

# **ENTERPRISE, EMPLOYMENT AND MAJOR PROJECTS CABINET MEMBER MEETING**

## **Agenda Item 29**

Brighton & Hove City Council

<b>Subject:</b>	<b>Community Stadium - landowner approval to new planning application</b>		
<b>Date of Meeting:</b>	<b>16 September 2008</b>		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Chris Mortimer</b>	<b>Tel: 292556</b>
	<b>E-mail:</b>	chris.mortimer@brighton-hove.gov.uk	
<b>Key Decision:</b>	No		
<b>Wards Affected:</b>	Hollingbury & Stanmer; Moulsecomb & Bevendean		

The special circumstances for non-compliance with Council Procedure Rule 23 and Section 100B(4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) are that the report is reliant on information provided by a third party and it was not possible to review such information and include the necessary information and date within the despatch deadline.

### **FOR GENERAL RELEASE**

#### **1 SUMMARY AND POLICY CONTEXT**

- 1.1 The purpose of this report is to seek the council's approval as landowner of the major part of the site for the Community Stadium to the form of the proposed new planning application for the development.

#### **2 RECOMMENDATIONS**

- 2.1 (1) That the Council as landowner approves the form of the planning application for stadium changes and chalk reprofiling which is proposed to be submitted by The Community Stadium Ltd for consideration by the council as Local Planning Authority.

#### **3 RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS**

- 3.1 Although the local planning authority was minded to grant permission in 2002, The Community Stadium finally obtained planning permission in July 2007 following two public inquiries and a legal challenge. Since then the Football Club and their design team have reworked the stadium design, in part to meet new requirements which have been introduced since the original planning application

was submitted in June 2001.

- 3.2 The council in its role as landowner is being consulted by the Football Club on the form of the planning application. The other landowner, the University of Brighton, is also being consulted. The planning application itself will be determined by the Local Planning Authority.

#### **4 CONSULTATION**

- 4.1 Technical and architectural advice on the proposed changes in the application has been provided by the council's Architecture and Design Manager. Although the changes only relate to land in the council's area, Lewes District Council are aware of the proposed changes and will be a planning consultee in the event of the planning application being lodged.
- 4.2 The Club gave a presentation to members and officers on 11 September, explaining the design changes and the reasons underlying them. Any issues arising from that meeting will be referred to orally at the Cabinet Member Meeting.

#### **5 FINANCIAL & OTHER IMPLICATIONS**

##### Financial Implications

- 5.1 As part of the development process the council, as landlord, must be satisfied that the Community Stadium Ltd has secured sufficient funding, bonds, guarantees and grants for the completion and operation of the development. The recommendations in this report do not affect this requirement.

*Finance Officer Consulted: Peter Sargent, Loans & Technical Manager,  
Date: 8 September 2008*

##### Legal Implications

- 5.2 The consent of the council is required in this matter as it is owner of most of the stadium site. The report indicates the reasons why the changes are proposed and their scope. It is reasonable for the council to approve the making of the revised planning application.

*Lawyer Consulted: Bob Bruce, Principal Solicitor, Date: 9 September 2008*

##### Equalities Implications

- 5.3 Some of the design changes included in the application relate to upgrading the stadium for DDA compliance.

##### Sustainability Implications

- 5.4 The developer is requiring of its contractor that the design meets BREEAM Very Good. The area for the energy centre for the stadium has been increased

substantially to accommodate sustainable energy initiatives. The proposal to spread chalk on an adjacent field is partly designed to reduce lorry movements to and from the site and hence CO2 emissions.

#### Crime & Disorder Implications

- 5.5 No specific implications.

#### Risk and Opportunity Management Implications

- 5.6 The report is seeking approval to the form of a planning application on the council's land. There are no specific risk issues at this stage; these will be addressed in subsequent reports covering the legal agreements involved.

#### Corporate / Citywide Implications

- 5.7 The delivery of the Community Stadium has been a corporate priority since the council agreed to allocate the land for the project in 2001.

### **6 EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The only alternative option would be for the council as landowner not to approve some or all of the proposed changes in the new application. In this event, while the Club would in theory still be able to implement the existing planning permission, in practice this would be extremely difficult because it does not meet all the current building codes or requirements of new football stadia.

### **7 REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The council has several roles in relation to the Community Stadium project including planning authority, highway authority and landowner of the main part of the site for the stadium. It is the intention that the council as landowner will enter into a tripartite Agreement for Lease with the other landowner (the University of Brighton) and The Community Stadium Ltd. for the development of the stadium site. This Agreement will cover, *inter alia*, approval for the design, funding and delivery of the stadium. This report only seeks the approval of the council in its landowner capacity to the form of the new planning application which the Football Club wish to submit to update the application for which consent was granted in July 2007. The Cabinet will receive a report later in the year addressing the Club's Business Case, and terms of the tripartite Agreement.
- 7.2 The main issues for the council in its role as landowner concern the generality of the changes so far as they affect the site and the surrounding area. Consideration has therefore been given to the proposed changes to the area of the stadium and the amount of accommodation; the proposed changes to the design of the stadium; proposed changes in use; and the new proposal to spread the excavated chalk on a field owned by the council to the south of Village Way. The principal changes between the consented scheme and the proposed application are listed in Annex A. This planning application does not include and is not dependent upon the proposed 8000m<sup>2</sup> building for City

College at the Stadium (the “Bund building”). Should any proposals for the Bund building come forward they will be the subject of a separate report.

7.3 The main reasons for the changes and hence the need for the Club to submit a further planning application are as follows:

a) since the original planning application there has been a range of **changes to relevant regulations** governing building in general and sports grounds in particular. These include major revisions to Parts L and M of the Building Regulations, the 2008 Guide to Safety at Sports Grounds, updated guidance from the Football Stadia Improvement Fund and the Football Licensing Authority and FIFA and UEFA regulations. These have led to a redesign and enlargement of concourses, the west stand, control room and back of house spaces. Overall, there is a small increase in the footprint of the scheme and a more significant increase in total floorspace;

b) there have also been **changes to the brief** for the scheme. These include a large increase in hospitality accommodation to reflect market requirements and the inclusion of 2000m<sup>2</sup> of bespoke teaching accommodation for City College in the East Stand in place of 1200m<sup>2</sup> of generic office accommodation in the original scheme. The creche and sports medicine unit in the original scheme have now been omitted as they are no longer funded by partners. The stadium will remain as the centre for delivering the Club’s award-winning Albion in the Community education programmes;

c) the revised scheme incorporates elements of **cost savings**. Since the original scheme was submitted there has been a big increase in construction inflation, in particular a 50% increase in steel prices. The Club’s design team has been working to reduce costs while retaining the original design philosophy. For example, the design of the steel arch over the west stand has been changed to reduce steel usage and the proportion of glazing to the west stand has been reduced significantly;

d) the Club’s proposal to **spread the 160,000 m<sup>3</sup> of chalk excavated from the site** onto a field (also owned by the council) to the south of Village Way. The purpose of this is to reduce lorry movements and hence assist with meeting the requirement on the Club to implement CO<sub>2</sub> reduction measures. The Club estimate that the proposal would take 21,400 lorry movements off the public highway over a four month period and result in a very significant reduction in CO<sub>2</sub> emissions. The topsoil will be removed and then replaced once the chalk has been spread thus allowing the field to return to agricultural use over a period of years.

7.4 Changes to the design and use. The main changes are to the arch above the west stand; the elevation and cladding of the west stand and the replacement of the bunds behind the north and south stands with accommodation. The council’s Architecture and Design Manager has reviewed the proposals and has the following comments:

- “the change in the arch design from a tubular arch to a trussed arch has been made for understandable cost reasons. While the design change gives greater prominence to the arch, there is no increase in height and the fact that the new trusses are set further back should offset some of the visual impact. It is very subjective as to whether the changes would actually detract from the overall appearance of the stadium, especially as each truss curves with the stadium walls.
- the change from modular aluminium cladding to standard colour coated aluminium curtain walling on the east and west elevations together with the reduction in area of glazing on the west elevation is also primarily cost-driven. While the elevation in the original, consented scheme is more elegant, the reduction in glazing in the proposed scheme will serve to reduce solar gain. The choice of glazing and colour and finish to the curtain walling will be critical and will be subject to the council’s approval at a later stage.
- the replacement of grass covered bunds behind the east and west stands with accommodation is a significant change which will make the building more visible. Changes to landscaping along Village Way are proposed to ameliorate this to some extent. The rustic blockwork proposed for these elevations is appropriate although the choice of colour will be important. The grass covering has been replaced with a metal roof which should be of the standing seam type to be acceptable.
- Overall, and subject to later approval of materials and colours, I have no objections to the revisions to the Club’s design.”

7.5 Changes in use. The principal change is the inclusion of bespoke accommodation for City College in the East Stand. This forms part of the College’s overall accommodation strategy which is supported by the council. There will be considerable education benefits in delivering some College courses from the stadium, particularly for “hard to reach” groups of students. The increase in areas for hospitality and the omission of the creche and the dedicated sports medicine unit are responses to changes in the market since the original scheme was designed and are acceptable to the council as landowner.

7.6 Chalk spreading proposal. Given the large reduction in lorry movements and hence CO2 emissions, it is recommended that this is approved in principle. However any agreement to use the council’s land for this purpose will be subject to a detailed agreement between the council, the club and the current tenant farmer. Discussions are currently taking place over the method of transporting and spreading the chalk, aftercare arrangements and the timescale for recovery of the land and the terms of any arrangement. Draft heads of terms for this agreement will be brought to a future Cabinet or Cabinet Member Meeting for consideration.

7.7 The changes which give rise to the need for a new planning application are limited to that part of the site within Brighton and Hove and are understandable and reasonable in the context of a scheme which has been unchanged during the lengthy period of obtaining planning permission. Subject to the agreements referred to for the lease of the site and the chalk spreading, together with approvals of materials and colours at the appropriate time, it is recommended

that the form of the planning application is approved by the council in its role as landowner.

### **SUPPORTING DOCUMENTATION**

Annex A: Main changes between consented scheme and proposed scheme

**Documents In Members' Rooms:** None

**Background Documents:** Draft planning application for stadium changes and chalk reprofiling

## COMMUNITY STADIUM

### MAIN CHANGES BETWEEN CONSENTED SCHEME AND PROPOSED SCHEME

	Consented Scheme	Proposed Scheme	Comments
<b>KEY ELEMENTS</b>			
Capacity	22,500	22,500	No change
Footprint	29,000m <sup>2</sup>	30,750m <sup>2</sup>	<ul style="list-style-type: none"> <li>larger East Stand to accommodate City College</li> </ul>
Gross internal area	18,189m <sup>2</sup>	27,796m <sup>2</sup>	<ul style="list-style-type: none"> <li>increase in circulation space</li> <li>increase in hospitality space in West Stand</li> <li>increase in area for City College in East Stand</li> <li>increase in office and back-up accommodation</li> </ul>
<b>DESIGN CHANGES</b>			
Main arch	tubular arch	trussed arch	<ul style="list-style-type: none"> <li>no change in overall height</li> <li>response to 50% increase in steel costs</li> </ul>
Accommodation behind north and south stands	grass topped chalk bunds with stone gabions	accommodation with rustic blockwork walls and metal roof	<ul style="list-style-type: none"> <li>replaces solid chalk landscaping feature with accommodation</li> </ul>
Acoustic screening at corners between stands	“Sails”	High performance acoustic cladding	<ul style="list-style-type: none"> <li>designed to meet noise levels in planning condition for consented scheme</li> </ul>
Curtain walling to West Stand	large central area of planar glazing	smaller glazed area with remainder aluminium metal cladding	<ul style="list-style-type: none"> <li>cost savings achieved</li> <li>area of solar gain reduced</li> <li>reflects internal use changes</li> </ul>

<b>USE CHANGE</b>			
East stand	1200m2 offices	2000m2 education space	<ul style="list-style-type: none"> <li>• replacement of office space with teaching and learning space for City College</li> </ul>
West stand	Creche and sports medicine unit	No creche and sports medicine	<ul style="list-style-type: none"> <li>• original partner for provision of creche no longer operating</li> <li>• sports medicine unit no longer required by the University of Brighton</li> </ul>
<b>SPREADING OF EXCAVATED CHALK</b>			
Spreading of chalk not used in development on a field south of Village Way	not included	now proposed	<ul style="list-style-type: none"> <li>• reduces number of lorry trips to and from the site</li> <li>• reduces amount of CO2 generated by development</li> </ul>