

Brighton & Hove City Council
For general release

Meeting: Culture Recreation & Tourism

Date: 14th November 2007

Report of: Acting Director of Cultural Services

Subject: Circus Street Redevelopment – Short-Term Use

Ward(s) affected: All

1. Purpose of the report

- 1.1 To update Members about the short term use proposals for the Circus Street site, for which a planning application has been submitted. This follows on from the former Project Board giving approval in February this year for the principle of the Cathedral Group's ("Cathedral") proposal to use the existing Circus Street market building for community and cultural uses in the short-term, prior to the building being demolished as part of the long-term regeneration scheme. This report is for information purposes and has also been sent to the Major Projects Sub-Committee.

2. Recommendations

Members are requested to:

- 2.1 Note Cathedral's proposed short-term use, and submission of a planning application, for the Circus Street site for consultation, community and cultural uses.
- 2.2 Note the benefits that will arise from those plans (see section 6) and the issues that will be raised (see section 8), together with the plans for taking it forward.

3. Background

- 3.1 The timetable for the long-term regeneration of the Circus Street site does not envisage work starting on site until April 2009. During the run up to that there will be planning, detailed design and procurement of contractors, during which time the site will remain largely empty. The only existing occupiers of the city council owned part of the site are the Wood Recycling Project and a pine door restorer, who will stay on site during the period of the short-term use. It is therefore recognised by both the city council and Cathedral that there is potential to use the existing buildings until such time as they are demolished. In particular, the space has always been recognised as being a good place to act as a hub for consultation on the long-term plans for the site.

- 3.2 The longer-term proposal for the regeneration of the site will include a dance studio for South East Dance (which will include community access), a public events square and managed workspace for the creative industries. There are also proposals for the development to have strong links with University of Brighton, which will have a library on the site and which has its main Faculty of Arts and Architecture building opposite. There is therefore going to be a strong cultural and creative emphasis to the site and opportunity for the community to use space that will be provided. It is therefore recognised that it would be beneficial to bring this arts and community emphasis into any proposed short-term use. The link between the short-term and long-term uses will help to ensure that there is sustainability for any enterprises that start up as part of the short-term use.
- 3.3 On 21st February this year the Circus Street Project Board approved a short-term use for the site and delegated authority to the Acting Director of Cultural Services and the Assistant Director of Property and Finance to negotiate and agree with Cathedral a licence or contracted out lease for the proposed use.

4. Proposed Short Term Use

- 5.1 Cathedral's latest short-term use proposal is outlined in their submission at Annex A. This was developed following meetings with city council officers. A planning application was submitted for this use on 25th September and is in the process of being considered.
- 5.2 Opening up the site with a short-term use means that it can become a point of contact for the developer to consult the local community about the long-term plans for the site. Models and boards showing proposals can be on display, and there will be a project manager on site to answer questions and receive feedback.
- 5.3 Being such a large open space, the market building would be ideal for exhibitions, design shows and performance art. This could all take place within the existing calendar and in partnership with existing cultural providers to fill some of the gaps that exist in the present cultural offer. Such large open and informal spaces are rare in the city and this is an opportunity to utilise such a space while it is still available. South East Dance are very interested in using the building in the short-term period in addition to their long-term commitment to the site, perhaps with a demountable mobile dance space, and will be a key part of any cultural program that is developed for the temporary use.
- 5.4 It is also intended to create within the market building a space for community use, to be utilised at a low cost. How exactly this space is used will be driven by the community, as it will be dependent either on their ideas or on existing community groups requesting space.
- 5.5 There would be a small number of retail type opportunities, particularly working with companies or social enterprises that are similar in nature to the Wood Recycling Project. For example, IT recycling was suggested during consultation. Any retail

should tie in with the sustainable nature of the site in the long-term and will also potentially be of benefit to the community where social enterprises are involved. The licence or lease could be used to prohibit any uses where there is a significant overlap with what the Open Market traders are trying to achieve.

5.6 As well as consultation with city council officers, Cathedral has consulted community and artistic groups to listen to opinions about the potential use. The provision of space that the community can use was welcomed, though there was some concern about the possibility of noise leakage affecting neighbouring properties, particularly at the Kingswood and Milner Flats. It is therefore proposed that the Pollution Control Team be involved from early on to advise and ensure that there is no noise nuisance arising.

6. Benefits of the Short Term Use

6.1 A major benefit of the proposed short-term use is that it brings a vacant space back into a use that is beneficial to both the cultural life of the wider city and the needs of the local community. Both cultural activities and community groups require large informal spaces that can be put to a variety of uses. This proposal provides such a space.

6.2 This proposal also allows for residents to participate in the consultation process by actually going into the site in question, rather than by visiting a council office that might be some distance away. There is also the intention of having a presence on the site with a Cathedral employee who can receive and pass on the feedback that is given. This form of consultation in the heart of the affected community is in keeping with good practice and the Statement of Community Involvement.

6.3 As well as bringing the vacant building into a beneficial use, the temporary use proposal will also serve to increase people's perception of the longer-term Grow Brighton project. Grow Brighton does not at present have a high profile in the city, despite the positive regeneration and environmental benefits it will create. The short-term use will increase awareness as well as begin to persuade people to cross the barrier of Grand Parade and Victoria Gardens, so that it will be more of a habit by the time that the final regeneration scheme is realised.

6.4 Though the existing building is largely sealed and secure, it is clearly vacant and may therefore in future attract squatters. The existing vacant graffitied building also adds to perception of crime, and the lack of activity around it may even encourage actual crime. Therefore returning the building to use and bringing life and vitality to it prior to demolition will help reduce problems of crime, fear of crime and potential trespass.

7. Financial Implications

7.1 Cathedral has identified a budget for the works necessary to make the building safe and habitable. This cost will be borne entirely by Cathedral, and there will not be any additional cost to the city council. Cathedral will spend up to £100,000 on making the

building safe, will contribute £50,000 pa towards events. There are also costs around building and staffing a Grow Brighton presence on the site.

- 7.2 Whilst rent will be charged for users they will not be high (particularly in the case of community groups) and it is not envisaged that there will any profit made. However, if for any reason a profit is made it is suggested that the lease or licence include provisions for sharing overage between the city council and Cathedral (a 25% to 75% split in favour of Cathedral). Cathedral will look for sponsorship and grants to help fund high quality events.

8. Potential Issues to be Addressed

8.1 Health and Safety

The existing building has not been occupied for two years, and was obviously not intended for community or cultural uses when it was last occupied. There are therefore considerable health and safety issues that need to be considered. Cathedral will undertake a full risk assessment and will do work necessary to address any identified risks. Cathedral would also be expected to be liable for the health and safety of the operations of the temporary use.

8.2 Rates

Cathedral has stated that a full Business Rates bill for the building could make this project unviable. They therefore need to look into what the rating situation might be. In the worst case scenario of full rates being payable there is the possibility that they could set up a charity to run the short-term use, as this would be exempt from paying Business Rates.

8.3 Lease/License

A lease or licence has not yet been signed. Negotiations have started for the lease agreement to allow Cathedral to use the building for the short-term use. The negotiations are based on an agreed starting position that the city council will not be looking for any rent but that Cathedral will be taking on full liability for health and safety issues.

8.4 Planning

Planning permission has been applied for but there is of course no guarantee that this will be granted. Officers in the Capital Projects Team will work with Officers in Development Control to try to overcome any problems with the proposal identified during the planning application process to ensure that the scheme is acceptable in planning terms.

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<p>Financial implications The costs of making the building safe and habitable for the short-term use will be met by Cathedral as well as the ongoing running costs of the site. The Council will no longer have the responsibility for maintenance, security and other costs or receive rent from the existing tenants for the duration of the lease. The council will benefit from 25% of the net profits although no profits are anticipated; this proposal is expected to be cost neutral to the council overall. <i>Finance Officer consulted - James Hengeveld 15/10/07</i></p>	
<p>Legal implications Legal issues are included in the main report and the points raised in section 8 will be reviewed when settling the documentation. - <i>Bob Bruce Principal Solicitor (Projects) 25/10/07</i></p>	
<p>Corporate/Citywide implications The short-term use proposal will support the creative industries sector, improve the cultural life of the city, add to the vitality of the site and improve social inclusion and strengthen the academic corridor.</p>	<p>Risk assessment Risk assessment is part of the process for project management. The process has followed a clearly set down assessment process that has formed the basis of the recommendations.</p>
<p>Sustainability implications It is an aspiration that the Circus Street site is developed in line with the city council's sustainability objectives. Any minor ancillary retail elements are intended to be in keeping the sustainable nature of the longer-term development.</p>	<p>Equalities implications It is intended that the community and cultural arts space that will be created will benefit those residents from the surrounding Neighbourhood Renewal areas.</p>
<p>Implications for the prevention of crime and disorder By bringing the building back into use it will be less likely to act a generator for crime and nuisance. The building will also be more secure.</p>	

<p>Background papers - Urban Design Analysis and Guidance, Edward Street Quarter and Circus Street, Circus Street Information Memorandum Circus Street Invitation to Negotiate Circus Street SPD</p>
<p>Contact Officers <i>Scott Marshall, Acting Director of Cultural Services (x1100)</i> <i>Max Woodford, Project Manager (Capital Projects) (x3451)</i></p>

**Annex A – Submission Received From Cathedral Outlining the
Proposed Short Term Use**