

<u>No:</u>	BH2023/00098	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Brighton Dome Church Street Brighton BN1 1UE		
<u>Proposal:</u>	Installation of 2no butterfly awnings, guillotine windows, wrap around planters and glazed screen, to accommodate outside restaurant dining area to West and South of Studio Theatre.		
<u>Officer:</u>	Vinicius Pinheiro, 292454	tel:	<u>Valid Date:</u> 18.01.2023
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	15.03.2023
<u>Listed Building Grade:</u>	Grade I & II	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Lucky Bean Ltd C/o Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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 guillotine glazing hereby approved shall be retained in the lowered position throughout at all times outside of the business opening hours.
Reason: To safeguard the amenities of the locality and to comply with policies DM20, DM26 and DM27 of Brighton & Hove City Plan Part 2.
3. The awnings hereby approved shall be of a single colour and shall not incorporate any image, lettering, numbering or logo.
Reason: To safeguard the amenities of the locality and to comply with policies DM20, DM26 and DM27 of Brighton & Hove City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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

Plan Type	Reference	Version	Date Received
Location and block plan	21-002-PL-00		11 January 2023
Proposed Drawing	1729/L/3011	C1	16 February 2023
Proposed Drawing	E-09		16 February 2023
Proposed Drawing	E-07	D	16 February 2023
Proposed Drawing	E-08	E	16 February 2023
Proposed Drawing	PL-02	H	15 March 2023

2. SITE LOCATION

- 2.1. The Listed Building application relates to the Brighton Dome (Concert Hall, Corn Exchange And Studio Theatre), Brighton Museum And Art Gallery Church Street and New Road Brighton. These buildings form a complex of buildings of the highest significance. The buildings as existing are the result of a number of conversions, alterations and additions over time but in a manner which presents a coherent street frontage to Church Street. The buildings are largely unified by the use of tan brick with stone dressings and by their architectural style and motifs.
- 2.2. The Corn Exchange (with the Dome Theatre) is a grade I listed building, originally built as a riding school and stables by William Porden, between 1803-08, for the Prince of Wales, in connection with the Royal Pavilion, and extended in 1831. The Dome was converted into a theatre in 1864-67 by Philip Lockwood, with forms loosely derived from Islamic architecture, and the former riding school was converted to a corn exchange in 1868. The Dome was further extended and given two new entrances in 1901-02, including one on Church Street, and the building at this time took on an even greater Eastern character with greater reference to the Royal Pavilion. A further significant scheme of alterations took place in 1934 by Robert Atkinson, including the conversion of the Corn Exchange into an exhibition hall and the addition of the Church Street entrance foyer. The Foyer's exterior has a central tall arch with a relief figure of Ceres in its tympanum.
- 2.3. This Studio Theatre is grade II listed and dates from c1935, when it was built as a supper room for the Corn Exchange, by Robert Atkinson in a stylised form of Islamic architecture. It was later converted to a theatre. Its significance largely resides in its external design appearance, a careful mix of 1930s with the Moorish influence of the Pavilion estate buildings. Its copper clad pyramidal roof behind, flanking towers and castellated parapet are key townscape features. The listing includes the booking office adjacent, originally an early 19th century house with segmental bay at first floor.
- 2.4. These buildings occupy a very prominent place within the Valley Gardens conservation area and provide a very significant backdrop and setting to the

registered park & garden (Grade II) of the Royal Pavilion gardens and form part of the setting of the Pavilion itself. They also form part of the setting of a number of other listed buildings in Church Street and New Road, including the Grade II* Theatre Royal.

3. RELEVANT HISTORY

- 3.1. There is a lot of history for the Brighton Dome, the most recent including the following;
- 3.2. **BH2023/00097** Installation of 2no butterfly awnings, guillotine windows, wrap around planters and glazed screen, to accommodate outside restaurant dining area to West and South of Studio Theatre. Concurrent Full Planning Application.
- 3.3. **BH2022/02872** Display of 7no non-illuminated banner signs, 2no externally illuminated banner signs, 2no non-illuminated hanging logo signs, 2no externally illuminated building identification fascia signs, 1no externally illuminated vinyl lettering fascia sign, 1no non-illuminated wall mounted map sign, 2no non-illuminated wall mounted panel signs, 10no externally illuminated poster frame signs, 5no non-illuminated operational signs, 2no externally illuminated brand identifier fascia signs and 2no non-illuminated information panel menu board signs. Approved 18.10.2022.
- 3.4. **BH2022/02873** Display of 7no non-illuminated banner signs, 2no externally illuminated banner signs, 2no non-illuminated hanging logo signs, 2no externally illuminated building identification fascia signs, 1no externally illuminated vinyl lettering fascia sign, 1no non-illuminated wall mounted map sign, 2no non-illuminated wall mounted panel signs, 10no externally illuminated poster frame signs, 5no non-illuminated operational signs, 2no externally illuminated brand identifier fascia signs and 2no non-illuminated information panel menu board signs. Approved 04.11.2022.
- 3.5. **BH2017/01107** Installation of commemorative blue plaque to front elevation. Approved 22.05.2017.
- 3.6. **BH2013/03093** Application for approval of details reserved by condition 5 of Application BH2012/01635. Approved 30.10.2013.
- 3.7. **BH2013/00134** Application for approval of details reserved by conditions 2, 3 and 4 of application BH2012/01635. Approved 21.02.2013.
- 3.8. **BH2012/03201** Display of externally illuminated letterset sign to Pavilion Theatre and non illuminated banners and letterset sign to Corn Exchange. Approved 24.12.2012.
- 3.9. **BH2012/03200** Installation of externally illuminated letterset sign to Pavilion Theatre and non illuminated banners and letterset sign to Corn Exchange. Approved 24.12.2012.

- 3.10. **BH2012/01635** Installation of new and replacement external banner, fascia, letterset and logo signs to Brighton Dome, Corn Exchange and Pavilion Theatre. Installation of internal signage and plasma screens. Replacement of glazing to Pavilion Theatre and removal of canopy to Corn Exchange entrance. Approved 09.10.2012.
- 3.11. **BH2012/01634** Display of new and replacement non-illuminated banner, fascia, letterset and logo signs to Brighton Dome, Corn Exchange and Pavilion Theatre and 1no externally-illuminated letterset sign to Pavilion Theatre. Approved 09.10.2012.

4. APPLICATION DESCRIPTION

- 4.1. Listed Building Consent is sought for the installation of 2no butterfly awnings, guillotine windows, wrap around planters and glazed screen, to accommodate outside restaurant dining area to West and South of Studio Theatre.

5. REPRESENTATIONS

- 5.1. None received

6. CONSULTATIONS

- 6.1. **CAG** 06/02/2023
The group recommended approval.
- 6.2. **Heritage: 01/02/2023 - Seek amendment/further information**
These proposals relate to the areas of land outside the front and side elevations of the Studio Theatre, which is undergoing major alterations and restoration to change floor levels and incorporate a ground floor café/restaurant. The proposed enclosure for the outside seating area and the butterfly blinds would be removable, reversible fixtures that would not directly impact on any historic fabric of the Studio Theatre or indeed to the hard surfaces, but which would impact on the setting of the listed building and on the appearance and character of the conservation area. These impacts could be harmful if they are not sufficiently and appropriately minimised and mitigated through siting, design and detailing.
- 6.3. The enclosed area is large and the westward line of the enclosure to the north side of the entrance is considered to project too far, going beyond the line established by the street furniture and creating an awkward asymmetric arrangement. It should be pulled back further eastwards and this could perhaps be partly achieved by omitting the banquette.
- 6.4. The butterfly awnings as shown are considered to be the least intrusive approach to providing cover here. The metal framework would be level with the stringcourse band and on the key front elevation the awning itself would be set well away from the façade. The proposed colour scheme is suitably restrained

and contextual, though it is noted that the colour of the awning fabric has not been specified.

- 6.5. The submitted elevation drawings should be repeated to also show the awnings when in place and the guillotine glazing when raised to its full height. On the south side an elevation drawing is also needed to show the proposals in conjunction with the existing brick retaining wall. At the eastern end here the relationship of the glazed screen to the listed building where they abut is unclear. The line of this is slightly different on plan and elevation and its abutment with the window has the potential to be visually awkward if not clearly considered. An additional detailed elevation or section may be needed to clarify this.
- 6.6. **Heritage:** 28/02/2023 following submission of amended plans- Approval
The applicant's unwillingness to engage on the line and extent of the proposed seating area is disappointing, but the consistency with existing external seating areas on the east side of New Road is noted.
- 6.7. The additional drawings have clarified the height and appearance of the guillotine glazing when raised and the extent of the awnings when in place, and it is welcomed that the pitch to these is very shallow. The drawings have also clarified the relationship of the proposals to the previously approved brick retaining wall on the south side and how these impacts on the line of the guillotine glazing. Approval is now recommended, subject to conditions.
- 6.8. **Historic England:** 30/01/2023
On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are attached.
- 6.9. **Theatres Trust:** 06/02/2023 - Grant planning permission
We are supportive of these proposals which will help enhance the attractiveness and viability of restaurant's operation, in turn contributing towards the operation and sustainability of the Dome complex as an important venue for Brighton. We consider that the design of the structure is sensitive to the historic significance of the Dome and Studio Theatre, and the character of the conservation area.
- 6.10. Therefore we are supportive of the granting of planning permission and listed building consent.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);

- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

Brighton & Hove City Plan Part Two

DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Heritage Assets

Supplementary Planning Documents:

SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations

Valley Gardens Conservation Area Study

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impacts of the works undertaken on the historic character and appearance of the Listed Building, and the wider Conservation Area.
- 9.2. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant listed building consent for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. A site visit was not undertaken, but it was considered that the proposal could be assessed adequately based on photographs provided within the submission, along with 3D satellite views.

- 9.5. Amended drawings have been received since submission of the application to show the height and appearance of the guillotine glazing, the extent of the awnings and the proposals in conjunction with the existing brick retaining wall; to remove all tables and chairs from the drainage channel and tactile strip, re-allocate the welcome station and re-allocate the service station.
- 9.6. As noted by the Heritage Officer, the proposals relate to the areas of land outside the front and side elevations of Studio Theatre. The proposed enclosure for the outside seating area and the butterfly blinds would be removable, reversible fixtures that would not impact on any historic fabric of the Studio Theatre or indeed the hard surfaces.
- 9.7. After amendments, the butterfly awnings as proposed are considered to be acceptable. The metal framework would be level with the stringcourse band and would be set well away from the façade. The proposed colour scheme is suitably restrained and contextual.
- 9.8. The amended drawings have also clarified the height and appearance of the guillotine glazing when raised and the extent of the awnings when in place, and it is welcomed that the pitch to these is very shallow.
- 9.9. The proposal would be in keeping with the existing external seating areas on the east side of New Road, therefore, the works are considered to be acceptable.
- 9.10. Overall, it is considered that the proposed works would not harm the historic character or appearance of the Listed Building or the wider conservation area, in accordance with policies CP15 of the Brighton & Hove City Plan Part One and DM26 and DM27 of City Plan Part 2.

10. EQUALITIES
None identified

