

# **ITEM B**

**The Hippodrome & Hippodrome House, 51-  
58 Middle Street, Brighton**

**BH2013/04351  
Listed building consent**

**16 JULY 2014**

# BH2013/04351 The Hippodrome & Hippodrome House, 51 - 58 Middle Street, 10 & 11 Dukes Lane & land adjacent to 18 - 19 Ship Street, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

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<b><u>No:</u></b>	<b>BH2013/04351</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>The Hippodrome &amp; Hippodrome House 51-58 Middle Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>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.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith</b>	<b><u>Valid Date:</u></b>	<b>06 February 2014</b>
<b><u>Con Area:</u></b>	<b>Old Town</b>	<b><u>Expiry Date:</u></b>	<b>03 April 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>Grade II*</b>		
<b><u>Agent:</u></b>	<b>Indigo Planning , Swan Court, Worple Road, London SW19 4JS</b>		
<b><u>Applicant:</u></b>	<b>Kuig Property Investments Ltd, c/o Indigo Planning, Swan Court Worple Road, London SW19 4JS</b>		

**1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives set out in section 11

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site forms the Grade II\* listed Brighton Hippodrome and Hippodrome House at 51-58 Middle Street, Brighton.
- 2.2 The Hippodrome 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 nineteenth century. The building has been reinvented a number of times, having been originally built as an indoor ice rink by Lewis Kerlake in 1896/97 before being converted to a circus four years later by prolific theatre designer Frank Matcham, whose other remaining works include The Grand, Blackpool, London Hippodrome, London Coliseum, and London Palladium, amongst others. The circus lasted just one year at which time Matcham again effected alterations to create a Variety Theatre for theatre magnate Tom Barrasford (1902). Major alterations to the Variety Theatre were then carried out in 1915/16 by the theatre architect J. Emblin Walker, with further alterations throughout the 1930s, 1940s and 1950s, including significant

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enlargements to the stage and stage house during the 1950's. During this time The Hippodrome was also used as a live music venue and television studio before its conversion to a Bingo Hall in 1965. The Bingo Hall closed in 2007 and the building has lain vacant since. The Hippodrome has both special architectural and historic interest and the surviving Matcham auditorium interior is of greatest note.

- 2.3 The building's vast circular auditorium is concealed within the tight urban grain of the Old Town's lanes and twittens behind an unassuming frontage on Middle Street. Matcham's design approach is very much in evidence in the form of its dome, which was designed to replicate the tent of a travelling circus, and its flamboyant rococo plasterwork. In deference to the Royal Pavilion there are two onion dome boxes flanking the ornate proscenium arch. 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. The fly tower is a later addition which along with the service yard presents an uncharacteristically utilitarian outlook when seen from Ship Street. While significant as an integral part of the theatre, this fabric itself is of little architectural or historic merit.
- 2.4 The Hippodrome is in very poor condition having deteriorated over a long period of time such that it has been classified as a 'Building at Risk on the English Heritage and council registers. The extent of deterioration includes extensive water and damp penetration, the failing of the ornate plaster decorations, and evidence of failure to structural timbers and corrosion to steelwork.
- 2.5 Adjacent and linked to the Hippodrome is 'Hippodrome House', originally two mid-nineteenth century dwellings in which 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 dating from its 1930s and later use as a lounge bar in connection with the Hippodrome. The basement is relatively unaltered and retains a fine, large kitchen range, original storage shelving and extensive brick vaults, all reflecting the status of the house and its owner. The upper floors now form two residential flats.

### 3 RELEVANT HISTORY

#### The Hippodrome:

**BH2013/04351-** Planning permission for 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/A4) 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. Under consideration.

**BH2007/02204-** Listed Building Consent for external & internal alterations for the redevelopment of the auditorium, including the provision of tiered standing areas, toilet facilities and escape routes. Withdrawn.

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This application sought alterations to facilitate the change of use of the Hippodrome to a live music venue. It is understood that whilst the principles of the development were considered broadly acceptable, the proposal would have been at risk of contravening the council's licensing policy and was therefore withdrawn.

**BH2000/02795/LB-** Minor internal alterations. Approved 07/02/2001.

**96/0120/FP & 96/0121/LB-** Retrospective planning permission for existing extract ducting on east (rear) elevation to terminate at roof level, and installation of air supply unit at first floor level. Approved 04/06/1996.

**94/0568/FP & 94/0569/LB-** Erection of front wall and entry gates to car park in Ship Street. Approved 08/08/1994.

**94/0189/FP & 94/0190/LB-** Internal alterations to re-arrange seating, bar and refreshment facilities, installation of mezzanine floor, and external alterations including the extension of entrance canopy across frontage. Approved 20/09/1994.

### Hippodrome House:

**92/0691/FP & 92/0692/LB-** Provision of 4 dormer windows on Middle Street elevation. Alterations on existing ground, 1st and 2nd floors including terrace to r/o 2nd floor flat. External alterations and removal of existing sign to front. Approved 02/06/1993.

**91/1008/FP & 91/1009/LB-** Alterations to ground, first and second floors including patio terrace at rear of second floor flat. Four dormer windows on front elevation, together with external decorations. Refused 21/11/1991 .

### Notable other applications:

**89/0199/F & 89/200/LBC-** Erection of a 3 storey office building fronting Ship Street on car park rear of the Hippodrome. Withdrawn.

**80/1233-** Erection of replacement entrance canopy. Approved 15/07/1980.

**67/1900-** Bingo Club and prize bingo area. Approved 07/11/1967.

**67/886-** Change of use from TV studio theatre to use within Class XIX of the Town and Country Planning (Use Classes) Order 1965. Approved 16/06/1967.

**66/511-** Use of theatre (excluding flats above) and car park for production of films and recording programmes for TV. Approved 29/08/1966.

**55/674-** Stage extension and additional dressing rooms. Approved 14/06/1955 .

## **4 THE APPLICATION**

4.1 Listed Building Consent is sought for internal and external alterations to the Hippodrome and Hippodrome House to facilitate its conversion to a cinema and restaurant complex under planning application BH2013/04348. The works to the listed building comprise the following elements:

- Demolition of the stage house and fly tower, elephant house and later rear additions to Hippodrome House
- Construction of extensions comprising cinema auditoria to the rear/east elevations of the Hippodrome and Hippodrome House and entrance foyer to the north elevation of Hippodrome House

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- Repair and restoration of the Middle Street frontage to both the Hippodrome and Hippodrome House to its original appearance circa 1902 , including revised fenestration, re-instated Juliette balconies, restored entranceways and entrance doorcase. Repair of dome and installation of new lantern above
- Excavation of main auditorium floor and insertion of three cinema auditoria at semi-basement level with mezzanine floor level above.
- Repair, re-instatement and restoration of all original plasterwork and decorative features within the Hippodrome, including raising the balcony levels to the boxes either side of the proscenium arch
- Relocation of Palm Court interiors to Hippodrome House

### 5 PUBLICITY AND CONSULTATIONS

#### External

#### Neighbours:

- 5.1 **Twenty three (23)** letters of representations have been received. A list of all addresses is contained within Appendix B.
- 5.2 **Six (6)** letters of representation have been received objecting to the application for the following reasons:
- The Hippodrome is Grade II\* listed, unique and of national importance, in particular for the scale of its auditorium which is to be lost if this application is approved. It is unquestionably the case that this building will be robbed of its special interest as much by the unsuitable alterations as by outright demolition.
  - The building is part of Brighton's cultural heritage
  - The Council has not insisted on the building being properly maintained, or used its powers to do so, and is now using its poor condition as a pretext to consider approving a totally unacceptable development
  - No due consideration of restoration as a theatre has been attempted. There is considerable local support for the restoration and conservation of the building as a live venue
  - The building could seat 1535 in proscenium mode or 1409 for circus/'in-the-round' productions
  - The proposal is not a 'restoration' of the Hippodrome, but a conversion
  - The current proposal are not compliant with National and Local Planning Policy
  - The proposals are not reversible. The mezzanine level will destroy the essential proportions of the buildings main asset, its auditorium, whilst the new retail/office building will prevent essential pantechnicon access and parking
  - Interior deterioration is not as significant as the applicants state
  - The viability report is flawed and does not provide adequate evidence that a cinema is the only viable option. It has not been proved at all that the cinema option is the last opportunity to save the building and has no credibility
  - 85% of Frank Matcham's buildings have been lost, making the Brighton Hippodrome even more valuable

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- Brighton is a cultural centre that lacks a large scale theatre which can accommodate touring West End size shows, full orchestral concerts, opera and ballet. The Hippodrome would fill this gap.
- The building's original purpose and history will be gone forever
- The design of the rear extensions is out of keeping with the character of the area, which includes listed buildings.

### 5.3 **Seventeen (17)** letters of representation have been received supporting the application for the following reasons:

- The design is beautiful and would fit in with Brighton's style
- The Hippodrome is too much of a beautiful building to be left in ruins. This opportunity of restoration will not come around again until it is too late
- Regeneration of building and surrounding areas which are run down and highly unattractive
- The building has been neglected for far too many years and if we have to wait for a theatre group to find funds to restore this building its restoration may never happen
- This is the last chance for the Hippodrome to be saved and it will be lost forever if no one is allowed to make it into a commercially viable project
- Fantastic opportunity for the building to be restored to its former glories and provide a new cinema for the centre of Brighton
- Please don't let this be another West Pier scenario

### 5.4 **English Heritage: No objection**

The grade II\* listed Hippodrome is one of Frank Matcham's masterpieces. The building is in a grave condition and is on English Heritage's Buildings At Risk Register. The proposals would cause harm to the significance of the building. However, they are likely to represent a final opportunity to save the Hippodrome, and would conserve the aesthetic values associated with Matcham's phase of works. The restoration of the Middle Street façade and associated enhancements to the Old Town Conservation Area are further advantages. English Heritage considers that the net public benefits would outweigh the harm to the significance in line with paragraph 134 of the NPPF and recommend that the Council grants listed building and planning consents, subject to conditions.

### 5.5 English Heritage believe that the applicant has adequately demonstrated that a theatre use is unlikely to be feasible at The Hippodrome in the medium term. This is because it appears to be unable to meet the physical space requirements of a lyric theatre, which is identified as the gap in Brighton's existing theatre offer. Nor is it probable for operators to contribute meaningfully to the substantial repair and fit out costs of the building. We think it very unlikely that any philanthropic or charitable source of funding will be available for the restoration of The Hippodrome, and in the absence of any robust information to the contrary, we see no reason not to accept the Applicant's assertion that the Hippodrome would not in any case be able to accommodate the market's needs.

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- 5.6 In line with the policies in the NPPF, and the Practice Guide, English Heritage conclude that the proposed scheme currently represents the best chance to conserve this very vulnerable grade II\* listed building, and that its conservation is a principal public benefit which, together with the benefits associated with enhancing the character and appearance of the conservation area, would outweigh the harm arising from the interventions proposed.
- 5.7 **The Theatres Trust: Objection**  
The Brighton Hippodrome is the most important theatre building on the Trust's Theatre Buildings at Risk Register. Architecturally, historically and as a performance venue, it is a highly significant heritage asset. It is nationally important for two distinctive reasons: as it is the most intact and finest example of a free standing circus (without a water feature) illustrating a tent-like form following the design of travelling circuses: and it is also the only surviving statutory listed example of a building originally designed as an ice skating rink.
- 5.8 The Trust consider it has not been sufficiently demonstrated that there is no alternative viable use which enables the Brighton Hippodrome to be appreciated and used in its original form that would either cause no harm or less harm to the significance of the building. The only obvious and legitimate way to test this would have been to undertake a full marketing exercise. The proposals will not conserve the Brighton Hippodrome (a heritage asset) in a manner appropriate to its historical and theatrical significance because of the subdivision within its volume and the construction within the rear service yard. Further, it will be lost to future generations, because the changes outlined in the application will not be economically viable to reverse to its original state in order that it may be used as a theatre.
- 5.9 The Trust have ten substantial objections to the application:
- There will be significant harm to the Brighton Hippodrome because the building is to be subdivided, its rear yard built upon and it will no longer be able to be perceived as or used as a performance venue.
  - The site has not been marketed to demonstrate its conservation. Had the site been properly marketed, an alternative scheme that conserved the auditorium volume and service yard would have come forward, as is now happening. We believe the Hippodrome could be used as a 1500-seat theatre and an alternative theatre scheme has been prepared for the adaptation of the building which is based on a business plan for Ambassador Theatre Group Limited (ATG).
  - A venue of this size would be viable in Brighton. The Trust believe there is a significant gap in the market that could sustain a large lyric theatre/performance venue capable of hosting large West End musicals, large scale spectacle and circus. These shows cannot be properly or successfully undertaken at the Theatre Royal, The Dome or the Brighton Centre. ATG's letter dated 18 March 2014 to the Council confirms this and states 'The Theatre Royal, ideal for many productions, has significant limitations in its staging capability and is unable to receive the larger musicals. The greater capacity and stage of the Hippodrome would provide this. The two would run happily in harness.'



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- The local authority cannot be certain that a multi-screen cinema is the only viable use. There is a very high cost for conversion to a theatre which is not substantiated, and there is a projected seating capacity (much lower than the capacity we believe would be achieved in a theatre restoration) which would make theatre use financially challenging. Neither of these figures have been interrogated with sufficient rigour, and the Trust believe that it would be possible to work with experienced theatre operators and their architects/consultants to come up with quite different scenarios and options. The scenarios as they stand would deter any potential theatre operator who may well be interested if the capital costs were lower, or the seating capacity higher. It is not clear how solid the commitment of the proposed cinema operator is to this scheme
- An option to restore the Hippodrome to use as a performance space has not been fully explored. The J Ashworth Associates report does not include any serious undertaking to prove that Trusts and Foundations or indeed Lottery sources or support via social investment funds would not be available to fund the restoration.
- The option to relocate three screens from the lower levels in the Hippodrome Auditorium (Option 5, D&A Statement part 2) has not been fully explored.
- Meeting the cultural performance needs of Brighton. ATG's letter to the Council dated 18 March 2014 confirms that the capacity, staging facilities, accommodation and flexibility offered by the Hippodrome would meet its needs. The Brighton Hippodrome's circular auditorium, together with its proscenium arch stage, and the height offered by the dome above, results in a uniquely flexible and exciting performance space, which has much to offer modern productions and audiences, as well as being well-suited for a range of other uses. Because of its flexibility, combined with its large capacity, we believe that the Hippodrome could have a role within the context of Brighton's current arts and entertainment landscape. Whilst the Brighton Dome has a similar capacity to the Hippodrome, it has no flytower, and is not therefore suitable for the staging of lyric theatre or opera, and the Theatre Royal has insufficient capacity to support these larger productions and has no inbuilt flexibility.
- Noise break-out – Future proofing. Although each cinema screen will be built within an independent structure which could be removed in the future and the current design of the floors and screens remain separate with servicing, acoustics and anti-vibration measures put in place, this does not demonstrate that the building is sound proofed for future use as a theatre. Our concern is that works to the roof to address noise break out to a live performance standard is undertaken prior to restoration of the interior plasterwork as a full structural acoustic roof will be required in the future and this is not part of this scheme.
- Cinema use. Brighton & Hove City Council has not undertaken such an assessment for theatre use or need. In the absence of such a report a needs and impact assessment for the loss of theatre use and the new cinema use should have been included as part of the submission. There is no options report to suggest that this is the best site for cinema within the City of Brighton

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- Non reversibility: Get-in and access following construction on Ship Street. Following the proposed works, the get-in arrangements would be entirely unsuitable, and would not reflect the needs of a large receiving theatre that regularly presents large scale spectacles and musicals. The standard overall length for delivery vehicles touring shows such as the Lion King to Brighton is 16.48 metres. The construction of a block on Ship Street would mean a truck of this length would not be able get in.

### 5.10 **Victorian Society:** Object

The insertion of the new floor would reduce the height and proportions of the room and its sense of space, and would truncate the proscenium. The lower half of the auditorium would not be able to be experienced from ground level and the overall space would be diminished. The scale of these interventions in the auditorium would cause substantial harm.

### 5.11 **Hove Civic Society:** Support

The Society fully supports the proposal. The Hippodrome is an important part of the city's heritage and works are urgently needed to prevent further decay. The Society are convinced that it is unlikely that any public sector funding will become available to fund the restoration of the site or its use as a theatre. The additional cinema block is well integrated and would not adversely impact on the surroundings of the site, whilst the proposed reversibility of the changes in floor levels makes the proposal doubly attractive.

### 5.12 **Brighton Society:** Objection

The Society were initially generally in support in principle of the early proposals presented, and considered that, although restoring the building to its former use as a theatre would be the ideal solution, the Hippodrome's poor condition and the risk that if restoration does not happen soon may well cause it to be lost entirely to the City. However, there are too many areas of the design which are poor. The Society are concerned that the fact that the building is at risk if the applications are refused may act to justify aspects of the design which under more normal circumstances, would not be permitted in a Conservation Area.

### 5.13 Within the Hippodrome, the relationship of the new raised floor to the balconies is such that the balconies will lose their existing 'overlooking' relationship with the main space, and will visually appear as a low perimeter bulkhead, semi-concealed behind tables and chairs. The character of the original balconies will be disguised and reduced to insignificant visual elements within the whole space and the Society cannot support this.

### 5.14 The proposals show some form of visual and physical link between the first floor (circle level) and Cinema Foyer. The drawing gives the impression that there will only be a narrow slot at eye height, an inadequate expression of the dramatic views between the two spaces. It appears from the illustration in DAS Fig 47a, that part of the already low ceiling in the restaurant - and presumably part of the floor of the auditorium above - is to be glazed. This does nothing for either space and is an unsatisfactory design solution. It neutralises that part of the floor in the auditorium and would have to be screened off somehow to prevent people walking on it.

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- 5.15 The form of the new Cinema entrance building does not have any satisfactory relationship to Hippodrome House. The insertion of an uncompromisingly modern, boxy black tile-clad portico and glass façade into a contextual setting between the Regency style Hippodrome House on one side and 19<sup>th</sup> Century 3-storey pitched roof buildings on the other, is unsympathetic. The materials of glass and black tile have no precedent in that part of central Brighton. The design is just not good, nor sensitive, nor sympathetic enough, to be appropriate to the Conservation Area in which it is located. The Ship Street building is not sensitive, nor sympathetic enough to the Conservation Area in which it is located and should be re-designed.
- 5.16 **Regency Society: Support**  
The Society support the proposed change of use as buildings must evolve to meet changing needs if they are to be preserved. A theatre use has not been demonstrated as being viable since the building closed. The reversibility of the proposals are credible, however there is concern that access for delivery vehicles and pantechnicons may not be possible once the Ship Street building is built, and various leases may preclude such a conversion.
- 5.17 The new buildings on Middle Street and Ship Street are successful from a design point of view. Overall, the proposal would benefit the city by bringing a derelict listed building back into use, would open the Matcham interior to the public, and would regenerate this run-down part of the Old Town Conservation Area.
- 5.18 **The Frank Matcham Society: Objection**  
The building has not been marketed as a live performance venue therefore those with an interest in viewing it as such have not had the opportunity to advance any such proposals. A large scale performance venue is lacking in Brighton & Hove and for some time such spaces have been needed, both in terms of audience capacity and stage area. The Dome has neither a fly tower nor wing space to accommodate such a need. There is local support for returning the Hippodrome to live use and the possibilities of funding for conservation have not been considered. The practicalities of reversing the proposed works would be crippling to a live theatre budget, and such use would be hampered by the restrictions to the site's vehicular access.
- 5.19 **Ambassador Theatre Group: Objection**  
The council should give serious consideration to and allow time for a proper exploration of ways and means to return the Hippodrome to live performance use. The capacity, staging facilities, accommodation and flexibility offered by the Hippodrome would meet our needs, contrary to sections 6.2 & 6.3 of the submitted document 'A Report on the Viability of Alternative Uses'. The ownership and programming of the Theatre Royal by ATG would not be compromised as it does not have the greater capacity and stage of the Hippodrome for larger musicals. The two would run happily in harness.
- 5.20 **CAG: No objection**

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The group support the principle of change of use to cinema, restaurant and retail use, and for the internal alterations including the new raised floor. However, concerns are raised about the design of the proposed buildings on Middle Street and Ship Street, which are inappropriate to the Conservation Area and should draw on the local vernacular. The Group recommend that the portico on the entrance to Hippodrome House should be reinstated as illustrated in Fig 13 of Part 1/2 DAS and the original 1920 design canopy to the theatre building itself should be reinstated as illustrated in Fig 10 of Part 1/2 DAS. The Group also recommend that the existing gate to the car park on Ship Street should be retained rather than being replaced with the proposed design. The Group feel that a historic street sign should be installed in the new passageway.

**5.21 District Valuation Office: No objection.**

The purpose of this report is to provide an appraisal of the commercial viability of the building assuming that it is occupied as a Casino or Theatre.

**5.22 Casino:** In present circumstances a new casino licence would not be available under the 2005 Gambling Act. The only opportunity for casino occupation would be the transfer of an existing 1968 licence.

**5.23** As a traditional casino it is unlikely that this building would be suitable and would justify the level of investment for adaptation. The reasoning is as follows.

1. The DV agrees with the conclusions reached by J. Ashworth Associates in Para 5.4 concerning the informal proposal from Genting to occupy the premises on a lease. The terms offered, which includes a fit-out contribution, are below market expectations.
2. The existing competition in the City. Grosvenor (Genting) also occupy the former ABC Cinema on Grand Junction Road but this has the advantage of strong roadside presence. In my opinion there is no evidence to show that there is demand for further casinos.

**5.24** A casino replicating the Leicester Square Hippodrome would not be feasible as there is not the same level of off-season custom to justify the development costs. Therefore, a casino occupation is not a viable consideration.

**5.25 Theatre:** The proposed development would be for a 1300 seat theatre utilising the existing raked floor below the existing floor structure. With this proposal the crucial considerations are demand for theatre space in Brighton and its catchment area., and current utilization (or occupancy levels) that operating theatres are achieving.

**5.26** The main commercial theatre in Brighton is the Theatre Royal in New Road with 915 seats (some of which have obscured views). It is estimated that utilisation is above 50%. The Brighton Dome is the main civic theatre with 1856 seats and it is estimated that utilisation is well below 50%. It is understood that this theatre receives an operating subsidy from Brighton & Council.

**5.27** The Komedia is not included in this appraisal as it appears to have a significant licensed and restaurant operation and without detailed trading information it is

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not possible to estimate utilisation levels. The Gardner Arts Centre at the University of Sussex closed in 2007 and attempts to reopen as the Attenborough Centre for Creative Arts has so far not been successful. This theatre offers modern technological facilities. Small community theatres have not been examined.

- 5.28 Taking account of the market appraisal and the estimated annual trading loss of £249,890, it is considered that the proposed development as a Theatre would not be commercially viable.
- 5.29 The prospects as a “presenting” theatre (i.e. by providing the accommodation to a production company in return for a fee.) have also been considered but there is adequate supply of theatres in Brighton for this purpose and, as already indicated, there is no evidence of demand for additional theatre space.
- 5.30 This conclusion has been reached having regard to the comments made by The Theatres Trust dated 17th April. These proposals for Theatre use would not be commercially viable for the following reasons:
- a) The space is similar to Brighton Dome which only operates with the assistance of a Council subsidy.
  - b) The Hippodrome at Leicester Square London is similar in size and even with West End custom was unable to remain commercially viable as a performance venue.
  - c) To be commercially viable it is estimated that a theatre with 1800 seats would require 1.7 full houses per week (3048 full price ticket sales) or 2.34 full houses for 1300 seats. There is no evidence to support this level of custom in Brighton.
  - d) It has also been considered whether an additional theatre in Brighton would generate additional custom for Brighton as a theatre destination location and thus would make this theatre proposal commercially viable. There is no evidence to support such a contention. Indeed, the Hippodrome at Leicester Square, surrounded by West End theatres, indicates that the opposite is the case. A concentration of theatres cannot reliably contribute to commercial success.
  - e) The Gardner Arts Centre (Attenborough Centre) at the University of Sussex has been unable to attract the custom for Cultural and Arts performances with ca 482 seats. This Theatre offers multi-media facilities.

### **Internal:**

5.31 **Heritage:** No objection

The Hippodrome has been vacant for seven years and is in very poor condition. It is a Building at Risk on both the English Heritage and council registers. There is particular concern for the longer term future of the elaborate Matcham-designed plasterwork to the auditorium. The nature of the building and its special interest means that options for its future viable use are comparatively limited. Given the vulnerability of the building a proposal that seeks to retain it and bring it back into use must in principle be welcomed. The case for alternative uses, including the ideal scenario of restoring the Hippodrome for theatre use, and why these options would not be viable, has been persuasively made in the

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submitted viability report and it is considered that in this respect the application has satisfactorily addressed the relevant issues.

- 5.32 The history and significance of the site is well covered by the submitted Heritage Study and the conclusions are considered to be largely sound. These proposals would bring the building back into viable use but would result in major alterations to the building and loss of historic fabric. In particular, the insertion of the mezzanine floor would disrupt the spatial qualities associated with Matcham's auditorium, whilst the separation and loss of the relationship between backstage and front of house areas would limit the legibility of the historic function of the building. These alterations and losses would be harmful to the significance of the building. This harm would be less than substantial and, in accordance with paragraph 134 of the NPPF, must be set against the public benefits associated with the proposals. In this case there are considered to be major public benefits, not least being the conservation and reuse of the building; the associated restoration of the Matcham plasterwork and the Middle Street façade, as well as related works to the public realm and the appearance of the Old Town conservation area.
- 5.33 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard shall be had to the desirability of preserving the setting of the listed buildings. Despite its scale the Hippodrome's vast circular auditorium is concealed within the tight urban grain of the Old Town's lanes and twittens behind an unassuming frontage on Middle Street, whilst the setting of the building from Middle Street is dominated by the mid-20th century plan brick fly tower and surface car park. The circular auditorium roof is not noticeable from the surrounding streets. It is considered that the proposed new buildings and extensions would collectively not only preserve the modest setting of the Hippodrome itself but would enhance it and would preserve the settings of all other listed buildings in the vicinity.
- 5.34 Although the works have been identified as having 'less than substantial' harm to the preservation of the special interest of the Grade II\* listed Hippodrome and Hippodrome House, the very finding of harm demands considerable importance and weight be attached to it and gives rise to a statutory presumption against planning permission being granted, as per section 16 of the Planning (Listed Buildings and Conservation Areas) Act. In this instance, this considerable weight and presumption against permission being granted is considered to be outweighed by the very substantial public interest benefits of the proposal in securing and restoring the 'at risk' listed building in the manner proposed and the wider heritage benefits identified to the building's setting and to the Old Town Conservation Area. On this basis, and in line with the policies in the NPPF, and the NPPG, it is concluded that the proposed scheme currently represents the best opportunity to conserve the listed building and that its conservation is a principal public benefit which, together with the other clear benefits, would outweigh the harm arising from the interventions and loss of historic fabric.

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- 5.35 Internal alterations: A key consideration in the development of these proposals has been that they should, as far as possible, be reversible so that a theatre use could feasibly be reinstated at some time in the future (e.g. when the cinema operator's lease expires). It is considered that this has been satisfactorily demonstrated in the submitted scheme, both in terms of allowing for the conversion of the new build cinemas to a workable fly tower and the removal of the inserted cinemas and reinstatement of floor level but also in allowing future access for pantechincons. It is accepted that such reversible conversion would, though feasible, be costly. But this must be set against the fact that any current theatre proposal would have also have a substantial costs issue arising from the major repair and restoration works needed.
- 5.36 The degree of retention of existing Matcham and Emblin Walker fabric in the 'back of house' areas is greatly welcomed and in particular the retention and reuse of the equestrian ramp. The detailed proposals for this feature will be very important in order to preserve its humble character. The loss of some historic fabric is regrettable but the areas of highest significance have all been retained. The loss of the elephant house is especially regrettable but this feature is in a near derelict condition and little of its historic fabric would be likely to be reusable.
- 5.37 The principle and approach of the insertion of the new floor into the auditorium and the new cinema screens below are accepted. The insertion of the mezzanine floor is most uncomfortable in the way that it relates to the proscenium arch and to the two 'onion dome' boxes either side of the stage. The new floor severely truncates the height of the arch, altering quite significantly its proportions. The internal elevations are indicative only and suggest the use of pilasters and installation of a bar area here to help redress the appearance of the squat arch. With regard to the boxes, Matcham installed them with the balconies placed low adjacent to the stage. Emblin Walker's alterations moved the complete structures higher, thereby allowing for an additional tier of seating in the boxes. The proposal is to leave in situ the domes but move the balconies to the same level as the main auditorium balcony to facilitate the insertion of the mezzanine. This would not look inappropriate but does present potential problems in reconciling the curved ends of each of the neighbouring sections. Further detail will be required on the method of removal, reinstatement and making good.
- 5.38 The visuals provided show an indicative paint scheme of white and gold for the plasterwork. This would be an enhancement over the existing modern colour scheme and is considered reasonable given that Matcham was trying to evoke the sense of a tent. However a paint analysis should be carried out to inform a faithful restoration, to be secured by condition.
- 5.39 At pre-application stage one of the matters of concern was the degree to which the circular auditorium space would remain readable at ground floor level and how this could be reinforced through the circulation arrangements. Whilst the layout has evolved it remains the case that the original circular space would not be clearly readable. Whilst disappointing this is not considered to be a fundamental concern.

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- 5.40 In respect of Hippodrome House, the proposal to reinstate some of the features from the Palm Court along the southern circulation route within the main building is welcomed but it would be preferable if at least some features could be retained in situ within proposed restaurant 2. Details of their retention or relocation would need to be agreed by condition. The loss of the conservatory structure to the rear is regrettable but acceptable in the context of the proposals as a whole, subject to recording.
- 5.41 External restoration: The restoration of the Middle Street façade to the Matcham phase of development is considered to be a key heritage benefit which goes some way to offsetting the harm associated with changes to the interior. This includes reinstatement of some of the original Kerslake ice rink features which were retained by Matcham. The restoration here has been carefully researched and is informed by Matcham's drawings and early photographs, in line with the approach required by SPD09. The use of the Middle Street entrance as the principal access point for the main dome restaurant area, which is befitting its status, is very welcome and would allow users to enjoy the full experience of the decorated foyer and crush bar, as well as the main auditoria space.
- 5.42 New Build: With regard to the new build elements of the scheme, the proposed design approach to the Middle Street frontage and foyer building has evolved very positively and this is now considered to be entirely appropriate to the street scene. It would also present a suitably interesting and contrasting appearance when seen from the traditional townscape of Duke's Lane via the new link.
- 5.43 The new cinema building is, by necessity, a large box but as with the existing fly tower structure, it would not generally be visible in longer views due to topography and the narrow streets of Old Town. However, confirmation is still needed that it would not be visible above Hippodrome House when seen from the far end of Boyces Street (as its footprint is further north than the fly tower). This building would be clearly seen in short views from Ship Street / Prince Albert Street but would be substantial enhancement over the existing utilitarian fly tower. The design approach is an interesting and innovative one to disguise the simplicity of this large box, subject to detailing by condition. The proposed flint panel cladding to the ground floor is very welcome in providing contextual reference to the cobbled flint walling traditionally found in 'backland' areas with the Old Town area.
- 5.44 Public Realm works: The enhancement works to the public realm are, in principle, one of the public benefits of the scheme that contributes to outweighing the harm to the Hippodrome's significance. It is therefore very important that the design, detailing and materials contribute positively to the wider historic character of the Old Town conservation area.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be



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made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

HE1	Listed Buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on Listed Buildings

#### Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
SPGBH13	Listed Building – General Advice

#### Supplementary Planning Documents:

SPD09	Architectural Features
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#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to whether the proposed development will have a detrimental impact on the character, architectural setting and significance of the Grade II\* listed Hippodrome and Hippodrome House. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities when considering whether to grant listed building consent 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”.
- 8.2 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
  - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

### **Principle of development:**

- 8.3 The Hippodrome has been vacant for seven years and is in a very poor condition both internally and externally. The structural survey submitted with the application identifies that the building is suffering from water and damp ingress throughout with large parts of the historic plasterwork having collapsed or being near collapsed due to the saturation of the plaster and the failure of their ties to the supporting structure. Much of the timber floor throughout is rotten and will need replacing, whilst there is general evidence of corrosion to steelwork. The survey raises particular concern for the longer term future of the elaborate Frank Matcham-designed plasterwork to the auditorium which contributes significantly to the building’s special interest. Unsympathetic alterations over the years have further contributed to the building’s decline, including removal of original detailing to the Middle Street façade, the addition of a mezzanine level above the stage, and the re-painting of interior plasterwork. As a result of its deteriorating condition the Hippodrome is now a Building at Risk on both the English Heritage and council registers.
- 8.4 The application seeks to restore large areas of the building, both internal and external, as part of a broader scheme to extend and convert the Hippodrome and adjacent Hippodrome House into a mixed use 8-screen cinema with four large A3 restaurants. In order to facilitate the conversion several areas of the existing building would be demolished, with further interventions including the excavation of the main auditorium floor to provide for three cinema screens and a mezzanine level above.
- 8.5 A detailed Heritage Study has been submitted with the application which uses historic photographs, records and plans to describe and evaluate the relative significance of all parts of the Hippodrome and Hippodrome House. The methodology used is consistent with English Heritage advice and guidance on how to assess the significance of heritage assets. The Study identifies the main auditorium to the Hippodrome, including its dome, balcony, entrance lobby and crush rooms, stair towers, and the equestrian ramp to the rear to be of very high

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significance, and of greatest overall historic importance. The original dressing rooms and derelict elephant house to the rear of the Hippodrome are considered to be of high significance, whilst Hippodrome House is of mixed medium to high importance. The 1950's extended stage house and later additions to Hippodrome House are considered to be of low significance and contribute least to the overall special interest of the group.

- 8.6 The extent of demolitions broadly follows the above assessment of significance, with all parts of the building considered of lowest significance, including the stage house, to be removed. The most significant parts of the building to be demolished are the dressing rooms to stage right and the derelict elephant house to the rear. Whilst it would otherwise be desirable to retain these elements of the building's history, their secondary status to the main auditorium and derelict condition (in the case of the elephant house) is such that their loss can be accepted in this instance, subject to appropriate recording.
- 8.7 English Heritage and the council's Heritage officer are of the view that the proposed demolitions, alterations and extensions, whilst causing appreciable harm, represent 'less than significant harm' when assessed against the NPPF. In such incidences, the NPPF advises that *'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 securing its optimum viable use.'* (paragraph 134).
- 8.8 National Planning Practice Guidance advises that *'If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum 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.'* Given the degree of demolition and alteration proposed, including the excavation and addition of three cinema screens within the main auditorium, a key determination is whether the proposed cinema use represents the optimum viable use for the building, or whether there is a viable alternative use that would better preserve and restore the building for the public benefit.
- 8.9 The nature of the building and its special interest means that options for its future viable use are comparatively limited. The applicants have submitted two studies that examine the viability of alternative uses, a Viability Report (Alaska) and A Report on the Viability of Alternative Uses (J Ashworth Associates). These studies have been referred to the District Valuation Office, alongside key representations from Ambassador Theatre Group and the Theatres Trust, for independent assessment
- 8.10 The Alaska viability report uses a 'reasonable use' matrix approach to evaluate the likely viability of all uses compatible with a building of the layout and form of the Hippodrome. The matrix assesses each use having regard the demand for such use and the likelihood of obtaining necessary licenses. These uses assessed in the matrix include amongst others use as a theatre, cinema, conference centre, place of worship, casino, nightclub and gymnasium. The matrix identifies that the majority of possible uses would be immediately

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unviable due either to the absence of finance to refurbish the building, the absence of significant demand to operate and maintain the building in the long term, or other matters such as licensing restrictions. The matrix concludes that the only use that would bring immediate demand and finance without conflicting with licensing restrictions is a cinema use with associated restaurants.

- 8.11 The J Ashworth Associates (JAA) 'Report on the Viability of Alternative Uses' appraises the financial case for the proposed cinema use and assesses it against potential use as a casino or theatre, alternative uses identified in the matrix that would potentially best marry the need for upfront finance, provide longer term demand, and would have least physical impact on the historic fabric of the building. The report provides a financial appraisal for each use having regard the restoration and conversion costs involved as calculated by chartered surveyors (John Hall Associates). Also included for comparison purposes is a calculation of the costs to repair and mothball the site in its current use.
- 8.12 In assessing the application against paragraph 134 of the NPPF, the key question is not necessarily whether the proposed cinema use is viable, rather, it is whether alternative uses that better preserve the building are reasonably viable. To support their case, and for the avoidance of doubt, the applicants have provided data which shows that there is an undersupply of cinema seats within Brighton & Hove per head of population when compared to the national average, whilst the viability case includes a letter from a leading cinema operator expressing interest in the site.

### Casino use

- 8.13 In terms of potential use as a casino, the JAA report identifies that demand and supply for casinos is static in the south of England, with the Gambling Act 2005 restricting new licenses for casinos in Brighton. Although interest in operating the Hippodrome as a casino was received, this interest excluded contributing towards the building costs and some of the fit out costs, and would not have attracted the volume of footfall to sustain the restaurant uses, which are key to the development proposal. A comparison is made to the recent £45m casino conversion of the London Hippodrome, which has a daily passing footfall of 250,000 and includes complementary uses including a restaurant, six bars, a smoking terrace and a cabaret theatre to broaden the demographic make-up of its visitors. The constraints of the Brighton Hippodrome site, with limited footfall and licensing restrictions, are such that a similar range of complementary uses to make a casino use sustainable are not possible.

### Theatre use

- 8.14 In terms of potential theatre use, the JAA report identifies building costs to restore theatre use to be in the region of £17m for a 1300 seat theatre and nearer £21m for a 1500 seat theatre. The costs for repairing and mothballing the building are estimated at £5.2m. The costs to restore theatre use reflect the need to provide a fully finished and fitted building, including necessary alterations to the stage, fly tower and dressing rooms to meet the appropriate standards. The JAA report has investigated means of public subsidy or private sponsorship from sources such as the Heritage Lottery Fund, Arts Council and Theatres Trust to support the costs needed to restore the building as a theatre,

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but concludes that any available funding would be unlikely and/or insufficient to substantially assist.

- 8.15 The JAA report identifies that Brighton is currently well supplied with theatres and performance venues, with the main venues being the Theatre Royal (900 seats), Dome (2,000 seats), Corn Exchange (320 seats), Pavilion Theatre (240 seats) and Brighton Centre (5,000 seats). A number of other venues are also within a 30 minute drive at Worthing, Glyndebourne and Eastbourne. The report identifies via theatre consultants that there is a gap in the Brighton market for a lyric theatre capable of hosting large West End musicals on tour, opera, ballet and theatre touring companies and other large scale spectaculars. Such a market requires a theatre with a capacity of 1800-3000 seats. The Hippodrome cannot meet this requirement as it has a maximum seating capacity of circa 1500 (with some cramped seats and restricted sight lines). Further its stage is too small and fly tower not adequate. Whilst these latter restrictions could be overcome, the absence of seating numbers within the Hippodrome offers the biggest hindrance to meeting this identified market. Consequently, theatre use of the Hippodrome would largely replicate existing provision in the city.

### District Valuation Office

- 8.16 The District Valuation Office (DV) has assessed the submitted information, focusing on the viability for casino and theatre uses. The DV concurs with the view that a casino use is not viable consideration given the level of investment required to adapt the building and the licensing and demand issues identified in the JAA report. In respect of theatre use, the DV estimates that the 900 seat Theatre Royal is utilised above 50% capacity, whilst the larger 1800 seat Dome theatre operates well below 50% capacity. Based on this trading performance and the market for theatres, the DV conclude that restoring the Hippodrome as a theatre would not be commercially viable, making an annual loss of approximately £250,000. In reaching this view, the DV has had regard the submission of the Theatres Trust, but has concluded that there is no evidence that Brighton has the custom to viably support a 1800 seat theatre hosting large scale musicals and spectaculars. Further, there is no evidence to suggest that adding more theatre venues to the city would necessarily generate the sufficient demand to make such venues viable.
- 8.17 Having regard the applicants submission and the independent advice of the District Valuation Office, there is no compelling evidence to suggest that the retention of the Hippodrome as a theatre or alternative use would be a viable proposition given market demand and the costs of restoration and conversion. Accordingly it is concluded that the optimum viable use for the building is that proposed by the applicants.

### Reversibility

- 8.18 Although the Hippodrome was initially constructed as an ice rink and then circus, its significance is borne primarily out of its form and detailing when in use as a theatre. Whilst it has been adequately demonstrated that restoration and use as a theatre is unviable, that is not to say that circumstances may change in the future and a theatre use may become viable again. Consequently, a key consideration is whether this development would serve to

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permanently disable the Hippodrome's future ability to re-operate as a theatre or other performance venue.

- 8.19 To provide the necessary level of comfort the applicants have sought to design-in elements of reversibility into the proposals. These details are set out extensively in the accompanying Design and Access Statement and Transport Statement addendum, and provide comfort that the proposed works would not necessarily or absolutely preclude a future conversion back into a performance venue. Specifically, the three semi-basement auditoria and mezzanine floor within the Hippodrome itself are designed to be essentially stand-alone structures that can be removed to allow for a new raked floor for seating to be inserted with minimal interference to the fabric of the building. The extension that replaces the existing fly tower to the rear has been intentionally scaled, designed and positioned in order to be readily adapted into a new fly tower and stage house should the need arise without the need for total demolition and rebuild. Finally, the applicants have provided track plots to demonstrate that access into the service yard by articulated lorries and pantechincons remains largely as existing such that a future theatre use could be serviced to the same extent as current. Whilst such conversion work would bear a significant cost, this must be set against the fact that any current theatre proposal would have also have a substantial costs issue arising from the major repair and restoration works needed. On this basis it is considered that there is sufficient evidence to provide assurance that the proposed works would be reversible to an appropriate degree such that possible future return to theatre use is achievable.

### **Impact on Listed Building:**

- 8.20 Brighton & Hove Local Plan policy HE2 is considered compliant with the NPPF and sets out three criteria that must be met in order to accept the major alteration of a listed building:
- a. *clear and convincing evidence has been provided that viable alternative uses cannot be found, through, for example the offer of the unrestricted freehold of the property on the market at a realistic price reflecting its condition and that preservation in some form of charitable or community ownership is not possible;*
  - b. *the redevelopment would produce substantial benefits for the community which would decisively outweigh the resulting loss from demolition or major alteration; and*
  - c. *the physical condition of the building has deteriorated, through no fault of the owner / applicant for which evidence can be submitted, to a point that the cost of retaining the building outweighs its importance and the value derived from its retention. A comprehensive structural report will be required to support this criterion.*
- 8.21 Policy CP15 of the emerging City Plan Part One is relevant to the application but does not conflict with the NPPF and does not require any additional justification to be provided beyond that to satisfy paragraph 134 of the NPPF.
- 8.22 In respect of the tests set out in Local Plan Policy HE2, test a) has been addressed above. In respect of test b), the proposal includes the restoration of the remaining and most significant parts of the listed buildings which would then

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be available for public access. This represents a substantial benefit that would secure the buildings and allow their historic significance to be appreciated in the medium-long term. The re-occupation of the buildings would also serve to re-invigorate and regenerate this part of the Old Town Conservation Area. For these reasons the public benefits of the proposal are considered to outweigh the harm resulting from the part-demolition, extension and conversion of the buildings. In respect of test c), whilst the condition of the building has clearly deteriorated, the LPA consider that any neglect has occurred over a considerable number of years despite temporary repairs being carried out. The LPA are also satisfied that there is no evidence to suggest that the current owner has deliberately neglected or damaged the building.

- 8.23 On the basis of the above, and in line with English Heritage advice, it is considered that the tests under paragraph 134 of the NPPF and those set out in Local Plan policy HE2 have been met.

### Hippodrome

- 8.24 The demolition works as prescribed above would result in the loss of elements of the Hippodrome's historic fabric, albeit elements that are mostly of least overall significance to the special interest of the building. English Heritage and the council's heritage officer are of the view that the loss of these elements, although regrettable, can be supported given the wider public benefits of the proposal in securing an 'at risk' heritage asset. Aside from these demolitions, the main heritage impact would be from the works to the remainder of the interior to the Hippodrome, in particular to the main auditorium which forms its primary area of special interest.
- 8.25 The most harmful element of the proposal is the insertion of three basement auditorium with a mezzanine floor level above set at balcony level. This would serve to both disrupt the appreciation of the full scale of the auditorium space and part obscure the lower part of the proscenium arch. The Design and Access Statement includes alternative configurations for an 8 screen cinema complex which avoid the need for the three basement screens however each alternative proposal has a more substantial overall impact on the building and wider site. Having reviewed these options English Heritage and the council's heritage officer have accepted the principle of having three basement auditoria set beneath a new mezzanine floor level, subject to further detailing to confirm that the new floor would sit suitably free of the balcony face, and further detail on the impact on the proscenium arch and boxes adjacent. With regard the 'onion dome' boxes, the proposal seeks to raise their balconies to sit level with the main balcony level, retaining the onion domes in situ. Historic records show that the boxed have been variously raised and lowered over the evolution of the building, therefore this alteration would not be substantially harmful or out of character, subject to details.
- 8.26 The main benefit internally would be with the full restoration of the dome and its original Matcham plasterwork. Full details of the painting scheme are secured by condition to ensure an authentic restoration. Further benefits include the retention of the equestrian ramp to provide access to the basement screens, and the restoration of the front of house areas.

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- 8.27 The layout of the development has been arranged to include areas where the ornate interior of the dome can be appreciated other than from within the mezzanine restaurant. These include an 'oculus' cut into the mezzanine level where the full ground to ceiling height of the auditorium can be appreciated, and a glass wall between the restaurant and cinema foyer to maximise the public's ability to appreciate the historical significance of this space without needing to enter the restaurant. These elements add to the overall public benefit of the proposal.
- 8.28 Externally, the roof and Middle Street façade to the Hippodrome is to be restored back to its original appearance, as designed by Lewis Karlake circa 1902. The main dome is to be restored with the reinstatement of its lantern, whilst further restorations to reinstate the decorative finishes and Juliet balconies to the ventilation and stair towers are also proposed. The replica canopy fronting Middle Street is also to be removed entirely and the original three bay entrance portico restored. These works would have a significant positive impact on the appearance of the listed building and would offset much of the harm associated with the demolitions and insertions to the interior.

### Hippodrome House

- 8.29 Internally, much of the original residential layout to Hippodrome House has been lost, with its main historical use since being as function rooms to the adjacent Hippodrome. Consequently a number of the original walls and spaces have been lost or disrupted, whilst the original conservatory to the rear is in a derelict condition. However, the ground floor of the building remains laid out as an elaborate Palm Court featuring a number of unique former stage sets and installations, including a Venetian bridge, dating back to the 1930's. The plans detail that these features are to be moved to within the exit routes to the Hippodrome, further detail of which is required by condition. This is an acceptable arrangement that would allow the retention of these historic artefacts and the re-use of the building.
- 8.30 Externally, the application proposes the restoration of street frontage to Hippodrome House, which has been previously substantially and harmfully altered at ground floor level. A pedimented doorcase based on historic photographic records is to be reinstated, with new steps to pavement level and the re-instatement of timber sash windows adjacent. Further works to rationalise the window arrangement to 52 Middle Street (which forms part of Hippodrome House) are also proposed, including a new rusticated plinth to match that to no.51 adjacent. As with the Hippodrome, these works would significantly improve the appearance of the building, providing greater continuity to its façade and greater visual interest particularly in views from Boyces Street opposite. The overall impact of these restorations would be positive to the special historic character and appearance of this listed building.

### New build elements

- 8.31 The new build elements essentially form one extension commencing on the Middle Street frontage between Hippodrome House and no.49 Middle Street and extending to the rear of both Hippodrome House and the Hippodrome. The



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extensions are modern in appearance but designed to complement the scale and material finish of the area. The cinema entrance foyer to Middle Street forms a contemporary largely glazed addition to the street punctuated by a double height glazed tile portico. The design and proportions of this building have been carefully designed to follow the lines, rhythm and proportions to the adjacent buildings, whilst the use of glazed clay tiles is reflective of materials used elsewhere in the conservation area. As such, this building represents a well considered and well designed addition to the street that would sit comfortably in its context and would not have a detrimental impact on the setting of the adjacent listed buildings when viewed from the street.

- 8.32 The entrance foyer would extend into the site with glazed and rendered elevations to the north opening onto the new link twitten between Dukes Lane and Middle Street. The two storey foyer would then turn south and link into the new cinema auditoria buildings rear of Hippodrome House and the Hippodrome itself. The first of these buildings would project deep into the site and house the largest cinema screens. This element of the build would form the tallest part of the new build element, but would be no greater in height than the existing fly tower set further to the south. A section drawing has been provided which shows that the scale and massing of this part of the development would not be readily visible above Hippodrome House in long views from Boyces Street, whilst its position deep into the site is such that it would not be visible from along Middle Street. Indeed its position is such that it would only be visible in limited public views from Ship Street to the east, and from higher level private viewpoints immediately adjacent to the site. The building would be clad in a glazed rainscreen, which would help recess its overall massing, with flint elevations below to reflect the historic gardens and boundaries that previously formed the site.
- 8.33 The scale and massing of this part of the extension would then morph into a lower scale building housing further cinema auditoria. This building would largely replace the existing 1950s fly tower and stage house, but to a lower overall height. Following amendments, it would be completed in a red brick finish to match the existing and to complement the finishes to the adjacent buildings to the rear and south. This finish would result in a similar visual impact to existing when viewed from the adjacent buildings to the south and rear, and would not detrimentally impact on the overall appearance of the listed building. Indeed given its reduced overall height, this element of the proposal would better relate to and expose the restored dome to the Hippodrome when viewed from adjacent buildings.
- 8.34 Although covering the entire rear elevation to the Hippodrome and Hippodrome House, given the secondary nature and lesser significance of these elevations the overall scale, design and massing of the new building extensions would not compromise the integrity of the listed building to a significant or harmful degree. Accordingly, and subject to conditions requiring further detailed elevations and materials samples, the proposals would accord with policies HE1, HE2, HE3 & HE4 of the Brighton & Hove Local Plan.

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8.35 In reaching these conclusions regard has been had to duty set out in Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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”. As detailed above, although the proposed works would result in ‘less than substantial’ harm to the preservation of the special interest of the Grade II\* listed building, this harm, and the significant weight to be attributed to it under section 16 of the Act, is considered to be outweighed by the public interest benefits of the proposal in securing and restoring the ‘at risk’ listed building and its most important features of special architectural and historic interest in the manner proposed, and the wider heritage benefits identified. On this basis the approval of listed building consent is recommended.

### 9 CONCLUSION

9.1 The Grade II\* Brighton Hippodrome and adjacent Hippodrome House are in a poor and deteriorating state of repair such that they have been identified as Buildings at Risk on both the English Heritage and council registers. It has been satisfactorily demonstrated that the proposed development to part-demolish, extend and convert the buildings to form a cinema complex with associated restaurants represents the optimum viable use of the buildings. Subject to the submission of further details the proposed works would result in a very significant public benefit by repairing, restoring and re-occupying the most significant parts of the buildings, including their most important features of special architectural and historic interest. This significant public benefit would outweigh the strong statutory presumption against listed building consent being granted where harm to the preservation of a listed building has been identified, to which considerable importance and weight has been attached.

### 10 EQUALITIES

10.1 The proposed development would be accessible for all.

### 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

#### 11.1 Regulatory Conditions:

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

#### 11.2 Pre-Commencement Conditions:

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- 3) No development shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority:
- a) Samples of all external facing materials, including roof coverings, cladding, and render and paint finishes to the Middle Street façades
  - b) Samples of all new hard landscaping materials
- Development shall be carried out in full in accordance with such approved details.
- Reason:** To ensure the satisfactory preservation of the listed buildings and their setting and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 4) No development shall take place until full details of all materials and finishes to the equestrian ramp, including its suspended floor, walls and ceiling, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full in accordance with such approved details
- Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 5) No development shall take place until details in respect of the following external works, including 1:20 scale elevations and 1:1 scale profiles where appropriate, have been submitted to and approved in writing by the Local Planning Authority:
- a) the replacement windows to the west elevation of the Hippodrome and Hippodrome House.
  - b) the Juliet balconies to west elevation of Hippodrome House.
  - c) the proposed ramped access to the Hippodrome, to include materials and finished appearance.
  - d) the reinstated Matcham entrance to the west elevation of the Hippodrome.
  - e) the proposed doorcase to Hippodrome House, to include steps and materials and finishes
  - f) Method statement for repair of stone and terracotta to west elevation of Hippodrome and Hippodrome House
- Development shall be carried out in full in accordance with the approved details.
- Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.
- 6) No development shall take place until a schedule of works and specification (including photographs and drawings) for the repair/reinstatement/replacement of all internal decorative features to the Hippodrome, including all plasterwork and joinery, has been submitted to and approved in writing by the Local Planning Authority, in consultation with English Heritage. All repaired, replaced and reinstated features must match exactly the original in materials and detail. Development shall be carried out in full in accordance with the approved schedule.

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**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.

- 7) No development, including demolition works, shall take place until details of measures to protect interior feature staircases, balustrades, decorative plaster work, doors, door cases etc. from vandalism, theft or other damage for the duration of the construction/alteration work hereby permitted have been submitted to and approved in writing with the Local Planning Authority, in consultation with English Heritage. Development shall be carried out in full in accordance with the approved measures.

**Reason:** To ensure the satisfactory preservation of the listed buildings and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.

- 8) No development, including demolition works, shall take place until full photographic surveys of the 'elephant house' and the rear conservatory to Hippodrome House have been submitted to and approved in writing by the Local Planning Authority. Such surveys should be carried out in accordance with the guidance produced by English Heritage in the publication 'Understanding Historic Buildings – A guide to good recording practice'.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 9) No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage:

- a) a scheme for the collection and analysis of samples of paint from surviving plasterwork within the Hippodrome;
- b) full details of the proposed internal paint scheme to the Hippodrome based on the findings of the analysis of the paint samples secured under part a).

Development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To ascertain the colour and composition of the original paint scheme to ensure the satisfactory preservation of the listed buildings and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.

- 10) No development shall take place until details in respect of the following internal works have been submitted to and approved in writing by the Local Planning Authority:

- a) Method statement, including final constructional drawings, for the recording, removal and reinstatement of the box balconies. The statement shall include photographs, measured drawings and moulding details of the balconies
- b) Detailed drawings and sample materials for the proposed balustrading, handrails, light fittings, ventilation grilles
- c) Detailed drawings for the proposed 'oculus' glazed floor and glazed window between the cinema foyer and mezzanine level

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- d) Samples of materials for the floor finishes
  - e) Method statement for the removal, repair and reinstatement of the Palm Court features, including the location of all features to be relocated
  - f) Drawings for the final treatment of the proscenium arch
- Development shall be carried out in full in accordance with the approved measures.

**Reason:** To ensure the satisfactory preservation of the listed buildings and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.

11.3 Informatives:

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

Plan Type	Reference	Version	Date Received
Existing site location plan	P100	D	28/05/2014
Existing block plan	P125	A	30/01/2014
Existing floor plans showing demolitions	P134	A	30/01/2014
	P135	B	05/02/2014
	P136	A	30/01/2014
Existing elevations showing demolitions	P137	B	05/02/2014
Existing sections	P131	-	30/01/2014
	P132	-	30/01/2014
	P133	-	30/01/2014
	P140	A	05/02/2014
	P141	-	30/01/2014
	P142	-	05/02/2014
	P146	-	05/02/2014
Topographical surveys	3721-T	A	17/01/2014
	3721-T	A	17/01/2014
Proposed floor plans	P101	B	28/05/2014
	P102	B	28/05/2014
	P103	B	28/05/2014
	P104	B	28/05/2014
	P105	B	28/05/2014
	P106	B	28/05/2014
	P107	B	28/05/2014
	P129	A	28/05/2014
Proposed elevations	P115	C	28/05/2014
	P116	B	28/05/2014
	P117	B	28/05/2014
	P118	D	28/05/2014
	P119	C	28/05/2014
	P120	C	28/05/2014
	P128	A	28/05/2014
Proposed sections	P108	B	28/05/2014
	P109	B	28/05/2014
	P110	B	28/05/2014
	P111	B	28/05/2014
	P112	B	28/05/2014

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	P113	B	28/05/2014
	P114	B	28/05/2014
	P139	A	28/05/2014
	P145	A	28/05/2014
Landscaping plan	P122	C	04/06/2014
Dukes Lane bay window details	SK94	-	16/04/2014
Boyces Street section	P147	-	16/04/2014
Dome detail	SK200	-	16/04/2014
	SK201	-	16/04/2014
Proscenium/box interface	SK202	-	16/04/2014
Proscenium/floor interface	P127	-	20/01/2014
Balcony interface	P126	-	20/01/2014
Box comparison	P130	-	20/01/2014

2. This decision to grant Listed Building Consent has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The Grade II\* Brighton Hippodrome and adjacent Hippodrome House are in a poor and deteriorating state of repair such that they have been identified as Buildings at Risk on both the English Heritage and council registers. It has been satisfactorily demonstrated that the proposed development to part-demolish, extend and convert the buildings to form a cinema complex with associated restaurants represents the optimum viable use of the buildings. Subject to the submission of further details the proposed works would result in a very significant public benefit by repairing, restoring and re-occupying the most significant parts of the buildings, including their most important features of special architectural and historic interest. This significant public benefit would outweigh the strong statutory presumption against listed building consent being granted where harm to the preservation of a listed building has been identified, to which considerable importance and weight has been attached.

Appendix B

BH2013/04351

Addresses of respondents to public consultation:

**Letters of objection (6)**

<b>Objections</b>		
<b>Number/Name</b>	<b>Road</b>	<b>City/Town</b>
Our Brighton Hippodrome		
35	Bevendean Road	Brighton
1 The Village Barn	Church Hill	Brighton
Davington House, 9	Dareham Road	Norfolk
24	Middle Street	Brighton
171	Woodland Avenue	Hove

**Letters of support (17)**

<b>Support</b>		
<b>Number/Name</b>	<b>Road</b>	<b>City/Town</b>
1	Cedar Chase, Cross Lane	Findon
48 Preston Grange	Grange Close	Brighton
31	Hassocks Road	Hurstpierpoint
76	Keymer Road	Hassocks
20	Middle Street	Brighton
Apartment 4, 19; 68	Ship Street	Brighton
x10	Unknown	

