

<u>No:</u>	BH2022/02444	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	The Hippodrome 51 And 52 - 58 Middle Street Brighton BN1 1AL		
<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), 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. (Amended Plans)		
<u>Officer:</u>	Matthew Gest, tel: 292525	<u>Valid Date:</u>	12.08.2022
<u>Con Area:</u>	Old Town Conservation Area	<u>Expiry Date:</u>	07.10.2022
<u>Listed Building Grade:</u>	Grade II*		
<u>Agent:</u>	Lomax Design 44 New Road Shoreham By Sea BN43 6RA		
<u>Applicant:</u>	52-58 Middle Street Brighton Ltd Sussex House Crowhurst Road Hollingbury Brighton BN1 8AF		

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** Listed Building Consent subject to the following Conditions and Informatives.

Conditions to be added to the Additional Representations List.

Informatives:

Drawings to be added to the Additional Representations List

2. SITE LOCATION

- 2.1. 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.

3. RELEVANT HISTORY

- 3.1. **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)
Under Consideration
- 3.2. **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
- 3.3. **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
- 3.4. **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
- 3.5. **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
- 3.6. **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
- 3.7. **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

- 3.8. **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

4. APPLICATION DESCRIPTION

- 4.1. Listed Building consent is sought for external and internal alterations to facilitate a new mixed use development across site including;
- Restoration, renovation, part-demolition and extensions to The Hippodrome to provide a multi-format performance/event space (Sui Generis) with restaurant/café (E)
 - Conversion and alterations to Hippodrome House to provide bar, members club and apart-hotel (Sui Generis), and other associated works.
 - Erection at the rear of a new 3-7 storey apart-hotel (Sui Generis) fronting Ship Street with retail (E) at ground floor

The Hippodrome

- 4.2. The proposal is to restore and bring the auditorium back into use as a performance venue/events space in a "Theatre of Varieties" concept. This is to utilise the auditorium as a flexible performance and events space capable of hosting both musical and theatrical performances as well as providing a venue for conferences, exhibitions, banquets as well as other uses such as event cinema, lectures and weddings. The circle is to be retained with fixed raked seating (400 seats) whilst the main auditorium floor would be re-modelled as a flat floor event space. The decorative plasterwork within the auditorium would be repaired and restored with the retention and preservation of a number of other historic elements, fixtures and fittings. The ground floor of the venue would also enclose a kitchen in the south eastern corner and ancillary bar areas set within the auditorium.
- 4.3. At mezzanine level (03) the area at the rear of the stage within the fly tower would be converted to a rehearsal/practice performance space with additional Apart Hotel bedrooms on the floor above.

- 4.4. From circle level there is also proposed access to an enclosed “roof top” bar (level 03) with a capacity of 32 covers that faces north and in turn leads onto an external roof terrace fronting Middle Street for 44 covers.
- 4.5. The ground floor lobby of the auditorium would be converted to a bar/restaurant with a frontage onto Middle Street catering for 60 covers internally and 44 externally on the public highway (pavement) and would re-utilise the box booths between the foyer and auditorium.
- 4.6. The ground floor would also be remodelled with the provision of washroom and toilet facilities as well as a re-designed back of house at the rear of the stage to provide dressing rooms, changing rooms and green rooms, stage lobbies and other performance facilities and storage.
- 4.7. The stage get in and get out would be in the same overall location as the current elephant/equestrian ramp providing a direct and ramped access to the stage side and rear. A late night exit for patrons is sited adjacent to this in the northern side of the auditorium.
- 4.8. Servicing and delivery of the auditorium would take place through the existing vehicle access on the northern side of Hippodrome House.
- 4.9. External alterations are proposed to the Middle Street frontage and these relate largely to matters of detailing and infilling and installation of doors and windows.

Hippodrome House

- 4.10. The ground floor of the northern part of Hippodrome House would be remodelled for use as a private members club with bar and lounge areas. The bar at ground level would have a capacity of 59 opening out on an outside terrace in the Elephant’s Yard of 32 covers.
- 4.11. At mezzanine level is a proposed Member’s dining room, with a 24 person capacity served by its own kitchen. The northern upper parts of Hippodrome House would be remodelled and facilitate 16 Apart Hotel rooms.
- 4.12. The southern section of Hippodrome House adjoining the Hippodrome auditorium would be entirely remodelled as the Apart Hotel entrance lobby providing access via the stair core to rooms above to the street frontage with the rear remodelled for WC facilities and access to the auditorium.

The Apart Hotel

- 4.13. The application proposes the erection of an extension at the rear and side of the auditorium and infilling of the rear car park with a new 3-7 storey apart-hotel building proposed at 21.4m in height, providing 62 hotel rooms fronting onto Ship Street with a new retail unit (Class E) at ground floor. The extension would be set down at its eastern end and would appear largely as a three storey building with accommodation in the roof from Ship Street. The extension steps up with the 5th and 6th storey 9m back from the street front with a metal clad mansard roof addition above. The elevations propose differing treatments of brickwork

detailing punctuated by set ins and set backs along with windows and canted bays serving the Apart Hotel rooms on the northern and southern sides.

- 4.14. Additional alterations are proposed to the Hippodrome fly tower and roof. The roof spaces would feature a number of rooflights, PV panels, plant equipment and acoustic louvres. New window openings are proposed to the fly tower on the south eastern side.

Amendments

- 4.15. Amended plans and further information have been provided during the course of the application. Principally the amendments have reduced the height of the rear Apart Hotel building and removed a proposed use of the fly tower for separate office use (E) from the application and in its place is the proposed rehearsal/studio space.

Condition of the Hippodrome

- 4.16. 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.
- 4.17. It is also of note that the applicant has commenced some works which would require listed building consent but are not yet approved, most notably the restoration of the auditorium plaster work with some of this work already considerably underway. These proposed part-retrospective works form part of this consent and the associated full planning application BH2022/02443.

5. REPRESENTATIONS

- 5.1. Overall and in total **thirty-eight (38)** individual public representations have been received in regard to the application. It is noted that some individuals and groups have submitted more than one representation. These are broken down and summarised in the following paragraphs.

Original consultation

- 5.2. **Twelve (12)** representations were received from individuals and the **Middle Street and Ship Street Gardens Residents Association**, objecting to the proposed development for the following reasons:
- The proposal is an overdevelopment, with too many storeys and a poor design
 - Will set a precedent for further tall developments in the area
 - Loss of property values
 - The proposal will cause harm to the Conservation Area and listed building
 - The proposal will cause harm to the amenity of neighbouring residents through a loss of privacy, outlook and daylight and an overbearing impact
 - Increased noise disturbance
 - The proposed alterations are irreversible and may compromise the ability to conduct larger-scale performances are being removed

- Errors, omissions and alleged misleading statements within the application documents
 - Additional traffic
- 5.3. **Fourteen (14)** representations were received from individuals supporting the proposed development for the following reasons:
- Good design, the proposed works are in keeping with the listed building
 - An opportunity to regenerate a historic building that has fallen into disrepair
 - Entertainment venues make a positive contribution to the city and would be a great cultural asset
- 5.4. **Two (2)** representations were received commenting on the proposed development:
- Renovation of historic building is welcomed
 - Opposition to the proposed seven-storey height as being out of keeping with the area
 - Harm to the amenity of neighbouring residents including due to the height of the tower and the proposed rooftop terrace
- Following amendments to the scheme and a re-consultation in April 2023:
- 5.5. **Ten (10)** representations were received, including from the **Middle Street and Ship Street Gardens Residents Association, and the Regency Society**, objecting to the proposed development for the reasons stated above, and:
- Amendments including a minor reduction in the height of the tower have not overcome the concerns raised
 - Restrictions to the hours of use of the rooftop bar should be added
- 5.6. **Three (3)** representations were received supporting the proposed development for the reasons stated above, and:
- Delays further the degradation of the building and should be minimised
- 5.7. **Two (2)** representations were received commenting on the proposed development for the reasons as stated above.
- 5.8. **Two (2)** representations have been received from **Caroline Lucas (MP)** on 24th October 2022 and 25th April 2023 supporting the proposals.
- 5.9. A representation has been received from the **Brighton Hippodrome CIC** (Community Interest Company) on 7th October 2022 objecting to the proposals for the following reasons:
- The plans contain insufficient detail and evidence of an overall strategy and business plan.
 - Liquor licensing in the cumulative impact zone (CIZ) may limit the potential of the scheme.
 - Issues of noise transfer and neighbourhood disturbance are not addressed.
 - The impacts of regular 1,800-person concerts are not discussed.
 - This proposal is similar to one that failed for a major music operator 10 years ago.

- The scheme is not reversible for future theatre use, as required of previous schemes.

6. CONSULTATIONS

Internal

- 6.1. **Heritage:** 22nd February 2024 (final comments): Approve subject to conditions
The addendum submitted in December 2023 provides more information on the back of house provision, operational management, and servicing of the site. This helps to clarify the type and scale of activity that could take place at this venue and how it will operate and be managed.
- 6.2. The latest information provided has not addressed fully the concerns of the previous Heritage comments and this would align with Historic England's latest comments who have particular concerns regarding (but not exclusively) the Palm Court interiors:
We consider that harm to heritage significance could be reduced by the retention and re-use of some of the historic Palm Court interiors for additional bar and front of house areas to serve the entertainment use.
- 6.3. Where works are proposed which would lead to harm, local planning authorities are required to follow the National Planning Policy Framework (NPPF) that any harm or loss of significance would require clear and convincing justification. Paragraphs 203, 205, 206, 207 and 211 are all relevant however 208 is most worthy of note:
Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (in this case a listed building), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.4. NPPF paragraph 208
These benefits are defined in the Planning Policy Guidance (PPG) 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'. The Hippodrome would offer public benefits in the form of renovating a at risk listed building and bringing it back into use. The building has been vacant for a long time and is in a poor condition. It has deteriorated over this period and is on Historic England's 'buildings at risk' register. It is also on the Theatres Trust's register of theatres at risk. The public would also have the benefit of seeing and experiencing this historic performance space as well as having an additional venue in the city. There will also be additional employment opportunities. However, the heritage impacts would need to be minimised by the imposition of conditions to avoid loss to historic fabric such as plasterwork and original fixtures and fittings in The Hippodrome and Hippodrome House and to ensure all works carried out are appropriate to the heritage asset. Whilst the Apart-hotel is considered acceptable, further details are required by condition to ensure that it does not affect the significance of the historic building as well as preserving and enhancing the Old Town Conservation Area. The imposition of conditions and

compliance with the conditions are critical to ensuring the public benefit tests are met and that the alterations preserve the special character of the building.

- 6.5. Historic England outlines a staged approach to decision making in their Advice Note 12. Previous Heritage comments would indicate that the Heritage Impact Statement hasn't satisfactorily addressed these. The proposals as currently submitted will lead to less than substantial harm, but to a high degree if clear conditions are not set out for each individual part of the development to ensure that the loss of original fabric is minimised. The viable option *likely to cause the least harm to the significance of the asset* would also require clear conditions to be set.
- 6.6. Conditions are recommended for; methodology and details of how the historic features would be restored and protected during works, a detailed phasing plan, further details on the historic floor layers, details for the internal sound wall, updated information on the fibrous plaster works undertaken, the porch canopy to Hippodrome House, details of the treatment for the basement of Hippodrome House, details of the restoration of the Middle Street canopy, details of the Juliette balconies fronting Middle Street, further information on the retention of the circle seating and a proposed colour scheme for the interior plasterwork.

28th April 2023: Seek Amendments/Seek Further Information

- 6.7. There is still therefore a need for a clearer understanding, with appropriate specialist input, of how the multi-format venue would viably operate as currently designed and laid out. There also remains the need for a clear phasing plan to provide confidence that the listed building will be fully restored. More details of the alterations to the Hippodrome are still required in order to be confident that the works would conserve the significance of the building and that the package of heritage benefits is sufficiently great as to outweigh the harmful aspects of the proposals.
- 6.8. The new building elements, including the apart hotel and the infill addition to Hippodrome House, are now considered to be broadly acceptable in terms of minimising their harm, but further design amendments are recommended to achieve a suitable development in heritage terms.

30th September 2022: Seek Amendments/Seek Further Information

- 6.9. Whilst the principle of these applications is supported, there are significant concerns that as submitted the applications; lack justification and detail for the proposed alterations and restoration works, lack clarity around how the multi-use venue would viably operate and how it would comfortably co-exist with other proposed uses, lack details of how acoustic separation would be provided and how that may impact on the interior and features of the auditorium etc, lack a phasing plan, may not allow for future reversibility and for flexibility of use(s), involve substantial alterations to Hippodrome House and large scale new development.
- 6.10. **Urban Design:** Comment (seek amendments)
Design of the retail and Apart-Hotel frontage should be improved and consideration given to reducing the number of storeys and height to lessen

impact on the conservation area, review or clarify Apart-hotel in terms of accessibility from Middle Street and arrangements during the night when the hippodrome is closed. Reduce scale of infill development and review material composition to create a development that is distinctive and harmonious.

External

- 6.11. **Conservation and Advisory Group: Support**
Noted concerns on height of Apart Hotel building, request a Section 106 obligation to ensure hotel is prevented from trading until Hippodrome completed.
- 6.12. **County Archaeologist: Support**
Information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Risk of damage to archaeology is recommended to be mitigated by the application of planning conditions.
- 6.13. **Historic Buildings and Places (Ancient Monuments Society): Objection**
Concerns that information provided within the HIA (Heritage Impact Assessment) is inadequate for Grade II* Listed Building, decorative elements of Hippodrome House (Palm Court interiors) should be retained, concerns on Apart Hotel height and design. Suggests further information and advice is obtained.
- 6.14. **Historic England: 30th January 2024: Comment**
It will be for the Council to decide whether this scheme is deliverable and viable in the Brighton entertainment market and would therefore secure a long-term sustainable use for this important heritage asset.
- 6.15. We consider that harm to heritage significance could be reduced by the retention and re-use of some of the historic Palm Court interiors for additional bar and front of house areas to serve the entertainment use, and through a reduction in height of the apart- hotel development.
- 6.16. Should you decide the proposals are acceptable, we would encourage you to consider the recommended conditions which would further reduce harm.
- 27th April 2023: Seek Amendments/Seek Further Information/Objection
- 6.17. Welcome the further information and amendments but consider that they do not go far enough to address previous concerns. This is because they still do not provide sufficient evidence to demonstrate: the deliverability of the scheme; that the potential harm has been minimised and that the public benefits can be delivered to outweigh the harm and be legally secured.
- 6.18. Importantly, we consider it is crucial that the applicant demonstrates that the proposed multi-format performance use is deliverable within the re-designed spaces, including its servicing and back of house arrangements, and is viable and sustainable within the Brighton entertainment market. If adequate information and amendments as described are provided, we think that we might be able to support the proposed re-use of this important historic building.

13th October 2022: Seek Amendments/Seek Further Information/Objection

- 6.19. This scheme has the potential to retain and restore important aspects of the building's significance, which counts in its favour, although other aspects of the scheme would result in harm to significance and we have some overarching questions about its overall deliverability.
- 6.20. We think that we could support the proposed scheme if persuaded that the harm had been minimised and that heritage benefits capable of outweighing the harm could be legally secured. However, to be confident of all these matters, we would need further information that demonstrates that the proposed multi-format performance use, including its servicing, is viable and sustainable and would work within the re-designed spaces. In addition, we would need to be persuaded that an historically accurate restoration of the fibrous plasterwork in the auditorium can be achieved, while minimising loss of historic fabric. We also consider that amendments to the design and height of the apart-hotel development are required in order to reduce harm to the conservation area. We therefore advise you to seek this further information and amendments before the application is determined.
- 6.21. **Theatres Trust: 10th January 2024: Objection**
Additional information provides some reassurance on particular aspects of the application such as the ability to accept large vehicles and that operational matters are being considered to some degree, overall it does not fundamentally address the primary objections and concerns that we have raised previously. Therefore our existing recommendations and position remains unchanged.
- 21st April 2023: Objection
- 6.22. Welcome that revisions have been made to the proposed plans which go some way towards addressing previous concerns and objections. In terms of internal layout and function to back of house areas and within the fly tower there is some improvement. In particular, the removal of serviced offices from the fly tower has given much needed additional space and facilities over to the event/performance function, including the addition of an indicative rehearsal space. Operationally there is now less complication and scope for potential conflict around the Elephant Yard which improves function and safety, partly through having one less use (the serviced offices) and partly through the apparent removal of external seating for the Members Bar. There is now a slightly more straightforward access route to the stage for get-ins (delivery and removal of equipment, props and sets for shows). Externally, the massing of the serviced apartments to the rear yard has been reduced and we consider this now sits more comfortably with the existing building so has reduced impact on its setting.
- 6.23. Nonetheless, we still have significant concerns regarding the operability and viability of the scheme as a venue for live music, comedy, cabaret, conferencing and other such functions and events. This is based on our own expert advice informed through engagement and consultation with established venues and operators offering similar provision at a similar scale and capacity. These matters will need to be addressed if the flexible, multi-purpose use for Hippodrome is to be a success and the loss and harm to heritage of such a significant asset is to be justified.

7th October 2022: Objection

- 6.24. Priority is to see a viable, sustainable and long-term future for the Hippodrome as a live performance venue. At this stage consider there to be a number of flaws with the design and proposed operation of this venue which prevent that, requiring significant amendment. There is also a general lack of evidence and detail within the submission that would ordinarily be required of any proposal to support the granting of planning permission or listed building consent and to justify heritage loss and harm (both substantial and less than substantial) as well as conflict with policy and departure from optimum viable use.
- 6.25. Whilst no objection to the overall principle of change of use (again subject to further evidence), until the revisions and further information come forward, position will be to object to the granting of planning permission and listed building consent.
- 6.26. **Victoria Society: Objection**
- Concerns that information provided within the HIA (Heritage Impact Assessment) is not sufficient.
 - Concerns that harms are caused to the significance of the Listed Building and Conservation Area and would set a dangerous precedent due to the scale of Apart Hotel.
 - Further historic restoration detailing should be achieved

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

Brighton & Hove City Plan Part Two
DM26 Conservation Areas
DM27 Listed Buildings

Supplementary Planning Guidance:
SPGBH11 Listed Building Interiors

Supplementary Planning Documents:
SPD09 Architectural Features

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact upon the significance of the Grade II* Listed Buildings, and impacts upon the Conservation Area and other nearby listed buildings.
- 9.2. 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.
- 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, 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)

- 9.4. 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.
- 9.5. The Hippodrome has both special architectural and historic interest and the surviving Matcham auditorium interior is of greatest note.
- 9.6. 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.
- 9.7. 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.

- 9.8. 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.
- 9.9. 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.
- 9.10. The building was occupied by Mecca Bingo from 1969 until it closed and fell into disuse in 2006. In the 18 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".
- 9.11. 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.
- 9.12. It is from Matcham's designs that the main aesthetic interest of the Hippodrome as we know it today internally and externally is derived. 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.
- 9.13. 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 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.

Principle of the Development:

Policy background

- 9.14. 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.*

9.15. 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’.

9.16. 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.

9.17. The application proposes the re-use of the Hippodrome as a flexible performance and events space, a new retail unit fronting Ship Street, a new members club and Apart Hotel. 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 establishing the acceptability of the principal of the proposals.

- 9.18. Policy CP15 (Heritage) promotes the conservation, preservation and enhancement of the city's historic environment and prioritises positive action for heritage assets at risk through neglect, decay and vacancy.
- 9.19. Policy DM26 (Conservation Areas) requires new development to preserve or enhance the distinctive character and appearance of the area. New development within a conservation area should be of the highest design quality and should take the opportunity to enhance the special interest of the area wherever possible, having regard to any adopted management plan.
- 9.20. Policy DM27 (Listed Buildings) requires listed buildings to be retained in viable use and good repair. Proposals involving the alteration, extension, or change of use of a listed building will be permitted where they would not harm the special architectural or historic interest of the building, where vacancy is an on-going concern, consent will be granted for a new viable use that is consistent with the conservation of the building's special interest, provided that this would not unacceptably conflict with other policies or material considerations. In applying other policies the council will have special regard to the benefits of bringing the listed building back into use.
- 9.21. Both DM26 and DM27 require that where either substantial harm or less than substantial harm is identified, the council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the heritage assets affected.

The renovation and re-use of the Hippodrome

- 9.22. The acceptability of the principal of the proposed re-use of the Hippodrome as a flexible events and performance space also requires an assessment against policies DM26 and DM27, the NPPF and PPG guidance relating to the impact of development proposals upon Heritage assets and putting them to viable uses consistent with their conservation (paragraph 203 of the NPPF). This is explored further below.

Optimal Viable Use

- 9.23. National and local policy require new uses and development to be viable and consistent with the conservation of a building's special interest. Where harm is identified this needs to be weighed against the public benefits of a proposal including, where appropriate, securing the optimal viable use.
- 9.24. The application includes the submission of the "Colliers Optimal Viable Use" report (OVU) which analyses and assesses potential uses of the Hippodrome and whether these would represent *the optimal viable use* of the site. The report includes a report dated 2022 with an addendum from December 2023. The report also draws much from an earlier report and assessment conducted by Colliers in 2015 on behalf of the Theatres Trust and a range of other stakeholders. A copy of this report was also submitted with the application.

- 9.25. The reports include and references the feasibility study undertaken in 2015 examining the potential for three proposed uses of the Hippodrome;
- the use as a lyric theatre,
 - the use as a flat floor flexible performance space,
 - and non-events use.
- 9.26. The OVU report concludes that use of the auditorium as a flexible multiple-purpose event venue would be optimal. The strategy underlying what is described as the “Theatre of Varieties” concept is outlined to:
- Make the building as flexible as possible, able to stage performances of many types in layouts of many types.
 - Make it possible for the building to operate as a venue that has people using it on a continuous basis by day and evening rather than one which only opens for performances and events.
 - Make it easy and attractive for people to spend money on food and drink, which would be a main source of entertainment and of revenue.
- 9.27. In regard to financial viability, the report does not include specific financial modelling for the scheme proposed however financial modelling was undertaken for the 2015 study. The report concludes that the modelling indicated such a use as that proposed in this application, could make a reasonable operating profit but that this was unlikely to be enough to deliver the project on a purely commercial basis and that cross-subsidy would be required from grant and/or development of the rest of the site. The report notes that development costs are likely to have significantly increased since the original financial assessments were undertaken and that the funding and grant environment is even more challenging now.
- 9.28. The Colliers OVU report accompanying the application provides an assurance that the use of the building as proposed would have the potential to create a niche in the Brighton market and that such a use could be viable and attractive to operators. The application has not been submitted with specific financial modelling for the proposed use or proposed re-development and is not therefore considered to be true “enabling development”. However, the development would provide a cross subsidy of the renovation and restoration of the Hippodrome auditorium through the Apart Hotel development proposed in the rear car park and the re-development of Hippodrome House. The uses proposed for these areas of the site are considered to be compatible with the use of the auditorium as a flexible performance and events space and are not considered likely to disrupt or be detrimental to the safe and efficient operation of the Hippodrome as an events venue subject to sufficient internal sound proofing. The report concludes that the “Theatre of Varieties” concept is the Optimum Viable Use for the site.
- 9.29. In line with the PPG, further matters require consideration in regard to the overall viability of the proposed use and further assessment is required in order to secure against future harmful outcomes. Such matters in this instance relate to whether the building itself can facilitate the use proposed in regard to its structural ability to support modern day live performance equipment, whether

there is suitable provision for back of house and support space, and whether the development can be suitably serviced as necessary as well as the balancing of identified heritage harms. Whilst further consideration to some of these specifics is given in other areas of this report, these factors remain critical elements in securing the overall operational viability and sustainability of the proposal.

- 9.30. The application originally proposed a suite of office accommodation within the Hippodrome Fly tower. Whilst the provision of office accommodation was supported in principle and considered to be policy compliant this element of the proposal was removed from the scheme during the consideration of the application. This was due to concerns regarding potential conflicts arising between the proposed uses. Furthermore, to bring forward the office accommodation, this required further interventions and alterations into the fly tower, which were considered to be harmful to the building which was not considered acceptable and could not be justified in the public benefit test.
- 9.31. The office space was replaced in the application by additional performance rehearsal space. This was considered to be a positive alteration to the scheme for two reasons; firstly the additional performance and rehearsal spaces contributes to the cultural offering of the scheme in providing a space in the heart of a performance venue for performance development but also that such a use required less physical intervention into the fly tower. With this in mind should a future use of the fly tower in association with the stage below be proposed - the re-use and reversibility of these proposed works is considered more likely. This additionally contributes to ensuring that the harm to the heritage asset is minimised.
- 9.32. During the course of the application, information was requested to demonstrate that the building was structurally capable to host performances/events and the necessary technical equipment. Whilst internal alterations are not normally something a planning application would consider in detail (this would usually apply to listed building consent in such cases), given the optimal viability assessment required with this application, it is important to consider whether the building can accommodate and support the equipment necessary and facilities without resulting in harm to the building. A rigging design by Solotech was submitted as part of the application in December 2023. The design indicates attachment points for a hung audio system and lighting system and approximate loadings. Solotech is a global technical support company and there is no reason to dispute that the design would appear to be a workable one providing sufficient audio and lighting system support for a variety of modern entertainment uses. The Design and Access Statement submitted with the application identifies that the proposal would provide a lighting and audio system that would remain in-situ which would involve both less disruption to get in and get out of large amounts of audio/visual equipment and less need for some larger vehicles to support events.
- 9.33. An addendum to the Colliers OVU report was provided (dated December 2023) and this assesses the layout and functionality of the back of house space and considers that the Hippodrome offers a significant, indeed large amount of back of house space sufficient to support the types of entertainment and events

proposed. The report provides a comparison of the presented back of house space at the Brighton Hippodrome with two comparable London venues. The conclusion within the report is that the Hippodrome would provide back of house space of approximately 432m² which is substantially more than the compared venues being The Troxy (Limehouse, London) with an audience capacity of 3100 and c.61m² of back of house space and Lafayette (Kings Cross) with an audience capacity of 600 and a back of house space of c.54m². Given that the Hippodrome would have a potential back of house area at 432m² officers are satisfied that such a provision could only be likely positive for the viability of the venue.

- 9.34. The supporting information submitted during the course of the application has demonstrated that the building is capable of structurally supporting the flying of modern audio and visual equipment and has been demonstrated to have a layout which would both provide sufficient back of house space as well as minimal intervention into the form of the fly tower which are considered to be longer term positive aspects of the proposal. The application has also sufficiently demonstrated that, in principle, servicing by larger vehicles could be achieved.

Use of the building as a Lyric Theatre (alternative Optimum Viable Use)

- 9.35. It is noted that The Theatres Trust maintain an objection to the proposal and do not agree that the proposed scheme would represent the optimum viable use for the building. A number of other consultees and representations have put forward a similar viewpoint that the use as a “lyric theatre/large scale theatre” would represent the Optimum Viable Use of the site and that such a use would be realistic and viable.
- 9.36. A lyric theatre is a theatre that can accommodate touring productions of musicals and other music-orientated genres like dance and opera. The productions that a theatre like this caters for require, in many cases a large winged stage behind a proscenium arch. They also require a fly tower so that scenery can be raised and lowered. The Theatre Royal (New Road, Brighton) is an example of this, however the Theatre Royal is the smallest theatre owned by the Ambassador Group in the UK and due to its overall size and smaller audience capacity it is unable to accommodate many “West End” touring productions or larger scale productions. The Brighton Dome is not a lyric theatre and whilst it shares similarities with the Hippodrome in regard to its round auditorium the Brighton Dome lacks the presence of a fly tower, stage and proscenium arch.
- 9.37. It is considered that Brighton does not therefore have a theatre capable of accommodating large scale theatrical productions and therefore such a proposed re-use of the Hippodrome as a lyric theatre would likely fill a gap within the theatre provision of the city given that the existing building retains a proscenium arch, winged stage and fly tower.
- 9.38. The Colliers OVU reports also assess the viability of the lyric theatre proposal and concludes a number of advantages and disadvantages. “*There is a reasonable prospect of a theatre of the Hippodrome’s size making an operating profit on an ongoing basis, provided it does not have to pay significant finance costs.*”

- 9.39. Notwithstanding this, the Colliers Report also notes a number of disadvantages of a lyric theatre concept. One disadvantage is that the Hippodrome was not originally designed as a lyric theatre, rather one “in the round” and therefore, in the context of a traditional stage based performance, the audience capacity is affected by sightlines not directed to the stage. The report concludes that the lower expected capacity the Hippodrome could accommodate (1350) for a stage directed performance would remain viable (Theatre Royal has a capacity of 932) but a greater capacity would enable more confidence in the viability. The shape of the auditorium being, in the round, would also not facilitate retractable seating limiting the flexibility of the venue to accommodate other events and performances which would represent another disadvantage.
- 9.40. A further disadvantage of the large scale lyric/theatre use is the servicing, delivery and requirements for large vehicles that deliver sets and equipment facilitating large productions. Historically the Hippodrome was serviced from the northern entrance from Middle Street (Elephant Yard). The rear yard of the Hippodrome was granted consent for use as a car park in 1956.
- 9.41. The preferred delivery vehicles supporting large productions is now commonly a 16.5m articulated lorry. When the Hippodrome was last in use for substantial performances the preferred vehicles were the rigid Luton vans which are significantly smaller (approx. 7m). Whilst the rear yard (Ship Street) of the Hippodrome did not historically provide servicing to the venue it does however present as a space which could, in theory, facilitate these larger vehicles. The rear yard as existing does provide sufficient space to house and park a large lorry or lorries however there is an inherent difficulty in such vehicles accessing this area from Ship Street.
- 9.42. 16.5m artic lorries would be required to reverse into the yard from Ship Street, however, it has been stated within the OVU report that this would only be possible by utilising land adjacent to the Hippodrome rear yard and which is not in the ownership of the applicants. In addition, it has also been demonstrated that such manoeuvres would also have a high likelihood of causing harm and damage to buildings on Ship Street and present profound difficulties. Within the 2015 OVU report it is concluded that the preference for using the rear yard in this way would be by reversing the traffic flow and one-way system of Middle Street and Ship Street. A further consideration is that the regular use of such vehicles may stymie future improvements to the public realm whilst the regular presence of such large vehicles is also likely to be less than desirable in this tight-nit area of the city.
- 9.43. Utilising the rear car park for servicing and delivery of a theatre with large trucks would inevitably require either the retention of an open yard or a development incorporating an under-croft delivery bay. Both cases would result in a development which would not provide an active street frontage to Ship Street or contribute positively to the Conservation Area. An active and attractive street frontage is considered an important benefit and contributes to ensuring the enhancement of the heritage assets. Moreover, use of the area would present

significant challenges for access by large vehicles. This is recognised and given consideration in the planning balance of the application.

- 9.44. It should, however, be clearly recognised that the current application proposal includes development across the rear yard/car park and that in doing so the site would not likely facilitate a large scale theatre use in the future. There are therefore clear advantages and disadvantages of the proposals presented within this application as well as clear advantages and disadvantages for the proposal of a large scale lyric theatre to be considered.

Optimal Viable Use Conclusion:

- 9.45. With reference back to the PPG guidance; *“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.”*
- 9.46. Historic England have advised the Council in their consultation response; *“It will be for the Council to decide whether this scheme is deliverable and viable in the Brighton entertainment market and would therefore secure a long-term sustainable use for this important heritage asset.”*
- 9.47. The Hippodrome has been vacant for 16 years and is in very poor condition, appearing on the Historic England’s at risk register and the Theatres Trust register of Theatres at Risk. There is particular concern for the long term future of the elaborate Matcham-designed plasterwork to the auditorium. The nature of the building and the significance of its interior (particularly the auditorium and foyer) means that options for its future viable use are comparatively limited. Given the vulnerability of the building, a proposal that seeks to retain the auditorium as a single space and bring it back into use a public venue – together with appropriate development of the unsightly car park area - must in principle be very much welcomed and given considerable weight as benefits.
- 9.48. The submitted OVU report by Colliers as referenced above states that it remains the case that, as concluded in their 2015 report, restoration of the site for a flexible multiple-purpose event venue would be the optimal viable use. It goes on to say that proposals in these applications have close alignment with this.
- 9.49. In consideration of all the above, the OVU reports and submitted evidence there is sufficient information and justification to demonstrate that the proposed use of the site for a flexible performance space can be considered to be the Optimal Viable Use and that this is a significant public benefit. Whilst it is disappointing that a fuller review of the 2015 report (in particular the financial considerations and precise proposal presented here) was not commissioned as part of this application, it is considered that in principle this form of flexible use of the space

is the most likely to realistically achieve the preservation and restoration of the listed building and avoid continued vacancy and deterioration.

- 9.50. Whilst alternative proposals and aspirations for the use of the Hippodrome are acknowledged, the development proposed would not require the contribution of public money, grants or funding and is considered to propose a use which aligns with the historic significance of the site through the provision of a flexible performance/events space in reflection of the buildings earlier origins and use. The proposal would also facilitate the re-use of the auditorium as a single volume and the proposals would allow public use and appreciation of the building which is also considered a significant benefit and, again, concurrent with the historic significance of the building. The proposals would not require the use of the large delivery vehicles associated with the lyric theatre/large scale theatre use and should a singular proposed entertainment/event use fail, the auditorium would remain as a single volume with the flexibility of the proposal allowing for a range of other uses (banquets, event cinema, conferencing) which assist in the future sustainability and viability of the use proposed.
- 9.51. In conclusion, whilst it is recognised that whilst there is no operator on board and the proposals, as a result, are somewhat speculative with regards to the precise operation, officers consider that the application and supporting information contained in the two Colliers OVU reports demonstrate that the proposed use as a flexible performance and events space can be considered to be the optimal viable use of the site.
- 9.52. The OVU report at concludes at page 15 *“Our judgement is that a scheme akin to that proposed by the owners is much more viable than use as a lyric theatre. This, in summary, is because:*
- *It would cost much less.*
 - *It enables a capital contribution from development to the rear towards the cost of restoring the heritage asset.*
 - *It is realistic to achieve funding for it.*
 - *It does not have involve profound difficulties, especially need for access by pantechnicons.*
- 9.53. The OVU report concludes that the proposed use would be largely consistent with the preservation of the heritage asset and is deliverable, sustainable and viable within the Brighton market. This is considered to be a significant public benefit in accordance with the NPPF and the principles of relevant local development plan policies DM26 and DM27.

Design, appearance and Heritage Impacts:

- 9.54. 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.

- 9.55. 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”.
- 9.56. 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 are similarly beneficial to the character and appearance of the conservation area and are in line with the aspirations of the OTCAMP.
- 9.57. 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.

The Hippodrome

- 9.58. The ground floor of the front elevation (Middle Street) would be largely restored and retained. New windows are proposed either side of the central entrance, the doors would be retained and restored where possible and the entrances with decorative moulding flanking the ground floor would be restored. The modern faux traditional entrance canopy which stretches along the front of the venue is proposed to be replaced as part of the restoration. This replacement of the canopy with one more reflective of the original Matcham canopy is a potentially important heritage benefit of the proposals. Any replacement should be sufficiently detailed and researched with a view to balancing a design which reflects the original and adapts to the changes that have occurred to the frontage since the original canopy was in place. Details are proposed to be secured by condition and given the importance of this replacement in the overall benefits of

the scheme it should be ensured that the replacement is secured as part of this consent and implemented before any use of the site.

- 9.59. Above ground floor the openings either side of the “Hippodrome” lettering and an opening at the southern end frontage would be infilled. Replacement windows and doors are proposed to the two entrance towers and the installation of two juliette balconies are also proposed. The detailing proposed to the balconies is not considered appropriate as submitted, but notwithstanding this, further acceptable detail is proposed to be secured by condition for agreement at a later date.
- 9.60. At roof level an acoustic louvre is proposed spanning the auditorium frontage and PV panels are proposed for installation on the roofs southern side.
- 9.61. The north facing elevation to the Hippodrome at the rear adjoining Hippodrome House would be rebuilt at three storeys with a brick finish with coping detail, new windows at doors with glass balustrade at first and second floor with new doors at ground level providing access to the backstage load-in and auditorium access adjacent. The existing rear access stairs and what survives of the existing elephant ramp/animal shelter would be removed.
- 9.62. The enlivening of the Middle Street elevation with various entrances and reviving of the ground floor interest would be a considerable benefit of the proposals, particularly in terms of enhancing the character and appearance of the Old Town conservation area and meeting the aspirations of the OTCAMP. These alterations are not considered to be harmful to the setting of other nearby listed buildings and subject to appropriate details being secured for the new windows, doors, juliette balconies, acoustic louvres, PV panel placement, balustrading and replacement canopy are in accordance with policy CP15 of the Brighton and Hove City Plan Part One and policies DM26 and DM27 of the Brighton and Hove City Plan Part Two.

The Hippodrome Interior

- 9.63. Internally the hippodrome auditorium is proposed to be largely restored with restoration of the decorative plasterwork, restoration of the boxes flanking the stage, new internal bars, new stage, creation of the foyer bar and alterations and restoration of the ground floor booths. New internal partitions, WC areas, stairs and handrails between the auditorium floor levels are also proposed.
- 9.64. The existing flat level floor is to be retained on entry but there would then be a significant drop down in level and it is unclear how this would impact on the various historic floor levels and structures that exist beneath the current flat floor, down to the original ice rink level, including the raked floor of the theatre. It is assumed though, based upon the drawings, that there would be some loss of historic layers and fabric. A recording condition and condition requiring structural details of the new alterations and proposed flooring is recommended to address this.
- 9.65. At first floor circle level the existing seating is proposed to be removed. A condition to secure details of any replacement or restoration and salvage of the

removed seating is proposed to ensure re-use or appropriate replacement seating is secured prior to any removal of the existing.

- 9.66. Information on the methodology and approach to the repair and restoration of the auditorium ceiling is submitted within the application and is welcome and broadly sufficient but the recording of the works that have been undertaken needs to be more comprehensive. The record of works undertaken by the applicant to date – and how it compares to the methodology remains required as noted in consultation responses from Historic England and the Heritage Team. Further recording and information to address this is proposed to be required by condition. Similarly, there is no specific repair and restoration schedule and specification of the auditorium plasterwork, only a general, generic repair approach. There is also a need for a historically-informed approach to the internal colour scheme. The submitted specialist paint research report on the auditorium is acceptable and informative, but no detail has been provided to show how this report has informed any proposed colour scheme. The proposed colour scheme should also include the ceiling to the foyer and this is recommended as part of the suite of conditions.
- 9.67. A schedule of the retention of historic features has been provided and is considered broadly acceptable although there is a general lack of detail on how the existing internal historic features, fixtures and finishes (including joinery and plasterwork) would be retained and restored and how this is to be approached within the overall scheme, as well as the design approach to new interventions, and how this relates to the layers of historic change in the interior. Further details including sections and full detail are required by condition and should be secured prior to any internal removal taking place.
- 9.68. The grand master control lighting panel in the northern part of the stage area is of significant historic interest and should be retained on site, whilst the information in the application confirms that this is to be retained it is suggested that it would be relocated in order that it can be more publicly accessible and appreciated. The area in which it is currently situated would also undergo significant re-development as part of the proposal and therefore a condition is recommended to ensure that this is retained and protected in situ until such time as a suitable location for its relocation is identified and agreed.
- 9.69. As referred to later in this report the submitted Noise Survey and Assessment concludes that *“the assessment results show that in order for in-audibility to be achieved, it would be necessary for significant mitigation measures to the current state of the building to be employed using substantial upgrades to the building envelope (which is currently under repair) and by clever and sensible internal design of the main auditorium with enclosed buffer zones and sound lobbies”*. Such measures are likely to necessitate the creation of sound wall through the interior of the Hippodrome particularly at circle level. Given that this is likely to have an impact on the visual and special qualities of the interior details are therefore required by condition prior to further internal works being undertaken.
- 9.70. The intention to restore the auditorium as a single space and to restore and convert the entrance foyer and boxes to a bar area has the potential to be a

great benefit, but for these benefits to be properly realised demonstration of a clearer 'informed conservation' approach is needed and such realisation can be secured through conditions. It is potentially likely that once an operator is appointed/on board further alterations may be required and proposed it is therefore essential that such conditions are worded, phased and secured appropriately such that the benefits of the scheme are realised.

- 9.71. Subject to a comprehensive suite of conditions to secure appropriate details of proposed internal fixtures, fittings, doors and installations, methodologies of proposed restorative work, retention of historic features and overall interior appearance, the internal works can be considered likely to result in a sympathetic and appropriate restoration of this historic space in accordance with the NPPF and policy DM27 of the Brighton and Hove City Plan Part Two.

Hippodrome House

- 9.72. The northern part of the Middle Street frontage is Hippodrome House and this property, whilst physically attached to the Hippodrome, is made up of two surviving 19th Century dwellings. The southern most of these would be almost entirely rebuilt and replaced. An entirely new frontage is proposed with a change in internal floor levels requiring new doors and windows at ground floor providing the Apart Hotel entrance. New windows and cornice detail at first floor level are proposed alongside a new roof-with revised pitch and two front facing dormer windows.
- 9.73. The most northern of the two houses would be largely retained and restored at the street frontages with new windows and a replacement street entrance. The opened up entrance on Middle Street, which originally had a porch, would benefit from a surround that draws inspiration from that porch, as it is somewhat crudely finished in its current form. This is proposed to be secured by condition. The two storey projection on the north facing elevation would be renovated with a new window opening at first floor and ground floor louvre doors that facilitate access to a proposed refuse store.
- 9.74. Replacement windows are proposed along the rest of the northern elevation along with four new openings at first floor.
- 9.75. The area at the rear of Hippodrome House would see substantial re-development with the removal of a number of existing extensions and a complete remodelling of the rear section of the two buildings with an infilling at first and second floor extending approximately 0.6m at the rear with its eastern elevation rationalised with the removal of a number of rear extensions which are all now in poor repair and poor condition. The remodelled section would have two different brick finishes with a flat roof to the infill section to the rear of the roof ridges. This would provide flat roof space for plant which would be largely concealed behind a parapet. A combination of aluminium and timber doors and windows are proposed to the eastern elevation with doors at ground level providing an external access to the ground floor of the Apart Hotel and proposed members club. Externally the new approach to Hippodrome House, with the new infill to the L-shape footprint set back from the existing rear corner, is considered an appropriate approach although the set back is noted as modest.

- 9.76. The basement is the most intact part of Hippodrome House and of considerable interest. It has been clarified that the original wine cellar vaults in the basement of Hippodrome House would be retained. The schedule of features to be retained includes the kitchen range which is welcome and positive. It is also welcome that the adjacent modern partition would be removed to give the kitchen range back something of its historic context. It remains unclear from the information submitted whether the unused vaults are to be infilled or simply closed off. The latter would be expected (i.e. 'mothballing' them) however, details of this or any scheme for potential use of this area can be secured by condition.
- 9.77. Hippodrome House also contains the "Palm Court" interiors which are of great interest however it is accepted that much of the Palm Court interiors cannot be retained, particularly given their flimsy 'theatre set' construction, dry rot and poor current condition, and that the late 19th century conservatory iron framework is also impractical to retain. Whilst this is regrettable given their existing condition their total retention is not considered to be wholly practicable. Notwithstanding this, it is considered that where possible, features of interest should still be retained even within the re-designed scheme and a further condition is proposed to ensure retention where possible.
- 9.78. Whilst it is acknowledged that Hippodrome House is less significant than the Hippodrome itself, these are nevertheless late Georgian houses that have a strong historic connection with the Hippodrome. The extent of proposed demolition and remodelling Hippodrome House is substantial, both internally and externally. The loss of the L-shaped plan form, the loss of original roofs in favour of a flat roof at the rear, the change to rear elevation materials and windows and the alterations to the facade of the southern house are all of notable concern. Internally the original staircase would also be lost. Notwithstanding that there are significant interventions to Hippodrome House which would undoubtedly affect and cause harm to the significance of this part of the site, given that the re-development of Hippodrome House is considered necessary in order to achieve the overall benefits of the scheme a number of conditions are proposed in order to ensure that where possible original features and detailing are sufficiently provided and secured and harm minimised.
- 9.79. New metal gates are proposed to the access on the northern side of the building and details of the external doors, windows, cornices and eaves detailing are recommended to be secured by condition.
- 9.80. The external works to Hippodrome House are considered to provide an overall improvement in the visual quality of the site from the public realm preserving and enhancing the Conservation Area and the setting of other nearby listed buildings in accordance with policies DM26, DM27 and CP12 and CP15. The direct works to Hippodrome House would cause some harm and paragraphs 201, 203, 206, 207 and 208 of the NPPF are relevant and a weighting assessment of the harms against the public benefits of the proposal is required. This is considered further below.

The Apart Hotel

- 9.81. At the rear of the Hippodrome a large extension is proposed adjoining the rear fly tower and auditorium, infilling the rear yard/car park and extending to the Ship Street frontage. The new build extension would be 3-7 stories in height with a maximum height of 21.4m. Appearing as a three storey building with accommodation in the roof at the Ship Street frontage the 5th and 6th stories would be set back 9m from the street frontage with the 7th storey being set approximately 14m from the street front appearing as a metal clad mansard roof extension with dormers on its north, south and eastern sides. The height of the proposed Apart Hotel building would present as a full storey above the height of the existing fly tower.
- 9.82. Above ground floor the northern elevation would feature a number of insets and set backs to provide visual relief and differentiation also facilitated by a number different brick types with lighter bricks on the most northern flank and a darker brick type proposed for the insets and set ins. The set-ins being nearly 3m deep would assist in the visual breaking of the massing. Different window types with brick relief set-ins and their positioning across the northern elevation contribute to the northern elevations visual interest. Additional improvements of window size to solid/void ratio recommended on the north facing elevation (increasing window size) is advised in both the Urban Design and Heritage comments received. However, this has to be balanced against the likely additional amenity impacts that would result from increased perceived and actual overlooking to the properties of 3-11 Dukes Lane. The windows on this elevation is therefore considered to be on balance acceptable subject to the use of quality materials, which further details are conditioned.
- 9.83. The Ship Street elevation would feature a mixed aluminium and timber shop front at street level utilising a brick finish with fascia above. The southern part of the ground floor would also feature a gated access to the rear of the Hippodrome and servicing for the Apart Hotel. At first and second floor a projecting bay would be metal clad at first and second floor level with the rest of the east facing elevation in light brick. At roof level a false pitched roof would be slate clad with three metal clad dormers projecting towards the east. The setback 5th and 6th floors would feature a darker brick type that wraps around the eastern and returning southern elevation and the metal clad mansard extension set back further appearing as the 7th storey with a small external terrace facing east.
- 9.84. The southern elevation would be a mix of two different brick types with a lighter brick for the return of the Ship Street frontage and then a darker brick throughout the south side. The elevation is proposed with canted metal clad window bays, vents and a mix of aluminium and timber windows facing south across the 5th and 6th stories.
- 9.85. A number of new window openings and installation of rooflights are proposed to the red-brick fly tower building with acoustic louvre screening upon the roof.
- 9.86. The infilling of the ground floor with a Class E unit (and entrance to Apart Hotel) is welcome and would provide an active frontage to this part of Ship Street infilling the current unsightly gap and sustaining and enhancing the appearance

of the Conservation Area street frontage. The scale and design approach to the Ship Street frontage building is considered to be appropriate as a contemporary but contextual response to the site, subject to detailing and materials being secured. Further detail of the shopfront is required by condition in order to secure an appropriate street level frontage in accordance with policy DM23 (shopfronts) of the Brighton and Hove City Plan Part Two.

- 9.87. The overall scale of the proposed apart hotel would appear without precedent and significant in scale to the mostly small-scale and modest context of the Old Town Conservation Area. This element of the proposal would be considered a “tall building” (being over 18m) under the terms of policy CP12 (Urban Design) and SPD17 and does not lie within one of the tall building zones set out in policy. However, somewhat unusually, due to the tight nature of the Old Town’s urban grain the 6/7 storey element of the Apart Hotel would not be readily visible from much of the surrounding public realm of Middle Street, Duke Street to the north of the site or from the southern ends of Ship Street on the eastern side of the site.
- 9.88. The principal building and upper floors of the apart hotel would however be visible in oblique views directly outside the site on Ship Street, and also visible from the junction of Ship Street and Prince Albert St and from some longer views further down Prince Albert Street. The upper floors of the development would also be visible from the junction of Ship Street and North Street to the north of the site as a skyline backdrop above 30-34 Duke Street. For this reason detailed information on the use of materials for the Apart Hotel upper floors and roof is recommended – the dark cladding is considered to be key here to assimilating the development into the skyline of the Old Town. The development would only be seen in some longer views from higher vantage points in the City as from Dyke Road (near St Nicholas Church) however, here the development would be seen from a significant distance and in the context of other roofscape and other large scale development therefore no further concerns are held in this regard. Further verified modelling provided with the application shows that it would not be visible from the Old Steine given that the land levels would result in its maximum height being below the existing visible skyline in this location.
- 9.89. The limited visibility of the Apart Hotel, despite its scale is a key factor in its acceptability. The minimal visual impact from the public realm mitigates and ensures that it would not have an unacceptable impact on the setting of proximal listed buildings or overall Conservation Area from the public realm. Policy DM27 of CPP2 covers the reuse of ongoing vacant listed buildings and states that *“in applying other policies the council will have special regard to the benefits of bringing the listed building back into use”*. This does allow for some flexibility with regard to height under CP12.
- 9.90. Overall the harm to the conservation area from the scale of the new build apart hotel is considered to be sufficiently modest that it could be considered to be outweighed by an appropriately designed and detailed scheme to bring the listed building back into performance use together with the other restorative elements of the proposal.

Heritage harms and benefits

- 9.91. Paragraph 207 of the NPPF states that; *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.*
- 9.92. Paragraph 208 of the NPPF states; *“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.”*
- 9.93. It is clear that The Hippodrome re-development would 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. Identified harms in the heritage context would relate to harms to the significance of Hippodrome House, the removal of original fabric and form from the Hippodrome and fly tower and some harm due to the scale of the Apart Hotel.
- 9.94. Considerable importance and weight is given to the restoration and reuse of the Hippodrome together with the proposed new development 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.
- 9.95. In light of the above it is essential that appropriate phasing of the development is managed through suitably worded conditions and a Section 106 agreement in order that the public benefits of the scheme are secured and materialise. Such an agreement should ensure that the Hippodrome and auditorium are restored and fitted out ready for purpose prior to the Apart Hotel being occupied.
- 9.96. Subject to the public benefits of the scheme being realised it is considered that the application is, 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 and the application for listed building consent is recommended for approval.

10. EQUALITIES

- 10.1. 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.