





**Brighton & Hove  
City Council**

# Tourism, Development & Culture Committee

Title:	<b>Tourism, Development &amp; Culture Committee</b>
Date:	<b>8 March 2018</b>
Time:	<b>4.00pm</b>
Venue	<b>Council Chamber - Hove Town Hall</b>
Members:	<b>Councillors:</b> Robins (Chair), Cattell (Deputy Chair), Nemeth (Opposition Spokesperson), Druitt (Group Spokesperson), Allen, Mac Cafferty, Mears, Morris, O'Quinn and C Theobald
Contact:	<b>Tom McColgan</b> Democratic Services Officer 01273 290569 democratic.services@brighton-hove.gov.uk

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# Democratic Services: Tourism Development & Culture Committee

<b>Democratic Services Officer</b>	<b>Councillor Robins Chair</b>	<b>Executive Director</b>	<b>Legal Officer</b>
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**Officer**

**Officer**

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**Councillor Cattell**  
Deputy Chair

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**Councillor Allen**

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**Councillor Morris**

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**Councillor O'Quinn**

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**Councillor Nemeth**  
Opp Spokes

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**Councillor Mears**

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**Councillor C. Theobald**

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**Councillor Druitt**

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**Councillor Mac Cafferty**

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**Public Speaker**

**Councillor Speaking**

**Press**

**Public Seating**

## AGENDA

### PART ONE

Page

#### PROCEDURAL BUSINESS

#### 51 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
- (a) Disclosable pecuniary interests;
  - (b) Any other interests required to be registered under the local code;
  - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.*

#### 52 MINUTES

1 - 16

To consider the minutes of the meeting held on 11 January 2018.

Contact Officer: Cliona May

Tel: 01273 291354

#### 53 CHAIRS COMMUNICATIONS

## TOURISM, DEVELOPMENT & CULTURE COMMITTEE

### 54 CALL OVER

- (a) Items 57 - 60 will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

### 55 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** To receive any petitions presented by members of the public to the full Council or at the meeting itself.
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 2 March 2018.
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 2 March 2018.

### 56 MEMBER INVOLVEMENT

17 - 18

To consider the following matters raised by Members:

- (a) **Petitions:** To receive any petitions referred from Full Council or submitted directly to the Committee;
- (b) **Written Questions:** To consider any written questions;
  - (i) Royal Pavilion- Councillor Nemeth
  - (ii) King Alfred- Councillor Nemeth
  - (iii) Notice to Beach Hut Owners of Increased Fees- Councillor Nemeth
  - (iv) Marlborough House- Councillor Nemeth
  - (v) Sculpture Trail- Councillor Nemeth
  - (vi) Hippodrome- Councillor Nemeth
  - (vii) Planning Enforcement- Councillor Nemeth
  - (viii) The Big Screen- Councillor Mears
- (c) **Letters:** To consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.

## TOURISM, DEVELOPMENT & CULTURE COMMITTEE

### 57 COMMUNITY INFRASTRUCTURE LEVY - DRAFT CHARGING SCHEDULE AND DRAFT REGULATION 123 LIST 19 - 60

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Clare Flowers Tel: 01273 290443

Ward Affected: All Wards

### 58 MAJOR PROJECTS UPDATE 61 - 68

Report of the Executive Director, Economy, Environment & Culture

### 59 UPDATE ON DEVELOPMENT OF CITY VISITOR ECONOMY STRATEGY 69 - 70

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Val Birchall Tel: 01273 292571

Ward Affected: All Wards

### 60 UPDATE ON DEVELOPMENT OF THE CITY CULTURAL FRAMEWORK 71 - 72

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Val Birchall Tel: 01273 292571

Ward Affected: All Wards

### 61 ITEMS REFERRED FOR FULL COUNCIL

To consider items to be submitted to the 19 April 2018 Council meeting for information.

*In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting*

## TOURISM, DEVELOPMENT & CULTURE COMMITTEE

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Date of Publication - Wednesday, 28 February 2018

**BRIGHTON & HOVE CITY COUNCIL**

**TOURISM, DEVELOPMENT & CULTURE COMMITTEE**

**2.00pm 11 JANUARY 2018**

**HOVE TOWN HALL, COUNCIL CHAMBER - HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Robins (Chair), Cattell (Deputy Chair), Nemeth (Opposition Spokesperson), Druitt (Group Spokesperson), Allen, Brown, Mac Cafferty, Mears, Moonan and O'Quinn

**PART ONE**

**38 PROCEDURAL BUSINESS**

**(a) Declarations of Substitutes**

38.1 Councillor Brown was present in substitution for Councillor C. Theobald.

38.2 Councillor Moonan was present in substitution for Councillor Morris.

**(b) Declarations of Interest**

38.3 Councillor Allen declared a non-pecuniary interested in respect of Item 47) Fees & Charges 2018/19 - Sport & Leisure, Venues and Libraries, as his son owned a beach hut. He noted that he remained of a neutral mind and would take part in the consideration and vote on the report.

38.4 Councillor Druitt declared a pecuniary interested in respect of Item 45) Brownfield Land Register, as he was the director of a company which leased a brownfield site. He explained that he would leave the Council Chamber during the consideration and vote of the report.

38.5 The Chair and Councillor Mac Cafferty explained that they had sought legal advice from the Monitoring Officer regarding their position in relation to Item 48) Royal Pavilion Estate Capital Project Phase 2 Update and Item 49) Royal Pavilion and Museums Trust Arrangements – Progress Update as they were members of the Shadow Trust Board. They had been granted a dispensation by the Monitoring Officer to permit them to participate fully in consideration of the two items. The Senior Solicitor advised that the dispensations had been granted because of the special circumstances of the case including: that the reports were for noting and recommendations to the Policy, Resources & Growth Committee rather for any decision to be made; both the Chair and Councillor Mac Cafferty were members of the Shadow Trust Board as representatives of the council and so their interests had not arisen in relation to their private, personal

capacities; any substitute Member would need to substitute for the whole meeting, rather than for those two items only; Moreover, the Deputy Chair would take the Chair for the consideration of and vote on the item 49 as she had no declarable interest in it and in case a casting vote was required.

**(c) Exclusion of Press and Public**

38.6 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

38.7 **RESOLVED** – That the press and public not be excluded from the meeting.

**39 MINUTES**

39.1 Councillor Druitt noted that 32.6 stated that the Green Group amendment was received late; however, it was on time and sent at 1000 hours on 16 November 2017.

39.2 Councillor Mac Cafferty noted that 34.5 should have specifically stated that he was discussing the Sackville Hotel site.

39.3 Councillor Mac Cafferty noted that the second sentence of 32.4 should read: *“Whilst it was recognised that negotiations took place with organisers and that each application was considered on its individual merits, he considered that there was a need for a clearer charging policy.”*

39.4 Councillor Mac Cafferty noted that the last sentence of 32.4 should read: *“In his own ward damage had occurred following events held on Brunswick Lawns and whilst it was accepted that recompense was taken for any damage caused to he considered that there was an opportunity revisit this.”*

39.5 **RESOLVED** – That, with the above changes, the Chair be authorised to sign the minutes of the meeting held on 16 November 2017 as a correct record.

**40 CHAIRS COMMUNICATIONS**

40.1 The Chair gave the following communications –

**Tourism update**

A briefing note has been tabled for all Members, and there are some spare copies in the public gallery, regarding the Economic Impact estimates of Tourism for Brighton & Hove 2016 which have just been released.

The Visitor Economy Strategy is currently in development. Stage One consultations have been undertaken comprising one to one telephone conversations with 14 national organisations and key representatives within the City, the purpose was to understand issues and opportunities and how Brighton & Hove is perceived. Stage two consultations are scheduled to take place towards the end of January, the purpose of these consultations is to test out early thinking and direction with selected representatives from key relevant sectors. Blue Sail the appointed consultants for the



Visitor Economy Strategy are working closely with Regeneris who are consulting on the overarching Economic Strategy and Hotel Solutions who are consulting on the Hotel Futures Study to ensure alignment across all strategies and studies. The draft Visitor Economy Strategy will be available for review in early February 2018.

VisitBrighton continues to work with over 528 City partners engaged in tourism, in the last 3 months VisitBrighton has:

- Played a key role in the Save Madeira Terrace Campaign – raising £464,000, exceeding the target of £430,000
- Hosted journalists which resulted in coverage most notably in Good Things Magazine, Olive Magazine, Sunday Times Ireland and The Metro
- Engaged with 57k followers on Twitter, 23k friend on Facebook and 9k followers on Instagram
- Handled 46 conference enquiries, confirming enquiries which will generate £4m on their arrival, most notably confirming:
  - British & Irish Orthoptic Society Annual Conference – June 2018 – 250 delegates
  - National NIV Nurses Association – June 2018 - 250 delegates
  - UK Serial Group Conference– arriving March 2020 – 900 delegates
  - UNISON Disabled Conference – Oct 2020 – 400 delegates
- Booked 1881 bed nights of accommodation for conference clients generating £14k commission

### **Material Practices: Painting and Printmaking at the University of Brighton**

- Hove Museum has been working with the University of Brighton to present an exhibition of a selection of the work of final year students on the Fine Art Painting and Fine Art Printing courses. The exhibition of work is of great benefit to the museum and to the university. It provides for the museum and its audiences an exciting display of contemporary work and for the students of the university it provides experience in selection, display, audience and the public world.
- The exhibition opened to a private view on 15th December where students, councillors and local business people were welcomed to the museum. Canapes were provided by the students of Portslade and Aldrington Community Academy, organised by Chris Mellet, the assistant headteacher at the school. The young people not only made the food but showed great skills of organisation and maturity as they took over the professional kitchen of the museum and circulated amongst the guests with the trays. The ingredients were supplied by the local co-op.
- The event was supported by local councillors, in particular Councillor Wealls, who facilitated the relationship with the university and with PACA, relationships that Hove Museum will now build on for future partnership working

### **Public Art Update**

A new piece of public art has been commissioned for the Huxley Building on the University's Moulsecoomb campus.

The Commissioning partners were Brighton Digital Festival, University of Brighton and Brighton & Hove City Council.

The Huxley Building houses the School of Pharmacy and Biomolecular Sciences, teaching pharmacy, chemistry, biology, biomedical science and ecology.

5 artists were shortlisted from an initial expression of interest from 32 artists.

The shortlisted artists were George King Architects, Matt Jakob / Nexus Studios, Luke Jerram, Paul Sermon & Charlotte Gould and Stanza.

Nexus Studios were the winners of the Commission. Installation should be completed by summer 2018.

This was funded by Section 106 monies from the University of Brighton for their new build the Science Faculty – Huxley Building.

### **Latest tourism figures show city's pulling power**

Total expenditure by visitors to Brighton & Hove is estimated to have been in the region of £885.9 million in 2016, an increase of 3.2% compared to 2015.

The data also shows the city had 9.6m day trippers, a 5.8% upturn on 2015, while the amount of money spent during their trip increased by 6.2% to £353 million.

The number of overnight stays in the city showed the biggest increase at 1.6m, just over 10% up on 2015. Domestic visitors were shown to be the group that had contributed most to this growth with almost 15% more overnight trips made by UK travellers compared with 2015 figures. The only figure to have dipped slightly is the number of overnight trips made by overseas visitors, which was down marginally, by 2.1%, though both the length and value of each trip has increased.

The statistics can be interpreted in a number of ways but generally these figures are a good indication of the tourism sector's overall performance and it's very encouraging to see that Brighton & Hove continues to be a popular visitor destination and is competing well at a regional and national level.

### **Other events**

I gave a speech at the November's Cultural Framework Summit: Your City/Your Culture/YOUR VOICE event, and was very pleased to see the hundreds of people who came along to participate in developing our Arts and Culture framework. In the evening a small gathering was hosted for delegates from Belgium and Finland.

On 29th November I attended the impressive Southeast Tourism awards event at the Hilton Metropole

Finally Nick Hibberd and I met with GTR to discuss fair deals from London to Brighton, following this issue being raised in committee by Cllr MacCafferty. There was agreement to look at ways of promoting Brighton as a visitor destination across London stations, and options about how to involve stakeholders in follow-up work around this is under discussion.

**41 CALL OVER**

41.1 The following items were reserved for discussion:

- Item 44 Planning Application Validation Requirement – Viability Assessment and Affordable Housing Statement
- Item 46 Major Projects Update
- Item 47 Fees & Charges 2018/19 – Sport & Leisure, Venues and Libraries.
- Item 48 Royal Pavilion Estate Capital Project Phase 2 Update
- Item 49 Royal Pavilion and Museums Trust Arrangements – Progress Update

41.2 The Democratic Services Officer confirmed that the following items had not been called and would therefore be agreed as per the recommendations set out in the report:

- Item 45 Brownfield Land Register

**42 PUBLIC INVOLVEMENT**

42.1 The Chair explained that one petition had been submitted regarding HMOs and invited Ms Fergusson-O'Toole to introduce her petition.

42.2 Ms Fergusson-O'Toole introduced and explained that she represented the residents of Bennett Road, Princes Terrace and Bristol Street, which had been an established family area for over 100 years. She explained that the local residents were concerned about the increase of student HMOs in the area and how this was impacting the community. The petition was requesting that an Article 4 Direction was introduced to the East Brighton ward to prevent the breakdown of family life and values. She noted that five wards had been awarded an Article 4 Direction in April 2013 as they were densely populated by HMOs. There were multiple properties in the area that provided accommodation for seven students, despite the Planning department refusing permission for the change of use. There was a shortage of family housing in the city and there were health care workers in the area that were in need of accommodation. The increase of HMOs had caused problems with parking, had impacted the local schools and were having a detrimental effect on the area.

42.3 The Chair thanked Ms Fergusson-O'Toole for her petition and gave the following response –

“Change of use from a single dwelling house to a small house in multiple occupation (HMO - six occupiers or less) is classed as permitted development under planning legislation. This means that the change can be undertaken without the need for planning permission. Local Planning Authorities can introduce an ‘Article 4 Direction’ which removes specified permitted development rights. This has been introduced in the five wards along Lewes Road in relation to change of use to small HMOs. This was identified in the Student Housing Strategy as being the area with the greatest

concentrations of shared houses. It should be noted that a change of use to large HMO (seven or more occupants) requires planning permission in all areas of the city.

Introducing an Article 4 Direction must be justified for both its purpose and extent. In order to consider an extension to the existing Direction, there would need to be considerable evidence to demonstrate that ongoing operation of permitted development rights would cause demonstrable harm within the area. Officers would need to collate this evidence and make a case.

In terms of the Bennett Road area, it is estimated that six of approximately 145 properties in Bennett Road, Bristol Street and Princes Terrace, are currently in use as HMOs. This represent less than 4 per cent. Given the need to demonstrate significant harm to justify an Article 4 Direction, it would appear that at the present time there are insufficient levels of concentration to warrant removal of permitted development rights within this area. However, the situation will be closely monitored.

This issue was considered in more detail in a report considered by this Committee on 21 September 2017.”

- 42.4 Councillor Mears requested an officer’s report regarding the increase of HMOs in the city. Councillor O’Quinn seconded the proposal and noted that it was a concern for Local Councillors as there were multiple non-registered HMOs in the city and this was changing the demographics in family areas.
- 42.5 **RESOLVED** – That the Committee agreed to have an update report regarding HMOs in Brighton & Hove.
- 42.6 The Chair explained that one petition had been referred from Council on 14 December 2017 in relation to 40% affordable homes.
- 42.7 The Chair read the following response –

“Adopted City Plan policy CP20 Affordable Housing seeks to secure 40% affordable housing on housing development proposals for 15+ units.

The policy does however recognise that development viability considerations may mean that, in some circumstances, the 40% target is not always achievable. There are examples where this has been the case with some of the city’s brownfield development sites. Where a developer cites viability as the reason why 40% cannot be achieved, then the council ensures that scheme viability is rigorously tested by an independent assessor (nb. the council uses the District Valuation Service for independent assessment).

A report to this committee today makes the case for greater transparency in development viability information. The recommendation asks that viability information is sought as part of the validation process for planning applications where the applicant states that policy requirements cannot be met for viability reasons.

The council is fully committed to the provision of affordable housing and this is evidenced through its work to get affordable homes delivered through S106 planning

application schemes and by direct provision through its New Homes for Neighbourhoods programme and through the Living Wage Joint Venture initiative recently agreed.”

42.8 **RESOLVED** – That the Committee noted the petition.

### 43 MEMBER INVOLVEMENT

43.1 The Chair noted that two written questions had been received from Councillors Nemeth and Mears and that these were listed on the agenda.

#### Planning Enforcement

43.2 Councillor Nemeth asked: “Will the Chairman provide the latest figures for open and pending planning enforcement cases for (a) November and (b) December?”

43.3 The Chair provided the following written response:

	<b>Open Cases</b>	<b>Unallocated Cases</b>
November 2017	790 cases	379 cases
December 2017	776 cases	388 cases

“The table above sets out the number of open and pending planning enforcement cases for November and December. To provide some context to these figures - the number of open cases stood at 807 in April 2017 and has since gone down to 776.

The number of unallocated cases is at 388 which remains higher than the Team would have liked. You can be assured, however, that a number of measures are being introduced in the next 6 months to address this.

In March the Enforcement Team will be reviewing and streamlining business processes which will improve the efficiency of the service. The Team is also preparing new Enforcement Policy, which is expected to be presented to TDC Committee in June following consultation with councillors. This will identify priorities for the Service. The additional Planning Officer in the Enforcement Team, in the last year, has contributed to supporting enforcement work on HMOs and improving the number of cases closed over the year.”

43.4 By way of a supplementary Councillor Nemeth asked how many people had been convicted of unauthorised works to listed buildings in recent years.

43.5 The Chair agreed to send a full response to the Committee.

#### The “Big Screen”

43.6 Councillor Mears asked: “Will the Chairman confirm that the agreed amended actions concerning the “Big Screen” from the last meeting of this committee have been actioned, and what progress has been made to date?”

43.7 The Chair provided the following written response: “Following approval at the last committee the Licence Particulars for the operation of a Screen on the Beach were

advertised with a closing date of 5pm on Tuesday 9th January 2018. The applications will now be evaluated and a briefing will be arranged with the lead councillors of each party on this committee upon the completion of the evaluation process.”

- 43.8 By way of a supplementary Councillor Mears noted concern that the recommendations in the previously approved report had been changed. The Executive Director of Economy Environment & Culture explained that there was a technical error in the report with “lease” and “tender”; however, the resolution remained correct. The previously agreed report was to seek permission to go to market with the opportunity and this had been completed by officers.

### **Notice of Motion**

- 43.9 The Chair noted that a Notice of Motion had been received from Councillor Nemeth and that this was listed on the agenda.
- 43.10 Councillor Nemeth introduced his Notice of Motion and noted that Brighton & Hove City Council should use renewable alternatives to plastic and stated “do it once, do it right”. He explained that the long term costs of non-plastics would be significantly lower and the maintenance would be easier. He stated that the majority of modern new build in other countries were predominately made in copper and were aesthetically pleasing and durable. The use of alternative materials would provide multiple opportunities for young people to learn new skills through college courses. He concluded by stating the use of alternatives would be economically and environmentally beneficial.
- 43.11 Councillor Mears formally seconded the Notice of Motion.
- 43.12 Councillor Druitt explained that he had campaigned against the use of plastics and would support the Notice of Motion.
- 43.13 Councillor Moonan explained that she supported the Notice of Motion and that the materials and quality of the new builds were carefully considered at the Housing & New Homes Committee. She noted that the costs of the alternative materials could impact on the rent; however, she agreed with building good quality council housing.
- 43.14 Councillor O’Quinn noted that she supported the Notice of Motion.
- 43.15 The Chair explained that he broadly supported the Notice of Motion; however, there was a demand of maintenance on traditional materials. He noted that if the Committee agreed to have an officer report then it would be helpful to have a table comparing different materials and their costs.
- 43.16 **RESOLVED** – That the Committee agreed to have an Officer report regarding the use of plastics on and within buildings in Brighton & Hove.

### **44 PLANNING APPLICATION VALIDATION REQUIREMENT - VIABILITY ASSESSMENT AND AFFORDABLE HOUSING STATEMENT**

- 44.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in the relation to the Planning Application Validation Requirement. The

Planning Manager and Principal Planning Officer highlighted that the report was to seek agreement for an un-redacted viability assessment to be provided as a validation requirement for planning applications that do not meet the necessary planning policy requirements or contributions on viability grounds.

- 44.2 Councillor Druitt formally proposed his amendment and explained that the amendment aimed to clarify that a fully un-redacted Viability Assessment would be published without exception. He noted that the report stated that in exceptional circumstances some viability information could remain confidential and he raised concern that this could set a precedent for other developers.
- 44.3 Councillor Mac Cafferty formally seconded the amendment and thanked the officers for the report. He explained that the policy needed to change to ensure affordable housing was being gained through developments. He noted that developers were claiming exceptional circumstances at the Planning Committee regarding affordable housing and the proposed Green Group amendment would ensure that a precedent was not set.
- 44.4 Councillor Cattell thanked the officers and noted the thorough research that had been completed. She explained that she was proud that Brighton & Hove were to be the first authority outside of London to publish viability assessments. She suggested that a progress report was presented to the Tourism, Development & Culture Committee in six months regarding how many exceptional cases were submitted. The Senior Solicitor noted that if a developer requested that applied for the information to be redacted the officers would judge each case application on its own merits.
- 44.5 Councillor Moonan noted that she was a Member of the Planning Committee and welcomed the proposal as it was often debated at length. In response to the queries raised by Councillor Moonan the Principal Planning Officer clarified that they were expecting the exceptions to be unusual; however, the applicant would have an option to submit a redacted Viability Assessment with a statement explained why the information needed to be confidential. If the Council permitted the information to be redacted the statement would be published on the website. The Planning Manager added that a planning application would be invalid until either an un-redacted Viability Assessment was submitted or a submitted redacted Viability Assessment had been permitted by the Council.
- 44.6 Councillor Allen praised the officers and noted that the proposal would help gain 40% affordable housing on larger developments. He explained that the Green Group amendment was not necessary as the recommendations already stated that Viability Assessments would be submitted un-redacted.
- 44.7 Councillor Mears explained that she welcomed the proposal and the transparency would be positive for the public members. She noted that Councillor Cattell had proposed an update report in six months; however, this would be too early and proposed a report in 12 months.
- 44.8 In response to Councillor Nemeth the Principal Planning Officer explained the Viability Assessment submitted by the applicant would be assessed by the District Valuer Service (DVS) who would focus on the worth of the land at the time of the applied permission. The report from the DVS would also be published.

- 44.9 Councillor Druitt noted that the Green Group amendment offered clarity to the recommendations as they were conflicting with the officer's report. He explained that the proposed recommendations did not allow for redacted Viability Assessments to be submitted; however, the report stated that they could in exceptional circumstances.
- 44.10 The Chair then put the Green Group amendment to the vote. This was **not carried** with 2 votes in support and 8 votes against.
- 44.11 Councillor Mears formally proposed an update report to the Tourism, Development & Culture Committee in 12 months which was seconded by Councillor Nemeth.
- 44.12 **RESOLVED** – That the Committee agreed the proposal.
- 44.13 The Chair put the recommendations to the vote and these were **carried** unanimously.
- 44.14 **RESOLVED** – That the Committee agrees to the following additional planning application validation requirements which will be published on the public planning register:
- An un-redacted Viability Assessment for schemes that do not include the necessary planning policy requirements or contributions which is being justified on viability grounds.
  - An Affordable Housing Statement to be provided for policy compliant residential schemes.

#### **45 BROWNFIELD LAND REGISTER**

##### **45.1 RESOLVED –**

- 1) That the Committee noted the new requirement for Local Planning Authorities to produce, publish and maintain a Brownfield Land Register.
- 2) That the Committee agreed and endorsed the publication of Part 1 of the Brownfield Land Register.

#### **46 MAJOR PROJECTS UPDATE**

- 46.1 **RESOLVED** – That the Committee noted the report.

#### **47 FEES & CHARGES 2018/2019 - SPORT AND LEISURE, VENUES AND LIBRARIES**

- 47.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in relation to Fees & Charges 2017/18. The combined report presented the review of fees and charges across five service areas: Seafront, Sports Facilities (including golf courses), Venues (The Brighton Centre), Outdoor Events and Libraries. The changes would be implemented from April 2017 unless otherwise stated.
- 47.2 Councillor Nemeth formally proposed his amendment and explained that the beach hut transfer fees were to be increased by 1378% which was exploitative and there was no



explicit basis in the Corporate Policy for profit making in relation to cost recovery. He felt it was unnecessary to include the comparison to the local authorities' charges and these did not need to be aligned. He added that the additional charges could reflect the maintenance on the beach huts. The Conservative Group amendment requested that the increase was paid in equal instalments over three years.

- 47.3 Councillor Mears formally seconded the amendment and explained that the beach huts were intended for local residents and not the elite; however, the proposed amendment would ensure the increased charges would not affect the families who own a beach hut.
- 47.4 In response to Councillor Mears the Head of Sport & Leisure clarified that the concrete chalets in the Saltdean area were rented from the council and the charges would not affect these. The wooden beach huts in Brighton & Hove were privately owned and there was not a waiting list on these. The Chair added that the beach huts were sold commercially and the fee would only be sold once the beach hut was resold and was not an ongoing cost.
- 47.5 Councillor Moonan noted that the current price for a beach hut was £16,000 - £22,000 and were, therefore, not available to everyone in the city and were for the elite. She added that the current owners of the beach hut would gain additional money from selling.
- 47.6 In response to Councillor Mac Cafferty the Sports Facilities Manager explained that the leisure card would retain a maximum of 40% discount and the prices were to be kept in line with the standard rate. Councillor Mac Cafferty suggested freezing the prices of the leisure card as they encouraged vulnerable people in the city to engage in sport and activities. The Head of Sport & Leisure agreed to suggest this to Freedom Leisure.
- 47.7 In response to Councillor Druitt it was noted that the charge for ordering books was increased from £3.50 to £7 in 2017 and the figures had remained steady and were not impacted by the fees.
- 47.8 Councillor Druitt explained that it was logical to align the fees of the beach huts with the neighbouring authorities and the proposal was fair in comparison. He noted that he wanted the beach huts to be available to local residents, regardless of their wealth; however, there were more important services that needed to be funded within the council. He further explained that the fees and charges should be fully discussed and agreed at Budget Council on 22 February 2018; therefore, he would abstain from the vote.
- 47.9 Councillor Allen agreed with Councillor Druitt regarding the services that needed to be funded within the council. He was pleased that the Brighton Centre would continue to provide favourable rates to the Brighton & Hove Schools Concert.
- 47.10 Councillor Nemeth explained that the increase in the transfer fee would make current owners less likely to sell them and they could, therefore, be left in a bad condition. He added that the proposed Conservative Group amendment did not conflict with what was said in the debate by the other Members.

47.11 The Chair then put the Conservative Group amendment to the vote. This was **not carried** with 3 votes in support and 7 votes against.

47.12 The Chair put the recommendations to the vote and these were **carried** with 8 votes for and 2 abstentions.

47.13 **RESOLVED –**

- 1) That the committee approves the fees and charges for the Seafront for 2018/19 in Appendix 1.
- 2) That the committee notes the fees and charges for the Sports Facilities for 2018/19 in Appendix 2a.
- 3) That the committee approves the fees and charges for the Golf Courses for 2018/19 in Appendix 2b.
- 4) That the committee approves the fees and charges for the Brighton Centre for 2018/19 in Appendix 3.
- 5) That the committee approves the fees and charges for Outdoor Events for 2018/19 in Appendix 4.
- 6) That the committee approves the fees and charges for Libraries for 2018/19 in Appendix 5.
- 7) That the committee grants delegated authority for officers nominated by the Executive Director to negotiate hire fees where commercially necessary outside the approved fees & charges.

#### **48 ROYAL PAVILION ESTATE CAPITAL PROJECT PHASE 2 UPDATE**

48.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in the relation to the Royal Pavilion Estate Capital Project Phase 2. The report updated the Committee on the progress made on the project and described the planned Phase 2 works and accompanying funding strategy.

48.2 In response to Councillor Nemeth the City Regeneration Programme Manager explained that the council were in regular contact with the Pavilion Gardens Café and the Chair had consulted with the owner twice. The Executive Director for Economy, Environment & Culture added that any groups could request further engagement from officers.

48.3 Councillor Allen explained that he agreed with Councillor Nemeth regarding the consultation with the café owner and raised concerns regarding the access to the Royal Pavilion Gardens for the café owner in the morning. The Executive Director for Economy, Environment & Culture explained that the council had an obligation in the lease to ensure the café owner would have access and be able to operate. He noted that a written confirmation could be provided to the Committee outlining the café owner's rights if it was of interest.

- 48.4 Councillor Mears welcomed the written confirmation and explained that there were previous proposals to alter the Royal Pavilion Gardens, including the removal of the café. She explained that the café had been in the gardens for many years and it was a concern that it would be removed in the near future. The Chair confirmed that officers were ensuring the café was retained and would be a viable business and that as Chair, he would ensure the café was prevented from ever being shut. The Executive Director for Economy, Environment & Culture noted that the lease with the café had been extended and was protected during this time.
- 48.5 Councillor Druitt explained that it was important to allow the café time and space to set up before operating. He noted concern for when there was a ticketed event in the Royal Pavilion Gardens as the café could be impacted by this. He suggested that the café should be involved in the events and as it would be an opportunity for the café. It was explained to Councillor Druitt that the officers were committed to engaging with the café regarding ticketed events and under the terms on the lease it stated that the council needed to give the café owner access to operate its business.
- 48.6 In response to Councillor Mac Cafferty the City Regeneration Programme Manager confirmed that the findings that were discovered during the renovation of the Brighton Dome Corn Exchange were photographed and recorded. A well and soakaways were found on site and were recorded in the archaeology report, which would be signed off by the County Archaeologist when the renovation was completed. The records would be a public document and would be available online and on the planning register.
- 48.7 The Chair put the recommendations to the vote and these were **carried** unanimously.
- 48.8 **RESOLVED –**
- 1) That the Committee notes the progress made to date on the Royal Pavilion Estate capital project and the works taking place at Brighton Dome to complete Phase 1 outlined in paragraph 3.6.
  - 2) That the Committee notes the recommendations agreed by Policy, Resources & Growth Committee on 30 November 2017 described in paragraph 3.1.

#### **49 UPDATE ON ROYAL PAVILION AND MUSEUMS TRUST ARRANGEMENTS**

- 49.1 Councillor Robins vacated the Chair during consideration of this application and Councillor Cattell, the Deputy Chair, took the Chair.
- 49.2 The Committee considered a report of the Executive Director for Economy, Environment & Culture in the relation to the Royal Pavilion and Museums Trust Arrangements. The report updated the Committee on the proposal to move the direct governance of the Royal Pavilion and Museums (RPM) from the City Council to a charitable entity.
- 49.3 Councillor Nemeth explained that the group was satisfied with the labour amendment and would formally withdraw the Conservative amendment.
- 49.4 Councillor Robins formally proposed his amendment and explained that the amendment sought for a three month extension until 1 July 2018 to account for meaningful

engagement and consultation with the affected staff and the unions. He explained that he had met with the staff at the Royal Pavilion three times and it was clear that they were passionate about their jobs but it was also their livelihood. He added that the amendment sought for an update report regarding the consultation to be presented at the Tourism, Development & Culture Committee on 8 March 2018. Councillor Cattell then formally seconded the amendment.

- 49.5 Councillor Druitt explained that he welcomed the Labour Group amendment but had concerns that the engagement had not yet been effective as a petition had been presented, to Members of the Committee, which had been signed by over 90% of the Royal Pavilion & Museum staff. He added that he supported the report; however, it needed to be acknowledged that an alternative plan might be needed if the staff concerns could not be resolved. The Executive Director for Economy, Environment & Culture explained that he had acknowledged the staffs concerns and apologised to the staff that the consultation had not been successful. He explained that if the Labour Group amendment was agreed he would visit the individual teams and ensure that the concerns raised were addressed. He added that a consultation timetable was being produced and he would ensure the engagement was effective and meaningful.
- 49.6 Councillor Mears noted that she welcomed the Labour amendment; however, she had concerns regarding the management of disposals once moving to a Trust. In response to the concerns raised by Councillor Mears the Arts & Culture Programme Director explained that there was an extensive range of artefacts in storage at the Brighton Museum and the majority of disposals were exchanged with other museums to extend the collection. It was added that a small proportion of artefacts had been sold but this had been to professionally manage the collection and the money made was reinvested into the collections. Councillor Mears requested a section regarding disposals in the update report in March if the Labour Group amendment was agreed.
- 49.7 Councillor Allen agreed with Councillors Mears and Druitt and noted that the petition would not have been received if the consultation had been effective. He explained that he fully supported the Labour Group amendment and if it was to be agreed it would allow officers to fully consult the staff. He added that if the response to the Trust was still negative then he would support a further delay.
- 49.8 In response to Councillor Allen the Executive Director for Economy, Environment & Culture explained that Preston Manor, Hove Museum and the Booth Museum were to be managed by the Trust and they could not be closed without agreement from Brighton & Hove City Council. It was also clarified that the Members on the Shadow Trust Board had not been excluded from meetings and held the same representation as the directors.
- 49.9 In response to Councillor O'Quinn the Executive Director for Economy, Environment & Culture explained that the officers were recommending a single stage trust and the Labour Group amendment would allow additional time for officers to consult fully with the staff regarding this. A single stage process would give the best opportunity for success in establishing the ongoing resilience and sustainability of the Royal Pavilion & Museums and would provide a level of oversight and control in areas such as the management of collections and maintenance. The Trust could be established in two stages; however, it was not recommended by officers.

- 49.10 Councillor Robins explained that the officers were recommending a single stage process; however, after the engagement with staff, if it was necessary, the process could be changed to two stages. He noted that he had spoken to the staff and appreciated the feedback they had given and wanted to ensure full, meaningful consultation was accomplished.
- 49.11 Councillor Druitt noted that he supported the three month extension; however, the administration should take full responsibility for the lack of consultation with the affected staff.
- 49.12 Councillor Mears stated that she understood the concerns raised by Councillor Druitt; however, she was reassured as Councillor Robins had committed to ensure meaningful engagement was completed with the staff. She thanked Councillor Robins and noted that the discussion, proposed amendment and decision should be referred to the Policy, Resources & Growth Committee.
- 49.13 Councillor Robins explained to the Committee that he had consulted with staff members individually, had meetings with officers and taken responsibility for the lack of engagement. The Executive Director for Economy, Environment & Culture added that as the director he was the accountable officer and took full responsibility and would ensure the problems were addressed. He confirmed that the Policy, Resources & Growth Committee report would reflect the outcome and decision of the Committee and an extract of the minutes would be provided.
- 49.14 The Chair then put the Labour Group amendment to the vote. This was **carried** unanimously.
- 49.15 The Chair put the recommendations to the vote and these were **carried** unanimously.
- 49.16 **RESOLVED:** That the Tourism Development & Culture Committee –
- 1) Notes the report and associated information.
  - 2) Recommends that the 25th January 2018 Policy, Resources & Growth committee:
    - (i) agrees the proposal to move the management of the service to a single trust in one stage rather than two stages, but subject to a delay in the proposed timetable of a further 3 months to 01<sup>st</sup> July 2018 to take into account concerns raise by staff and allow for further engagement with staff and unions, including engagement with Brighton Dome & Festival staff and management, and for a clear programme of this further staff engagement to be communicated in writing
    - (ii) agrees the proposal to proceed by way of a contract, rather than a grant.
  - 3) requests an update to this committee in March on the progress in establishing the Trust and engagement with staff and unions
  - 4) Notes that 25 January 2018 Policy, Resources & Growth Committee will consider the final terms of the transaction, the governance arrangements for the Trust, and the

provisions for monitoring the service contract between the City Council and the Trust as set out in the report.

**50 ITEMS REFERRED FOR FULL COUNCIL**

50.1 There were no items referred to Council.

The meeting concluded at 5.05pm

Signed

Chair

Dated this      day of

**WRITTEN QUESTIONS FROM COUNCILLORS**

The following questions have been received from Councillors and will be taken as read along with the written answer which will be included in an addendum that will be circulated at the meeting. A Member who asked a question may ask one relevant supplementary question which shall be put and answered without discussion.

**(i) Councillor Nemeth- Royal Pavilion**

“Mindful that the Chairman has worked exceedingly hard to ease relations with Pavilion staff, will he now give an update on the project; an explanation of the mechanism used to delay matters (in conflict with a decision by PRG Committee and as reported in the Argus); and some indication of an updated timetable?”

**Reply from Councillor Robins, Chair of the Tourism Development & Culture Committee.**

**(ii) Councillor Nemeth- King Alfred**

“Will the Chairman explain who will be filling the gap in council tax and business rates of approximately £1 million per annum that we are left with following delays to the development of the King Alfred site?”

**Reply from Councillor Robins, Chair of the Tourism Development & Culture Committee.**

**(iii) Councillor Nemeth- Notice to Beach Hut owners of increased fees**

“Given that the current beach hut ‘Terms and Conditions’ document states that “The Licensee shall...Pay the fee as set out over the page and any increased fee as may be notified to the Licensee at least 2 months prior to 1<sup>st</sup> April in any year.”, would the Chairman confirm what date Licensees were notified of increased fees?”

**Reply from Councillor Robins, Chair of the Tourism Development & Culture Committee.**

**(iv) Councillor Nemeth- Marlborough House**

“Following the expiration of an enforcement notice on 6<sup>th</sup> November 2017 for unauthorised works to this historic building, a site visit on 8<sup>th</sup> November, and subsequent legal advice immediately afterwards, would the Chairman detail precisely what action has been taken over the past four months to regularise the situation?”

**Reply from Councillor Robins, Chair of the Tourism Development & Culture Committee.**

**(v) Councillor Nemeth- Sculpture Trail**

“Given the excitement surrounding the forthcoming launch of the Hove Plinth, and the unveiling of its first exhibit, might the Chairman now be more inclined to support Hove Civic Society’s Sculpture Trail initiative which would come at no cost to the taxpayer?”

**Reply from Councillor Robins, Chair of the Tourism Development & Culture Committee.**

**(vi) Councillor Nemeth- Hippodrome**

“Would the Chairman confirm what action has been taken following the painting of the front of the Hippodrome with large multi-coloured writing, presumably upon the instruction of the site’s owner, which amounts to unauthorised works to a Listed Building?”

**Reply from Councillor Robins, Chair of the Tourism Development & Culture Committee.**

**(vii) Councillor Nemeth- Planning Enforcement**

“Will the Chairman provide the latest figures for open and pending planning enforcement cases for (a) August, (b) September, (c) October and (d) November?, (e) December, (f) January and (g) February?”

**Reply from Councillor Robins, Chair of the Tourism Development & Culture Committee.**

**(viii) Councillor Mears- The Big Screen**

Does the Chairman feel that (a) Councillors were adequately consulted in choosing an operator for the Big Screen and (b) would he detail what matters Councillors were consulted on prior to the choosing of the operator?

**Reply from Councillor Robins, Chair of the Tourism Development & Culture Committee.**



<b>Subject:</b>	<b>Community Infrastructure Levy – Publication of Draft Charging Schedule and Draft Regulation 123 List</b>		
<b>Date of Meeting:</b>	<b>8 March 2017</b>		
<b>Report of:</b>	<b>Executive Director, Economy Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Clare Flowers</b>	<b>Tel: 01273 290443</b>
	<b>Email:</b>	<b>clare.flowers@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

1.1 This report seeks approval to publish a Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) in accordance with Regulation 16 of the Community Infrastructure Levy Regulations 2010 for consultation and formal submission for examination provided no further substantive changes are required. The report also seeks approval to publish the draft Regulation 123 List, which sets out a framework of citywide infrastructure types suitable for CIL funding, for a six week formal consultation.

**2. RECOMMENDATIONS:**

2.1 That the Committee notes the results of the Preliminary Draft Charging Schedule CIL Consultation 2017 Report (Appendix 4) and subsequent recommendations arising from the CIL Viability Assessment Addendum (February 2018) (Appendix 3).

2.2 That the Committee agrees to publish the Draft Charging Schedule (Appendix 1) in accordance with regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended), for six weeks formal consultation, and to authorise the Head of Planning to make any necessary minor editorial/grammatical amendments to the Draft Charging Schedule prior to consultation.

2.3 That the Committee agrees to submit this published Draft Charging Schedule for examination in accordance with regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended) unless substantive modifications are required whereupon a Statement of Modifications would be produced and brought to this committee prior to publication.

2.4 That the Committee agrees to publish the draft Regulation 123 List, which sets out a framework of infrastructure which may be funded from the levy (Appendix 2), for a period of six weeks formal consultation and to authorise the Head of

Planning to make any necessary minor editorial/grammatical amendments to this list prior to consultation.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 In September 2016 ED&C Committee resolved that work commence on a CIL charging schedule for Brighton & Hove, noting that a key stage was to 'Publish a PDCS for consultation following committee resolution'.
- 3.2 In September 2017 this Committee resolved to carry out a consultation exercise on a PDCS in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations), which was carried out between 13 October and 10 December 2017. That consultation process is now complete and has informed the preparation of the DCS. Comments and responses are analysed within the Consultation Report, attached as a Background Document.

#### **Summary of consultation responses from the PDCS**

- 3.3 The PDCS consultation received 48 responses: 25 from residents/individuals; 7 from community organisations; 6 from public bodies/authorities and 10 from business organisations/developers.
- 3.4 Responses stating charges were too high, manageable or too low were received in roughly equal proportions. Interest was shown in the future neighbourhood portion of levy spending.
- 3.5 Two key issues were identified from the consultation responses. These were in relation to the approach taken for Purpose Built Student Accommodation (PBSA) and level of charge; and the approach to Strategic sites. These issues warranted further consideration and assessment of viability evidence underpinning the proposed charging schedule.
- 3.6 In terms of PBSA, further work has been undertaken. An addendum to the CIL Viability Assessment (Appendix 3) has reviewed PBSA rates in relation to charging levels and location. The addendum findings support alignment of CIL charging rates with residential development on a citywide basis. Due to the absence of affordable housing requirements, it is considered that aligning the PBSA rate should equate to the proposed residential zone one charge.
- 3.7 Strategic sites – A further review of viability evidence in relation to strategic development sites, as defined by CIL guidance, has been undertaken. Viability evidence demonstrates that variance from the standard CIL charge is justified due to abnormal costs of two strategic site developments relating to Brighton Marina Inner Harbour and the King Alfred Leisure Centre/RNR allocated in City Plan Part One. The Inner Harbour site is considered strategic on the basis of the amount of housing being proposed (1000 units). The infrastructure required to deliver the site, such as an underlying podium structure; an upgrade of sea defences; and utilities result in abnormal costs that demonstrate a significant viability deficit. The King Alfred site is also considered strategic, providing new indoor public wet and dry sports facilities for the city. Evidence, including the recent Housing Investment Fund marginal viability bid, indicates there are

abnormal costs and significant viability issues with delivery of this development. As CIL charging rates should not undermine the delivery of the City Plan, these two strategic sites have been included in the DCS with a nil charge. S106 obligations will still apply to either site where directly related and necessary to development, providing there is no overlap with the infrastructure set out in the Regulation 123 List.

### **Proposed CIL rates set out in the DCS**

3.8 The proposed levy rates indicated in the table below are based upon the findings of the CIL viability study and its update.

<b>Use</b>	<b>Location</b>	<b>Levy (£/sq. m)</b>
<b>Residential - applies to C3 and C2 use classes</b>  <b>Zone areas are shown on Map in Appendix 1</b>	<b>Zone 1</b>	<b>175</b>
	<b>Zone 2</b>	<b>150</b>
	<b>Zone 3</b>	<b>75</b>
<b>Strategic Sites rate</b>	<b>Brighton Marina Inner Harbour; King Alfred Leisure Centre/RNR site</b>	<b>0</b>
<b>Purpose Built Student Accommodation</b>	<b>City Wide</b>	<b>175</b>
<b>Retail – Larger format – Retail warehousing / Supermarkets</b>	<b>City Wide</b>	<b>100</b>
<b>Other shopping units development</b>	<b>City Wide</b>	<b>50</b>
<b>All other development uses</b>	<b>City Wide</b>	<b>0</b>

3.9 Changes made to the PDCS are the inclusion of a Strategic Site rate for two identified sites, also reflected in the Draft Charging Schedule map, and a new rate for Purpose Built Student Accommodation which has been reduced from £250 to £175 per square metre (in accordance with the additional viability evidence).

### **Publishing, Consultation and Submission of the DCS and relevant evidence**

3.10 The statutory requirements to publish and consult on the DCS are set out in Regulation 16 of the CIL Regulations. The Regulations state that the DCS, the relevant evidence and a statement of the representations procedure (Appendix 4) should be publicised for a statutory minimum period of 4 weeks. To ensure good practice, it is recommended that the inspection of the DCS and the Viability Study Addendum should be open for a period of six weeks during which time representations may be made which will be considered by an independent examiner. The documents will be made available on the council's Consultation Portal and will also be sent to consultees.

3.11 Following the publication of and consultation on the DCS any further proposals to substantively modify this document would require a Statement of Modifications in

accordance with Regulations 11 and 19 of the CIL Regulations and this would be brought back to this Committee for further agreement.

- 3.12 The next stage is submission of the DCS, a statement of representations together with any modifications and supporting background documents such as the Infrastructure Delivery Plan (IDP) to an examiner, in accordance with Regulation 19 of the CIL Regulations.

### **CIL funding and Infrastructure provision**

- 3.13 A draft Regulation 123 List has been prepared. This document is a proposed high level framework of strategic infrastructure which is suitable to be funded in part or in full by the levy. This list has been drawn from the Infrastructure Delivery Plan (IDP), which identifies infrastructure required to support development in the City Plan. It should be noted that developers should not pay twice for the same infrastructure provision through s106 obligations and CIL; known as 'double dipping' and which is prohibited by Regulation 123.
- 3.14 A Regulation 123 list can be reviewed and amended separately to the charging schedule. The charging authority should ensure that any changes are clearly explained and subject to appropriate local consultation.
- 3.15 The IDP must demonstrate a funding gap between the cost of the infrastructure and monies available to provide this infrastructure. This funding gap justifies the collection of a CIL, and will be submitted as background evidence for the examiner to consider.

### **Scaling back s106 planning obligations**

- 3.16 On introduction of CIL, there requires a concurrent scaling back of s106 obligations to items of necessary infrastructure directly related to a development as set out in Regulation 122 of the CIL Regulations. The DCS sets out which current areas of s106 contributions are proposed to be scaled back and which contributions are to remain secured via s106 obligation. Affordable housing will continue to be secured through s106 and the CIL Viability Study has factored this in.
- 3.17 The DCS makes clear that the methodologies used to calculate the remaining s106 contribution areas are to continue as set out in the updated Developer Contribution Technical Guidance (March 2017).

### **Next Steps for CIL**

- 3.18

#### Indicative Timetable for approval of a CIL Charging Schedule

<b>Date</b>	<b>Key Stage</b>
Late March 2018	Publication of DCS and draft regulation 123 list
June 2018	Submission of documents and information to the Examiner

Oct/Nov 2018	Publication of the Examiner's recommendations
Jan-March 2019	Following this committee's resolution, submit CIL Charging Schedule for approval by a resolution of Full Council

3.19 Following an examination in public, the examiner will publish recommendations to approve, modify or reject the proposed Charging Schedule. The examiner's recommendations, including any modifications and an update to the wording and commentary of the Development Contribution Technical Guidance to reflect the scaling back of s106 obligations, will be brought back to this Committee for agreement to endorse the Charging Schedule prior to submitting to Full Council for approval.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 All rates in the published and submitted DCS should firmly reflect the recommendations of a robust evidence base. All documents will be scrutinised at an examination. Necessary changes have been made to the agreed PDCS due to consultation responses indicating that further appraisal was required. If the evidence base is not appropriately observed by the DCS it may be rejected at examination, or the examiner may require further evidence or clarification, all of which will delay the implementation of CIL.

4.2 As noted by ED&C in 2016, without an agreed CIL Charging Schedule, the provision of required city infrastructure will be undermined due to s106 pooling restrictions introduced in April 2015.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 Adopted BHCC Statement of Community Involvement (SCI) (2015) sets out how the council will consult when preparing CIL. The SCI has been prepared in accordance with the key principles of the Community Engagement Framework.

5.2 CIL Charging Schedule preparation sets a minimum two formal stages of consultation at PDCS Stage and Draft Charging Schedule (DCS) Stage. If a Statement of Modification is published this will be subject to a further four week consultation at formal submission stage in accordance with Regulation 11 of the CIL Regulations.

5.3 The DCS has been amended as a result of the first formal consultation upon the PDCS. Representations made in relation to this DCS will be submitted to an external examiner in accordance with the Planning Act 2008 (as amended) and the CIL Regulations. Anyone that has made representations on the DCS or any Statement of Modifications may request to be heard by the examiner.

5.4 The draft Regulation 123 list sets out a framework of infrastructure to be provided through CIL funding. This will be subject to six weeks formal consultation and will support the DCS.

- 5.5 The consultation report and statement attached as a background document to this report sets out representations and the council's response to the PDCS consultation in full.

## **6. CONCLUSION**

- 6.1 This report recommends that the findings and recommendations of the CIL Viability Assessment Addendum (February 2018) are noted; that the charging schedule rates and zones map of the DCS are agreed; and the DCS document is approved to be published and consulted upon for a six week consultation period then submitted to examination as required under the CIL Regulations 2010 (as amended). It is considered that the proposed rates in the DCS, which have been reviewed in response to the PDCS consultation, strike the right balance between securing additional infrastructure investment to support development and development viability in terms of overall delivery of the City Plan.
- 6.2 This report recommends that the draft Regulation 123 List is agreed for publication and six weeks formal consultation to support the DCS.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The staff time and consultation costs arising from the report recommendations will be met from existing revenue budgets within the City Development and Regeneration department.
- 7.2 Once a scheme is implemented, there will be ongoing costs connected with advising developers of their liability, collecting, monitoring, reporting and enforcing the scheme. An impact assessment by the Department for Communities and Local Government from 2011 estimated that the annual ongoing cost of the scheme to a local authority outside of London will be up to £0.076m.
- 7.3 CIL regulations allow charging authorities to use up to 5% of CIL receipts on expenses in connection with the initial set-up and ongoing operation of the CIL scheme. Consideration has therefore been given to the costs of administration in setting rates to maximise cost recovery.
- 7.4 The current forecast value of receipts the council may receive from the implementation of the CIL is £2 million per annum over the plan period to 2030. However income from S106 contributions will reduce as a consequence. It is anticipated that overall the income from CIL contributions will be at least the same as current S106 contributions.
- 7.5 CIL receipts will be a potentially important source of income for funding infrastructure in the City, however consideration has also been given to ensure that the charges are compatible with the aims and objectives of the council.

Finance Officer Consulted: Gemma Jackson

Date: 06/02/18

#### Legal Implications:

- 7.6 The statutory background to the report's recommendations is found in the body of the report.
- 7.7 It is not considered that the report's recommendations raise any adverse human rights implications.

Lawyer Consulted:

Hilary Woodward

Date: 13/02/2018

#### Equalities Implications:

- 7.8 An equalities impact assessment will be prepared alongside the CIL Charging Schedule. Income raised from CIL will go towards funding infrastructure necessary to support new development and communities.

#### Sustainability Implications:

- 7.9 Income raised from CIL will go towards funding infrastructure necessary to support new development and communities and should therefore have a positive impact in terms of sustainability incomes

#### Any Other Significant Implications:

- 7.10 Corporate / Citywide Implications  
Implementation of CIL will help to deliver the policies and objectives of the City Plan and other agreed strategies in the city.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

- 1. Draft Charging Schedule (March 2018)
- 2. Draft Regulation 123 List
- 3. CIL Viability Assessment Addendum (2018)
- 4. Statement of Representations Procedure

#### **Documents in Members' Rooms**

- 1. None

#### **Background Documents**

- 1. Preliminary Draft Charging Schedule CIL Consultation 2017 Report (March 2018)

2. CIL Viability Addendum Appendices Combined (2018)
3. City Plan Part One
4. Infrastructure Delivery Plan Update 2017, Annex 2 to the City Plan
5. Developer Contributions Technical Guidance 2017
6. Statement of Community Involvement 2015



**Community Infrastructure Levy  
Draft Charging Schedule  
Brighton & Hove City Council**

**March 2018**



**Views over the City of Brighton & Hove**

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# Consultation Procedures

## Community Infrastructure Levy Draft Charging Schedule

**Brighton & Hove City Council intends to submit a Community Infrastructure Levy (CIL) Draft Charging Schedule for public examination, under section 212 of the Planning Act 2008 (as amended by the Localism Act 2011) and the Community Infrastructure Levy Regulations 2010 (as amended).**

This Draft Charging Schedule (DCS) is issued as the second, formal stage in the preparation of a CIL Charging Schedule in accordance with regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended). The charging area covers the administrative area of Brighton and Hove City Council excluding the South Downs National Park area.

Representations are invited on the Draft Charging Schedule during a six week consultation period starting xxxx and ending xxxxx.

Anonymous comments or comments received outside these dates and times will not be accepted.

Comments on the Draft Charging Schedule can be made on our consultation portal:

Xxxxx (Preferred).

Alternatively, the document and official response forms can be downloaded from the

Council's website: xxxx Completed forms should be emailed to:  
[planning.policy@brighton-hove.gov.uk](mailto:planning.policy@brighton-hove.gov.uk)

During the consultation period a copy of the Draft Charging Schedule, the relevant evidence and a statement of the representations procedure will be made available for inspection at the Brighton & Hove City Council's two Customer Service Centres:

**Brighton Customer Service Centre, Bartholomew House, Bartholomew Square, Brighton, BN1 1JE**

**Hove Customer Service Centre, Hove Town Hall, Norton Road, BN3 3BQ**

**Written responses should be sent to the following Postal address:  
Policy, Projects and Heritage Team; Hove Town Hall, Norton Road BN3  
3BQ**

Responses can be made through the consultation portal, via email or via the post:

Completed forms should be emailed to: [planning.policy@brighton-hove.gov.uk](mailto:planning.policy@brighton-hove.gov.uk)

Representations (including those taking the form of objections) should specify the matters to which they relate. Objections should also specify the change sought, including evidence to support your view. Representations received during the consultation period will be considered and, if required, alterations will be made to the DCS, which would be published through a Statement of Modifications. The Draft Charging Schedule will then be submitted for public examination.

Regulation 16 identifies that persons making representations may (1) request the right to be heard by the CIL examiner and (2) request to be notified, at a specific address, of any of the following:

- That the draft charging schedule has been submitted to the examiner in accordance with section 212 of PA 2008,
- The publication of the recommendations of the examiner and the reason for those recommendations,
- The approval of the charging schedule by the charging authority.

Regulation 17 allows any person to make representations about the Draft Charging Schedule within the consultation period to the address specified above. A person who has made representations about the Draft Charging Schedule may withdraw those representations at any time by giving notice in writing to the charging authority.

This section reflects information set out in the Brighton & Hove City Council Statement of Representations Procedure published alongside this DCS.

## **Relevant Legislation Context**

This Draft Charging Schedule (DCS) is issued as the second, formal stage in the preparation of a CIL Charging Schedule in accordance with Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011) and the Community Infrastructure Levy Regulations 2010 (as amended by the

Community Infrastructure Levy Amendment Regulations of 2011, 2012, 2013, 2014, 2015 and 2018). All Regulations referred to within this DCS refer to those contained within these Community Infrastructure Levy Regulations 2010 (as amended) unless otherwise stated. Relevant matters within National Planning Policy Guidance and the National Planning Policy Framework 2012 have been reviewed in the drafting and content of this DCS.

The Planning Act 2008, the Localism Act 2011 and the Community Infrastructure Levy Regulations can be accessed via the following website:

[Legislation.gov.uk](http://legislation.gov.uk)

National planning practice guidance can be accessed via the following website:

[PPG Website](#)

National Planning Policy Framework 2012 can be accessed via the following website:

[NPPF Website](#)

## **The Charging Authority and Charging Area**

The Charging Authority and Collecting Authority is Brighton & Hove City Council.

The charging area covers the administrative area of Brighton and Hove City Council excluding the South Downs National Park area. The National Park Authority is the charging authority for its own CIL Charging Schedule implemented on 1st April 2017.



**Easterly views towards Marine Parade, Brighton**

# The Community Infrastructure Levy (CIL)

## CIL Overview

CIL allows local authorities to raise funds from development for the provision of infrastructure in and around their areas. A CIL charge is non-negotiable; however there are exemptions for some types of development such as Affordable Housing.

Once adopted, the CIL Charging Schedule will set out a standard rate (£ per sq. m) based on new Gross Internal Area (GIA) that will be payable by landowners or developers for specific development types within geographical locations as set out in the Charging Schedule. The money collected through CIL will be authorised by the Council to help pay for a range of infrastructure that will support growth and development within the city.

## Advantages of CIL

The Government's CIL regulations and guidance outlines a range of key advantages over the current system of Section 106 Agreements including that:

- It will be less time consuming, reduce the levels of negotiation with applicants and help speed up the planning system;
- It is a non-negotiable charge which is transparent and predictable, meaning that applicants will know their CIL liability prior to submitting a planning application;
- CIL provides a fairer system in that it relates contributions to the size of liable developments in respect of net new floor space provided by a development, and new residential dwellings;
- CIL collects contributions from a wider range of developments than under section 106, providing additional funding to allow local authorities to carry out a range of infrastructure projects that not only support growth but benefit the local community;
- Pooling restrictions from April 2015 allow a maximum of five S106 contributions towards an infrastructure project or a type of infrastructure; so limiting funds from S106 contributions to bring forward strategic infrastructure necessary to support new development. CIL allows a predictable, longer-term funding stream giving strategic infrastructure delivery more certainty.

## **Parish and Neighbourhood Fund**

CIL regulations require that at least 15% of levy receipts are to be spent on priorities that should be agreed with the local community in areas where

development is taking place. Under CIL Regulations, 15% of CIL receipts are passed directly to Parish Councils where development has taken place. This is capped at a maximum of £100 per existing council tax dwelling. Communities with a 'made' neighbourhood plan will benefit from 25% of the levy revenues arising from the development that takes place in their area (this is uncapped). Areas without a Parish Council or neighbourhood plan will still benefit from the 15% neighbourhood portion. In these instances, the charging authority retains the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. Neighbourhood forums will have an influence over how funds are spent in their area.

## The Evidence Base

When establishing a CIL Charging Schedule and CIL rates, a local authority must show that there's need for infrastructure funding to support its Local Development Plan. The local authority also has to demonstrate available sources of infrastructure funding are insufficient to meet all infrastructure needs over the life span of the local plan, and therefore a funding gap exists.

Therefore, a CIL charging schedule must be informed by available evidence, which includes:

- A bespoke viability assessment to test the likely impact of CIL rates on the viability of developments envisaged by the Local Development Plan;
- An infrastructure delivery plan to demonstrate broad needs and a funding gap; and
- The Local Development Plan

The above documents are briefly set out below. They can also be accessed via the council's [Developer Contributions](#) webpage.

## **CIL Viability Study towards a Charging Schedule**

Under Regulation 14 (as amended) the Council is required to ‘strike an appropriate balance between’ the desirability of funding infrastructure from the levy and ‘the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area’.

A bespoke CIL Viability Study has been carried out for the purposes of exploring a CIL Charging Schedule for Brighton & Hove City Council by Dixon Searle Partnership between the dates Jan – August 2017 and was consulted upon alongside the PDCS. To address representations made through the consultation, a Viability Study Addendum (February 2018) has been produced. The Viability Study and its Addendum is considered to be an appropriate evidence base to underpin the rates and geographical areas within this DCS.

## **Infrastructure Provision under CIL**

The June 2017 Infrastructure Delivery Plan (IDP) update is the first update of the IDP which was tested as part of the process to adopt City Plan Part One. This IDP update was agreed by the Tourism Development and Culture committee, and identifies in its summary that it is ‘also an evolving part of the evidence base for an emerging Community Infrastructure Levy (CIL) Charging Schedule and Regulation 123 list’. It is considered to be appropriate evidence to inform the preparation of this Draft Charging Schedule. The list evidences a funding gap in the provision of infrastructure and justifies the collection of CIL.

A draft Regulation 123 list has been prepared by the council to support the CIL Draft Charging Schedule and proposes Infrastructure Types or Projects suitable for CIL funding.

## **Local Development Plan**

The Local Development Plan for Brighton and Hove consists of the Brighton & Hove City Plan Part One 2016, retained policies of the Brighton & Hove Local Plan 2005, the East Sussex, South Downs and Brighton and Hove Waste & Minerals Plan (adopted 2013) and the East Sussex, South Downs and Brighton and Hove Waste & Minerals Sites Plan (adopted 2017).

## **How The Chargeable amount will be calculated**

The Council will calculate the ‘chargeable amount’ of CIL using the formal calculation methodology as set out in Regulation 40 of the CIL Regulations 2010 (as amended). The key theme of calculating a CIL charge is that CIL will be charged on the net additional internal floor area of development, once



exempted development types and other eligibility considerations as set out in the CIL Regulations (as amended) have been taken into account.

The Council will use the Royal Institution of Chartered Surveyors (RICS) Code of Measuring Practice 6th edition definition of Gross Internal Area to calculate chargeable floor space. The CIL rates will be index linked to the 'All-In Tender Price Index' of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. This index of inflation will keep the levy responsive to market conditions. The council will apply the most recent BCIS finalised figure published before the previous 1 November.

## Proposed Charging Schedule

The proposed CIL charging rates below are within the scope of the Viability Assessment's updated guide parameters and findings; and it is considered that these rates will not impede the delivery of the overall Brighton and Hove Local Development Plan.

**Table 1**

Use	Location	Levy (£/sq. m)
Residential - applies to C3 and C2 use classes  Zone areas are shown on Map in Appendix 1	Zone 1	175
	Zone 2	150
	Zone 3	75
Strategic Sites rate	Brighton Marina Inner Harbour;  King Alfred Leisure Centre/RNR site	0
Purpose Built Student Housing	City Wide	175
Retail – Larger format – Retail warehousing / Supermarkets	City Wide	100
Other shopping units development	City Wide	50
All other development uses	City Wide	0

*Notes: Retail – Larger format:*

*Retail warehouses are large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car-borne customers.*

*Superstores/supermarkets are shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.*

*Retail - Other shopping units development: includes city centre comparison retail*

## Section 106 Planning Obligations

Once the CIL charging schedule is adopted, developers or land owners will still be expected to provide site-specific infrastructure which is:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

through a section 106 (s106) obligation under CIL Regulation 122 (as amended). No item on a Regulation 123 infrastructure list will be eligible for s106 contributions to avoid 'double dipping'. In order to provide clarity about the extent of the financial burden that development will be expected to bear so that viability can be robustly assessed, the list below demonstrates which current areas of s106 contributions are proposed to be scaled back and which obligations are to remain secured via s106 obligations:

Current areas of s106 contributions proposed to be scaled back on introduction of CIL:

- Off-site Recreation space contributions;
- Off-site Education provision contributions;
- Off-site Sustainable Transport contributions.

Current areas of s106 contributions proposed to remain secured via s106 on introduction of CIL for on-site provision include:

- Affordable Housing - on site provision or commuted sum in lieu;
- On-site recreation/sports facilities and/or space provision;
- On-site schools/education land and/or building provision;
- Development related transport access and highways works provision under s278 and/ or s38 of the Highways Act 1980;
- On-site Local Employment training/job opportunities provision with supporting financial contribution;
- On-site public realm provision including artistic element;
- Development related flood defenses and coastal engineering;
- Development related water supply & utilities provision, & wastewater drainage;
- Zero rated (£0 per sq. m) developments where site specific mitigation measures may be required;
- On-site health care facilities, emergency services facilities and other community buildings;
- Development related nature conservation and ecological measures.

The methodologies used to calculate the remaining s106 contribution areas are proposed to continue as set out in the updated Developer Contribution Technical Guidance (March 2017).

For further information on current areas of s106 contributions which are set out in the March 2017 Developer Contribution Technical Guidance, please go to our [Developer Contributions webpage](#) . A more detailed framework of Infrastructure Type or Project has been prepared by the council for consultation alongside the published CIL Draft Charging Schedule.

## Next Steps

### Indicative Timetable for development & adoption of a CIL Charging Schedule

Date	Key Stage
Oct 2017-Dec 2017	Preliminary Draft Charging Schedule published for eight week consultation following Committee resolution
March -May 2018	Following committee resolution, publish for six week consultation: <ul style="list-style-type: none"> <li>• Draft Charging Schedule (revised following PDCS consultation)</li> <li>• Statement of representations procedure</li> <li>• Draft Regulation 123 list</li> </ul>
June 2018	Submission of documents and relevant evidence to the examiner
Oct/ Nov 2018	Publication of the examiner's recommendations
Spring 2019	Adopt CIL Charging Schedule following a resolution of Full Council

## Instalment Policy and when CIL is Payable

In accordance with Regulation 69B of the CIL Regulations (as amended), a charging authority can set its own policy allowing liabilities to be paid by instalments. To implement this, the Council would publish an instalment policy on its website. Such a policy would not be part of the charging schedule and could be changed independently of it.

The council intends to consider the appropriateness of introducing an installment policy.

## **Payment in Kind Policy**

In accordance with Regulations 73, 73A, 73B and 74 of the CIL Regulations (as amended), charging authorities have the discretion to accept payment in kind to allow land or infrastructure payments for the whole or part of the CIL due in respect of a chargeable development. To implement this, the Council would publish a policy on its website in accordance with the notification requirements. Such a policy would not be part of the charging schedule and could be changed independently of it.

The council intends to consider the appropriateness of introducing a payment in kind policy.

## **CIL Income Estimates and Use**

This is an estimated, indicative income for residential development, based on the projected growth and approximate timing of delivery outlined by the Local Development Plan, along with the residential CIL rates and zones proposed by the DCS. The methodology and assumptions for this income estimate are set out in Appendix Two.

It is currently estimated for the purposes of this DCS that in the region of £2 million per annum could be generated from CIL income over the plan period to 2030. This is based on housing (including an affordable housing discount), retail and student housing delivery (excluding strategic sites) as identified within policy CP1 of City Plan Part One over the plan period to 2030.

The amount available to the Council to fund strategic infrastructure will however, be reduced due to the need to net off an administration cost of up to 5%, and allocate neighbourhood funds under the criteria specified above.

Revenues from CIL are therefore not expected to bridge the long term funding gap demonstrated through the IDP.

## **CIL and Existing Planning Permissions**

Developments which receive planning consent and have concluded section 106 agreements prior to the commencement date of a CIL Charging Schedule, will not be liable to CIL.

Where a planning permission granted before a levy charge came into force is then subject to amendment under s73 (minor material amendment) of the Planning Act 1990 (as amended) after the commencement date of a CIL charging schedule, then only any additional liability it introduces will be subject to CIL.

## Reporting, Monitoring and Review

So as to ensure an appropriate CIL rate that allows for changing market and other influences on development viability and deliverability, the Council will put in place an appropriate monitoring and review framework that consists of:

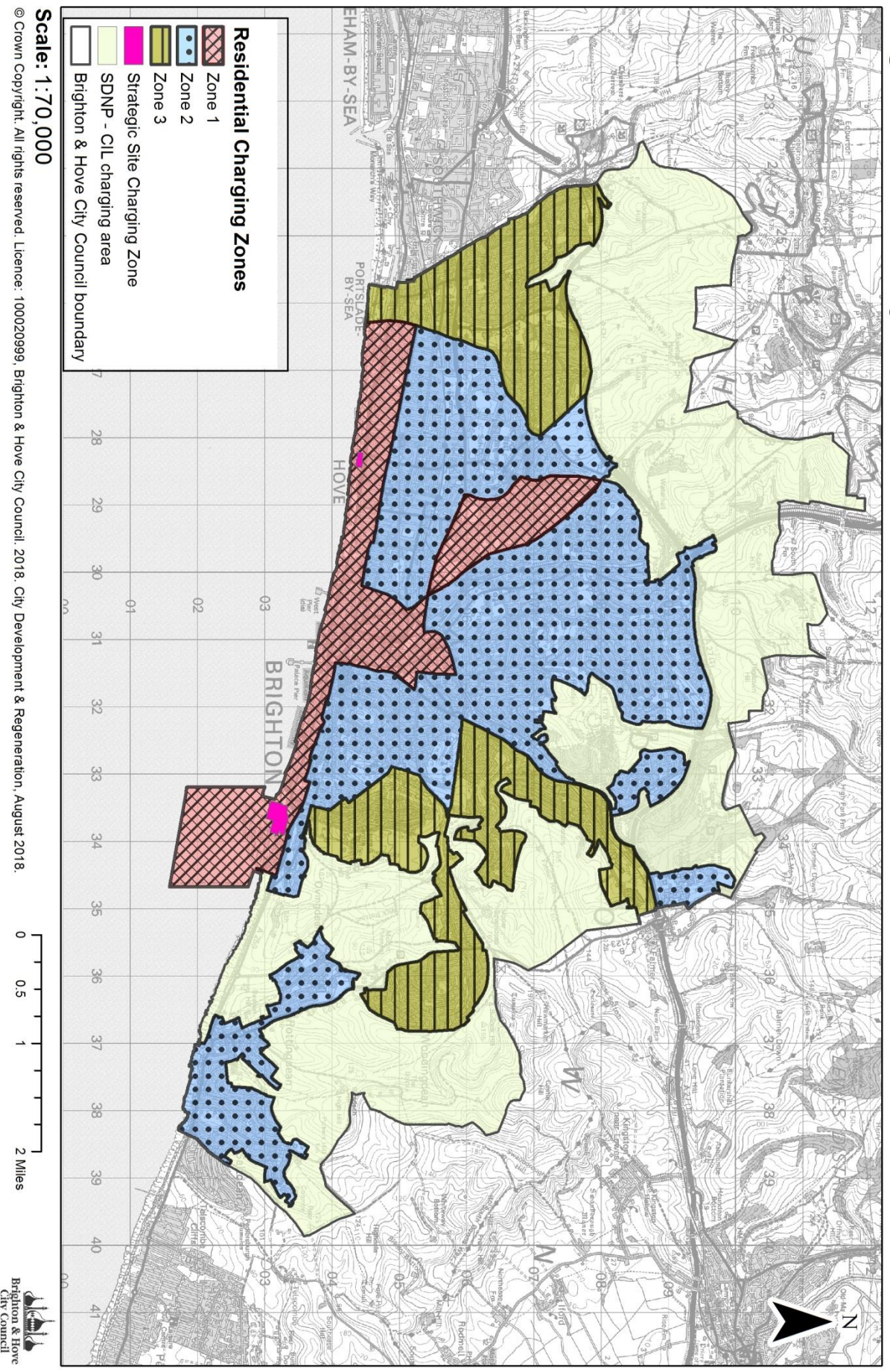
- Reporting of the level and progress of development in the City in the Council's Authority Monitoring Report (AMR)
- Preparation of a report for any financial year in which CIL is collected to comply with the CIL regulations 2010 (as amended)
- A continuation of existing s106 monitoring systems.

It is also anticipated that the CIL charging schedule and its rates will be reviewed within a 3 to 5 year time period, from its adoption date, or at an earlier date if changing market conditions support this.



**Hove Railway Station, looking west**

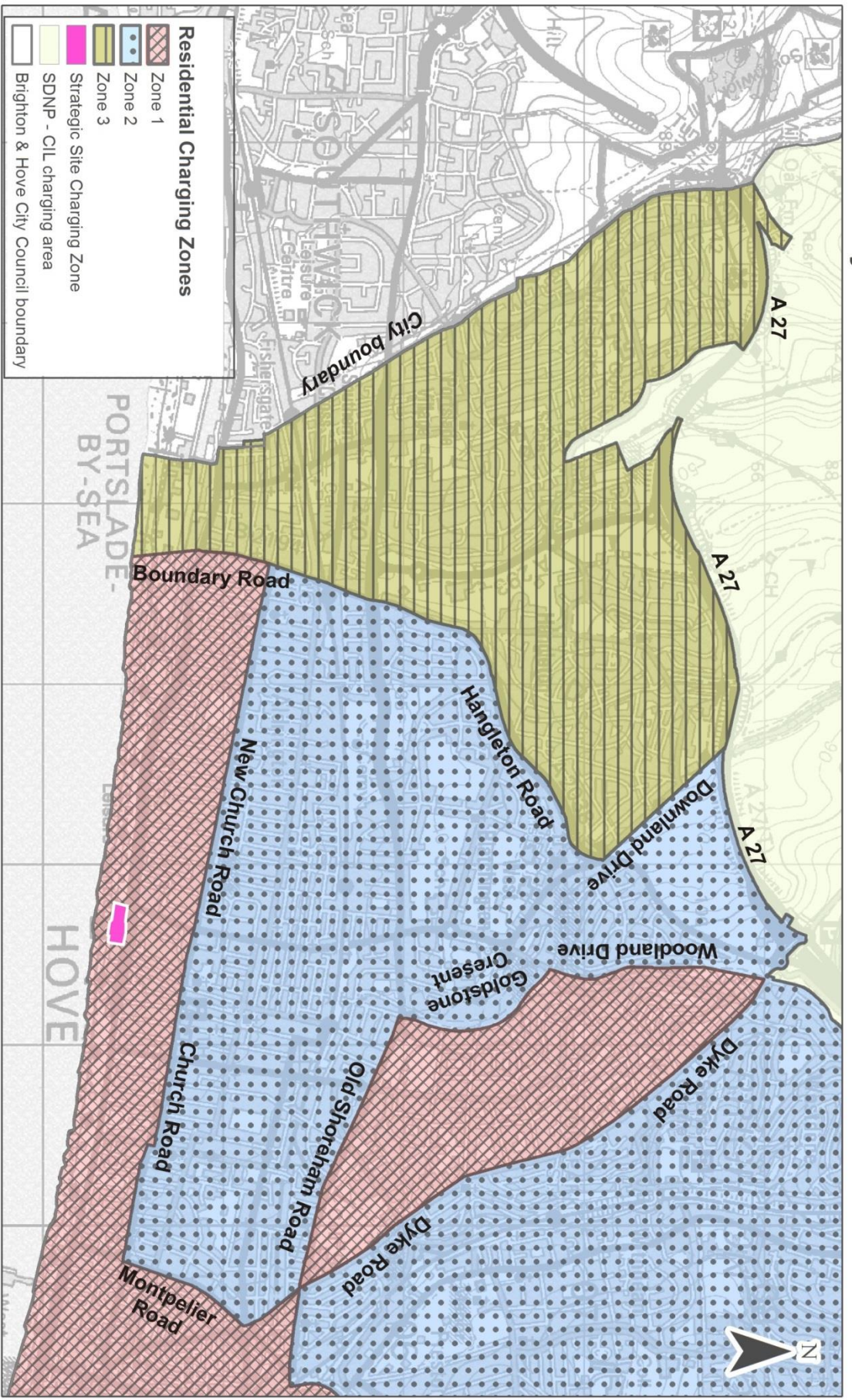
# Appendix 1 Community Infrastructure Levy - Draft Charging Schedule map 2018 Brighton & Hove City Council





# Appendix 1 Community Infrastructure Levy - Draft Charging Schedule map 2018

## Detail: No.1 : City West



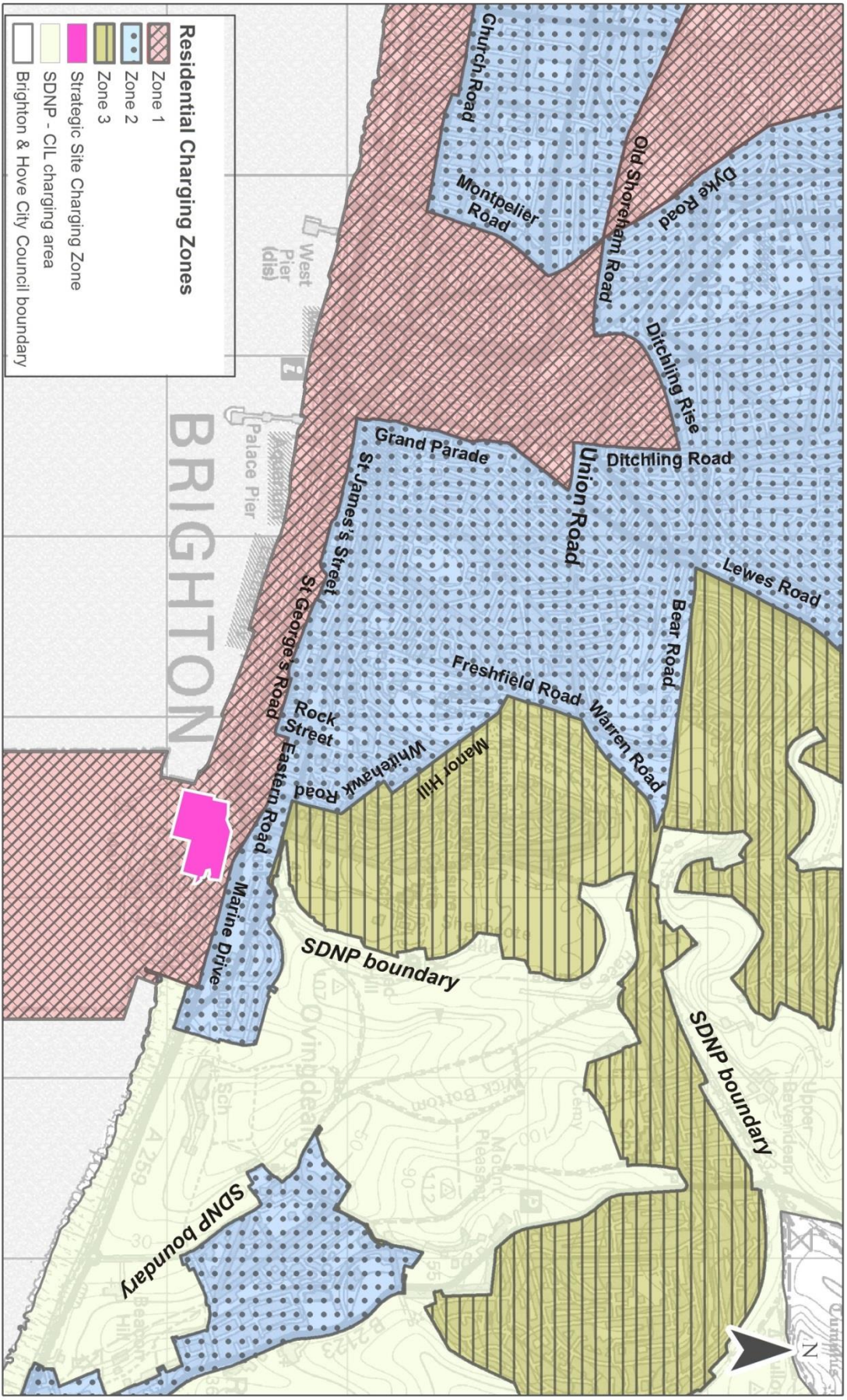
Scale: 1:26,720

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# Appendix 1 Community Infrastructure Levy - Draft Charging Schedule map 2018

## Detail: No.2 : City East



Scale: 1:26,720

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**Brighton & Hove City Council – Community Infrastructure Levy (CIL)****(Draft) Regulation 123 List - March 2018**

The Community Infrastructure Levy (CIL) Regulation 123 provides for a CIL Charging Authority to publish a list of infrastructure that will be, or may be, wholly or partly funded by a CIL. CIL can be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support development in the Charging Authority's area.

This Draft Regulation 123 List is provided as part of the consultation on the Draft Charging Schedule and to ensure no duplication or double charging towards the same infrastructure project.

The alphabetical order of the list does not imply any preference or priority but is assessed from objectives identified in approved council strategies and plans identified in the Infrastructure Delivery Plan.

The inclusion of a specific infrastructure project on the Regulation 123 list does not commit the council to fund the project (either in whole or in part).

<b>Infrastructure Type or Project which may be funded by Community Infrastructure Levy receipts</b>
<p><b><u>Air Quality</u></b></p> <p>All off-site citywide Air Quality mitigation and monitoring measures priorities where identified in Infrastructure Delivery Plan.</p>
<p><b><u>Education facilities</u></b></p> <p>All off-site provision and improvements to new or existing schools and public sector funded education facilities.</p>
<p><b><u>Emergency Services</u></b></p> <p>Cumulative impacts of development upon services where identified in Infrastructure Delivery Plan.</p>
<p><b><u>Energy and Utilities</u></b></p> <p>Strategic renewable energy projects, measures and facilities provision where identified in Infrastructure Delivery Plan.</p>
<p><b><u>Flood risk</u></b></p> <p>Strategic Sustainable Urban Drainage Systems (SUDS) - priorities where identified in Infrastructure Delivery Plan.</p>
<p><b><u>Health Facilities</u></b></p> <p>Off-site citywide health care facilities provision.</p>

<p><b>Infrastructure Type or Project which may be funded by Community Infrastructure Levy receipts</b></p>
<p><b><u>Open Space Provision</u></b></p> <p>All off-site provision and improvements to publically accessible parks and other recreation open space facilities including amenity green areas and areas for food growing.</p>
<p><b><u>Recreation space built facilities</u></b></p> <p>All off-site provision and improvements including built provision to play space, indoor/outdoor sports, and playing fields.</p>
<p><b><u>Provision and enhancement of Green Infrastructure network</u></b></p> <p>Green infrastructure network connectivity including cross boundary infrastructure, rights of way, biodiversity measures and tree planting.</p>
<p><b><u>Public realm and cultural infrastructure</u></b></p> <p>Strategic public realm upgrade including environmental improvements, components for delivery of arts, cultural provision and production space and technology.</p>
<p><b><u>Transport and Highways</u></b></p> <p>City wide transport improvements including walking and cycling facilities and networks, public transport facilities and services, road safety, and parking and traffic management.</p> <p>Off-site provision, improvement and maintenance to new and existing public highways infrastructure and rights of way including traffic signals, junction upgrades and lighting.</p>

# For: Brighton & Hove City Council Community Infrastructure Levy (CIL) Viability Study Addendum

February 2018

DSP17472A



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1. Introduction	3
2. Methodology & Findings	5

## Appendices

Appendix I –	Development Appraisal Results & Appraisal Summaries
Appendix II –	Supplementary Research

## Notes and Limitations

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1. This has been a desk-top exercise based on information provided by Brighton & Hove City Council (B&H CC) supplemented with information gathered by and assumptions made by DSP appropriate to the current stage of review and to inform the Council's preparation of a Community Infrastructure Levy (CIL) Charging Schedule for the city.
2. The original Viability Study<sup>1</sup> and this Addendum have been carried out using well recognised residual valuation techniques by consultants highly experienced in the preparation of strategic viability assessments for local authority policy development including whole plan viability, affordable housing and CIL economic viability as well as providing site-specific viability reviews and advice. In order to carry out this type of assessment a large number of assumptions are required alongside the consideration of a range of a large quantity of information which rarely fits all eventualities.
3. Small changes in assumptions can have a significant individual or cumulative effect on the residual land value (RLV) or other surplus / deficit output generated – the indicative surpluses (or other outcomes) generated by the development appraisals for this review will not necessarily reflect site specific circumstances. Therefore, this assessment (as with similar studies of its type) is not intended to prescribe land values or other assumptions or otherwise substitute for the usual considerations and discussions that will continue to be needed as particular developments with varying characteristics come forward. Nevertheless, the assumptions used within this study reflect the policy requirements and strategy of the Council as known at the time of carrying out this review and therefore take into account the cumulative cost effects of policies where those are relevant in developing a CIL Charging Schedule.
4. It should be noted that every scheme is different and no review of this nature can reflect the variances seen in site specific cases. Specific assumptions and values applied for our schemes are unlikely to be appropriate for all developments and a degree of professional judgment is required. We are confident, however, that our assumptions are reasonable in terms of making this viability overview and further informing the Council's policy development.
5. This Addendum report sets out supplementary information to inform the Council's consideration of potential CIL charging rates from a viability perspective whilst taking into account adopted local and national policies that may impact on development viability.

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<sup>1</sup> Brighton & Hove City Council – Community Infrastructure Levy (CIL) Viability Study (August 2017)

6. The review of development viability is not an exact science. There can be no definite viability cut off point owing to variation in site specific circumstances. These include the land ownership situation. The National Planning Policy Framework (NPPF) states that *“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable”*. It is not appropriate to assume that because a development appears to produce some land value (or in some cases even value equivalent to an existing / alternative use), the land will change hands and the development proceed. This principle will in some cases extend to land owners expecting or requiring the land price to reach a higher level, perhaps even significantly above that related to an existing or alternative land use. This might be referred to as a premium. In some specific cases, whilst weighing up overall planning objectives to be achieved, therefore, the proposals may need to be viewed alongside the owner’s enjoyment / use of the land, and a potential premium relative to existing use value or perhaps to an alternative use that the site may be put to. In practice, whether and to what extent an active market exists for an existing or alternative use will be a key part of determining whether or how site discussions develop. Overall, land value expectations will need to be realistic and reflective of the opportunities offered by, and constraints associated with, particular sites and schemes in the given circumstances and at the relevant delivery timing; with planning policies being reflected amongst these factors. The planning requirements including CIL will be necessarily reflected in the land values that are ultimately supportable.
7. This document has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of Dixon Searle Partnership Ltd; we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.
8. To the extent that the document is based on information supplied by others, Dixon Searle Partnership Ltd accepts no liability for any loss or damage suffered by the client or others who choose to rely on it.
9. In no way does this study provide formal valuation advice; it provides an overview not intended for other purposes nor to over-ride particular site considerations as the Council’s policies continue to be applied practically from case to case.



# 1 Introduction

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- 1.1.1. Brighton & Hove City Council is working towards putting a Community Infrastructure Levy (CIL) charging schedule in place and have prepared a Preliminary Draft Charging Schedule (PDCS) in accordance with the CIL Regulations 2010 (as amended).
- 1.1.2. The Council consulted on the PDCS from September 2017 for eight weeks. Comments were sought on any matters raised by the PDCS and the supporting Viability Study (VS)<sup>2</sup>, and in particular on 3 key issues: the proposed charging levels; the value area zones; and the section 106 areas to be scaled back on introduction of CIL. All responses to the consultation have been reviewed by the Council with responses ultimately feeding into a Draft Charging Schedule which will be subject to a second round of statutory consultation in accordance with CIL Regulations 2010 (as amended).
- 1.1.3. A summary of the consultation responses and the Council's review of those responses has also been produced by the Council with assistance from DSP where appropriate. That review provides the Council's responses to points specifically raised through the consultation process and to avoid repetition, those are not covered again here. However, the Council has asked Dixon Searle Partnership to provide an Addendum that addresses particular issues raised through the Consultation that may require further assessment / viability testing. This Addendum should be read in conjunction with the Council's summary of responses to the PDCS consultation and the original Viability Study.
- 1.1.4. The purpose of this brief Addendum is purely to further inform and support the Council's approach to the local implementation of CIL as it considers responses following the first formal consultation stage and moves from the PDCS to develop its Draft Charging Schedule (DCS).
- 1.1.5. In undertaking further review and carrying out additional appraisals, principally on a sensitivity basis, Dixon Searle Partnership (DSP) has used the same principles, methodology and appraisal tools as those used in preparing the main body of the viability assessment.
- 1.1.6. This brief report should not be read in isolation – the methodological explanations and their context will not be repeated here. Only the points which have been added or adjusted in comparison with those set out in the main Assessment report (August 2017) will be noted here.
- 1.1.7. The emphasis here is to provide additional appraisals (summary output sheets of which are to be found Appended to the rear of this report) to further inform the Council's consideration of

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<sup>2</sup> Brighton & Hove City Council – Community Infrastructure Levy (CIL) Viability Study (August 2017)

potential options for its proposed CIL charging approach to purpose built student accommodation (PBSA) and certain forms of retail development. This is in response to comments made through the consultation process. The Council wishes to consider as closely as possible how to apply principles and the viability findings most appropriately to its local context.

- 1.1.8. In terms of retail development, this context refers to comments made in relation to different forms of retail development and whether the Viability Study appropriately addresses their planned or expected occurrence across the City (i.e. their local relevance) and to the ways in which they might be best described. This intends to add clarity to the operation of the Charging Schedule once that is adopted in its final form in due course.
- 1.1.9. The other area considered in this report for the Council's information, is the treatment of purpose-built student accommodation under the CIL regime in response to points made through the consultation process on the various forms of student accommodation that may come forward through the life of the Council's first Charging Schedule.

## 2 Additional Results & Conclusions Summary

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2.1.1 This viability study Addendum follows the same principles, assumptions (except where stated) and methodology set out in detail in the Council's previous VS. This addendum therefore does not repeat the methodology and assumptions again here. The following section briefly sets out the specific issues raised through the PDCS consultation process addressed by this Addendum followed by details of the supplementary viability testing undertaken and conclusions for the Council's consideration.

### **Retail**

2.1.2 Retail development potentially covers a myriad of different scenarios. Following comments made through the consultation process in reference to the Council's proposed city-wide charging rate for 'other shopping units development' of £50/m<sup>2</sup>, the Council has formed the view that it would be beneficial to add to the overall review scope a layer of high level consideration of shopping centre comparison retail; how the viability of that looks relative to the other formats reviewed.

2.1.3 No information or evidence was supplied as part of the consultation process response to retail charging across the City and as such the following is assumption based, building on further research and discussions and liaison with the Council's planning officers. Without a defined scheme (as is normal at this stage of any strategic view of viability) there is obviously a great deal of assumption making at this stage and as such we have needed to run a relatively wide range of sensitivity testing in terms of potential rental values and investment yields as well as adding additional contingency allowances. The additional appraisals undertaken, representative of comparison retail in Brighton & Hove, reflect the following key parameters:

- A development of 30,000m<sup>2</sup> (20,000m<sup>2</sup> net), principally assuming comprehensive shopping centre development and a land-take of approximately 4 ha;
- Sensitivity testing carried out across a range of (averaged) rental values of between £600/m<sup>2</sup> to £1,200/m<sup>2</sup> (sensitivity trials for viability exploration);
- Sensitivity testing carried out across a range of potential yields from 5% to 6%;
- Other assumptions as set out in the Viability Assessment plus:
  - BCIS build costs at £1,562/m<sup>2</sup>; external / site works at 30%; contingency at 10%; BREEAM at 5%; professional and other fees at 12%; development profit at 20% GDV; other fees – legal, marketing/letting/purchaser's costs, etc. – as per Viability Study.

2.1.4 With the assumptions used, all scenarios produce positive results with a range of residual and value results between circa £42m/ha with the most optimistic combination of rents and yield assumptions to circa £7m/ha for the least optimistic assumptions on rents and yields. The following table summarises the results of the sensitivity testing with appraisal summaries appended to the rear of this Addendum along with additional (to the Viability Study) values research.

Table 1: Shopping Centre Retail Sensitivity Testing RLV Results

Sensitivity Test	Residual Land Value (£/ha)
5% Yield / £1,200/m <sup>2</sup> Rent	£41,904,700
5% Yield / £900/m <sup>2</sup> Rent	£27,230,878
5% Yield / £600/m <sup>2</sup> Rent	£12,557,056
5.5% Yield / £1,200/m <sup>2</sup> Rent	£36,260,596
5.5% Yield / £900/m <sup>2</sup> Rent	£22,997,800
5.5% Yield / £600/m <sup>2</sup> Rent	£9,735,004
6% Yield / £1,200/m <sup>2</sup> Rent	£31,559,385
6% Yield / £900/m <sup>2</sup> Rent	£19,471,892
6% Yield / £600/m <sup>2</sup> Rent	£7,384,399

Table 2: Shopping Centre Retail - £50/m<sup>2</sup> CIL as Percentage of Cost / GDV

Sensitivity Test	Gross Development Cost (£)	CIL as Percentage of Cost (%)	Gross Development Value (£)	CIL as Percentage of GDV (%)
5% Yield / £1,200/m <sup>2</sup> Rent	£305,485,714	0.49%	£411,428,571	0.36%
5% Yield / £900/m <sup>2</sup> Rent	£229,114,286	0.65%	£308,571,429	0.49%
5% Yield / £600/m <sup>2</sup> Rent	£152,742,857	0.98%	£205,714,286	0.73%
5.5% Yield / £1,200/m <sup>2</sup> Rent	£276,398,104	0.54%	£372,253,339	0.40%
5.5% Yield / £900/m <sup>2</sup> Rent	£207,298,578	0.72%	£279,190,004	0.54%
5.5% Yield / £600/m <sup>2</sup> Rent	£138,199,052	1.09%	£186,126,670	0.81%
6% Yield / £1,200/m <sup>2</sup> Rent	£252,169,811	0.59%	£339,622,642	0.44%
6% Yield / £900/m <sup>2</sup> Rent	£189,127,358	0.79%	£254,716,981	0.59%
6% Yield / £600/m <sup>2</sup> Rent	£126,084,906	1.19%	£169,811,321	0.88%

2.1.5 There are clearly a wide range of results with changes to the yield assumptions in particular having a significant affect on the results. However, in all cases the results are very positive suggesting residual land values significantly in excess of the highest potential land value benchmarks utilised in the viability study.

2.1.6 As a secondary measure, we have also indicated the impact of the proposed £50 CIL charge as a percentage of the gross development value and cost in each case. Again, it can be seen that the as a percentage of the overall value or cost, a CIL charge of £50/m<sup>2</sup> is unlikely to affect development to the degree that a viable scheme becomes unviable through the

implementation of that charge. To put this into context, a change of a fraction of a percent in any number of the input assumptions would see the impact of CIL reduced or removed.

- 2.1.7 Overall therefore, in all scenarios, less and more positive, it is not possible say that a £50/sq. m CIL (or possibly a higher charge) would be likely to render this element of the scheme unviable. If it comes forward, it is likely to be viable and a CIL charge of £50/m<sup>2</sup> is a minor element in terms of the overall development value and costs associated with what would be a prime shopping location.

#### **Purpose Built Student Accommodation**

- 2.1.8 Respondents to the PDCS consultation provided a range of views on the Council's proposed CIL charge of £250/m<sup>2</sup> for purpose-built student accommodation and in particular some discussion in relation to the level, uniform charging across the City and the range of student accommodation that could be developed across the City.
- 2.1.9 For the purposes of the VS, DSP tested a notional scheme of 150 en-suite rooms arranged as cluster flats assuming shared living/kitchen/dining spaces. The following assumptions were used / tested:

Table 3: Viability Study PBSA Viability Assumptions Summary

<b>100% Cluster Type Accommodation with ensuite (150 rooms)</b>	
<b>Low Value</b>	£150/week
<b>Medium Value</b>	£180/week
<b>High Value</b>	£200/week
<b>Site Size</b>	0.36ha
<b>Room Size (net)</b>	12m <sup>2</sup>
<b>Room Size (gross)</b>	20m <sup>2</sup>
<b>Non-lettable area</b>	40%
<b>NIA</b>	1800m <sup>2</sup>
<b>GIA</b>	3000m <sup>2</sup>
<b>Build Period</b>	18 months
<b>Build Cost (incl 5% external works)</b>	£1,853/m <sup>2</sup>
<b>Management Costs</b>	25.00%
<b>Occupancy</b>	52 weeks
<b>Yields</b>	4.5 - 6.5%

- 2.1.10 In response to issues highlighted through the consultation, we have tested further variations to the PBSA model by carrying out further sensitivity testing on the impact of the implementation of a range of CIL rates on a larger development of cluster flats (400 units) and

studio student accommodation (150 units). The following base assumptions were used (again, this should be read in conjunction with the original Viability Study):

Table 4: Addendum PBSA Viability Assumptions Summary - Cluster

<b>100% Cluster Type Accommodation with ensuite (400 rooms)</b>	
<b>Low Value</b>	£150/week
<b>Medium Value</b>	£180/week
<b>High Value</b>	£200/week
<b>Site Size</b>	0.75ha
<b>Room Size (net)</b>	12m <sup>2</sup>
<b>Room Size (gross)</b>	20m <sup>2</sup>
<b>Non-lettable area</b>	35%
<b>NIA</b>	4800m <sup>2</sup>
<b>GIA</b>	6480m <sup>2</sup>
<b>Build Period</b>	24 months
<b>Build Cost (incl 5% external works)</b>	£1,898/m <sup>2</sup>
<b>Management Costs</b>	25.00%
<b>Occupancy</b>	39 weeks with remaining at 60%
<b>Yields</b>	5.5%

Table 5: Addendum PBSA Viability Assumptions Summary - Studios

<b>100% Studio Type Accommodation (150 Flats)</b>	
<b>Low Value</b>	£200/week
<b>Medium Value</b>	£250/week
<b>High Value</b>	£300/week
<b>Site Size</b>	0.25ha
<b>Room Size (net)</b>	25m <sup>2</sup>
<b>Room Size (gross)</b>	33.75m <sup>2</sup>
<b>Non-lettable area</b>	30%
<b>NIA</b>	3,750m <sup>2</sup>
<b>GIA</b>	5,062m <sup>2</sup>
<b>Build Period</b>	18 months
<b>Build Cost (incl 5% external works)</b>	£1,898/m <sup>2</sup>
<b>Management Costs</b>	25.00%
<b>Occupancy</b>	39 weeks with remaining at 60%
<b>Yields</b>	5.5%

- 2.1.11 Supplementary research and commentary on the assumptions used in this Addendum is provided in Appendix II to this Addendum. A summary of the results of the additional modelling is included in Appendix I along with appraisal summaries.
- 2.1.12 The results shown in Appendix I clearly indicate the overall strength of the PBSA results with high residual land values produced across the scenario testing with, as expected, only the lowest rents and highest CIL levels combination indicating potentially marginal viability (and even then showing results on a £ per hectare basis that meet or exceed Viability Test 3).
- 2.1.13 We are therefore of the opinion that the findings and parameters of the original Viability Study remain valid.
- 2.1.14 Given where the Council placed the PBSA CIL charge for the PDCS, it remains our view that the Council could consider CIL charging rates aligned to its selection of rates within the recommended parameters for residential (C3) development. This would appear to present an appropriate and equitable scenario in our view.

**Main addendum FINAL DRAFT report text ends.**

**February 2018**

**Appendices follow.**





# Statement of Representations Procedure

## Community Infrastructure Levy

### Draft Charging Schedule

#### Regulation 16

**Brighton & Hove City Council intends to publish and submit a Community Infrastructure Levy (CIL) Draft Charging Schedule for examination, in accordance with section 212 of the Planning Act 2008 (as amended by the Localism Act 2011) and the Community Infrastructure Levy Regulations 2010 (as amended).**

Brighton & Hove City Council is publishing a Community Infrastructure Levy (CIL) Draft Charging Schedule for the purposes of submitting for examination in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

This Draft Charging Schedule (DCS) is issued as the second formal stage in the preparation of a CIL Charging Schedule in accordance with Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy Amendment Regulations of 2011, 2012, 2013, 2014, 2015 and 2018).

The charging area covers the administrative area of Brighton and Hove City Council excluding the South Downs National Park area. The charging authority and the collecting authority is Brighton & Hove City Council.

Representations are invited on this CIL Draft Charging Schedule within a six week consultation period starting xx March 2018 and ending xx April 2018.

Anonymous comments or comments received outside these dates and times will not be accepted.

Representations may be made through electronic communications or in writing.

**Comments can be made through our consultation portal:  
Xxxxx (Preferred).**

The DCS document, the relevant evidence, this statement and official response forms are available on the consultation portal.

Completed forms should be emailed to: [planning.policy@brighton-hove.gov.uk](mailto:planning.policy@brighton-hove.gov.uk)

The document, the relevant evidence, this statement and official response forms can be downloaded from Brighton & Hove City Council's [Developer Contributions](#) webpage.

**Completed forms should be emailed to: [planning.policy@brighton-hove.gov.uk](mailto:planning.policy@brighton-hove.gov.uk)**

During the consultation period a copy of the Draft Charging Schedule, the relevant evidence and a statement of the representations procedure will be made available for inspection, along with official response forms, at the Brighton & Hove City Council's two Customer Service Centres:

**Brighton Customer Service Centre, Bartholomew House, Bartholomew Square, Brighton, BN1 1JE**

**Hove Customer Service Centre, Hove Town Hall, Norton Road, BN3 3BQ**

**Written responses should be sent to the following Postal address: Policy, Projects and Heritage Team; Hove Town Hall, Norton Road BN3 3BQ**

Representations (including those taking the form of objections) should specify the matters to which they relate. Objections should also specify the change sought, including evidence to support your view. Representations received during the consultation period will be considered and, if required, alterations will be made to the DCS, which would be published through a Statement of Modifications. The Draft Charging Schedule will then be submitted for public examination.

Regulation 16 (2) (d) and (e i, ii, iii) identify that persons making representations may (1) request the right to be heard by the CIL examiner and (2) request to be notified, at a specific address, of any of the following:

- That the draft charging schedule has been submitted to the examiner in accordance with section 212 of the Planning Act 2008,
- The publication of the recommendations of the examiner and the reason for those recommendations,
- The approval of the charging schedule by the charging authority.

A person who has made representations about the Draft Charging Schedule may withdraw those representations at any time by giving notice in writing to the charging authority.

# Major Projects Bulletin

March 2018

## Royal Pavilion Estate



Proposed scheme

### Background

Heritage Centre Stage is a bold and significant initiative by the Royal Pavilion & Museums (RPM) and Brighton Dome & Festival Ltd (BDBF) to reunite the historic Royal Pavilion Estate. Phase 1 of this ambitious regeneration of the Royal Pavilion Estate (RPE) will deliver a major restoration of the nationally important Grade I listed Corn Exchange & Grade II listed Studio Theatre to enhance audience comfort & help the building operate more efficiently. This will include significant structural improvements that rationalise operations and drive increased revenue surpluses in order to deliver against BDBF's ambitious business plan. Achievement of this plan is central to our vision for the Royal Pavilion Estate and its future contribution to the cultural and economic wellbeing of Brighton & Hove. Phase 2 is now being considered and will aim to deliver significant restoration and improvement works to the Royal Pavilion and Garden.

### Key Facts

**Current stage:** Phase 1 (Corn Exchange & Studio Theatre) started on site February 2017

**Partners:** Brighton & Hove City Council, Brighton Dome & Brighton Festival, Arts Council England, Heritage Lottery Fund and Coast to Capital LEP

**Architects:** Feilden Clegg Bradley Studios

**Estimated project value:** £21.5M

### What happened in the last period?

- Blockwork and drainage in new Corn Exchange and Studio Theatre basement
- Repair and redecoration of external facades
- Erection of steel frame in Gallery area.

### What's going to happen in the next period?

- Replacement of Corn Exchange roof
- On-going repair to Corn Exchange wooden frame
- Installation of new Air Handling Units on Dome roof
- Installation of roof and walls of new Gallery building
- Continuing repair and redecoration of external facades
- Completion of Conservation Plan and Management & Maintenance Plan for RP Garden
- Consultation on Phase 2 Garden improvement proposals.

### Target Milestones

- Phase 1 works complete Autumn 2018
- Phase 2 Round 1 HLF bid submitted June 2018
- Phase 2 Round 2 HLF bid submitted September 2019
- Phase 2 works (Garden) SoS Autumn 2019
- Phase 2 works (Royal Pavilion) SoS Autumn 2020
- Project complete Autumn 2022

## Brighton Waterfront



The Brighton Centre and Churchill Square      Black Rock

### Background

We're finalising details of a legal agreement which will deliver a major new conferencing and events venue for Brighton & Hove on the Black Rock site next to the Marina and an expansion of Churchill Square shopping centre.

### Key Facts

#### Current stage:

Closure of legal and commercial negotiations

#### Partners:

Brighton & Hove City Council and Standard Life Aberdeen

#### Architects:

ACME Space, David Leonard Associates (central site)

**Estimated project value:** c£540M

#### Outputs:

- 2,000 jobs
- New venue & conference centre
- Improve & expanded destination shopping
- Improved public realm
- Housing and office space

### What happened in the last period?

- Legal and commercial discussions on the Conditional Land Acquisition Agreement (CLAA) have continued to progress well.

### What's going to happen in the next period?

- An exchange of the CLAA is targeted for March 2018.

### Target Milestones

- CLAA agreed - March 2018
- Planning – 2020/21

# King Alfred Development



Proposed Scheme

Current King Alfred Leisure Centre

## Background

In 2014 the Council embarked on a procurement exercise to bring about the comprehensive redevelopment of the 1.8 hectare King Alfred site. The primary objective is to replace the outdated Leisure Centre with improved, extended, and modern sports facilities as part of a major mixed-use enabling development, the principal element of which is much needed new homes. A 'Competitive Dialogue' procurement process in 2015, resulted in appointment of the Preferred Developer in January 2016.

## Key Facts

### Current stage:

Crest Nicholson in partnership with the Starr Trust, a local charity, are the preferred developer team. Since their appointment the partners have worked to progress the legal, financial, and contractual arrangements, work on which is ongoing.

### Partners:

Brighton & Hove City Council, Crest Nicholson & the Starr Trust

### Architects:

LA Architects – Sports centre and Haworth Tompkins – Wider scheme and master plan

**Estimated project value:** c£250M

### Outputs:

- New sports centre of c12,000 M<sup>2</sup>
- 565 homes (20% affordable)
- Commercial/retail space
- Community and public space

### What happened in the last period?

- Continuation of legal and commercial discussions towards agreeing terms of the Development Agreement
- On 1<sup>st</sup> February 2018 the Ministry of Housing, Communities and Local Government announced that the £15.2 bid to the Housing Infrastructure Fund (HIF) had been successful.

### What's going to happen in the next period?

- HIF Financial Clarification process completed and final funding arrangements confirmed
- Finalise contractual arrangements

### Target Milestones

- HIF Clarification completed: April 2018
- Planning application: first quarter of 2019 targeted
- Start on Site: 2020
- Project complete: 2025-26

## Circus Street



The scheme designs

### Background

The former municipal fruit and veg market will become a mixed-use scheme and 'innovation quarter'. The site, approximately a hectare in area, housed the former Municipal Market building, a university building and a car park. Following the decision by the University of Brighton in 2016 to place its plans for a new academic building 'on hold' a revised land deal was agreed between U+I (the developer) the council and the university in 2017, leading to a revised development agreement involving the council and the university and the commencement of construction in summer 2017 of all elements of the development bar the university building. The university intends to develop facilities to meet its needs at a future date.

### Key Facts

**Current stage:** Construction work is underway

**Partners:** Cathedral (Brighton (U & I plc), SE Dance and Coast to Capital LEP

**Architects:** ShedKM

**Estimated project value:** c£105M

### Outputs:

- 232 jobs
- 142 homes
- 2,046 M<sup>2</sup> Commercial
- 450 Student beds
- Dance Studio
- University Facilities

### What happened in the last period?

- Rapid progress on constructing student accommodation and residential blocks, with work ahead of schedule.

### What's going to happen in the next period?

- Piling of the Dance Space to commence March 2018.
- Construction to continue on-site, with most elements of development scheduled for completion in late 2019 and overall scheme (bar UoB element) to be completed March 2020

### Target Milestones

- Dance Studio works commence May 2018
- Project complete March 2020

## Preston Barracks & University of Brighton



The proposed scheme

### Background

Redevelopment of the former barracks site and adjacent University of Brighton land took a significant step forward in September 2017, when the scheme was granted planning permission. The £150 million Preston Barracks element on the Lewes Road is part of a comprehensive mixed use regeneration scheme aimed at transforming this part of Brighton.

The scheme will create a Northern gateway in to the city, and support entrepreneurial makers, inventors, engineers and product designers with the use of a diverse workspace.

### Key Facts

**Current stage:** Planning permission granted, legal agreements completed, and construction imminent

**Partners:** University of Brighton and U+I Plc (the developers)

**Architects:** Studio Egret West (Preston Barracks) & Hassell (University)

**Estimated project value (Preston Barracks):** c£150M

### Outputs:

- 369 new homes (15% affordable)
- c1,300 student beds
- Central Research Lab (4,645 M2 & 854 jobs over 10 year period)
- Office and retail space
- New university academic space
- Regenerate key site

### What happened in the last period?

- Full vacant possession of the site delivered to the developer, and demolition at an advanced stage
- S106 Agreement completed
- Completion of legal arrangements, with long lease granted to the developer and freehold disposal to the University

### What's going to happen in the next period?

- New site access arrangements put in place
- Progression of detailed design and developer enters early stage building contracts
- Demolition completed
- Phase 1 construction commences

### Target Milestones

- Construction commences: mid-2018
- Central Research Laboratory building completed; end 2019
- Project complete: 2022-23



## New England House



New England House

Fusebox creative space

### Background

New England House is already one of the major hubs for Brighton's thriving Creative, Digital and IT (CDIT) businesses. The building accommodates 96 businesses that are primarily from this sector. These businesses employ approximately 1,000 people and many more are employed by the companies that form part of their supply chains.

City Deal and Growth Deal funding will enable the development of New England House into an improved and expanded facility for nurturing small creative-tech businesses and fusing together people with creative and digital skills. This work will put Brighton firmly on the map as Tech City South.

### Key Facts

**Current stage:** Negotiations for potential land deal with adjacent leaseholder and potential developer which would help secure City Deal outputs

**Partners:** Brighton & Hove City Council, Department of Communities & Local Government (Greater Brighton City Deal)

**Architects:** TBC

**Estimated project value:** c£25M

#### Outputs:

- Increase office space by 7,089m<sup>2</sup>
- Repair and refurbish council asset

#### What happened in the last period?

- Continuation of discussions towards potential land deal with adjacent leaseholder (Longley Industrial Estate) and their preferred development partner.
- Progress on masterplan by developer's architects and engagement with local planning authority.

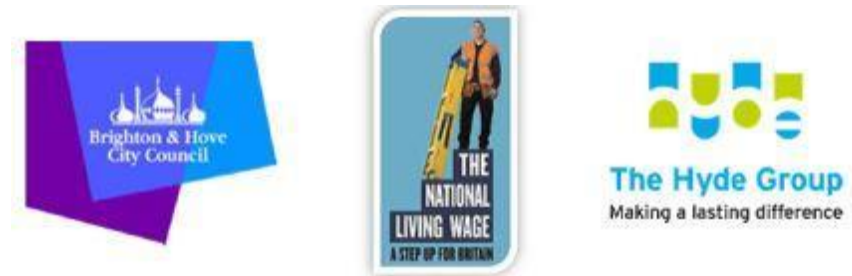
#### What's going to happen in the next period?

- Determination by all parties on whether a land deal is achievable and will enable realisation of City Deal targets in respect of New England House.
- Developer to progress planning application for Longley Industrial Estate.
- Council to progress design for refurbishment and extension of New England House.

#### Target Milestones

- Master Planning complete: March 2018
- Deal agreed: Spring 2018
- Design agreed: Spring 2018

## Living Wage Housing Joint Venture



### Background

The council is developing a Joint Venture with Hyde Housing to deliver 1,000 homes (500 Living Wage rent and 500 Shared Ownership targeted at local people). The proposal is to establish an equal Joint Venture Limited Liability Partnership (LLP) between Brighton & Hove City Council and Hyde Housing Association. The partners will provide equal funding, totalling £106M, to build new homes for low working households in Brighton & Hove. This will help to further increase the supply of lower rent housing in the city across a range of sites.

### Key Facts

#### Current stage:

The project received committee and funding approval in December 2016. Head of Terms are agreed and the Legal documents and Business Plan are currently being reviewed with an aim to launch in summer 2017.

#### Partners:

Brighton & Hove City Council and Hyde Housing

**Estimated project value:** £106M

#### Outputs:

- 1,000 homes (500 at Living Wage rent & 500 for Shared Ownership)
- Share of annual surplus to the council
- Jobs, training and apprenticeships
- Wider economic and regeneration impacts
- Council Tax revenue

#### What happened in the last period?

- Committee decisions by Housing & New Homes and Policy Resources & Growth Committees agreeing Business Plan and initial sites
- Agreement and sealing of legal documents
- Joint Venture LLP established

#### What's going to happen in the next period?

- Development Team established
- Hyde starting work on design of initial site

#### Target Milestones

- Contracts agreed and JV established – December 2017
- First planning permissions – October 2018
- First start on site – Winter 2018
- All homes complete July 2022

<b>Subject:</b>	<b>Update on development of the City visitor economy strategy</b>		
<b>Date of Meeting:</b>	<b>8 March 2018</b>		
<b>Report of:</b>	<b>Executive Director Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Val Birchall</b>	<b>Tel: 01273 292571</b>
	<b>Email:</b>	<b>val.birchall@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The committee will receive a presentation on the progress of developing a new visitor economy strategy for the city.
- 1.2 The Economic Development & Culture Committee agreed in March 2017 that the City Council would develop a new strategy to support the Visitor Economy. The strategy will link to the Economic Strategy and Inward Investment and Trade Strategy being developed concurrently for the Greater Brighton Economic Board and the Cultural Framework being developed with the Arts & Creative Industries Commission. It will include a framework for developing a Destination Management Plan with the tourism sector.

**2. RECOMMENDATIONS:**

- 2.1 That the committee notes and comments upon the content of the presentation and the plans for consultation and the further development of the Destination Management Plan, together with the intention to bring a report to its meeting on 21 June 2017, seeing approval to adopt the strategy.



<b>Subject:</b>	<b>Update on the development of the City cultural framework</b>		
<b>Date of Meeting:</b>	<b>8 March 2018</b>		
<b>Report of:</b>	<b>Executive Director Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Val Birchall</b>	<b>Tel: 01273 292571</b>
	<b>Email:</b>	<b>val.birchall@brighton-hove.gov.uk</b>	
<b>Wards affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The committee will receive a presentation on the progress of developing a new cultural framework for the city, which is being undertaken in partnership with the Arts & Creative Industries Commission (a part of Brighton & Hove Connected).
- 1.2 The Economic Development & Culture Committee agreed in March 2017 that the that the City Council would work with the Arts & Creative Industries Commission to develop a new Strategic Framework for Arts & Culture in the City.
- 1.3 Work to develop a cultural framework has been taking place since July 2017. The framework is a high level document, setting out shared priorities for culture. It will function as a means to bring partners together to plan programmes and co-ordinate delivery and fundraising, within clear strategic plans. The draft cultural framework has been developed through a series of working groups, a “summit” event, a steering group, a programme of “provocations and a set of action planning groups chaired by and comprising sector representatives.

**2. RECOMMENDATIONS:**

- 2.1 That the committee notes and comments upon the content of the presentation and the plans for consultation and further development of the framework, together with the intention to bring a report to its meeting on 21 June 2017, seeing approval to adopt the framework and associated activities.

