

Ref.: RA/2012

31 August 2017

Ms Janet Filbin
Planning Services
Burnley Borough Council
Town Hall
Burnley BB11 2DT

Dear Ms Filbin,

Empire Theatre, 118 St James's Street, Burnley, BB11 1NL

Application Ref.: APP/2017/0386 & APP/2017/0387

I write regarding the above planning and listed building applications for the change of use of the Empire Theatre's foyer at 118 St James's Street to a café/ bar (Class A3/ A4), and for associated alterations. The Theatres Trust **OBJECTS** to the applications. Please see our advice below.

Remit: The Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and use through The Town and Country Planning (Development Management Procedure) (England) Order 2015, that requires the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre.' This applies to all theatre buildings, including those adapted for theatre use, that are out of use, or are now in another use. Our main objective is to safeguard theatre and cultural uses, or the potential for such uses.

Comment: The Theatres Trust objects to this proposal for the reconstruction and change of use of the Empire Theatre's foyer at 118 St James's Street because the foyer is essential to the operation of the theatre and its loss will prohibit the restoration and reuse 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 in to active use.

The Trust recognises the importance of investment and regeneration within town centres and takes a pro-active role in encouraging local authorities and the private sector to rejuvenate former theatre buildings and to use cultural development as a catalyst for wider regeneration to improve the social and cultural wellbeing of the local community. However, where a new use is proposed for a cultural facility, the Trust always advises the local authority that it must be

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Chair Tim Eyles **Director** Jon Morgan

Trustees Richard Baldwin, David Blyth, Pam Bone, Paul Cartwright, Paddy Dillon, Ruth Eastwood, David Ian, Richard Johnston, Gary Kemp, Dara Ó Briain, Simon Ricketts, Peter Roberts, Ann Skippers, Anna Stapleton

The National Advisory Public Body for Theatres

The Theatres Trust Charitable Fund co-operates with Theatres Trust, has the same Trustees and is registered as a charity under number 274697

absolutely assured the building is surplus to the cultural requirements for the local community before granting any new use. This is because cultural buildings such as the Empire Theatre occupy sites within town centres where another use would be more lucrative, as is the case here, and once lost within the catchment, they are virtually impossible to replace.

Burnley Borough Council, together with the Theatres Trust, Burnley and District Civic Trust, Burnley Collage, Burnley Empire Theatre Trust, and the University of Central Lancashire, formed a stakeholders group in 2016 to develop solutions for the Empire and oversaw the preparation of a study to determine if there might be a viable future cultural or community use for the Empire, given the local social and economic considerations. The market appraisal found that while there was currently 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 the restoration of the building, operated in partnership with local educational establishments. This would see the venue restored in stages as the venue developed. The Burnley Empire Theatre Trust are now investigating how to move the project forward, including options for funding and grants.

Objection: Given there is an identified viable new use for the heritage listed Empire, the Trust has the following objections to the applications.

Ownership – The Trust has been in contact with the Bona Vacantia Division of the Government Legal Department regarding the ownership of the ‘bridge link building’ which is the section of the property between the main theatre and the foyer building at 118 St James’s Street. They have not yet received a notice for this application, and have indicated the property will likely be transferred to the Crown Estate, who also own the main theatre building. This matter should be clarified to ensure the application is valid.

Planning Policy - The National Planning Policy Framework (NPPF) includes extensive directions and guidance on the importance of safeguarding cultural assets to benefit local communities, as outlined below:

- In terms of sustainable development, paragraph 7 notes that the social dimension of planning must support strong, vibrant and healthy communities ‘*with accessible local services that reflect the community’s needs and support its health, social and cultural well-being*’;
- Paragraph 27 recognises the role of cultural facilities in ensuring the vitality of city centres and states that it is important that cultural uses are not compromised by other uses.
- Most notably paragraph 70 states that in ‘promoting healthy communities’, planning decisions should ‘*plan positively for cultural buildings*’ and ‘*guard against the loss of cultural facilities and services*’.

This 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. The attached copy of the ground floor plan shows this is the only front of house and public space provided in the theatre building. This 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 are

important for the generation of income to support the venue. As the main theatre block is land locked, 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, and its loss would be detrimental to the restoration and future operation of the Grade II Empire.

The applicant has identified a number of alternative entrance options, however, none of these are feasible as an alternative main entrance, as they either access fire escape stairs or enter directly into the auditorium stalls area, with no space for necessary public facilities. In addition, the doors open directly onto the Cow Lane roadway and it would be both impractical and unsafe to expect audience members to assemble, wait and exit directly onto the roadway.

We note Burnley has not yet adopted a Local Plan that is consistent with the NPPF. In this context, the proposal does not help safeguard the theatre as a potential viable cultural venue, nor facilitate its reuse, and is therefore contrary to the directions in the NPPF.

Heritage – In terms of heritage policy, section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on Council to have a special regard to the desirability of preserving listed buildings or any features of special architectural or historic interest which they process. Paragraph 131 of the National Planning Policy Framework (NPPF) also notes the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and that great weight should be placed on its conservation (paragraph 123).

The Design and Access Statement makes several references to the foyer building being in the ‘curtilage’ of the heritage listed Empire. The Empire was listed Grade II in 1996 and it is clear from Historic England’s listing that the foyer building, while identified as being of less significance, is actually part of the listed building.

The Victoria Opera House originally adjoined the Empire and its stage was located on the level directly above the Empire’s entry foyer. When the Victoria was demolished, the remaining ground level foyer building at 118 St James’s Street was incorporated into the new building built around it. The foyer is in a dilapidated state, but still contains original features, and the Trust would expect the submission of a statement of significance to identify the features that remain, provide details of how they will be restored and reused, and outline how the new installations will integrate and support the listed building. The application, by suggesting this is only curtilage, fails to do that, and therefore doesn’t seek to enhance or conserve the heritage asset.

In addition, the loss of the foyer to another use and its separation from the main theatre greatly reduces the viability, usability and opportunity to restore and reuse the Empire, and therefore will cause harm to the historic significance of this important Grade II heritage asset at this stage.

Conclusion: A clear potential viable future for the Empire has now been established and given the impact this proposal has on that opportunity to restore and reuse the Empire, the Trust recommends these applications are refused.

If Council are minded to permit the applications, we strongly recommend they are only given temporary approval, which would allow the foyer area to be used as bar in the short term while

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the plans for the wider restoration of the Empire are developed to safeguard the building for beneficial cultural uses in the long term.

Please contact us if we may be of further assistance.

Regards,

A handwritten signature in black ink, appearing to read 'Ross Anthony', with a stylized flourish at the end.

Ross Anthony
Planning Adviser