

Protecting theatres for everyone



Ref.: TC/41

07 October 2022

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Application: BH2022/02443 & BH2022/02444

Site: The Hippodrome 51 And 52 - 58 Middle Street Brighton BN1 1AL

Proposal: Restoration, renovation, part-demolition works and extensions to The Hippodrome to create a new mixed use development including multi-format performance space (Sui Generis), office space (E) and apart-hotel (C1), restaurant/café (E) with rooftop bar and terrace (Sui Generis) including; erection of new apart-hotel building fronting Ship Street of 3 to 7 storeys with retail (E) at ground floor, conversion of existing Hippodrome Fly Tower to create serviced office space, conversion of Hippodrome House to provide bar, members club with external terrace and 16-room apart-hotel, and other associated works.

Remit:

Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

As a statutory consultee our comments must be afforded considerable weight in the determination of these applications and departure from our expert views requires "cogent and compelling reasons" as held by *Shadwell Estates Ltd. v Breckland DC* [2013] EWHC 12 (Admin).

Comment:

Thank you for consulting Theatres Trust on these applications for planning permission and listed building consent at Brighton Hippodrome. They seek significant new development, alterations, restoration and change of use. The Hippodrome is a Grade II* listed heritage asset within the Old Town Conservation Area and is a building on the Trust's Theatres at Risk register and Historic England's Heritage at Risk register.

Theatres Trust

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Chair Dave Moutrey **Director** Jon Morgan

Trustees Paul Cartwright, James Dacre, Suba Das, Stephanie Hall, Annie Hampson, Richard Johnston, Gary Kemp, Lucy Osborne, Jane Spiers, Truda Spruyt, Katie Town

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1. History and significance

The Hippodrome is considered to be the UK's most architecturally significant circus theatre and the finest surviving example of its type, remaining quite intact.

It originally opened as an ice-skating rink in 1897 but was converted into a circus four years later by renowned theatre architect Frank Matcham. It was further adapted a year later by Bertie Crewe, a fellow eminent theatre architect, for use as a variety theatre by removing the circus ring, creating an orchestra pit with stage, adding a pair of boxes and re-seating the ground floor to face the stage.

In 1916 there were further substantial alterations which replaced the existing stage and created a fly tower and dressing room block. The auditorium was redecorated and stage boxes removed which were rebuilt at a lower level with new boxes featuring large Moorish domes in fibrous plaster. The proscenium was covered with a new plaster panel front, cast iron radiators were installed and a bioscope box was erected at the back of the circle. Part of the ground floor of the adjoining Hippodrome House was converted to a saloon bar with further bars at circle level. In 1939 a 'Palm Court Lounge' with two cocktail bars was also constructed within Hippodrome House to replace an earlier lounge, this resembled an Italian garden and was intended for audiences to spend time in luxurious surroundings before shows.

Externally the Hippodrome has a long and low symmetrical Italianate stuccoed frontage to Middle Street with a central entrance flanked by square Italianate pavilions with tiled roofs, projecting modillion cornice and central panelled 'Hippodrome' lettering. The two ventilation towers originally had a steep pitched roof and a stepped parapet and the pavilions also had projecting timber balconettes. A stained glass cast iron canopy surrounded the frontage but this was replaced in 1980 with a replica.

Internally the Hippodrome is accessed through a narrow crush room with high quality mahogany panelling, coved plaster ceiling and bevelled glass entrance doors leading through to a foyer opening into the near-circular opulently-decorated auditorium. The vast volume and ceiling is in the form of a panelled tent reflecting the design of travelling circuses which covers the whole space with boldly modelled Baroque plasterwork featuring female figures, sea creatures, comedy and tragedy masks, instruments, urns, cartouches, putti, festoons and lion masks. At the centre is a balustraded gallery similar to that of the London Hippodrome, another of Matcham's works. There is one balcony level curving with the walls to meet the single, large onion-domed boxes which flank each side of the wide, low proscenium. To the rear, a row of boxes in Spanish mahogany with reeded columns and Ionic capitals support decoratively painted arches.

The Palm Court Lounge included a false Italian bridge with concealed lighting set over a green tiled fishpond and fountain. The decorative scheme was described as 'a sunny spot on the shores of the Mediterranean' featuring a painting by Dame Laura Knight R.A. This area has undergone some alteration but remains as an impressive and unusual suite of rooms with sumptuous plasterwork.

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Back of house the Hippodrome was served by stabling, a yard and boiler houses. A ramped equestrian entrance led directly to the former ring. The stagehouse still retains this ramp – the elephant ramp. A further, rare survivor in the stage house is the Grand Master lighting control of which few survive particularly in their original locations.

The Hippodrome is a significant heritage asset and performance venue which remains quite intact both front and back of house despite previous alterations in the earlier part of the twentieth century. Later additions associated with bingo use are quite lightweight and easily reversible, in common with similar changes of use across the country. As a venue it is considered to be highly functional with good technical operation and sightlines for audiences, with its elaborate decoration making it a popular and successful theatre and concert venue when it was operational. Even from the start it hosted major stars of the late Victorian and Edwardian eras, with big international acts such as Harry Houdini from the USA, Grock and Sarah Bernhardt from France, the Russian Imperial Ballet, La Scala Opera from Italy and Denmark's Adeline Genee. It became the preferred venue of ballet and opera companies and also ran music and variety shows.

With the success of variety shows waning nationally after World War II, the Hippodrome increasingly hosted large-scale touring plays and musicals along with live concerts by significant UK and international acts of the 1950s and '60s including Ben E King, Gene Vincent, Sam Cooke, Beatles, Kinks, Rolling Stones, the Who and Cliff Richard. However the venue closed in the mid-1960s, briefly being utilised as a filming studio before conversion to bingo use in 1967. Bingo ceased in 2006 after which there have been various proposals for the building including a live music venue and a cinema, some of which were harmful and would have irreversibly altered the auditorium and seen historic features and fabric removed. However the building has been vacant since closure and in an increasingly deteriorated state. The current owner and applicant has carried out some repair and restoration works.

The Trust considers that, in line with a previous viability study carried out by a stakeholder group which included the local campaign groups Our Brighton Hippodrome and Brighton Hippodrome CIC, the City Council, Historic England, The Frank Matcham Society, Academy Music Group and ourselves, the Hippodrome could be viably returned to large-scale theatre and performance use if fund-raising for restoration can be met. We are of the position that development of the Hippodrome and its surrounding land must not compromise the possibility of reinstatement of theatre use.

2. Current proposals

These plans would see the Hippodrome repurposed as a mixed-use development with a combination of retention and restoration of the auditorium, loss and alteration of other existing spaces and new build development. The scheme comprises an event/performance space, two sets of short-stay accommodation, serviced office/flexible workspace, a bar/restaurant and supporting facilities. Our comments have been split into individual elements and these are set out below.

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2.1 Landuse

Paragraph 202 of the NPPF (2021) states 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, where appropriate, securing its optimal viable use”.

We contend there is realistic and viable prospect of the Hippodrome being returned to dedicated large scale theatre and performance use, and as such this constitutes the optimum viable use. There is a clear gap in the Brighton market for such provision. This is supported through our engagement with industry professionals, architects and established theatre and performance venue operators, who have indicated that a restored Hippodrome would be a venue they would be keen to take on. The applicant’s report on Optimum Viable Use based on an earlier study from 2015 also does not discount theatre use being viable. This remains the optimum viable use until such time as there is evidence to the contrary.

Nevertheless we could potentially support a departure from the optimum viable use subject to evidence. We acknowledge that the costs of restoring the Hippodrome as a result of its poor condition are high, and given inflationary pressures it is probable these now exceed previous estimates. We also accept the funding environment both now and in the foreseeable future to address the conservation deficit cited in the Optimum Viable Use report is especially challenging. Therefore in principle we could support a sensitive and compatible alternative use for the auditorium, particularly if it preserved the prospect of future reversibility, should an appraisal be supplied for us to consider which evidences the applicant’s position and robustly substantiates current costs and constraints in delivering the optimum viable use. Until such evidence is submitted this scheme is a departure from the optimum viable use without appropriate evidence.

We do however consider that a multi-format performance/event space of the type proposed could represent such a compatible alternative viable use because it would utilise the space in a similar way to full-scale theatre use and minimise need for harmful alteration of sub-division, enable the Hippodrome to once again host some degree of live performance and enable public access and appreciation of the full volume and significance of the space.

We also acknowledge that due to the condition of the Hippodrome it is possible that even with a large-scale theatre scheme some enabling development may be acceptable to support and deliver the public benefits of restoration of this heritage asset of great significance. Whilst not an endorsement of the applicant’s specific plans, design, heritage impact or scale of development, the proposed mix of uses individually are broadly compatible with both large scale theatre and the proposed multi-purpose space including where these would otherwise form neighbouring developments. This is subject to considerations of reversibility and more fundamentally ensuring that the current plans provide a workable and functional multi-format performance space which does not leave the auditorium inoperable, unviable and potentially vacant within a landlocked site. For the serviced apartments in particular acoustic protection will also be vital particularly should the different elements end up under separate control/ownership in future.

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Therefore we raise no objection in principle to change of use for the proposed purposes, subject to evidence on viability and reversibility.

2.2 Auditorium/Multi-format performance space

The auditorium under these plans would be fully restored with some alterations in order to use it as a flexible events space. This we would recommend is retained as Sui Generis given its mix of uses and to guard against future change of use through permitted development rights.

This area in heritage terms is of greatest significance. It is also in a particularly perilous condition, although some works to protect and partially restore/repair it have already been undertaken under previous recent permissions as well as other works which were observed on our recent site visit. We welcome efforts and investment in this respect, although it is clear that some works have been progressed without listed building consent. It is important that these are properly recorded and historic significance understood to minimise risk of both inadvertent change or harm and possible need for works to be later re-done because they do not facilitate necessary interventions for the venue's operation.

Whilst as set out above that this use is something we could support, we consider there to be fundamental flaws with the applicant's current plans which means the venue would not necessarily deliver on the stated vision and what is being publicly promoted. The implication of this is that the venue could once again be left vacant and landlocked by new commercial development. This would leave the auditorium without the benefit of development potential across the wider site to cross-subsidise it and/or obtain the facilities needed to make it viable and operable. In that instance there would be elevated risk of more harmful alteration, subdivision or total loss in the future.

The stated use is for a 'multiformat' live performance space but the plans resemble more of a conference/function venue with cabaret seating and linked bar spaces. This is not necessarily a problem as there are other venues which operate successfully in this way whilst also hosting live shows. However there needs to be a proper understanding of how the venue will be utilised, a credible business plan and indicative programme. Without understanding the programme, the impact and needs of deliveries, get-ins for live shows and events, technical requirements, traffic impacts, audience numbers and neighbourhood disturbance are difficult to ascertain. Input is also required from specialist consultants to inform plans and ensure this venue is viable and will function effectively. Ideally the commitment of an operator would also be sought to allow them feed into the plans prior to planning input from specialist consultants to inform plans and ensure this venue is viable and will function effectively. We have recommended this to the applicant for some time but it has so far not been acted on. As a result we consider this scheme to be highly compromised.

Specialist input includes understanding what technical equipment will be required such as sound and lighting, where and how this will be installed ensuring there is sufficient loading capacity to hang the necessary lighting bars, speakers, projectors and other equipment. Likewise there will

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need to be acoustic insulation; information on this is lacking. This is not just to protect against disturbance to nearby properties but also for internal purposes in terms of separation of uses. An additional wall has been discussed with the applicant and something we believe to be necessary but this has not been indicated on submitted plans. Solutions for the roof which have been discussed on site cause concern because they may block potential means of accessing the fibrous plaster and ceiling panels for necessary inspection and maintenance.

Aside from a small stage there is very limited back of house and operational provision. There will be a necessity to provide much more in the way of dressing room space and also in terms of office space for venue management team. The ability to bring in larger pieces of equipment and sets is almost impossible due to loss of existing service access (from the rear Yard) and a convoluted alternative solution which we do not believe to be workable especially as it is shared with other functions within the development (and also provides means of exit for audiences). We have elaborated on this below under our comments on the Elephant Yard. In terms of live performance the venue would be unable in practical terms to host more than DJs and some comedians and musicians with very limited equipment. Such constraint on its programme will impact viability particularly as it would offer little in this regard not already available elsewhere within the city.

We also have some wider concerns around how this space will function from a design and accessibility perspective. Whilst open bars around the auditorium's perimeter would suit large functions and some types of events (although it is our professional opinion that there is not nearly enough bar provision for the larger 1800-capacity gigs suggested) there is a high risk that activity within these would disturb 'quieter' performances. This is similar for utilisation of WCs which open directly onto the auditorium with no sound and light lock. There would need to be a strategy to manage this or again it will risk undermining the ability to attract the events needed to keep the venue viable. There is a flaw in how the stalls have been designed because the stepping-down into the lower section prevents wheelchair access.

Moreover other alterations elsewhere across the building and site, which we will cover subsequently, will substantially limit the nature and scale of shows that can be accepted and render future return to full-scale theatre or live performance impossible. We consider that compromises on design and use across the site are available which would retain the potential of future reversibility for large-scale theatre use and we are seeking to engage positively with the applicant on that basis. Options that could be discussed include the lower levels of the rear apart-hotel being built to enable later removal whilst not impacting on the floor layouts above, also ensuring that any construction in the fly tower is lightweight and reversible.

The Hippodrome and the auditorium in particular is clearly architecturally significant, but part of its overall significance and special interest is within its cultural and entertainment function and association. These proposals may undermine that function longer-term and should therefore be resisted in their current form. We have indicated our support in principle for the proposed use but to make this element acceptable we recommend revision of plans based on advice and

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engagement with a suitably experienced consultants and submission of a credible business plan to assure of viability.

2.3 Foyer/Crush hall

This area will be utilised as a café/bar which can be utilised as an all-day venue open to the public. We are generally supportive of this element. Irrespective of our comments on the wider use of the site there is great merit in optimising use of this space and bringing people into this part of the building. It is vital that this work is carried out with a wider vision for the overall scheme and events that are to be programmed and does not limit the fire egress from the venue. However, we concur with the applicant that this would activate the street frontage and there are several existing theatres developing their front of house provision in this way generating income which helps support the wider cultural programme and operation of their buildings.

There is no direct level access from the street requiring a more convoluted route for wheelchair users. We would encourage for alternative options to be sought to improve accessibility.

2.4 Back of house and Elephant Yard

The stage house, fly tower and other back of house areas will see substantial alteration and at upper levels its loss as part of the theatre/multi-purpose space. This will detract from significance and function.

The stage is to be divided with the front part to be utilised as a relatively narrow stage for the event/function space within the auditorium. The rear and lower level of the fly tower will become back of house space with a set of very small dressing rooms, WCs and staff area. We consider these facilities to be inadequate and the area will have poor function which further reflects our comments about the usability of the venue for the purposes the applicant has promoted. We again strongly recommend revision of plans based on specialist advice.

The stage right areas and the flytower above ground level will be converted into co-working and serviced offices. This will result in the performance function of the auditorium becoming substantially limited and the possibility of future reversion to large-scale performance and theatre use lost. As set out above we consider full-scale theatre use to be the optimum viable use and we do not consider the applicant has provided the evidence required to contradict this and justify permanent loss. We consider there is scope for some compromise whereby a flexible employment scheme is still brought forward but it consists of more lightweight and reversible intervention to facilitate future reversibility. This is an approach being taken forward at the former Palace Theatre in Swansea, another building which has been on our Theatres at Risk register for some time.

In practical operational terms we also consider this area to be overly-complex with a number of circulation routes and convoluted routes to and across the stage and the back stage area. This includes kitchen deliveries and the escape stair for the apart-hotel and serviced offices routing through the backstage performers area. Also the elephant ramp serving as the get in for any show / gig equipment as well as access to the office development; the route alongside this being

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a main evacuation route for the auditorium as well as providing external seating for the member's lounge bar and containing bike storage.

A further concern from a heritage perspective is the Grand Master room at first floor level; the Grand Master itself is retained but no access is shown. We understand from our site visit this will be visible but is closed for reasons of asbestos but some degree of access will be required. This is a rare and significant piece of equipment so arrangements will need to be clarified. An example of where this has been done successfully is at the Gaumont State Cinema in Kilburn.

2.5 Elephant Yard

The Elephant Yard will become the main servicing and delivery area including bin and cycle stores for all the development's individual functions other than the apart-hotel to Ship Street. This will include day to day deliveries including for general food and bar supplies as well as acting as the get-in for performances (other auditorium activities such as conferences may also see substantial activity in this regard). Alongside this it is the main entrance for serviced offices, a fire escape for larger capacity events, a late night exit for the auditorium, a bar/terrace for the members club as well as bicycle and general storage.

There are both practical and health and safety implications that require further consideration. From our perspective the fundamental concern is that, as currently shown, it would be so restrictive that it will severely limit the function and use of the auditorium and not allow it to be used for the type of programme indicated. This is a fundamental issue that requires resolution prior to any granting of permission because the extent of amendments needed would be a material change in design terms and from a heritage perspective use and viability of the auditorium is heavily compromised. From our experience and through discussion with operators the requirements of live music shows for example in terms of numbers of vehicles, quantum of equipment, preparation, sound-checking and get-outs straight afterwards are greater than the facilities and capacity available within these plans. There may also be a significant impact on the applicant's business plan and wider scheme viability because the auditorium may not be available for public daytime use as much as is envisaged and access to the serviced offices could be problematic.

The size and nature of this area would appear to make access by larger vehicles challenging but more fundamentally the ability to service shows requiring sets and equipment is restricted by the route through to the stage. It would be required to pass through the auditorium, go down steps and be lifted onto the stage or to utilise the equestrian/elephant ramp which is shared with other functions and then pass through a series of routes and sharp turns. The Grand Master (which was added at a time when get in was via the rear yard) restricts the height along this route. All restrict the nature of shows that could be successfully handled. The same issues of complexity apply to other functions within the proposed development.

2.6 Hippodrome House

As cited above, areas of Hippodrome House are of high significance and historic interest in particular Palm Court. Hippodrome House will be completely altered internally and converted for

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use as an apart-hotel with ground floor bar/restaurant/lounge and WCs which serve the event space within the auditorium. There will be a terrace and bar to the roof, a members club and supporting services and infrastructure.

These plans constitute total loss and substantial harm. Whilst we recognise the applicant's rationale for this development in order to deliver the public benefits associated with restoring the auditorium and returning it to use there should be clear and convincing justification and demonstration that harm or loss is necessary to achieve those substantial public benefits (paragraphs 199 and 201 of the NPPF). The Heritage Statement pays little regard to Hippodrome House and the harm must be appraised. This is disappointing because we have previously highlighted to the applicant that assessment of significance must be applied to Hippodrome House.

The impact of development on Hippodrome House and its significance needs to be properly articulated and evidenced in line with national policy and guidance on the historic environment. If there is opportunity to re-design some of this area to retain or re-use historic fabric and features it would be encouraged to minimise harm and mitigate the impact of development.

2.7 External yard/car park (to Ship Street)

To maintain future prospect of large-scale theatre and performance use this area would be required to handle delivery vehicles and enable sets and equipment to get into the building. However again this function will be lost due to development of the space for a second apart-hotel and retail unit at ground floor.

The primary issue from our perspective is that this represents an irreversible change which prevents future reversion of the Hippodrome to large-scale use, unless suitable alternative access could be identified elsewhere which appears unlikely due to separate land ownership and constraints. A potential solution would be to redesign the lower level(s) to a minimum of 1.5 stories to maintain service access and parking through this route; this would also alleviate pressure on the Elephant Yard. It may be possible to do this by ensuring that the lower levels of the apart-hotel are designed and built so that they can be removed without impact on the levels above. If this is not practical, we again recommend submission of further justification to demonstrate that the resultant harm to the Hippodrome is necessary.

2.8 Heritage

Planning Guidance on the historic environment (2019) emphasises the importance of proposed uses being viable for the future conservation of heritage assets. Policy CP5 and paragraph 4.55 of the Brighton & Hove City Plan (2016) specifically cites the Hippodrome in seeking to protect the city's arts and cultural infrastructure and potential for such use. The irreversibility of the changes proposed through this proposal which would prevent the Hippodrome from returning to large scale theatre or performance use in the future and is a significant matter.

Of primary concern in this respect is the repurposing of the bulk of the stage and wing space and conversion of the fly tower for alternative use along with loss of the rear yard/car park for

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development of short stay accommodation. As we have noted above some back of house alterations could be designed to be reversible in the same manner as previous bingo insertions. The redevelopment of the fly tower and yard however are more fundamental permanent changes which preclude future return of full-scale theatre use.

Arresting further deterioration and fully restoring the Hippodrome must be a priority, but policy and guidance makes clear the optimum uses for heritage assets are those which cause least harm to significance of the asset. Taken as a whole this proposal causes significant harm and in some cases total loss, both directly through development and indirectly through the resultant loss of function. The Hippodrome's cultural and entertainment use is also a contributor to its significance and would therefore be undermined by change of use away from this.

As a designated heritage asset paragraph 202 of the NPPF seeks to secure optimum viable use and paragraph 15 of Planning Practice Guidance on the historic environment (2019) is clear that the optimum viable use for heritage assets may not be the most economically viable one; where there are a range of potentially viable uses the optimal viable use is 'the one likely to cause the least harm to the significance of the asset'. Here, based on the information cited above including the applicant's own report, this would be large-scale theatre or live performance use. However we have also acknowledged the current constraints in delivering this and the necessity to see a project at the Hippodrome progress in the near future due to its condition. Without further intervention there is the risk of complete loss of the asset. As such the applicant's proposed use, whilst not being the optimum viable use, is a viable use which is compatible with the form and significance of the asset and maintains some degree of performance function.

However taken as a whole this proposal gives rise to loss and substantial harm in other parts of the site and blocks future reversibility. The more commercial elements of this scheme are in effect enabling development, but it is not presented this way. In line with paragraph 200 of the NPPF the harm caused should be 'exceptional' and for which there should be 'clear and convincing justification'. Paragraph 201 is also clear that in this scenario consent should be refused unless such harm is necessary to achieve 'substantial public benefits'. This can be overcome through adherence with four conditions, but presently the Heritage Statement is insufficient in detail to sufficiently assess the asset (in particular Hippodrome House) and to substantiate the wider public benefits of development. The light content of the Heritage Statement is particularly marked given this is a Grade II* listed heritage asset within a major development, and is something that has been noted by other consultees. We recommend that the Council should seek a fuller and strengthened Heritage Statement in order to provide sufficient information to determine this application.

A further consideration and necessary safeguard for the Hippodrome, given commercial development of its land and ancillary facilities, is the phasing of development to ensure use and restoration of the auditorium comes forward as envisaged and that the heritage benefits of restoration and return to use are realised. The applicant has stated to us that works on the auditorium will be within the first phase. We have no reason to question their integrity but as a safeguard and in case the site is subsequently passed to another party we recommend inclusion

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of a planning condition to ensure this. This is a standard condition we would request of any development in this position. We have existing mechanisms and examples available which we can advise the Council on, such as prevention of use or occupation of commercial elements until certain requirements have been met including the venue being ready for operation.

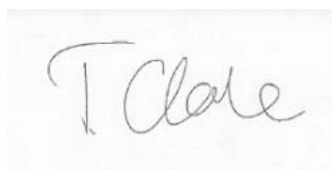
We also recommend a detailed programme of historic building recording for the whole building including photographic record, not just the areas subject to alteration or loss. Furthermore there should also be conditions attached to historic plasterwork repair and a cataloguing of historic items and artefacts subject to change so that it can be ascertained and recorded as to where they will be reused on site or lost.

3. Overall summary and concluding comments

Our priority is to see a viable, sustainable and long-term future for the Hippodrome as a live performance venue. At this stage we consider there to be a number of flaws with the design and proposed operation of this venue which prevent that, requiring significant amendment. There is also a general lack of evidence and detail within the submission that would ordinarily be required of any proposal to support the granting of planning permission or listed building consent and to justify heritage loss and harm (both substantial and less than substantial) as well as conflict with policy and departure from optimum viable use.

Whilst we do not object to the overall principle of change of use (again subject to further evidence), until the revisions and further information we have sought and recommended come forward our position will be to object to the granting of planning permission and listed building consent.

To overcome this we urge the applicant to address the recommendations and submit further information as we have set out. We remain keen to work positively with them, the Council, Historic England and other key stakeholders to find an acceptable way forward.



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