

Application Recommended for Refusal
Daneshouse with Stoneyholme Ward

APP/2018/0145

Listed Building Application

Partial demolition of front elevation and from new shop front with iron gates, form balcony to rear, install extractor flue, partial mezzanine floor and internal alterations (re-submission of APP/2017/0386 & APP/2017/0387)
118 ST JAMESS STREET BURNLEY

Background:

The application is for a change of use of the premises from part of a former bingo hall (Class D2) to a use as a bar/café (Classes A3/A4) and to form a new shopfront and folding gates to the front and install a flue to the rear. The initial application also included works to the rear of the unit to form a balcony and external seating area but this part of the proposal has been removed by reducing the red edge of the application site to the part of the property of 118 St James Street which is wholly within the applicant's titled ownership. Some works to the roof of the unit, dismantling of its frontage and works to the rear of the unit have already taken place.



The image below is of the front of 118 St James Street prior to the dismantling of its frontage.

118 St James Street



Rear of building

Side of theatre on Cow Lane

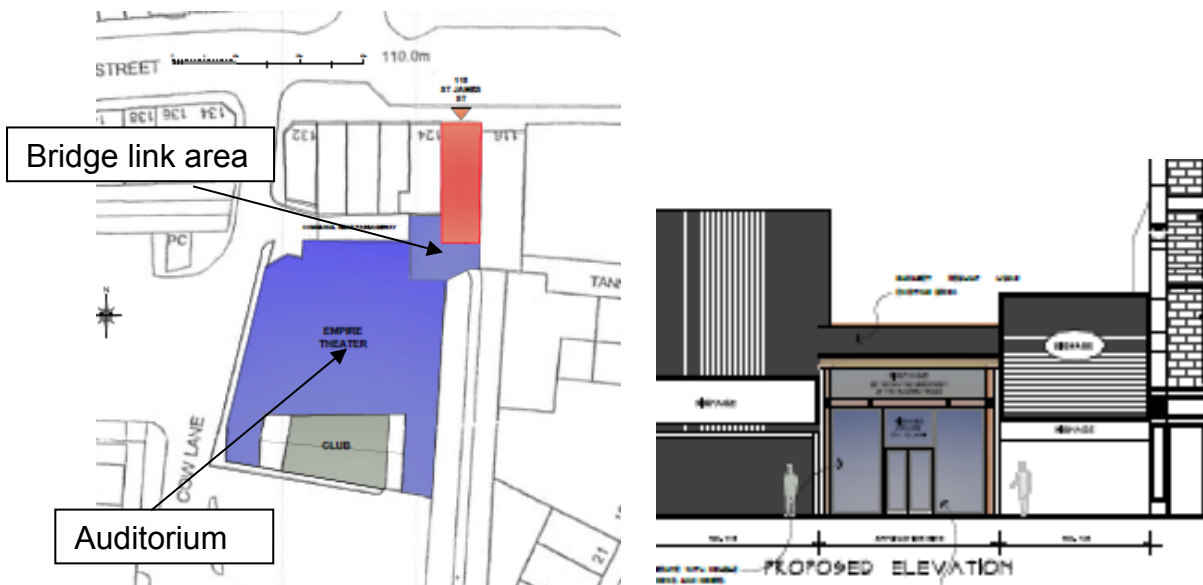


Rear of bridge link between 118 St James Street and auditorium



118 St James Street in red

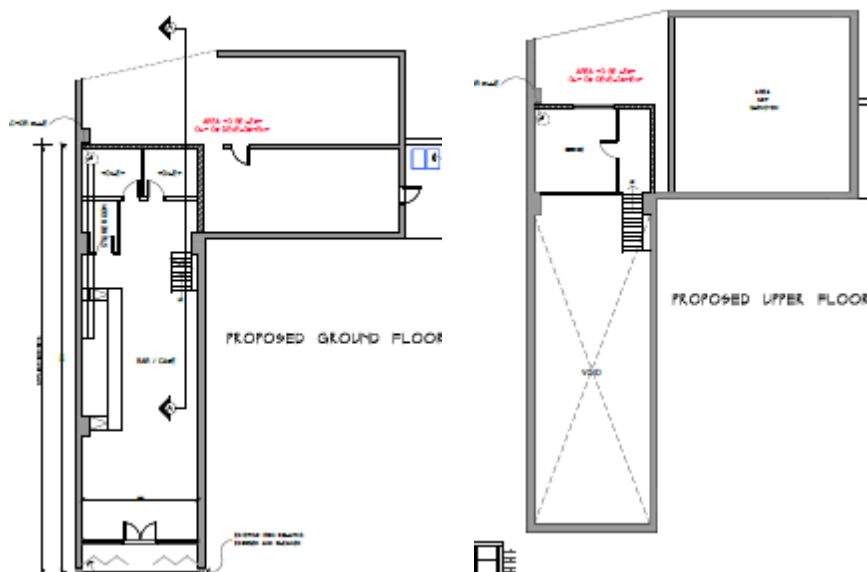
Proposed new shopfront



The proposal involves forming a new shopfront which would retain the cast iron columns at the front and form a simple but improved frontage.

Proposed Ground Floor

Proposed Partial Mezzanine Floor



The application no longer relates to the rear side of the building which passes over the River Calder. The proposed ground floor plan indicates that two new internal walls would be constructed which would separate the former passageway from the stairs that lead to the theatre's auditorium. A small mezzanine floor would also be created to form an office.

The foyer building is part of the Empire Theatre which was Grade II listed in 1996. The site also falls within the Town Centre Conservation Area. This report relates to both the application for planning permission and for listed building consent.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the urban boundary
GP3 – Design and quality
BTC5 – Leisure and tourism development in Burnley town centre
E10 – Alterations, extensions, change of use and development affecting listed buildings
E12 – Development in, or adjacent to, conservation areas
E25 – Shopfronts

Burnley's Local Plan, Submission Document (July 2017)

SP1 – Achieving sustainable development
SP5 – Development quality and sustainability
TC3 – Burnley town centre – primary and secondary frontages
TC8 – Shopfront and advertisement design
HE1 – Identifying and protecting Burnley's historic environment
HE2 – Designated heritage assets

Site History:

12/87/0027 – Erection of internally illuminated box sign with internally illuminated border and motif. Approved April 1987 at Coral Social Club, 118-122 St James Street

12/92/0157 – Erection of internally and externally illuminated fascia signs. Approved April 1992 at Gala Clubs, 118 St James Street

12/98/0041 – Change of use from use within Class D2 to use within Class A3 sale of food and drink. Approved July 1998 at Former Empire Theatre. Not implemented.

19/98/0354 – Change of use to theatre. Approved September 1998. Not implemented.

APP/2003/0378 – Proposed change of use of entrance walkway to shop unit at 118 St James Street. Refused December 2003; appeal dismissed April 2004.

APP/2003/0379 – Listed Building Consent application for proposed erection of blockwork separating wall to rear to form shop unit and shop front timber and glazing renewal at 118 St James Street. Refused December 2003; appeal dismissed April 2004.

Consultation Responses:

Theatres Trust

Objects on the basis that the foyer is essential to the operation of the theatre and its loss will prohibit the restoration and re-use of this Grade II statutory listed heritage asset. The Empire was originally built in 1894 and the auditorium was reconstructed by renowned theatre architect Bertie Crewe in 1911. Converted into a cinema in 1938, and later into a bingo hall, it has been disused since 1995 and is listed on our Theatres at Risk Register which identifies important theatres with community support and the potential to be brought back into active use. The trust advise that the local authority must be absolutely assured that the building is surplus to the cultural requirements for the local community before granting any new use. Once lost, they are virtually impossible to replace.

Burnley Borough Council together with the Theatres Trust, Burnley and District Civic Trust, Burnley College, Burnley Empire Theatre Trust and the University of Central Lancashire, formed a stakeholders group in 2016 to develop solutions for the Empire

and oversaw a study into the future viability of the Empire for cultural and community use. The market appraisal found that while there was insufficient demand for the Empire to operate as a traditional theatre, there was good potential for use as a local music, artist and cultural venue, and as a youth training facility associated with its restoration. The Burnley Empire Theatre Trust (BETT) are now investigating how to move the project forward, including options for funding and grants.

The Theatres Trust therefore object on the basis that the proposal will result in the loss of the Empire's foyer and main entrance which will compromise the future operation of the Empire as a community and cultural facility. This is the only front of house and public space provided in the theatre building and the foyer is the only space available for a box office, bar and audience waiting area, all of which are essential for any of the new uses identified and for generating income. As the main theatre block is landlocked, there is no opportunity to build a new entry elsewhere around the building. The foyer building also provides the theatre with an essential street presence needed to advertise events at the venue. None of the alternative entrance options identified by the applicant are feasible as a main entrance as they either access fire escape stairs or enter directly into the auditorium stalls area with no space for necessary public facilities. The doors would also open directly onto Cow Lane and it would be both impractical and unsafe to expect audience members to assemble, wait and exit directly onto the roadway.

The Trust would expect a statement of significance to identify any original features of the foyer that remain. The Trust also state that if the applications are permitted then they strongly recommend that they are only given temporary approval which would allow the foyer to be used as a bar in the short term while the plans for the wider restoration of the Empire are developed to safeguard the building for beneficial cultural uses in the long term.

Following the submission of amended plans, the Theatres Trust state that they welcome the removal of the disputed 'bridge link building' between the main theatre and the foyer building; on the basis of a permanent change of use, their objection is maintained but affirm that a temporary permission is acceptable in principle so as to safeguard the building for beneficial cultural uses in the long term. This is particularly important in the light of the forthcoming Burnley Town Centre Masterplan where the theatre represents a unique and significant opportunity to contribute to the town's economy and leisure offer. Conditions are recommended to ensure that the access between the foyer and the main theatre is maintained to ensure that significant architectural features within 118 St James Street remain in place.

Burnley Empire Trust Committee

Object. No. 118 St James Street is the established entrance to the Burnley Empire Theatre which was opened in 1894, later known as Gala/Coral Bingo and which has lain vacant for 22 years. Independently redeveloping no. 118 could negate the current work of a Stakeholders group. The building is East Lancashire's only purpose-built Edwardian theatre. It was just one of very few examples left of its kind across the UK, with architecture designed by Bertie Crewe, akin to the Shaftesbury located in the West End of London, designed and built by Crewe in the same year. In 2015, a Stakeholders group was formed who commissioned a viability study in two parts. The first part was funded by Burnley Borough Council and the Theatres Trust and the second by BETT and the Architectural Lottery Fund. The proposed development fails to acknowledge the opportunities available for restoring and reopening Burnley Empire through a long term venture with partnership and training at its core. Separating 118

St James Street from the Empire would impact significantly on any future project to restore the building to an appropriate, viable and continued use. The area is well served by cafes and bars and it would be inappropriate to forego the community benefits of restoration to put it to this use. There is considerable local community support for the restoration of the building. BETT has confirmed their continued objection to the application following the submission of an amended red edge application site.

Environmental Health

No objections. Recommend conditions relating to constructions hours, noise control and to prevent music etc outside the premises and to require details of refuse/recycling.

Publicity

No comments received.

Planning and Environmental Considerations:

Principle of proposal

The site is located in Burnley town centre within a shopping street which is identified as part of the main shopping area in the adopted local plan (2006) and amongst a secondary shopping frontage within the emerging local plan (Submission Document, July 2017). The application site forms part of the larger Empire Theatre building where Policy BTC5 of the adopted local plan seeks to maintain and enhance leisure and tourism development in the town centre. Policy BTC5/5 states that the Empire theatre is considered to be suitable for re-use as a leisure use. The proposed use as a bar/café (Classes A3/A4) would not fall within the scope of a leisure use and would fragment the allocation of the site as a whole unit. The emerging local plan recognises the contribution of other services such as bars and cafes to the vitality of the town centre and a small bar/café within this location of St James Street where there are a variety of shops, cafes and vacant units would, in principle, represent an acceptable town centre use. However, in this instance, the proposed unit at 118 St James Street differs from its adjoining shop units as it forms an integral part of the Grade II listed Empire Theatre. Consideration should therefore be given to the impact that the proposal would have on the future leisure use of the larger theatre site and on the special interest of this Grade II listed building and the Town Centre Conservation Area.

Loss of grade II listed theatre

Policies E10 and E12 of the Local Plan and Policy HE2 of the emerging local plan seek to protect the character and historic interest of listed buildings and conservations areas. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon local planning authorities a duty to have special regard to the desirability of preserving the interest of a listed building or its setting and the desirability of preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework (the Framework) states that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Where development would lead to substantial harm, the Framework indicates that it should be refused, whilst where the proposal would lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The authorised use of the Empire Theatre is for Class D2 (assembly and leisure) uses. A number of previous planning permissions have been granted for a change of use to restaurant (12/98/0041) and then to a theatre (12/98/0354) but these permissions were not implemented. The building was therefore last occupied as a bingo hall which ceased in 1995 and has not been in use since this time. Policy BTC5/5 seeks a leisure use for the building which would be consistent with its current authorised use (Class D2). A previous planning application (APP/2003/0378) and application for listed building consent (APP/2003/0379) to separate no. 118 St James Street from the larger theatre site were refused and upheld on appeal. At that time, the unit at 118 St James Street had become in separate ownership to the main part of the theatre and the applicant wished to block up the opening between the main theatre and the public entrance from St James Street in order to form a shop unit at no. 118. The Inspector stated that it has not been shown that the two parts of the building could operate separately or whether a proper entrance/access could be obtained onto Cow Lane. As such, the Inspector concluded that without a proper inspection of the premises, it was impossible to find out what effect the proposed shop would have on the listed building and it would therefore be wrong to assume that the future use of the listed building would not be adversely affected. Despite the time that has lapsed since this appeal, the Empire Theatre building has remained out of use and no further steps have been made to form any alternative public entrance to the building.

The current application would differ from the recent approval by including the bridge link and the application also seeks a full permission. This would further fragment the theatre and repeats the same issues that were considered in 2003/2004. The Theatres Trust (TT) and the Burnley Empire Theatre Trust (BETT) object to the application on the basis that removing the main public entrance to the theatre from St James Street would compromise the future operation of the Empire as a community and cultural facility. The TT and the BETT explain in their objections the anticipation that the former theatre which is currently in a state of disrepair is capable of re-use for arts and community uses and that considerable work has been carried out to form a stakeholders group, to undertake feasibility studies (funded by some of the stakeholders and a lottery fund) to assess the viability of future uses and the building. The second part of the viability study that was issued in May 2017 found that there is potential for a long-term project which could save Burnley Empire through an innovative model with partnership and training at its core and an incremental and phased approach. It refers to a new entertainment/heritage zone in Burnley around the canal and linking to Weavers' Triangle. Whilst there are still uncertainties around the implementation of this, the report states that there would be economic, cultural and heritage benefits that would accrue, making Burnley a better place to live, work, study and visit. The Duchy of Lancaster is currently dealing with the title of the main auditorium and has been liaising with the Theatres Trust over this. The building and its future is therefore a changing situation which at the present time would be adversely compromised if the main public entrance to the building was permanently detached from the theatre.

It is acknowledged that there are no practical alternative means of forming a public entrance, taking into account safety and internal entrance space requirements. A frontage onto St James Street also provides a prominent town centre presence that may be necessary for advertising events and drawing visitors or customers into the venue. Whilst it is unfortunate therefore that the former public entrance foyer to the theatre has fallen into separate ownership to that of the main theatre, it would be premature at this stage to permanently relinquish its use as part of the theatre. The

recent Viability Study, the formation of a Stakeholders group and the possibility of the Duchy of Lancaster transferring title of the main auditorium in the near future, reflect current circumstances which should be taken into account.

Conclusion

The theatre is in a poor state of repair but is a rare example of Edwardian theatre design in Lancashire and is therefore a scarce and unique heritage asset which was Grade II listed in 1996. Steps to bring the theatre back into use have been made, particularly in the last year. This however would be significantly hindered and jeopardised by the loss of the public entrance at 118 St James Street which provides the only public means of entering the theatre as well a street presence for attracting people to the building. Whilst there is uncertainty over the future of the building, it is recognised that the theatre has potential for heritage led regeneration that would be beneficial to the culture and heritage of the town centre. A permanent new use for 118 St James Street that separated it from the rest of the theatre building would at this stage therefore lead to significant harm to the listed building and to the town centre and would not be acceptable.

Recommendation:

That the application be refused for the following reason:

1. The proposed development would permanently fragment a Grade II listed building by removing it's only means of public entrance which without any appropriate alternative provision would significantly jeopardise its ability and scope for re-use as a theatre in the future, contrary to Policies E10, E12 and BTC5 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.

JFL