

<u>No:</u>	BH2025/01654	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Corn Exchange Church Street Brighton BN1 1UE		
<u>Proposal:</u>	Installation of roof access systems.		
<u>Officer:</u>	Vinicius Pinheiro, tel: 292454	<u>Valid Date:</u>	01.08.2025
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	26.09.2025
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Mr Will Davis Maritime House Brighton BN41 1WR United Kingdom		
<u>Applicant:</u>	Hazel Buck Hove Town Hall Norton Road Hove BN3 4AH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			01-Jul-25
Existing Drawing	002		01-Jul-25
Proposed Drawing	003		01-Jul-25
Proposed Drawing	004		01-Aug-25
Proposed Drawing	005		01-Jul-25
Report/Statement	DESIGN AND ACCESS STATEMENT		01-Jul-25

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

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

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.

Biodiversity Net Gain

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

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

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

2. SITE LOCATION

- 2.1. This application relates to the Corn Exchange, Church Street. This building together with the associated and attached Brighton Dome and Studio Theatre form a complex of different arts venues of the highest historical significance. The buildings as existing are the result of a number of conversions, alterations and additions over time but in a manner which presents a coherent street frontage to Church Street. The buildings are largely unified by the use of tan brick with stone dressings and by their architectural style and motifs.
- 2.2. This application relates to the Corn Exchange which 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.
- 2.3. These buildings occupy a very prominent place within the Valley Gardens conservation area and provide a very significant backdrop and setting to the registered park & garden (Grade II) of the Royal Pavilion gardens and form part of the setting of the Pavilion itself. They also form part of the setting of a number of other listed buildings in Church Street and New Road, including the Grade II* Theatre Royal.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for the installation of roof access systems.

4. RELEVANT HISTORY

- 4.1. **BH2025/01655** Installation of roof access systems. Concurrent listed building consent application under consideration

- 4.2. **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
- 4.3. **BH2014/02613** 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. Approved 16.06.2015
- 4.4. **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. Approved 10.11.2015

5. REPRESENTATIONS
None

6. CONSULTATIONS

- 6.1. **Theatres Trust 21.08.2025** No objection
The Corn Exchange is a Grade I listed heritage asset and forms part of the Dome complex. The Dome venues have recently undergone a programme of refurbishment and restoration. Together, aside from their architectural and historic significance, they are important venues which contribute to the strength and diversity of Brighton's arts cultural offer, Paragraph 98 of the NPPF (2024) seeks planning decisions to plan positively for facilities of this nature.
- 6.2. The installation of roof access was included within the previous master applications for works at the venue and was permitted meaning the principle of such apparatus was accepted. However, elements of this were not taken forward due to the collapse of the contractor.

- 6.3. These proposals are similar in nature to the previous plans. There is demonstrable need to provide safe working conditions for staff and contractors needing to access roof areas for inspection and maintenance. Ultimately this is necessary for the upkeep and ongoing conservation and operation asset. This constitutes a public benefit.
- 6.4. Whilst by nature these are modern fixtures which do not contribute to significance there is minimal impact on the character and setting as they are largely concealed/Nonetheless with reference to paragraph 215 of the NPPF that harm is mitigated by the necessity of them being in place and the benefits they provide in ensuring safe working.
- 6.5. **Heritage** 15.10.2025 No objection
Although the building is listed, the roof is not of historic significance as it has been much altered in the past. Although the works to the south elevation would be partially visible, they are not considered harmful enough to warrant a refusal given that they would be obscured by the trees to the rear (Pavilion Gardens). The front alterations would be set away from the front elevation and are not considered harmful.
- 6.6. **Art & Culture** 05.08.2025 No comment

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. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

Other Documents

Valley Gardens Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact to the streetscene, wider conservation area, adjacent listed buildings and the impact on neighbouring amenity.

Design and Appearance

- 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 or 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”.
- 9.4. The proposal comprises a series of external alterations to the building and it is understood that the proposed works are required to facilitate the safe maintenance of the roof. The proposed roof access system comprises the installation of guard rails to the existing rooflights; replacement of the existing caged ladder; gates added to the existing ladders; new ladders and steps; and new guard rails. All the works are proposed at roof level and the majority of the works would not be visible from the public realm.
- 9.5. To the south elevation, a new guard rail is proposed to the rear balcony at roof level. The guard rail would be metal and would have approximately 1.1 metres in height. Whilst the addition would be partially visible within the streetscene, as noted by the Heritage Officer, the works would be located adjacent to the park

area to the rear and would be largely screened by existing tree coverage. It is therefore considered that the proposal would not result in any unacceptable impact upon the character or appearance of the building or the wider conservation area.

- 9.6. To the north elevation, at roof level the existing caged ladder is proposed to be replaced with a new caged ladder. It would be metal and would be approximately 2.5 metres in height. Furthermore, two new guard rails are proposed to be installed behind the existing parapet. They would be metal and approximately 1.1 metres in height. These elements would be added to the north elevation at roof level and would be set back approximately 2.5 metres from the front elevation meaning that they would not be readily visible from the public realm, thereby limiting any visual impact.
- 9.7. The remaining works, including the installation of gates to the ladders, additional ladders, and guard rails located on the roof, would not be visible from the public realm and are therefore considered to have a negligible impact on the external appearance of the building.
- 9.8. It is considered that the proposed works would not harm the historic character or appearance of the Grade I Listed Building or the wider conservation to warrant refusal. The development is considered to be in accordance with policies CP15 of the Brighton & Hove City Plan Part One and DM26 and DM27 of City Plan Part Two.

Impact on Amenities

- 9.9. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.
- 9.10. The impact on the adjacent properties have been fully considered in terms of overshadowing, daylight, sunlight, outlook and privacy and no significant harm as a result of the proposed development has been identified.
- 9.11. The proposed works would be confined to roof level and, due to their limited scale and position, are not considered to result in any material harm to the amenity or outlook of neighbouring properties.
- 9.12. Overall, it is considered that the proposed development would not cause adverse harm to the amenity of neighbours and would comply with DM20 of the Brighton and Hove City Plan Part 2.

Biodiversity Gain Plan

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

10. EQUALITIES

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

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

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

