 3 That there is a very low documented level of public support to this specific New Victoria Place scheme in particular,
- 4 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,
- 5 That the scheme is not suitable for this site because a speculative development of the uses proposed may not be viable, and therefore the demolition of the existing building followed by a long delay in the construction of a new scheme will not enhance or preserve the character of the Conservation Area.

The second main theme of this objection is that should Bradford MDC 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 is a site and a scheme with substantial regional controversy, major 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 NVP 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 since it was purchased by Yorkshire Forward in 2003. New Victoria Place does not respect the strong public opinion that the existing Odeon 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 New Victoria Place scheme against the existing Odeon building an alternate schemes for its retention), are therefore relevant.

The New Victoria Place scheme would also significantly prejudice the implementation of the ***Development Plan***. The details of this are discussed throughout the section below, where the need for referral should be borne in mind throughout.

Councillor Kris Hopkins has publicly stated in reference to the Odeon site on behalf of the 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, partly due to pre-empted decisions openly stated by the Council, and by its mainstream party leaders, who are also 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. ***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 (application reference **08/06392/CAC**) also has to be linked to a consideration of what is to take its place (*PPG15* 2.12 and 4.27).

The proposed New Victoria Place scheme therefore needs to be directly assessed against the existing Odeon building to determine which would enhance or preserve the conservation area more.

### **RUDP (2005) Policies**

The **RUDP** contains two main policy themes concerning the New Victoria Place application. The first is that the scheme 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**

**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.*”

**Policy CT1** goes on to discuss each site, including at point 3.3 the ‘Odeon Cinema building’: “*The Alhambra Theatre, the National Museum of Photography, Film and Television and the Central Library forms 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. The New Victoria Place scheme directly completely contradicts both these aims of the policy, and so the application should be refused. The New Victoria Place scheme makes no attempt to retain and restore the building, despite providing no structural evidence that this would not be possible. Any restrictions have been identified as financial. In short, approval of this application would be a clear departure from the **Development Plan**.

### **POLICIES UDP3 and UR2**

**Policy UDP3** is one of the ‘parent’ policies of the *Sustainable Design Guide SPD*. 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.

### **POLICIES BH7 and BH9**

**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 conservation area was extended in 2005 specifically to include the Odeon building. The city centre conservation area assessment was written to support this revision to the **RUDP Heritage Chapter**. It provides a description of the existing Odeon building: *"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.

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 applicable to where the building it replaces has no merit at all, not for a building with 'a 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 historic reference within such areas would also be lost.

The use, design, footprint and materials of the New Victoria Place scheme does not respect the historic context of that part of the city centre in the same way that the retention and reuse of the Odeon building would, because the Odeon is a part of that history. The direct comparison of these two options again reinforces that to approve the New Victoria Place scheme would contradict with **Policy BH7**.

While **Policy BH9** reiterates that permission will not be granted for the demolition of buildings which make a positive contribution to the special architectural or historic interest of the area, this is qualified that this is *"unless the development would result in benefits to the community that would justify the demolition."* The New Victoria Place application has not demonstrated these benefits to the community. Indeed, this is because there would be little benefit as it is simply for additional offices, hotel, and a seemingly gratuitous education facility which does not exclusively differ from any other offer in the city centre.

Therefore, the New Victoria Place scheme is not suitable for this site because it is a speculative development and the uses proposed may no longer be viable when the proposed construction is completed in 2015. Additionally, the proposed 2010 demolition of the existing building followed by the suggested five year construction of this replacement scheme will not enhance or preserve the character of the Conservation Area.

## **POLICY D1**

**Policy D1** within the **RUDP** further reinforces my case for objection:

*"All development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. In particular they should:*

- (1) Be well related to the existing character of the locality in terms of design, scale, massing, height and materials;*
- (2) Provide a quality setting for the development;*
- (3) Retain, and where appropriate enhance, important ecological and landscape features;*
- (4) Not intrude on to prominent skylines;*

- (5) *Relate to existing natural and built features, landmarks or views that contribute to the area;*
- (6) *Incorporate adequate design arrangements for servicing, waste handling, recycling and storage;*
- (7) *Allow for flexibility to adapt to meet changing needs and circumstances and provide for access for those with physical disabilities;*
- (8) *Not harm the amenity of prospective or existing users and residents.*

*Good contemporary design which is sympathetic or complementary to its setting will be welcomed."*

New Victoria Place's design is at considerable conflict with several key points of **Policy D1**. In relation to point 3, the existing Odeon's domes are officially acknowledged within the RUDP as the building's "*most interesting feature (which) do make a positive contribution to the streetscape in this part of the conservation area.*" yet New Victoria Place's construction would necessitate the demolition of the Odeon's towers.

Points 1 and 4 of **Policy D1** are further reinforced by two recommendations set out in Bradford Council's 2005 **Development Brief For The Odeon Cinema Site** (Mainwaring), which clearly outlines the following statement within point 4.5 of **Development Principles**:

*"If the existing building is not retained, the height, scale, massing, architectural quality and relationship with other buildings, will be major factors in assessing the proposed development. The general height of the development should reflect the height of the existing Odeon building and complement, rather than compete with the adjacent Alhambra domes..."*

The Princes Way elevation of New Victoria Place is to be ten floors high at the Thornton Road corner but it gradually levels down to a height of seven floors at the southern edge next to the Alhambra. Glyn Turner of Langtree Artisan has been quoted as saying "*The current (Odeon) building is about 20 metres high, so we are adding about five or ten metres to that at the low point.*" [Telegraph & Argus 24/10/2008]. In other words, the height of the southern corner of New Victoria Place is to be either 25% and 50% higher than the existing Odeon building. This is in conflict with point 4.5 of the **Development Brief For The Odeon Cinema Site**.

Additionally, Glyn Turner also had this to say about the Odeon "*The old building was trying to replicate the Alhambra and we have always said that was wrong because, architecturally, it takes away the merit of the Alhambra.*" Again, this viewpoint is in considerable conflict with recommendations set out in point 4.5 of the **Development Brief For The Odeon Cinema Site** and also point 5 within **Policy D1**.

### Public Opinion

I referred to a very low documented level of public support for the New Victoria Place proposal, and this can be adequately quantified by two sets of statistics.

#### 2006 (source Brahm PR)

Following a three week "public consultation" featuring the three "finalists" of Bradford Centre Regeneration's Design Competition at the Media Museum in May 2006, 1,493 feedback forms were completed by local residents. New Victoria was the stated preference of just 87 of them. A proposal that retained the Odeon's towers was the runaway favourite, but was ultimately passed over by a judging panel including BCR.

#### 2008 (source Beattie Communications)

Only 153 visitors attended a week-long exhibition at Bradford's Victoria Hotel (w/c 29<sup>th</sup> September 2008) with 90 people completing a questionnaire (a further 11 comment forms were obtained via an online form):

- 41 had expressed an overall positive view about New Victoria Place
- 34 had expressed an overall negative view about New Victoria Place

11 had expressed "mixed views" about New Victoria Place  
4 had made no comment either way

### **Planning Condition**

Finally, if in spite of all the above reasons and public opinion, the Council is still minded to approve the New Victoria Place application (and referral to the Secretary of State does not result in call-in), we ask that the planning permission should include a particular condition or a S106 agreement. This is to link the demolition of the existing Odeon building with a required time period for starting construction of the new scheme, and contain penalties for not doing so. Otherwise the site could very easily remain empty for a long time, particularly in today's economic climate. Firstly this would not be enhancing or preserving the conservation area (i.e. contrary to the Development Plan), secondly it would significantly lower the amenity of the city centre, and thirdly for no good reason it would needlessly destroy an attractive and valuable building which can never be replaced.

Yours sincerely

Norman Littlewood  
(Chairman of the Bradford Odeon Rescue Group)