

Planning Committee

Date: **1 April 2026**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Thomson (Chair), Cattell, Earthey, Nann, Parrott, Robinson, Shanks, Sheard, C Theobald and Pickett

Conservation Advisory Group Representative

Contact: **Shaun Hughes**
Democratic Services Officer
01273 290569
shaun.hughes@brighton-hove.gov.uk

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk.
Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through
ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper.

AGENDA

184 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

185 MINUTES OF THE PREVIOUS MEETING

7 - 20

Minutes of the meeting held on 4 March 2026.

186 CHAIR'S COMMUNICATIONS

187 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 26 March 2026.

188 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

189 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

Public Speakers Note: Any persons wishing to speak at a meeting of the Planning Committee shall give written notice of their intention to do so to the Democratic Services Officer **4 working days** before the meeting (the Committee usually meet on a Wednesday, which means the notice has to be received by 12 noon the preceding Thursday).

To register to speak please email Democratic Services at:
democratic.services@brighton-hove.gov.uk

Speakers are allocated a strict 3 minutes to address the committee. If more than one person wishes to speak, the 3 minutes will need to be shared, or one person may be elected by communal consent to speak for all.

MAJOR APPLICATIONS

A BH2025/02723 - The Hippodrome, 51 - 52 Middle Street, Brighton - Full Planning **21 - 72**

MINOR APPLICATIONS

B BH2025/02726 - The Hippodrome, The Hippodrome, 51 - 52 Middle Street, Brighton - Listed Building Consent **73 - 112**

C BH2025/00500 - 23C Shirley Drive, Hove - Full Planning **113 - 138**

D BH2025/02981 - 15 Auckland Drive, Brighton - Full Planning **139 - 158**

E BH2026/00121 - 2 St Heliers Avenue, Hove - Removal or Variation of Condition **159 - 170**

INFORMATION ITEMS

190 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

171 - 172

(copy attached).

191 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

192 APPEAL DECISIONS

173 - 174

(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Shaun Hughes, (01273 290569, email shaun.hughes@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

ACCESS NOTICE

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer, and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.** Please inform staff on Reception if this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 4 MARCH 2026

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Thomson (Chair), Cattell, Earthey, Nann, Parrott, Robinson, Shanks, Sheard, C Theobald and Pickett

Officers in attendance: Matthew Gest (Planning Team Leader), Katie Kam (Lawyer), Steven Dover (Senior Planning Officer), Helen Hobbs (Senior Planning Officer), Charlotte Tovey (Planning Officer) and Shaun Hughes (Democratic Services)

PART ONE

175 PROCEDURAL BUSINESS

a) Declarations of substitutes

175.1 None for this meeting.

b) Declarations of interests

175.2 Councillor Theobald confirmed that they had been emailed regarding 77 Braemore Road. The other committee Members stated they had also been emailed.

c) Exclusion of the press and public

175.3 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

175.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

d) Use of mobile phones and tablets

175.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to ‘airplane mode’.

176 MINUTES OF THE PREVIOUS MEETING

176.1 **RESOLVED** – The minutes of the meeting held on 4 February 2026 were agreed.

177 CHAIR'S COMMUNICATIONS

177.1 There were none for this meeting.

178 PUBLIC QUESTIONS

178.1 There were none for this meeting.

179 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

179.1 There were no requests for site visits.

180 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

180.1 The Democratic Services officer noted that all the planning applications on the agenda were minor and there were no major applications. Items A, B, G, H, I and J had speakers: therefore, these applications were automatically called for discussion.

The committee did not call applications E and F for discussion. The applications were therefore agreed as per the officer recommendations set out in each report. The updated running order would be A, B, G, H, I, J, C and D.

A BH2025/00969 - 95 Marine Drive, Rottingdean - Full Planning

1. The Planning Manager introduced the application to the committee.

Speakers

2. Roger Hanlon addressed the committee as a resident and stated that they lived to the rear of the development site. They objected to the loss of light, overshadowing and loss of amenity. The proposed height will be oppressive on neighbours, as will the bulk and massing. The proposals are higher than the existing property. The scheme includes windows that will overlook neighbours. The development will reduce view, create overshadowing, and be overwhelming.
3. Danny Tobin addressed the committee as a resident and stated that they considered the officer report to downplay the loss of light. If the committee permit the development, they will normalise the size and scale of development. The height of the proposals exceeds the existing property. The local family homes are being lost, and this development does not include any social or affordable housing.
4. Ward Councillor Fishleigh addressed the committee and stated that they considered affordable housing should be baked into the application and adhered to. Applications should adhere to the policies of the neighbourhood plan. The committee were asked to refuse the application.
5. Rory Ellacott addressed the committee as the agent acting on behalf of the applicant and stated that the application was amended and the design was in character with the neighbours. The development is lower than the neighbouring buildings. The National Planning Policy Framework (NPPF) states more homes are wanted, and there are nine

in the proposed development, which has been appraised by the district valuer. A S106 agreement is attached to the scheme. The proposals are well designed in accordance with the city development plan.

Answers to Committee Member Questions

6. Councillor Shanks was informed that the proposals were in line with the existing forward building line, and any further forward would be considered intrusive. The proposed roofline aligns with the neighbouring properties to the sides. There is a condition for landscaping the site which includes a 2m high fence and planting. The majority of windows will be given screening. The scheme is considered to be small under the city plan. Rottingdean Parish council objections are included in the report.
7. Councillor Sheard was informed that there are nine units in the development. Housing density is measured by the number of dwellings per hectare not the number of occupiers.
8. Councillor Robinson was informed that the neighbouring properties to the rear were on higher ground. There is some pattern to the layout of properties in the area.
9. Councillor Theobald was informed that the size of the scheme did not draw a contribution to balance the lack of affordable housing. There will be a late review imbedded in the S106 agreement. The seafront is considered the streetscene. The number of flats in the neighbouring developments to the sides is four and a private family home.
10. Councillor Earthey was informed that the Rottingdean Neighbourhood Plan covered the village vernacular, however, at the site location there is a huge variety of styles and design. The neighbouring properties were constructed before the Rottingdean Neighbourhood Plan existed; therefore, the committee can only look at the proposed development on its own merits. Unsold flats in other developments in the area is not a planning issue.
11. Councillor Pickett was informed that the details for water drainage were to be submitted by condition. The details of the landscaping are also to be submitted by condition. The agent confirmed that the existing front boundary wall is to be retained. Integral car charging points will be considered by Building Control.
12. Councillor Thomson was informed that the affordable housing would be 40% of a development over nine units. Developments over five units, and under nine, will have a late-stage review. If the cost of the development decreases, then the scheme will be reassessed. The application has gone through a number of amendments to get this stage, and the negotiations have taken time.
13. Councillor Nann was informed that they could consider the objections by Rottingdean Parish Council.

Debate

14. Councillor Theobald considered the design to be poor and boring. The scheme will be large and expansive, overlooking neighbours and is an overdevelopment of the site. The councillor was against the application.
15. Councillor Shanks considered the Parish Council objections should be considered and the impact on the street scene was not good. It was not good there was no affordable housing. The councillor was against the application.
16. Councillor Robinson was not happy with the lack of affordable housing, but they understood why. The development was considered to be similar to the side neighbours. The councillor supported the application.
17. Councillor Earthey considered the development was contrary to the Rottingdean Neighbourhood Plan and was against the application.
18. Councillor Sheard considered the lack of affordable housing to not be good; however, they were able to consider what was in front of the committee. The councillor considered the housing crisis, the neighbourhood plan and the developments built before, which are massive. The scheme was not considered out of character and the density was acceptable. The councillor supported the application.
19. Councillor Parrott did not like the design; however, it was not overbearing. The councillor supported the application.
20. Councillor Thomson noted the neighbourhood plan was to protect against overdevelopment, however, officer's recommendation was to grant planning permission. The councillor supported the application.

Vote

21. A vote was taken, and by 7 to 3 the committee agreed to grant planning permission.
22. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a **s106 agreement** on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed or significantly advanced, on or before the **6 May 2026** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out at the end of the report.

B BH2025/03004 - Keasley House, 10 Franklin Road, Portslade - Full Planning

1. The case officer introduced the application to the committee.

Answers to Committee Members Questions

2. Councillor Pickett was informed that the new development considered not to have an impact on existing dwellings.
3. Councillor Robinson was informed that the application had come before the committee as the applicant was related to a council officer.

4. Councillor Sheard was informed that there was a small open space on site, however, there was a park some 200m to the west, as well as Hove Beech Park within walking distance.

Debate

5. Councillor Sheard considered the development to be nice and looking good. The councillor supported the application.
6. Councillor Theobald considered the scheme to fit well into the site, and it was a good development.
7. Councillor Robinson considered the two new homes to be good. The councillor supported the application.
8. Councillor Pickett considered the scheme to be an improvement on the existing and supported the application.
9. Councillor Earthey considered two new homes to be good and supported the application.

Vote

10. A vote was held and the committee voted unanimously to grant planning permission.
11. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

C BH2025/01589 - 80 Overhill Drive, Brighton - Full Planning

1. The case officer introduced the application to the committee.

Answers to Committee Members Questions

2. Councillor Robinson was informed that the adjoining twitten gave access to the nearby school; however, this was not the main entrance. No safety concerns have been identified regarding access to the school.
3. Councillor Theobald was informed that it was regrettable that some trees would be lost, and the trees would be replaced as part of the landscaping and BNG measures.
4. Councillor Thomson was informed that the trees can be cut down without permission if they are not in a conservation area or covered by a Tree Preservation Order (TPO).

Debate

5. Councillor Pickett considered the twitten adjoining the site to be well used and parking to be an issue. The councillor noted the objections.

6. Councillor Cattell considered the scheme to be well designed, and they asked that proper render be used. The Planning Manager confirmed that material details would be agreed by condition.
7. Councillor Theobald was concerned that the adjoining twitten would be blocked by works. The design was good; however, the loss of trees and shrubs was disappointing.
8. Councillor Shanks supported the application.
9. Councillor Sheard considered the objections to be retrospective as traffic was already an issue, and they did not consider one house to be overdevelopment, nor would there be overshadowing from this small development.

Vote

10. A vote was held, and the committee agreed unanimously to grant planning permission.
11. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of no further representations raising additional material considerations not already considered here within the re-consultation period ending 3.03.2026 and the Conditions and Informatives in the report.

D BH2025/02251 - Rockwater, Kingsway - Full Planning

1. The Planning Manager introduced the application to the committee.

Answers to Committee Members Questions

2. Councillor Shanks was informed that the retention of the huts was approved in 2025. The application was not for change-of-use. The three retail kiosks have permanent consent, and the three new cabins form the application before the committee. Users of the sauna would use Rockwater as a base to change. The management plan would cover the hours of operations.
3. Councillor Robinson was informed that the cabins do break the line with the beach huts; however, they were in line with Rockwater.
4. Councillor Shanks was informed that the Planning Manager was not aware of a need for a license to operate the proposed sauna.
5. Councillor Earthey was informed that users would change in Rockwater, and the cabins would be a sauna only.
6. Councillor Theobald was informed that the developments at the rear are currently unauthorised.

Debate

7. Councillor Sheard considered the concept to be good, and users would decide themselves if using Rockwater for showers and toilets was a good idea.

8. Councillor Shanks was concerned that the development was privatisation of public space, stating that building 'creep' was an issue. The councillor would abstain from the vote.
9. Councillor Theobald considered the kiosks were good for food and drink, and saunas had health benefits. The councillor was disappointed there were no changing areas; however, the application was a good thing.
10. Councillor Robinson considered the application could be considered over commercialisation; however, the council needed the income and to support such projects. The councillor supported the application.
11. Councillor Parrott stated they were not a fan of Rockwater as they were not 'good neighbours. Saunas are good for health and the applicant wanted to be community minded.
12. Councillor Cattell considered there was a need for visitors to the beach and commercial competition was not a planning matter. The councillor supported the application.
13. Councillor Earthey expressed concerns that there were no changing areas; however, the councillor supported the application.

Vote

14. A vote was held, and by 9 to 1 abstention, the committee agreed to grant planning permission.
15. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

E BH2025/01474 - 62 St Georges Road, Brighton - Full Planning

1. This application was not called for discussion. The officer recommendation was therefore taken as having been agreed unanimously.

F BH2025/01860 - 120 Longhill Road, Brighton - Householder Planning Consent

1. This application was not called for discussion. The officer recommendation was therefore taken as having been agreed unanimously.

G BH2025/01026 - 40 Selhurst Road, Brighton - Householder Planning Consent

1. The case officer introduced the application to the committee.

Speakers

2. Philip Leppard addressed the committee as a resident and thanked the case officer for their diligence. The hedge proposed does not reach the garage wall on the boundary. This means not all the boundary will be screened. Please ensure that the hedge

continues all the way to the garage. The patio doors replacing the side bathroom windows to the patio should be obscure glazed.

3. Amir Dadgari addressed the committee as the applicant and stated that the officer report found the changes acceptable and would cause no harm to the neighbouring properties, in accordance with policy. The application regularises the extensions. Conditions require a 1.8m hedge and fencing, which will add privacy. Obscure glazing has been added to the side windows and officers have found the design acceptable. Refusal would prolong issues with neighbours. The committee were requested to approve the application.

Answers to Committee Members Questions

4. Councillor Robinson was informed that the obscure glazing was considered translucent, however, the proposed boundary screening will resolve this.
5. Councillor Cattell was informed that the raised ground levels to the rear exceed permitted development rights. If the committee refuse the application, then it is possible that the applicant would be required to reinstate the original ground levels. The Planning Manager confirmed that if the application were refused then the situation would be looked at. It was noted that the applicant would have the right of appeal.
6. Councillor Nann was informed that the condition relating to the boundary fencing and hedge has been amended but not including an extension of the screening to the garage.
7. Councillor Pickett was informed that the details of the hedging are to be provided by condition. The applicant confirm that they proposed to extend the hedge to the garage by using planters along the existing steps. It was also noted by the applicant that the obscure glazing on the side windows has been signed off and was deemed to be compliant.
8. Councillor Thomson was informed by the applicant that the side window obscure glazing had been signed off by the Building Control officer and the planning enforcement officer.
9. Councillor Sheard was informed that the majority of the works were retrospective, including the patio doors to the study. It was noted that the condition regarding the boundary hedging required Cherry Laurel, as this would be dense, evergreen and would maintain privacy.
10. The Planning Manager confirmed that no obscure glazing was included in the application and Building Control was different to Planning.
11. Councillor Theobald was informed that the ground source heat pump would be located on the north side of the property, and by condition the noise levels are to be background only.
12. Councillor Shanks proposed that condition 2 be enhanced to include reference to fixed planters allowing the hedging to extend to the garage. Wording to be agreed.
13. Councillor Robinson seconded the motion.
14. The committee voted unanimously to amend condition 2.

Vote

15. A vote was held, and the committee agreed unanimously to grant planning permission.
16. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

H BH2024/03142 - 87 Hove Park Road, Hove - Householder Planning Consent

1. The Planning Manager introduced the application to the committee.

Speakers

2. Sinclair Bilton addressed the committee as a neighbouring resident and stated that there had been eight online objections to the application, which is most of the properties near to the application site, and they have all objected. Only one dormer required to have obscure glazing. The applicant will be able to see directly into the neighbour's kitchen via the skylights. None of the windows are 'non opening'. There are no side dormers in Hove Park Road, only Velux windows. The dormers at the rear will have panoramic views of the neighbours and will set a precedent. It was noted that Ward Councillor Lyons objects to the scheme.
3. Ward Councillor Lyons stated that they considered the proposals should not overlook neighbours and the side dormers are not in keeping with the other properties. The side dormers will be able to look into neighbour's bedrooms and kitchen areas. Other proposals have been refused, and Velux windows installed instead. The dormers also give the property a three-storey appearance. The Councillor requested that the committee refuse the application.
4. David Williams addressed the committee as the agent acting on behalf of the applicant and stated that the proposals were to be installed under permitted development, however, they decided to submit a planning application. The agent understood the neighbour's objections, and the side window to the gym has been removed from the scheme. Obscure glazing has been offered. A bat survey has been undertaken, and bat boxes are to be installed. A bat licence will be obtained if the committee agree to grant planning permission.

Answers to Committee Members Questions

5. Councillor Robinson was informed that the plans have been revised and condition four requires obscure glazing. It was noted that under certain circumstances side windows are permissible under permitted development.
6. Councillor Shanks was informed that the skylights, when over 1.7m above floor level, can be opened. The neighbour stated that their kitchen was a single storey rear extension with two skylights which allows a view of the proposed position of the dormer window.

7. Councillor Robinson was informed that limited opening windows would be challenging to enforce and any skylights less than 1.7m above floor level would be required to be fixed shut.

Debate

8. Councillor Cattell considered the development would not cause harm and the design of the dormers was good. The councillor considered it was unlikely that the applicant would stand at a window and look at the neighbours.
9. Councillor Sheard stated that they were against the forcing the windows to be shut. The councillor supported the application.
10. Councillor Robinson proposed a motion to amend condition 4 to add obscure glazing to all side dormers. Wording to be agreed.
11. Councillor Earthey seconded the motion.
12. By a vote of 5 to 4, and 1 abstention, the committee agreed to amend condition 2.

Vote

13. A vote was held and the committee agreed unanimously to grant planning permission.
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

I **BH2025/03063 - 77 Braemore Road, Hove - Householder Planning Consent**

1. The Planning Manager introduced the application to the committee.

Speakers

2. Rose Bungener addressed the committee as neighbour and stated that they were speaking for all the neighbours, and they considered the proposals should be in line with the City Plan. The proposed first floor extension will lead to a 50% loss of sunlight to the neighbour, which is not in line with policy DM20. The ground floor extension will be 50% more than others in the street, going beyond and over building lines. The additions are too wide, being 50% of the back elevation. If granted, it would be preferred if works were Monday to Friday only as neighbour has cerebral palsy. It is considered that the development breaches policies DM20 and DM21. The loft and side extensions were acceptable. The committee were requested to refuse the first-floor extension.
3. Michael Benwell addressed the committee as the agent acting on behalf of the applicant and stated that the application is nearly identical to the previous July 2022 scheme and the first floor satisfies guidance. The additions extend no further to the rear than the existing and are not a wrap around. The single storey addition includes a flat roof to reduce impact. A neighbour at number 88 has had an identical roof extension approved. The dormer is modest and there are no other rooflights. Under policy CP12 the scheme is acceptable.

Answers to Committee Members Questions

4. Councillor Nann was informed that the consistency was important and there are a variety of extensions in the area. The proposals are to the rear of the property only. The loss of light is comparable to the previously approved application. A sunlight assessment was not required. It was noted that summer and winter sunlight are different. It is not usual for this scale of development to restrict working hours, and environmental health will cover any issues arising. The legal representative confirmed that the conditions needed to be proportionate and reasonable.
5. Councillor Cattell was informed that the objecting neighbour was to the north of the application site and the overshadowing and loss of light would be predominantly to the neighbour's rear garden.
6. Councillor Theobald was informed that the ground floor extension extends 3m from the rear of the property and a development somewhat similar to the proposal could be constructed under permitted development.
7. Councillor Thomson was informed that there are a variety of extensions in the area, some more than 3m deep.
8. Councillor Robinson was informed that the first-floor extension will match the existing gable at the rear.
9. Councillor Shanks was informed that this application is different from the 2020 application in that the first-floor addition is different.

Debate

10. Councillor Nann considered the loss of sunlight for the neighbour was an issue, and they would like an agreement regarding the hours of work. The councillor was against the application.
11. Councillor Shanks stated that works would not take place on Sundays. The councillor supported the application.
12. Councillor Sheard considered that the whole year should be considered regarding sunlight, not just the shortest day of the year.
13. Councillor Robinson considered that the applicant should look at hours of working. The officer guidance was for approval. The councillor supported the application.
14. Councillor Theobald considered the effect on the rear garden of the neighbour to be not too big, however, they were not happy. The councillor was against the application.
15. Councillor Cattell considered it was unreasonable to ask the applicant to have a sun/daylight assessment. There is not a lot of sun in the winter. The councillor supported the application.

16. Councillor Thomson considered the sunlight issues to be spurious, however, reducing the hours of working to Monday to Friday would be good.

Vote

17. A vote was held, and by 7 to 3, the committee agreed to grant planning permission.

18. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

J BH2025/03024 - 2 Richmond Road - Householder Planning Consent

1. The case officer introduced the application to the committee.

Speakers

2. Dominic Furlong of the Round Hill Society addressed the committee and stated that they objected to the application on behalf of the society. The application has undergone some changes, however, there were still elements of concern. The rear dormers should under policy SP12 not unbalance or disturb the roofscape. The application property is one of four houses in a unified composition. Most properties have rooflights and the dormers at number 10 were introduced before protection was introduced.
3. Michael Doyle of the Conservation Advisory Group (CAG) stated that the group were working with the council on heritage and conservation. The groups views were represented in the case officers report. The group support the box sash windows, welcome conservation rooflights, however, there are no other rear elevation dormers in this section of buildings. The harm would be viewable from nearby roads. The group objects to the opening of the 'blind window' on the front elevation. The committee were requested to the refuse the application.
4. Chloe Lewis addressed the committee as the agent acting on behalf of the applicant and stated that they appreciated the case officer's recommendation to grant planning permission. The two rear dormers will be hard to see from nearby properties, and there are other dormers in the street and nearby. The dormers are required for stair access to the loft room. The front elevation window does not interfere with the building and there are others in the road. The twitten has been graphitised and the applicant wishes to improve on this. The applicant does not want to change the conservation area.

Answers to Committee Members Questions

5. Councillor Cattell was informed that policies SPD9 and SPD12 were used to consider the two rear dormers, and they were in line with these and there are other dormers nearby.
6. Councillor Earthey was informed that there were skylights nearby, dormers and windows in the front elevation blank space. The Planning Manager confirmed that they would be resistant to change if there were no others in the area.

7. Councillor Pickett was informed that it was possible for the bathroom to not have a window, however, there are others in the road. The councillor was informed that they needed to consider the application before them and committee could not refuse just the blank window infill.
8. Councillor Shanks was informed that the proposed bathroom window would have a hardwood frame filling the blank space. This was considered better than the UVPC windows existing in other properties.
9. Councillor Robinson was informed that the dormer windows were similar to others, however, they were on the rear.
10. Councillor Theobald was informed that the new bathroom window would fill the blank space on the front of the property. Others nearby have small windows, which may have been inserted before regularisation.
11. Councillor Thomson was informed that the grouping within the conservation area was an issue for consideration.

Debate

12. Councillor Shanks considered the conservation area was important and the committee needed to be careful. The councillor was against the application.
13. Councillor Pickett considered the blind window should remain. The councillor was against the application.
14. Councillor Theobald considered it was important to keep the conservation area standards and the twitten was a mess. The councillor was against the application.
15. Councillor Robinson considered the two dormers to be acceptable; however, they were not sure about the blank window.
16. Councillor Parrott considered the blank window to be an issue; however, the two dormers were acceptable.
17. Councillor Sheard considered it was a shame about the blank window being removed; however, the design of the replacement window was good. The councillor supported the application.

Vote

18. A vote was held, and by 7 to 3, the committee agreed to grant planning permission.
19. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

181 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

181.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

182 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

182.1 There were none for this agenda.

183 APPEAL DECISIONS

183.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 7.03pm

Signed _____ Chair

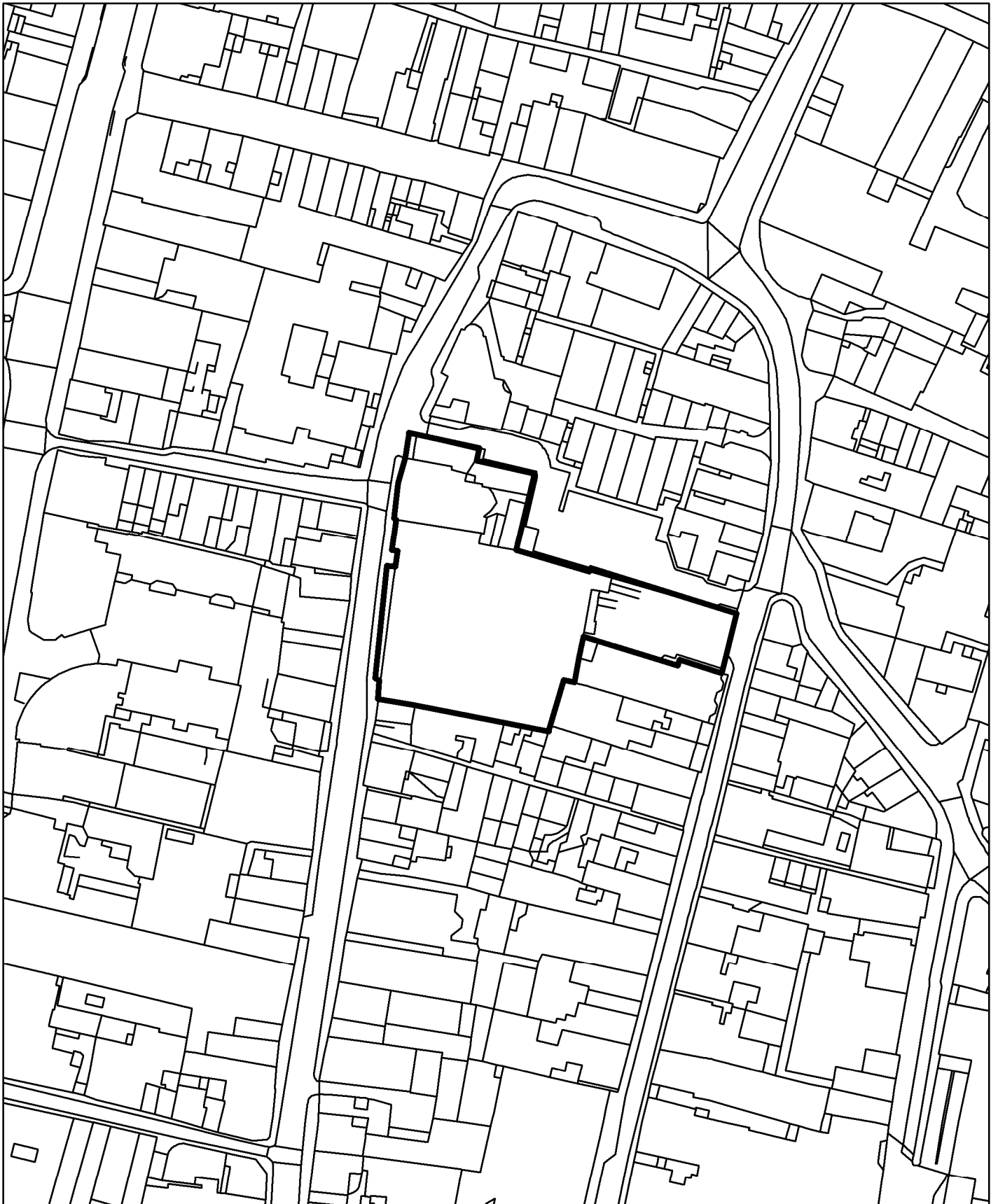
Dated this _____ day of _____

ITEM A

**The Hippodrome
51 & 52-58 Middle Street
BH2025/02723
Removal or Variation of Condition**

DATE OF COMMITTEE: 1st April 2026

BH2025 02723 - The Hippodrome, 51 & 52-58 Middle Street



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02723	<u>Ward:</u>	Regency
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Hippodrome, 51 And 52 - 58 Middle Street, Brighton		
<u>Proposal:</u>	Application to vary conditions 1, 13, 17 and 36 of planning permission BH2022/02443 (as amended by BH2025/00668) to amend approved drawings and the wording of conditions, remove conditions 31, 32, 33 and 34 and discharge conditions 15, 16 and 23 to implement changes to the design in line with the requirements of the operator including increase in maximum audience capacity.		
<u>Officer:</u>	Matthew Gest tel. (01273) 292525	<u>Valid Date:</u>	06.11.2025
<u>Con Area:</u>	Old Town Conservation Area	<u>Expiry Date:</u>	17.02.2026
<u>Listed Building Grade:</u>	Grade II*	<u>EOT:</u>	07.04.2026
<u>Agent:</u>	ECE Planning Limited, 64-68 Brighton Road, Worthing, BN11 2EN		
<u>Applicant:</u>	52-58 Middle Street Brighton Ltd, c/o ECE Planning Ltd, 64-68 Brighton Road, Worthing, BN11 2EN		

1. EXECUTIVE SUMMARY

- 1.1. The application relates to the Grade II* Hippodrome, 51 and 52-58 Middle Street. The building has a long and varied history as an entertainment venue which is summarised in the report but has been vacant since 2006. The building is in a very poor condition and remains on the “Heritage at Risk” registers for both Historic England and the Theatres Trust. The building has, however, benefited recently from a new roof, the removal of dry rot and the restoration of the auditorium plasterwork by the current owners, measures which have contributed significantly to the immediate preservation of the historic building.
- 1.2. Planning permission was granted in 2024 for a mixed-use development scheme which included a restoration, alterations and extensions to provide a multi format (flexible) performance space in the auditorium, foyer restaurant/café on Middle Street, alterations to Hippodrome House including the provision of a private members club and a new build 3-7 storey apart hotel fronting Ship Street.
- 1.3. It is understood that an operator of the Hippodrome has now been appointed and this application seeks to make a number of alterations to the approved plans to reflect their operating requirements and to enable a “shell and core” restoration to take place on site prior to the later fit out by the operator. To

facilitate this a number of the planning conditions are proposed to be varied or removed to reflect the proposed changes.

- 1.4. The physical variations proposed largely comprise; a new circular auditorium roof with an increased total height of 3m, minor alterations to the external elevations and the demolition of a small utilitarian extension at the rear of Hippodrome House. These works would facilitate the use of the Hippodrome as a music venue with ancillary offices and the application includes details of the required acoustic treatments. The proposal removes a separate restaurant/café and private members club from the approved scheme with the ground floor space instead used as additional operating area for the venue. The Apart Hotel as originally approved remains within the scheme but would reduce in number of apartments from 77 to 68.
- 1.5. The changes proposed would facilitate the use of the Hippodrome and ground and first floors of Hippodrome House as a single performance venue. Information provided indicates an increase in the audience capacity from that which was considered within the original application. This application therefore includes an assessment of an increased audience capacity from 1800 to 2300 patrons.
- 1.6. Amendments have been sought during the course of the application and a re-consultation took place in January 2026 to include an amended description of development including the audience uplift proposed.
- 1.7. The approved application in 2024 is considered to remain extant and this report considers the variations proposed. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given “considerable importance and weight”.
- 1.8. The proposed development is considered to continue to sustain and enhance both the architectural and historic significance of the buildings and the use proposed is considered to be viable and consistent with the history of the site and the ongoing conservation of this ‘at risk’ Grade II* Listed Building. The proposed development would contribute to the re-generation and vitality of this part of the Old Town Conservation Area and would also visually improve the public realm and make a positive contribution to local character and distinctiveness. The proposed changes have been assessed in regards to their visual impacts, effects upon residential amenity and highways and on balance, subject to the conditions and obligations identified, the alterations are considered acceptable and are recommended for approval.

2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **APPROVE** planning permission subject to:

A) The Conditions & Informatives set out at Appendix B

3. SITE LOCATION

- 3.1. The application relates to the Grade II* Listed Brighton Hippodrome (52-58 Middle Street) a late 19th Century venue. The building was originally constructed as an ice rink in 1896/97 and has undergone many iterations of use in its time. Most recently the building was used as a Bingo Hall and has been vacant since 2006. The building is included on Historic England's register of "buildings at risk" due to being in a substantial and ongoing state of deterioration. The building together with the associated and adjoining Hippodrome House (51 Middle Street) occupies a substantial site between Middle Street and Ship Street in the heart of the Old Town Conservation Area of the city with the principal entrance onto Middle Street and a rear yard with access from Ship Street. The site also lies within an Archaeological Notification Area.

4. RELEVANT HISTORY

- 4.1. **BH2025/01543** - Application for approval of details reserved by condition 11a (details of external materials) of application BH2022/02443, as amended by BH2025/00668.
Approved 11th November 2025
- 4.2. **BH2025/00668** - Non-Material Amendment to application BH2022/02443 to amend wording of condition 11 to allow for variation in the staging of material samples and to amend the development description to: Restoration, renovation, part-demolition works and extensions to The Hippodrome to create a new mixed use development including multi-format performance space (Sui Generis), and apart-hotel (C1), including; erection of new apart-hotel building fronting Ship Street of 3 to 7 storeys with retail (E) at ground floor, conversion of Hippodrome House to provide bar and apart-hotel, and other associated works.
Approved 4th June 2025
- 4.3. **BH2022/02443** - Restoration, renovation, part-demolition works and extensions to The Hippodrome to create a new mixed use development including multi-format performance space (Sui Generis), and apart-hotel (C1), restaurant/café (E) with rooftop bar and terrace (Sui Generis) including; erection of new apart-hotel building fronting Ship Street of 3 to 7 storeys with retail (E) at ground floor, conversion of existing Hippodrome Fly Tower to create additional rehearsal/performance space, conversion of Hippodrome House to provide bar, members club with external terrace and apart-hotel, and other associated works.
Approved 24th July 2024
- 4.4. **BH2022/02444** - Restoration, renovation, part-demolition works and extensions to The Hippodrome to create a new mixed use development

including multi-format performance space (Sui Generis), and apart-hotel (C1), restaurant/café (E) with rooftop bar and terrace (Sui Generis) including; erection of new apart-hotel building fronting Ship Street of 3 to 7 storeys with retail (E) at ground floor, conversion of existing Hippodrome Fly Tower to create additional rehearsal/performance space, conversion of Hippodrome House to provide bar, members club with external terrace and apart-hotel, and other associated works. (Listed Building Consent)
Approved 24th July 2024

- 4.5. **BH2023/02483** - Certificate of lawfulness for the proposed re-use of the building for live public performance entertainment (with ancillary provision of food and beverage).
Refused 7th November 2023
- 4.6. **BH2022/00648** - Clearance and treatment of dry rot infested areas including removal of non structural timbers and bingo hall installed fixtures and fittings.
Approved 26th May 2022
- 4.7. **PRE2021/00110** - Repair and refurbishment of existing Grade II listed building for use as an entertainment venue, also including conversion of part of the existing building to an 18 room apartment hotel, another part to office use, and a newbuild extension at the rear to create 60 additional apartment hotel rooms and a small retail unit fronting onto Ship Street. Alterations to the Listed Building will be both internal and external on all floors.
Advice issued 24th August 2021
- 4.8. **BH2021/01080** - Erection of new roof structure to the domed roof, and the demolition of several roof structures that penetrate through the existing roof fabric. (Listed Building Consent)
Approved 5th October 2021
- 4.9. **BH2021/01079** - Erection of new roof structure to the domed roof, and the demolition of several roof structures that penetrate through the existing roof fabric.
Approved 5th October 2021
- 4.10. **BH2013/04348** - Internal and external alterations to Brighton Hippodrome and Hippodrome House to form an eight screen cinema (D2) and four associated café/restaurants units (A3) to include the following works: demolition of the fly tower and other later additions and construction of replacement rear extensions; excavation works to extend existing basements; construction of two storey extension to northern elevation; reinstatement of original Hippodrome entrance on Middle Street; demolition of 11 Dukes Lane to create a new pedestrian route; new bay window to western elevation of 10 Dukes Lane, new windows to 47 Middle Street; new windows and entrance way to Hippodrome House; reconfiguration of existing service yards and parking areas; improvements to pedestrian and disabled access to Middle Street and Dukes Lane; construction of new three storey plus basement unit on land adjacent to 18-19 Ship Street (referenced as 19A Ship Street in supporting

documents and plans) comprising A1/A2/A3 use on the ground floor and B1 use on the upper floors; and other associated works.

Approved 28th November 2014

- 4.11. **BH2013/04351** - Internal and external alterations, restoration and repair to Brighton Hippodrome and Hippodrome House to facilitate conversion to cinema (D2) and associated café/restaurant units (A3) to include the following works: demolition of the rear fly tower and other later additions and construction of replacement rear extensions; construction of two storey extension to northern elevation to provide new access way into the Hippodrome; excavation works to stalls and orchestra pit; installation of mezzanine floor; reinstatement of original Hippodrome entrance on Middle Street; new windows and entrance way to Hippodrome House; and other associated works.

Approved 28th November 2014

5. APPLICATION DESCRIPTION

- 5.1. The application seeks to vary conditions 1, 13, 17 and 36 of planning permission BH2022/02443 (as amended by BH2025/00668) to amend approved drawings and the wording of conditions, remove conditions 31, 32, 33 and 34 and discharge the information relating to conditions 15, 16 and 23 to implement changes to the design in line with the requirements of the operator including increase in maximum audience capacity.

Variation to conditions

- 5.2. Planning condition 1 (approved plans list) is proposed to be amended to include:
- New auditorium roof structure (increase in total height of by 3m) to meet acoustic, ventilation and structural requirements.
 - Revised details of Middle Street frontage
 - Revised floor plans removing members club and restaurant café and proposed new venue layout
 - Removal of upper level windows and external bar and terrace from the proposal
 - Demolition of WC extension at the rear of Hippodrome House to widen the fire escape route
 - Minor design variation to northern elevation of auditorium/apart hotel to remove set back at lower levels in one section
- 5.3. Condition 13 is proposed to be amended to allow for external detailing to be approved prior to installation and not prior to works above slab level as the condition currently requires.
- 5.4. Condition 17 is proposed to be amended to allow for the shell and core demolition and works to proceed with a detailed fit out and restoration subsequently.

- 5.5. Condition 36 is to be amended to reflect the new layout and confirm all bars are Class E(b) or ancillary to the main venue use.

Removal of Conditions

- 5.6. Conditions 31, 32, 33 and 34 all relate to elements of the scheme which are proposed to be removed such as hours of use of the foyer bar and external balcony bar as well as controls on external amplified music on the terrace.

Discharge of Conditions

- 5.7. Detail is provided in the application to satisfy the requirement for further information relating to conditions 15, 16 and 23 of BH2022/02443.
- 5.8. Condition 15 requires details of the replacement entrance canopy to the Hippodrome Middle Street frontage and the entrance portico to Hippodrome House.
- 5.9. Condition 16 requires details of the submission of location and method for repositioning the Grand Master Control panel.
- 5.10. Condition 23 requires details of the auditorium ceiling paint scheme.

Amendments

- 5.11. Amended plans and further information have been provided during the course of the application. Principally an updated 'Transport Technical Note' has been provided to consider the highways impacts of the potential increased audience capacity. Other design amendments received while under consideration have reduced the height of the new auditorium roof and amended details on the Middle Street and northern elevations of the development. The applicant has also confirmed that some internal hand railing detail is now removed from the application.

Condition of the Hippodrome

- 5.12. The building has been vacant since 2006 and during this time has fallen into considerable disrepair in this time. Water ingress and an infestation of dry rot have been somewhat remedied by recent planning and listed building consents to renew the auditorium roof and remove non-structural dry rot. These consents have been implemented by the applicant. The building overall remains in a poor condition.

6. REPRESENTATIONS

- 6.1. Overall and in total **Forty (40)** public representations from **nineteen (19)** individuals and a group, the "**Old Town Alliance**", have been received objecting to the proposed development for the following reasons:
- Adverse effect on listed building
 - Adversely affects Conservation Area
 - Inappropriate height of development
 - Noise
 - Overdevelopment

- Overshadowing
- Poor design, new roof too large and will block view and restrict light
- Restriction of view
- Overlooking from south facing windows
- Concerns on material finish of new roof
- Elevations not full and don't show adjacent properties
- New build at rear would block natural light and right to light
- External terraces likely to cause noise and disturbance
- Concerns on removal of conditions 31-34 as these safeguard residential amenity.
- Concerns on noise management through the building envelope
- Concerns on increased audience capacity regarding noise, congestion and safety.
- Request to install a gate either end of twitten (Ship Street Gardens) to limit anti-social behaviour
- Opening hours should be limited to 11pm
- Concerns that public consultation is unclear
- Capacity increase should be tested after 1800 is operational
- No evident wheelchair access to some internal areas
- Questions on accessibility provision overall
- CIL documents incomplete
- New hotel will exacerbate parking/traffic issues on Ship Street
- Concerns on rear yard being used for smoking
- Conditions should be required on external areas.
- Conditions on -5db limits for plant equipment should not be relaxed
- Requests for Verified soundproofing testing
- Should not be a Section 73 application
- No crowd management information
- Middle Street should be pedestrianised
- Site is within Cumulative Stress Area and Middle Street an area already experiencing anti-social behaviour. Will worsen existing situation.
- Rubbish and debris post events
- Concerns on "off premises" alcohol licence
- Hippodrome project failed previously due to licencing concerns. Situation is now worsened.
- Objection to the discharge of waste management condition
- Reference to "Class E(b)" or "ancillary use" under Condition 36 provides no enforceable limits on hours, noise, or operation.

7. CONSULTATIONS

Internal:

7.1. **Economic Development:** No comment

7.2. **Environmental Health:** 4th December 2025 Approve

Allows changes to conditions attached to an existing planning permission without altering the fundamental nature of the approved development.

- 7.3. Further comment 18th February 2026 (noise/acoustic assessment): Comment
Following review of the Vanguardia recommendations, Environmental Health confirm that the proposed Music Noise Egress Criteria represent an appropriate and effective level of protection for neighbouring households. Environmental Health are satisfied that, with these measures secured and verified in practice, the development will not cause significant adverse noise impacts and meets the requirements of DM40, CP9 and national policy.
- 7.4. **Heritage:** 3rd March 2026 Comment / Seek Amendments
New roof structure and minor demolition in service yard do not harm heritage significance but must ensure proper restoration of historic features prior to operation
- Concerns that internal handrail is visually heavy for historic setting
 - Concerns on loss of Palm Court interiors
 - No objection to removal of vents
 - Clarification required on Canopy details and overall material use
 - Number of menu boxes should be reduced
 - Concerns on signage and accuracy of drawings
- 7.5. **Planning Policy:** No comment
- 7.6. **Sustainable Drainage:** No objection
No objection to the proposed amendments and no comment to any other conditions proposed to be amended, discharged or removed.
- 7.7. **Sustainable Transport:** Comment
Despite the higher auditorium capacity used for evening events, the overall transport impact of the revised scheme would be lower than the consented mixed-use arrangement. The LHA acknowledges this rebalancing of the development's trip profile with higher peak event attendance but reduced all day activity. This means the potential highway impacts are shifted away from peak hours for the network which helps to compensate for the potential impacts of a busier evening peak.
- 7.8. The LHA therefore considers that with the continued requirements of the existing Event Management Plan and Delivery & Servicing Management Plan conditions secured on the original consent, the Section 73 variations do not materially worsen the development's transport impacts and, in overall daily trip terms, may represent a net reduction compared to the previously consented mixed-use scheme.
- No objection to demolition of WC block to improve service yard access
 - No objection to new roof structure
 - No objection to variation of conditions 1, 17 and 36.
 - No objection to removal of conditions 31-34
 - Concerns on canopy height relating to condition 13 and should provide 2.6m clearance.
 - Transport critical conditions of BH2022/02443 should remain in full.

External

7.9. **County Archaeologist:** No comment

No further comment to make, conditions 4 and 5 of approved application remain and this work remains outstanding.

7.10. **Historic England:** 14th January 2026: Comment

Brighton's Hippodrome is an outstanding example of a circus theatre designed in 1901 by the leading theatre architect of the time, Frank Matcham. It is listed at Grade II* and is a longstanding case on the Heritage at Risk Registers of Historic England and the Theatres Trust. We attribute considerable significance to the flamboyant rococo plasterwork created by Matcham, and to the auditorium as a single open volume capable of maintaining a performance function. We are therefore pleased an operator has been found that is proposing to use the Hippodrome for live performance events. This is a welcome outcome that will enable the auditorium to be retained as a single open space and the building to be used as originally intended. These are important aspects of the building's significance and which count heavily in favour of these applications.

- No objection to the new roof or demolition of WC block.
- Concerns details relating to condition 17 (historic features) is incomplete and does not include details of methods and materials and their reinstatement on site. Recommend condition 17 is altered to ensure full detail is received and works implemented prior to the venue being open to the public.
- No objection to alterations to conditions of external details.
- No objection to details of the entrance canopy
- No objection to details relating to the Grand Master Control panel.
- No objection to discharge of internal paint scheme condition.
- No comments on removal of conditions 31-34 as these are for the LPA to consider.
- Highlight historic significance of Palm Court interiors and where possible retained or reused.
- Attention drawn to conditions relating to the auditorium floor.
- Plasterwork restoration in the auditorium is spectacular and recording and verification details should be provided to the Council.

7.11. **National Highways:** No objection

Given the nature, scale and location of the proposal, we are satisfied that this development, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the SRN (Strategic Road Network).

Additional comment 30th January 2026: No objection

7.12. Although capacity is increasing overall impact of the proposal on the SRN is expected to remain limited.

7.13. **Theatres Trust:** 22nd December 2025: No objection / Seek Amendment

No objection to removal of conditions 31-34.

- 7.14. Generally welcome the amendments which will help make the Hippodrome operationally viable. While there remain compromises due to the nature of the redevelopment of the overall site, we consider the amendments to provide a more workable scheme for the reactivation and reuse of the Hippodrome for live performance events.
- New roof would provide much needed acoustic isolation.
 - Demolition of later WC block is of lesser significance and is supported as the necessity of demolition to improve operation is a public benefit. Egress/Access arrangements may require revision of Travel Plan.
 - Consider there is significance to 1930's interior of Palm Court. Historic plasterwork should be retained and any harm or loss should be properly recorded.
 - No objection to changes to Conditions 13, 17 or 36.
 - Details of proposed entrance canopy (condition 15) are acceptable.
 - Requires further details in regards to Condition 16 (Grand Master Control panel)
 - Details of paint scheme based on architectural research (condition 23) is acceptable.

Additional comment 6th February 2026: No objection

- 7.15. Details provided for condition 16 (Grand Master Control panel) are acceptable.

- 7.16. **Southern Water:** No comment

- 7.17. **Sussex Police:** Comment

No concerns or comments to make from a crime prevention perspective.

Additional comment 16th January 2026: Comment

- 7.18. Potential for capacity increase to effect local amenity should not be overlooked. Staff will need to manage noise issues in appropriate manner.

- 7.19. Sussex Police Licensing Team, fire service and Sussex Police Counter Terrorism advisers should be contacted by operator.

8. MATERIAL CONSIDERATIONS

- 8.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

- 8.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
SA2	Central Brighton
CP2	Sustainable economic development
CP4	Retail provision
CP5	Culture and tourism
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP18	Healthy city

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM23	Shopfronts
DM26	Conservation Areas
DM27	Listed Buildings
DM33	Safe, sustainable and active travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principal of the proposed variations and their impact upon the significance of the Grade II* Listed Buildings, impacts on neighbouring and local public amenity, design and appearance and impacts upon the Conservation Area and other nearby listed buildings, highways and transport impacts, energy efficiency and sustainability of the development approved.
- 10.2. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area.
- 10.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given “considerable importance and weight”.

Significance of the Hippodrome (History of the site and historic significance)

- 10.4. Numbers 52-58 Middle Street is the Hippodrome, which with the associated building at number 51 known as Hippodrome House, is a Grade II* Listed Building and occupies a substantial site in the heart of the Old Town conservation area of the city. The Hippodrome has both special architectural and historic interest and the surviving Matcham auditorium interior is of greatest note.
- 10.5. The site has a long history as an entertainment venue, having been built originally to serve Brighton’s burgeoning tourist market during the rapid expansion of the city in the late 19th century.
- 10.6. The building’s vast circular auditorium is largely concealed within the tight urban grain of the Old Town’s lanes and twittens behind an unassuming frontage on Middle Street. The various phases of the building’s history remain legible in a series of external and internal features including the equestrian ramp associated with the circus use in the Middle Street yard. The plain brick fly tower is a later addition to the building which along with the yard and car park to the east presents an uncharacteristically utilitarian outlook when seen from Ship Street.
- 10.7. The building has been reinvented a number of times. Originally built as an indoor ice rink by Lewis Kerslake in 1896/97 the building was converted to a circus four years later by renowned theatre architect Frank Matcham. After a year the eminent theatre architect, Bertie Crewe, altered it again to create a variety theatre for theatre magnate Tom Barrasford by removing the circus

ring, creating an orchestra pit with stage, adding a pair of boxes and re-seating the ground floor.

- 10.8. Major alterations were then carried out in 1915/16 by another theatre architect J. Emblin Walker. Further alterations followed in the 1930s, 1940s and 1950s and the Hippodrome was used as a variety entertainment venue playing host to many of the most famous performers of the 20th Century until 1964. Following a brief conversion of the building to a film and TV studio in 1966, the building reopened as a bingo hall in 1969.
- 10.9. The building was occupied by Mecca Bingo from 1969 until it closed and fell into disuse in 2006. In the 20 years since, the building has been in a substantial and ongoing state of deterioration with sufficient water ingress, dry rot and general decay and disrepair occurring for the building to be longstanding on Historic England's and the Theatres Trusts registers of "buildings at risk".
- 10.10. Notwithstanding the overall state of disrepair, the building retains a great deal of interior detailing with much of the plaster work throughout the Hippodrome auditorium and Hippodrome house surviving. The building retains a number of unusual fixtures and fittings and much of the foyer, with mahogany panelling and its decorative ceiling, remains in good condition.
- 10.11. The historic significance of the building is largely attributed to the interiors flamboyant rococo plasterwork created by Matcham, surviving decorative detailing and to the large auditorium itself as a single open volume capable of maintaining a performance function in view of the buildings rich and varied performance history.
- 10.12. The application site also includes the adjoining 'Hippodrome House', originally two mid-nineteenth century dwellings, in which Tom Barrasford lived until his death in 1910. The house is in an altered condition and includes within it a miscellany of colourful theatre set pieces likely dating from its 1930s and later interior details when in use as a lounge bar. The basement, however, is relatively unaltered and retains a fine, large kitchen range, original storage shelving and extensive brick vaults, all reflecting the status of the original house and its owner.
- 10.13. In recent years the new owners have implemented a new roof, removed dry rot and the restoration of the auditorium plasterwork which has contributed significantly to the immediate preservation of the historic building.

Principle of the Development:

Policy background

- 10.14. Of key relevance to this application are paragraphs 201, 203, 205, 206, 207, 208 and 211 of the National Planning Policy Framework (NPPF). In particular:

Paragraph 203: *In determining applications, local planning authorities should take account of:*

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 205: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph 206: *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Paragraph 208: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

10.15. Public benefits are defined in the Planning Practice Guidance as ‘anything that delivers economic, social or environmental objectives’, and which are ‘of a nature or scale to benefit the public at large and not just be a private benefit’.

10.16. The guidance also states;
“It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consent.

10.17. In addition to the above policy framework and guidance, local policies SA2, CP4, CP5, CP6, CP13 and CP15 of the Brighton and Hove City Plan Part One

as well as DM18, DM26 and DM27 of the Brighton and Hove City Plan Part Two are also relevant to the principle of the use.

Use of the Hippodrome

- 10.18. Planning applications BH2022/02443 and BH2022/0244 (approved July 2024) granted planning permission and listed building consent for a mixed use development including the renovation of the Hippodrome and its restoration as a flexible events and entertainment venue, a new apart hotel extension of 3-7 storeys at the rear, a new private members club within Hippodrome House and a foyer bar/café on Middle Street. The applications approved were intended to allow a flexible use of the Hippodrome given that at the time of consideration a future operator had not been found. A prospective operator of the venue is now understood to be appointed and the application therefore proposes a number of amendments and changes to better align with the operators requirements.
- 10.19. In policy terms the originally approved application (BH2022/02443) required an assessment of the optimum viable use of the building and the weighing of harms against public benefits. The variations to the conditions proposed within this application would facilitate the use of the building as a single performance venue and propose the removal from the scheme of the private members club, external terrace bar and foyer bar/café. The use as a single performance venue is considered to be consistent with the information provided in the earlier application demonstrating the optimum viable use of the building. The removal of the private members club (discussed below) and foyer bar/café and overall simplification of the proposal is considered an overall benefit to the scheme and would increase bar areas, back of house areas and general venue circulation space which would address some of the concerns raised by consultees on the original application and would contribute to the operational viability of the performance venue.
- 10.20. The proposed changes in principle would facilitate a use of the building which is considered consistent with the principles established within the approved application/s and are reflective of the historical use and historical significance of the Hippodrome. No concerns are raised in regard to the principle of the losses of the private members club, external terrace and the foyer bar/café which are considered to reduce conflicting elements of the scheme and increase the operational viability of the venue.

Use of Hippodrome House

- 10.21. The ground floor of Hippodrome House is proposed to be utilised as additional bar and hospitality area for the associated venue with ancillary offices on the first floor. Apart Hotel rooms would continue to be provided on the upper floors.
- 10.22. The use of the ground floor as ancillary hospitality/bar areas is considered acceptable and the removal of the private members club is considered a benefit to the scheme in that it would allow for increased operational space for the venue. The use of the upper floors for ancillary office and then Apart Hotel accommodation on the upper floor as previously proposed raises no additional concerns.

- The reduction in provision of accommodation for the Apart Hotel
- 10.23. As a result of the amendments proposed the overall provision of accommodation within the Apart Hotel would decrease from 77 to 68 apartments. The reduction in accommodation would be a result of the amended internal floor layouts facilitating operational space at the rear of the auditorium and Hippodrome House. The external elements of the new build apart hotel extension would be largely unchanged as a result of this application.
- 10.24. The reduction in provision of the Apart Hotel accommodation is not considered to conflict with the policies relating to the provision of visitor accommodation and this amendment is considered acceptable.
- 10.25. It should be noted that the conditions as originally imposed would continue to be applied to any approval ensuring appropriate phasing of the development to secure the realisation of the public benefits of the restoration and reuse of the Hippodrome prior to the commencement of development upon the Apart Hotel.
- The provision of the Ship Street retail unit (Class E)
- 10.26. The application continues to include a small retail unit fronting Ship Street which would contribute positively to the street scene and generate activity providing an active frontage in accordance with policy.

Design, Appearance and Heritage Impacts:

- 10.27. The development is sited within the Old Town Conservation Area of the city. There are a significant number of listed buildings within close proximity to the site, in Boyces Street, Middle Street, Ship Street and Ship Street Gardens. These are generally small-scale buildings (residential and/or commercial) dating from the late 18th and early 19th centuries, whose scale and grain contrast with that of the Hippodrome. Slightly further to the south is the grade II* listed Middle Street Synagogue.
- 10.28. The Old Town Conservation Area Management Plan (OTCAMP) includes the following paragraph (7.72) in respect of the Hippodrome site:

“The council will expect any acceptable scheme for the site to fully restore the Hippodrome for a use that retains the auditorium as a single open volume capable of maintaining a performance function, together with the conservation of the other front and back of house spaces (including the foyer and Hippodrome House) that contribute greatly to its significance, and which enable its appropriate reuse. The adjoining land offers the opportunity for new development that would partially fill the gaps on Middle Street and Ship Street and enhance those street scenes through development, for a mix of uses, of sympathetic scale and massing. Such development must not, however, prejudice the appropriate reuse and future servicing of the Hippodrome itself. The centre of the site adjacent to the fly tower may potentially accommodate greater height than the street frontages but must be mindful of longer views. The view eastwards from Boyce’s Street is of particular importance as

Hippodrome House terminates this view in an attractive manner. The building frontage to Middle Street should be carefully restored in accordance with the available historic drawings”.

- 10.29. The OTCAMP also identifies Middle Street (together with Boyce’s Street and South Street) as a priority for future improvement and enhancement in the conservation area, noting the current blight arising from a number of vacant buildings, most notably the Hippodrome site. The proposed mix of uses across the site, the restorative works proposed and the infilling of the Ship Street frontage as originally proposed are similarly beneficial to the character and appearance of the conservation area and are in line with the aspirations of the OTCAMP.
- 10.30. Policies DM26, DM27 and CP15 seek to preserve and enhance existing heritage assets and seek to ensure new development responds and contributes positively to the identified character and appearance of the area. Policy CP12 Urban Design considers that development should, amongst other elements, raise the standard of architecture and design in the city, conserve or enhance the city’s built heritage and its settings and protect or enhance strategic views. Paragraph 203 of the NPPF, in summary, states that heritage assets should be sustained, enhanced, put to viable uses consistent with their conservation and that new development should make a positive contribution to local character.

New roof structure

- 10.31. A new circular auditorium roof is proposed as part of the variation to the plans approved. The existing roof was erected in recent years (2020/2021) and established the principle of a new roof to the Listed Building, however, a new upgraded and structurally strengthened roof is required to meet acoustic, ventilation and access requirements. These requirements necessitate an increase in the height of the roof. The roof would retain its circular appearance and would retain the visual vertical concentric divisions.
- 10.32. Amendments received during this application have reduced the height of the new roof from that originally proposed (11.7m from roof level with eaves of 5.4m to 11m with an eaves of 3m). The new roof would still however be a taller circular roof than existing. The eaves of the circular roof would be raised from 1.5m as existing roof level to 3m from roof level. The angle of pitch of the circular roof would increase over the existing to result in a maximum height increase of 3m over than the existing (8m).
- 10.33. It is considered that the despite the overall increase in size the proposed roof would be largely imperceptible from street level in the streets around due to the narrow and tight nature of the Old Town Conservation Area where views would be very limited. The increased roof would be visible from the upper floors of some adjacent and nearby buildings, however, sufficient separation remains from the roof to neighbouring properties to ensure that it would not appear harmfully oversized in its context. It is not considered that the impact to longer views or views from neighbouring buildings would be harmful to the character and appearance of the Old Town Conservation Area over and above

the existing situation. The separation from nearby listed buildings on Middle Street and Ship Street Gardens is sufficient that the development would not be harmful to their setting.

- 10.34. The proposed roof would replace one recently installed and therefore there would be no harmful loss of historic fabric and the new roof would not cause harm to the historic significance of the building.

Revised details of Middle Street frontage

- 10.35. Variations to the Middle Street elevation proposed relate largely to the front elevation of Hippodrome House where the adjoining building (52 Middle Street) would now have less intervention on the front elevation over that approved which is considered beneficial. The decorative cornice and upper floor windows would remain as existing and details of the entrance doors which are confirmed to be retained as existing is welcomed.
- 10.36. A number of poster panel sites are indicated on the front elevation either side of the main entrance and adjacent to the secondary entrances on the Middle Street elevation. In general terms no concerns are raised in this respect, however, further details of these elements are proposed to be secured by condition to ensure a satisfactory appearance to the Listed Building. Similarly indicative signage is also proposed at the entrance to Hippodrome House and within the auditorium canopy and details of signage is to be secured through additional Listed Building and Advertisement consents.
- 10.37. At roof level a rendered wall is proposed to be extended at eaves level in order to conceal roof plant. Whilst the appearance is considered generally an unsympathetic addition given its limited visibility and its indicated setback from the decorative parapet this variation is considered acceptable.
- 10.38. Details have also been provided regarding the main Hippodrome canopy and the portico entrance to Hippodrome House as required by conditions on the planning and listed building consent approvals. The re-instatement of a decorative and improved entrance canopy was considered to be a heritage benefit within the original approval. The details provided propose that the entrance canopy to the Hippodrome frontage would be altered using the existing structure to include decorative stained glass inserts with a bridled Fleur de Lys cresting to the top and underside of the canopy. LED lighting is proposed recessed in the underside of the canopy structure and its roof would be a lead covering over the existing frame. These details are generally considered to be reflective of the historic canopy and as such are acceptable and would be a considerable improvement over the appearance of the existing canopy which is noted to be largely unsympathetic as existing. Some details of the canopy including the design of the stained glass inserts, however, still require subsequent approval and this would continue to be secured by condition. Given the acknowledged public benefit of ensuring the canopy is restored the planning condition recommended would remain to ensure that the entrance canopy restoration is fully implemented on site to prior to use of the venue.

- 10.39. The entrance portico to Hippodrome House would be relatively simple with a moulding profile to match the existing ground floor window surrounds. This is considered to result in an acceptable appearance. A replacement covering roller grille is proposed in place of the existing. Whilst this is not considered sympathetic, given the recessed entrance behind, the potential need for this is recognised and given the existing presence of the roller grille this is considered acceptable and would cause no further harm to the appearance of the Listed Building. Details of the replacement is proposed to be secured by condition.
- 10.40. Details have been provided of the Middle Street second floor decorative balconies. The detail is considered to be sufficiently reflective of the original balconies and the use of traditional materials, joinery and detailing is welcomed.
- 10.41. Details have also been submitted in regard to the proposed doors facing Middle Street. The details indicate the retention of the existing doors to the northern part of Hippodrome House and the retention of the existing decorative substantial timber doors to the stair towers and principal entrances. The retention of these existing and original doors is welcome and acceptable.
- 10.42. Details of the window restoration to Hippodrome House have been provided which indicates that the existing windows shall be retained and refurbished. Any replacement windows are proposed to exactly match the detailing of the existing in hardwood and joinery details to this effect have been provided and are considered to result in an acceptable appearance.
- 10.43. Details of the roof dormers to 52 Middle Street adjoining the auditorium remain to be required prior to installation.

Revisions to the Northern Elevations

- 10.44. A number of minor revisions are proposed to the northern elevation of Hippodrome House and the northern elevation of the Auditorium.
- 10.45. On the northern elevation of Hippodrome House a two storey extension and small lean to are proposed to be demolished. It is understood that this demolition would facilitate additional space for vehicles utilising the service yard and improve fire egress for the venue. No objection has been raised by Historic England, The Theatres Trust or the Council's Heritage Team to this removal. The demolition is a later addition to the Listed Building (Hippodrome House) and whilst its removal is regrettable the utilitarian nature of this non-original element would mean that the loss would not cause unacceptable harm to the historic significance of the building and the benefit of its removal to the overall safe operation of the venue is recognised.
- 10.46. A new window arrangement is proposed to the upper floors of Hippodrome House on the northern elevation to vary the position of new openings originally proposed. These variations are not considered to result in further harm to the historic building.

- 10.47. Within the service yard a loading canopy is indicated. This would be sited in the north eastern section of the service yard adjacent to Hippodrome House. No details have been submitted for this however the canopy is acceptable in principle given the utilitarian nature of the service yard. The exact canopy details are recommended to be secured by condition.
- 10.48. On the northern elevation of the auditorium the upper floor windows and doors which were proposed to facilitate internal and external bar areas are proposed to be removed which results in a simplification of the northern elevation of the auditorium which is welcomed. Two steel smoke vents are proposed instead which would be minimal and functional and not cause unacceptable harm to the appearance of the building. Details of the smoke vents are recommended to be secured by condition.
- 10.49. A new acoustic louvre is proposed at roof level running alongside the northern side of the auditorium roof. Whilst large the louvre screen would hide proposed plant from views to the north and the simple form is considered appropriate in this case.
- 10.50. A minor variation is proposed to the north elevation of the Apart Hotel where the new extension would adjoin the rear of the Hippodrome. As originally approved a set back in the northern elevation would create a recess from second floor to roof level. An amendment proposed in this application would see the set back only present in the upper two levels (fourth and fifth floors). It is understood that this amendment would improve the layout and function of the back of house of the venue as well as contributing to less potential acoustic breakout. Where the setback is no longer proposed detailed brick panels would ensure a suitable external appearance of this variation to maintain visual interest. No objection is raised to this design amendment.

Revisions to the Southern Elevation of the fly tower and auditorium roof

- 10.51. A number of windows which were proposed to be inserted into the existing fly tower facing south are proposed to be removed from the scheme. Given that this would result in less interventions to the existing building no harm is considered to result.

Revised floor plans / venue layout / internal alterations

- 10.52. Revisions to the floor plans proposed involve a new internal sound wall on the southern side of the auditorium, a new layout to the venue and the removal of the members club from Hippodrome House utilising this space instead as additional bar/hospitality space connecting to the main auditorium. The Foyer bar/café is also now removed with the space reinstated as general foyer and lobby space commensurate with the existing building. Accessible WC facilities are proposed close to the Middle Street entrances with general WC facilities now located within an area in the south eastern corner of the building where previously kitchen facilities were proposed. This change utilises some of the existing partitions and would not overall cause harm to the appearance or historic significance of the auditorium.

- 10.53. A new internal sound wall would be erected along the southern side of the auditorium in order to limit noise transfer to adjacent properties. Whilst this would be a substantial internal intervention the benefits of this to the overall scheme is recognised and would be sited within an area which would not obscure or otherwise compromise historic detailing or harmfully affect the historic significance of the building.
- 10.54. The submitted plans revise other internal arrangements and spaces are indicated for cloakrooms, lobby and merchandising space, bar areas and back of house facilities. At the rear of the stage area a new layout for back of house facilities, green rooms, technical areas and dressing rooms is proposed and their provision is considered acceptable in heritage terms and would assist the operational viability of the venue.
- 10.55. To the rear of the stage where a rehearsal space was originally proposed this is replaced with a flexible space ancillary to the venue expected and likely to function as a VIP area. Within this space the Grand Master Lighting Control Panel (a significant heritage feature of the existing building) is proposed to be re-sited.
- 10.56. Details relating to the provision of an auditorium handrail have been removed from consideration in this application by the applicant and it is understood that further detail with regards to the internal detailing and interior fit out will be provided within a subsequent Listed Building consent application.
- 10.57. The first floor of Hippodrome House is now proposed as ancillary office accommodation with staffing facilities and toilet provision. At mezzanine and first and second floor level a revision to the layout of internal toilet facilities and bar areas are proposed and the external balcony bar is proposed to be removed with all bar areas being otherwise internal only.
- 10.58. The internal and external amendments as included on the proposed plans are considered acceptable and would contribute to the overall operational viability of the venue and would not cause harm to the historic significance of the building over and above the existing consent.

Historic detailing (Grand Master Control Panel)

- 10.59. Condition 16 requires details of the submission of location and method for repositioning the Grand Master Control panel. The Grand Master lighting Control panel is considered to be a significant historical feature of the existing building and a method statement has been provided to demonstrate how this would be carefully removed from its current position in the stage right rear wing of the stage and relocated within the flexible space above the stage. The panel would be sited in such a location to still be visible to visitors to the building and its retention on site is considered acceptable. The methodology of the removal has been assessed and no objection is raised by Historic England or the Theatres Trust in regard to this aspect of the proposal.
- 10.60. Condition 23 requires details of the auditorium ceiling paint scheme and the works have been undertaken on site. Historic England have commented that

the works are “spectacular” and no concerns are raised with regards to the paint scheme which is considered historically appropriate. The information relating to this condition is considered acceptable.

Alterations proposed to condition 17 (Historic Detailing)

10.61. The application proposes a variation to the wording of Condition 17 to allow for a different timing mechanism to apply to the methodology and restoration of historic features. This is proposed so that only the removal, methodology and restoration of historic features associated with the “shell and core” works to the Hippodrome can take place with further details, methodology and restoration taking place as part of the later detailed internal fit out of the building. Given that the proposed wording would continue to require the approval of such details prior to their removal and would only include elements affected by the works taking place at different stages of construction this alteration is considered to be appropriate and acceptable.

10.62. For the avoidance of doubt the amended wording would therefore be phrased and would read;

- “1. Prior to the installation or removal of any internal partitions, walls or features to the auditorium and supporting ancillary spaces of the development hereby approved, a full schedule and method statement for the restoration of historic features to be carried out as part of the shell and core restoration shall be submitted to and approved in writing by the Local Planning Authority.*
- 2. Prior to the detailed fit out and the installation or removal of any internal partitions, walls or features to the auditorium and supporting ancillary spaces of the development hereby approved, a full schedule and method statement for the restoration of historic features to be carried out as part of the Detailed Fit out shall be submitted to and approved in writing by the Local Planning Authority.*

The schedules and statements shall include details and working methods, tools, materials, treatment and colours for the restoration and repair of all historic features including but not limited to all features noted in the Historic Feature Retention Schedule submitted under BH2022/02443 dated 4th April 2023 and other historic features and decorative detailing noted in the auditorium, foyer panelling, foyer floor, Hippodrome House and circulations spaces. The submitted details shall include a timetable for implementation and completion and section joinery details as appropriate. The works shall therefore be carried out in full accordance with the approved schedules and statements unless otherwise agreed in writing by the Local Planning Authority.

Conclusions on design, appearance and heritage

10.63. Subject to the conditions recommended as above, the variations to the Hippodrome re-development as proposed would continue to offer public benefits. These are the restoration and re-use of the auditorium as a single volume capable of performance, improvements to the public realm from the overall regeneration of the site, retention and restoration of some historic

features across the site including the entrance canopy and bringing a long vacant deteriorating listed building back into a viable use. There are also harms which are considered to be less than substantial although this may be to a high degree if suitable conditions do not secure the positive outcomes and benefits needed. The heritage harms are noted to be less than substantial but on the lower end of the scale with regards to the new auditorium roof and demolition of the WC block on the northern elevation of Hippodrome House.

- 10.64. Considerable importance and weight is however given to the restoration and reuse of the Hippodrome which, subject to the necessary conditions and obligations would overall enhance and preserve the character and appearance of the Old Town Conservation Area and nearby listed buildings as well as provide significant public benefits in the restoration of a long deteriorating heritage asset and the ability for the public appreciation and enjoyment of this space.
- 10.65. Subject to the public benefits of the scheme being realised it is considered that the physical variations to the development as approved would be, on balance, in accordance with the NPPF, policy CP15 of the Brighton and Hove City Plan Part One and Brighton and Hove City Plan Part Two policies DM26 and DM27.

Impact on Amenity:

- 10.66. Policy DM20 of the Brighton and Hove City Plan Part Two states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to existing, adjacent or nearby users, residents or occupiers or where it is not liable to be detrimental to human health. Policy DM40 seeks the protection of the Environment and Health through the suitable control of pollution and nuisance.
- 10.67. Consideration of the impacts upon amenity relating to the operational impacts of the uses proposed and the physical development were assessed in full as part of the previous application. This application must, however, consider the changes proposed within this Section 73 application and their subsequent impacts upon neighbouring amenity.

External Alterations

New roof structure

- 10.68. The proposed roof structure would create a new circular roof which would at its maximum height 3m taller than the existing auditorium roof. At eaves level the increase would be 1.5m which would result in the roof having a taller pitch than existing.
- 10.69. On the eastern side the existing fly tower remains substantially taller than the bulk of the existing roof which would remain the case, although it is noted that the new pitch would now be taller than the fly tower. Due however to its separation from neighbouring properties to the east and the domed nature of the roof, no harms are expected to occur.
- 10.70. On the southern side the built form of the Old Town Conservation Area (where adjacent to the Hippodrome) is generally sited at or below eaves level and the

new roof would retain its current 4m separation from the main eaves. Consequently, the new roof would not cause any concerns relating to the buildings south of the auditorium as it would not impact upon overshadowing, outlook or be perceived except in longer views of the building.

- 10.71. To the western side the new roof, whilst not substantially visible from street level would be visible from the upper floors of adjacent buildings. The upper floors of the adjacent buildings on the western side of Middle Street would maintain an eaves to eaves relationship with the main Hippodrome buildings as existing with the new circular roof appearing beyond. The windows of these upper floors face east and the roof would be separated by approx. 18m across Middle Street. Whilst the development would be visible, it would not create any harmful impacts over and above the existing situation which would warrant refusal of the application.
- 10.72. To the north the roof would retain a separation of over 30m to neighbouring properties and no harmful impacts over and above the existing situation are expected to occur which would warrant refusal of the application.
- 10.73. Due to the orientation of the site and separation distances involved to neighbouring properties, the proposed roof would not create any unacceptable impacts with regards to outlook, overshadowing, overbearing or loss of light over and above the existing situation to warrant refusal of the application.

Other external changes

- 10.74. As noted earlier in the report the application also proposes a number of other alterations to the exterior of the development. The proposals seek to mostly remove windows and external openings and relatively minor detailing. These alterations are considered to limit noise breakout and overlooking to properties to the south and would result in an overall improvement to neighbouring amenity which is considered acceptable and welcome.
- 10.75. Where new window openings are proposed these would be as part of a re-alignment of the windows in the northern elevation of Hippodrome House. These alterations would not create any additional impacts harmfully over and above the existing situation and are considered to be acceptable.

Removal of conditions 31-34 (bars and external terraces) and re-wording of condition 36

- 10.76. The application proposes the removal of four conditions relating to opening times and hours of operation of the Foyer Bar and Balcony Bar. These elements of the scheme are no longer proposed and therefore the removal of the regulatory control conditions 31-33 which relate directly to them is considered acceptable in principle. Whilst this is the case it is noted from the representations received that some concerns remain in regard to the hours of operation of the bars and the use of external areas.
- 10.77. A premises licence was previously granted for the re-development and re-use of the Hippodrome on 3rd October 2022 which remains subject to a number of licence conditions. Matters relating to the hours and operation of bar and

alcohol provision would remain to be controlled by the Council as Licencing Authority.

- 10.78. Condition 34 however states; *“No performances of any kind nor amplified music/audio shall take place within the external terraces hereby permitted.”* Whilst the plans now proposed do not show any external areas for public use it is recommended that this condition is retained but varied to ensure that no amplified audio is utilised in any of the external spaces for any purpose. For the avoidance of doubt the recommended condition would therefore read;

“No performances of any kind nor amplified music/audio shall take place within the external areas hereby permitted.”

- 10.79. The removal of conditions 31,32 and 33 is therefore considered acceptable and the variation of condition 34 is considered to be desirable and necessary in order to protect neighbouring residential amenity.

- 10.80. Condition 36 is also proposed to be amended to remove reference to the Foyer Bar and to instead refer to “Bars within the scheme”. Any use of the Hippodrome outside of the approved consent would require planning permission to be obtained by the Local Planning Authority. Given that this re-wording would only remove an ambiguity the variation is considered to be acceptable. For the avoidance of doubt the varied condition would therefore read;

“Bars within the scheme as identified on the plans hereby approved shall be used as ancillary space of the auditorium use only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.”

Audience Capacity and Event management

- 10.81. The previous application indicated a maximum capacity use of the venue of 1800. This capacity was indicated within the submitted documentation and assessments but was not subject to a planning condition limiting capacity as this was to be secured through the licencing and fire regulations process. Information received as part of this application indicates that the operational maximum capacity of the venue is now considered to be 2300. This would result in an uplift of 500 persons over and above that which was approved.
- 10.82. A number of concerns have been raised within the representations received relating to this increase in audience capacity. These concerns relate to noise and disturbance from the additional patrons, crowd management, anti-social behaviour and rubbish left by users of the venue. The approved application

was consented subject to Condition 29 which requires an events management plan/strategy to be submitted to and agreed prior to first use of the Auditorium.

- 10.83. The concerns received within the representations are noted and recognised. The impacts of this audience uplift are considered to still be adequately controlled by the existing condition which requires a significant number of measures to be agreed in respect to event management prior to any operation. The management plan condition requires full implementation, review and updating at regular intervals and the retention of this condition is considered important and necessary in the interests of protecting neighbouring amenity.
- 10.84. Representations received have requested a planning obligation to secure a gated access to Ship Street Gardens if the application is considered acceptable. It is not considered reasonable to request such an obligation in this case for the following reasons. It is anticipated that street marshalling would be likely required as part of the event management plan and, if necessary, street marshalling could take place at either end of the twitten to ensure that patrons are re-directed to the principal public roads and pavements around the site. The marshalling and/or management of this area is recommended to form a consideration when the event management plan is considered at a later stage. Subject to robust measures in the event management plan being secured and implemented this amendment to the application is considered acceptable. It is also noted that should the attending audiences create substantial problems in the neighbouring area that this would also be considered to be an Environmental Health, Police and/or Licensing issue.
- 10.85. In this case, subject to the provision of a robust events management plan, no harmful concerns are noted in amenity terms over and above the existing permission which would warrant refusal of the application.

Roof top plant and Machinery

- 10.86. Roof top plant and machinery is proposed across the site, with some variations as approved upon the roof of Hippodrome House, the Middle Street frontage at roof level and at the rear of the Apart Hotel. Additional louvre screening is proposed within this consent and the existing conditions to control the noise levels of plant and machinery as previously recommended by Environmental Health would remain on the permission. Subject therefore to compliance no overall concerns are held in this regard given the City Centre and existing background noise levels.

Noise breakout

- 10.87. With regards to noise breakout from the Hippodrome auditorium Environmental Health have previously confirmed that the acoustic impacts and noise breakout from the venue can be suitably mitigated and controlled through planning conditions that require a pre-occupation acoustic design and assessment as well as post completion testing and implementation of mitigation considering a worst case scenario of noise type and audience capacity within the assessments.

- 10.88. It is noted that the application as now proposed would include less openings (windows/doors) to assist with noise breakout and a new roof is proposed as a key part of the noise mitigation strategy.
- 10.89. The existing conditions (conditions 27 and 28 of the approval) relating to acoustic design and post completion testing are proposed to remain unaffected by this application, however acoustic treatments and measures relating to acoustic breakout have been indicatively proposed within the new roofing structure and auditorium sound wall. These measures and benchmarks for achieving acoustic performance have been assessed by Environmental Health.
- 10.90. The limits specified in the indicative acoustic information are specifically designed to ensure:
- Noise from the venue remains below levels associated with disturbance or sleep disruption.
 - Low-frequency bass is controlled, preventing the “thumping” sensation often associated with music venues.
 - The system is properly tuned and tested before the venue opens.
 - The operator remains accountable through a measurable, enforceable planning condition.
- 10.91. Environmental Health are satisfied that, with these measures secured and verified in practice, the development will not cause significant adverse noise impacts and meets the requirements of local and national policy.
- 10.92. Subject to the necessary amendments to the conditions relating to external areas, the retention of the existing conditions for plant noise, pre-occupation acoustic design and assessment as well as conditions for post completion testing and implementation of mitigation the amenity impacts of the proposed variations are considered acceptable and in accordance with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

Sustainable Transport:

- 10.93. During the course of the application further information in the form of an updated Transport Note has been provided in order to assess the impacts of the uplift in audience capacity.
- 10.94. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.95. City Plan Policy CP9 reflects the NPPF and states that the council will work with partners, stakeholders and communities to provide an integrated, safe and sustainable transport system that will accommodate new development; support the city’s role as a sub-regional service and employment hub; and improve accessibility. The policy seeks to ensure developments promote and provide measures that will help to manage and improve mobility and lead to a transfer of people and freight onto sustainable forms of transport to reduce the

impact of traffic and congestion, increase physical activity and therefore improve people's health, safety and quality of life. Policies DM33, DM35 and DM36 of the Brighton and Hove City Plan Part Two are also relevant to the application.

Trip Generation

- 10.96. The original transport work for BH2022/02443 was based on an assumed maximum auditorium capacity of 1,800 patrons, with the final figure to be determined through the fire regulations process. This application updates this position, stating that the operator's fire engineers have now confirmed a maximum capacity of 2,300 patrons for the live music venue use. While this represents an uplift compared to the scenario assessed in the 2022 Transport Statement, the applicant also proposes to remove or significantly reduce a number of ancillary uses that previously generated substantial all-day trip activity.
- 10.97. Most notably the variations include the removal of;
- Members' bar (c.115 capacity)
 - Foyer café/bar (c.104 capacity)
 - Second floor bar / roof terrace (c.76 capacity)
 - Reduction in aparthotel units from 77 to 68
- 10.98. The Transport Technical Note prepared by Reeves Transport Planning states that the original mixed-use scheme was forecast to generate approximately 1,500–4,500 person trips per day, depending on the combination of uses. It further states that the removal of the ancillary components listed above would reduce overall daily person trips by approximately 1,500 trips per day. In light of this, despite the higher auditorium capacity used for evening events, the overall transport impact of the revised scheme would be likely lower than the consented mixed-use arrangement.
- 10.99. It is acknowledged that the development's trip profile as proposed would result in a higher peak attendance but would overall reduce in regard to all day activity from that previously approved. This means the potential highway impacts are shifted away from peak hours for the highways network which helps to compensate for the impacts of a busier evening peak. The LHA considers that with the continued requirements of the existing Event Management Plan and Delivery & Servicing Management Plan conditions secured on the original consent, the variations proposed would not materially worsen the development's transport impacts and, in overall daily trip terms, may represent a net reduction compared to the previously consented mixed-use scheme. No objection is therefore raised to this aspect of the proposals.

Access, servicing, and construction impacts

- 10.100. No changes to vehicular access to the public highway are proposed with the side/rear service yard remaining the location for servicing and delivery to the Hippodrome. A previous mixed use of the rear service yard as part delivery servicing but also accommodating an external seating area for the Private Members club is now no longer proposed with the whole yard now proposed for operational purposes (loading/unloading) and fire egress only. This is

considered a welcome variation of the proposal and the amendments proposed in regard to the demolition of the WC block at the rear of Hippodrome House are considered to be acceptable and improve overall manoeuvrability within the service yard.

- 10.101. Comments made within the LHA response raise concerns around a taxi-management strategy and agreed “pick up” zones for major events. It is noted that these elements will be considered within a future Event Management plan and the proximity of the site to the seafront road and the taxi ranks on West Street and East Street is considered suitable for a venue of this size and nature.

Middle Street Canopy

- 10.102. Comments received from the Highways team raise a concern that the Middle Street Canopy does not conform to the guidance in Manual for Streets where structures projecting over pedestrian routes should provide at least 2.6m headroom. In this case it is recognised that the canopy as existing (2.46m) does not fully meet this requirement however, the canopy is not to be wholly removed and replaced but rather altered with historic detailing to reflect the original design. In this instance, as a important element of the heritage asset and the fact that works do not constitute a removal in its entirety with replacing something new, the height of the existing structure is considered acceptable.
- 10.103. The uplift in audience capacity is not considered to result in a harmful impact to the local or national highways network. Subject to the retention of the necessary Highways conditions and Event Management Plans, Delivery and Servicing Plans, Travel Plans and Construction and Environmental Management Plans as imposed on the original consent the variations to the development as proposed are considered acceptable and in accordance with policies CP9 and CP13 of the Brighton and Hove City Plan Part One and policies DM33, DM34, DM35 and DM36 of the Brighton and Hove City Plan Part Two.

Sustainability:

- 10.104. Adopted Brighton & Hove City Plan Part One Policy CP8 Sustainable Buildings requires that all developments incorporate sustainable design features to avoid expansion of the city’s ecological footprint and mitigate against and adapt to climate change.
- 10.105. Planning condition 43 of BH2022/02443 required that information relating to the photovoltaic array was provided and implemented prior to occupation of the development. It is noted within this application that the photovoltaic array first proposed for the auditorium roof is now no longer proposed. This is clearly regrettable and is something of a diminishment in quality from the originally proposed scheme. It is, however, understood that the removal of this element is due to the necessity of limiting interventions through the fabric of the new roof which could otherwise act as transfer points for noise/vibration. In this case given that the re-use of the Hippodrome as a single volume capable of

performance is considered a public benefit it is not considered that, on balance, it would be reasonable to refuse planning permission on this basis.

- 10.106. Notwithstanding this it is considered that planning conditions could still secure appropriate measures are incorporated (where possible) across the second phase of development (Apart Hotel). It is recommended therefore that condition 43 is altered in order to ensure that the development continues to strive to meet sustainability policy objectives in accordance with policies CP8 of the City Plan Part One and DM44 of the Brighton and Hove City Plan Part Two.

Accessibility

- 10.107. The accessibility entrance to the Hippodrome is proposed to be from the existing northern principal entrance fronting onto Middle Street. The northern most entrance is suitable for wheelchair access and accessible WC provision is also made in close proximity to this entrance. Further accessible WC provision is also made throughout the development and within the general WC areas in the south eastern corner of the venue. Accessible wheelchair specific view points are indicated around the auditorium at ground floor and ramped access ways are shown throughout the floor plan including backstage/back of house and an escape ramp is noted at the rear of Hippodrome House into the rear yard.
- 10.108. A number of internal lifts are proposed within the auditorium and Hippodrome House also. Wheelchair vantage points are also proposed at balcony level with further accessible WC provision and access and egress points for persons with limited mobility across the first floor level including in the staff and production offices.
- 10.109. It is acknowledged that a further consent will be required in order to accommodate the detailed interior fit out and accessibility will be reviewed again in this process and furthermore the operators will be required to comply with current Building Regulations. On this basis the approach to accessibility is considered to be acceptable.

11. CONCLUSIONS:

- 11.1. In addition to the paragraphs cited earlier in this report paragraph 203 of the NPPF states;

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

- 11.2. In this case the proposed development is considered to sustain and enhance both the architectural and historic significance of the buildings and the use proposed is considered suitably viable and consistent with the history of the site and the ongoing conservation of this at risk Grade II* Listed Building securing what can be considered as the Optimal Viable Use. The proposed development would contribute to the re-generation and vitality of this part of the Old Town Conservation Area and would also improve the public realm and make a positive contribution to local character and distinctiveness.
- 11.3. There would be some heritage harm from the variations proposed. These harms are acknowledged as being some harm to the Conservation Area from the new roof and some heritage harm to the adjoining Hippodrome House from the demolished WC block. These harms are considered, in the planning balance, to be outweighed by the public benefits of the proposal which would amount to the restoration and appropriate re-use of the Grade II * Listed Building with the public able to again appreciate and experience a restored Hippodrome Auditorium as a single volume providing a programme of performances and events and is considered viable and sustainable.
- 11.4. Subject to the retention of the existing conditions and the amended conditions as outlined above is it considered that the public benefits of the proposal would continue to be secured and realised.
- 11.5. On balance the development proposal is considered to be in accordance with the NPPF, national and local guidance and locally adopted planning policies of the Brighton and Hove City Plan Part One and Part Two.

12. EQUALITIES

- 12.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.

13. COMMUNITY INFRASTRUCTURE LEVY

- 13.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

BH2025/02723 - Brighton Hippodrome (Full planning)
Appendix B

Recommended conditions and approved plans and documents list

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	E501.1	Rev A	10-Mar-26
Proposed Drawing	E605	Rev B	10-Mar-26
Proposed Drawing	E500.2		15-Dec-25
Proposed Drawing	E520.2		15-Dec-25
Proposed Drawing	E500		15-Dec-25
Proposed Drawing	E500.3		15-Dec-25
Report/Statement	Grand Master Methodology		15-Dec-25
Proposed Drawing	E600	Rev B	15-Dec-25
Proposed Drawing	E500.1		15-Dec-25
Proposed Drawing	E520.1		15-Dec-25
Proposed Drawing	E610	Rev A	10-Mar-26
Proposed Drawing	A50		06-Nov-25
Location Plan	21030-PA-001		06-Nov-25
Proposed Drawing	A51		06-Nov-25
Proposed Drawing	A52		06-Nov-25
Proposed Drawing	A53		06-Nov-25
Proposed Drawing	A54		06-Nov-25
Proposed Drawing	A55		06-Nov-25
Proposed Drawing	A70		06-Nov-25
Proposed Drawing	A80		06-Nov-25
Proposed Drawing	E605	Rev B	10-Mar-26

Proposed Drawing	E720.1	A	06-Nov-25
Proposed Drawing	E800.1	C	06-Nov-25
Proposed Drawing	E800.2	C	06-Nov-25
Proposed Drawing	P100	A	06-Nov-25
Proposed Drawing	P100.3		06-Nov-25
Proposed Drawing	P110	Rev B	26-Feb-26
Proposed Drawing	P110.3	A	06-Nov-25
Proposed Drawing	P120	Rev B	26-Feb-26
Proposed Drawing	P120.3	A	06-Nov-25
Proposed Drawing	P130	Rev B	26-Feb-26
Proposed Drawing	P130.3	A	06-Nov-25
Proposed Drawing	P140	Rev C	10-Mar-26
Proposed Drawing	P140.3	A	06-Nov-25
Proposed Drawing	P150	Rev C	10-Mar-26
Proposed Drawing	P160	Rev C	10-Mar-26
Proposed Drawing	P170	Rev C	10-Mar-26
Proposed Drawing	P180	Rev C	10-Mar-26
Proposed Drawing	P200	Rev C	10-Mar-26
Proposed Drawing	P205	Rev C	10-Mar-26
Proposed Drawing	P300	Rev C	10-Mar-26

2. The development shall take place only in full accordance with the submitted phasing plan submitted within BH2022/02443 (received 28th March 2024) and no part of the development hereby approved (including the Members Club and Apart Hotel) shall be brought into use until the Hippodrome Auditorium and ancillary and supporting spaces have been fully completed, fitted out and ready for purpose including post installation acoustic testing.
Reason: To ensure the public benefits of the scheme are secured and materialise in accordance with the NPPF and Brighton and Hove Development Plan Policies CP15, DM26 and DM27.
3. No development of Phase 2 of the Apart Hotel hereby permitted shall take place until either; a lease has been granted and evidence submitted to the

LPA to confirm such for the use and operation of the Hippodrome auditorium and associated spaces; or an operator has been contractually secured for the running and operation of the Hippodrome Auditorium and associated spaces.
Reason: To ensure the public benefits of the scheme are secured and materialise in accordance with the NPPF and Brighton and Hove Development Plan Policies CP15, DM26 and DM27.

4. No development of Phase 2 (The Apart Hotel) of the development hereby permitted shall commence until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
5. No part of Phase 2 (The Apart Hotel) of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority.
The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 2.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
6. No development of Phase 2 (The Apart Hotel) of the development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
7. No works pursuant to this permission shall commence on Phase 2 (The Apart Hotel) until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of Brighton & Hove City Plan Part 2.

- 8. No cables, wires, aerials, pipework meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM26 and DM27 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 9. Phase 2 of the development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (8)c that any remediation scheme required and approved under the provisions of condition (8)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of Brighton & Hove City Plan Part 2.

- 10. No development above ground floor slab level of Phase 2 (The Apart Hotel) shall commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policy

DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

11. Notwithstanding any details shown on the approved plans, details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to their first installation as follows.

Prior to development above ground floor slab level of Phase 1 of the development hereby permitted:

- A) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)

Prior to their installation:

- B) samples of all cladding to be used, including details of their treatment to protect against weathering

- C) samples/details of all hard surfacing materials

- D) samples/details of the proposed window, door and balcony treatments

- E) samples/details of all other materials to be used externally

The development shall thereafter be carried out in accordance with the details approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26, DM27 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

12. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of Phase 2 of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- A) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)

- B) samples of all cladding to be used, including details of their treatment to protect against weathering

- C) samples/details of all hard surfacing materials

- D) samples/details of the proposed window, door and balcony treatments

- E) samples/details of all other materials to be used externally

The development shall thereafter be carried out in accordance with the details approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26, DM27 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

13. Prior to the installation of the external works listed below on the Middle Street elevation, details in respect of the following external works, including 1:20 scale elevations and 1:1 scale profiles where appropriate, shall be submitted to and approved in writing by the Local Planning Authority:

- a) all new window(s) and doors, their materials and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections where appropriate
- b) Juliette balconies to the Middle Street frontage
- c) The traditional lead clad dormer windows in the roof space of Hippodrome House including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections where appropriate
- d) Acoustic louvres (type 01 and type 02) including rooftop positioning
- e) Rooftop plant including type and positioning
- f) Gates to the Middle Street yard including colour and finish
- g) All glazed balustrading and handrails to the northern and eastern elevations
- h) Detail of depth of infills and inserts to Middle Street, Hippodrome frontage

The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 and DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

14. No development above ground floor slab level of Phase 2 (The Apart Hotel Extension) shall take place until details in respect of the following external works, including 1:20 scale elevations and 1:1 scale profiles where appropriate, have been submitted to and approved in writing by the Local Planning Authority:

- a) Ship Street (Class E unit) shopfront and fascia, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections where appropriate
- b) Gate to the Ship Street frontage including colour and finish
- c) all new window(s) and doors, their materials and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections where appropriate.

The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

15. Notwithstanding the plans here approved, no further development to the Middle Street auditorium entrance canopy shall take place until full details of;
- A) the replacement entrance canopy to the Hippodrome Middle Street frontage, including all glass inserts and lighting, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be implemented prior to first use of any part of the development.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to

comply with policies DM26 and DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

16. The works to the Grand Master Control Lighting Panel including all protection, dismantling, re-siting and re-assembly shall be carried out in full accordance with the approved Method Statement and details agreed. The works and re-assembly shall be carried out in full prior to first use of the auditorium.
Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

17.

- A. Prior to the installation or removal of any internal partitions, walls or features to the auditorium and supporting ancillary spaces of the development hereby approved, a full schedule and method statement for the restoration of historic features to be carried out as part of the shall and core restoration shall be submitted to and approved in writing by the Local Planning Authority.
- B. Prior to the detailed fit out and the installation or removal of any internal partitions, walls or features to the auditorium and supporting ancillary spaces of the development hereby approved, a full schedule and method statement for the restoration of historic features to be carried out as part of the Detailed Fit out shall be submitted to and approved in writing by the Local Planning Authority.

The schedules and statements shall include details and working methods, tools, materials, treatment and colours for the restoration and repair of all historic features including but not limited to all features noted in the Historic Feature Retention Schedule submitted under BH2022/02443 dated 4th April 2023 and other historic features and decorative detailing noted in the auditorium, foyer panelling, foyer floor, Hippodrome House and circulations spaces. The submitted details shall include a timetable for implementation and completion and section joinery details as appropriate. The works shall therefore be carried out in full accordance with the approved schedules and statements unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

18. All works to the auditorium decorative fibrous plasterwork shall take place in full accordance with the received method statement approved under BH2022/02443 (dated 23rd February 2022) and a full recording and verification report of the works already undertaken shall be provided to and agreed in writing by the Local Planning Authority prior to first occupation and operation of the development hereby permitted.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to

secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

19. No works shall take place to the auditorium floor until full details in the form of a structural report including any proposed structural details, interventions and proposed covering has been submitted to and approved in writing by the Local Planning Authority. The details shall include the recording of any removal of the flooring layers and a full method statement of how the proposed flooring would be implemented. The works shall thereafter be carried out in full accordance with the approved schedule and statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

20. No installation of new mechanical and electrical plant and services shall take place until details of all new and reused services, internal or external, including mechanical, electrical, heating/cooling, communications and information technology, and related fixtures, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

All new internal and external works and finishes, and works of making good to the retained fabric, including internal and external joinery, shall match the existing adjacent work, with regard to the material, colour, texture, and profile, and working methods used, unless shown otherwise on the drawings, or other documentation, hereby approved, or required by any condition(s) attached to this consent.

Reason: In order to ensure a satisfactory appearance of the Listed Building and to secure the public benefits of the proposal and to preserve and protect special historic interest of the site in accordance with policies CP15 of the Brighton and Hove City Plan Part One, DM27 of the Brighton and Hove City Plan Part Two and the NPPF.

21. The local planning authority shall be notified immediately of any currently hidden historic feature(s) revealed during the course of the works hereby approved. The feature(s) shall be retained in situ until provision has been made for inspection, recording and possible retention, as may be required by the local planning authority.

Reason: In order to preserve and protect special historic interest of the site in accordance with policies CP15 of the Brighton and Hove City Plan Part One, DM27 of the Brighton and Hove City Plan Part Two and the NPPF

22. No part of Phase 1 or Phase 2 of the development hereby approved shall be occupied until such time as full details of the height and materials used for any interior acoustic treatments (sound wall) have been submitted to and approved in writing by the Local Planning Authority. The details shall include

visualisations of how the acoustic treatment shall appear within the auditorium. The details and acoustic treatments (sound wall) shall be fully implemented on site in accordance with the details approved prior to first use of any part of the site.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

23. Not used

24. Access to the flat roofs over the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 of Brighton & Hove City Plan Part 2.

25. All new render finishes shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.

Reason: To ensure a satisfactory appearance to the development and to comply with DM26 and DM27 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

26. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policy DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

27. Prior to any operation and/or occupation of the development, an acoustic assessment and design statement, produced by a suitably experienced, qualified, and competent person e.g. a Member of the Institute of Acoustics, shall be submitted to, and its contents approved in writing, by the Local Planning Authority. The assessment shall predict 'worst case scenario' noise levels produced by any of the activities held within the venue during representative periods, and compare these levels with the ambient noise levels in the area over the same periods. The assessment shall assess, confirm and secure suitable soundproofing and treatments between the different uses on the site. The results of the assessment shall make reference to BS8233 (Guidance on Sound Insulation and Noise Reduction for Buildings), WHO standards, ProPG guidance, and any other applicable approved guidance. The results shall if necessary, be used to inform any amendments to the building envelope (including doors and windows), improved necessary sound insulation (including any necessary with the party wall adjoining

residential property), sound design/specification/installation of the P.A. system inside the venue, a noise management plan, or any other noise mitigation measures including and taking into account structural and vibrational transfer.
Reason: As this matter is fundamental to the acceptable delivery of the permission to secure the public benefits of the proposal and to safeguard the listed building and amenities of nearby properties to comply with Policy DM20 and DM27 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One and the NPPF.

28. Prior to any operation and/or occupation of the development, to ensure that any details/specifications contained within the previously approved Acoustic Assessment/Design Statement have been appropriate and effectively implemented, a post completion sound insulation test report shall be submitted to and approved by the local planning authority. The test report shall demonstrate that any necessary noise mitigation measures implemented ensure that no noise breakout, and/or structural transmission of noise from both live and recorded music, including any low, high frequency and/or tonal components, has a detrimental impact upon any of the proposed uses and/or nearby noise sensitive properties.

Reason: As this matter is fundamental to the acceptable delivery of the permission to secure the public benefits of the proposal and to safeguard the listed building and amenities of nearby properties to comply with Policy DM20, DM27 and DM40 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

29. Prior to first use of the Auditorium hereby permitted an events management plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Strategy shall be agreed and implemented in accordance with the details approved.

The Management Strategy shall include, but not be limited to:

- Site management including staff numbers, staff training, protocols and first aid.
- Safety and security including risk assessment procedures.
- Crowd and incident management for use of all areas of the scheme, including arrival and departure details for crowds.
- Queueing procedures and management.
- Strategies to reduce peak arrivals/departures (i.e., a soft close).
- Emergency and evacuation procedures (including an Emergency Evacuation Strategy and Access Strategy).
- Vehicle drop-off strategy for disabled patrons.
- Details of a wayfinding strategy and communication travel and parking strategy to encourage and promote travel to/from the site via active and sustainable modes
- The Event Management Plan should be amended and updated to reflect the management strategy needed for the different events booked and should be reviewed with the Local Planning Authority at years 1, 3 and 5; and/or at more regular intervals should the management plan require changes to safety strategies to respond to the needs of different events being held at the site.

Reason: In order to maintain the character and amenities of the area, to achieve safe movement for pedestrians and in the interest of public safety in general, to mitigate adverse impacts on the public transport network and road network (both local and strategic), and to ensure compliance with Policy DM33 of the Brighton & Hove City Plan Part Two.

30. Prior to first use of any part of the development hereby permitted a Delivery and Servicing management plan shall be submitted to and approved in writing by the Local Planning Authority. The delivery and servicing shall thereafter be implemented and operated in accordance with the details approved.
- The DSMP should include (but not be limited to) details of the delivery booking online system, details of the types of vehicles, how deliveries will take place and the frequency of deliveries.
 - The DSMP Co-Ordinator should set objectives and targets
 - Monitoring reports should be undertaken at years 1, 3 and 5 and should include data analysis from delivery surveys undertaken.
 - Data collection (surveys) is key to tracking progress against targets and should be undertaken at years 1, 3 and 5, where multiple surveys may be required to capture the varying delivery requirements associated with the varying events/uses and audience capacities but must include delivery surveys for a maximum capacity event. Surveys should include:
 - Date and time of delivery
 - Location of loading/unloading (i.e., on-street or off-street)
 - Whether the vehicle is inbound/outbound (delivering to/collecting from)
 - Vehicle type (pedestrian, cargo bike, motorbike/ped, van, lorry)
 - Fuel type (petrol, diesel, electric, hybrid)
 - How many suppliers per delivery
 - Type of goods
 - DSMP Co-Ordinator should promote and encourage micro-consolidation where possible/feasible.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and commercial occupiers and to comply with policies SA2, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One and DM36 of the Brighton & Hove City Plan Part Two.

31. Not used.

32. Not used.

33. Not used.

34. No performances of any kind nor amplified music/audio shall take place within the external areas hereby permitted.

Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

35. The Apart Hotel premises hereby permitted shall be used as a single Hotel (C1) and the ground floor unit to Ship Street as Class E (a, b, c, e or g) only and for no other purpose (including any other purpose in Class E of the

Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority. **Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policy DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

36. Bars within the scheme as identified on the plans hereby approved shall be used as ancillary space of the auditorium only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority. **Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policy DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
37. The south elevation windows of the Apart Hotel development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such. **Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
38. All south and eastern elevation windows of the space within the Fly Tower and the Apart Hotel development upon Level 05 of the Fly Tower hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such. **Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
39. The development hereby approved shall not be occupied until details of the doors and gates fronting onto Middle Street have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development.

Reason: In the interests of highway safety and to enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One, policy DM33 of the City Plan Part Two and Section 153 of the 1980s Highways Act.

40. Prior to first use of the auditorium hereby permitted a Travel Plan for the venue (auditorium) including a scheme of travel plan measures to promote sustainable transport to and from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the following measures:

- The scheme shall include but not be limited to the following measures for patrons:
- Providing public transport information, nearby cycle parking (including cycle hire docking stations) and taxi ranks to people when they book tickets.
- Communication of the car-free nature of the scheme and the location of local car parks including costs and operational times online/via email
- Travel Plan patron surveys should be undertaken once the site has been operational for 6 months and at years 1, 3 and 5 and a progress report should be submitted to BHCC's Travel Plan Monitoring Officer indicating progress made against targets.
- Monitoring fees should be secured for monitoring and ongoing engagement with the Event Space's Travel Plan.

Reason: to ensure the development maintains a sustainable transport and travel strategy and to comply with policies TR1, TR4 and TR8 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and policy DM33 of the City Plan Part Two.

41. Prior to first occupation of Phase 2 (Apart Hotel) a Travel Plan for the Aparthotel including a scheme of travel plan measures to promote sustainable transport to and from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the following measures:

- Providing public transport information to people when they book hotel rooms/suites
- Communication of the car-free nature of the scheme and the location of local car parks including costs and operational times
- Promotion of sustainable transport travel for staff trips including personal travel planning and a staff notice board
- Sustainable transport promotional material being made available to both staff and customers/hotel guests including cycle, bus routes and timetable brochure and car club information

Reason: to ensure the development maintains a sustainable transport and travel strategy and to comply with policies TR1, TR4 and TR8 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and policy DM33 and DM35 of the City Plan Part Two.

42. No development of Phase 2 of the Apart Hotel Development hereby permitted shall take place until a Demolition Environmental Management Plan (DEMP)

and Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted document(s) shall include:

- "The Construction Programme" - Details of the demolition & construction programme and methodology of the development hereby permitted, including start and end dates of each phase and the forecast completion date for the development.
- "Contact Details" - Provide contact details of a single point of contact who is responsible for the construction project and shall be the main contact for the LHA during construction works.
- "Considerate Contractor" - A scheme setting out how the contractors will minimise disturbance to neighbours regarding issues such as site traffic and deliveries to and from the site.
- "Hours of Operation" - Details of hours of demolition and construction including all associated vehicular movements.
- "On-Site Contractor's Compound" - Details of the compound on site where all demolition and/or construction staff will park, laid out to show the number of spaces available for staff parking. There shall be no spill-over of contractor parking onto and adjoining residential roads/highway.
- "Haul Route" - A plan showing demolition and construction traffic routes and the type and number of vehicles forecast to use the route.
- "Protection of Highway Assets" - Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services and provide for their continued operation during the works.
- "Wheel Washing" - Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto the highway.
- "Traffic Management" - Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site.
- "Prevention of Nuisance Parking by Contractor Staff & Travel Planning for Contractor Staff" - Details of employee and contractor parking provision within the Construction Site; or alternative arrangements for travel to and from the site by contractor staff working on site during the hours of operation.
- "Qualified Marshals on Public Highway" - Undertaking that any temporary traffic management measures on the highway shall be provided by qualified TM providers, and any marshalling of construction traffic on the highway shall be undertaken by Contractor's staff holding National Highways Sector Scheme 12(d) certification.
- "Updated Plans to be submitted to the LHA" - A commitment to submit updates of the Approved Plan to the LHA, about the programme of works and construction traffic forecasts; whenever the Developer changes them, or as and when they may be requested by the LHA

The demolition and construction works shall be carried out in accordance with the approved DEMP and CEMP.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies TR7, SU9 and QD27 of the Brighton & Hove Local

Plan, CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the emerging Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SPD03.

43. Notwithstanding the plans hereby approved prior to first occupation of the Apart Hotel, details of a photovoltaic array shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

44. Unless otherwise agreed in writing by the Local Planning Authority within 6 months of first occupation of the Apart Hotel development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Apart Hotel development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

45. The development hereby permitted shall not be first occupied until a scheme for the control of fumes, smells and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

46. Other than demolition works Phase 2 of the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of:

- Surface runoff rates and calculations to support these.
- Demonstration that no flooding will occur in a 1 in 100yr +40%CC storm because of the development.
- A maintenance and management plan identifying tasks, frequencies and parties responsible for all drainage elements.
- Confirmation that post-development, surface water runoff rates will at least match, or preferably, be a betterment over pre-development conditions.
- Anticipated foul water peak discharge rates.

- Evidence of consultation with Southern Water, and approval for foul water connections.
- Confirmation as to which existing/new connections to the sewer are proposed, and proof (i.e., CCTV survey) that they are appropriate.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

47. No development of Phase 2 (Apart Hotel Extension) shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

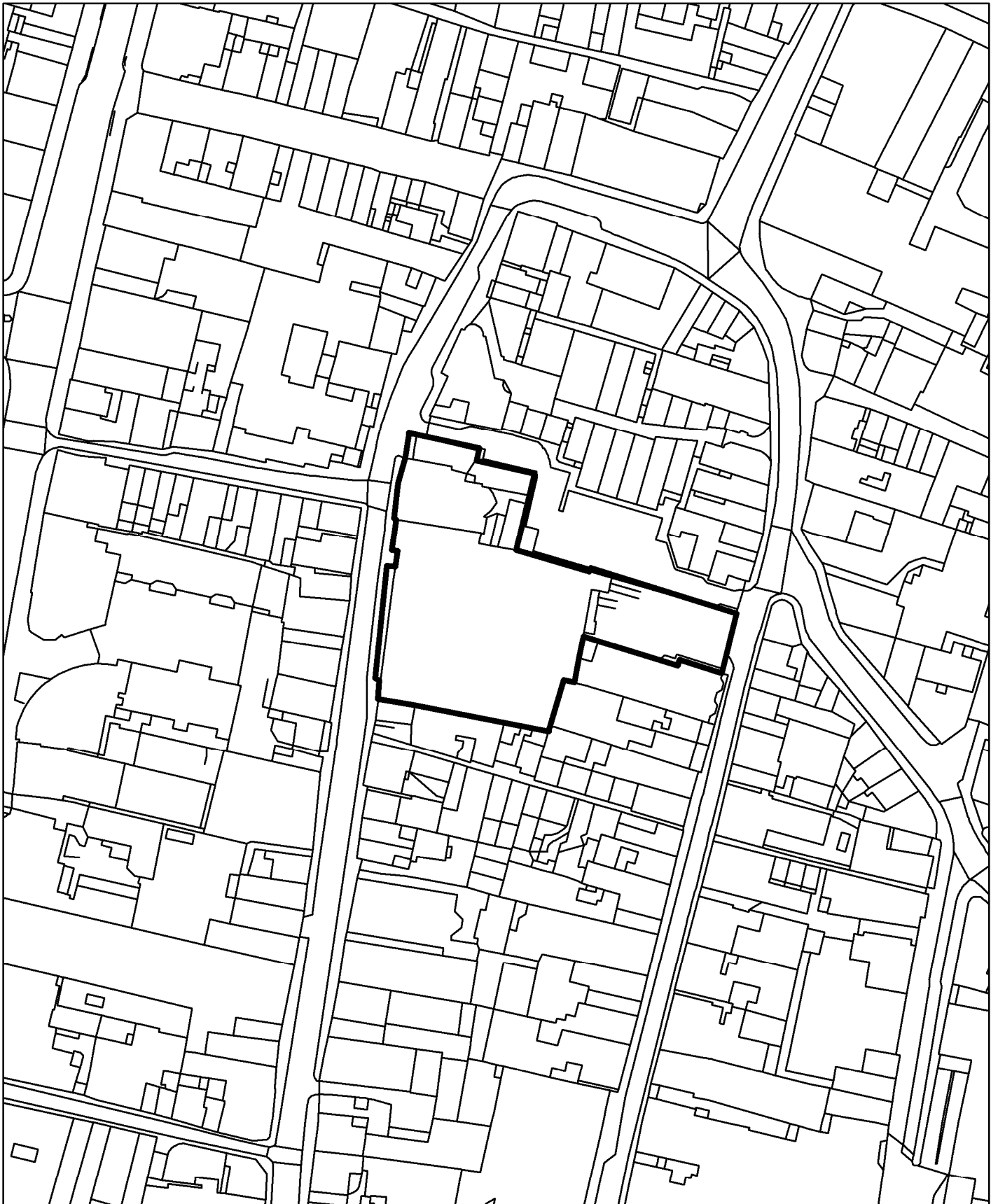
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy DM20 of the Brighton & Hove Local Plan City Plan Part Two.

ITEM B

**The Hippodrome
51 & 52-58 Middle Street
BH2025/02726
Listed Building Consent**

DATE OF COMMITTEE: 1st April 2026

BH2025 02726 - The Hippodrome, 51 & 52-58 Middle Street



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02716	<u>Ward:</u>	Regency
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	The Hippodrome, 51 And 52 - 58 Middle Street, Brighton		
<u>Proposal:</u>	Restoration, renovation, part-demolition works and extensions to The Hippodrome to create a new mixed use development including multi-format performance space (Sui Generis), and apart-hotel (C1), including; erection of new apart-hotel building fronting Ship Street of 3 to 7 storeys with retail (E) at ground floor, conversion of Hippodrome House to provide ancillary bar and apart-hotel, and other associated works.		
<u>Officer:</u>	Matthew Gest tel. (01273) 292525	<u>Valid Date:</u>	06.11.2025
<u>Con Area:</u>	Old Town Conservation Area	<u>Expiry Date:</u>	17.02.2026
<u>Listed Building Grade:</u>	Grade II*	<u>EOT:</u>	07.04.2026
<u>Agent:</u>	ECE Planning Limited, 64-68 Brighton Road, Worthing, BN11 2EN		
<u>Applicant:</u>	52-58 Middle Street Brighton Ltd, c/o ECE Planning Ltd, 64-68 Brighton Road, Worthing, BN11 2EN		

1. EXECUTIVE SUMMARY

- 1.1. The application relates to the Grade II* Hippodrome, 51 and 52-58 Middle Street. The building has a long and varied history as an entertainment venue which is summarised in the report but has been vacant since 2006. The building is in a very poor condition and remains on the “Heritage at Risk” registers for both Historic England and the Theatres Trust. The building has, however, benefited recently from a new roof, the removal of dry rot and the restoration of the auditorium plasterwork by the current owners, measures which have contributed significantly to the immediate preservation of the historic building.
- 1.2. Planning permission and Listed Building Consent was granted in 2024 for a mixed-use development scheme which included a restoration, alterations and extensions to provide a multi format (flexible) performance space in the auditorium, foyer restaurant/café on Middle Street, alterations to Hippodrome House including the provision of a private members club and a new build 3-7 storey apart hotel fronting Ship Street.
- 1.3. It is understood that an operator of the Hippodrome has now been appointed and this application seeks to make a number of alterations to the approved plans to reflect their operating requirements and to enable a “shell and core” restoration to take place on site prior to the later fit out by the operator. To

facilitate this a number of the conditions are proposed to be varied or removed to reflect the proposed changes.

- 1.4. The physical variations proposed largely comprise; a new circular auditorium roof with an increased total height of 3m, minor alterations to the external elevations and the demolition of a small utilitarian extension at the rear of Hippodrome House. These works would facilitate the use of the Hippodrome as a music venue with ancillary offices and the application includes details of the required acoustic treatments. The proposal removes a separate restaurant/café and private members club from the approved scheme with the ground floor space instead used as additional operating area for the venue. The Apart Hotel as originally approved remains within the scheme but would reduce in number of apartments from 77 to 68.
- 1.5. The changes proposed would facilitate the use of the Hippodrome and ground and first floors of Hippodrome House as a single performance venue. Information provided indicates an increase in the audience capacity from that which was considered within the original application. This application therefore includes an assessment of an increased audience capacity from 1800 to 2300 patrons.
- 1.6. Amendments have been sought during the course of the application and a re-consultation took place in January 2026 to include an amended description of development including the audience uplift proposed.
- 1.7. The approved application in 2024 is considered to remain extant and this report considers the variations proposed. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given “considerable importance and weight”.
- 1.8. The proposed development is considered to continue to sustain and enhance both the architectural and historic significance of the buildings and the use proposed is considered to be viable and consistent with the history of the site and the ongoing conservation of this ‘at risk’ Grade II* Listed Building. The proposed development would contribute to the re-generation and vitality of this part of the Old Town Conservation Area and would also visually improve the public realm and make a positive contribution to local character and distinctiveness. The proposed changes have been assessed in regards to their visual impacts and effects upon the Listed Building and Conservation Area and on balance, subject to the conditions recommended the alterations are considered acceptable and are recommended for approval.

2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **APPROVE** Listed Building Consent subject to:

A) The Conditions & Informatives set out at Appendix B

3. SITE LOCATION

- 3.1. The application relates to the Grade II* Listed Brighton Hippodrome (52-58 Middle Street) a late 19th Century venue. The building was originally constructed as an ice rink in 1896/97 and has undergone many iterations of use in its time. Most recently the building was used as a Bingo Hall and has been vacant since 2006. The building is included on Historic England's register of "buildings at risk" due to being in a substantial and ongoing state of deterioration. The building together with the associated and adjoining Hippodrome House (51 Middle Street) occupies a substantial site between Middle Street and Ship Street in the heart of the Old Town Conservation Area of the city with the principal entrance onto Middle Street and a rear yard with access from Ship Street. The site also lies within an Archaeological Notification Area.

4. RELEVANT HISTORY

- 4.1. **BH2025/02723** - Application to vary conditions 1, 13, 17 and 36 of planning permission BH2022/02443 (as amended by BH2025/00668) to amend approved drawings and the wording of conditions, remove conditions 31, 32, 33 and 34 and discharge conditions 15, 16 and 23 to implement changes to the design in line with the requirements of the operator including increase in maximum audience capacity.
Under consideration
- 4.2. **BH2025/01543** - Application for approval of details reserved by condition 11a (details of external materials) of application BH2022/02443, as amended by BH2025/00668.
Approved 11th November 2025
- 4.3. **BH2025/01542** - Application to vary condition 3 of listed building consent BH2022/02444 to allow for variation in the staging of material samples. Amendment of description to: Restoration, renovation, part-demolition works and extensions to The Hippodrome to create a new mixed use development including multi-format performance space (Sui Generis), and apart-hotel (C1), including; erection of new apart-hotel building fronting Ship Street of 3 to 7 storeys with retail (E) at ground floor, conversion of Hippodrome House to provide bar and apart-hotel, and other associated works.
Under consideration
- 4.4. **BH2025/00668** - Non-Material Amendment to application BH2022/02443 to amend wording of condition 11 to allow for variation in the staging of material samples and to amend the development description to: Restoration, renovation, part-demolition works and extensions to The Hippodrome to create a new mixed use development including multi-format performance space (Sui Generis), and apart-hotel (C1), including; erection of new apart-

hotel building fronting Ship Street of 3 to 7 storeys with retail (E) at ground floor, conversion of Hippodrome House to provide bar and apart-hotel, and other associated works.

Approved 4th June 2025

- 4.5. **BH2022/02443** - Restoration, renovation, part-demolition works and extensions to The Hippodrome to create a new mixed use development including multi-format performance space (Sui Generis), and apart-hotel (C1), restaurant/café (E) with rooftop bar and terrace (Sui Generis) including; erection of new apart-hotel building fronting Ship Street of 3 to 7 storeys with retail (E) at ground floor, conversion of existing Hippodrome Fly Tower to create additional rehearsal/performance space, conversion of Hippodrome House to provide bar, members club with external terrace and apart-hotel, and other associated works.
Approved 24th July 2024
- 4.6. **BH2022/02444** - Restoration, renovation, part-demolition works and extensions to The Hippodrome to create a new mixed use development including multi-format performance space (Sui Generis), and apart-hotel (C1), restaurant/café (E) with rooftop bar and terrace (Sui Generis) including; erection of new apart-hotel building fronting Ship Street of 3 to 7 storeys with retail (E) at ground floor, conversion of existing Hippodrome Fly Tower to create additional rehearsal/performance space, conversion of Hippodrome House to provide bar, members club with external terrace and apart-hotel, and other associated works. (Listed Building Consent)
Approved 24th July 2024
- 4.7. **BH2023/02483** - Certificate of lawfulness for the proposed re-use of the building for live public performance entertainment (with ancillary provision of food and beverage).
Refused 7th November 2023
- 4.8. **BH2022/00648** - Clearance and treatment of dry rot infested areas including removal of non structural timbers and bingo hall installed fixtures and fittings.
Approved 26th May 2022
- 4.9. **PRE2021/00110** - Repair and refurbishment of existing Grade II listed building for use as an entertainment venue, also including conversion of part of the existing building to an 18 room apartment hotel, another part to office use, and a newbuild extension at the rear to create 60 additional apartment hotel rooms and a small retail unit fronting onto Ship Street. Alterations to the Listed Building will be both internal and external on all floors.
Advice issued 24th August 2021
- 4.10. **BH2021/01080** - Erection of new roof structure to the domed roof, and the demolition of several roof structures that penetrate through the existing roof fabric. (Listed Building Consent)
Approved 5th October 2021

- 4.11. **BH2021/01079** - Erection of new roof structure to the domed roof, and the demolition of several roof structures that penetrate through the existing roof fabric.
Approved 5th October 2021
- 4.12. **BH2013/04348** - Internal and external alterations to Brighton Hippodrome and Hippodrome House to form an eight screen cinema (D2) and four associated café/restaurants units (A3) to include the following works: demolition of the fly tower and other later additions and construction of replacement rear extensions; excavation works to extend existing basements; construction of two storey extension to northern elevation; reinstatement of original Hippodrome entrance on Middle Street; demolition of 11 Dukes Lane to create a new pedestrian route; new bay window to western elevation of 10 Dukes Lane, new windows to 47 Middle Street; new windows and entrance way to Hippodrome House; reconfiguration of existing service yards and parking areas; improvements to pedestrian and disabled access to Middle Street and Dukes Lane; construction of new three storey plus basement unit on land adjacent to 18-19 Ship Street (referenced as 19A Ship Street in supporting documents and plans) comprising A1/A2/A3 use on the ground floor and B1 use on the upper floors; and other associated works.
Approved 28th November 2014
- 4.13. **BH2013/04351** - Internal and external alterations, restoration and repair to Brighton Hippodrome and Hippodrome House to facilitate conversion to cinema (D2) and associated café/restaurant units (A3) to include the following works: demolition of the rear fly tower and other later additions and construction of replacement rear extensions; construction of two storey extension to northern elevation to provide new access way into the Hippodrome; excavation works to stalls and orchestra pit; installation of mezzanine floor; reinstatement of original Hippodrome entrance on Middle Street; new windows and entrance way to Hippodrome House; and other associated works.
Approved 28th November 2014

5. APPLICATION DESCRIPTION

- 5.1. The application seeks to vary the listed building consent approved under BH2022/02444. It should be noted that a concurrent Section 73 application (BH2025/02723) is under consideration and relates identically to this application. As a listed building consent it is not possible to vary the plans previously approved in the 2022 application and instead a further listed building consent is required.
- 5.2. Whilst this application therefore seeks a new Listed Building Consent this report considers the variations to the development previously approved in so far as they relate to the Listed Building. The previous Listed Building Consent (BH2022/0244) is considered to remain extant.

- 5.3. The application seeks to vary a number of details previously approved in order to implement changes to the design in line with the requirements of the operator including an increase in maximum audience capacity.

Variation to previous consent

- 5.4. The variations to the previous consent include:
- New auditorium roof structure (increase in total height of by 3m) to meet acoustic, ventilation and structural requirements.
 - Revised details of Middle Street frontage
 - Revised floor plans removing members club and restaurant café and proposed new venue layout
 - Removal of upper level windows and external bar and terrace from the proposal
 - Demolition of WC extension at the rear of Hippodrome House to widen the fire escape route
 - Minor design variation to northern elevation of auditorium/apart hotel to remove set back at lower levels in one section
 - Installation of auditorium acoustic “sound wall”
- 5.5. This application also proposes amended wording to the conditions 5, 9, and 10 as previously imposed and the submission of details relating to conditions 6, 8, and 15 as were previously required.
- 5.6. *Condition 5* is proposed to be amended from that previously imposed to allow for external detailing to be approved prior to installation and not prior to works above slab level as the condition currently requires.
- 5.7. *Condition 9* is proposed to be amended from that previously imposed to allow for the shell and core demolition and works to proceed with a detailed fit out and restoration subsequently.
- 5.8. Similarly *condition 10* is proposed to be amended from that previously imposed to allow for the shell and core demolition and works to proceed with a detailed fit out and restoration subsequently.
- 5.9. *Condition 6* required details of the replacement entrance canopy to the Hippodrome Middle Street frontage and the entrance portico to Hippodrome House. This information is included for consideration.
- 5.10. *Condition 8* required details of the submission of location and method for repositioning the Grand Master Control panel. This information is included for consideration.
- 5.11. *Condition 15* required details of the auditorium ceiling paint scheme. This information is included for consideration.
- Amendments
- 5.12. Amended plans and further information have been provided during the course of the application. Principally an updated ‘Transport Technical Note’ has been provided to consider the highways impacts of the potential increased audience

capacity. Other design amendments received while under consideration have reduced the height of the new auditorium roof and amended details on the Middle Street and northern elevations of the development. The applicant has also confirmed that some internal hand railing detail is now removed from the application.

Condition of the Hippodrome

- 5.13. The building has been vacant since 2006 and during this time has fallen into considerable disrepair in this time. Water ingress and an infestation of dry rot have been somewhat remedied by recent planning and listed building consents to renew the auditorium roof and remove non-structural dry rot. These consents have been implemented by the applicant. The building overall remains in a poor condition.

6. REPRESENTATIONS

- 6.1. Overall and in total **Seven (7)** public representations have been received objecting to the proposed development for the following reasons:

- Adverse effect on listed building
- Adversely affects Conservation Area
- Inappropriate height of development
- Noise
- Overdevelopment
- Overshadowing
- Poor design, new roof too large and will block view and restrict light
- Restriction of view
- Poor design of new build
- Overlooking from south facing windows
- Concerns on material finish
- New build at rear would block natural light and right to light
- New build would not comply with BRE guidance
- External terraces likely to cause noise and disturbance
- Use proposed of the Hippodrome is no longer appropriate in the modern day setting.
- Concerns on increased audience capacity regarding noise, congestion and safety.
- Request to install a gate either end of twitten (Ship Street Gardens) to limit anti-social behaviour
- Should not be a Section 73 application
- Site is within Cumulative Stress Area and Middle Street an area already experiencing anti-social behaviour. Will worsen existing situation.

7. CONSULTATIONS

Internal:

- 7.1. **Heritage:** 3rd March 2026 Comment / Seek Amendments

New roof structure and minor demolition in service yard do not harm heritage significance but must ensure proper restoration of historic features prior to operation

- Concerns that internal handrail is visually heavy for historic setting
- Concerns on loss of Palm Court interiors
- No objection to removal of vents
- Clarification required on Canopy details and overall material use
- Number of menu boxes should be reduced
- Concerns on signage and accuracy of drawings

External

7.2. **Historic England:** 14th January 2026: Comment

Brighton's Hippodrome is an outstanding example of a circus theatre designed in 1901 by the leading theatre architect of the time, Frank Matcham. It is listed at Grade II* and is a longstanding case on the Heritage at Risk Registers of Historic England and the Theatres Trust. We attribute considerable significance to the flamboyant rococo plasterwork created by Matcham, and to the auditorium as a single open volume capable of maintaining a performance function. We are therefore pleased an operator has been found that is proposing to use the Hippodrome for live performance events. This is a welcome outcome that will enable the auditorium to be retained as a single open space and the building to be used as originally intended. These are important aspects of the building's significance and which count heavily in favour of these applications.

- No objection to the new roof or demolition of WC block.
- Concerns details relating to condition 17 (historic features) is incomplete and does not include details of methods and materials and their re-instatement on site. Recommend condition 17 is altered to ensure full detail is received and works implemented prior to the venue being open to the public.
- No objection to alterations to conditions of external details.
- No objection to details of the entrance canopy
- No objection to details relating to the Grand Master Control panel.
- No objection to discharge of internal paint scheme condition.
- No comments on removal of conditions 31-34 as these are for the LPA to consider.
- Highlight historic significance of Palm Court interiors and where possible retained or reused.
- Attention drawn to conditions relating to the auditorium floor.
- Plasterwork restoration in the auditorium is spectacular and recording and verification details should be provided to the Council.

7.3. **Theatres Trust:** 22nd December 2025: No objection / Seek Amendment
No objection to removal of conditions 31-34.

7.4. Generally welcome the amendments which will help make the Hippodrome operationally viable. While there remain compromises due to the nature of the redevelopment of the overall site, we consider the amendments to provide a

more workable scheme for the reactivation and reuse of the Hippodrome for live performance events.

- New roof would provide much needed acoustic isolation.
- Demolition of later WC block is of lesser significance and is supported as the necessity of demolition to improve operation is a public benefit. Egress/Access arrangements may require revision of Travel Plan.
- Consider there is significance to 1930's interior of Palm Court. Historic plasterwork should be retained and any harm or loss should be properly recorded.
- No objection to changes to Conditions 13, 17 or 36.
- Details of proposed entrance canopy (condition 15) are acceptable.
- Requires further details in regards to Condition 16 (Grand Master Control panel)
- Details of paint scheme based on architectural research (condition 23) is acceptable.

Additional comment 6th February 2026: No objection

7.5. Details provided for condition 16 (Grand Master Control panel) are acceptable.

8. MATERIAL CONSIDERATIONS

8.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

8.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
SA2	Central Brighton
CP2	Sustainable economic development
CP4	Retail provision
CP5	Culture and tourism
CP6	Visitor accommodation

CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP18	Healthy city

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM23	Shopfronts
DM26	Conservation Areas
DM27	Listed Buildings
DM33	Safe, sustainable and active travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principal of the proposed variations from the Listed Building Consent previously approved and their impact upon the significance of the Grade II* Listed Buildings, Conservation Area and other nearby listed buildings.
- 10.2. In considering whether to grant consent for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area.

- 10.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given “considerable importance and weight”.
- Significance of the Hippodrome (History of the site and historic significance)
- 10.4. Numbers 52-58 Middle Street is the Hippodrome, which with the associated building at number 51 known as Hippodrome House, is a Grade II* Listed Building and occupies a substantial site in the heart of the Old Town conservation area of the city. The Hippodrome has both special architectural and historic interest and the surviving Matcham auditorium interior is of greatest note.
- 10.5. The site has a long history as an entertainment venue, having been built originally to serve Brighton’s burgeoning tourist market during the rapid expansion of the city in the late 19th century.
- 10.6. The building’s vast circular auditorium is largely concealed within the tight urban grain of the Old Town’s lanes and twittens behind an unassuming frontage on Middle Street. The various phases of the building’s history remain legible in a series of external and internal features including the equestrian ramp associated with the circus use in the Middle Street yard. The plain brick fly tower is a later addition to the building which along with the yard and car park to the east presents an uncharacteristically utilitarian outlook when seen from Ship Street.
- 10.7. The building has been reinvented a number of times. Originally built as an indoor ice rink by Lewis Kerlake in 1896/97 the building was converted to a circus four years later by renowned theatre architect Frank Matcham. After a year the eminent theatre architect, Bertie Crewe, altered it again to create a variety theatre for theatre magnate Tom Barrasford by removing the circus ring, creating an orchestra pit with stage, adding a pair of boxes and re-seating the ground floor.
- 10.8. Major alterations were then carried out in 1915/16 by another theatre architect J. Emblin Walker. Further alterations followed in the 1930s, 1940s and 1950s and the Hippodrome was used as a variety entertainment venue playing host to many of the most famous performers of the 20th Century until 1964. Following a brief conversion of the building to a film and TV studio in 1966, the building reopened as a bingo hall in 1969.
- 10.9. The building was occupied by Mecca Bingo from 1969 until it closed and fell into disuse in 2006. In the 20 years since, the building has been in a substantial and ongoing state of deterioration with sufficient water ingress, dry rot and general decay and disrepair occurring for the building to be longstanding on Historic England’s and the Theatres Trusts registers of “buildings at risk”.

- 10.10. Notwithstanding the overall state of disrepair, the building retains a great deal of interior detailing with much of the plaster work throughout the Hippodrome auditorium and Hippodrome house surviving. The building retains a number of unusual fixtures and fittings and much of the foyer, with mahogany panelling and its decorative ceiling, remains in good condition.
- 10.11. The historic significance of the building is largely attributed to the interiors flamboyant rococo plasterwork created by Matcham, surviving decorative detailing and to the large auditorium itself as a single open volume capable of maintaining a performance function in view of the buildings rich and varied performance history.
- 10.12. The application site also includes the adjoining 'Hippodrome House', originally two mid-nineteenth century dwellings, in which Tom Barrasford lived until his death in 1910. The house is in an altered condition and includes within it a miscellany of colourful theatre set pieces likely dating from its 1930s and later interior details when in use as a lounge bar. The basement, however, is relatively unaltered and retains a fine, large kitchen range, original storage shelving and extensive brick vaults, all reflecting the status of the original house and its owner.
- 10.13. In recent years the new owners have implemented a new roof, removed dry rot and the restoration of the auditorium plasterwork which has contributed significantly to the immediate preservation of the historic building.

Principle of the Development:

Policy background

- 10.14. Of key relevance to this application are paragraphs 201, 203, 205, 206, 207, 208 and 211 of the National Planning Policy Framework (NPPF). In particular:

Paragraph 203: *In determining applications, local planning authorities should take account of:*

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 205: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph 206: *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Paragraph 208: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

10.15. Public benefits are defined in the Planning Practice Guidance as ‘anything that delivers economic, social or environmental objectives’, and which are ‘of a nature or scale to benefit the public at large and not just be a private benefit’.

10.16. The guidance also states;
“It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consent.

10.17. In addition to the above policy framework and guidance, local policies SA2, CP4, CP5, CP6, CP13 and CP15 of the Brighton and Hove City Plan Part One as well as DM18, DM26 and DM27 of the Brighton and Hove City Plan Part Two are also relevant to the principle of the use.

Use of the Hippodrome

10.18. Planning applications BH2022/02443 and BH2022/0244 (approved July 2024) granted planning permission and listed building consent for a mixed use development including the renovation of the Hippodrome and its restoration as a flexible events and entertainment venue, a new apart hotel extension of 3-7 storeys at the rear, a new private members club within Hippodrome House and a foyer bar/café on Middle Street. The applications approved were intended to allow a flexible use of the Hippodrome given that at the time of consideration a future operator had not been found. A prospective operator of the venue is now understood to be appointed and the application therefore proposes a number of amendments and changes to better align with the operators requirements.

- 10.19. In policy terms the originally approved application (BH2022/02444) required an assessment of the optimum viable use of the building and the weighing of harms against public benefits. The variations to the conditions proposed within this application would facilitate the use of the building as a single performance venue and propose the removal from the scheme of the private members club, external terrace bar and foyer bar/café. The use as a single performance venue is considered to be consistent with the information provided in the earlier application demonstrating the optimum viable use of the building. The removal of the private members club (discussed below) and foyer bar/café and overall simplification of the proposal is considered an overall benefit to the scheme and would increase bar areas, back of house areas and general venue circulation space which would address some of the concerns raised by consultees on the original application and would contribute to the operational viability of the performance venue.
- 10.20. The proposed changes in principle would facilitate a use of the building which is considered consistent with the principles established within the approved application/s and are reflective of the historical use and historical significance of the Hippodrome. No concerns are raised in regard to the principle of the losses of the private members club, external terrace and the foyer bar/café which are considered to reduce conflicting elements of the scheme and increase the operational viability of the venue.

Use of Hippodrome House

- 10.21. The ground floor of Hippodrome House is proposed to be utilised as additional bar and hospitality area for the associated venue with ancillary offices on the first floor. Apart Hotel rooms would continue to be provided on the upper floors.
- 10.22. The use of the ground floor as ancillary hospitality/bar areas is considered acceptable and the removal of the private members club is considered a benefit to the scheme in that it would allow for increased operational space for the venue. The use of the upper floors for ancillary office and then Apart Hotel accommodation on the upper floor as previously proposed raises no additional concerns.

The reduction in provision of accommodation for the Apart Hotel

- 10.23. As a result of the amendments proposed the overall provision of accommodation within the Apart Hotel would decrease from 77 to 68 apartments. The reduction in accommodation would be a result of the amended internal floor layouts facilitating operational space at the rear of the auditorium and Hippodrome House. The external elements of the new build apart hotel extension would be largely unchanged as a result of this application.
- 10.24. It should be noted that the conditions as originally imposed would continue to be applied to any new approval ensuring appropriate phasing of the development to secure the realisation of the public benefits of the restoration and reuse of the Hippodrome prior to the commencement of development upon the Apart Hotel.

The provision of the Ship Street retail unit (Class E)

- 10.25. The proposal continues to include a small retail unit fronting Ship Street which would contribute positively to the street scene and generate activity providing an active frontage in accordance with policy.

Design, Appearance and Heritage Impacts:

- 10.26. The development is sited within the Old Town Conservation Area of the city. There are a significant number of listed buildings within close proximity to the site, in Boyces Street, Middle Street, Ship Street and Ship Street Gardens. These are generally small-scale buildings (residential and/or commercial) dating from the late 18th and early 19th centuries, whose scale and grain contrast with that of the Hippodrome. Slightly further to the south is the grade II* listed Middle Street Synagogue.

- 10.27. The Old Town Conservation Area Management Plan (OTCAMP) includes the following paragraph (7.72) in respect of the Hippodrome site:

“The council will expect any acceptable scheme for the site to fully restore the Hippodrome for a use that retains the auditorium as a single open volume capable of maintaining a performance function, together with the conservation of the other front and back of house spaces (including the foyer and Hippodrome House) that contribute greatly to its significance, and which enable its appropriate reuse. The adjoining land offers the opportunity for new development that would partially fill the gaps on Middle Street and Ship Street and enhance those street scenes through development, for a mix of uses, of sympathetic scale and massing. Such development must not, however, prejudice the appropriate reuse and future servicing of the Hippodrome itself. The centre of the site adjacent to the fly tower may potentially accommodate greater height than the street frontages but must be mindful of longer views. The view eastwards from Boyce’s Street is of particular importance as Hippodrome House terminates this view in an attractive manner. The building frontage to Middle Street should be carefully restored in accordance with the available historic drawings”.

- 10.28. The OTCAMP also identifies Middle Street (together with Boyce’s Street and South Street) as a priority for future improvement and enhancement in the conservation area, noting the current blight arising from a number of vacant buildings, most notably the Hippodrome site. The proposed mix of uses across the site, the restorative works proposed and the infilling of the Ship Street frontage as originally proposed are similarly beneficial to the character and appearance of the conservation area and are in line with the aspirations of the OTCAMP.

- 10.29. Policies DM26, DM27 and CP15 seek to preserve and enhance existing heritage assets and seek to ensure new development responds and contributes positively to the identified character and appearance of the area. Paragraph 203 of the NPPF, in summary, states that heritage assets should be sustained, enhanced, put to viable uses consistent with their conservation

and that new development should make a positive contribution to local character.

New roof structure

- 10.30. A new circular auditorium roof is proposed as part of the variation to the plans approved. The existing roof was erected in recent years (2020/2021) and established the principle of a new roof to the Listed Building, however, a new upgraded and structurally strengthened roof is required to meet acoustic, ventilation and access requirements. These requirements necessitate an increase in the height of the roof. The roof would retain its circular appearance and would retain the visual vertical concentric divisions.
- 10.31. Amendments received during this application have reduced the height of the new roof from that originally proposed (11.7m from roof level with eaves of 5.4m to 11m with an eaves of 3m). The new roof would still however be a taller circular roof than existing. The eaves of the circular roof would be raised from 1.5m as existing roof level to 3m from roof level. The angle of pitch of the circular roof would increase over the existing to result in a maximum height increase of 3m over than the existing (8m).
- 10.32. It is considered that despite the overall increase in size the proposed roof would be largely imperceptible from street level in the streets around due to the narrow and tight nature of the Old Town Conservation Area where views would be very limited. The increased roof would be visible from the upper floors of some adjacent and nearby buildings, however, sufficient separation remains from the roof to neighbouring properties to ensure that it would not appear harmfully oversized in its context. It is not considered that the impact to longer views or views from neighbouring buildings would be harmful to the character and appearance of the Old Town Conservation Area over and above the existing situation. The separation from nearby listed buildings on Middle Street and Ship Street Gardens is sufficient that the development would not be harmful to their setting.
- 10.33. The proposed roof would replace one recently installed and therefore there would be no harmful loss of historic fabric and the new roof would not cause harm to the historic significance of the building.

Revised details of Middle Street frontage

- 10.34. Variations to the Middle Street elevation proposed relate largely to the front elevation of Hippodrome House where the adjoining building (52 Middle Street) would now have less intervention on the front elevation over that approved which is considered beneficial. The decorative cornice and upper floor windows would remain as existing and details of the entrance doors which are confirmed to be retained as existing is welcomed.
- 10.35. A number of poster panel sites are indicated on the front elevation either side of the main entrance and adjacent to the secondary entrances on the Middle Street elevation. In general terms no concerns are raised in this respect, however, further details of these elements are proposed to be secured by condition to ensure a satisfactory appearance to the Listed Building. Similarly

indicative signage is also proposed at the entrance to Hippodrome House and within the auditorium canopy and details of signage is to be secured through additional Listed Building and Advertisement consents.

- 10.36. At roof level a rendered wall is proposed to be extended at eaves level in order to conceal roof plant. Whilst the appearance is considered generally an unsympathetic addition given its limited visibility and its indicated setback from the decorative parapet this variation is considered acceptable.
- 10.37. Details have also been provided regarding the main Hippodrome canopy and the portico entrance to Hippodrome House as required by conditions on the planning and listed building consent approvals. The re-instatement of a decorative and improved entrance canopy was considered to be a heritage benefit within the original approval. The details provided propose that the entrance canopy to the Hippodrome frontage would be altered using the existing structure to include decorative stained glass inserts with a bridled Fleur de Lys cresting to the top and underside of the canopy. LED lighting is proposed recessed in the underside of the canopy structure and its roof would be a lead covering over the existing frame. These details are generally considered to be reflective of the historic canopy and as such are acceptable and would be a considerable improvement over the appearance of the existing canopy which is noted to be largely unsympathetic as existing. Some details of the canopy including the design of the stained glass inserts, however, still require subsequent approval and this would continue to be secured by condition. Given the acknowledged public benefit of ensuring the canopy is restored the planning condition recommended would remain to ensure that the entrance canopy restoration is fully implemented on site to prior to use of the venue.
- 10.38. The entrance portico to Hippodrome House would be relatively simple with a moulding profile to match the existing ground floor window surrounds. This is considered to result in an acceptable appearance. A replacement covering roller grille is proposed in place of the existing. Whilst this is not considered sympathetic, given the recessed entrance behind, the potential need for this is recognised and given the existing presence of the roller grille this is considered acceptable and would cause no further harm to the appearance of the Listed Building. Details of the replacement is proposed to be secured by condition.
- 10.39. Details have been provided of the Middle Street second floor decorative balconies. The detail is considered to be sufficiently reflective of the original balconies and the use of traditional materials, joinery and detailing is welcomed.
- 10.40. Details have also been submitted in regard to the proposed doors facing Middle Street. The details indicate the retention of the existing doors to the northern part of Hippodrome House and the retention of the existing decorative substantial timber doors to the stair towers and principal entrances. The retention of these existing and original doors is welcome and acceptable.

- 10.41. Details of the window restoration to Hippodrome House have been provided which indicates that the existing windows shall be retained and refurbished. Any replacement windows are proposed to exactly match the detailing of the existing in hardwood and joinery details to this effect have been provided and are considered to result in an acceptable appearance.
- 10.42. Details of the roof dormers to 52 Middle Street adjoining the auditorium remain to be required prior to installation.

Revisions to the Northern Elevations

- 10.43. A number of minor revisions are proposed to the northern elevation of Hippodrome House and the northern elevation of the Auditorium.
- 10.44. On the northern elevation of Hippodrome House a two storey extension and small lean to are proposed to be demolished. It is understood that this demolition would facilitate additional space for vehicles utilising the service yard and improve fire egress for the venue. No objection has been raised by Historic England, The Theatres Trust or the Council's Heritage Team to this removal. The demolition is a later addition to the Listed Building (Hippodrome House) and whilst its removal is regrettable the utilitarian nature of this non-original element would mean that the loss would not cause unacceptable harm to the historic significance of the building and the benefit of its removal to the overall safe operation of the venue is recognised.
- 10.45. A new window arrangement is proposed to the upper floors of Hippodrome House on the northern elevation to vary the position of new openings originally proposed. These variations are not considered to result in further harm to the historic building.
- 10.46. Within the service yard a loading canopy is indicated. This would be sited in the north eastern section of the service yard adjacent to Hippodrome House. No details have been submitted for this however the canopy is acceptable in principle given the utilitarian nature of the service yard. The exact canopy details are recommended to be secured by condition.
- 10.47. On the northern elevation of the auditorium the upper floor windows and doors which were proposed to facilitate internal and external bar areas are proposed to be removed which results in a simplification of the northern elevation of the auditorium which is welcomed. Two steel smoke vents are proposed instead which would be minimal and functional and not cause unacceptable harm to the appearance of the building. Details of the smoke vents are recommended to be secured by condition.
- 10.48. A new acoustic louvre is proposed at roof level running alongside the northern side of the auditorium roof. Whilst large the louvre screen would hide proposed plant from views to the north and the simple form is considered appropriate in this case.
- 10.49. A minor variation is proposed to the north elevation of the Apart Hotel where the new extension would adjoin the rear of the Hippodrome. As originally

approved a set back in the northern elevation would create a recess from second floor to roof level. An amendment proposed in this application would see the set back only present in the upper two levels (fourth and fifth floors). It is understood that this amendment would improve the layout and function of the back of house of the venue as well as contributing to less potential acoustic breakout. Where the setback is no longer proposed detailed brick panels would ensure a suitable external appearance of this variation to maintain visual interest. No objection is raised to this design amendment.

Revisions to the Southern Elevation of the fly tower and auditorium roof

- 10.50. A number of windows which were proposed to be inserted into the existing fly tower facing south are proposed to be removed from the scheme. Given that this would result in less interventions to the existing building no harm is considered to result.

Revised floor plans / venue layout / internal alterations

- 10.51. Revisions to the floor plans proposed involve a new internal sound wall in various locations within the auditorium, a new layout to the venue and the removal of the members club from Hippodrome House utilising this space instead as additional bar/hospitality space connecting to the main auditorium. The Foyer bar/café is also now removed with the space reinstated as general foyer and lobby space commensurate with the existing building. Accessible WC facilities are proposed close to the Middle Street entrances with general WC facilities now located within an area in the south eastern corner of the building where previously kitchen facilities were proposed. This change utilises some of the existing partitions and would not overall cause harm to the appearance or historic significance of the auditorium.
- 10.52. A new internal sound wall would be erected around various locations in the interior of the auditorium in order to limit noise transfer to adjacent properties. Whilst this would be a substantial internal intervention no objection to this has been raised by consultees. The benefits of this to the overall scheme is recognised and would be sited within areas which would not obscure or otherwise compromise historic detailing or harmfully affect the historic significance of the building. It is recognised that a further Listed Building consent application will be required for the future interior detailed fit out.
- 10.53. The submitted plans revise other internal arrangements and spaces are indicated for cloakrooms, lobby and merchandising space, bar areas and back of house facilities. At the rear of the stage area a new layout for back of house facilities, green rooms, technical areas and dressing rooms is proposed and their provision is considered acceptable in heritage terms and would assist the operational viability of the venue.
- 10.54. To the rear of the stage where a rehearsal space was originally proposed this is replaced with a flexible space ancillary to the venue expected and likely to function as a VIP area. Within this space the Grand Master Lighting Control Panel (a significant heritage feature of the existing building) is proposed to be re-sited.

- 10.55. Details relating to the provision of an auditorium handrail have been removed from consideration in this application by the applicant and it is understood that further detail with regards to the internal detailing and interior fit out will be provided within a subsequent Listed Building consent application.
- 10.56. The first floor of Hippodrome House is now proposed as ancillary office accommodation with staffing facilities and toilet provision. At mezzanine and first and second floor level a revision to the layout of internal toilet facilities and bar areas are proposed and the external balcony bar is proposed to be removed with all bar areas being otherwise internal only.
- 10.57. The internal and external amendments as included on the proposed plans are considered acceptable and would contribute to the overall operational viability of the venue and would not cause harm to the historic significance of the building over and above the existing consent.

Historic detailing (Grand Master Control Panel)

- 10.58. Condition 8 of BH2022/0244 required details of the submission of location and method for repositioning the Grand Master Control panel. The Grand Master lighting Control panel is considered to be a significant historical feature of the existing building and a method statement has been provided to demonstrate how this would be carefully removed from its current position in the stage right rear wing of the stage and relocated within the flexible space above the stage. The panel would be sited in such a location to still be visible to visitors to the building and its retention on site is considered acceptable. The methodology of the removal has been assessed and no objection is raised by Historic England or the Theatres Trust in regard to this aspect of the proposal.
- 10.59. Condition 15 of BH2022/02444 required details of the auditorium ceiling paint scheme and the works have been undertaken on site. Historic England have commented that the works are “spectacular” and no concerns are raised with regards to the paint scheme which is considered historically appropriate. The information relating to these works is considered acceptable.

Alterations proposed to conditions 9 and 10 (Historic Detailing)

- 10.60. The application proposes a variation to the wording of Conditions 9 and 10 as were previously approved to allow for a different timing mechanism to apply to the methodology and restoration of historic features should the application be acceptable. This is proposed so that only the removal, methodology and restoration of historic features associated with the “shell and core” works to the Hippodrome can take place with further details, methodology and restoration taking place as part of the later detailed internal fit out of the building. Given that the proposed wording would continue to require the approval of such details prior to their removal and would only include elements affected by the works taking place at different stages of construction this alteration is considered to be appropriate and acceptable.

10.61. For the avoidance of doubt the amended wording relating to internal partitions, divisions and historic detail would therefore be phased and would read for condition 9;

“1. Prior to the installation or removal of any internal partitions, walls or features to the auditorium and supporting ancillary spaces of the development hereby approved, a full schedule and method statement for the restoration of historic features to be carried out as part of the shell and core restoration shall be submitted to and approved in writing by the Local Planning Authority.

2. Prior to the detailed fit out and the installation or removal of any internal partitions, walls or features to the auditorium and supporting ancillary spaces of the development hereby approved, a full schedule and method statement for the restoration of historic features to be carried out as part of the Detailed Fit out shall be submitted to and approved in writing by the Local Planning Authority.

The schedules and statements shall include details and working methods, tools, materials, treatment and colours for the restoration and repair of all historic features including but not limited to all features noted in the Historic Feature Retention Schedule submitted under BH2022/02443 dated 4th April 2023 and other historic features and decorative detailing noted in the auditorium, foyer panelling, foyer floor, Hippodrome House and circulations spaces. The submitted details shall include a timetable for implementation and completion and section joinery details as appropriate. The works shall therefore be carried out in full accordance with the approved schedules and statements unless otherwise agreed in writing by the Local Planning Authority.

10.62. Condition 10 relates more specifically to the auditorium and Hippodrome House and would require similar detailing. As proposed a condition would therefore read;

“A) Prior to the shell-and-core restoration any internal works including demolition and removal of internal partitions, walls or features to the auditorium or Hippodrome House of the development hereby approved a full schedule and method statement for the restoration of historic features to be carried out as part of the shell-and-core restoration shall be submitted to and approved in writing by the Local Planning Authority.

B) Prior to the detailed Fit out, any internal works including demolition and removal of internal partitions, walls or features to the auditorium or Hippodrome House of the development hereby approved a full schedule and method statement for the restoration of historic features to be carried out as part of the Detailed Fit out shall be submitted to and approved in writing by the Local Planning Authority.

Conclusions on design, appearance and heritage

10.63. Subject to the conditions recommended as above, the variations to the Hippodrome re-development as proposed would continue to offer public

benefits. These are the restoration and re-use of the auditorium as a single volume capable of performance, improvements to the public realm from the overall regeneration of the site, retention and restoration of some historic features across the site including the entrance canopy and bringing a long vacant deteriorating listed building back into a viable use. There are also harms which are considered to be less than substantial although this may be to a high degree if suitable conditions do not secure the positive outcomes and benefits needed. The heritage harms are noted to be less than substantial but on the lower end of the scale with regards to the new auditorium roof and demolition of the WC block on the northern elevation of Hippodrome House.

- 10.64. Considerable importance and weight is however given to the restoration and reuse of the Hippodrome which, subject to the necessary conditions and obligations would overall enhance and preserve the character and appearance of the Old Town Conservation Area and nearby listed buildings as well as provide significant public benefits in the restoration of a long deteriorating heritage asset and the ability for the public appreciation and enjoyment of this space.
- 10.65. 10.64 Subject to the public benefits of the scheme being realised it is considered that the physical variations to the development as approved would be, on balance, in accordance with the NPPF, policy CP15 of the Brighton and Hove City Plan Part One and Brighton and Hove City Plan Part Two policies DM26 and DM27.

Audience Capacity and Event management

- 10.66. The previous application indicated a maximum capacity use of the venue of 1800. This capacity was indicated within the submitted documentation and assessments but was not subject to a planning condition limiting capacity as this was to be secured through the licencing and fire regulations process. Information received as part of this application indicates that the operational maximum capacity of the venue is now considered to be 2300. This would result in an uplift of 500 persons over and above that which was approved.
- 10.67. A number of concerns have been raised within the representations received relating to this increase in audience capacity. These concerns relate to noise and disturbance from the additional patrons, crowd management, anti-social behaviour and rubbish left by users of the venue. The approved planning application (BH2022/02443) was consented subject to Condition 29 which requires an events management plan/strategy to be submitted to and agreed prior to first use of the Auditorium.
- 10.68. The concerns received within the representations are noted and recognised. The impacts of this audience uplift are considered to still be adequately controlled by the existing conditions on the planning approval which requires a significant number of measures to be agreed in respect to event management prior to any operation. The management plan condition on the planning application requires full implementation, review and updating at regular intervals and the retention of this condition is considered important and necessary in the interests of protecting neighbouring amenity.

10.69. Representations received have requested a planning obligation to secure a gated access to Ship Street Gardens if the application is considered acceptable. It is not considered reasonable to request such an obligation in this case for the following reasons. It is anticipated that street marshalling would be likely required as part of the event management plan and, if necessary, street marshalling could take place at either end of the twitten to ensure that patrons are re-directed to the principal public roads and pavements around the site. The marshalling and/or management of this area is recommended to form a consideration when the event management plan is considered at a later stage. Subject to robust measures in the event management plan being secured and implemented this amendment to the application is considered acceptable. It is also noted that should the attending audiences create substantial problems in the neighbouring area that this would also be considered to be an Environmental Health, Police and/or Licensing issue.

10.70. In this case, subject to the provision of a robust events management plan continuing to be secured on the planning application, no harmful concerns are noted in amenity terms over and above the existing permission which would affect the viability of this consent.

Noise breakout

10.71. With regards to noise breakout from the Hippodrome auditorium Environmental Health have previously confirmed that the acoustic impacts and noise breakout from the venue can be suitably mitigated and controlled through planning conditions that require a pre-occupation acoustic design and assessment as well as post completion testing and implementation of mitigation considering a worst case scenario of noise type and audience capacity within the assessments.

10.72. It is noted that the application as now proposed would include less openings (windows/doors) to assist with noise breakout and a new roof is proposed as a key part of the noise mitigation strategy.

10.73. The conditions applied to the previous consent (conditions 17 and 18) relating to acoustic design and post completion testing are proposed to be re-instated within this application, however acoustic treatments and measures relating to acoustic breakout have been indicatively proposed within the new roofing structure and auditorium sound wall details. These measures and benchmarks for achieving acoustic performance have been assessed by Environmental Health.

10.74. The limits specified in the indicative acoustic information are specifically designed to ensure:

- Noise from the venue remains below levels associated with disturbance or sleep disruption.
- Low-frequency bass is controlled, preventing the “thumping” sensation often associated with music venues.
- The system is properly tuned and tested before the venue opens.

- The operator remains accountable through a measurable, enforceable planning condition.
- 10.75. Environmental Health have reviewed the details are satisfied that, with these measures secured and verified in practice, the development will not cause significant adverse noise impacts and meets the requirements of local and national policy.
- 10.76. Subject to the necessary amendments to the conditions relating to external areas, the retention of the existing conditions for plant noise, pre-occupation acoustic design and assessment as well as conditions for post completion testing and implementation of mitigation the amenity impacts of the proposed variations are considered acceptable and would not harm the operational viability of the proposal in accordance with the NPPF, policy CP15 of the Brighton and Hove City Plan Part One and Brighton and Hove City Plan Part Two policies DM20, DM40 DM26 and DM27.

Accessibility

- 10.77. The accessibility entrance to the Hippodrome is proposed to be from the existing northern principal entrance fronting onto Middle Street. The northern most entrance is suitable for wheelchair access and accessible WC provision is also made in close proximity to this entrance. Further accessible WC provision is also made throughout the development and within the general WC areas in the south eastern corner of the venue. Accessible wheelchair specific view points are indicated around the auditorium at ground floor and ramped access ways are shown throughout the floor plan including backstage/back of house and an escape ramp is noted at the rear of Hippodrome House into the rear yard.
- 10.78. A number of internal lifts are proposed within the auditorium and Hippodrome House also. Wheelchair vantage points are also proposed at balcony level with further accessible WC provision and access and egress points for persons with limited mobility across the first floor level including in the staff and production offices.
- 10.79. It is acknowledged that a further consent will be required in order to accommodate the detailed interior fit out and accessibility will be reviewed again in this process and furthermore the operators will be required to comply with current Building Regulations. On this basis the approach to accessibility is considered to be acceptable.

11. Conclusions:

- 11.1. In addition to the paragraphs cited earlier in this report paragraph 203 of the NPPF states;

In determining applications, local planning authorities should take account of:

a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

- 11.2. In this case the proposed development is considered to sustain and enhance both the architectural and historic significance of the buildings and the use proposed is considered suitably viable and consistent with the history of the site and the ongoing conservation of this at risk Grade II* Listed Building securing what can be considered as the Optimal Viable Use. The proposed development would contribute to the re-generation and vitality of this part of the Old Town Conservation Area and would also improve the public realm and make a positive contribution to local character and distinctiveness.
- 11.3. There would be some heritage harm from the variations proposed. These harms are acknowledged as being some harm to the Conservation Area from the new roof and some heritage harm to the adjoining Hippodrome House from the demolished WC block. These harms are considered, in the planning balance, to be outweighed by the public benefits of the proposal which would amount to the restoration and appropriate re-use of the Grade II * Listed Building with the public able to again appreciate and experience a restored Hippodrome Auditorium as a single volume providing a programme of performances and events and is considered viable and sustainable.
- 11.4. Subject to the re-imposition of the previously approved conditions with variations as outlined above is it considered that the public benefits of the proposal would continue to be secured and realised.
- 11.5. On balance the development proposal is considered to be in accordance with the NPPF, national and local guidance and locally adopted planning policies of the Brighton and Hove City Plan Part One and Part Two.

12. EQUALITIES

- 12.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.

BH2025/02716 - Brighton Hippodrome (Listed Building Consent)

Appendix B

Recommended conditions and approved plans and documents list

1. The development shall take place only in full accordance with the submitted phasing plan under BH2022/02444 (28th March 2024) and no part of the development hereby approved (including the Apart Hotel) shall be brought into use until the Hippodrome Auditorium and ancillary and supporting spaces have been fully completed, fitted out and ready for purpose including post installation acoustic testing.
Reason: To ensure the public benefits of the scheme are secured and materialise in accordance with the NPPF and Brighton and Hove Development Plan Policies CP15, DM26 and DM27.
2. No development of Phase 2 of the Apart Hotel hereby permitted shall take place until either; a lease has been granted and evidence submitted to the LPA to confirm such for the use and operation of the Hippodrome auditorium and associated spaces; or an operator has been contractually secured for the running and operation of the Hippodrome Auditorium and associated spaces.
Reason: To ensure the public benefits of the scheme are secured and materialise in accordance with the NPPF and Brighton and Hove Development Plan Policies CP15, DM26 and DM27.
3. Notwithstanding any details shown on the approved plans, prior to their installation, details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - A) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - B) samples of all cladding to be used, including details of their treatment to protect against weathering
 - C) samples/details of all hard surfacing materials
 - D) samples/details of the proposed window, door and balcony treatments
 - E) samples/details of all other materials to be used externallyThe development shall thereafter be carried out in accordance with the details approved.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26, DM27 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.
4. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of Phase 2 of the development hereby permitted shall take place until details of all materials to be used in the construction of the

external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- A) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- B) samples of all cladding to be used, including details of their treatment to protect against weathering
- C) samples/details of all hard surfacing materials
- D) samples/details of the proposed window, door and balcony treatments
- E) samples/details of all other materials to be used externally

The development shall thereafter be carried out in accordance with the details approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26, DM27 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. Prior to the installation of the external works listed below on the Middle Street elevation, details in respect of the following external works, including 1:20 scale elevations and 1:1 scale profiles where appropriate, shall be submitted to and approved in writing by the Local Planning Authority:

- a) all new window(s) and doors, their materials and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections where appropriate
- b) Juliette balconies to the Middle Street frontage
- c) The traditional lead clad dormer windows in the roof space of Hippodrome House including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections where appropriate
- d) Acoustic louvres (type 01 and type 02) including rooftop positioning
- e) Rooftop plant including type and positioning
- f) Gates to the Middle Street yard including colour and finish
- g) All glazed balustrading and handrails to the northern and eastern elevations
- h) Detail of depth of infills and inserts to Middle Street, Hippodrome frontage

The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 and DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

6. Notwithstanding the plans here approved, no further development to the Middle Street auditorium entrance canopy shall take place until full details of;

- A) the replacement entrance canopy to the Hippodrome Middle Street frontage, including all glass inserts and lighting, have been submitted to and approved in writing by the Local Planning Authority. The works shall

be carried out and completed fully in accordance with the approved details and shall be implemented prior to first use of any part of the development.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 and DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

7. No cables, wires, aerials, pipework meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM26 and DM27 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

8. The works to the Grand Master Control Lighting Panel including all protection, dismantling, re-siting and re-assembly shall be carried out in full accordance with the approved Method Statement and details agreed. The works and re-assembly shall be carried out in full prior to first use of the auditorium.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

9.

A.) Prior to the installation or removal of any internal partitions, walls or features to the auditorium and supporting ancillary spaces of the development hereby approved, a full schedule and method statement for the restoration of historic features to be carried out as part of the shall and core restoration shall be submitted to and approved in writing by the Local Planning Authority.

B.) Prior to the detailed fit out and the installation or removal of any internal partitions, walls or features to the auditorium and supporting ancillary spaces of the development hereby approved, a full schedule and method statement for the restoration of historic features to be carried out as part of the Detailed Fit out shall be submitted to and approved in writing by the Local Planning Authority.

The schedules and statements shall include details and working methods, tools, materials, treatment and colours for the restoration and repair of all historic features including but not limited to all features noted in the Historic Feature Retention Schedule submitted under BH2022/02443 dated 4th April 2023 and other historic features and decorative detailing noted in the auditorium, foyer panelling, foyer floor, Hippodrome House and circulations spaces. The submitted details shall include a timetable for implementation and completion and section joinery details as appropriate. The works shall therefore

be carried out in full accordance with the approved schedules and statements unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

10.

A. Prior to the shell and core restoration, any internal works including demolition and removal of internal partitions, walls or features to the auditorium or Hippodrome House of the development hereby approved a full schedule and method statement for the restoration of historic features to be carried out as part of the shell and core restoration shall be submitted to and approved in writing by the Local Planning Authority.

B. Prior to the detailed fit out, any internal works including demolition and removal of internal partitions, walls or features to the auditorium or Hippodrome House of the development hereby approved a full schedule and method statement for the restoration of historic features to be carried out as part of the shell and core restoration shall be submitted to and approved in writing by the Local Planning Authority.

The schedule and statements shall include details and working methods, tools, materials, treatment and colours for the restoration and repair of all historic features including but not limited to all features noted in the Historic Feature Retention Schedule submitted under BH2022/02444 (4th April 2023) and other historic features, plaster work, proscenium arch and decorative detailing noted in the auditorium, foyer panelling, foyer floor, Hippodrome House and circulation spaces. The submitted detail shall include a timetable for implementation and completion and section joinery details as appropriate. The works shall thereafter be carried out in full accordance with the approved schedule and statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

11. All works to the auditorium decorative fibrous plasterwork shall take place in full accordance with the received method statement received under BH2022/02444 dated 23rd February 2022 and a full recording and verification report of the works already undertaken shall be provided to and agreed in writing by the Local Planning Authority prior to first occupation and operation of the development hereby permitted.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of

Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

12. No works shall take place to the auditorium floor until full details in the form of a structural report including any proposed structural details, interventions and proposed covering has been submitted to and approved in writing by the Local Planning Authority. The details shall include the recording of any removal of the flooring layers and a full method statement of how the proposed flooring would be implemented. The works shall thereafter be carried out in full accordance with the approved schedule and statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to the acceptable delivery of the permission, to preserve and protect the special historic interest of the site, to secure the public benefits of the proposal and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

13. No installation of new mechanical and electrical plant and services shall take place until details of all new and reused services, internal or external, including mechanical, electrical, heating/cooling, communications and information technology, and related fixtures, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

All new internal and external works and finishes, and works of making good to the retained fabric, including internal and external joinery, shall match the existing adjacent work, with regard to the material, colour, texture, and profile, and working methods used, unless shown otherwise on the drawings, or other documentation, hereby approved, or required by any condition(s) attached to this consent.

Reason: In order to ensure a satisfactory appearance of the Listed Building and to secure the public benefits of the proposal and to preserve and protect special historic interest of the site in accordance with policies CP15 of the Brighton and Hove City Plan Part One, DM27 of the Brighton and Hove City Plan Part Two and the NPPF.

14. The local planning authority shall be notified immediately of any currently hidden historic feature(s) revealed during the course of the works hereby approved. The feature(s) shall be retained in situ until provision has been made for inspection, recording and possible retention, as may be required by the local planning authority.

Reason: In order to preserve and protect special historic interest of the site in accordance with policies CP15 of the Brighton and Hove City Plan Part One, DM27 of the Brighton and Hove City Plan Part Two and the NPPF.

15. Not used

16. All new render finishes shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.
Reason: To ensure a satisfactory appearance to the development and to comply with DM26 and DM27 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.
17. Prior to any operation and/or occupation of the development, an acoustic assessment and design statement, produced by a suitably experienced, qualified, and competent person e.g. a Member of the Institute of Acoustics, shall be submitted to, and its contents approved in writing, by the Local Planning Authority. The assessment shall predict 'worst case scenario' noise levels produced by any of the activities held within the venue during representative periods, and compare these levels with the ambient noise levels in the area over the same periods. The assessment shall assess, confirm and secure suitable soundproofing and treatments between the different uses on the site. The results of the assessment shall make reference to BS8233 (Guidance on Sound Insulation and Noise Reduction for Buildings), WHO standards, ProPG guidance, and any other applicable approved guidance. The results shall if necessary, be used to inform any amendments to the building envelope (including doors and windows), improved necessary sound insulation (including any necessary with the party wall adjoining residential property), sound design/specification/installation of the P.A. system inside the venue, a noise management plan, or any other noise mitigation measures including and taking into account structural and vibrational transfer.
Reason: As this matter is fundamental to the acceptable delivery of the permission to secure the public benefits of the proposal and to safeguard the listed building and amenities of nearby properties to comply with Policy DM20 and DM27 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One and the NPPF.
18. Prior to any operation and/or occupation of the development, to ensure that any details/specifications contained within the previously approved Acoustic Assessment/Design Statement have been appropriate and effectively implemented, a post completion sound insulation test report shall be submitted to and approved by the local planning authority. The test report shall demonstrate that any necessary noise mitigation measures implemented ensure that no noise breakout, and/or structural transmission of noise from both live and recorded music, including any low, high frequency and/or tonal components, has a detrimental impact upon any of the proposed uses and/or nearby noise sensitive properties.
Reason: As this matter is fundamental to the acceptable delivery of the permission to secure the public benefits of the proposal and to safeguard the listed building and amenities of nearby properties to comply with Policy DM20, DM27 and DM40 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One and the NPPF.

19. Not used
20. No cables, wires, aerials, pipework meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
21. No felt or metal covering shall be applied to rendered parapets, cornices or other mouldings.
Reason: to ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
22. All new and replacement rainwater goods, soil and other waste pipes to Phase 1 of the Development hereby permitted shall be in cast iron and shall be painted black and retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
23. The new internal walls shall be scribed around all existing features including any skirting boards, dado rails, picture rails and cornices, and the existing features shall not be cut into or damaged. Any new skirting boards, picture rails, dado rails and cornices shall be run around the new walls and the blocked up doors to match exactly the originals in each respective part of the building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
24. All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, stained glass windows, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority. In areas where architraves are missing for examples above the arches in the foyer of the Hippodrome, these should be reinstated and match historic photographs.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
25. No fit out of the interiors shall take place until full details of the proposed new internal doors including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning

Authority. All existing doors are to be retained, except where indicated on the drawings hereby approved. New doors shall be of traditional timber panel construction. Any fireproofing to doors should be an integral part of the door construction, and self-closing mechanisms, if required, shall be of the concealed mortice type.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

26. The smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved in writing by the Local Planning Authority, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Proposed Drawing	E501.1	Rev A	10-Mar-26
Proposed Drawing	E605	Rev B	10-Mar-26
Proposed Drawing	E500.2		15-Dec-25
Proposed Drawing	E520.2		15-Dec-25
Proposed Drawing	E500		15-Dec-25
Proposed Drawing	E500.3		15-Dec-25
Report/Statement	Grand Master Methodology		15-Dec-25
Proposed Drawing	E600	Rev B	15-Dec-25
Proposed Drawing	E500.1		15-Dec-25
Proposed Drawing	E520.1		15-Dec-25
Proposed Drawing	E610	Rev A	10-Mar-26
Proposed Drawing	A50		06-Nov-25

Location Plan	21030-PA-001		06-Nov-25
Proposed Drawing	A51		06-Nov-25
Proposed Drawing	A52		06-Nov-25
Proposed Drawing	A53		06-Nov-25
Proposed Drawing	A54		06-Nov-25
Proposed Drawing	A55		06-Nov-25
Proposed Drawing	A70		06-Nov-25
Proposed Drawing	A80		06-Nov-25
Proposed Drawing	E605	Rev B	10-Mar-26
Proposed Drawing	E720.1	A	06-Nov-25
Proposed Drawing	E800.1	C	06-Nov-25
Proposed Drawing	E800.2	C	06-Nov-25
Proposed Drawing	P100	A	06-Nov-25
Proposed Drawing	P100.3		06-Nov-25
Proposed Drawing	P110	Rev B	26-Feb-26
Proposed Drawing	P110.3	A	06-Nov-25
Proposed Drawing	P120	Rev B	26-Feb-26
Proposed Drawing	P120.3	A	06-Nov-25
Proposed Drawing	P130	Rev B	26-Feb-26
Proposed Drawing	P130.3	A	06-Nov-25
Proposed Drawing	P140	Rev C	10-Mar-26
Proposed Drawing	P140.3	A	06-Nov-25
Proposed Drawing	P150	Rev C	10-Mar-26
Proposed Drawing	P160	Rev C	10-Mar-26
Proposed Drawing	P170	Rev C	10-Mar-26
Proposed Drawing	P180	Rev C	10-Mar-26

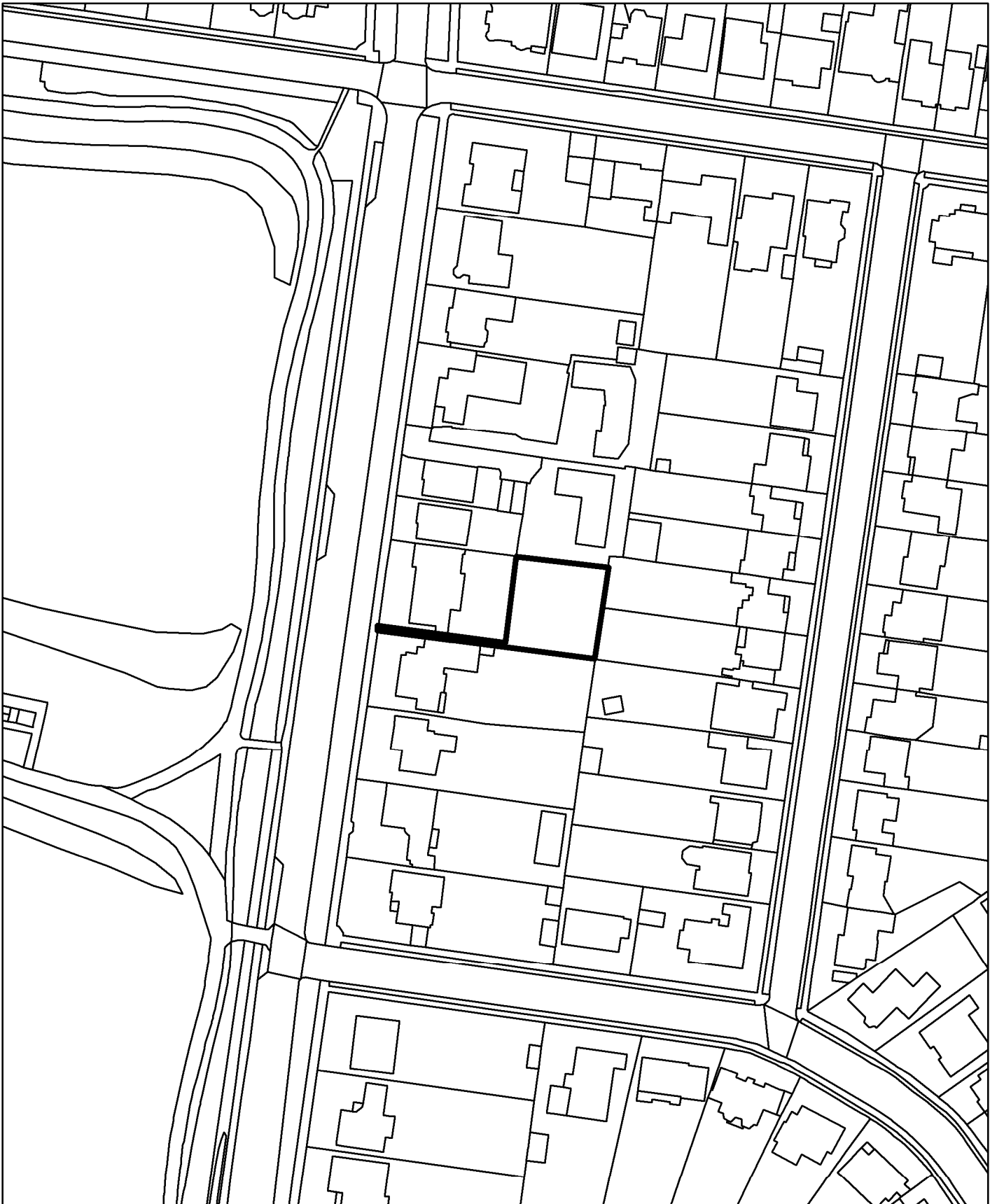
Proposed Drawing	P200	Rev C	10-Mar-26
Proposed Drawing	P205	Rev C	10-Mar-26
Proposed Drawing	P300	Rev C	10-Mar-26

ITEM C

**23C Shirley Drive
BH2025/00500
Full Planning**

DATE OF COMMITTEE: 1st April 2026

BH2025 00500 - 23C Shirley Drive



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/00500	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	23C Shirley Drive Hove BN3 6NQ		
<u>Proposal:</u>	Part-retrospective application for the erection of two storey detached dwelling with basement to the rear.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	25.03.2025
<u>Con Area:</u>		<u>Expiry Date:</u>	20.05.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Pell-Stevens Residential 30 Truleigh Drive Portslade BN41 2YQ		
<u>Applicant:</u>	Mr Mike Deller 23C Shirley Drive Hove BN3 6NQ		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission, subject to the following conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings/documents listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan			24-Feb-25
Location and block plan	25D11-FBA-ZZ-00-DR-A-2005-P01		27-Feb-26
Proposed Drawing	25D11-FBA-ZZ-00-DR-A-2002-P01		27-Feb-26
Proposed Drawing	25D11-FBA-ZZ-00-DR-A-2003-P01		27-Feb-26
Proposed Drawing	25D11-FBA-ZZ-00-DR-A-2004-P01		27-Feb-26
Report/Statement	Daylight Report	Rev A	14-Jul-25
Report/Statement	Arboriculture Assessment		06-Jun-25
Other	Green Roof Installation Guide		14-Jul-25

Other	Green Roof Maintenance Guide		14-Jul-25
Other	Green Roof Wildflower		14-Jul-25

2. Notwithstanding the details shown on the submitted drawings, within 3 months of the date of this permission (unless another time period is otherwise agreed in writing by the Local Planning Authority), a scheme for soft landscaping shall be submitted to the Local Planning Authority for written approval. The approved landscaping shall be implemented in accordance with the approved details in the first planting season following the date of the formal approval of the landscaping details. The scheme shall include a schedule detailing location, sizes and numbers of all proposed trees and plants. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to protect neighbouring amenity and to enhance biodiversity to comply with Policies DM20, DM22 and DM37 of the Brighton & Hove City Plan Part 2 and CP12 and CP10 of the Brighton & Hove City Plan Part One.

3. Within 3 months of the date of this permission (unless another time period is otherwise agreed in writing by the Local Planning Authority), evidence to document that the hard surfaces of the hard landscape/driveway within the site are made of a porous material shall be submitted to the Local Planning Authority for written approval. In the event that testing proves the surface is not porous, details of a replacement material, and timetable for the remedial works shall be submitted to and approved by the Local Planning Authority in writing, and the works shall be carried out within the timetable agreed.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8, CP11 and DM43 of the Brighton & Hove City Plan and SPD16.

4. Within 6 months of the date of this permission (unless another time period is otherwise agreed in writing by the Local Planning Authority), the green roof system, as shown on approved drawings, shall be installed in accordance with the technical details outlined in the approved M-Tray installation guide, and the maintenance schedule shall follow the approved M-tray maintenance schedule, received on the 14 July 2025. The wildflower planting schedule received on the 14 July 2025 shall be implemented within the first planting season following the installation of the green roof.
Reason: To ensure that the development contributes to ecological enhancement on the site and in the interests of visual amenity, in accordance with Policy DM18 and DM37 of Brighton & Hove City Plan Part 2, Policy CP10 and CP12 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

5. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policies CP10 and DM37 of the Brighton & Hove City Plan and SPD11.
6. Three swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11
7. Access to the flat roofs over the dwellinghouse hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 of the Brighton & Hove City Plan Part 2
8. The cycle parking facilities shown on the approved plans shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policy DM33 of the Brighton & Hove City Plan Part 2 and SPD14
9. The refuse and recycling storage facilities indicated on the approved plans shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM20 of the Brighton & Hove City Plan Part 2, and CP8 of the Brighton & Hove City Plan Part One.
10. The residential unit hereby approved must achieve a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One
11. The development hereby approved shall achieve a minimum Energy Performance Certificate (EPC) rating 'B'.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part 2
12. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, [Classes A - E] of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18 and DM20 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.

13. The basement accommodation as shown on approved drawing number 25D11-FBA-ZZ-00-DR-A-2002-P01 received on the 27th February 2026 shall be constructed and laid out in strict accordance with the approved details, including the provision of the extended light wells and the blocking up of two lower ground floor windows as shown on the approved drawing, within 6 months of the date of this permission (unless another time period is otherwise agreed in writing by the Local Planning Authority). The basement rooms annotated as storage shall only be used as such and shall not be used as bedrooms. The basement layout shall be retained as approved thereafter.

Reason: To ensure satisfactory standard of accommodation for future occupiers and in accordance with policy DM1 and DM20 of Brighton & Hove City Plan Part 2.

14. Notwithstanding the proposed extension to the existing crossover on Shirley Drive to the front of the site to match adjacent as shown on the submitted site plan/block plan drawing, the permission for the dwelling hereby granted does not grant planning consent for any works within the public highway. Any such works would require separate consent from the Local Highway Authority and would need to ensure the health of the adjacent street tree is not compromised.

Reason: For the avoidance of any doubt, and as it has not been satisfactorily demonstrated that the impact of an extended crossover on the adjacent street tree can be appropriately mitigated, which would be to the detriment of its health and the visual amenities of the area and highway safety, in conflict with policies DM22 and DM33 of the Brighton and Hove City Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Swift bricks be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
5. Notwithstanding the extended crossover works on the public highway shown on the submitted drawings, no planning permission is granted for this highway proposal. Separate consent is required from the Local Highway Authority (LHA). This is dealt with separately to planning permission and the extension may not be acceptable to the LHA due to impact to the adjacent street tree. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Notwithstanding inclusion on the drawings, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed by the LHA. The crossover is required to be constructed under licence from the LHA. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

2. SITE LOCATION AND APPLICATION DESCRIPTION

- 2.1. The application site is located on the east side of Shirley Drive, between the junction of Hove Park Road to the north and Shirley Road to the south. The principal building 23 Shirley Drive building has been split into flats.
- 2.2. To the rear is an area of former garden to the main residence. This parcel of land has been developed into a 2-storey house, with basement accommodation. This construction followed the approval of a dwelling in the rear garden in 2020. The house which has been constructed did not accord with the approved drawings and therefore, as constructed, the house is unauthorised.
- 2.3. The site is not within a Conservation Area, and the existing property is not listed, nor in the vicinity of one, but it is opposite the locally listed Hove Recreation Ground. It is within Controlled Parking Zone (CPZ) P, and Groundwater Source Protection Zone 2.
- 2.4. Planning permission is sought for the erection of a two-storey detached dwelling with basement. The application has been submitted to regularise the development which has been constructed on-site (BH2020/01319). Some

additional prospective changes are proposed to improve the construction which has been undertaken. The application is a therefore a part-retrospective.

- 2.5. As noted above, the works which were undertaken on-site are in association with an approved development. The key changes between the previously approved application, and the development in this application can be summarised below
- Construction of basement accommodation.
 - Changes to window, door and porch arrangement
 - Change in materials from brick and panelling to white render
- 2.6. During the application process, the Local Planning Authority (LPA) have been informed that all matters in relation to the property are now sitting with the receivers. This has resulted in a new applicant.
- 2.7. Amended plans have been received during the application process to incorporate some light wells into the building to serve the basement, to block up windows to a storage space, and to enlarge the width of a lower ground floor bedspace. In addition, most recently, a full set of drawings have also been submitted of the approved development, the development as built, and the development as proposed - to aid comparisons.

3. RELEVANT HISTORY

- 3.1. **BH2022/02978** Excavation of lower ground floor with 3no lightwells and associated alterations - withdrawn 12.1.2023
- 3.2. **BH2022/02758** Application for approval of details reserved by condition 4 (landscaping scheme) of application BH2020/01319. Refused 25/10/2022 as the details could not be agreed due to a lack of detailing in respect of the tree screening, replacement planting and detail of the hard landscaping.
- 3.3. **BH2021/01397** Approval of Details reserved by Condition 3 (Materials) of BH2020/01319. Approved 17/6/2021
- 3.4. **BH2021/01853** Non-Material Amendment to application BH2020/01319 to permit a Juliette balcony to approved dwelling and changes to front doors on frontage property Approved 11/06/2021.
- 3.5. **BH2020/01319** Erection of part one, part two storey detached house (C3) to the rear of the property, installation of a front balcony and a winter garden to the side of the first floor of the frontage property and associated alterations. Approved 14/08/2020.
- 3.6. There is also an Enforcement Notice (1/10/24) relevant to the development. **ENF2022/00446**. The notice requires:
1. Demolish the dwellinghouse in its entirety.
 2. Remove from the Land all debris and materials resulting from compliance with Step 1.
 3. Return the Land to its former condition.

- 3.7. The Enforcement notice was appealed, and the appeal was upheld by the Planning Inspectorate. The Enforcement notice was upheld 29 July 2025 and the period for compliance with the requirements is 18 months from this date.

4. RELEVANT HISTORY AT OTHER SITES

23 Shirley Drive - main house

- 4.1. **BH2023/02013** Alterations to south-side first floor winter garden to form an open balcony (retrospective). Approved 21/8/2023

5. REPRESENTATIONS

- 5.1. **Ten (10)** letters of representation have been received objecting to the proposal for the following reasons:

- Overdevelopment loss of garden space
- Planning Law and procedures not followed
- Actions and conduct of applicant underhand and motivated by profit
- Poorly constructed
- House is unauthorised and should be demolished
- Poor design / out of character
- Impact trees and wildlife
- Impact on traffic
- Loss of light
- Air quality
- Overbearing / overdevelopment / inappropriate height
- Access Highways and Traffic considerations
- Similar development refused at 19 Shirley Drive
- Approval would set an unwanted precedent / lack of enforcement of planning
- Impact on ecology not fully considered
- Does not meet Code for Sustainable Homes

- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture:** Comment

Summary:

Concerns raised regarding the impact on the health of the adjacent street tree from unauthorised highway works and any future works to extend the crossover.

Main Comment:

- 6.2. The submitted 2025 Arboricultural Report provided by Arbor Cultural Ltd along with historical correspondence between various BHCC departments relating to works undertaken next to a significant street elm located within the grassed

verge directly to the front of the site have been reviewed. BHCC Arboriculture have raised issue with root damage caused by trench work within the root protection area (RPA) of what is listed as T1 Elm within the survey for the connection of utilities to the development, along with soil compaction from the storage of materials, parking of contractors vehicles during construction and the driving over of this verge for the access of hard standing at the new development.

- 6.3. 3.3.7 of the arboricultural report states that although large diameter roots were severed there has been no destabilisation or long term impact to the tree, this conclusion appears to rely on a video filmed at the time of trenching along with a chlorophyll test; BHCC Arboriculture are continuing to monitor this tree for decline as this is a highly prominent tree of significant size located directly adjacent to a busy main road, were it to fail the aftermath could present considerable safety and liability implications.
- 6.4. The location of the suggested crossover, with respect to the adjacent tree, and the specification to which it would need to be built to tie into the surrounding Highways infrastructure is not consistent with preventing unacceptable damage to our street tree. The proposal is not consistent with BS5837:2012 in terms of hard surfacing within RPAs. No dig solutions, as stipulated in the British Standards as being the recommended method for such surfacing is not possible, therefore the stated use of Arboricultural Supervision that was recommended within the original 2020 Arboricultural Method Statement as being sufficient to mitigate any damage is not accepted as appropriate in this instance.
- 6.5. Should retrospective consent be granted for this development any formal application for an authorised vehicular crossover would be refused due to the need for excavation within the RPA of this high amenity street tree.
- 6.6. **Environmental Health Team Comment**
The EH team have received no noise complaints from the Air Source Heat Pumps (ASHP).
- 6.7. **Sustainable Drainage Strategy Comment**
The development indicates Sustainable Urban Drainage Strategy would be used however no information has been supplied. Further information is required in respect of, a foul water drainage strategy, Agreement, in principle, with Southern Water, for foul water discharge, A surface water drainage strategy, and supporting information. This information may be controlled by planning conditions.
- 6.8. **Transport Team Objection**
The site access was approved in principle under application BH2020/01319, with the extension of the existing crossover secured by condition. However, the crossover extension has not been implemented. The current proposals follow the previous design, but an existing tree may make this unworkable.

- 6.9. Concern that access arrangement does not meet the current requirements of Approved Document B5 of the Building Regulations (2000) or Manual for Streets guidance in relation to emergency fire appliances.

External

- 6.10. **East Sussex Fire and Rescue** Comment summarised
Access for fire appliances is not satisfactory as house over 45m from the highways. A domestic sprinkler system should be installed. Routes are also likely be unable to carrying weight of fire appliances.
- 6.11. **Southern Water** Comment summarised
The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- 6.12. Full details of representations received can be found online on the planning register

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013 updates October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019)

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density

CP19 Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees and Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the surrounding streetscene, impact on neighbouring residential amenity, the standard of accommodation proposed, and sustainability, biodiversity, trees and highways implications.

Background

- 9.2. This application has been submitted in an attempt to regularise the unauthorised development which has been undertaken, and includes some changes to the scheme. The Local Planning Authority (LPA) have been liaising with the applicant in respect of the development and the changes to the construction which are now proposed, to try to seek a satisfactory outcome.
- 9.3. The LPA previously investigated the site and identified the breach of planning permission in 2020. No appropriate revised planning applications were forthcoming which subsequently resulted in the LPA issuing an Enforcement Notice in October 2024 requiring the house on site to be demolished. An appeal by the developer to the Planning Inspectorate against the Enforcement Notice was dismissed, and the Notice was upheld and remains valid. There are various grounds on which an appeal can be made and in this case an appeal was made under ground (f), namely that the steps required by the Notice exceeded what is necessary to remedy the breach. The appellant did not ask the Inspectorate to consider whether planning permission should be granted for the development

alleged in the enforcement notice (under ground a). Therefore as the dwellinghouse was completely unauthorised, the Inspector upheld Notice to demolish the building as this would remedy the breach of planning control.

- 9.4. Notwithstanding the demolition notice, the new applicant wishes to remedy the situation and improve and significantly amend the development and is now seeking to apply for another (revised) planning permission for the site. It is noted that the site has been the subject of numerous applications, and the actions of the former developer and former applicant of the former developments have led to a relatively complex situation on site. The current part retrospective application must however be assessed on its own merits and should planning permission be granted, and then the permission implemented, the Enforcement Notice would cease and as such would fall away.
- 9.5. Although the principle of a residential development has been established through the granting of the previous permission on site, this permission has not been lawfully implemented, and nor is it an extant permission. It is however a material consideration in the assessment of this current application. This current application would establish a fresh permission, if granted.

Principle of the Development:

- 9.6. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,487 homes per year. A 20% buffer is then applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.7. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 9.8. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11)."
- 9.9. The proposal would result in a net gain of one new dwelling. Increased weight is given to housing delivery as the council is currently unable to demonstrate a five-year housing land supply.
- 9.10. CP14 allows for subdivision of plots to provide higher density development where this is appropriate, and where the character of the surrounding area is not unduly compromised. The application is for a backland development. There has

been a recent planning approval to subdivide the plot and form a new residential unit, and this is a material consideration.

- 9.11. The rear garden of the property is considered to be a sufficient size to accommodate the addition of a new dwelling, without a structure appearing out of place or incongruous. Furthermore, there are examples of similar types of development in the vicinity of the site in the rear gardens of Shirley Drive. The principle of the development, to provide a new dwelling, is therefore considered to be acceptable and would not adversely harm the character and appearance or the general pattern of development of the immediate vicinity. Further consideration for the acceptability of the development in design terms is given below.
- 9.12. City Plan policies do not specify a required housing mix, however Policy CP19 states that developments will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. The proposed 4-bedroom house is considered acceptable for this scale of plot and the location.

Character, Design and Appearance:

- 9.13. Policy DM18 (High Quality Design and Places) of the City Plan Part 2 reinforces Policy CP12 and seeks to ensure that development considers and responds positively to the local context in respect of layout, scale of buildings, materials and architectural detailing.
- 9.14. The above ground elevations are comparable to the development previously approved for the site and this is a material consideration for the site.
- 9.15. The site is within the Hove Park character area of the Tongdean neighbourhood, which is characterised by large, interwar and post-war houses, on generous plots, set back from tree-lined roads. It not considered that the dwellinghouse would be out of character with this area, particularly as it would be set back 46m from the road, and would not be readily visible due to the distance from public vantage points in Shirley Drive.
- 9.16. As noted above, the application is not the first for a dwelling to be sited in a rear garden on its own plot within the surrounding area. Such dwellings exist at 2b Shirley Drive, the rear of no. 25 (now no. 25B), the rear of no. 27 (now no. 25C), no. 102, no. 112 as well as 19 Mallory Road. Therefore, the principle of subdividing the large rear gardens of properties to create separate plots is considered to be acceptable and congruous with the surrounding area. In terms of plot sizes, the development compares favourable in in terms of plot size and footprint of the building to the other development in the area. It is also comparable to the previous permission granted for the site in terms of the height and footprint and positioning of fenestration.
- 9.17. The dwelling is visible from properties in Rigden Road to the rear. However, given the height of the two-storey element at the rear elevation of 5.4m (nearly 7m from the rear site boundary) and distance from the rear of 14 and 16 Rigden Road of almost 40m, it is considered that it would not be particularly incongruous

or visually intrusive. It is noted that the development as built, and as proposed to be retained, contains solar panels on the sloping roof above the ground floor element at the rear of the property. This would give this elevation a more developed appearance when viewed from Rigden Road, compared to the approved house, however the visual impact would not justify refusal of the application.

- 9.18. Aside from the provision of modest light wells, the formation of the basement accommodation has a very minor impact on the overall external design of the house. It does result in the development extending slightly closer to the northern boundary than the house previously approved. Despite offering an additional floor of accommodation, this is below ground and it does not add to the visual bulk of the house which remains comparable in positioning, footprint and height to the approved development. The light wells would not be viewed prominently from neighbouring properties.
- 9.19. The building is modern in design, and this is reflected in the material palette. The building has been constructed using white render and dark grey fenestration with a slate sloping roof to the rear. The previous approval included brickwork, and grey panelling brickwork, grey self-finishing panels, white painted render, standing seam cladding and a green roof. In comparison to the previous approval, the constructed elevations appear a little simplistic. Also, fully white render elevations can be viewed as a little stark in a backland / garden setting. Nevertheless, due to the separation distances involved and the scale of the development, the house is not considered visually intrusive.
- 9.20. In addition, compared to the previous approval, the removal of the feature porch on the front elevation, and the removal of a previously approved small set back to the ground floor projection from the north elevation, also contribute to a fairly bland appearance to the elevations overall. However, by securing a genuine green or sedum roof to the building, the current building would integrate better with the garden location, and this would be secured by condition. The green roof provision did form part of the previously approved development but was not constructed.
- 9.21. In regard to the alterations which impact Shirley Drive, it is recognised that changes have been made to the footway to enlarge a driveway to the rear. The works give the overall site frontage at no.23 Shirley Drive a more developed appearance, but the works do not cause significant harm and fit sufficiently well into the local context, and do not jar with character and appearance of the street scene. The extended crossover previously shown on the original drawings has not been installed. This is discussed in more detail in the highways (and trees) section of this report.
- 9.22. This application does not contain any alterations to the elevations of 23A or 23B Shirley Drive.
- 9.23. Overall, the design of the new dwelling is considered acceptable and would not adversely harm the character and appearance of the associated plot, streetscene or the surrounding area, in compliance with relevant policies.

Impact on Amenity:

- 9.24. Policy DM20 of the City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.25. In terms of the impact of the new house on adjoining neighbours the development proposed in this application is not significantly different to the previously approved development for the site.
- 9.26. Given the orientation of the site there is some potential for loss of light and an increase in overshadowing to 25b Shirley Drive and its front garden in addition to the rear garden of 16 Rigden Road. However, there are no windows in the south side of the former so there would be no impact in respect of loss of sunlight or daylight to any neighbouring windows. There would be only minor overshadowing of the gardens of both properties, and unlikely to be the areas in most use.
- 9.27. It is recognised that the dwellinghouse is visible from the windows of properties neighbouring the site. However, while there would be a change in outlook, it is not considered that there would be a significant adverse impact. Ample separation distances to the rear of 14 and 16 Rigden Road and some 20m from the rear window of the closest properties on Shirley Drive would prevent the development being overbearing. These distances ensure the development does not create an adverse sense of enclosure. In addition, discussed later in the report, additional planting will be secured for the site, which will aid the sense of privacy.
- 9.28. In terms of privacy, the ground floor windows would be less than 2m from ground level, which is the height of the existing boundary fence around the site, which is to be retained. The first-floor windows would face west, towards the existing building, but as previously mentioned, this distance would be approximately 20m and would not be considered to result in a significant impact upon privacy.
- 9.29. The Juliette balconies to the first floor fenestration would be etched glass, which would prevent views in and out to the lower portion in any case. There would be some overlooking of neighbouring gardens, but this is to be expected in an urban area such as this and already occurs between the existing properties. The proposed green roof features an access panel, but this would be for maintenance only. A condition shall be imposed preventing its use as an external amenity area.
- 9.30. It is considered necessary to restrict 'permitted development' rights to the dwellinghouses by condition to avoid any adverse impact upon neighbouring occupiers.
- 9.31. Policy DM40 addresses environmental protection, and relevant to this application, noise and disturbance. The excavation of the basement has resulted in a larger property than that previously approved for the site. It is acknowledged

that a proposed dwellinghouse would result in a more intensive use of the rear garden of no. 23 Shirely Drive, however the plan form does not allow for significant additional occupation. Only a single bed space would be proposed. It is not considered that the new property and associated increase in activity would result in significant noise and disturbance to adjacent residential occupiers.

- 9.32. The development includes the provision of an Air Source Heat Pump. The Environmental Health Team have commented on the application and not raised an objection. Standard practice for a prospective planning application is to secure certification documentation to ensure noise and disturbance risks from the technology are minimised and this be secured by condition. In the case of this part-retrospective application, this documentation has been submitted with the application. Should noise complaints be made in the future, there is recourse under the Environmental Protection Act for further investigation.
- 9.33. Overall, it is acknowledged that the works have resulted in prominent garden development when viewed from adjoining properties. The works are however comparable to the previous development approved and, on balance, would not cause significant harm to neighbouring properties.

Standard of Accommodation:

- 9.34. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 requires that all new residential units should meet the Nationally Described Space Standards (NDSS).
- 9.35. The proposal seeks consent for a 4 bedroom, 6-person house with a total floor area of 223sqm. This is significantly in excess of the 112sqm stipulated as a minimum in the NDSS. The previous application secured a 3 bed 5-person property.
- 9.36. The basement, as originally constructed, has no natural light, outlook or ventilation. In these circumstances, it would only be suitable as a storage area. This application proposes a modification to the constructed basement to provide light-wells to bring an additional living space and the lower ground floor bedroom into functional use. The light wells would be 1.2 metres in width. The submitted drawings show elements of green wall for the light well in an attempt to improve the outlook from these spaces. However, this has not been fully explained, and the success of a green wall in this location is considered doubtful due to a lack of light.
- 9.37. The basement has a Gross Internal Area (GIA) of 66.8 sqm. This floor would provide an additional living room. Bedroom 4 also would be within this lower ground floor. The proposed bedroom would be 9.35sqm which would meet 7.5sqm required for a single room. An amended plan shows this bedroom would now exceed the required width of 2.15 metres.
- 9.38. A daylight / sunlight report has been submitted with the application to quantify the amount of light this bedroom would receive. It can be demonstrated that this

would meet the Building Research Establishment (BRE) minimum standards. Notwithstanding this, the bedspace, and the living area would suffer from a severely limited outlook which would be quite oppressive for future occupiers.

- 9.39. In addition to the secondary living space, two storage rooms would also be created in the basement. To ensure these spaces are used as such, and not subterranean bedrooms, the windows which have been constructed in these spaces shall be removed from the development. This is shown on the updated drawings, and the implementation of this element of the work and their use for storage only shall be secured by condition.
- 9.40. Although there are some concerns regarding the accommodation in the basement it is a secondary level of accommodation when looking at the house overall. The lower ground floor living space would be in addition to the generously proportioned living space at ground floor level, and the basement bedroom would be the smallest and the 4th bedroom in the property. The three first floor bedrooms would all have good light and outlook. Therefore, the quality of the accommodation in the basement in terms of the overall functioning of the house is given less significance, on balance.
- 9.41. The proposed ground floor is 95.8 sqm. This would provide open plan living and kitchen space, a study/snug and w.c. The ground floor layout would ensure natural light, outlook and ventilation to all rooms.
- 9.42. The proposed first floor is 60.49sqm. It would deliver 3 bedrooms, 1 bedroom at 16.95sqm which exceeds 11.5sqm required for a double bedroom, bedroom 2 at 11.1sqm which would be suitable for a single bedspace and bedroom 3 a single at 9.45sqm. All bedrooms would have natural light, ventilation and outlook from windows on the west elevation of the property. A bathroom and ensuite to bed 1 are proposed on this floor. Neither spaces would have windows which is regrettable but acceptable given the use of these rooms and the overall layout of the first floor.
- 9.43. The standard of accommodation above basement level is considered good. A generous layout and good-sized rooms with good levels of natural light and ventilation is demonstrated. In this instance therefore, when viewed in context with the accommodation on the upper floors, the basement living space and bedroom is considered acceptable in terms of the standard of accommodation.
- 9.44. Policy DM1 also states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. It is noted that the overall footprint of the property remains comparable to the previously approved application for the site and the level of amenity space is considered acceptable for a 4 bedroom property.
- 9.45. A refuse storage area has been built at the side of driveway. This has been built-out. This is an acceptable location for this facility and shall be secure in place
- 9.46. Overall, and on balance, the proposed development, is considered to provide an acceptable standard of accommodation which would meet the objectives of

policy DM1 and DM20. Some concerns regarding the level of accommodation in the basement remain, however as this would be secondary to the main functioning of the site, and in this instance, the basement is considered acceptable.

Sustainable Transport:

- 9.47. City Plan policies including CP9, DM33 and DM36 seek to ensure that development meets the demand for travel it creates. SPD14 Parking Standards is a material consideration.
- 9.48. The principle of the residential use in the rear garden has been established. In the previous application there was no objection to the development on transport grounds.
- 9.49. The original application indicated a new vehicular crossover on Shirley Drive (extending the existing one already to the south, northwards), which was secured by condition to enable an off-street car parking space. Since the original scheme was granted, however, some consultees have raised doubts as to whether it is possible in principle to successfully deliver the crossover extension (and provide vehicular access to the plot), given the proximity of the adjacent street tree. Its provision cannot therefore be relied upon and the development as a car-free scheme is a consideration for this current application.
- 9.50. The Sustainable Transport Team have commented on the current application and raise an objection as submitted. The unauthorised house has been constructed and occupied with an unsatisfactory highway arrangement as the crossover previously proposed has not been constructed. It is apparent that some unauthorised hard material has been introduced on the previous highway verge, and that the existing crossover to the property to the south is being used, for the new build house. This crossover is misaligned to the driveway to the rear of the site. Or the vehicles are crossing the kerb to access the drive. In both cases, this can result in damage to the highway and can lead to safety concerns.
- 9.51. The Transport Team advise the crossover works should be constructed as a matter of urgency to ensure a safe development which does not damage local highway infrastructure. However, the proximity to the street tree represents a constraint which may mean a crossover extension is not possible. Given that the proposed extension of the crossover is located within 1 metre of an existing street tree, there have been concerns regarding potential damage to the root system (see also comments in later section regarding Trees below).
- 9.52. By way of compromise, the Transport Team have stated, if an extension is possible in principle, and if necessary to protect the tree roots, a slightly misaligned dropped kerb could be accepted, but a new extended crossover must be made as close to a true alignment as possible, and the damage to the public highway already created made good.
- 9.53. The updated site plan now shows a new crossover arrangement – this is not conditioned to be delivered as part of this planning permission, however, given the uncertainty as to whether this can be successfully achieved. Creation of an

access onto an unclassified road does not require planning permission in its own right and would in any event need to be undertaken under permission and licence from the Highway Authority under a separate process to this planning application. If the crossover cannot be successfully delivered there would be no objection in principle to a 'car-free' development here, as the impact (in terms of overspill parking) from one dwelling is not considered significant. It is noted that parking opposite the site on Shirley Drive is short stay only, however, there is capacity for residents within the wider area (controlled via CPZ). In addition, the site is quite close to public transport services. The Highway Authority are able to investigate taking separate enforcement action against unauthorised works to the public highway.

- 9.54. In regard to car parking provision, SPD14 operates maximum parking standards for the city. The amount of car parking remains as previously approved and is acceptable in principle (should the access prove possible). Cycle parking has been implemented on site. The minimum cycle parking standard for this development is two spaces, and the location of the cycle store has been shown on the updated site plan. The size, location and type of the facilities as built, although different to that approved in the previous application, are considered adequate.
- 9.55. There will be an increase in trips to and from the site as a result of the proposed development, however, this is unlikely to be significant. There may also be parking overspill, again, this is unlikely to be significant, and no objection has been raised in these respects by the Local Highway Authority.
- 9.56. The Highway Team have also raised concern in relation to the distance from the highway to the furthest elevation of the proposed dwelling and the retention of a balcony structure overhanging the access, both of which restrict emergency vehicle access. This is discussed below in relation to fire safety.

Sustainability

- 9.57. City Plan policies including CP8 seek to ensure developments are sustainable and incorporate appropriate sustainable measures.
- 9.58. The proposed development would make efficient use of land in a sustainable location with good access to public transport and local amenities.
- 9.59. The development does incorporate a sustainable energy technology in the form of an ASPH which is welcomed.
- 9.60. Under current policy and practice, CPP2 Policy DM44 requires new build residential to achieve a minimum energy Performance Certificate EPC rating 'B'. This can be secured by condition. Water efficiency condition can also be applied to the development. The applicant has conducted testing to house as built to ascertain the performance of the building in terms of energy and water efficiency and is confident that these standard conditions can be met.
- 9.61. This application has been supplemented by some information in respect of the drainage strategies. This is not comprehensive, however it is not considered

justifiable to seek more information in this regard given the largely retrospective nature of the development. Southern Water has confirmed adequate connection to the public sewer has been undertaken. The house would also be subject to compliance with Building Regulations.

- 9.62. The previous permission was subject to a porous hard surfaces condition, to prevent undue surface run-off. The driveway has been laid with tarmac. The applicant has stated that the tarmac is porous. Whilst standard tarmac is not porous, there are more specialised tarmac products which can be considered porous for sustainable drainage systems. As this point has not been fully resolved at the time of writing, a condition requiring further information shall be required. If, after testing, this surface proves inadequate, the condition shall also require its removal and replacement with a suitable product within an agreed timetable.

Ecology and Biodiversity

- 9.63. City Plan policies CP10 and DM37 seek to ensure developments include ecological mitigation and enhancement as part of the proposals.
- 9.64. The development is largely retrospective in terms of its principal construction. Consent was granted before the adoption of statutory Biodiversity Net Gain Regulations. It is therefore problematic from an ecology and biodiversity perspective to mitigate against any harm to biodiversity at this stage. It is however noted that the previous permission bee and swift bricks were secured by condition to secure biodiversity enhancement, as well as a hard/soft landscaping scheme and green living roof. These can be secured by condition again, as the final details and locations shown within the application require further consideration.
- 9.65. The green roof which formed part of the original permission was never installed. This application is accompanied by information relating to a new green roof system; installation information, planting, and maintenance are all included in the information. This would replace the current flat roof which appears to have been constructed with astroturf which has no wildlife or landscape benefit. It is also unsightly from a design perspective.
- 9.66. There remains some ambiguity over the landscaping of the development. It is certainly the case that the planting initially envisaged for the site has not been fully implemented, including the planting on the western and southern garden boundary and the provision of vegetable planting area. It is clear that a wildlife pond originally proposed has not been adequately delivered. Referring back to the approved development of the site, it is also understood that three trees were lost to facilitate the construction on site. A further landscaping scheme will be required and a wildlife friendly native planting scheme can be secured as part of a landscaping condition. Although the amended drawings appear to show some additional planting, this is not fully explained, and a landscaping condition is required to detail the nature of the new planting and secure maintenance of the planting.

- 9.67. On balance, subject to condition, it is considered the proposals would be acceptable from an ecological perspective, and in compliance with relevant City Plan policy.

Trees

- 9.68. City Plan policies including DM22 seek to ensure developments retain, improve and where possible enhance landscaping and trees.
- 9.69. An Arboriculture Impact Assessment (AIA) has been submitted with this application. This was in response to concerns over the unauthorised construction and the impact on the street trees in Shirley Drive.
- 9.70. The site inspection in the AIA notes the digging of trenches on site has severed some tree roots to T01 although the report states they are not structural and the tree has not been destabilised. A health check on the Elm Tree shows it is under moderate stress. The report found the degradation in the health of the trees cannot be attributed to the trench, as the tree closest to the trench is in a better condition than the tree located further away. There is a mitigation suggestion made in the report to improve the health of these trees. However, these trees are outside the applicant's control/ownership as they are street trees within the public highway and any mitigation would require the consent of the Local Highway Authority. In addition, as stated within the council's Arboricultural officer's comments, the findings and conclusions of the AIA are disputed. They confirm that there are concerns regarding the impact of the highway works undertaken to date, in addition to the impacts of any future works to formalise and extend the crossover onto Shirley Drive.
- 9.71. Given the comments received from the council's Arboricultural and Highway teams, it is not clear that it will be possible to successfully extend the crossover without unduly impacting the tree, and thus a condition is recommended to make it clear the crossover works shown do not form part of the scheme for a new dwelling (if granted) and that separate consent from the Local Highway Authority is required for any such works. The matter would be looked into further should the applicant wish to pursue highway approval.

Fire safety

- 9.72. The Transport Team and East Sussex Fire and Rescue note the distance from the highway to the furthest elevation of the proposed dwelling exceeds the 45m maximum permitted without a sprinkler system. The Transport Team also note the balcony structure overhanging the access, which restricts vertical clearance below the 3.7m minimum required for fire appliance access.
- 9.73. These elements remain as previously approved for the site. It is understood that a sprinkler system has been installed. It is understood that the applicant has been consulting with Building Control to confirm whether any internal lobbies are required. It would not be prejudicial to determine this planning application before this issue is fully resolved, Planning Permission and Building Control being subject to separate regimes.

Other Matters Raised in Representations

- 9.74. Loss of view is not a material planning consideration however the impact on 'outlook' has been fully considered above. Loss of property value is not a material consideration.
- 9.75. It is not considered that the development would have any impact on air quality. It is noted that the Environmental Health Team have not objected to the development.
- 9.76. Representation made on the application refers to a refused back-land development at 19 Shirley Drive. The Local Planning Authority seek to make consistent decisions, and each application is assessed on its own merits, against adopted policy and taking in to account all other material considerations. There are distinct differences in the sites and the proposed development and the decision at the rear of 19 Shirley Drive is not considered to set a precedent for this application.
- 9.77. As noted in the representation, and explored above, planning procedures have not been followed on site and this has resulted in a prominent case of unauthorised development. However, this application must be assessed on its merits and against planning policy and in regard to all relevant considerations. Although the enforcement notice remains in place it is also necessary for the Local Planning Authority to explore any practical solutions with the new applicant. The consideration of this planning application offers an opportunity to progress the on-site situation. The demolition of the property is still an option for the site but should be seen as a last-resort outcome when other avenues have been exhausted.

10. CONCLUSION

- 10.1. The scheme makes a minor, but welcome contribution to the Council's housing targets through a family dwellinghouse offering a satisfactory standard of accommodation and an acceptable design. There are no significant impacts on neighbouring amenity. The scheme would be sustainable and include biodiversity enhancement. It has not been fully established whether a vehicular access to the site can be successfully achieved due to the proximity of an adjacent tree, however this would be considered separately by the Highway Authority, and its delivery is not critical to the acceptability of the residential scheme overall. Whilst the situation on site is complex and a little fragmented, the application does offer a practical way forward to deliver a policy compliant house. As such, this application is recommended for approval subject to conditions.

11. BIODIVERSITY NET GAIN

- 11.1. As a largely retrospective application, it is not considered that the development is legally required to provide Biodiversity Net Gain under Schedule 7A of the Town and Country Planning Act.

12. EQUALITIES

12.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

13. COMMUNITY INFRASTRUCTURE LEVY

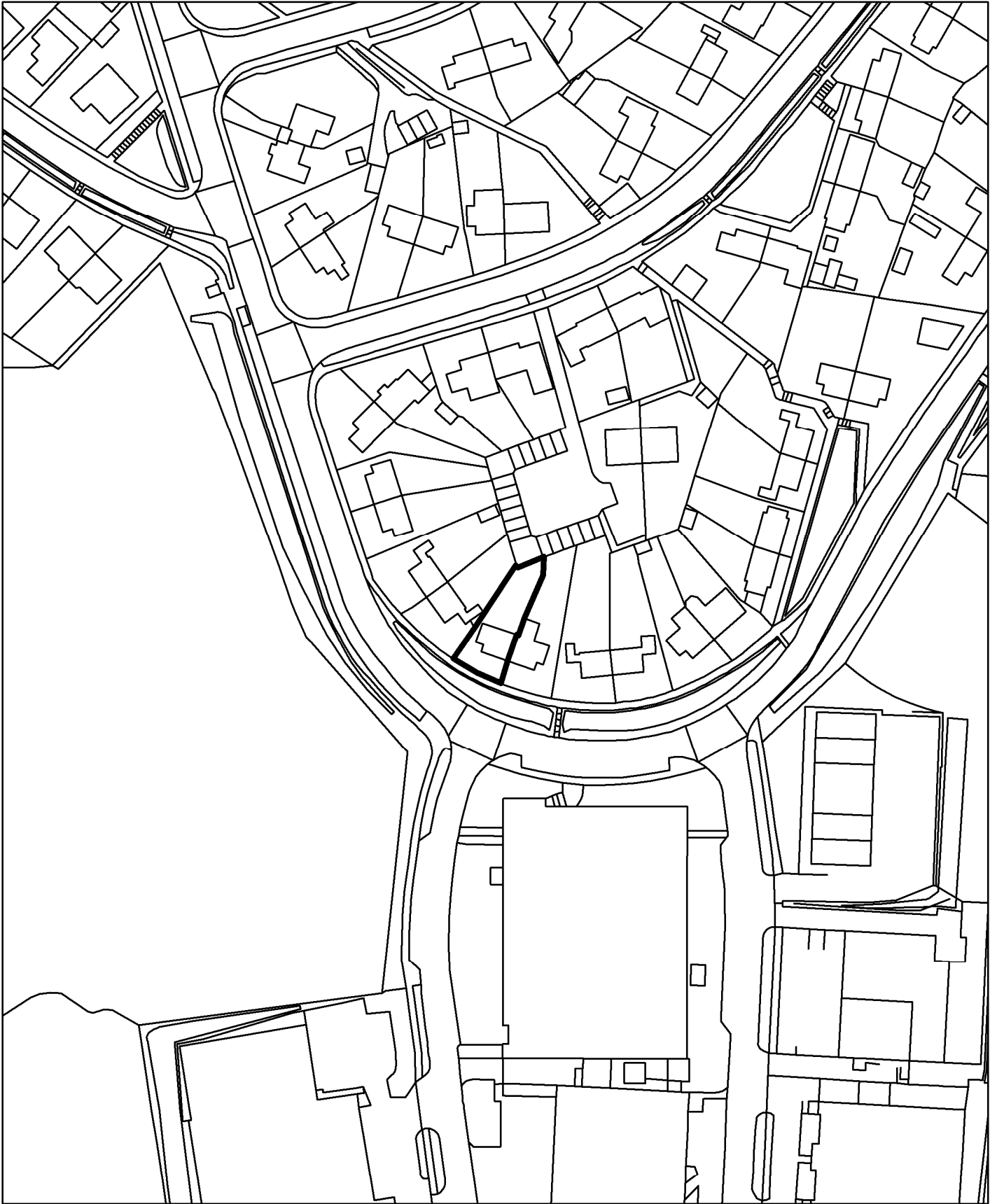
13.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

ITEM D

**15 Auckland Drive
BH2025/02981
Full Planning**

DATE OF COMMITTEE: 1st April 2026

BH2025 02981 - 15 Auckland Drive



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02981	<u>Ward:</u>	Moulsecoomb & Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	15 Auckland Drive Brighton BN2 4JD		
<u>Proposal:</u>	Change of use of from a small house in multiple occupation (C4) to a large house in multiple occupation (sui generis) for eight occupants with erection of single storey rear extension (approved under BH2025/02133), and associated works to include hip to gable roof extension, front rooflights and rear dormer.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	08.12.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.02.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.04.2026
<u>Agent:</u>	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Rivers Birtwell Unit 30 The Waterfront Brighton Marina Village Brighton BN2 5WA		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	01		08-Dec-25
Proposed Drawing	03		08-Dec-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The eight-bedroom HMO hereby approved shall only be occupied by a maximum of eight (8) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with Policies DM1 and DM20 of the Brighton & Hove City Plan Part Two.

4. The eight-bedroom HMO hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans 03 and shall be retained as such thereafter. The kitchen/living/dining room shall be retained as communal space at all times and shall not be used as a bedroom(s).
Reason: To ensure a suitable standard of accommodation for occupiers and to comply with Policy DM1 of the Brighton & Hove City Plan Part Two.
5. Notwithstanding the approved plans, no part of any flat roof of the development hereby permitted shall be used as a roof terrace. Access to the flat roof over the extensions hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
6. Prior to first use of the development proposed, the cycle parking facilities shown on the approved plans shall have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
7. The development hereby permitted shall incorporate at least 3 swift bricks within the external walls of the development and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
9. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
10. Prior to first occupation of the eight-bedroom HMO use hereby approved, the soft closers to all doors, sound deadening underlay to stairs, and wall soundproofing specification details annotated as V1 and V2 on drawing

number 03, shall be implemented and shall be retained for the lifetime of the development.

Reason: To ensure a suitable standard of accommodation for occupiers and to protect the amenity of neighbours to comply with Policies DM1, DM7 and DM20 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

2. SITE LOCATION

- 2.1. The application site is located on the northern side of Auckland Road, opposite The Hyde industrial site within Bevendean. The relevant property is a two-storey, semi-detached hipped roof dwelling, which is set significantly lower than the road. The dwelling forms part of a larger housing estate of similarly designed properties. The property has a modest rear garden with a garage court to the rear.

- 2.2. The site is subject to the Article 4 Direction that removes the right to change the use class of any (C3) residential unit to a (C4) small house in multiple occupation, which came into force for this on 5th April 2013 and has now been superseded by the City Wide Article 4 Direction which has the same effect. However, as set out in the history section below, the application benefits from a certificate of lawfulness that confirms that the property is lawfully in use as a C4 HMO.

3. RELEVANT HISTORY

- 3.1. **BH2025/02133:** Certificate of lawfulness for proposed erection of single storey rear extension and cycle store and alterations to fenestration. Approved 22.10.2025
- 3.2. **BH2025/02048:** Certificate of lawfulness for existing use as a small house in multiple occupation (C4). Approved 13.10.2025
- 3.3. **BH2015/00099:** Change of use from a 5 bedroom small House in Multiple Occupation (C4) to a 7 bedroom House in Multiple Occupation (Sui Generis) with erection of single storey rear extension and hip to gable roof extension with front rooflights and rear dormer. Refused 05.05.2015
1. *The proposed change of use to provide seven bedrooms as a Sui Generis House in Multiple Occupation would provide an attic bedroom with limited head height and therefore limited useable space and would not provide adequate communal living space. Therefore it is considered that the proposal would result in a cramped form of accommodation which would fail to provide an acceptable standard of accommodation. Therefore the proposal would be detrimental to the residential amenity of future occupiers and is contrary to policy QD27 of the Brighton and Hove Local Plan.*
 2. *The proposed hip to gable roof extension and the scale of the rear dormer, would result in roof additions which would appear incongruous and would unbalance the appearance of the pair of semi-detached properties. As such the proposal would be detrimental to the character and appearance of the existing building and the surrounding area. The development is therefore contrary to policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations'.*
 3. *The proposed rear/side extension, by virtue of its design, size and bulk would result in an overly large and awkward addition to the property, which is unsympathetic to the design of the existing dwelling. As such the extension would appear as an incongruous addition and would be of detriment to the character and appearance of the existing building and the surrounding area. The development is therefore contrary to policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations'.*

4. APPLICATION DESCRIPTION

- 4.1. The application is seeking to change the use of the property from a small house in multiple occupation (C4) to a large house in multiple occupation (sui generis) for eight occupants, along with the erection of a single storey rear extension (as approved under BH2025/02133), and associated works to include hip to gable roof extension, front rooflights and a rear dormer.
- 4.2. As noted within the history above, the site already benefits from a lawful development certificate for the proposed rear extension, which also included internal revisions to create 6 bedrooms (which would retain the C4 use Class of the existing HMO if occupied by up to 6 persons). This extension is however included in the current application as it is material to the proposed form of development now proposed, forming part of the revised communal space for future occupants. The rear extension and associated development approved has not been built currently.
- 4.3. Also of note is that the application has been altered to include the rear extension in the description. It was not considered necessary to readvertise or reconsult on this amendment as the rear extension proposed has already been deemed permitted development under application BH2025/02133, and therefore implementable.

5. REPRESENTATIONS

- 5.1. Objections from twenty seven (27) parties including The Governing Board of Bevendean Primary School & Nursery raising the following issues:
- Increase HMO applications in future
 - Detrimental impact on character of area
 - Detrimental effect on property value
 - Inappropriate Height of Development
 - Noise
 - Overdevelopment
 - Overshadowing
 - Restriction of view
 - Traffic or highways issues
 - Rubbish
 - Residential amenity
 - Adversely affects Conservation Area (note: site is not a Conservation Area)
 - Adverse effect on listed building (note: site is not a listed building)
 - No.25 Auckland Drive is an HMO and should be included in density calculations
 - Loss of housing stock
 - Community balance
 - No demand for extra HMO's
 - Impact on school places through lack of family housing
- 5.2. **Councillor Jacob Taylor** has objected to the development. A copy of this representation is appended to the report.

Full details of all representations are publicly available on the planning register.

6. CONSULTATIONS

Internal:

6.1. **Policy:** No comment to make

6.2. **Private Sector Housing:** Comment

If approved an application will need to be made to vary the existing HMO licence to reflect the increase in occupancy.

6.3. **Sustainable Transport:** No Objection

There is likely to be a slight increase in trips to and from the site. There may also be an increase in parking demand if the additional residents choose to travel to and from the site by car. However, this is unlikely to have a significant enough impact on the public highway to warrant reason for refusal. The site is not within a Controlled Parking Zone.

6.4. Parking Standards SPD14 states a maximum of 1 on-site car parking space for this development. None are proposed, which is below the maximum and acceptable. SPD14 also states a minimum of 4 cycle parking spaces for this development. 4 are proposed, which meets the minimum required, in a cycle store in the rear garden that was previously consented under application BH2025/02133. This is also acceptable.

6.5. Full details of consultation responses received can be found online on the planning register.

7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste (2006)
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the change of use is compliant with policy, design and appearance, the standard of accommodation which the use would provide, impact upon neighbouring amenity and transport issues.

Principle of Proposed Change of Use:

- 9.2. The application seeks consent for the change of use from an existing 4no. bedroom (5 person) house of multiple occupation (C4 use) to an 8no. bedroom (8 person) large house in multiple occupation (Sui Generis use).
- 9.3. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation (HMO) and states that:
- "In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple*

Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*

- 9.4. A mapping exercise has been undertaken (March 2026) which indicates that there are 10 properties within a 50m radius of the application property, 0 of which have been identified as being in HMO use or which have extant planning permission to become a HMO. The percentage of neighbouring properties in HMO use within the radius area is thus 0%.
- 9.5. It is noted in comments that No.25 Auckland Drive is in use as HMO, as approved under BH2019/01687 and appears on council mapping as currently in HMO use. It is however located outside of the 50m radius of the application property as measured by the LPA in respect of Policy CP21.
- 9.6. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to an eight-bedroom HMO (Sui Generis use) would not conflict with the aims of policy CP21.
- 9.7. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21, and states the following:
"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:
- a) fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*
 - b) the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*
 - c) the proposal does not lead to a continuous frontage of three or more HMOs;*
 - d) the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*
 - e) communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."*
- 9.8. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 8.2% so it has been met (March 2026: 1599 Total Dwellings and 131 HMO's). In relation to criterion b), the area has been assessed and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs; and would not lead to a continuous frontage of three or more HMOs so also accords with criterion (c). Considerations regarding amenity space and communal living (criteria d and e) are set out below.
- 9.9. On this basis, the scheme is considered to accord with Policy DM7 of CPP2 and CP21 of the CPP1 and the change of use to an eight-bedroom HMO (Sui Generis use) is acceptable in principle.

Standard of Accommodation:

- 9.10. The proposed standard of accommodation is being considered against Policy DM1 of CPP2 which incorporates the minimum space standards within the Nationally Described Space Standard (NDSS) into the development plan. The requirement to meet this standard is further emphasised within d) and e) of Policy DM7 of CPP2.
- 9.11. The maximum occupation would be eight persons as all eight bedrooms are suitable for single occupation only. If the occupation level was desired to increase, a new application for a larger HMO (Sui Generis) would need to be made and considered on its merits, with any alterations to rooms.
- 9.12. The eight single bedrooms are all suitable for single occupancy given their size and widths (7.5sqm or larger) and have suitable layouts. The bedrooms all have windows and allow for natural light, suitable outlook and ventilation to each. Bedrooms and the communal spaces are served by three bathrooms (one per floor with W/C to each). The plans show that the proposed bedroom on the ground floor adjacent to the communal area would have increased soundproofing to the party wall to ensure minimal disturbance to the occupiers of this bedroom.
- 9.13. The kitchen and living room combined would provide 32 sqm of communal living space, which meets the 4sqm required per occupier (32sqm total for eight residents) and allows for communal spaces which, although at the very minimum size, are of sufficient spatial quantity and quality for future occupiers of the HMO, also allowing rear access to the private outdoor amenity space.
- 9.14. The ceiling heights, from the existing elevations are circa 2.2m or higher and considering they are for predominantly for an existing property, are considered acceptable. The new second floor roof bedrooms are measured at 2.29m and considering the scale of the plans with a small margin for error, although not meeting a required head height of 2.3m are again considered acceptable on balance, with the 2.29m height achieved across the whole floorspace of the new roof bedrooms.
- 9.15. Overall, and on balance, it is considered that the proposed layout of the property, as a Sui Generis Large HMO (eight persons) would provide suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with policies DM1 and DM7 of the City Plan Part Two.
- 9.16. As the property is only suitable to accommodate eight persons, it is considered necessary to condition that the property has a maximum occupancy of Eight (8) persons.
- 9.17. A condition for the proposed soundproofing detailed on the proposed floor plans, to be installed prior to first use as a Sui Generis HMO, would also be imposed.

Design and Appearance:

- 9.18. As existing, the house has not been extended substantially and only has what appears a small side extension currently. There is no roof accommodation currently within the property. Some properties in the area have extended; there are limited examples of altered roofs in the immediate locality.
- 9.19. SPD12: Design guide for extensions and alterations states that dormer windows should generally have limited impact on the streetscene however, they should be a subordinate addition to the roof and property as a whole.
- 9.20. The hip to gable roof extension is to allow for the provision of a full width and height rear dormer. It is acknowledged that the dormer would be somewhat large and bulky and would consume almost the entire rear roof slope. The dormer would be set down from the ridge and set up from the eaves, which is welcomed, however it would extend almost the full width towards No.17. It would cause a degree of visual harm and 'top-heavy' appearance to the property. Whilst the rear dormer and gable extension would be of matching materials to the main property, this addition would have a prominent appearance within views from Auckland Drive due to the amount of separation between buildings. Given the overall scale of this addition, it cannot be said to have a subservient appearance as advised within SPD12 and it would also have an unbalancing effect on the associated semi-detached pair.
- 9.21. However, notwithstanding the design and appearance of the rear dormer and hip to gable roof extension, weight is given to the permitted development rights available to the applicant under the schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and that a very similar form of dormer and gable extension would be achievable through the exercise of these rights. It remains however that any external works, to facilitate an increase in the number of occupiers for a Sui Generis HMO use, would still require planning permission as part and parcel of the proposed change of use development. It is noted that a similar form of rear dormer and hip to gable was refused under application BH2015/00099. This was refused under previous Brighton and Hove Local Plan policies and the now superseded SPD12 guidance. The current SPD12 is now more flexible and accepting of hip to gable extensions and larger rear dormers, and weight is given in this application to the fact that a similar, if not identical, form of proposed extension could be constructed under permitted development rights.
- 9.22. Therefore, whilst the proposed rear dormer and gable extension are not considered particularly sympathetic additions to the property, on balance, any harm to the property and wider streetscene would not be so significant to justify a refusal of permission on design grounds, particularly when weight is given the permitted development 'fallback' situation.
- 9.23. The proposed single storey rear extension at ground level would extend for 3 meters from the rear elevation for the majority of the property and have a height of circa 2.7m. The rear extension already benefits from a Lawful Development Certificate confirming it meets permitted development rights criteria under BH2025/02133. Therefore, the rear extension is considered

acceptable in design terms as it can already be implementable under permitted development. In any event, as located to the rear, it would not cause any significant harm to the appearance of the wider area, due to a low visibility in the public realm.

- 9.24. The proposed rooflights, to be inserted in the front roofslope, would be appropriately located in the roofslope and suitable in size and appearance, causing no significant visual harm to the host property, pair of semi-detached properties or the wider area.
- 9.25. The proposal materials are considered acceptable and would match existing materials within the building, which will be secured by condition.
- 9.26. Overall, on balance, the design and appearance of the external alterations are considered acceptable and would not unduly conflict with policies CP12, DM18 and DM21 of the City Plans.

Impact on Amenity:

- 9.27. Policy DM20 of City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Policy DM40 also seeks to protect amenity from noise, pollution etc.
- 9.28. The proposed change of use from a small C4 HMO (3-6 individuals) to a large Sui Generis HMO (eight persons) would be a more intensive use and create more comings and goings from the property, and potentially in a different pattern to the existing small C4 HMO use. In this case the uplift of activity and increase in noise and disturbances from the property would increase from 5 persons to 8 persons.
- 9.29. The concerns raised by residents are noted, and it is recognised that the increase would result in an intensification of noise and disturbance levels, particularly for the attached neighbour. However, considering that the main entrances for the property are located away from the attached neighbour, the separation between the application site and other dwellings, and that new sound insulation is proposed to the party walls and staircases, on balance, the impacts from the intensification would be mitigated and are considered acceptable.
- 9.30. As noted above, the application site is not in an area which currently has more than 10% of properties within 50m radius being in HMO use or 20% of the wider neighbourhood area. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not enough to warrant refusal of the application on the grounds of potential amenity impact.

- 9.31. Furthermore, it is noted that a HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards, amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 9.32. The proposed rear dormer would not result in an unacceptable amenity impacts, such as increased overlooking and loss of privacy, given views from the dormer would be very similar to those possible from existing upper floor windows in the host property and adjacent properties. Additionally, no significant overshadowing is anticipated.
- 9.33. The proposed rear extension, which is single storey in nature and of limited height and scale, and adjacent to the neighbours extension, is not considered to raise any significant amenity concerns in respect of overlooking, loss of outlook or and privacy. It is noted that it has also been confirmed as permitted development.
- 9.34. Accordingly, the development would be considered acceptable in terms of any impacts on neighbouring amenity, subject to conditions in respect of occupancy, and soundproofing. It is also noted that the proposal complies with policies DM20 and DM40 of the City Plan Part Two.

Sustainable Transport:

- 9.35. Given the relatively small uplift in persons at the property, the change of use is unlikely to significantly increase trips or parking to/from the site over that of the C4 HMO.
- 9.36. The application site is located in an area with unrestricted on street parking. The site does not provide off-street car parking and is therefore policy compliant with SPD14.
- 9.37. The plans show cycle parking and the amount is sufficient. Such provision would be secured by condition.
- 9.38. Transport officers have also been consulted raise no objection the development.
- 9.39. Accordingly, the proposal is considered to comply with polices CP9 of the City Plan Part One and polices DM33 and DM36 of the City Plan Part Two.

Other Considerations:

- 9.40. The proposed change of use still results in an HMO use, the property is not used as a C3 dwelling currently, nor has been used as such for well over a decade. Therefore, it is considered that the development would not have an impact on the school places and funding, as no existing family is displaced. The same applies in respect of community balance, for which polices CP21 and DM7 provide protection to ensure there is not an over provision of HMO uses in one area.

9.41. It is noted objectors have raised concerns that the development as a larger HMO could affect property values. The planning system does not exist to protect private interests such as the value of land or property, and as such the affect the proposed development could have upon property values does not hold weight in the determination of this application.

9.42. Objectors have also raised concerns regarding the potential for antisocial behaviour and amount of rubbish. These are matters covered by other regimes separate to planning, such as criminal law, civil law, building regulations, or environmental health regulations and again do not hold weight in the determination of this application.

Biodiversity Net Gain (BNG) and Ecology:

9.43. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

9.44. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees and swifts and suitable bricks/boxes for these are recommended to be secured by condition.

10. EQUALITIES

10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers considered the information provided by the applicant, together with the responses from consultees and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Jacob Taylor
BH2025/02981 – 15 Auckland Drive

2nd January 2026:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Inappropriate Height of Development
- Overdevelopment
- Residential Amenity

Comment: As ward Councillor, I object to this proposed 8 Bedroom HMO property. This is too large a development on a single site - and dramatically expands the occupants in the property. Bevendean needs more family houses, not bigger HMOs.

I am concerned that the development would lead to over-cramped accommodation, given the large number of people likely to be in residence - and this would be detrimental to the residential amenity of future occupiers (and contrary to Policy QD27 of the Local Plan.

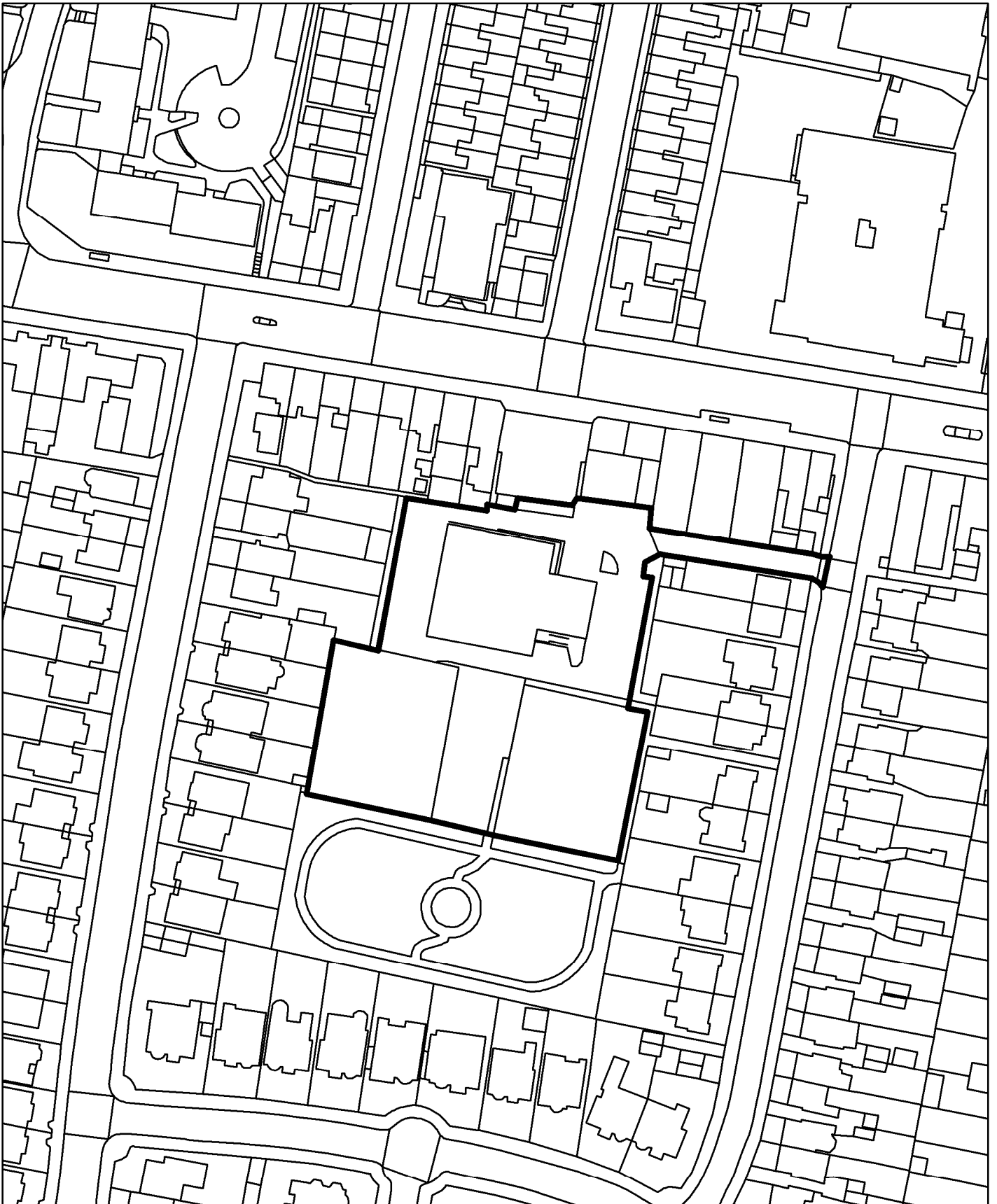
I am also concerned that the proposed extension would be contrary to policy QD14 of the Local Plan, and the Supplementary Planning Document 12 (Design Guide for Extensions and Alterations). The proposal would be detrimental to the character and appearance of the existing building and the surrounding area.

ITEM E

**2 St Heliers Avenue
BH2026/00121
Removal or Variation of Condition**

DATE OF COMMITTEE: 1st April 2026

BH2026 00121 - 2 St Heliers Avenue



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/00121	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	2 St Heliers Avenue Hove BN3 5RE		
<u>Proposal:</u>	Application to vary condition 1 of planning permission BH2001/00118/FP to permit opening hours of 06:00 to 22:00 daily for the internal facilities.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	21.01.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	18.03.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Hove Fitness Club C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

1. The proposed variation to condition 1 to allow for an opening time of 6am daily would have a significant harmful impact on neighbouring amenity due to the increased noise and disturbance that would result from comings and goings and activity on site in the early morning. No evidence has been submitted to demonstrate that these harmful impacts can be appropriately mitigated. The proposal is therefore contrary to Policies DM20 and DM40 of the City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location Plan			21-Jan-26
Block Plan			21-Jan-26

2. SITE LOCATION

- 2.1. The application relates to a two-storey building, with car parking and two tennis courts, set on a backland site to the south of Portland Road. The site is bounded by Davis Park to the south, and residential dwellings on Coleman Avenue and St Heliers Avenue to the east and west. The site is served by a narrow vehicle access route from St Heliers Avenue, shared by commercial premises on Portland Road.
- 2.2. The site is in use as a fitness club, with the most relevant historic planning application being BH2001/00118/FP. There is a concurrent planning application under consideration (BH2025/02448) for the erection of three padel courts on one of the tennis courts.

3. RELEVANT HISTORY

- 3.1. **BH2025/02451** - Application to vary conditions 1 and 2 of planning permission BH2001/00118/FP. Variation of condition 1 to permit opening hours of 06.00 to 22.00 daily for internal facilities only, with external sports facilities, including tennis courts, to remain closed until 08.00. Condition 2 varied to permit use of terrace on first floor level on South elevation from 08.00 to 20.00 daily. Refused for the following reasons:

The proposed variation to condition 1 to allow for an opening time of 6am daily would have a significant harmful impact on neighbouring amenity due to the increased noise and disturbance that would result from comings and goings and activity on site in the early morning. The proposal is therefore contrary to Policies DM20 and DM40 of the City Plan Part Two.

The proposed variation to condition 2 to allow for the terrace to be used until 8pm would have a significant harmful impact on neighbouring amenity due to the increased noise and loss of privacy for neighbours that would result from prolonged use of the first-floor terrace. No information has been provided relating to the use of the terrace or any measures to mitigate for this impact. The proposal is therefore contrary to Policies DM20 and DM40 of the City Plan Part Two.

- 3.2. **BH2001/00118/FP** Continued use of premises without complying with condition 7 (the premises shall not be used before 8 a.m. or after 11 p.m. on any day) attached to planning permission ref 3/88/0955, which would be modified to read, 'The premises shall not be used before 0700 hours or after 2300 hours on any day, except Sundays and Bank Holidays when the premises shall only be used between 0800 hours and 2300 hours'. Approved.

Condition 1 replaced condition 7 and reads as follows:

The premises shall not be used for any purpose before 7.00a.m., or open to members of the public before 7.15a.m. or after 11.00pm on any day, except Sundays and Bank Holidays when the premises shall only be used between 8.00am and 11.00pm.

- 3.3. **BH2001/00117/FP** Continued use of premises without complying with Condition 9 (There shall be no social functions, discos or parties held at the premises

without the prior approval in writing of the Borough Council) - removal of Condition 9 of permission reference 3/88/0955. Refused. Appeal Dismissed.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks to vary condition 1 of BH2001/00118/FP, relating to opening hours (see History section above).
- 4.2. Condition 1 is proposed to be varied to permit opening hours of **06:00 to 22:00 daily**. This would be one hour earlier opening and closing than currently consented on Mondays to Saturdays, and two hours earlier opening on Sundays and Bank Holidays.
- 4.3. This is the same change as was proposed under the recently refused application BH2025/02451.

5. REPRESENTATIONS

- 5.1. **Eight (8)** letters of objection have been received, summarised as follows:
 - Identical to previous refused application
 - The site is not being operated in accordance with its lease
 - Current unauthorised opening at 6am already causes noise disturbance, which will continue if the application is approved
 - Inaccurate statements within the application
 - Opening earlier would not prevent outdoor activity
- 5.2. **Thirty-nine (39)** letters of support have been received, as well as a petition, summarised as follows:
 - The site is already opening at 6am, this allows for exercise in the early mornings which provides benefits for users of the site
 - Other gyms nearby are open at this time
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Environmental Health: Objection Summary:**

This application cannot be supported due to the history of the premises not being able to manage noise from their operations and failure to demonstrate that the impacts from this proposal on residential amenity can be effectively mitigated.

Main Comment:
- 6.2. The Environmental Protection Team has received several complaints in the past about amplified music, loud public address systems, this is despite the club fitting

mufflers in the studio to minimise sound escape and asking class instructors to keep the volume down.

- 6.3. It also appears that the club currently struggles with managing the disturbance from early morning operations as we have already received reports of noise from members engaging in outdoor activities before the permitted 0715 start time.
- 6.4. Although the applicant argues that allowing access from 06:00 hours will eliminate the problem of members exercising or gathering outside before 07:15 hours, there does not appear to be a plan in place for restricting outdoor activity before 0715 hours.
- 6.5. Allowing earlier opening may also attract more early-morning users, increase footfall, vehicle movements, and car-door and people noise, as well as increase the likelihood of noise from music, amplified systems, and class activities during a sensitive period of the morning.
- 6.6. The submitted assessment reveals noise levels at the site are consistent between 0800 and 2100 hours, however, there is no evidence to support the assumption that noise levels from the club are the same between 0600 hours and 0700 hours as the document does not contain measurements or noise modelling representing the noise climate around this time.
- 6.7. The applicant does not provide details on how they intend to manage the impact of their proposal, measures to prevent early arrival and waiting, details of any acoustic insulation or sound containment upgrades to minimise noise break-out as recommended by a suitably qualified acoustic specialist, or controls on music/noise sources, class activities and amplified sound before 07.15 hours.
- 6.8. **Sustainable Transport:** No comment received
- 6.9. **Sports Facilities:** No comment received
- 6.10. **Sussex Police Community Safety:** No objection

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
 - Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013, revised October 2024);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP17	Sports Provision
CP18	Health City
SA6	Sustainable Neighbourhoods

Brighton & Hove City Plan Part Two

DM20	Protection of Amenity
DM40	Protection of the Environment and Health

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main consideration in the determination of this application relates to the impact of the proposals on the amenity of neighbouring occupiers and the locality. Sports and health considerations are also relevant.

Impact on Amenity:

- 9.2. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Policy DM40 seeks to also protect the amenity of nearby occupiers from undue noise, disturbance, pollution etc.

Condition 1 (Opening Hours)

- 9.3. The current wording of condition 1 of BH2001/00118/FP is:
The premises shall not be used for any purpose before 7.00 am, or open to members of the public before 7.15am or after 11.00pm on any day, except Sundays and Bank Holidays when the premises shall only be used between 8.00am and 11.00pm.
- 9.4. The reason given for this current condition is the safeguarding of the amenities of occupiers of surrounding residential properties.
- 9.5. The proposed variation would be to allow for an earlier opening time of 6am daily. This would be one hour earlier than currently consented on Mondays to Saturdays and two hours earlier on Sundays and Bank Holidays.
- 9.6. It is noted that condition 3 sets additional limits on the hours of use of the tennis courts and the playing of music that is audible outside the premises, and this condition is not proposed to be varied as part of this application.

- 9.7. The proposed variation of condition 1 would result in the bringing forwards of customer movements (including vehicle and pedestrian arrivals and departures) to 6am, or even earlier if customers arrive in time for a 6am start. This would be together with any outdoor activities not related to the tennis courts. It is for example noted that public representations have referred to regular early morning outdoor running sessions as part of 'hyrox' classes.
- 9.8. The site location is constrained, on a backland plot in a residential area with residential dwellings on three sides. The site access runs in close proximity to residential dwellings on St Heliers Avenue. This is a constrained context and the high degree to which surrounding dwellings are exposed to activity on the site was noted by the Inspector when dismissing an earlier appeal at the site for use for functions (BH2001/00117/FP).
- 9.9. The proposed opening time of 6am daily is considered to be inappropriate for this location, and the resultant comings and goings and on-site activity at this time of day would result in a significant harmful impact on neighbouring amenity, contrary to Policies DM20 and DM40 of the City Plan Part Two.
- 9.10. The application claims that the current opening time results in customers exercising on surrounding streets before 7:15am, and argues that the proposed earlier opening time would prevent this from occurring. It is however unclear how this could be the case, as the proposed earlier opening time would not result in any restriction on activity on surrounding streets. In fact, it would likely result in more activity at earlier times with customers arriving and leaving, as well as earlier activity within the building itself. Moreover it is clear from public representations that the site appears to be already operating with an opening time of 6am (on an unauthorised basis), and that this has not prevented customers exercising outdoors.
- 9.11. No robust information with regards to noise impact or mitigation for the earlier hours sought has been provided with the application. The comments of the Environmental Protection team are noted, with several complaints having been received regarding the application site, despite the club fitting mufflers in the studio to minimise sound escape and asking class instructors to keep the volume down. It is not considered that conditions can appropriately mitigate any impacts, for example through a Noise Management Plan, as there is no evidence such measures will be effective and this would likely involve extensive measures that could be onerous to fulfil. Moreover, given that efforts have already been made to minimise noise from the premises without success, it is not certain that a condition of this nature could be relied upon to mitigate noise to an acceptable level. Any associated activity outside the site outside direct control of the applicant would also be difficult to mitigate. In the absence of information and evidence regarding noise generation and potential mitigation measures it is considered a condition is not sufficient or appropriate. The Environmental Protection team object to the proposal in principle.
- 9.12. It is recognised that the proposals include an earlier closing time, to be brought forwards by one hour to 10pm. This would have some beneficial impact on

neighbouring amenity but would not negate or otherwise be considered to outweigh the harmful impact identified above. It is also recognised that the proposed opening time would allow an earlier window for exercise for members of the club, however this attracts only limited positive weight as the site is not the only location available for exercise at this time.

- 9.13. Whilst relevant planning policies seek to encourage sports provision and uses which facilitate healthy lifestyles in principle, their impacts and operational hours need to have due regard to their individual location. In this instance the site is significantly constrained and the harm identified does not outweigh any (modest) improvement/availability of sports provision.

Other Considerations:

- 9.14. The application includes a Noise Assessment, but this document is relating to the concurrent (separate) application for the conversion of two of the tennis courts to padel courts. It includes no consideration of the potential impact of the proposed variations to conditions 1 of BH2001/00118/FP. The noise monitoring position was at the southeast corner of the tennis courts and so may not be truly representative of noise from the fitness club building or comings and goings to the site, and the noise data is only listed from 8am onwards.
- 9.15. It is noted that public representations have raised concerns that the fitness club is already operating in breach of these two conditions and that this earlier activity is already having a harmful impact on neighbouring amenity. This has been raised with the Planning Enforcement team to investigate.

10. CONCLUSION:

- 10.1. Insufficient information has been provided with the application to demonstrate that the proposed earlier opening time of 6am daily would not result in a significant harmful impact on neighbouring amenity due to earlier comings and goings and activity on site compared to the currently permitted hours of use. Whilst there would be some benefit for users of the site, this would not be considered to outweigh the harm that has been identified. Refusal is recommended.

Biodiversity Net Gain

- 10.2. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because:
- It does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat;

11. EQUALITIES

- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

NEW APPEALS RECEIVED BETWEEN
05/02/2026 - 04/03/2026

Ward Preston Park
Appeal Ref APL2026/00012
Appeal App Number BH2025/02408
Address 49A Surrenden Road Brighton BN1 6PQ
Development Description Certificate of Lawfulness (Proposed Use) for the Use of the Coach House as a Permanent Dwelling (Use Class C3)
Application Status APPEAL IN PROGRESS
Appeal Received Date 04/03/2026
Application Decision Level Delegated

Ward Round Hill
Appeal Ref APL2026/00008
Appeal App Number BH2025/02515
Address 24 Wakefield Road Brighton BN2 3FP
Development Description Certificate of lawfulness for existing use of outbuilding in rear garden as a separate dwelling (C3).
Application Status APPEAL IN PROGRESS
Appeal Received Date 12/02/2026
Application Decision Level Not Assigned

Ward Wish
Appeal Ref APL2026/00013
Appeal App Number BH2024/02405
Address 255 New Church Road Hove BN3 4EE
Development Description Certificate of lawfulness for existing use of upper maisonette as a small house in multiple occupation (C4).
Application Status APPEAL IN PROGRESS
Appeal Received Date 04/03/2026
Application Decision Level Delegated

Ward Regency
Appeal Ref APL2026/00010
Appeal App Number BH2025/01767
Address 1 Marlborough Mews Brighton BN1 3EB
Development Description Change of use from a dwellinghouse (C3) to short term holiday let (Sui Generis). Retrospective
Application Status APPEAL IN PROGRESS

Appeal Received Date 13/02/2026
Application Decision Level Delegated

Ward Coldean & Stanmer
Appeal Ref APL2026/00011
Appeal App Number BH2025/02124
Address 22 Rushlake Close Brighton BN1 9AY
Development Description Demolition of existing garage and erection of two storey dwelling house (C3) fronting Rushlake Close with landscaping and other associated works (part retrospective).
Application Status APPEAL IN PROGRESS
Appeal Received Date 23/02/2026
Application Decision Level Delegated

Ward Goldsmid
Appeal Ref APL2026/00009
Appeal App Number BH2025/02372
Address Pavement Outside 100 Goldstone Villas Hove BN3 3RU
Development Description Display of internally illuminated digital LCD screen to both sides of freestanding street hub unit.
Application Status APPEAL IN PROGRESS
Appeal Received Date 10/02/2026
Application Decision Level Delegated

Ward Goldsmid
Appeal Ref APL2026/00007
Appeal App Number BH2025/02371
Address Pavement Outside 100 Goldstone Villas Hove BN3 3RU
Development Description Removal of existing public payphone box and installation of 1no communication street hub unit.
Application Status APPEAL IN PROGRESS
Appeal Received Date 10/02/2026
Application Decision Level Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN
18/02/2026 - 17/03/2026

Wardname Hangleton & Knoll
Appeal Application Number APL2025/00087
Address 287 Hangleton Road
Hove
BN3 7LR
Development Description Erection of 2no. hip to gable roof extensions, and front and rear dormers.
Appeal Type Against Refusal
Appeal Decision Appeal Allowed
Planning Application Number BH2025/02069
Application Decision Level Delegated

Wardname Hanover & Elm Grove
Appeal Application Number APL2025/00079
Address 62 Albion Hill
Brighton
BN2 9NX
Development Description Application to vary condition 4 and 17 of planning permission BH2024/00507 relating to retained, replacement, repaired and reinstated tiles.
Appeal Type Against Refusal
Appeal Decision Appeal Allowed
Planning Application Number BH2025/01622
Application Decision Level Delegated

Wardname Hollingdean & Fiveways
Appeal Application Number APL2026/00003
Address 14 Lucerne Road
Brighton
BN1 6GH
Development Description Installation of a fence along the front boundary. (Retrospective)
Appeal Type Against Refusal
Appeal Decision Appeal Dismissed
Planning Application Number BH2025/02399
Application Decision Level Delegated

Wardname Rottingdean & West Saltdean
Appeal Application Number APL2026/00005
Address 21 Tumulus Road
Saltdean
Brighton
BN2 8FR
Development Description Erection of single storey garage to front elevation
Appeal Type Against Refusal
Appeal Decision Appeal Dismissed
Planning Application Number BH2025/02106
Application Decision Level Delegated
