

Subject:	Falmer Released Land		
Date of Meeting:	15 March 2011, Cabinet		
Report of:	Strategic Director, Resources		
Lead Member:	Cabinet Member for Finance & Central Services		
Contact Officer:	Name:	Gil Sweetenham	Tel: 29-3433
	Email:	Gil.Sweetenham@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No: N/A	
Ward(s) affected:	Moulsecoomb & Bevendean		

For General Release

Note: The special circumstances for non-compliance with Council Procedure Rule 7, Access to Information Rule 5 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) were that the necessary information required to provide a viable business case for decision could not be provided in time.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To inform Cabinet of the urgency decision taken in accordance with the scheme of delegation under which the council granted to The Community Stadium Limited ("TCSL") an initial licence for certain works not requiring planning permission on part of the site of the former Falmer High School.

2. RECOMMENDATIONS:

- 2.1 That Cabinet notes the report and details of the urgency decision taken in accordance with the scheme of delegation.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The 9th February 2012 Cabinet meeting gave delegated authority to proceed with a licence for the short term option set out in the committee report item 198, in respect of the site referred to in the report as "the Released Land". This delegated authority (to the Strategic Director, Resources in consultation with the Leader of the Council, Cabinet Member for PEER, Cabinet Member for Transport & Public Realm, and Cabinet Member for Finance & Central Services) was given on the basis that the licence would not be granted until after there was a viable business case for the proposal and planning permission for the works and use had been granted.

- 3.2 The licence contemplated by report 198 involves the council allowing The Community Stadium Limited (“TCSL”) to carry out the demolition works, provide accommodation for The Bridge (either in its existing buildings or temporary units) and lay out the Released Land to provide match day and event parking for the nearby Community Stadium.
- 3.3 After the 9th February Cabinet meeting it emerged that in order for TCSL to meet its target deadline of providing stadium parking on the site in time for the start of the 2012/2013 season, it was necessary to carry out as much work as possible prior to the formal sign off of the business case and planning decision. The planning decision is expected on 25th April 2012. A licence relating to initial works only (which do not require planning permission) was therefore entered into with TCSL on 6th March under urgency powers within the officers scheme of delegation, following the approval by the Chief Executive to exercise the powers vested in the Strategic Director, Resources (see Legal Implications to this report).
- 3.4 The remaining aspects to be licenced as contemplated by the 9th February Cabinet decision will be subject to the terms of that authority i.e. the licence for the works and the use, which requires planning permission, will be subject to the business case and will be only entered into if planning permission is granted.
- 3.5 Should planning permission not be granted for the remainder of the short term works, then the council will retain the cleared site and reimburse the cost of the works to TCSL. The council will then have the benefit of the works having been carried out prior to the marketing of the site to find a development partner that will deliver the long term redevelopment. This long term option of seeking a development partner to redevelopment the site was also agreed by February 2012 Cabinet.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The granting of the licence was discussed by senior management and lead Members to establish the grounds for urgency and the most appropriate way to address all the issues while continuing partnership working to support stakeholders.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The initial works covered by the license referred to in paragraph 3.3 above are works that the council would need to undertake in order to make the site safe and in preparation of a development brief being drawn up. Under the completed license TCSL will procure and pay for these works. However in the unlikely event that planning permission is not granted to TCSL for the remainder of the works as contemplated in the 9th February report (i.e. complete demolition of site, the provision of parking for stadium use and the relocation of the Bridge Community Centre) the council is required to reimburse TCSL the cost of the works up to an agreed value of £319,000. Funding, if required, will be met from existing capital resources”

Finance Officer Consulted: Peter Sargent,

Date:08.03.12

Legal Implications:

- 5.2 Part 7.2 Part A 3(i) of the general delegations authorises the Strategic Director Resources after consultation with the Valuer & Monitoring Officer to grant licences. However the issue of the grant of this particular licence was the subject of the Cabinet report referred to above and therefore urgency powers were relied on to enter into the licence for the initial works only. Part 7.2 Part A 7(2) of the general delegations authorises the Strategic Director Resources after consultation with the appropriate Cabinet Member, or in his absence the Leader, to exercise functions within his service area in cases of urgency where it is not reasonably practicable to obtain Cabinet approval. Such action is then reported to Cabinet and hence this report.
- 5.3 Under Part 7.3 Part B 1(4) of the delegations, the Chief Executive can exercise the powers of any Strategic Director.
- 5.4 The licence that has been entered into in advance of the planning decision only permits the erection of hoardings and site clearance, including asbestos removal, partial demolition and dealing with power supply issues.

Lawyer Consulted: Bob Bruce Principal Solicitor

Date: 07.03.12

Equalities Implications:

- 5.5 The urgent action taken assists the development of the Released Land which offers the potential to provide improved community facilities for Moulseccomb, which is recognised as an area that experiences high levels of multiple deprivation. Support for the continuation of the Bridge would benefit local residents in this area as well as city wide services. An Equality Impact Assessment will be carried out when it is clear how the project is to proceed.

Sustainability Implications:

- 5.6 Sustainability implications will be a significant part of the assessment of any scheme that is brought forward for the Released Land and consideration of these will be a normal part of any planning application for the site, as for all development proposals.

Crime & Disorder Implications:

- 5.7 Demolition of the buildings would eliminate the possibility of vandalism, which did occur during the past summer. Relevant issues relating to design, including the use of "Secured By Design", will be fully covered if a proposal for the Released Land comes forward.

Risk and Opportunity Management Implications:

- 5.8 The project manager keeps a Risk & Opportunity register for the project, which is reviewed on a regular basis with the project team.

Public Health Implications:

- 5.9 None arising from this report.

Corporate / Citywide Implications:

- 5.10 The redevelopment of this brownfield site will contribute to the overall regeneration of the area and build on the positive effects and good design of BACA, the Stadium and The Keep.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The alternative option of not granting the licence would have resulted in considerable delay and would have jeopardised the short term option for the site agreed by Cabinet in February 2012. This could have lead to further dilapidation of the redundant former education buildings on the site and posed a Health & Safety issue relating to unauthorised access to the buildings.
- 6.2 This would have been inappropriate and conflicted with the previous decisions to bring forward acceptable short and long term options for the site.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 In the short term and to achieve the demolition of the surplus buildings, it was considered appropriate to allow TCSL to carry out pre planning permission works.
- 7.2 This approach facilitates the councils ambitions for the site in the short term to clear the site and provide temporary parking for the stadium and temporary accommodation for the Bridge, and in the long term to seek a development partner to deliver the long term future of the site.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

09.02.12 Cabinet Report 198