

REPORT OF THE STRATEGIC DIRECTOR

Plan Nos: 10/23/0346
and 10/23/0353

Proposed Development: Full planning permission and Listed Building Consent: Refurbishment of the former Cotton Exchange/Apollo Cinema including elevational and roof alterations to create a mixed-use community and performance space (sui generis), partial demolition of the 1920's block roof, external lighting and other associated works

Site Address: Former Cotton Exchange/Apollo Cinema, 71-73 King William Street, Blackburn, BB1 7DT

Applicant: Mrs Caer Butler

Ward: Blackburn Central

Councillor Samim Desai
Councillor Mahfooz Hussain
Councillor Zamir Khan MBE



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted both Full Planning Permission (10/23/0346) and Listed Building Consent (10/23/0353), subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 These applications are presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the proposals involve major development on a non-allocated site.
- 2.2 The proposed developments have been publicised through letters to residents and occupants of the nearest 53 adjacent properties on 25th October 2023. In addition, two site notices were displayed on 10th November 2023. Two public comments have been received for the application so far regarding a historic land dispute, lack of need for another café/eatery and raising parking-based concerns. Should any further public comments be received ahead of the committee meeting they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports new community and heritage developments, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposed developments involve the complete refurbishment of the Grade II listed former Cotton Exchange/Apollo Cinema. The proposed works include elevational and roof alterations to create a mixed-use community and performance space (sui generis). Partial demolition of the 1920's block roof would be implemented. Various external improvement works, and the installation of external lighting are also proposed.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be addressed in determining this application are as follows;
- Principle of development
 - Design and visual amenity
 - Heritage assets
 - Archaeology
 - Residential amenity
 - Highways and parking
 - Ecology and biodiversity net gains

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a Grade II listed building that is located within Blackburn Town Centre and the Northgate Conservation Area. Internally, the building is currently in a state of disrepair due to the unsympathetic removal of cinema fixtures previously. A number of other listed buildings are positioned nearby, which include Blackburn Town Hall and 168 Exchange Street. Mixed-use commercial and civic buildings are positioned to all four sides.

Figure One – Location Plan and Satellite Image

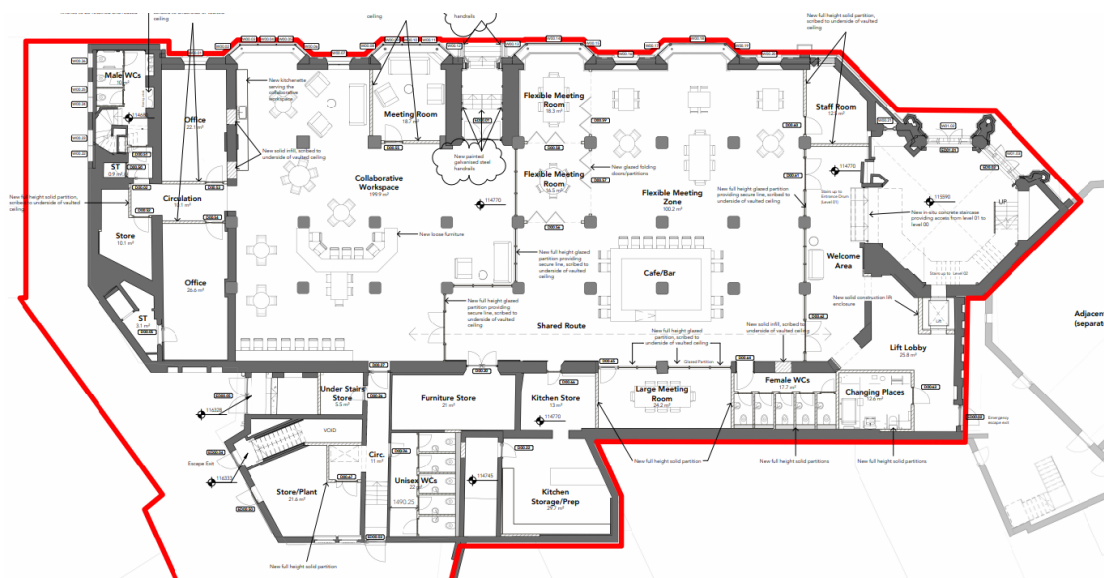


- 3.1.2 The existing building has a floorspace area of circa 2026 square metres. It is currently divided into two main levels. The lower level contains a café, kitchen area, meeting rooms and storage areas. Access to that level is gained via a flight of steps from King William Street. The upper level contains an open performance space with a stage area and supporting facilities. Access to that level is gained via the main entrance point from a pedestrianised area off King William Street.
- 3.1.3 The building was constructed in 1862-1865 by Brakespear of Manchester, in coursed ashlar with slate roofs in a high Victorian Gothic design. The design is incomplete as one wing and the central tower were never built due to the American Civil War and subsequent uncertainties for the cotton industry. Its plan is asymmetrical with an octagonal entrance, which was to form the base of the tower and the northern wing were all that was constructed. The interior has been extensively altered and remodelled over the years.
- #### 3.2 Proposed Development
- 3.2.1 The proposal seeks consent for interventions to repair and conserve the heritage asset while introducing new elements and alterations to facilitate its re-use. The interventions would improve the building's accessibility by reconfiguring the existing main entrance foyer to provide stepped and lift access to both of the principal levels. The submission documents note that *'the proposed philosophy is one which conserves historic fabric as found, in addition*

to repairing/reinstating lost/damaged materials to match existing. It also proposes to add to this richness of textures, colours and stories with a bold and contemporary palette of new materials, which are both complementary to the historic fabric and illustrative of a vibrant new chapter'. They further add that 'key historic features of the Exchange will be conserved, consolidated and reinstated to ensure that the architectural and historic character of the asset is retained. The proposals also incorporate the introduction of environmental and sustainability enhancements, via thermal improvements and the use of renewable energy sources to reduce the overall carbon impact of the Exchange.

- 3.2.2 The two principal levels would both provide multi-use spaces. The upper 'former cinema' level would be refurbished to accommodate events, exhibitions, meetings and leisure (bar) uses. The lower 'undercroft' level would be repurposed to create shared flexible workspace, meeting rooms, and a coffee shop. The proposals do not involve a specifically defined use class so the entire site would have a *sui generis* use following their implementation.

Figure Two – Proposed Lower-Level Floor Plan



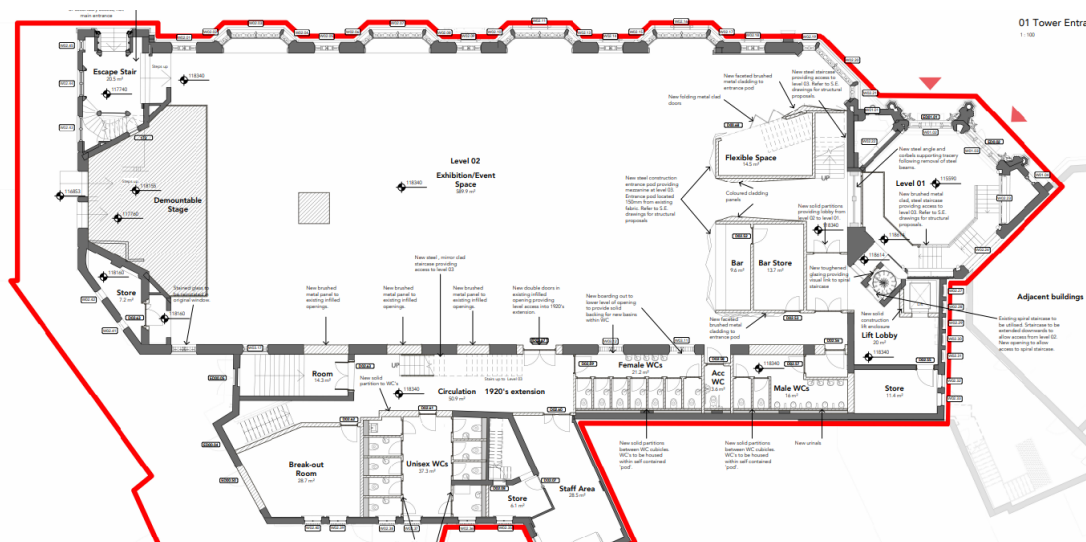
- 3.2.3 In the existing entrance (octagonal tower), the existing platform lift and staircase to the upper level would be removed, with a new staircase installed that sweeps around the internal walls of the existing entrance tower. The staircase would be of a steel construction with treads and risers finished with a coloured floor finish and a brushed metal clad balustrade and coloured handrail. The staircase would be supported by a steel frame. Within this space, a new lift access would be created with the lift shaft located behind the octagonal tower.
- 3.2.4 The lower ground floor would be refurbished to accommodate community and workspaces. The proposals include the removal of later elements of low or no historical significance to better reveal the original character and construction, including modern partitions reintroducing the ordered and rational historic layout, opening opportunities to create new spaces to facilitate the new uses. This would be achieved through establishing axes within the space. There

would be a combination of flexible screening and permanent partitions to define the layout. The existing café provision would be reconfigured and relocated in a more central position.

3.2.5 Currently, the lower ground floor is only accessed directly from King William Street via a stepped entrance. The alterations would include an additional point of arrival to this level from the new stair at the main entrance, where level access via the new lift would be provided. The existing stepped entrance would be retained. The historic stone steps would be reconfigured to provide safer access, through the introduction of a suitable nosing treatment in addition to new handrails up to the external street level, which has already been approved under applications 10/23/0915 and 10/23/0919. As noted above, the application includes the removal of later additions such as the raised floors and restaurant features, alongside the opening of the bay windows.

3.2.6 The upper level is the principal space within the building. It is noted that a key aspect of the brief is to retain the flexibility of the space to accommodate a variety of functions, including performances, assemblies, exhibitions etc. The submission documents describe that *'by curating the arrival into the space and complementing the key architectural features, (the approach) will respect the historic fabric and proportions while introducing a new contemporary layer to the history of the Exchange'*. The proposed 'hub' would provide a point of arrival and orientation that will serve the multiple functions of the space, while also creating an element of separation between the main entrance block and the lower ground floor level.

Figure Three – Proposed Upper-Level Floor Plan



3.2.7 The proposals would utilise the adjacent 1920s block, providing access to new 'pods' overlooking the main space, which would project from the historic lancet windows on the southern spine wall. The drawings provided suggest that the 'pods' are to be used as part of the original lancet windows, where the tracery has been lost. This spine wall currently comprises of an inconsistent array of treatments to the historic lancet windows, with a mix of infill materials used

alongside the historic fabric. It is proposed to open these elements and reveal the historic window pattern, reinstating the detailing and reintroducing the multi-layered architectural treatment of the space. In introducing the 'pods' to the upper level, it is necessary to extend the height of the western section of the 1920s block roof to achieve the requisite ceiling height requirements. This provides an opportunity to create an external roof terrace level.

Figure Four – Cross-Section Showing Some of the Proposed Works



- 3.2.8 The historic vaulted ceiling, with embossed metal panels, would be restored and missing panels replaced to match existing. Existing salvaged panels would be used to provide castings, and further closer inspection would be utilised to better understand the original fixing methods. In addition to the ceiling conservation works, it is proposed to carry out localised structural repairs to roof timbers and steel members on a 'like for like' basis. #
- 3.2.9 The proposals include the installation of a mezzanine level within the principal space, which would house a bar/café as well as a viewing platform for performances/events. The Design and Access Statement notes that '*in order to facilitate a range of new uses within the proposals and create an increased flexibility which enhances the overall viability of the Exchange, additional floor space is proposed to be created on the mezzanine level*'. This would provide a new vantage point from which to enjoy the space and observe future events/exhibitions etc, as well as creating new accommodation for a variety of uses. The mezzanine level would be tiered to allow the structure of the 'Hub' to work around the existing tracery windows on the east wall, while also providing the potential for elevated seating, both for break out space and for spectating events.

Figure Five – Artist's Impression of Upper Level, Bar Area and Viewing Pods



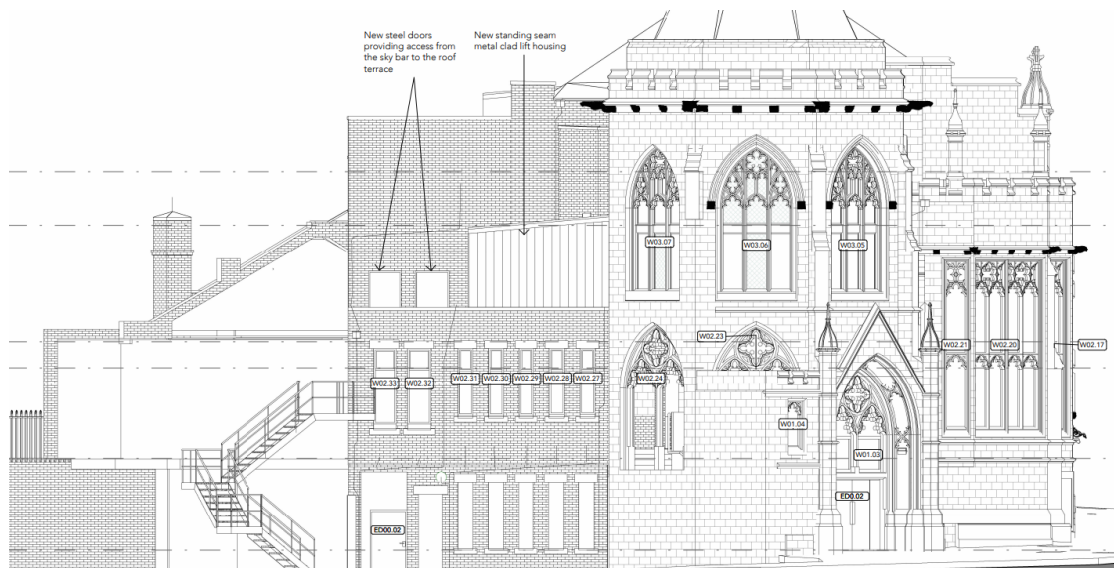
3.2.10 The 1920s the 'back of house' space upon which the previous cinema use was able to operate would be predominantly stripped back. Given the height of the internal volume, it is proposed to utilise this block to introduce stairs and elevated landings from which to access the principal space beyond. The proposals here would be contemporary, *'described as bold and reflective, providing a vibrancy to the space while lightly touching the existing material'*. The far west end of the block (currently single storey) would be raised to a double height volume and provide access to the proposed viewing balconies, as well as additional accommodation for the upper level, where there is also proposed to be a new bar. This new block would be clad externally in a standing seam metal cladding.

3.2.11 In addition to the proposed new space at this level, the application also includes proposals to provide a safe access provision to the main roof void above the principal space. The proposals include the provision of a passive ventilation system, which would utilise this void to house new ducting and ventilation units, refurbishing and reusing the historic grilles and ridge cowls to facilitate this. This approach to the ventilation of the main space is to enable new equipment to be hidden, as a way of avoiding an impact on the aesthetic values of the vaulted ceiling while incorporating a sustainable approach to the servicing of the building.

3.2.12 A proposed new 'dormer' would be created to provide maintenance access to the main roof void via the flat roof of the newly extended 1920s block, which itself would be accessible via a private staircase. This aspect of the proposals would incorporate the alteration of the original roof finishes; however, this would be constrained to the south pitch.

3.2.13 To the far east of the building, concealed behind the 'drum' (entrance tower) there is an existing flat roof, which currently serves as a fire escape from the top of the drum itself (currently accessed by a historic spiral staircase, which is closed off and not open to the public). It is proposed that this roof is repurposed as an external roof terrace for the bar area. In addition to the repurposing of the flat roof, the new lift, which would serve the entrance drum, would extend out and above this new terrace, concealed behind the octagonal tower. The materiality of this lift structure would be consistent with that of the 1920s block extension.

Figure Five – Proposed East Elevation Showing Terrace Area and Lift Shaft



3.2.14 Regarding materials, the submitted Design and Access Statement highlights that the proposals aim to *'present the existing palette as a key element of the look and feel of the Exchange, retaining the roughness and scarring of the past'*. To complement this, the proposed new additions aim to add a new chapter of historical development to the Exchange, one that is clearly legible of its time, connecting spaces that are currently separate from each other. The new interventions would comprise of a tight palette of colours and materials, with smooth textures (metal and glass) as a juxtaposition alongside the historic fabric, as well as the use of bold colours against the more neutral hues of the historic material. This would be emphasised by the conservation works described elsewhere, with instances such as natural light passing through repaired stained glass while reflecting off new glass balustrades.

3.2.15 Externally different areas of masonry would be cleaned through a combination of various cleaning methods, removal of vegetation and herbicide treatments. Some stonework would have friable material removed through brushing to prepare for repair and repointing. These works would be carried out following the principle of minimum intervention and will prioritise areas where defects have been identified and have significant staining/soiling noted as a result of long-term water ingress. Repairs would be carried out on a 'like for like' basis, with matching stone used where applicable, and a suitable lime mortar mix

proposed for pointing and repointing works. Those works would be assessed in further detail through a process of sampling.

3.2.16 Roofing materials would be repaired and/or replaced on a 'like for like' basis, with any slipped or broken slates replaced. Leadwork to gutters and rainwater outlets would also be renewed on a 'like for like' basis. In addition to the renewal of leadwork, it is proposed that overflow/spitter chute outlets are created in existing outlet positions (in matching lead) in order to create a traditional means for the detection of blockages, defects etc.

3.2.17 Defective rainwater goods are proposed to be replaced in a heritage cast aluminium to match existing profiles, albeit in a manner that limits the future maintenance burden of the building on its owners. Historic stained glass is to be repaired and replaced on a 'like for like' basis where currently extant. Traditional methods would be utilised, and sampling carried out to ensure appropriate colour matching and glass specification. The scheme includes the proposed replacement of the glazed double entrance doors, with new glazed entrance doors and the replacement of the modern windows to the lower ground floor, with painted hardwood framed double-glazed windows. These windows directly front the pavement, many of which currently contain full height window/door stickers.

3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan (2024)

Core Policies

- Policy CP2: The Spatial Approach
- Policy CP6: The Natural Environment
- Policy CP7: The Historic Environment

- Policy CP8: Securing High Quality and Inclusive Design
- Policy CP11: Town Centres and Commercial Development

Development Management Policies

- Policy DM02: Protecting Living and Working Environments
- Policy DM15: Protecting and Enhancement of Wildlife Habitats
- Policy DM26: Heritage Assets
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility
- Policy DM33: Town Centres

4.0 ASSESSMENT

4.1 Procedural Matters

4.1.1 An objection has been received during the course of the application from a solicitor on behalf of an adjoining occupier. It is alleged that part of the lower level of the site now belongs to the adjoining occupier by way of adverse possession. The part of the site in question forms a section of the 1920s block extension to the south elevation. Those concerns are noted.

4.1.2 However, the solicitor has clearly stated in their response that matters are ongoing and are yet to be finalised legally. Moreover, a land search has been undertaken and the ownership details currently correspond with the information on the submitted application form. The submitted ownership details are therefore procedurally correct and no further assessments are required in that respect.

4.2 Principle of Development

4.2.1 The proposed development involves the provision of various commercial and community uses. No defined use class is applicable given the variation of uses, as detailed above. Policy CP2 states that the majority of new development over the plan period will be in the urban areas of Blackburn and Darwen. Policy CP11 states that proposals for commercial development (Use Classes E(a-f)), other main town centre uses (including leisure), and uses that can support the future vitality and viability of the centre will be directed in accordance with a specific centre hierarchy, whereby Blackburn Town Centre has the highest preference.

4.2.2 Policy DM33 states that within the Town Centres as defined on the adopted Policies Map, planning permission will be granted for development which contributes to one or more specific objectives. Those objectives include strengthening and focusing the shopping offer, expanding the role of the town centres to support vitality and viability, and protecting and enhancing the leisure offer and developing an evening economy.

4.2.3 The proposals are wholly consistent with those policy directions. Concerns have been raised in public comments regarding an existing concentration of cafes and eateries in the area. However, such an outcome is invariably the case

with town centre locations. The principle of development is therefore acceptable, in accordance with the relevant requirements of Policies CP2, CP11 and DM33.

4.3 Design and Visual Amenity

- 4.3.1 The site is an ornate, period building that provides a positive contribution to the aesthetical character of the locality. Policy CP8 states that the Council will require all new development to be of a high standard of design. Furthermore, Policy DM27 states that all development shall achieve a high quality, sustainable design consistent with several pre-defined characteristics.
- 4.3.2 The proposed works would provide a number of benefits through safeguarding the structural integrity of the building. A number of external works are proposed, which include the formation of a terrace area, installation of a lift shaft and construction of a roof dormer for maintenance purposes. The style of those additions would appear at odds with the character of the host building. That said, when the scale of the host building is considered alongside the highly varied nature of the surrounding streetscene, the proposed additions would not appear materially out of place, nor would they present any significant adverse visual design complications.
- 4.3.3 A condition is recommended to control the quality and finish of the external construction materials to be used, including any new doors and windows to be installed. Such a condition is necessary in order to ensure a satisfactory form of development is achieved. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policies CP8 and DM27.

4.4 Heritage Assets

- 4.4.1 The site is a listed building that is positioned within a conservation area. A number of other listed buildings are also positioned nearby. Policy CP7 states that the Council will support proposals that positively conserve, and where appropriate enhance, Blackburn and Darwen's Historic Environment and heritage assets, including their setting. Furthermore, Policy DM26 states that the Council will support proposals which conserve or, where appropriate, enhance the historic environment. A full heritage appraisal has been submitted in support of the application, which has been produced to a high standard.
- 4.4.2 The BwD Heritage Advisor has reviewed the submitted appraisal and the merits of the application as a whole. A number of shortcomings have been identified yet they are broadly supportive of the proposals. Whilst the Former Exchange has been substantially altered internally through its various uses, most notably its conversion to a cinema, and has a variety of modern additions, it retains its architectural form and many features, particularly those contained within the external shell, octagonal tower and plan form. The building's significance lies in its architectural (aesthetic), historical and communal context, primarily

evidenced in the building's retained fabric and architectural form/appearance. In this regard, the listed building can be attributed as having a *high significance*.

- 4.4.3 The proposals include the retention and repair of most of the existing fabric, particularly the original elements of the original parts of the building (with some alterations to the later additions), all of which are positive elements of the proposals. As described in the submission documents, the surviving fabric is raw in nature following previous strip out work, and there are a number of areas where original/historic finishes have been largely lost or removed. Given the existing much altered and raw finish of the building, retaining the scarred aesthetic would be an honest interpretation of the building's historical development. This is an acceptable way forward to approach the conversion.
- 4.4.4 Within the octagonal staircase, the existing platform lift would be removed. This is a modern and intrusive addition. Its removal would be beneficial, and it would re-open this space providing clearer views of the existing pointed arched windows and tracery, which would also be improved by the removal of the existing boarding in one of the windows. In its place a new lift shaft would be created behind the existing octagonal tower (south side). This is the most appropriate location for the lift, and it would involve minimum visual and material intrusion.
- 4.4.5 Part of the scheme of works includes the removal of the existing 20th century staircase to the upper level, which were installed as part of the conversion into the cinema. Currently, the entrance block has its own distinct and separate floor level. While there is level access from the street, there is no internal access currently to the lower ground floor, with the upper ground floor only accessible via the existing staircase. In this respect, whilst the existing steps are a later addition, they do form part of the evolution and special interest of the listed building. Nevertheless, it is acknowledged that accessibility is limited here, providing no access to the lower ground floor from this point. Therefore, the proposed removal of the later staircase from the octagonal entrance tower to the upper ground floor is adequately justified work, improving accessibility into the building and this will aid in its sustainable re-use.
- 4.4.6 In addition, the proposed new stair would wrap around the interior of the octagonal block to provide access to the upper ground floor. The proposed staircase would be contemporary in its design and materials, with a steel frame. Whilst a modern addition and contemporary design would be broadly acceptable, a balustrade finish that would better reveal the arched tracery features behind would be more appropriate when compared with a brushed metal clad balustrade with solid panels. A condition is therefore recommended to control those details.
- 4.4.7 Specific concerns have been raised by the BwD Heritage Advisor regarding the proposed bright coloured floor finish. Such an approach would detract from the muted tones of the historic features. However, the internals of the building are limited in their historic value when compared with their former glory and a partly contemporary approach can be justified due to that. To remove the contemporary aspects entirely would be an undue departure from the overarching aspirations

of the project and it would likely lead to an outcome that lacks any form of particular distinction.

- 4.4.8 The lower level is broadly characterised by a series of substantial piers/columns supporting masonry vaulting. It is currently accessed directly from King William Street via a stepped entrance, the level is partially below street level. Its previous use as a restaurant is still evident, with features still extant, including raised floor levels, a bar area and mock period features such as marble balustrades. As already noted above, the alterations to the entrance tower that remove the existing staircase would allow access to this level, with a new staircase proposed down to this floor. Those works are acceptable and justified.
- 4.4.9 The lower ground floor would be refurbished to accommodate community and workspaces. The proposals include the removal of later elements, such as partition walls and raised floors, which are of low or no significance. Those works reveal the original character and construction, thereby providing a more open feel to the substantial space.
- 4.4.10 Conversely, there would be a combination of flexible screening and permanent partitions installed to provide meeting rooms and collaborative workspaces, as well as a relocated café area. Nevertheless, the screening and partitions that define the spaces would be largely glazed, which would still allow the larger space and the features to be appreciated. The glazed partitions are to be scribed to the underside of the vaulted ceiling to reduce any direct harm. Additionally, some of the existing rooms that form part of the later phase will be re-used as toilet facilities and storage, which is an appropriate location for those facilities.
- 4.4.11 The upper level is the principal space and has experienced a substantial amount of alterations and loss of historic fabric over the years. However, regardless of the scarring and harm caused as a result of extensive 20th century alterations to accommodate the cinema use, the main 'hall' space retains its key historic characteristics and a number of significant surviving details. The upper level is a large cathedral like open space, with the barrel-vaulted ceilings spanning across the width of the space, and principal views towards the rose window at its west end, with surviving full height Victorian Gothic windows (incorporating stained glass) on its north elevation. There are remnants of the later cinema use still extant, with embedded steels and modern openings interspersed around historic details.
- 4.4.12 Largely, the proposals would retain the sense of space, upon arrival, with the vaulted ceiling, Victorian Gothic window and tracery and rose window retained and would be fully appreciated within the space. A key aspect of the proposal is noted as *'to retain the flexibility of the space to accommodate a variety of functions, including performances, assembly and exhibitions etc.'* However, there would be a new intervention of a hub created at the entrance point of the upper floor, with a new partial mezzanine above. The purpose of the hub is described as to *'serve the multiple functions of the space, while also creating an element of separation between the main entrance block and the lower*

ground floor level and will house a bar/café use as well as a viewing platform for performances/events.'

- 4.4.13 The principle of those works is broadly acceptable. Their positioning to the east of the building would largely retain the openness and appreciation of the full height space on this floor. In this regard, given the need to gain a long term and sustainable use for the building the 'hub' itself would not result in a substantive degree of harm to the significance of the building's interior.
- 4.4.14 The proposals also utilise the adjacent 1920s block, providing access to new expressed 'pods' overlooking the main space, which would project from the historic lancet windows on the southern spine wall. The drawings provided show that the pods would protrude from the original arches, where the tracery has been lost, which is a satisfactory approach. The BwD Heritage Advisor has raised specific concerns regarding the installation of cantilevered pods projecting from the lancet windows and the use of mirror cladding for those features. A better approach would be a more subdued design approach that better reveals the lancet windows, particularly as the current inconsistent array of materials are to be removed, improving their appearance. A condition is therefore recommended to control those details.
- 4.4.15 Within the principal area (Level 02), the historic vaulted ceiling, with embossed metal panels, would be restored and panels replaced (where missing), to match existing. This is a further positive improvement of the scheme. Regarding the principal space, whilst attending a site meeting and discussing the various uses of the building, for example concerts, the issue of potential noise and the existing full height Victorian Gothic windows was raised. The use of secondary glazing would likely be the only feasible way to soundproof the building, yet such an approach would come with significant heritage harm alongside associated costs. Such an approach is not justified for these proposals given their town centre location. Noise impacts are covered in a greater level of detail below in Section 4.6.
- 4.4.16 Regarding the 1920s block, through introducing the pods to the upper level, the submission documents explain that it is necessary to extend the roof height of its western section to achieve the requisite clearance. This approach also provides an opportunity to create an external roof terrace level. As a later part of the building, this area has been striped back and it is the best place to create elevated landings from which to access the principal space beyond, particularly as it is nestled behind the original parts of the former Cotton Exchange. This is also the best place to provide service facilities like toilets, staff rooms and breakout areas.
- 4.4.17 Similarly, there is no objection to this new block being clad externally in a standing seam metal cladding, nor the membrane flat roof and balustrade and roof lights, as these parts of the proposal are new additions on the newly raised roof, utilising the former area of the later 20th century building, concealed mostly out of view from the main façade and principal views of the building. Utilising the existing roof turrets and roof void (to house new ducting and ventilation units) for extraction and ventilation for a passive ventilation system, is also

acceptable. Furthermore, the reuse of the historic grilles and ridge cowl is a sustainable approach to the servicing of the building.

- 4.4.18 The BwD Heritage Advisor has identified that the raw and altered state of the building would require some finishing work, particularly when considering the utility/service materials (cables, pipework/ducting/plastering etc), to which some of the extant materials are currently exposed. This information, including full details of proposed materials and a methodology for repair should be provided and agreed. A condition is therefore recommended to control those details.
- 4.4.19 Regarding the roof terrace, the re-use of the flat roof currently serving a fire escape as an external space for the inner bar use to spill out on to, is acceptable. Again, this is a later part of the building, with a lesser significance and given its location would be concealed behind the octagonal entrance tower, limited visual impact would be caused by that feature. Such conclusions are also applicable to the new lift, which would serve the entrance tower and would extend out and above this new terrace. The materiality of which will be consistent with that of the 1920s block extension, as noted above.
- 4.4.20 Regarding the proposed external works, those works largely consist of the cleaning and localised repairs of masonry. The proposed cleaning methods are appropriate and they would lead to minimum intervention. The submission details note that repairs will be carried out on a 'like for like' basis, with matching stone used and a suitable lime mortar mix proposed for pointing and repointing works (to be assessed in further detail through a process of sampling). In principle, this is satisfactory, but sampling reports and subsequent material proposals are required once these have been determined. A condition is recommended to control those details.
- 4.4.21 All repair and replacement materials are noted as being on a 'like for like' basis, and include slates, leadwork to gutters, rainwater outlets, stained glass. This is a satisfactory approach but full details and full methodology are required. A condition is recommended to control those details. In addition to the renewal of leadwork, it is proposed that overflow/spitter chute outlets are created in existing outlet positions (in matching lead) in order to create a traditional means for detection of blockages/defects etc; defective rainwater goods are proposed to be replaced in a heritage cast aluminium to match existing profiles. Again, this is a satisfactory approach, yet further clarity is required for those works through the submission of a repair methodology.
- 4.4.22 In regard to the proposed replacement glazed double entrance doors and painted hardwood framed double-glazed windows to the lower ground floor windows, those existing are all modern replacements, many of which include full height window/door stickers, and do not contribute to the building's significance. As such, their proposed replacement is acceptable. Whilst the interior proposals bring forward some change to the former Exchange interior, largely it retains the building as it is in its raw, altered and scarred appearance, with some modern additions. Where the most notable changes are, they are located in or were part of the 20th century phase, which in my view is where the

most change is best place to take place, as this phase although an important phase of the building's history is of a slightly lesser importance than the original Cotton Exchange building.

4.4.23 Overall, the modern elements of the scheme (roof, hub and pods) result in a visual change to the listed building, the pod elements particularly being out of context with the aesthetic significance of the listed building and therefore resulting in some slight visual harm (low end less than substantial). Subject to certain details being agreed by way of planning conditions, those interventions are well justified.

4.4.24 The wider proposals would see the retention and repair of the key structure, retaining the important detail and providing a new viable re-use for the important town centre building. This brings forward considerable positive (public) benefits that will improve the visual appearance of the wider building and provide an uplift to this part of town. Most importantly, the scheme will help sustain the longer-term significance and conservation of the building, which provides significant public benefits.

4.4.25 The BwD Heritage Advisor has identified a certain level of harm in their comments, which is on the less than substantial scale. In this situation, Policy DM26 states that such an outcome will only be permitted where there is a clear justification, and this is outweighed by the public benefits of the proposal. Such a conclusion can be easily made here due to the abundance of benefits to be provided. The controlling of certain unsympathetic internal design features and repair methodologies affords further support for the proposals.

4.4.26 In addition, the BwD Heritage Advisor has raised no particular concerns regarding the setting of nearby listed buildings or the conservation area more broadly. Such conclusions are perfectly justified, and any heritage harm identified would be limited to the site itself. For those reasons, and subject to compliance with the aforementioned conditions, the proposed development would be acceptable with reference to heritage assets, in accordance with the relevant requirements Policies CP7 and DM26.

4.5 Archaeology

4.5.1 The application site is recognised as a heritage asset by its designation as a listed building on the National Heritage List for England. Further requirements within Policy DM26 state that development that affects an archaeological site of less than national importance will only be permitted where its significance is sustained or enhanced in line with the importance of the remains. Preference will be for in situ preservation unless the public benefits of the proposal can be demonstrated. Where this is not justified, the proposal will be required to carry out a programme of excavation and recording before or during development.

4.5.2 LCC Archaeology have reviewed the merits of the application and no objections have been raised. A condition has been advised regarding the implementation of a programme of building recording and analysis, which must be carried out in accordance with a written scheme of investigation. It is recommended that the

condition be added. Subject to compliance with that condition, the proposed development would be acceptable with reference to archaeology, in accordance with the relevant requirements Policy DM26.

4.6 Residential Amenity

- 4.6.1 The site occupies a town centre location yet there are some residential properties on neighbouring streets. The building to the north, 79-83 King William Street also has an extant permission for residential conversion, which was supported under application 10/22/0700. Safeguarding the amenities of those neighbours is an important material planning consideration. Policy DM02 states that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for existing and future occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, open space provision and the relationship between buildings.
- 4.6.2 The potential for noise complications to arise is the only residential amenity consideration with these proposals. BwD Public Protection have reviewed the merits of the application, and a noise assessment has been requested prior to determining the application. As detailed above, the building is currently in a state of disrepair internally and soundproofing it would require a significant level of work alongside extensive costs. A Noise Assessment has not been insisted upon due to site's town centre location.
- 4.6.3 The Agent has advised that the current occupiers have hosted a number of previous events under a Temporary Events Notice licence, in conjunction with the Council and its specialist sound engineers. BwD Public Protection have advised that no noise complaints have been received following those events. The same stringent licensing restrictions would apply moving forward, albeit on a more permanent basis. There is currently no fixed events programme for the site going forward, and the nature of forecasted events would vary, with the majority (such as exhibitions) not generating much noise. Noise-generating events such as concerts/music events are anticipated to be much less frequent. A condition is recommended to limit the opening hours of the approval to midnight, as per the finishing times of those previous events.
- 4.6.4 Regarding the extant permission at 79-83 King William Street, an alleyway would provide a certain level of sound insulation. The approved layouts for the apartments show that the stairs/lobbies would provide sound buffering should they be occupied. When considered collectively, those outcomes adequately negate the need for a noise assessment to be provided. Subject to compliance with the recommended operating hours condition, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy DM02.

4.7 Highways and Parking

- 4.7.1 The site occupies a town centre location with an abundance of parking opportunities and regular public transport links positioned within walking distance. Policy DM29 states that development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users (including bus passengers, refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced. Appropriate provision must also be made for vehicle access and off-street servicing. Concerns have been raised in public comments regarding parking arrangements.
- 4.7.2 The site has no off-street vehicle parking provisions or appropriate land to provide such facilities. That said, such an outcome is not a cause for concern with this site when its historic uses and town centre location are taken into account.
- 4.7.3 Relatively significant external works are proposed, which would likely cause some highway disruptions. A condition is therefore recommended to control the logistics of the construction phase. Subject to compliance with that condition, the proposed development would be acceptable with reference to highways and parking, in accordance with the relevant requirements of Policy DM29.

4.8 Ecology and Biodiversity Net Gains

- 4.8.1 The site is a partly vacant building that has the potential to provide habitat for protected species. Policy CP6 states that new development will be required to conserve and enhance biodiversity, geodiversity and landscape features ensuring that recognised priority species and habitats are protected, enhanced and supported.
- 4.8.2 A measurable biodiversity net gain of no less than 10% must also be achieved which must be evidenced through the latest recognised metric and preferably delivered on-site. Furthermore, Policy DM15 states that development should be designed to protect and enhance existing habitats and ecological networks, including wildlife corridors and stepping stones. Development should minimise any potential disturbance to species and habitats, for example from site lighting, air pollution, and noise.
- 4.8.3 A Bat Survey Report has been submitted in support of the application. The BwD Ecological Advisor has reviewed the submitted report and the merits of the application as a whole. No objections have been raised. The building was judged to have moderate bat roost potential, and as such two activity surveys were carried out. No roosting activity was observed during any of the bat surveys. No evidence of bats was found during the survey and the building for demolition was found to have negligible potential to support roosting bats.
- 4.8.4 Conditions have been advised to control sources of external lighting, the timing of works and to ensure the development is implemented in accordance with the

mitigation measures set out in the submitted report. It is recommended that all of those conditions are added.

- 4.8.5 Regarding biodiversity net gain, Policy CP6 requires a measurable uplift of 10% to be achieved. However, this application was submitted a number of months before the introduction of those requirements and the Council is currently in a transitional period. It would be unreasonable to expect the developer to undertake a full biodiversity net gain assessment due to that.
- 4.8.6 The BwD Ecological Advisor has suggested that ecological enhancements measures should be secured for the site via an appropriately worded condition, which is also recommended to be added. Those measures can only realistically include the installation of bird and bat boxes given the nature of the site and its associated grounds. Such an approach offers a pragmatic solution to securing biodiversity net gain following the recent adoption of the new Local Plan. Subject to compliance with those conditions, the proposed development would be acceptable with reference to ecology and biodiversity net gains, in accordance with the relevant requirements of Policies CP6 and DM15.

4.9 Summary

- 4.9.1 These applications seek Full Planning Permission (10/23/0346) and Listed Building Consent (10/23/0353) for the complete refurbishment of the Grade II listed former Cotton Exchange/Apollo Cinema. The proposed works include elevational and roof alterations to create a mixed-use community and performance space (sui generis). Partial demolition of the 1920's block roof would be implemented. Various external improvements works, and the installation of external lighting are also proposed.
- 4.9.2 Subject to appropriate conditions, the proposed developments would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.
- 4.9.3 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposals would be acceptable in principle and in terms of design and visual amenity, heritage assets, archaeology, residential amenity, highways and parking, and ecology and biodiversity net gains.
- 4.9.4 The developments therefore comply with the development plan. There is a positive presumption in favour of approving the developments and there are no material reasons to object to the applications.

5.0 RECOMMENDATION:

That delegated authority is given to the Strategic Director of Growth & Development and Deputy Chief Executive to approve permission for the Full Planning Application (10/23/0346) and Listed Building Consent (10/23/0353) applications, subject to the following conditions and informative note;

5.1 **Full Planning Application**

- 5.1.1 The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

- 5.1.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (9420-BUT-EX-ZZ-DR-A-(00) 001-P01), 9420-BUT-EX-ZZ-DR-A-(00) 002-P01, 9420-BUT-EX-ZZ-DR-A-(00) 003-P01, 9420-BUT-EX-ZZ-DR-A-(01) 001-P01, 9420-BUT-EX-ZZ-DR-A-(01) 002-P01, 9420-BUT-EX-ZZ-DR-A-(01) 004-P01, 9420-BUT-EX-ZZ-DR-A-(02) 001-P01, 9420-BUT-EX-ZZ-DR-A-(02) 002-P01, 9420-BUT-EX-ZZ-DR-A-(02) 003-P01, 9420-BUT-EX-ZZ-DR-A-(03) 001-P01, 9420-BUT-EX-ZZ-DR-A-(03) 002-P01, 9420-BUT-EX-ZZ-DR-A-(03) 003-P01, 9420-BUT-EX-ZZ-DR-A-(03) 004-P01, 9420-BUT-EX-ZZ-DR-A-(04) 002-P01, 9420-BUT-EX-ZZ-DR-A-(04) 003-P01, 9420-BUT-EX-ZZ-DR-A-(04) 004-P01, 9420-BUT-EX-ZZ-DR-A-(05) 002-P01, 9420-BUT-EX-ZZ-DR-A-(05) 003-P01, 9420-BUT-EX-ZZ-DR-A-(06) 001-P01, 9420-BUT-EX-ZZ-DR-A-(06) 002-P01, 9420-BUT-EX-ZZ-DR-A-(06) 003-P01, 9420-BUT-EX-ZZ-DR-A-(06) 004-P01, 9420-BUT-EX-ZZ-DR-A-(11) 001-P01, 9420-BUT-EX-ZZ-DR-A-(11) 002-P01, 9420-BUT-EX-ZZ-DR-A-(14) 001-P01, 9420-BUT-EX-ZZ-DR-A-(14) 002-P01, 9420-BUT-EX-ZZ-DR-A-(20) 002-P01, 9420-BUT-EX-ZZ-DR-A-(20) 004-P01, 9420-BUT-EX-ZZ-DR-A-(20) 010-P01, 9420-BUT-EX-ZZ-DR-A-(20) 011-P01, 9420-BUT-EX-ZZ-DR-A-(20) 012-P01, 9420-BUT-EX-ZZ-DR-A-(20) 013-P01, 9420-BUT-EX-ZZ-DR-A-(21) 001-P01, 9420-BUT-EX-ZZ-DR-A-(21) 002-P01, 9420-BUT-EX-ZZ-DR-A-(21) 003-P01, 9420-BUT-EX-ZZ-DR-A-(21) 005-P01, 9420-BUT-EX-ZZ-DR-A-(24) 001-P01, 9420-BUT-EX-ZZ-DR-A-(20) 001-P02, 9420-BUT-EX-ZZ-DR-A-(05) 001-P02, and 9420-BUT-EX-ZZ-DR-A-(04) 001-P02.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

- 5.1.3 Prior to the application/installation, details confirming the exact type of any new external materials to be used in the construction of the development hereby approved, together with details confirming the colours and finishes of any new doors and windows to be installed, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved materials and details.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of visual amenity and safeguarding the historical significance of the listed building and conservation area, and to comply with the requirements of Policies CP7, CP8, DM26 and DM27 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.1.4 No development shall commence on site, including any clearance, demolition or preparation works, until the applicant or their agent or successors in title has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a Level 3 record of the building as set out in 'Understanding Historic Buildings' (Historic England 2016). This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists (CIfA). Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.

REASON: In order to ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings, and to comply with the requirements of Policies CP7 and DM26 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.1.5 The development hereby approved shall only be open to members of the public between the hours of 9:00 – 00:00.

REASON: In order to minimise noise impacts associated with the development, in the interests of residential amenity, and to comply with the requirements of Policy DM02 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.1.6 No development shall commence on site unless and until, a Construction Method Statement has first been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for but not be exclusively limited to the following;

- a) The parking of vehicles of site operatives and visitors;
- b) The loading and unloading of plant and materials;
- c) The storage of plant and materials;
- d) The locations of any required scaffolding;
- e) The locations of operational cranes, where relevant;
- f) Measures to control the emissions of dust and dirt, where relevant;
- g) Measures to control noise and vibrations, where relevant;
- h) A scheme for the recycling/disposing of waste;
- i) Any required security hoardings;
- j) Details of the type, position and height of any required external lighting;
- k) Details of working hours, and;
- l) A compound plan showing the location of the above measures.

The development shall thereafter be implemented in strict accordance with all of the approved details.

REASON: In order to minimise disruptions during the construction phase, in the interests of highway safety, and to comply with the requirements of Policy DM29 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.1.7 No development shall commence on site unless and until a scheme detailing biodiversity enhancement measures has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved scheme and shall not be brought into use until the agreed measures have been provided in their entirety.

REASON: In order to ensure ecological enhancement measures are provided in support of the development, in the interests of biodiversity and securing biodiversity net gains, and to comply with the requirements of Policies CP6 and DM15 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.1.8 Prior to their installation, details overviewing the types, positions and heights of any new external lighting sources to be incorporated as part of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details. Any external lighting installed must also comply with the Institute of Lighting Professionals Guidance Note 8 (Bats and Artificial Lighting).

REASON: In order to minimise the potential for disturbance to occur for nocturnal species, in the interests of biodiversity, and to comply with the requirements of Policies CP6 and DM15 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.1.9 No works in support of the development hereby approved involving demolition shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey produced by a suitably experienced ecologist has first been carried out immediately prior to any demolition works taking place. In such situations, written confirmation that no active bird nests are present shall have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works. The development shall thereafter proceed with any recommended mitigation measures.

REASON: In order to minimise disturbance for nesting bird populations during the construction phase, in the interests of biodiversity, and to comply with the requirements of Policies CP6 and DM15 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

5.2 **Listed Building Consent**

- 5.2.1 The works hereby approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

REASON: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

- 5.2.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (9420-BUT-EX-ZZ-DR-A-(00) 001-P01), 9420-BUT-EX-ZZ-DR-A-(00) 002-P01, 9420-BUT-EX-ZZ-DR-A-(00) 003-P01, 9420-BUT-EX-ZZ-DR-A-(01) 001-P01, 9420-BUT-EX-ZZ-DR-A-(01) 002-P01, 9420-BUT-EX-ZZ-DR-A-(01) 004-P01, 9420-BUT-EX-ZZ-DR-A-(02) 001-P01, 9420-BUT-EX-ZZ-DR-A-(02) 002-P01, 9420-BUT-EX-ZZ-DR-A-(02) 003-P01, 9420-BUT-EX-ZZ-DR-A-(03) 001-P01, 9420-BUT-EX-ZZ-DR-A-(03) 002-P01, 9420-BUT-EX-ZZ-DR-A-(03) 003-P01, 9420-BUT-EX-ZZ-DR-A-(03) 004-P01, 9420-BUT-EX-ZZ-DR-A-(04) 002-P01, 9420-BUT-EX-ZZ-DR-A-(04) 003-P01, 9420-BUT-EX-ZZ-DR-A-(04) 004-P01, 9420-BUT-EX-ZZ-DR-A-(05) 002-P01, 9420-BUT-EX-ZZ-DR-A-(05) 003-P01, 9420-BUT-EX-ZZ-DR-A-(06) 001-P01, 9420-BUT-EX-ZZ-DR-A-(06) 002-P01, 9420-BUT-EX-ZZ-DR-A-(06) 003-P01, 9420-BUT-EX-ZZ-DR-A-(06) 004-P01, 9420-BUT-EX-ZZ-DR-A-(11) 001-P01, 9420-BUT-EX-ZZ-DR-A-(11) 002-P01, 9420-BUT-EX-ZZ-DR-A-(14) 001-P01, 9420-BUT-EX-ZZ-DR-A-(14) 002-P01, 9420-BUT-EX-ZZ-DR-A-(20) 002-P01, 9420-BUT-EX-ZZ-DR-A-(20) 004-P01, 9420-BUT-EX-ZZ-DR-A-(20) 010-P01, 9420-BUT-EX-ZZ-DR-A-(20) 011-P01, 9420-BUT-EX-ZZ-DR-A-(20) 012-P01, 9420-BUT-EX-ZZ-DR-A-(20) 013-P01, 9420-BUT-EX-ZZ-DR-A-(21) 001-P01, 9420-BUT-EX-ZZ-DR-A-(21) 002-P01, 9420-BUT-EX-ZZ-DR-A-(21) 003-P01, 9420-BUT-EX-ZZ-DR-A-(21) 005-P01, 9420-BUT-EX-ZZ-DR-A-(24) 001-P01, 9420-BUT-EX-ZZ-DR-A-(20) 001-P02, 9420-BUT-EX-ZZ-DR-A-(05) 001-P02, and 9420-BUT-EX-ZZ-DR-A-(04) 001-P02.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

- 5.2.3 Prior to the application/installation, details confirming the exact type of any new external materials to be used in the construction of the development hereby approved, together with details confirming the colours and finishes of any new doors and windows to be installed, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved materials.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of safeguarding the historical significance of the listed building, and to comply with the requirements of Policies CP7 and DM26 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.2.4 Prior to its installation, amended plans of the balustrade shown on the approved plan '9420-BUT-EX-ZZ-DR-A-(24) 001-P01' shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of safeguarding the historical significance of the listed building, and to comply with the requirements of Policies CP7 and DM26 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.2.5 Prior to their installation, amended plans of the viewing pods as shown on the approved plans '9420-BUT-EX-ZZ-DR-A-(06) 001-P01 and 9420-BUT-EX-ZZ-DR-A-(06) 003-P01' shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of safeguarding the historical significance of the listed building, and to comply with the requirements of Policies CP7 and DM26 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.2.6 No development shall commencement on site unless and until, sampling reports together with a repair methodology/specification for works to the building has first been submitted to and approved in writing by the Local Planning Authority. The methodology/specification shall include full details of the treatment of the external fabric of the building including any re-pointing or repairs to brickwork and stonework, slates, leadwork to gutters, rainwater outlets, stained glass, and the treatment of the interior, including finishes. The development shall thereafter be implemented in strict accordance with the approved materials and details.

REASON: In order to ensure any repair works undertaken are implemented in a sensitive manner, in the interests of maintaining the historical significance of the listed building, and to comply with the requirements of Policies CP7 and DM26 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

- 5.2.7 No development shall commence on site, including any clearance, demolition or preparation works, until the applicant or their agent or successors in title has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a Level 3 record of the building as set out in 'Understanding Historic Buildings' (Historic England 2016). This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists (CIfA). Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.

REASON: In order to ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings, and to comply with the requirements of Policies CP7 and DM26 of the Blackburn with Darwen Borough Council Local Plan (adopted 2024).

6.0 PLANNING HISTORY

- 10/23/0915 (Full Planning Application) and 10/23/0919 (Listed Building Consent) – Installation of new handrails to external stepped entrance off King William Street – Approved, with conditions – December 2023.

- 10/22/0700 (79-83 King William Street) – Change of Use of a Retail Unit to a Mixed Use Comprising of Class E (Retail) at Ground Floor & 2 no. Upper Floor Flats (C3) – Prior approval is not required – September 2022.
- 10/10/1028 – Change of use from Cinema to A4 use – Approved, with conditions – December 2010.
- 10/10/1027 – Change of use from Cinema to A3 use – Approved, with conditions – December 2010.
- 10/10/0870 – Change of use from cinema to A1 use – Approved, with conditions – December 2010.
- 10/06/0328 – Change of use from Cinema to A1 Retail – Approved, with conditions – June 2006.
- 10/06/0280 – Use as A3 Restaurant – Approved, with conditions – May 2006.
- 10/06/0279 – Use as A4 Public House/Bar – Approved, with conditions – May 2006.

7.0 CONSULTATIONS

- 7.1 BwD Heritage Advisor – As I am required to do so, I have given the duty's imposed by s.16(2), 66(1) of the P(LBCA) Act 1990 (as amended by s.58B of Levelling-up and Regeneration Act 2023) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments. It will be down to the LPA to consider whether the benefits (public) of the case which sees the sustainable re-use of the building outweigh the identified less than substantial harm caused by the proposed works themselves.

P.199 on the NPPF requires great weight needs to be given to that harm. P.202 of the NPPF allows for the benefits to be weighed against the harm and the benefits include securing an optimum viable use for the building. Subject to further details and/or Conditions, if the LPA is satisfied that a positive balance can be achieved, then the proposal would meet the objectives of Chapter 16 of the NPPF and accord with the heritage policies of the Local Plan.

- 7.2 BwD Public Protection – An assessment shall be submitted that determines the likely noise impacts of the proposed amplified music events and, where appropriate, identifies mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. All potential impacts must be assessed.
- 7.3 BwD Ecological Advisor – The application is accompanied by a Bat Survey Report (TEP, October 2023) which included a daytime bat survey and results of 2 activity surveys. This assessment was undertaken following best practice guidelines by a suitably experienced ecologist.

The building was judged to have moderate bat roost potential, and as such two activity surveys were carried out. No roosting activity was observed during any of the bat surveys. No evidence of bats was found during the survey and the building for demolition was found to have negligible potential to support roosting bats. Based on the above, we would make the following recommendations:

Any new external lighting must be designed in line with best practice guidelines to avoid impacts on nocturnal animals such as bats. Work (including building renovation and any vegetation and site clearance) should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

Given the mobile nature of bats, and the potential roost features which are present on the building, the renovation works must follow the Reasonable Avoidance Measures (RAMs) outlined in section 5.2 -5.5 of the Bat Survey Report. Biodiversity enhancements should be delivered by this application, and can include provision of bat and bird boxes to be incorporated into the building.

An informative should be used so that the applicant is aware of the legal protection that certain species receive and that the granting of planning permission does not negate the need to abide by the laws that are in place to protect biodiversity. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the development, work should cease immediately, and an ecologist/LPA should be contacted.

7.4 BwD Drainage – No objections.

7.5 LCC Archaeology – The building which is the subject of this application has been recognised as a heritage asset by its designation as a listed building on the National Heritage List for England. It has been altered and had a great deal of its historic fabric stripped out in the relatively recent past which will have removed evidence for its use both as a Cotton Exchange in the heyday of the Lancashire cotton industry, and for the building's later conversion and use as a cinema. The details provided to support the application show that there is significant evidence in the building for some of the alterations and the original layouts.

We would advise therefore that an archaeological building record should be made of the building prior to any conversion and refurbishment works. It may be necessary to carry this out as a phased operation in conjunction with some of the proposed conversion and refurbishment works as some areas of the building may not be accessible for close inspection but will become so as scaffolding or aerial platforms are deployed. The recording can be secured by attaching a condition to any planning permission or listed building consent that is granted.

7.6 Lancashire Fire and Rescue – It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.

7.7 Historic England – No comments.

7.8 National Amenities Society – no comments.

7.9 Summary of public responses received:

- An ongoing land dispute is applicable for part of the building .
- There are already too many food/coffee shops in the area.
- Parking issues may be caused.

8.0 CONTACT OFFICER: Christian Barton – Senior Planner

9.0 DATE PREPARED: 5th February 2024

10.0 SUMMARY OF PUBLIC REPRESENTATIONS

Objection – Abu Hussain, Eanam Law t/a Misha Wallis & Co Solicitors, 58-62 King William Street, Blackburn. Received: 06/11/2023.

We write in relation to the above-mentioned planning application.

We object to the planning application due to the saturation of the area, especially in regards to the food and coffee shops that have opened. The further addition will cause rubbish and litter to increase as well as further issues for parking in an area already limited and congested with traffic and parking.

Within the last few months at least 4/5 eateries have opened within a 100 meter of each other, which are all similar in type.

Objection – Mr Naser Rasool, 5C Town Hall Street, Blackburn. Received: 11/12/2023.

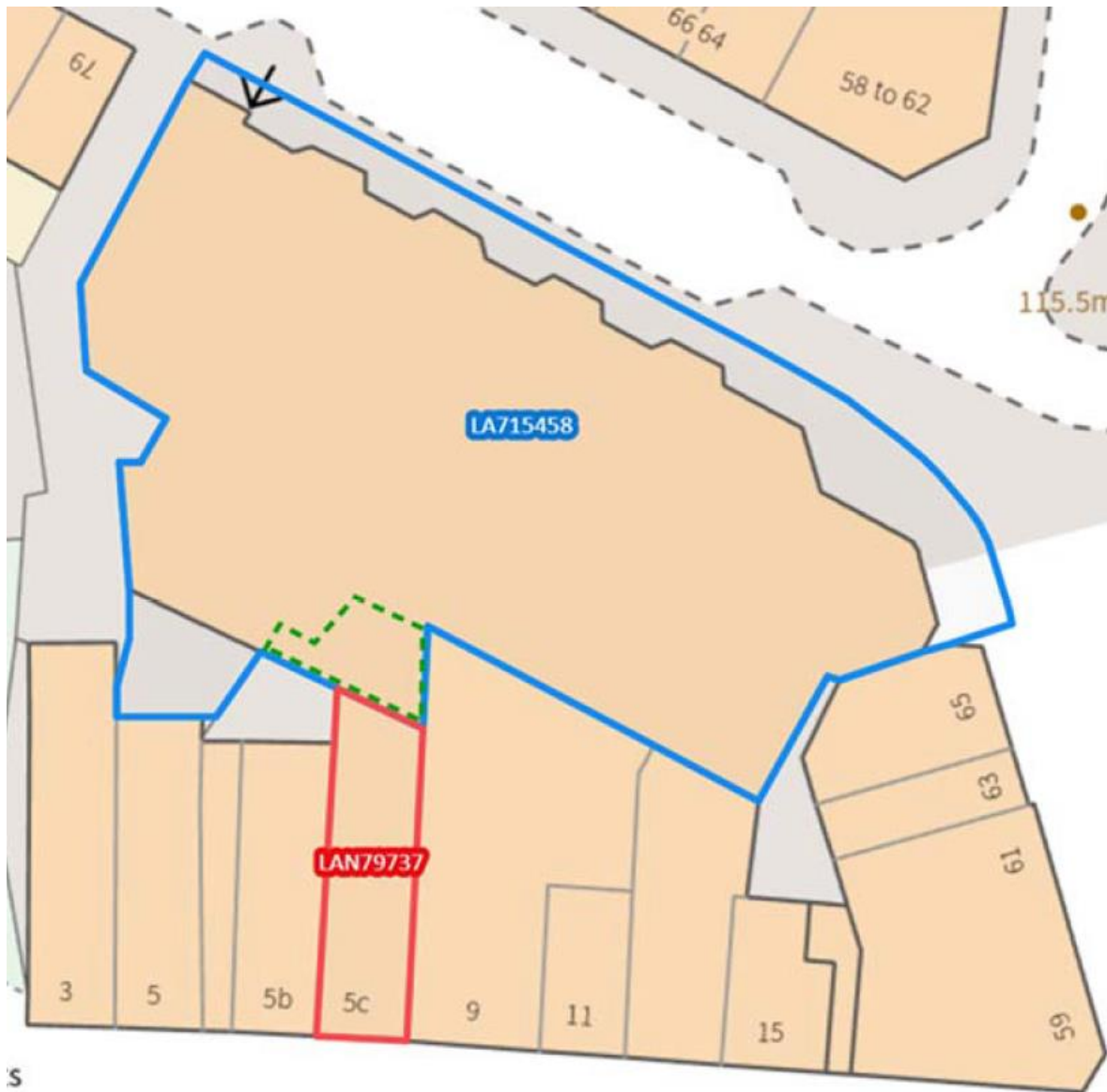
Dear Sir/Madam

Planning Application Number: 10/23/0346.

Our client: Mr Naser Rasool – owner of the leasehold interest at 5c Town Hall Street, Blackburn.

We are instructed on behalf of Naser Rasool, the owner of the leasehold interest and current occupier of 5c Town Hall Street, Blackburn. Mr Rasool occupies this property for the purpose of carrying on his business. We are writing to you on his behalf.

We note the attached site location plan which shows the ownership boundary for the land to be developed. However, we write to inform the Planning Department that our client is entitled to possessory title of part of the proposed development land by way of adverse possession. Below is a plan showing the extent of the property acquired by way of adverse possession (shown on the plan below edged hatched green ("Green Land")). Our client will say that this Green Land forms part of his unit and we are currently in the process of collecting evidence from earlier owners and occupiers. At this stage, any proposed re-development of that Green Land will be opposed.



Re:Source Blackburn's solicitors are aware of our client's interest.

I should be grateful if our clients' comments be noted in respect of this application.
