

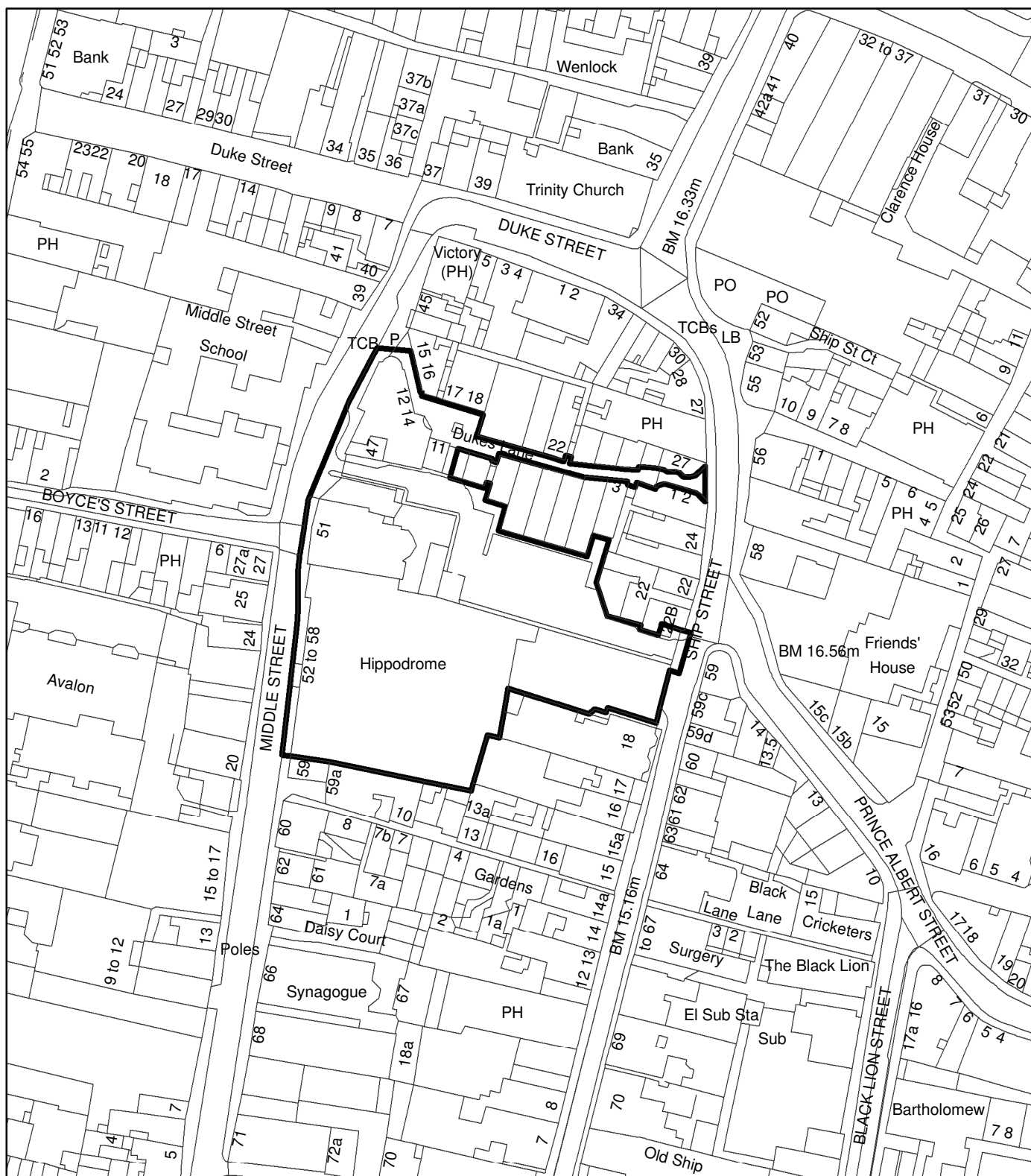
ITEM A

The Hippodrome & Hippodrome House, 51-58 Middle Street, 47 Middle Street, 10 & 11 Dukes Lane and land adjacent to 18-19 Ship Street, Brighton

**BH2013/04348
Full planning**

16 JULY 2014

BH2013/04348 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

<u>No:</u>	BH2013/04348	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Hippodrome & Hippodrome House 51-58 Middle Street 47 Middle Street 10 & 11 Dukes Lane and land adjacent to 18-19 Ship Street Brighton		
<u>Proposal:</u>	Internal and external alterations to Brighton Hippodrome and Hippodrome House to form an eight screen cinema (D2) and four associated café/restaurants units (A3) to include the following works: demolition of the fly tower and other later additions and construction of replacement rear extensions; excavation works to extend existing basements; construction of two storey extension to northern elevation; reinstatement of original Hippodrome entrance on Middle Street; demolition of 11 Dukes Lane to create a new pedestrian route; new bay window to western elevation of 10 Dukes Lane, new windows to 47 Middle Street; new windows and entrance way to Hippodrome House; reconfiguration of existing service yards and parking areas; improvements to pedestrian and disabled access to Middle Street and Dukes Lane; construction of new three storey plus basement unit on land adjacent to 18-19 Ship Street (referenced as 19A Ship Street in supporting documents and plans) comprising A1/A2/A3 use on the ground floor and B1 use on the upper floors; and other associated works.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	06 May 2014
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	08 May 2014
<u>Listed Building Grade:</u>	Grade II*		
<u>Agent:</u>	Indigo Planning, Swan Court, Worple Road, London SW19 4JS		
<u>Applicant:</u>	Kuig Property Investments Ltd, c/o Indigo Planning, Swan Court Worple Road, London SW19 4JS		

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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site forms a parcel of land set between Middle Street, Ship Street and Dukes Lane, comprised of the Grade II* listed Brighton Hippodrome and Hippodrome House (51-58 Middle Street), its service yard to the north and rear, 10 & 11 Dukes Lane, and 47 Middle Street.

PLANNING COMMITTEE LIST- 16 JULY 2014

- 2.2 The site is within the Old Town Conservation Area. Nos 10 & 11 Dukes Lane and 47 Middle Street fall within the primary retail frontage of the Brighton Regional Shopping Centre with the rest of the site sitting outside of this designated shopping area. There are a number of other listed buildings in the vicinity of the site, including 16, 17 & 22B Ship Street directly abutting the site.
- 2.3 Middle Street is primarily formed of a mix of small scale 2-4 storey residential and commercial buildings, with Ship Street mainly comprised of 3 storey buildings, again in a mix of residential and commercial occupancy. Buildings on both streets are generally small scale and traditional in appearance and are set close to the roadway, reflecting the general character and history of the Old Town Conservation Area. Dukes Lane to the north is a more recent addition to the conservation area and forms a pedestrianised retail street of two and three storey buildings with residential properties on the upper floors. To the south Ship Street Gardens forms a narrow twitten between Ship Street and Middle Street with a mix of retail and residential buildings directly abutting the site.
- 2.4 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 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.
- 2.5 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.

- 2.6 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. The building has been vacant and unused for 7 years which has contributed to its deteriorating condition.
- 2.7 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. 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- Listed Building Consent 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) 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.

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:

PLANNING COMMITTEE LIST- 16 JULY 2014

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 Planning permission is sought for internal and external alterations to Grade II* listed Brighton Hippodrome and Hippodrome House to form an eight screen cinema (D2) with four associated café/restaurants units. The works include the following elements:

- Demolition of the fly tower and other later additions to the rear of the Hippodrome and Hippodrome House and construction of replacement rear extensions to house five cinema auditoria and foyer areas;
- excavation works to form three cinema auditoria in a semi-basement level within the Hippodrome with mezzanine floor above;
- construction of two storey extension to northern elevation of Hippodrome House to form new cinema foyer;
- demolition of 11 Dukes Lane to create a new pedestrian link between Dukes Lane and Middle Street, including new bay windows to the flank walls of 10 & 12-14 Dukes Lane;
- reconfiguration of existing service yards and parking areas to rear;
- reinstatement of original Hippodrome entrance on Middle Street;
- revised fenestration and reinstatement of doorcase and steps to Hippodrome House;
- new windows to 47 Middle Street.

4.2 The application also proposes a separate new three storey plus basement building on land adjacent to 18-19 Ship Street comprising a single A1/A2/A3 use on the ground floor and a B1 office use on the upper floors.

5 PUBLICITY & CONSULTATIONS

External

Neighbours:

PLANNING COMMITTEE LIST- 16 JULY 2014

- 5.1 **One Hundred and sixty two (162)** letters of representations have been received. A list of all addresses is contained within Appendix A.
- 5.2 **One Hundred and Thirty (130)** 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
 - Without a lyric theatre to complement its range of other performance venues, major productions will continue to bypass the city.
 - The proposal offers no net gain in the city's entertainment and cultural infrastructure, would not attract new customers/visitors to the city, and would therefore add nothing to the local economy
 - 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 pantechicon 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
 - Another cinema is not needed. An eight screen cinema in the next street to an existing eight screen cinema will lead to an over-concentration of cinema provision. There is no evidence of unfulfilled demand for cinema seats, Brighton already has 19 screens. Hove Station is a better location for a cinema multiplex
 - What will happen if the cinema chain decide to leave the complex, would the buildings be turned into retail or leisure units by default?
 - 85% of Frank Matcham's buildings have been lost, making the Brighton Hippodrome even more valuable
 - 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.

PLANNING COMMITTEE LIST- 16 JULY 2014

- Having the Hippodrome as a working theatrical space would present enormous artistic possibilities and be worth more to Brighton than yet another monotonous multiplex
- The building's original purpose and history will be gone forever
- We do not need more soulless multiplexes with chain restaurants. An eight screen cinema will not contribute to the city's 'unique tourism offer'.
- Increased noise, disturbance and anti-social behaviour from increased pedestrian and vehicular traffic on Middle Street and through Ship Street Gardens, especially at night
- Noise from construction and operational noise disturbance once completed
- Odour disturbance
- Overlooking, loss of light, loss of outlook and increased sense of enclosure to flats on Dukes Lane. Overbearing and oppressive impact
- The submitted daylight/sunlight report contains inaccuracies and no overshadowing assessment for the gardens to Dukes Lane
- No details of tanking, excavations, sewer runs etc or part wall agreements have been submitted
- Assurance is needed that the development of the Hippodrome is no a pretext for the parachuting of a shopping complex into the old town.
- The design of the rear extensions is out of keeping with the character of the area, which includes listed buildings.
- Increased parking pressure in the surrounding streets
- A better use would be as a museum, flexible affordable arts spaces, gig venue, dance hall

5.3 19a Ship Street

- The design of this part of the development is entirely out of keeping and inappropriate with the Old Town Conservation Area and adjacent buildings in both size and appearance. It is an eyesore that is not an essential part of the plans, rather an add-on.
- The building would have no car parks and place strain on the city's infrastructure
- Overshadowing, loss of privacy and overlooking to windows adjacent and opposite
- Negative impact on existing businesses, restaurants and local residents
- Insufficient provisions for disabled persons
- There are already enough shops in this part of the city

5.4 **Twenty Six (26)** 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

PLANNING COMMITTEE LIST- 16 JULY 2014

- 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
- Additional jobs and visitors to the city
- Positive benefits to the local neighbourhood
- Please don't let this be another West Pier scenario
- Cineworld and Odeon are in need of modernisation and fall a long way short of the standards set by newer cinemas

5.5 **Six (6)** letters of representation have been received commenting on the application:

- A stall set up on New Road to gain signatures to oppose the application contains misleading information
- The addition of a new cinema would bring jobs and a small boost to the economy, but a competition that is neither welcome nor necessary
- The design could be enhanced to provide flexible theatre/cinema auditoria, with the restaurant space themed to the history of the building

5.6 **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.

5.7 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.

5.8 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.

5.9 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.

5.10 The Trust consider it has not been sufficiently demonstrated that there is no alternative viable use which would enable the Brighton Hippodrome to be appreciated and used in its original form such 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.

5.11 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.'
- 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

PLANNING COMMITTEE LIST- 16 JULY 2014

(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
- 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

PLANNING COMMITTEE LIST- 16 JULY 2014

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.

5.12 **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.

5.13 **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.

5.14 **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.

5.15 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.

5.16 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.

5.17 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 19th 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.

5.18 **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.

5.19 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.

5.20 **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.

5.21 **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 together.

5.22 **CAG: No objection**

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.

PLANNING COMMITTEE LIST- 16 JULY 2014

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.

5.23 **Archaeological Society:** No objection

5.24 **County Archaeologist:** No objection

No objection subject to a condition requiring a programme of archaeological works.

5.25 **Environment Agency:** No objection

5.26 **Southern Water:** No objection

No objection subject to details of foul and surface water sewerage disposal.

5.27 **Sussex Police:** No objection

5.28 **UK Power Networks:** No objection

5.29 **East Sussex Fire and Rescue Service:** Objection

The plans fail to meet the Fire Service Access requirements as detailed in B5 of Approved Document B of the Building Regulations 2010.

5.30 **County Ecologist:** No objection

5.31 **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.

5.32 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.

5.33 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

PLANNING COMMITTEE LIST- 16 JULY 2014

of strong roadside presence. In my opinion there is no evidence to show that there is demand for further casinos.

5.34 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.

5.35 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.

5.36 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.

5.37 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 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.

5.38 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.

5.39 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.

5.40 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

PLANNING COMMITTEE LIST- 16 JULY 2014

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:

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

5.42 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.

5.43 Section 66(1) 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; this includes those other listed buildings in the vicinity of the site on Middle Street, Ship Street, and Ship Street Gardens. 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 plain 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.

5.44 Section 72(1) of the Act provides that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In this case it is considered that the new buildings fronting Middle Street and Ship Street, the restoration of the Middle Street elevation and the improvements to the public realm would enhance the appearance of the conservation area whilst the main new cinema auditorium building would preserve its appearance. The proposed uses on the site and the re-animation of the currently 'dead' Middle Street frontage, together with the formation of a new pedestrian lane, would enhance the character of the conservation area.

5.45 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 66(1) 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.

5.46 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.

PLANNING COMMITTEE LIST- 16 JULY 2014

- 5.47 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.
- 5.48 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.
- 5.49 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.
- 5.50 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.
- 5.51 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.
- 5.52 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.

5.53 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. The new Ship Street building as proposed has a resolutely contemporary design approach, as opposed to the more hybrid approach of earlier iterations, which links better with the other new-build elements and subject to further detail, is felt to be a worthy addition to its context.

5.54 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. This building would be 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.

5.55 The new Dukes Lane access link makes perfect sense in urban design terms and on this basis there is no objection to the demolition of the existing retail unit. The proposed square bays are considered to be acceptable for the new gable ends in providing visual interest.

5.56 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. The external hard landscaping has been satisfactorily amended from that originally submitted to be much simpler in terms of design and palette of materials, using materials already found in Old Town conservation and reflecting the traditional hierarchy of public spaces as well as distinguishing between public and private spaces.

5.57 Planning Policy: No objection

The proposed scheme will bring back into use a valuable heritage asset which is currently in a dilapidated state. The benefits of achieving this are considered to outweigh any potential negative impacts resulting from the provision of

further A3 uses in this city centre location and consequent non-compliance with Local Plan Policy SR12. The additional B1 floorspace is welcomed. The new retail floorspace outside the boundary of the regional shopping centre is partial compensation for that lost within the centre and therefore a full sequential test normally required by Policies SR2 and CP4 is not considered necessary.

5.58 Economic Development: No objection

No objection subject to a contribution through a S106 agreement for the payment of £30,720 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the various construction phases of the development.

5.59 Sustainable Transport: No objection

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions on any permission granted and that the applicant enters into a S106 agreement to contribute £20,000 towards footway improvements in the Old Town area and enters into a S278 agreement with the Highway Authority in relation to the proposed highway works on Middle Street and Ship Street.

5.60 Sustainability Officer: No objection

Under Policy SU2 and SPD08 the energy standard expected of non residential development relating to existing buildings is that no net additional carbon emissions should result from proposed development. The submitted 'Energy Strategy' indicates that the refurbished element of the proposals deliver energy performance improvements that will result in a net reduction in carbon emissions. This meets the energy/carbon reduction standards for this part of the scheme.

5.61 Under SPD08, new build major development is expected to achieve BREEAM 'excellent' and 60% in energy and water sections. The submitted documents commit to 'very good' for the new office development. The applicant has agreed to assess the new cinema development consisting of approximately 4000m² under bespoke BREEAM which is welcome. The applicant has outlined a number of barriers which impact on the potential to achieve an excellent score in this case. SPD08 sets out that when recommended standards cannot be met justification should be provided. This condition has been met and it is recommended that a reduced standard be accepted for this element of the scheme, which can be conditioned to BREEAM 'very good'. The justification refers to site constraints, technical and financial viability, and the benefits to the city of restoring a Grade II* listed building that is currently on the English Heritage 'at risk' register.

5.62 Environmental Health: No objection

Noise

There are residential properties located on all sides of the Hippodrome, some of which are directly connected to the Hippodrome building which may give

PLANNING COMMITTEE LIST- 16 JULY 2014

rise to particular issues in respect of structure borne noise. These are situated where Auditoria B, C and H are proposed to be located. Externally, these properties are on the Eastern/South sides of the Hippodrome. Appropriate background noise readings have been undertaken which indicate that noise levels at the rear of the Hippodrome are lower than those at the front.

- 5.63 Plant Noise- Because background noise levels over 24 hours are fairly low, a '10dB below background' condition for plant may be too onerous and should be a target value instead. A condition outlining this is recommended. If the target level cannot be achieved, full justification of this should be provided and plant noise should definitely not be higher than 5dB below background (L_{A90}) noise levels as per BS4142 at the nearest noise sensitive receptors.
- 5.64 The basement plant room has the potential to transmit low frequency noise and vibration to adjoining structures. A condition requiring work to prevent the transmission of noise and vibration is recommended.
- 5.65 Cinema noise affecting immediately adjacent residents- It has been emphasised that the background noise measurements made for the rear of the Hippodrome are particularly important because this is where the planned auditoria will share party walls with adjacent residential properties (with private courtyard spaces).
- 5.66 Environmental Health are of the view that $L_{Amax,S}$ cinema noise levels inside adjacent residencies should not exceed 20dB(A), which is likely to be the approximate internal background noise levels during night time hours. This will reduce the possibilities of any noise complaints being made and prevent an assessment of Statutory Noise Nuisance under The Environmental Protection Act 1990. This is because even quiet, low frequency noise and vibration arising from cinema noise, occurring every day until 2am in an adjacent residential premises, has the potential to be a Statutory Noise Nuisance irrespective of other guidance.
- 5.67 A new structure for the Hippodrome is proposed in those areas where it currently shares party walls with residential premises. In particular, this is to prevent low frequency noise and vibration from the auditoria affecting adjacent residents inside their homes.
- 5.68 The proposed involves the structure of the Hippodrome being supported on its own piles which will enable the external wall to be completely independent of the cinema auditoria. Consequently, it will allow a greater degree of sound and vibration separation to be achieved.
- 5.69 The consultants have calculated that with such a construction and with suitable sound insulation and absorption for the auditoria (a box within a box structure) a noise level (due to the showing of films) of 3dB L_{Aeq} and 16dB $L_{As,max}$ would occur within adjacent premises. These levels are significantly below potential background noise levels. Additionally, the consultants have shown that with this type of structure, the sound insulation to external courtyard areas is also improved, achieving external levels of 7dB L_{Aeq} and

PLANNING COMMITTEE LIST- 16 JULY 2014

20dB L_{ASmax} which are also below external background noise levels. A condition based on the proposed structure and with a target for internal noise levels for adjacent residencies to be less than or equal to 20dB(A) $L_{max,s}$ is recommended.

- 5.70 Hippodrome and Auditoria sound insulation to prevent noise break out in other areas- The sound insulation properties of the Hippodrome structure have not been assessed. The submitted reports highlight that if it is found that the assumptions made are not accurate, then additional assessments of the construction can be carried out in order to achieve suitable sound insulation, including using different wall structures and linings for the Hippodrome and the auditoria. The consultants are confident the necessary targets can be met therefore a condition is recommended for a final scheme to be submitted for the structure of the Auditoria and the Hippodrome, to ensure the targets are achieved.
- 5.71 Restaurant noise affecting residents along Middle Street, Toilets and ancillary spaces- The development is proposed to include restaurants and cafés (A3) predominantly at ground and first floor level, overlooking Middle Street, with the nearest residential property approximately 9m away. It has been stated that the A3 spaces will be open until Midnight and this should be conditioned.
- 5.72 The calculations by the consultants indicate that the function noise will be 38dB(A) (free-field) at the nearest noise sensitive resident, which is 7 dB below background noise levels. Consequently, the impact from the use of the restaurants should not be significant. Given that the structure of the Hippodrome hasn't been fully assessed conditions are recommended to ensure that noise break out to the front and south sides will be suitably assessed and mitigated to ensure that it occurs at the same or very similar level below background noise levels.
- 5.73 Sewers and noise transmission- Concerns are raised that sewer runs could result in the transmission of noise and vibration into adjacent premises. A potential sewer run has been identified in the vicinity of Auditorium C and under premises on Ship Street South. It is currently unknown how far the sewer extends under the Hippodrome and further investigation is required. The consultants highlight that if noise transmission via the sewer is a concern then increased insulation of the basement floor may be needed. The requirement to investigate the sewer and consider the insulation of the basement is recommended to be specifically conditioned.
- 5.74 Vibration- Vibration occurring during the showing of films could affect adjacent residencies. Consequently, anti-vibration measures should be incorporated into the design of all auditoria by condition.
- 5.75 Increase in pedestrians- The consultants state that there may be a 6% increase in pedestrian numbers on the surrounding roads up to Midnight due to the development. Their calculations indicate that this will result in less than a 1dB increase in noise. A 1dB change in noise levels is not perceptible and therefore, the increase in noise levels should not be noticeable to residents.

PLANNING COMMITTEE LIST- 16 JULY 2014

- 5.76 It is considered that future cinema customers and those who are also attending the restaurants and cafes in the Hippodrome will not behave in the same manner as those going out to pubs, bars and clubs. They will be less likely to shout or scream in the street and will generally disperse quickly once the film they have seen has finished. Additionally, the restaurants and cafes will be opening in a Cumulative Impact Zone under the Licensing regime which means that the applicants will have to produce a very robust justification for them to receive a licence to show the films and also to sell alcohol. This is because there is an assumption of automatic refusal of a new licence in a CIZ unless it is an exceptional circumstance. Consequently, if a license was given to the Hippodrome, there will be a condition within it for a noise management plan to control people noise.
- 5.77 However, a Noise (and smoke/odour) Management Plan to control people noise, including noise and smoke/odour from smoking areas, should be conditioned to ensure some management of these issues is put in place.
- 5.78 Odour from Restaurants and Cafés
The use of the future restaurants and cafes has the potential to cause odour nuisance to existing and future residents surrounding the Hippodrome. Therefore, a suitable condition is recommended to ensure odour abatement methods are installed in the building from the onset.
- 5.79 Opening times
The outlined hours of operation are recommended as a condition
- 5.80 Deliveries, Waste Collections and Servicing
Deliveries and waste collections for the restaurants and cafés and any routine servicing that may be required for the Hippodrome, have the potential to disturb adjacent residents if they are not undertaken at reasonable times. Consequently, a condition recommending suitable times is recommended.
- 5.81 Potentially Contaminated Land
The proposed extensions will break the ground in areas that are potentially contaminated land due to past commercial uses. These uses have included many years of use as Motor Car Garages and Motor Engineers. Additionally, the Hippodrome is situated where there were once houses and was also once used as a Skating Rink (which may have had generators on site). These past uses may have also caused some localised land contamination.
- 5.82 A Phase 1 Land Quality Report by CSI environmental Specialists has been submitted as part of the application. The report recommends some proportionate investigation in the area to the north of the main Hippodrome structure which corresponds with the former garage and engine house.
- 5.83 Consequently, a full phased contaminated land condition is recommended for this application. The applicants should note that Part 1A of this phased condition may not have been completely satisfied and may need reviewing if

there are changes to the development that the consultants were unaware of, when they undertook the desk top study.

5.84 **Public Art:** No objection

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 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:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control

PLANNING COMMITTEE LIST- 16 JULY 2014

SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity
QD28	Planning obligations
HO8	Retaining housing
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR1	New retail development within or on the edge of existing defined shopping centres
SR4	Regional shopping centre
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
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
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Interim Guidance on Developer Contributions

Supplementary Planning Documents:

SPD08 Sustainable Building Design

SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

SA2 Central Brighton

CP2 Planning for sustainable economic development

CP4 Retail provision

CP13 Public streets and spaces

CP15 Heritage

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the development in relation to the partial demolition, extension and

conversion of the grade II* listed Hippodrome and Hippodrome House and its impact on their heritage significance, the impact of the extensions and alterations on the character and appearance of the Old Town Conservation Area, the strong statutory presumption that arises against granting planning permission where development is likely to harm a heritage asset, and the impact of the development as a whole on the amenities of adjacent occupiers. Further material considerations include the acceptability of the public realm works, the principle of providing new A1, A3 and B1 units within the application site, the transport implications of the development and sustainability matters.

- 8.2 A screening opinion has identified that the site falls below the threshold at which an Environmental Impact Assessment should be considered.

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 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

PLANNING COMMITTEE LIST- 16 JULY 2014

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, derelict condition (in the case of the elephant house) and their incompatibility with the proposed layout 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 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 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

PLANNING COMMITTEE LIST- 16 JULY 2014

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 a 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 confirmation that a formal offer for the cinema space has been received from a leading cinema operator.

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 modern standards. The JAA report has also 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

PLANNING COMMITTEE LIST- 16 JULY 2014

as a theatre, 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 spectacles. 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 spectacles. 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.
- 8.18 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*

PLANNING COMMITTEE LIST- 16 JULY 2014

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.*

- 8.19 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.
- 8.20 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 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.
- 8.21 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 and the case for the part-demolition, extension and conversion of the Hippodrome and Hippodrome House is justified.
- 8.22 In addition to considering the relevant policies in the NPPF and the Local Plan regard must be had to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require Planning Authorities to have special regard to the desirability of preserving a listed building or its setting, and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. It has been identified that the proposed development would enhance the character and appearance of the Old Town Conservation Area, and would not harm its special interest. There are a number of listed buildings in the immediate vicinity of the site, including 13-16 Ship Street Gardens, 15-17 Ship Street, 22b Ship Street and 59 Ship Street, and at 20 & 60 Middle Street. In line with the views of Heritage officers, the proposed works would not harm the setting of these buildings, rather, in many cases their setting would be enhanced through the restoration works proposed. Further detail on this is set out below.

8.23 Although, as set out above, 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 to the special interest of this heritage asset attracts considerable importance and weight, and gives rise to a strong statutory presumption against planning permission being granted. In this instance, this weight and presumption against permission being granted is considered to be outweighed by the 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 Old Town Conservation Area. On this basis the approval of planning permission on heritage grounds is recommended.

Reversibility

8.24 In order to allay concerns that the proposed conversion would permanently disable the Hippodrome's future ability to operate as a theatre or other performance venue, 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 note, and provide comfort that the proposed works would not necessarily 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 pantechnicons remains largely as existing such that a future theatre use could be serviced to the same extent as current.

Proposed development and mix of uses

8.25 The Hippodrome and ground floor and basement of Hippodrome House are currently in D2 (assembly and leisure) use, having last been occupied as a Bingo Hall. The upper floors of Hippodrome House form two residential flats. The application proposes to part-retain and extend the building as a D2 cinema, and include four A3 restaurant uses, an A1 retail unit and a B1 office unit within the wider site. The existing residential flats within Hippodrome House would be converted to ancillary kitchen and back-of-house space. Their loss is considered acceptable having regard exception c) within policy HO8 as their loss will help facilitate the restoration to the listed building. It is also noted that one of the units is in a poor state or repair whilst retaining independent access within the scheme is impracticable. This lends weight to the acceptability of their loss.

8.26 Matters relating to the cinema use have been addressed. The four A3 restaurant units would have a gross internal floor area of 2,341sqm. One of the units would be set at ground floor level within Hippodrome House

PLANNING COMMITTEE LIST- 16 JULY 2014

(402sqm), another within the front part of the Hippodrome itself (353sqm), with a third 338sqm unit within the extension beside Hippodrome House. The fourth unit would be the largest at 1,248sqm and be set at mezzanine level within the main Hippodrome auditorium.

- 8.27 Policy SR12 seeks to resist the provision of new large A3 units of over 150sqm in incidences where the premises would be within 400m of another similar establishment; would abutting premises containing residential accommodation; would likely cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises; and would likely result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night. Exceptions to this policy may be permitted provided that any customer floorspace is for service to seated customers only in the manner of a restaurant or café.
- 8.28 In this instance the provision of four large A3 units can be supported subject to appropriate conditions to control opening hours and the service of alcohol as permitted under policy SR12. The applicants have provided supporting studies which identify that restaurants provide valuable supporting evening destinations for cinema-goers who wish to eat before or after a viewing, as well as attracting additional non-cinema related footfall to the area. As such, the provision of four A3 units as part of the development would help secure the longer term viability of the scheme by attracting additional custom to the site. On this basis, and subject to the recommended conditions, the principle of restaurant uses within the site is considered acceptable in the interests of supporting a viable scheme that would occupy and part-restore the building for the public benefit.
- 8.29 The provision of a 248sqm A1/A2/A3 unit in a new stand-alone building fronting Ship Street would offset the loss of the existing 494sqm retail unit at 11 Dukes Lane, and would not harm the overall vitality or viability of the retail provision in the adjacent Regional Shopping Centre. For this reason there would be no material conflict with policy SR1, which seeks to secure retail development within or directly adjacent to existing designated centres.
- 8.30 The new building on Ship Street would also provide for an additional 294sqm of modern B1 office accommodation in a sustainable town centre location. The volume and format of the accommodation will help contribute towards meeting the forecast need for high quality modern flexible office space identified in the Employment Land Study update 2012, in accordance with Local Plan policy EM4, and has the support of the council's Economic Development team.
- 8.31 For the reasons set out above, and having regard the condition of the building and the pressing need to secure a viable use that secures its special interest for the public benefit, the range of uses proposed for the site are considered acceptable and in accordance with the thrust of policies EM4, SR1 and SR12 of the Brighton & Hove Local Plan.

Design and Appearance:

PLANNING COMMITTEE LIST- 16 JULY 2014

8.32 The internal works to facilitate the changes of use are addressed separately within the associated application for Listed Building Consent. Externally, the application proposes a number of demolitions and restorations to the existing buildings, and a number of new build extensions and stand-alone elements. These works would have an impact on the preservation of the character and appearance of the Old Town Conservation Area, and to the preservation of the setting of adjacent listed buildings on Middle Street, Ship Street and Ship Street Gardens. The principle of the demolitions proposed has been addressed above, with only the least significant parts of the historic fabric of the listed buildings to be lost. The application also proposes the demolition of 11 Dukes Lane to create a twitten through to Middle Street and into the development. This narrow building is not of historic significance and its loss to accommodate the twitten would not be fundamentally harmful to the character of the area. The proposal includes new bay windows to the adjacent buildings to provide suitable active frontage and interest through to the new build cinema entrance foyer and restaurants on the north side of the site.

Restorations

8.33 In order to justify the part demolition and conversion of the buildings, the application proposes the retention and restoration of all elements of principal significance to both the Hippodrome and Hippodrome House. 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 original 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 significant positive impact on the appearance of the building and wider conservation area.

8.34 At Hippodrome House, the application proposes the restoration of its frontage, which has been substantially and harmfully altered at ground floor level. A pedimented doorcase is to be reinstated, with new steps to pavement level, alongside 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 both listed buildings, the setting of adjacent listed buildings, and the wider Old Town Conservation Area.

8.35 Internally, the application proposes the full restoration of the main auditorium plasterwork and dome, the re-use of the equestrian ramp to provide access to the basement cinema auditoria, and the restoration of the entrance ways and crush rooms. Hippodrome House currently retains a number of former stage sets and items within its Palm Court, including a large Venetian bridge. These are proposed to be re-located to the exit routes within the Hippodrome,

thereby preserving artefacts of historical interest. 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.

New build elements

- 8.36 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 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 have a positive impact on the setting of the adjacent listed buildings and wider conservation area.
- 8.37 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.
- 8.38 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, particularly given its position set directly on the rear and southern site

PLANNING COMMITTEE LIST- 16 JULY 2014

boundaries. 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.

- 8.39 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 buildings to a significant or harmful degree., or result in harm to the preservation of the setting of adjacent listed buildings and Old Town Conservation Area Accordingly, and subject to conditions requiring further detailed elevations and materials samples, the proposals would accord with policies QD1, QD2, QD14, HE1 & HE6 of the Brighton & Hove Local Plan.
- 8.40 The application also proposes a new stand alone building within the rear service yard fronting Ship Street. This building would be of a scale that complements the existing street scene and would be finished in a palette of render and glazed clay tiles to provide a visual link to the entrance foyer fronting Middle Street. The building would help infill an awkward gap in the Ship Street street scene and is of a general scale and design that would appropriately reflect the adjacent buildings and general character of the street. Accordingly it is considered a suitable addition that would benefit the overall character of Ship Street and the Old Town Conservation Area. Similarly the introduction of bay windows and new shop windows to 10 and 12-14 Dukes Lane and to 47 Middle Street would improve the active frontage to both Middle Street and the new twitten, to the benefit of the wider area.

Landscaping/public realm:

- 8.41 The application proposes a number of public realm works to define the application site and improve the overall street scene character of the area. The main works, as revised, include the resurfacing of Dukes Lane in materials to match existing, new concrete pavements and granite setts to the extended Middle Street footway, permeable paving blocks to the service yard, and clay brick setts to the Ship Street footway outside the site. Also proposed are new stone steps through the new twitten, new stepped access into Hippodrome House (necessitating the widening of the Middle Street footway at this point), and a new disabled ramp to the Hippodrome frontage. The use of materials has been agreed in consultation with heritage and transport officers and would suitably complement those of the surrounding area.

Impact on Amenity:

- 8.42 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Policy SU10 requires proposals to minimise the impact of noise on the occupiers of adjacent buildings.
- 8.43 The main considerations are the impact of the scale and massing of the new build elements on light, outlook and privacy to neighbouring properties, and the impact of noise and vibration from the cinema auditoria on the nearest

PLANNING COMMITTEE LIST- 16 JULY 2014

residential properties to the south and west. The application is supported by a Daylight and Sunlight Report (Malcolm Hollis) and Noise Assessment (Cole Jarman).

Light, outlook and privacy

- 8.44 Residential properties are located opposite the site on Middle Street, to the north along Dukes Lane, adjacent to the rear along Ship Street, and adjacent to the south along Ship Street Gardens. Other commercial properties are located on all sides.
- 8.45 To the north, the residential maisonettes along Dukes Lane sit above the ground floor retail units with their front aspect and main roof gardens facing south across the application site. As existing, these properties have an open aspect set 23m from the nearest part of the Hippodrome with high levels of daylight and sunlight. The proposed new build elements would be set considerably closer to these properties at a separation of 17m to the south and 4m to the west. The height (8.7m to the west and between 13m and 15.2m to the south) and proximity of these extensions is such that the outlook and amount of sunlight reaching these properties would be noticeably reduced from existing. The daylight/sunlight survey identifies that three windows to 7 & 8 Dukes Lane would fail the BRE test, however these form part of bay windows that would otherwise retain acceptable light levels and outlook away from the extensions. All other windows within the properties along Dukes Lane would remain BRE compliant, with the separation to the extensions sufficient to avoid excessive oppression of outlook. The plans show the first floor foyer to the cinema to have glazing facing across the first floor roof gardens to the properties on Dukes Lane. For the avoidance of doubt and to secure privacy, a condition is attached to ensure this glazing is obscured at all times.
- 8.46 To the rear/east, residential properties are located in the ground and basement wings and upper floors to 19 Ship Street. The rear basement flat is served in the main by rooflights, with a rear kitchen and small north facing courtyard abutting the existing fly tower. The plans detail that the massing of the re-built fly tower would be increased such that it would further harm light and outlook to this property. The daylight/sunlight report details that this window already significantly fails the test for acceptable daylight, and that the level of daylight to the kitchen and courtyard would worsen. In this instance, the glazed rain screen to the extension would reflect natural light back into the property thereby offsetting much of this harm, whilst the increased massing would not substantially worsen the already oppressed outlook to the kitchen and courtyard. For this reason any harm to the amenities of this dwelling would not be so significant as to outweigh the heritage and public benefits of the wider proposal.
- 8.47 Residential flats are located within the upper floors to 19 Ship Street, one of which has a bedroom window facing the flank wall to the proposed retail/office building at a separation of 1.2m. The degree of daylight reaching this bedroom window would significantly worsen as a result of the development however such isolated impact should be considered against the wider benefits of this part of the development in restoring street frontage to Ship Street. In order to

PLANNING COMMITTEE LIST- 16 JULY 2014

retain acceptable levels of daylight to this single room the proposed building would either need to be significantly moved to the north, significantly truncated in its form, or removed altogether. All three options would have a worse impact on the appearance of the street than that proposed by introducing exaggerated gaps between buildings and/or compromised and uncomplimentary building forms. For this reason the harm to the window to the side of 19 Ship Street is considered acceptable in this instance. The daylight sunlight report identifies that top floor windows to the side of 19 Ship Street would also fail, however these serve an office unit where such an impact is less significant.

- 8.48 To the south, the daylight/sunlight assessment calculates that all residential windows to the rear of adjacent properties within Ship Street and Ship Street Gardens would not fail the BRE test for loss of daylight. The building massing to this part of the development would remain broadly the same as existing, but with a lower overall height. The plans have been amended to include brick elevations to this section instead of rain screening, thereby ensuring that the extension is in keeping with its surrounds with outlook to facing windows remaining broadly the same as existing. The proposal includes the removal of all existing flues and plant units on the southernmost roof, thereby improving outlook and removing their potential for disturbance.
- 8.49 The application proposes no significant extensions fronting the nearest residential properties on Middle Street, therefore the levels of light and outlook to these properties will remain largely as existing.

Noise/vibration

- 8.50 The change of use of the building to an 8-screen cinema with associated restaurants has the potential to cause significant disturbance to adjacent residents both from noise from the cinemas, restaurants and plant units, and from vibration from the cinema audio systems. This impact would be most profound to the properties at 19 Ship Street and 13a Ship Street Gardens which directly abut cinema auditoria B, C & H.
- 8.51 The Noise Report submitted with the application identifies that noise levels to the rear of the Hippodrome are low, at approximately 34db, therefore occupiers of the adjacent properties would be sensitive to any noise from the development. The advice of the Report and Environmental Health officers is that the external plant units should target a noise level 10db below background levels to avoid causing undue disturbance to neighbouring residents. The majority of the plant units are located either at basement level towards the north of the site or at roof level behind screens. Environmental Health officers are of the view that, subject to further details by condition, the plant units should be able to meet the target of 10db below background.
- 8.52 The main potential noise impact would be from noise breakout from the showing of films, particularly those within auditoria B, C & H in the southeast corner of the building. The proximity of the adjacent residential properties is such that noise and vibration transmission through party walls has the potential to be significant and harmful. To minimise this risk, Environmental

PLANNING COMMITTEE LIST- 16 JULY 2014

Health officers have recommended that cinema noise levels inside adjacent residencies should not exceed 20dB(A), which is likely to be the approximate internal background noise levels during night time hours. This target is sought to reduce the possibilities of any noise complaints being made and prevent an assessment of Statutory Noise Nuisance under The Environmental Protection Act 1990. This is because even quiet, low frequency noise and vibration arising from cinema noise, occurring every day until 2am in an adjacent residential premises, has the potential to be a Statutory Noise Nuisance irrespective of other guidance.

- 8.53 To help achieve this standard, the applicants are proposing that the cinema auditoria in this location be constructed as essentially a 'box within a box', set on floating concrete slabs and on their own pile foundations to allow the auditoria to be entirely independent of the external structures. Details of this construction are included in the appendices within the Noise Report and addendum.
- 8.54 The Noise Reports calculates that this form of construction, to include additional sound insulation and absorption, would result in an average internal noise level of 3dB during the showing of films, with maximum levels of 16dB. These levels are significantly below potential background noise levels. Within the external courtyard areas to the adjacent residencies, the proposed structure would achieve average levels of 7dB, and maximum levels of 20dB. These levels are also below external background noise levels.
- 8.55 Noise break out from the restaurant uses towards the nearest residential uses have also been considered, and the Report concludes that noise from general conversation and some amplified music would sit below measured background noise levels during operating hours. As such Environmental Health officers have raised no concern with this potential amenity impact.
- 8.56 In terms of noise and vibration through service voids and sewers, the proposed box-in-box construction would significantly reduce this risk by setting the auditoria off any such structures. The Noise Report considers any such impact to be 'highly unlikely' in this circumstance.
- 8.57 On the basis of the information provided, and subject to conditions to secure details of final structures to meet the criteria set out above, the proposed development would not have a significant or detrimental impact on the amenities of adjacent residents by way of noise and/or vibration disturbance.
- 8.58 In terms of noise disturbance from patrons entering and exiting the site and dispersing through surrounding streets, consideration should be has to the potential for similar disturbance were the building to be restored as a Bingo Hall. The nature of the uses is such that patrons would enter and leave the site on a staggered basis throughout the day and night, thereby ensuring no pinch points where large volumes of people exit the site at any one time. The applicants propose opening hours of 08:00 to 00:00 daily for the A3 uses and 10:00 and 02:00 daily for the cinema, which would ensure that the potential for excessive late night disturbance is minimised. Similarly consumption of alcohol

is to be restricted to table service within the restaurant uses, thereby reducing the opportunities for anti-social behaviour. Subject to the recommended conditions the proposed uses would not result in significant disturbance to neighbouring residents above and beyond that reasonable expected in a town centre location such as this.

Sustainable Transport:

- 8.59 Policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling. TR7 will only permit developments that do not increase danger to other road users whilst policy TR19 requires development proposals to accord with the Council's maximum car parking standards, as set out in Supplementary Planning Guidance Note 4: Parking Standards.
- 8.60 The site is in a sustainable City Centre location which benefits from excellent public transport links. The application includes a service yard to the rear accessed from Ship Street which includes parking for 23 vehicles. This level of parking is as existing and is retained as part of an ongoing long term commitment to the residential and commercial units on Dukes Lane. The development itself provides no onsite parking provision for the proposed uses therefore there would be no additional vehicular traffic to the site from existing other than from servicing vehicles. These servicing vehicles would be accommodated within a designated service yard to the rear of the building accessed from Ship Street. The submitted Transport Statement identifies that the yard is capable of safely accommodating a range of vehicles, including 8.6m fire appliances, and 7.9m refuse trucks thereby meeting the needs of the development without placing undue pressure on surrounding streets.
- 8.61 The development would result in a significant uplift in trips to and from the site, with the majority of patrons accessing the development via the existing car parks and public transport facilities in the area. An audit of routes from the nearest car parks, public transport routes, and disabled parking bays has been carried out which identifies that improvements to a number of footways are required. These improvements are to be secured by way of a contribution of £20,000 within the s106 heads of terms. A travel plan is also required to help minimise car trips into the city centre, and is secured by condition.
- 8.62 Further works are required to block the existing access point from Middle Street, with the access point from Ship Street also to be narrowed. These alterations can be suitably managed via condition, alongside the materials for the replacement and enlarged footways around the site.
- 8.63 The plans detail accommodation for 20 bicycles fronting Middle Street and Ship Street, with a further 20 spaces at basement level within the building for use by staff of all units within the development. This level of provision is compliant with the standards set out in SPGBH4.
- 8.64 Subject to the matters set out in the s106 Heads of Terms and the recommended conditions the proposed development would safely meet the

travel demand it would generate in accordance with policies TR1, TR7, TR14 and TR19 of the Brighton & Hove Local Plan.

Sustainability:

- 8.65 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. As a major development, SPD08 requires the new build elements to meet BREEAM 'Excellent' achieving 60% in the energy and water sections, and the conversion elements within existing structures to demonstrate no additional net annual CO2 emissions, reduction in water consumption and minimisation of surface water run-off.
- 8.66 The application is supported by an Energy Strategy which details that the conversion works within the retained structures will result in a net reduction in carbon emissions and water consumption through measures such as improved insulation. Following negotiations, the applicants have confirmed that the new build elements, which include the extensions to both buildings, will achieve BREEAM 'very good', including measures such as a green roof, air source heat pumps and high efficiency gas fired water heating. The justification for this lower standard is based on a combination of factors including the site constraints, and the technical and financial viability of reaching an 'excellent' standard given the nature of the listed buildings. Given the evidence provided, the status of this 'at risk' listed building, and the overall public benefits of the proposal it is considered that this lower standard can be supported in this instance. This is secured by condition. Subject to these matters the proposed development will accord with the requirements of policy SU2 and SPD08 guidance.

Ecology/Nature Conservation:

- 8.67 The site does not contain any known protected species however an informative is attached to advise the applicants of their responsibilities under the Wildlife and Countryside Act 1980 should any protected species be found during works. In accordance with the advice of the County Ecologist a condition is attached to secure a scheme to improve the net biodiversity of the development, in accordance with policy QD17.

Other Considerations:

- 8.68 In addition to the £20,000 sought to improve sustainable transport infrastructure in the vicinity of the site, a further contribution of £30,720 towards the Local Employment Scheme is sought within the s106. Policy QD6 requires a scheme of this size to include a Public Art contribution equivalent to £59,000 however in this instance, given the nature of the scheme and the significant public benefit in the restoration and re-occupation of the listed buildings, no such contribution is being sought.
- 8.69 Also within the s106 Heads of Terms are clauses to secure the recording of the building prior to works commencing, and a requirement that all works to Grade II* listed Hippodrome and Hippodrome House are completed in their entirety before first occupation of any part of the development. This is to ensure that the public benefits of the development, which justify the

interventions proposed, are fully realised. In order to minimise the risk that the A3 units within the Hippodrome close and the spaces become unavailable for public consumption, a clause is recommended to secure a management plan to enable the Hippodrome to be made open for public use prior to new permanent occupiers being found. This plan is linked to condition 3, which provides a flexible range of uses for these two units.

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.
- 9.2 Subject to the submission of further details the proposed extensions, alterations and restorations would result in a very significant public benefit by both restoring and re-occupying the most significant parts of the listed buildings and contributing positively to the overall character and regeneration of this part of the Old Town Conservation Area. This significant public benefit would outweigh the strong statutory presumption against planning permission being granted where harm to the preservation of a listed building, its setting, or to a conservation area has been identified, to which considerable importance and weight has been attached. Subject to conditions, the proposed uses would not have a significantly detrimental impact on the amenities of adjacent occupiers or on highway safety. Taken as a whole, the condition of the listed building and the public benefit derived from the positive aspects of the proposals are therefore considered to outweigh the harm afforded by the various demolitions and insertions, in accordance with the NPPF and development plan policies.

10 EQUALITIES

- 10.1 The proposed development would be accessible for all.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- Contribution towards improvements to sustainable transport infrastructure to the sum of £20,000.
- Contribution towards the 'Local Employment Scheme' to the sum of £30,720.
- Commitment to an Employment Strategy to use 20% of local labour.
- The submission of a Construction and Environmental Management Plan, to include the registration of the development with the Considerate Constructors Scheme

PLANNING COMMITTEE LIST- 16 JULY 2014

- Prior to demolition, the submission of detailed records of the existing building and an agreement for the suitable retention and integration of original features within the new development.
- A strategy to ensure that within an agreed period following the vacation of the ground and mezzanine floor levels to the Hippodrome, these floors remain in occupation and open to the public as a heritage benefit until permanent occupation is resumed
- Commitment to the full completion of the restoration works to the Hippodrome and Hippodrome House in accordance with the agreed plans and all matters reserved by condition prior to first occupation of the development.

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
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

PLANNING COMMITTEE LIST- 16 JULY 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
	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

- 3) The ground and first/mezzanine floors to the Hippodrome shall be used only for the provision of restaurants/cafes (Use Class A3) as detailed on drawing nos. P101 rev.B and P104 rev.B received on 28 May 2014 (annotated as Restaurant 3 'oculus' and Dome Restaurant), or as a museum, public library, or public hall/exhibition hall (Use Class D1), and for no other purpose (including any other purpose in Classes A3 or D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: In order to maximise the occupancy of the listed building for the public benefit and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 4) The D2 (cinema) use hereby permitted shall not be open to customers except between the hours of 10:00 and 02:00 daily.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) The A3 (restaurants and cafes) uses hereby permitted shall not be open to customers except between the hours of 08:00 and 00:00 daily.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) No alcohol shall be sold or supplied in any café or restaurant which has a public floorspace in excess of 150 square metres within the development hereby permitted except to persons who are taking meals on the premises and who are seated at tables.

PLANNING COMMITTEE LIST- 16 JULY 2014

Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the development and within the vicinity of the site and to comply with policies QD2, QD7, QD27 and SR12 of the Brighton & Hove Local Plan.

- 7) No deliveries, waste collections or non-emergency servicing shall be undertaken at any premises within the development hereby permitted except between the hours of 08:00 and 20:00 Mondays to Fridays and 08:00 and 18:00 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 8) All glazing in the rear west elevation of the entrance foyer shall be obscure glazed and non-opening and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 9) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the listed buildings and the visual amenities of the locality and to comply with policies QD1, QD27, HE1 & HE6 of the Brighton & Hove Local Plan.

- 10) 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) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors (excluding customers and deliveries) to Dukes Lane, and shall not at any time be used for the parking of vehicles and motorcycles belonging to staff, occupants or visitors to the cinema and restaurant uses hereby permitted.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

- 12) All hard surfaces hereby approved within the development site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST- 16 JULY 2014

11.3 Pre-Commencement Conditions:

- 13) No works shall take place until 1:20 scale elevations and sections of the new bays to the gable ends of 10 and 12 Duke's Lane have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 14) No development shall take place until a sample panel of the proposed flint panels to the ground floor to the new cinema building, including pointing, has been constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.

- 15) 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) Details of the service gates on Ship Street
- b) Samples of all external facing materials, including roof coverings, cladding, and render and paint finishes to the Middle Street façades
- c) 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 this listed building and to comply with policies QD1, QD2, HE1 & HE6 of the Brighton & Hove Local Plan.

- 16) 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.

PLANNING COMMITTEE LIST- 16 JULY 2014

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies QD1, QD2, HE1, HE4 & HE6 of the Brighton & Hove Local Plan.

- 17) No development shall take place until full details in respect of the rain screen cladding within Hippodrome yard is to be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.

- 18) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include details and materials for all hard surfacing, and full details of all boundary treatments and gates.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 19) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage and sewerage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

- 20) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

- 21) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

PLANNING COMMITTEE LIST- 16 JULY 2014

- 22) No development shall take place until a scheme setting out the highway works to implement a continuous footway on the eastern side of Middle Street in front of the development site which shall include 5 Sheffield stand cycle parking spaces and the reinstatement of footway at the redundant access on Ship Street has been submitted to and approved in writing by the Local Planning Authority. No part of the approved development shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.
Reason: To ensure the development provides for the needs of pedestrians and cyclists travelling to the development and to ensure the development is in accordance with Local Plan policies TR1, TR7, TR8 and TR14.
- 23) No development shall commence until the adopted highway on Middle Street where the new portico is proposed, as is indicated on drawing no. P101 revision B received on 28 May 2014 (proposed ground floor plan), has been stopped up.
Reason: To ensure that satisfactory access arrangements are provided to the development and to comply with policy TR7 and TR8 of the Brighton & Hove Local Plan.
- 24) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 25) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until BRE issued Interim/Design Stage Certificates demonstrating that all new build elements, including all extensions, have achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' have been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 26) No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

PLANNING COMMITTEE LIST- 16 JULY 2014

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 27) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 28) The development hereby permitted shall not be commenced until full details of the following have been submitted to and approved in writing to the Local Planning Authority:

- a) a scheme that includes appropriate calculations and structural details to demonstrate that noise from the auditoria along the southern and eastern parts of the building will achieve a target value of 20dB(A) $L_{max,s}$ or less inside the immediately adjacent residential properties along Ship Street Gardens and Ship Street. The scheme shall be based on the details outlined in the Cole Jarman Addendum 01-0 (Ref:13-4108-R02-2-ADDENDUM01-0), dated 02 June 2014, and the Cole Jarman Noise Report (Ref 13-4108-R01-2) dated 20 March 2014,.
- b) details of measures to ensure that noise break out levels from the cinema auditoria and restaurants, other than those addressed under part i) above, will not exceed 5dB below background (L_{A90}) noise levels at the nearest noise sensitive receptors. The submitted measures shall include calculations detailing the structural details and sound insulation properties of the Hippodrome and cinema auditoria where appropriate.

The agreed details shall be installed as approved prior to the first occupation of the development and shall thereafter be retained and maintained as such.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 29) The development hereby permitted shall not be commenced until full details of the following have been submitted to and approved in writing to the Local Planning Authority:

- a) measures to prevent vibration from the cinema auditoria and restaurant uses from being transmitted to adjacent structures and premises
- b) a scheme for the sound insulation of the basement floor to the Hippodrome to prevent noise and vibration from the cinema auditoria from being transmitted via the sewer system to adjacent structures

PLANNING COMMITTEE LIST- 16 JULY 2014

- c) a scheme for the suitable treatment of all internal and external plant and machinery against the transmission of sound and vibration. The scheme shall include calculations to demonstrate that a target Rating Level of 10dB(A) below the existing LA90 background noise level will be achieved when measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises,. If the target level cannot be achieved, full justification for this must be submitted. The Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:1997.
- d) a scheme for the fitting of odour control equipment to the building
The agreed details shall be installed as approved prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 30) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
(Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing);
- and unless otherwise agreed in writing by the local planning authority,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;
- and, unless otherwise agreed in writing by the local planning authority,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;

PLANNING COMMITTEE LIST- 16 JULY 2014

- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.”

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

- 31) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 32) Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (staff, visitors & suppliers).

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

- 33) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that all new build elements, including all extensions, have achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall ‘Very Good’ have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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.

PLANNING COMMITTEE LIST- 16 JULY 2014

2. This decision to grant Planning Permission 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 extensions, alterations and restorations would result in a very significant public benefit by both restoring and re-occupying the most significant parts of the listed buildings and contributing positively to the overall character and regeneration of this part of the Old Town Conservation Area. This significant public benefit would outweigh the strong statutory presumption against planning permission being granted where harm to the preservation of a listed building, its setting, or to a conservation area has been identified, to which considerable importance and weight has been attached. Subject to conditions, the proposed uses would not have a significantly detrimental impact on the amenities of adjacent occupiers or on highway safety. Taken as a whole, the condition of the listed building and the public benefit derived from the positive aspects of the proposals are therefore considered to outweigh the harm afforded by the various demolitions and insertions, in accordance with the NPPF and development plan policies.

3. The applicant is advised that formal applications for connection to the public sewerage system and to requisition water infrastructure are required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
4. The applicant is advised that this planning permission does not override the need to enter into a S278 Agreement under the Highways Act 1980 prior to any works starting on the adopted highway.
5. The applicant is advised that in order to satisfy the requirements of condition 23 they must apply to the National Transport Casework Team (nationalcasework@dft.gsi.gov.uk 0207 944 4310) under the Section 247 of the Town & Country Planning Act 1990 to stop up the adopted highway on Middle Street where the proposed portico is to be located.
6. The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the

PLANNING COMMITTEE LIST- 16 JULY 2014

development and should include as a minimum the following initiatives and commitments:

- Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
 - A commitment to reduce carbon emissions associated with business and commuter travel:
 - Increase awareness of and improve road safety and personal security:
 - Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
 - Identify targets focussed on reductions in the level of business and commuter car use:
 - Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
 - Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
 - Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
 - Provide the occupiers of each new residential unit with a Travel Plan pack which provides information such as walking & cycle maps, public transport information, to promote the use of sustainable travel.
7. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
8. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
9. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should

PLANNING COMMITTEE LIST- 16 JULY 2014

stop immediately and Natural England should be contacted on 0300 060 0300.

10. The applicant is advised that this permission does not authorise any advertisements shown on the submitted drawings. A separate application for advertisement consent will be required for all advertisements to the development.

Appendix A BH2013/04348

Addresses of respondents to public consultation:

Letters of objection (130)

Objections		
Number/Name	Road	City/Town
Our Brighton Hippodrome		
1 Wooton House Stables		Brighton
Greenoaks		Lancing
4 The Diggers		Brighton
2, 22	Adelaide Crecent	Hove
Flat 2, 24	Adelaide Crescent	Hove
Flat 1, 4	Albert Road	Brighton
Flat 6, 3	Alexandra Villas	Brighton
91	Applesham Avenue	Hove
232a	Battersea Park Road	London
15 (x2)	Beach Green	Shoreham
7	Blackstone Rise	Blackstone
28c	Bramber Avenue	Peacehaven
1, 39	Brunswick Place	Hove
Flat 6, 3	Brunswick Square	Hove
25	Brunswick Square	Hove
34	Buckingham Road	Brighton
4, 2	Buckingham Road	Brighton
37	Campbell Road	Brighton
82	Carlyle Street	Brighton
33	Castle Street	Brighton
1	Chichester Terrace	Brighton
Unknown	Church Lane	Chichester
4, 91a	Church Road	Hove
Flat 1, 17	Compton Avenue	Brighton
19	Compton Avenue	Brighton
Courtenay Beach (x2)	Courtenay Terrace	Hove
1, 98	Cromwell Road	Hove
Davington House, 9	Dareham Road	Norfolk
C, 125	Ditchling Rise	Brighton
81	Dudley Road	Brighton
29 Veric, 16/18	Eaton Gardens	Hove
59 Ashdown	Eaton Road	Hove
Nettledown	Edburton Road	Edburton
Flat 1, 12A	Egremont Place	Brighton
54	Ewart Street	Brighton
Basement Flat, 9b	Farm Road	Hove
Westridge, 5	Firlands	Haywards Heath

Basement Flat, 55	Goldstone Villas	Hove
7	Hanover Terrace	Brighton
Flat 5 Martlet Court	Hereford Street	Brighton
5 Ardingley Court	High Street	Brighton
60 St James's House	High Street	Brighton
Carlton House	Hillside	Newhaven
29	Holland Road	Hove
125	Islingward Road	Brighton
18	Islingword Place	Brighton
25	Kendal Road	Hove
23	Kingsmere	Brighton
Southbank	Kingston Road	Lewes
Southbank	Kingston Road	Lewes
14	Lancaster Road	Brighton
98	Lansdowne Place	Hove
64 Leahurst Court	Leahurst Court Road	Brighton
92	Lincoln Street	Brighton
19	Lord Street	Nottingham
83B	Lorna Road	Hove
88	Lyndhurst Road	Hove
Flate 42 Avalon	Middle Street	Brighton
6, 71	Middle Street	Brighton
Flat 4, 74	Montpelier Road	Brighton
1	New Church Road	Hove
5, 1	Norfolk Square	Brighton
7a	North Gardens	Brighton
61	Park Crescent Road	Brighton
65	Park Crescent Road	Brighton
85 Leach Court	Park Street	Brighton
13	Portland Street	Whitwell
1, 67	Preston Drove	Brighton
33a (x2)	Preston Road	Brighton
Flat Above, 60	Preston Street	Brighton
9	Queen Square	Brighton
Community Base, 113	Queens Road	Brighton
6	Ridge View	Coldean
19 Buckswood Grange	Rocks Road	Uckfield
Flat 1, Harrington House, 3	Roedale Road	Brighton
54a	Rose Hill Close	Brighton
1, 18	Salsbury Road	Hove
16 (x2)	Ship Street	Brighton
17 (x3)	Ship Street	Brighton
Flat 2, The Chambers, 16	Ship Street Gardens	Brighton
5 (x2)	Ship Street Gardens	Brighton
Flat 3, 16	Ship Street Gardens	Brighton
13a (x2)	Ship Street Gardens	Brighton

16	Ship Street Gardens	Brighton
6	Ship Street Gardens	Brighton
5, The Chambers, 16	Ship Street Gardens	Brighton
11	Slinfold Close	Brighton
15	Southdown Mews	Brighton
8	Southdown Road	Brighton
24	Spring Street	Brighton
4, 148	Springfield Road	Brighton
21	St Elmo Road	Worthing
33	St, Heliers Avenue	Hove
7	St. Mary Magdalene Street	Brighton
20	St. Richards Court	Hove
4, 13	Sussex Square	Brighton
26	Tisbury Road	Hove
2 (x2)	Titan Road	Hove
67	Toronto Terrace	Brighton
94a	Trafalgar Street	Brighton
Unknown	Unknown	Unknown
Unknown	Unknown	Unknown
Unknown	Unknown	Unknown
44	Upper North Street	Brighton
36	Upper St. James's Street	Brighton
Flat 5, 28a	Ventnor Villas	Hove
15	Victoria Road	Brighton
4	Walkfield Drive	Epsom
20	Warstone Parade East	Littlehampton
64 Basement	Waterloo Street	Hove
31 (x2)	West Hill Street	Brighton
39	Westfield Avenue North	Saltdean
47	Whippingham Road	Brighton
36	Whittingehame Gardens	Brighton
94	Widdicombe Way	Brighton
Flat 5, Janeston Court, 1-3	Wilbury Court	Hove
Missenden Lodge	Withdean Avenue	Brighton
171 (x2)	Woodland Avenue	Hove
2, 33	York Avenue	Hove
17	York Road	Hove

Letters of support (26)

Support		
Number/Name	Road	City/Town
1; The Suite	Cedar Chase, Cross Lane	Findon
The Forge	Church Hill	Pyecombe
49 Flag Court	Courtenay Terrace	Hove
406	Ditchling Road	Brighton
12	Dorothy Road	Hove
Flat 45, 4	Grand Avenue	Hove
48 Preston Grange	Grange Close	Brighton
31	Hassocks Road	Hurstpierpoint
Flat 37, 24	Ivory Place	Brighton
76	Keymer Road	Hassocks
The Cottage	Mainstone Road	Hove
20; 61	Middle Street	Brighton
13	New Road	Brighton
251	New Church Road	Hove
Ground floor flat, 8	Paddenswick Road	London
12	Portland Villas	Hove
49	Preston Drove	Brighton
Apartment 4, 19; 68	Ship Street	Brighton
35	Stanford Avenue	Brighton
11	Unknown	
40	Victory Mews	Brighton
3	Wayland Avenue	Brighton
57 Avalon	West Street	Brighton