

<u>No:</u>	BH2021/02477	<u>Ward:</u>	St. Peter's and North Laine Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Pavilion Theatre 29 New Road Brighton BN1 1UG		
<u>Proposal:</u>	Replacement of existing copper roof covering and existing sub lining with new natural copper roof and sub lining.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	14.07.2021
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	08.09.2021
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	FCB Studios Bath Brewery Toll Bridge Road Bath BA1 7DE		
<u>Applicant:</u>	Brighton & Hove City Council Major Projects & Regeneration Hove Town Hall Norton Road Hove BN3 3BQ		

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
Proposed Drawing	1729/P/100 P2		5 July 2021
Location Plan	1729/P/130		5 July 2021
Proposed Drawing	1729 P 710 P1		14 July 2021
Report/Statement	Design & Access/Heritage Statement		14 July 2021

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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. SITE LOCATION

- 2.1. This Pavilion Theatre (also known as the Studio Theatre) is a Grade II Listed Building, and dates from c1935, when it was built as a supper room for the Corn Exchange, by Robert Atkinson in a stylised form of Islamic architecture. It was later converted to a theatre. Its significance largely resides in its external design appearance, a careful mix of 1930s with the Moorish influence of the Pavilion estate buildings. Its copper clad pyramidal roof behind flanking towers and castellated parapet are key townscape features. The ground floor has been harmed by the bin store enclosure on the south elevation facing the gardens.
- 2.2. The neighbouring Corn Exchange (with the Dome Theatre) is a Grade I Listed Building, originally built as a riding school and stables by William Porden, between 1803-08, for the Prince of Wales, in connection with the Royal Pavilion, and extended in 1831. The Dome was converted into a theatre in 1864-67 by Philip Lockwood, with forms loosely derived from Islamic architecture, and the former riding school was converted to a corn exchange in 1868. The Dome was further extended and given two new entrances in 1901-02, including one on Church Street, and the building at this time took on an even greater Eastern character with greater reference to the Royal Pavilion. A further significant scheme of alterations took place in 1934 by Robert Atkinson, including the conversion of the Corn Exchange into an exhibition hall and the addition of the Church Street entrance foyer.
- 2.3. The site forms part of the wider Royal Pavilion estate consisting various designated heritage assets (including the Grade II Registered Park and Garden) and lies within the Valley Gardens Conservation Area.

3. RELEVANT HISTORY

- 3.1. **BH2021/02476** - Replacement of existing copper roof covering and existing sub lining with new natural copper roof and sub lining. Concurrent Full Planning application to be heard at this Committee meeting
- 3.2. **BH2020/03419** - Replacement of fibrous plaster ceiling within Pavilion Theatre. Raising of parapet to North and South hip ends to Corn Exchange Roof. (Part Retrospective) Approved 12.02.2021
- 3.3. **BH2016/06449** - Refurbishment and alterations to Corn Exchange, Studio Theatre and 29 New Road. Works include demolition of existing single storey link building and erection of three storey infill extension to West of Corn Exchange, incorporating new foyers, bar, box office, WCs, production space, public stairs and lifts. Alterations to Corn Exchange including retractable seating beneath new balcony and replacement roof coverings. Alterations to Studio Theatre including new side balconies, lift, fire escape stairs and dressing rooms. Renovation of existing café, to be opened to New Road and Royal Pavilion gardens. Installation of new plant equipment, alterations to entrances on New

Road and Church Street and associated alterations. Erection of bin store to South of Brighton Dome access road. Approved 12.02.2017

- 3.4. **BH2016/05127** - Application for variation of condition 2 of application BH2014/02612 (Refurbishment and alterations to Corn Exchange, Studio Theatre and 29 New Road. Works include demolition of existing single storey link building and erection of three storey infill extension to West of Corn Exchange, incorporating new foyers, bar, box office, WCs, production space, public stairs and lifts. Renovation of existing café, to be opened to New Road and Royal Pavilion gardens. Installation of new plant equipment, alterations to entrances on New Road and Church Street and associated alterations.) to allow amendments to drawings (additional plans received). Approved 24.01.2017

4. APPLICATION DESCRIPTION

- 4.1. This application seeks Listed Building Consent for the replacement of the existing copper roof covering and existing sub lining with new natural copper roof and sub lining.

5. CONSULTATIONS

- 5.1. **Heritage:** No objection
As noted in the submitted Design and Access Statement the existing copper roof covering is likely to be the original 1935 roof, which has patinated naturally. The proposed works represent a like-for-like replacement over the entire large roof but, because of the significant difference in appearance between new natural copper and patinated copper, this replacement will have quite a dramatic visual impact where the roof is visible from New Road and from the Pavilion Gardens. However, this work will replicate the appearance of the roof when originally built and the new natural copper will patinate over time. The works would also have the benefit of securing the fabric of the building from water ingress in the long term.
- 5.2. Overall, it is considered that the works would the listed building (including its setting), would preserve the setting of the adjacent Corn Exchange, would preserve the setting of the registered Pavilion Gardens and would cause no harm to the appearance or character of the conservation area.
- 5.3. **Historic England:** No comment
On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.
- 5.4. **Theatres Trust:** No objection
There is clear need and justification for replacement of the roof, as set out within the applicant's supporting documents, and the roof is towards the end of its expected life having been installed around 1930. It is important for the ongoing conservation and operation of the theatre that the roof is safe and protects the

building's fabric. A like-for-like replacement is proposed. Therefore, we are supportive of this project.

6. MATERIAL CONSIDERATIONS

- 6.1. 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
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - 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).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

HE1 Listed Building Consent
HE3 Development affecting the setting of a listed building

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM27 Listed Buildings

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impacts of the proposed works would have on the historic character and appearance of the Grade II Listed Building and its setting.
- 9.2. In considering whether to grant listed building consent 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.
- 9.3. 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 should be given "considerable importance and weight".
- 9.4. The proposed works are to replace the existing copper roof, in its entirety, on a like-for-like basis. In recent years the existing roof has been patched up by way of minor repairs as part of the recent works, however the copper has continued to fracture and now it is too fragile to repair on a patchwork basis. The copper roof now needs replacing to protect the interior fabric of the listed building.
- 9.5. Once replaced, the copper roof would initially have a very different appearance, with bright copper tones. This would dull to a soft brown colour within the first year and continue to evolve in colour back to the soft, mint green of the existing roof as the copper naturally patinates. Due to the nature of copper the initial dramatic colour change is unavoidable and is not a reason to refuse the application as the new roof would secure the building from water ingress for the long term and allow the listed building to be preserved.
- 9.6. It is considered that the proposed works would preserve the historic character or appearance of the Grade II listed building and its setting, in accordance with policies HE1 & HE3 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM27 and DM29 of the Proposed Submission City Plan Part Two (which can both be given significant weight).

10. EQUALITIES None identified

