

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

1. EXECUTIVE SUMMARY

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

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

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

2. RECOMMENDATION

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

A) The Conditions & Informatives set out at Appendix B

3. SITE LOCATION

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

4. RELEVANT HISTORY

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

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

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

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

Approved 28th November 2014

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

Approved 28th November 2014

5. APPLICATION DESCRIPTION

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

Variation to conditions

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

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

Removal of Conditions

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

Discharge of Conditions

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

Amendments

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

Condition of the Hippodrome

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

6. REPRESENTATIONS

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

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

7. CONSULTATIONS

Internal:

7.1. **Economic Development:** No comment

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

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

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

External

7.9. **County Archaeologist:** No comment

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

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

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

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

7.11. **National Highways:** No objection

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

Additional comment 30th January 2026: No objection

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

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

No objection to removal of conditions 31-34.

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

Additional comment 6th February 2026: No objection

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

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

- 7.17. **Sussex Police:** Comment

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

Additional comment 16th January 2026: Comment

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

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

8. MATERIAL CONSIDERATIONS

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

- 8.2. The development plan is:

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

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

9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

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

Brighton & Hove City Plan Part Two:

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

Supplementary Planning Documents:

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

10. CONSIDERATIONS & ASSESSMENT

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

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

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

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

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

Principle of the Development:

Policy background

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

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

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

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

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

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

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

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

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

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

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

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

Use of the Hippodrome

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

Use of Hippodrome House

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

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

Design, Appearance and Heritage Impacts:

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

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

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

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

New roof structure

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

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

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

Revised details of Middle Street frontage

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

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

Revisions to the Northern Elevations

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

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

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

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

Revised floor plans / venue layout / internal alterations

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

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

Historic detailing (Grand Master Control Panel)

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

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

Alterations proposed to condition 17 (Historic Detailing)

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

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

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

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

Conclusions on design, appearance and heritage

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

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

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

Impact on Amenity:

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

External Alterations

New roof structure

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

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

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

Other external changes

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

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

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

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

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

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

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

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

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

Audience Capacity and Event management

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

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

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

Roof top plant and Machinery

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

Noise breakout

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

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

Sustainable Transport:

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

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

Trip Generation

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

Access, servicing, and construction impacts

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

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

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

Middle Street Canopy

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

Sustainability:

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

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

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

Accessibility

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

11. CONCLUSIONS:

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

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

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

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

12. EQUALITIES

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

13. COMMUNITY INFRASTRUCTURE LEVY

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

