

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 7 March 2019

AM

Subject:

Refurbishment and extension of former cinema to create an entertainment and events venue with supporting ancillary spaces including bars, ballroom and cabaret bar/restaurant and three-storey extension, former Odeon cinema, Princes Way, Bradford.

Summary statement:

The proposal is to renovate the former Odeon building and use it as an events venue. As part of the scheme, it involves removal of insertions, which were part of the previous conversion to a cinema and restore the main auditorium to its original size and shape. The building would be provided with new acoustic, electrical, heating/ cooling, ventilation, lighting and fire control systems. The proposal also includes a rear extension to create a kitchen and also the construction of a single-storey storage building on the Thornton Road frontage.

The new venue would seat 3,000, when part-standing, the capacity would be increased to 3,800. It would be operated by the NEC Group, which operates 2 events venues in Birmingham, with the building itself held by Bradford Live, a charitable organisation.

The use of the building as an events venue would be a welcome addition to the evening economy and is seen as a key regeneration opportunity within the City Centre.

The application is recommended for approval subject to conditions.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:

Regeneration, Planning & Transport

Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

The application is recommended for approval subject to conditions included within the report.

2. BACKGROUND

An application for the construction of mixed-use development comprising offices, hotel, restaurants/cafes and 36 residential units with 80 basement car parking spaces, involving the demolition of the former Odeon, was recommended for approval, but subsequently withdrawn in 2013.

An application for replacement domes and repairs was approved in 2014.

In 2016, an application for the creation of a rear opening to serve the building was approved.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as Local Planning Authority.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

The proposals have been fully considered in relation to sustainability issues and the site is considered to be located in a sustainable location, served by local facilities and accessible to public transport.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this

development. Consideration should also be given as to whether the location of the proposed development is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be lower than would be the case for alternative, less sustainable locations. Mitigation measures are also to be incorporated within the development in the form of Electric Vehicle Charging points to encourage the use of sustainable modes of travel. In conclusion, subject to the identified mitigation measures no adverse greenhouse gas emission implications are foreseen.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, CCTV and lighting provisions being implemented, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with Core Strategy Policy DS5.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

None

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application.

If the Committee decides that the application should be refused, it may refuse the application, in which case the reason(s) for refusal would have to be given,

based upon development plan policies or other material planning considerations.

10. RECOMMENDATION

This application is recommended for approval, subject to the conditions included within Appendix 1.

11. APPENDICES

Appendix 1 Technical report.

12. BACKGROUND DOCUMENTS

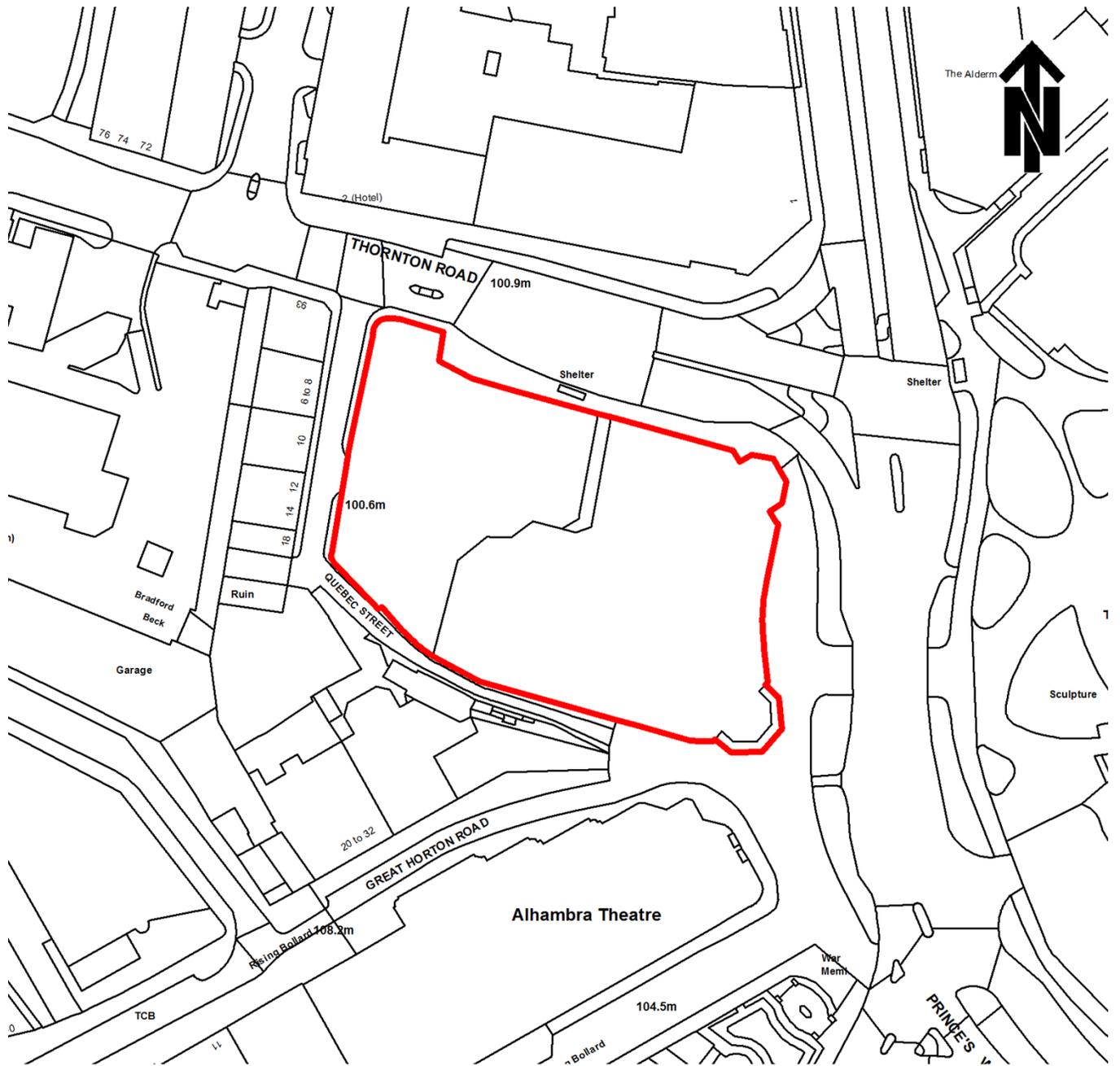
National Planning Policy Framework 2018

Adopted Core Strategy

18/05130/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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Bradford Live
Princes Way
Bradford

Appendix 1

Ward:

City

Recommendation:

To grant full planning permission.

Application Number:

18/05130/MAF

Type of Application/Proposal and Address:

Full application for the refurbishment and extension of former cinema to create an entertainment and event venue with supporting ancillary spaces including bars, ballroom and cabaret bar/restaurant and three-storey extension, the former Odeon, Princes Way, Bradford.

Applicant:

Bradford Live

Agent:

Aedas London

Site Description:

The application site is located on the south west side of the Princes Way/Thornton Road junction, opposite City Park. To the rear of the site is Quebec Street. Within the application site there is the former Odeon cinema and its service yard to the rear of the building.

The application site is located within the City Centre Conservation Area. The surrounding uses are predominantly commercial e.g. hotel, offices, with a limited no. of residential units on Quebec Street. The Alhambra theatre is located to the immediate south of the application site.

Bradford Beck is culverted through the site, running south west-north east, across the former car park at the rear of the building.

Relevant Site History:

08/06391/FUL Construction of mixed-use development comprising offices, hotel, restaurants/cafes and 36 residential units with 80 basement car parking spaces.

14/03891/FUL Replace existing domes; undertake repairs to steel structure and replicate lightweight domes.

16/07603/FUL Creation of opening to rear elevation of premises and formation of new doors.

Policy:

Replacement Unitary Development Plan

Allocation

Under Policy CT1, it is stated that land and buildings within the City Centre should be developed in accordance with the Area Planning Policy Statements, as set out in the Proposal Reports.

Proposals and Policies

In the Proposals for the Bradford West Constituency, the former Odeon Cinema building is identified as a specific building, 3.3, within the 'West End' Policy Statement, where "ideally it should be refurbished and reused for leisure purposes. The twin towers and façade of the Odeon building alongside Princes Way should be retained and restored in any redevelopment proposals". Land at Quebec Street is identified as a specific site, 3.4 within the 'West End' Policy Statement. "Vacant land adjoining and to the rear of the Odeon cinema should be used for leisure purposes, ideally in association with the reuse/redevelopment of that building".

Policies

The Core Strategy

There are a number of Core Strategy Policies which should be considered in the determination of the application:

- P1 Presumption in Favour of Sustainable Development
- SC2 Climate Change and Resource Use
- TR1 Travel Reduction and Modal Shift
- TR2 Parking Policy
- TR3 Public Transport, Cycling and Walking
- EN3 Historic Environment
- EN7 Flood Risk
- EN8 Environmental Protection Policy
- DS3 Urban Character
- DS4 Street and Movement
- DS5 Safe and Inclusive Places

City Centre Area Action Plan

Site Allocation B/1.6 Former Bradford Odeon
Proposed use leisure/office led mixed-use

The National Planning Policy Framework (NPPF).

The National Planning Policy Framework is a material planning consideration on any development proposal.

Local planning authorities are required to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development, where possible

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish

or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) 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

Parish Council:

N/A

Publicity and Number of Representations:

Site notices were displayed at and around the application site; a notice placed in the Telegraph & Argus and individual neighbourhood notifications were carried out, with the expiry of the notification period being 1 March 2019.

There have been 18 letters of support and 1 objection.

Summary of Representations Received:

Bradford Live has all the ability to transform Bradford City Centre, and in particular boost the cities underperforming evening economy.

A huge derelict building which is an imposing landmark in the city would be brought back to life after years of dereliction which will help improve Bradford's image and economy.

The economic boost for the cities hotels, restaurants, bars and pubs cannot be underestimated and more operators will set up in the city as a result of the increased footfall that the venue would bring.

Plans look great and respectful of building heritage.

It would be major improvement to look of city centre and provide employment.

The Civic Society is particularly impressed with Bradford Live's attention to detail, and their desire to restore the original footprint of the building as close to its original usage as possible. While we are aware that certain design elements of the building won't become clearer until the strip out is complete, we are satisfied that Bradford Live's architects have

One minor element is the fencing onto Thornton Road and Quebec Street. Rather than remaining as a secure compound fence, we would ask the architects to consider that this enhances the street scene - perhaps through use of greenery, or external artwork relating to the heritage of the building as well as appropriate wayfinding to other city centre amenities and attractions. We would also like Bradford Live to consider providing appropriate lighting/illumination for Quebec Street, which could become an attractive pedestrian route between the new public bar entrance on Great Horton Road as well as the Alhambra/National Museum – linking those attractions with the NCP car park and Jury's Inn hotel.

The Cinema Theatre Association wholeheartedly supports the aims and aspirations of Bradford Live to transform the former Odeon/New Victoria cinema into a live performance space as this will help to secure its future for years to come.

We are pleased that alterations made during the modernisation are to be carefully removed and wherever possible original interior décor is to be retained. Returning this former cinema building back into use after such a long period of neglect and uncertainty can only be perceived as a good thing.

However, whilst we recognise that much of the interior design is still within its concept stage, parts of which cannot be finalised until removal of the modern cinema elements, we had hoped for a more sympathetic restoration of the auditorium in respect of the side walls. What is suggested are streamlined curved mouldings which bears no resemblance to the Illingworth design, although it is likely that most of the original was lost during 1968 conversion it would be possible to copy and reinstate the fibrous plasterwork.

For too long we have had to travel to Leeds to see bands, Bradford Live will change all that and put the city on the entertainment map.

Urge Bradford Council to grant this application so that this transformative regeneration project can continue at pace.

Not enough thought about disabled access. No 'Changing Places' Toilet in a scheme of this size is a disgrace. Most accessible WC's are jammed in like an afterthought and they are not handed between left and right as the D&A suggests. The 1.28% of seating is below the British Standards. Some staff areas don't have wheelchair access. There doesn't seem to be a plan showing wheelchair spaces to consider if there is enough variety - the community engagement doesn't make one mention of disabled people?

Consultations:

Environmental Health (Air Quality)

For the purpose of the Bradford Low Emission Strategy (LES) Planning Guidance and the West Yorkshire Low Emission Strategy (WYLES) planning guidance this is a medium development site. The Bradford LES and WYLES help to ensure that all developments meet the requirements of policy EN8 in the Bradford Local Plan (core strategy) with respect to the protection of local air quality, prevention of human exposure to poor air quality and minimisation of emission growth across the Bradford district.

In accordance with the Bradford LES and WYLES LES planning guidance all medium applications are subject to the following requirements:

Provision of Type 1 emission mitigation

- EV charging facilities
- Adherence to the London Best Practice Guidance / IAQM guidance relating to the control of dust and emissions from construction and demolition

Provision of Type 2 emission mitigation

- Provision of a comprehensive low emission travel plan to discourage the use of high emission vehicles, and encourage the uptake of low emission vehicles.

- Where a development has the potential to introduce new relevant receptors an exposure assessment may also be required.

Environmental Health (Pollution)

No pollution-related objections to this application.

Conservation

A specification for works to the brickwork, terracotta, faience and roofing should be provided. It appears the canopies on the octagonal towers are to be reintroduced and details of these will be required. All aspects of new external plant must be fully detailed to avoid the addition of any incongruous or detrimental additions to the exterior or roofs of the building. The siting and introduction of plant will need to be in a coordinated manner.

The new structure abutting Thornton Road is indicated as clad in brick, but with very little detail on its appearance. The detailing and fenestration of this structure must be clarified. The proposed boundary treatment to the Thornton Road and Quebec Street site perimeters is loosely defined as steel railings. This boundary should be enhanced with carefully considered enclosures which uplift the public realm.

Highways

A 'Transport Management' statement should be provided to ensure HGVs visiting the site are properly managed.

Any hostile vehicle mitigation measures on the highway would have to be agreed with the Highways City Centre Team.

Consideration should be given to having a consistent frontage treatment to that at the Alhambra although this would be dependent on the presence of statutory undertaker's service and plant, which will have to be identified. Therefore it is likely that a combination of measures will be required and this can be discussed in more detail upon Chris's return.

It is not clear from the plan as to what the shaded area, corner of Godwin Street/Thornton Road represents or whether a resurfacing of the footway is being proposed. Further clarification should be provided.

West Yorkshire Police (Architectural Liaison Officer)

The application has been considered in conjunction with the Counter Terrorism Officer. A number of measures to address possible attacks on the building have now been incorporated into the proposed development.

Lead Local Flood Authority

This is an existing building with street frontage to Thornton Road and Prince's Way. It is proposed to refurbish the existing building; therefore it is not practicable to raise floor levels and meet the requirements of the Disability Discrimination Act.

The applicant is proposing to mitigate the flood risk by utilising flood resilient construction methods and also by providing flood barriers to the door openings. A Flood Warning/Evacuation Plan is also proposed.

The proposed discharge rate (five litres per second) to Bradford Beck is acceptable and we would expect this to apply to the proposed extensions and parking area, located

behind the Odeon building. The existing drainage to the main building can remain as is.

There is no objection subject to conditions.

Countryside

A bat survey has been undertaken which negated the use of the building by bats. A bat and a bird informative should be placed on any determination of the application in case of incidental use of any part of the structure by these species.

There is no significant bio-diversity constraints to the development, however, there is also no attempt to introduce bio-diversity features to the site or building.

This is a high profile development which would be used by many people and the inclusion of exemplar features for bio-diversity should be included. There are many ways that features can be added to the development e.g. integrating nesting boxes & bat tubes in to new developments; increasing amount of urban trees shrubs and grassy/plant areas; installing a peregrine nesting platform; creating areas of permeable paving.

It is advised that the applicant provide details for the introduction of bio-diversity features & habitats, in the fabric of the development.

Summary of Main Issues:

Impact on heritage assets

Re-use of building

Drainage & Flood Risk Issues

Highways & Transportation

Bio-diversity

Other issues

Appraisal:

Impact on heritage assets

The site is located in the setting of grade II listed buildings at Quebec Street & the listed (Grade II*) Alhambra theatre and the site is within the City Centre Conservation Area. The building is also noted as a key unlisted building in the Conservation Area Assessment.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a listed building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. At the local level Policy EN3 of the Core Strategy seeks to ensure the preservation of heritage assets and their setting.

The proposed development in terms of the changes to the external appearance of the building and the addition of new structures etc. has been fully assessed in relation to the impacts on the adjacent and nearby heritage assets. The submitted information/ details adequately demonstrate that there is no substantial harm to Heritage Assets. The proposal has been fully assessed in compliance with the requirements of Section 66 & Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 193 of the NPPF and policy EN3 of the Core Strategy.

Re-use of building

The former Odeon building is a key unlisted building within the City Centre Conservation Area. It is located at a prominent location within the City Centre, in proximity to other landmark buildings – the Alhambra theatre; Provident Financial and City Park. The building has been vacant for almost 20 years and only in recent years has there been repair and remedial works to the external fabric of the building. Whilst the building has been made ‘weatherproof’, it stands as a somewhat neglected building within the City Centre. Consequently, the proposed re-use and renovation of the building would result in this key building being brought back into active use, to the benefit of both the appearance and perception of the City Centre.

With the building originally designed with effectively blank elevations, the proposed use of the building involves limited alterations to the appearance of the building. In terms of external works, this essentially involves making good of the envelope of the building, with the addition of a rear extension to provide kitchen & associated facilities and a single-storey building for storage and provision of a sub-station, on the Thornton Road frontage.

Due to the prominence of this building, assurance has been sought on the quality of the walling material. The applicant has chosen a red brick that reflects the existing brickwork on the rear part of the building. On the premise that the external wall is appropriately detailed to provide some relief, the choice of brick can be supported.

The internal works to the building do not require planning permission.

The building has become neglected and unkempt and being at a key location, results in a poor impression of this part of the City Centre. The physical works to the existing building would be carried out sympathetically to the original design & appearance of the building.

The proposal would provide the opportunity for the re-use of the building bringing substantive regeneration benefits to the City. The renovation of the building, improving perceptions of the City Centre, with the events venue bringing visitors to Bradford. This not only adding vibrancy to the night-time offer but also benefitting businesses that would serve the increased number of visitors e.g. restaurants/bars and hotels.

Drainage & Flood Risk Issues

Bradford Beck runs through the site and under the existing building. The proposed extension housing the kitchen and stairwell would be built over the Beck. Consequently, the proposed extension would be constructed to ensure that access to the Beck and the structural load of the building did not have any adverse impact on the Beck.

The Lead Local Flood Authority (LLFA) has considered this part of the proposed development and has no objection to the proposal.

Highways & Transportation

As Quebec Street is aligned to the rear of the application site, western boundary, consideration was given to providing vehicle access solely from Quebec Street. However, due to the size of HGVs serving the proposed venue, an access from Quebec Street would not be feasible. As a result, the access for HGVs is proposed to be from Thornton Road. The HGVs serving events would normally arrive early morning (0600-0800) and leave post-event (2230-0200). The Quebec Street entrance would be used for vehicles up

to 7.5 tonnes, along with all vans and cars. There would be two electric vehicle charging points within the service yard.

In view of the limited number of vehicle movements serving the proposed development and the times when HGVs would travel to the site, an access off Thornton Road is considered acceptable in highway terms. Any alteration to the existing bus lay-by would need to be agreed with the WYCA.

The proposed hostile vehicle mitigation measures on the public highway would have to be agreed with the Council. These measures are to be detailed by the use of condition.

Bio-diversity

In relation to bio-diversity measures, the introduction of appropriate measures within the development would be delivered through condition.

Other issues

Following the objection, a Changing Places facility is now included in the proposed development. There would be 42 wheelchair spaces within the venue, far greater provision than that in the BS.

A total of 16 disabled W/Cs are provided in the scheme.

The provision of disabled facilities is considered acceptable for the scale and type of use.

Reason for Granting Approval:

The proposed development would meet the requirements of Core Strategy policies and the application is recommended for approval.

Conditions:

1. The development hereby approved shall only be carried out in accordance with the following plans 180121-AED-BO-00-P-A-0210 P3; 180121-AED-BO-B1-P-A-0510 P1; 18012-AED-BO-OO-P-A-0511 P2; 180121-AED-BO-M0-P-A-0512 P1; 180121-AED-BO-01-P-A-0513 P1; 180121-AED-BO-M1-P-A-0514 P1; 180121-AED-BO-02-P-A-0515 P1; 180121-AED-BO-03-P-A-0516 P1; 180121-AED-BO-04-P-A-0517 P1; 180121-AED-BO-XX-P-A-710 P2; 180121-AED-BO-XX-P-A-0711 P2; 180121-AED-BO--XX-P-A-0712 P2; 180121-AED-BO-XX-P-A-0713 P2; 180121-AED-BO-XX-P-A-0714 P2; 18012-AED-BO-XX-P-A-0715 P2.

Reason: For the avoidance of doubt.

2. Prior to the occupation of the approved development details of measures to incorporate bio-diversity features within the development shall be submitted to and approved in writing by the LPA. The development being carried out in accordance with the approved details.

Reason: In the interests of encouraging bio-diversity within the development.

3. Prior to the occupation of development details of hostile vehicle measures shall be submitted to and approved in writing by the LPA. The development to be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure that appropriate hostile vehicle measures are in place to address attempted attacks on the building.

4. The development shall not begin until details of a scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall, thereafter, be constructed in accordance with the approved details.

Reason : In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. The development shall not begin until a Maintenance Plan for the surface water drainage scheme has been submitted to and approved in writing by the Lead Local Flood Authority. Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved Plan.

Reason : In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

6. The development shall not be brought into use until a Flood Warning/Evacuation Plan has been submitted to and approved in writing by the Lead Local Flood Authority. The approved Plan shall be implemented and maintained for the life-time of the development.

Reason : In the interests of the amenity of future occupiers and for the effective management of flood risk in accordance with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

7. The development shall not begin until construction details for any new building(s) have been submitted to and approved in writing by the Local Planning Authority. The construction details shall illustrate how no additional load will be imposed on the existing Bradford Beck Culvert and include a Construction Method Statement. The buildings shall, thereafter, be constructed in accordance with the approved details.

Reason : To protect the Bradford Beck culvert and in the interests of effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

8. Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

9. Before any work above damp proof course level takes place, a sample panel showing the method and depth of coursing of the proposed walling materials and the type and method of pointing to be used shall be constructed on site for inspection by the Local

Planning Authority. The details shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with those approved details.

Reason: To assist the selection of appropriate materials in the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.