

Subject:	British Airways i360, Land at and adjacent to West Pier and 62-73 Kings Road Arches Kings Road Brighton		
	Request to vary the Heads of Terms of Section 106 Agreement in connection with planning permission BH2016/00826 (an amendment to original permission BH2006/02369)		
Date of Meeting:	8 th November 2017		
Report of:	Head of Planning		
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Wards Affected:	Regency		

1. PURPOSE OF THE REPORT

- 1.1 To consider a request to vary the Heads of Terms of the Section 106 Agreement dated 16th October 2006 in connection with planning permission BH2016/00826 (which is an amendment to the original i360 permission BH2006/02369), to allow the re-allocation of the financial contribution of £48,049.80 from vehicular signage towards pedestrian signage.

2. RECOMMENDATION

- 2.1 That the S106 Head of Terms with regard to Sustainable Transport be varied as follows:
- a) To allow the unspent Vehicular Signage Contribution of £48,049.80 to be reallocated and added to the Pedestrian Signage contribution of £5,000, to provide a total of £53,049.80 to be spent towards pedestrian signage.

3. BACKGROUND INFORMATION

- 3.1 The British Airways i360 [BA i360] visitor attraction has been built and has been operating since August last year.
- 3.2 Members were minded to grant full planning permission at Planning Committee on 11/10/06 for the development subject to completion of a S106 agreement. The S106 was signed on 16/10/06 and included the following obligations, in addition to other transport measures:
- £50,000 towards vehicular signage directing motorists to appropriate routes to the site
 - £5,000 toward pedestrian signage to identify the location of the site

- 3.3 Such contributions were sought to mitigate transport impacts of the development and promote sustainable modes of transport, to comply with planning policy.
- 3.4 Although permission was granted and the S106 signed back in 2006, it was not until 2014 that the main development commenced. In the intervening period the signage requirements have changed as follows:
- (i) The full extent and amount of driver signing required was not finalised when the permission was granted and therefore only an appropriate, estimated, sum was proposed.
 - (ii) The changes to driver signing were expected to be needed over a much wider area than has proved to be the case and it was anticipated to involve a greater number of signs and their replacement rather than amendment. There have been restrictions imposed by the Department for Transport and Highways England with regard to signage on trunk roads.
 - (iii) The council has adopted a more stringent approach to signs and lines generally, in order to reduce unnecessary street clutter.
 - (iv) The council's wayfinding/pedestrian signs in the city are now very different to those in place in 2006. There are more of them and they are of better quality. The cost of amending these signs is therefore greater than originally envisaged in 2006. The £5k contribution was originally only expected to be very focused in the central area/Western Road corridor.
- 3.5.1 The vehicular signage sum needed has therefore been much less, with the expenditure as a result being only £1,950.20. To date none of the £5,000 towards pedestrian signage has been expended by the council.

4. PROPOSAL

- 4.1 The developer has written to the Council to suggest that, given the change in circumstances since permission was first given, it would be sensible if the entirety of the unspent Vehicle Signage Contribution of £48,049.80 could be applied instead to pedestrian signage in the city, together with the Pedestrian Signage Contribution of £5,000. The developer is not seeking to vary or reduce the overall amount to be spent; they just wish to re-allocate it and therefore it is this specific proposal that requires the committee's consideration.

5. COMMENT

- 5.1 It is clearly some considerable time since planning permission was originally granted subject to the S106. In terms of the planning context, the attraction has now been operating for over a year, and the council has adopted Part One of the Brighton & Hove City Plan. It has also published the Developer Contributions Technical Guidance, and the National Planning Policy Framework was published in 2012, and these are material planning considerations.

- 5.2 The emphasis of current local and national transport planning policy has not significantly changed, and still seeks the enhancement and promotion of sustainable modes of transport and reduced reliance on car travel. Therefore reallocation of the Vehicular Signage Contribution towards pedestrian signage would accord with this policy in principle.
- 5.3 As can be seen above, circumstances have significantly changed with regard to signage requirements and formats and it is considered reasonable to re-consider this aspect of the S106. The Highway Authority has been consulted and raises no objection to the developer's proposal. It welcomes the proposed variation to the S106 agreement so that the unspent contribution for vehicle signage can be spent on pedestrian wayfinding signs. The additional expenditure will enable pedestrian wayfinding signs in the city to be updated, in line with the requirements of the original permission, and will enhance pedestrian wayfinding to the BA i360 attraction. The alternative to agreeing the re-allocation would either be to return the unspent sum to the developer or increase vehicular signage on roads that do not require it.
- 5.4 In the context of the above, the developer's request to vary the S106 is considered reasonable, necessary and acceptable. The variation will still ensure the transport impacts of the development are acceptable and that sustainable forms of transport are enhanced and promoted, in accordance with policy.

Background Documents:

Planning applications BH2006/02369 and BH2016/00826, including associated Section 106 legal agreement.

