

Subject: Rejuvenating Black Rock – Site preparation and public realm works to reconnect the Eastern Seafront

Date of Meeting: 5 December 2019

Report of: Executive Director, Economy, Environment & Culture

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Ward(s) affected: Rottingdean Coastal, East Brighton, Queen’s Park.

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 In December 2018 Policy Resources and Growth Committee agreed that the successful Local Growth Fund bid (Round 3) of £12.11m be used to begin a package of Enabling Works to prepare the Black Rock site for redevelopment.
- 1.2 This report updates Members on progress with the Enabling Works and requests authorisation to proceed with submission of a planning application in order to meet this important objective and also to ensure the Coast to Capital (C2C) Local Enterprise Partnership (LEP) March 2021 deadline for expenditure of funds, is met.
- 1.3 The site is also identified in the adopted 2016 City Plan Part 1 within policy DA2, which proposes that the site could include a significant level of much-needed leisure and recreation for the city, in addition to improving connections with the adjacent Marina and Gas Works sites and the city centre.

2. RECOMMENDATIONS:

That the Committee:

- 2.1 Agree that the planning application for a package of site preparation and public realm works at the Black Rock site and surrounding area are submitted to include:
 - Sea wall replacement and Marina pedestrian connection
 - Infrastructure to enable a future public transport “Marina access link”
 - Junction improvements and new signalling arrangements at Duke’s Mound.
- 2.2 Note the recommendation elsewhere on this agenda to establish a task and finish cross party member working group consisting of 1 member from each group.

- 2.3 Agree that officers continue to negotiate final terms of agreements with Brighton Marina Company, Longbow and Land Securities or the proposed new purchaser, CIT Group inc. in order to facilitate the rebuilding of the sea wall Black Rock frontage, the pedestrian connection and the Black Rock/Marina access link beneath the access ramps.
- 2.4 Authorise the Executive Director Economy, Environment & Culture to commence any procurements necessary to carry out the enabling works and to enter into any legal agreements required to facilitate the works.
- 2.5 Agree the package of site preparation, infrastructure and public realm works up to £12.111m described in the Enabling Works section of this report and which is included in the council's approved capital investment programme
- 2.6 Note the net loss of 10 car parking spaces in the Black Rock public car park to create informal play space.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Black Rock site is situated at the far eastern end of Brighton seafront directly west of the Brighton Marina. A number of redevelopment proposals have been developed over the years which have not ultimately been successful. This has led to its ongoing deterioration.
- 3.2 Redevelopment of the site has always been prohibitively costly, due to the many physical constraints of the site and the seafront/conservation location (adjacent to the Kemptown Conservation Area and Kemptown Slopes and Grade 2 listed Reading Room and Temple) also come with their own set of requirements in order to improve the area.
- 3.3 The Marina uses the site as a pedestrian exit route (from the Asda car park -via subway) and as an emergency exit route.
- 3.4 Listed building consent for any future re-use remains an important factor as do managing the various stakeholder requirements whilst also protecting the public realm for future generations.
- 3.5 Any proposal to redevelop the site in future also has implications with regard to the ongoing presence of a priority habitat, Coastal vegetated shingle. The NERC Act places an obligation local authorities to help halt the loss of biodiversity within their jurisdiction, and where possible, enhance it. Where measures to prevent harm are not able to be undertaken, measures which reduce any such negative impact should be explored. The planning application for the site preparatory works will explain why this area of beach is impacted (either now by the current works or will be in future once a permanent redevelopment comes forward) and therefore how the current project seeks to replace and enhance the current habitat with new planting and new native species. The ultimate aim will be to successfully demonstrate that there is a bio- diversity net gain for the wider area overall if the works proceed.

- 3.6 Connectivity to the site is also limited. Madeira Drive and the Black Rock site presently has no direct vehicular connection to the Marina. Other sustainable transport links are poor quality. The nearest bus stop requires a walk through the Duke's Mound garden area to the A259 or via a subway (under the A259). A further subway into the Marina and a steep footpath from the A259 to the Asda car park provide additional routes. All are indirect and unappealing for different reasons. They do not add to the site's potential appeal or its utilisation for activities or events.
- 3.7 The physical constraints of the site in relation to the northern rear retaining wall (which must be left in situ and undisturbed as it supports the A259 above it) the eastern Marina access/egress vehicle ramps (above the site) and main southern water sewer (below ground to the east of the site) all act as constraints to development. The southern sea wall (which forms a pinch point into the site) also contains anchors which project into the site and require removal for any future building works. The combined effects of these issues present significant limits on the ability, and the costs of, redeveloping the site and therefore its future capacity for regeneration of the area.
- 3.8 Appendix 1 contains a red line of the site which will be submitted for the planning application. It includes the area in which there are works proposed, including the Black Rock site itself (currently hoarded), public realm works from the site along to Duke's Mound, and new pedestrian access points, as well as the main engineering works for the replacement sea wall and to remediate the site itself. The full enabling works package is described in the following paragraphs.

Enabling works

Site remediation

- 3.9 Mott McDonald Limited was commissioned by the Council to carry out a geotechnical and geoenvironmental desk study to assess the geological and hydrogeological conditions at the site. The study highlights engineering considerations and contaminated land risks and makes recommendations for further work and/or remediation.
- 3.10 There are a number of buried structures at the Black Rock site including:
- Filled in paddling pool and swimming pool
 - Lido Building (demolished) – steel frame with shallow strip footings
 - Original terminus for the Volks Electric Railway
 - Foundations of a WWII Pill Box (demolished 1944)
 - Original pre-1930- buried sea wall
 - Sewer outfalls
 - Original mass concrete groyne embedded sea wall
 - Toe foundations for retaining structures
- 3.11 A range of other factors pertaining to the soil conditions and other contaminants (the area was used circa 1900's for land fill and garaging) have resulted in the requirement for an intrusive Geotechnical Survey and full risk assessment prior to final design of the engineering works and the excavation and removal of any contaminated material

- 3.12 The above works once completed and those listed in Appendix 2 will ensure that future redevelopment works are de-risked (and reduce costs) for a future contractor and therefore enhance the site value.

Marina access link

- 3.13 It has long been an aspiration of the council to improve the direct linkage into the Marina from the seafront and a previous route on the southern edge of the Black Rock site was protected by the council to enable their future development.
- 3.14 An analysis and further investigation by the design team has demonstrated that a link to the rear (north) of the Black Rock site is now possible directly alongside the current access path (that runs down into the site under the Marina ramps).
- 3.15 Using this route into the site will:
- Avoid risk of future flooding/overtopping during high tides or flood events
 - Creates an alternative route into the Marina which is adjacent to the coastal path.
 - Reduces the height of required retaining walls thereby allowing opportunity for greening and planting
 - Provide an alternative emergency vehicle access into and out of the marina

The proposals to be submitted will introduce a short link that would be available in the short-term for pedestrians and cyclists once completed, and eventually ensure that any future public transport service to and from the Marina can operate without additional cost to the development of the Black Rock site (and therefore offset against a future capital receipt)

- 3.16 The link will not be an access road for private vehicles. It will be available to the Marina as a second emergency access only in the event the ramps become unusable, either because of an emergency or because of a planned closure. The latter occurs approximately 2 to 3 times per year.

Duke's Mound junction – access/egress to Black Rock

- 3.17 The enabling package of works includes improvements to Duke's Mound to service and provide future access and egress to the Black Rock site. This will ensure access during the enabling construction works and also improve access for pedestrians and cyclists from the Kemp Town area and A259 corridor, especially in the longer term. These improvements will ensure that the Black Rock site can function as a future destination in its own right, and as a temporary event space and provide a more attractive environment for visitors.

Improvements will include:

New permanent signal junctions, top and bottom to:

- Support access to the proposed public realm, footpath, and some cycleway improvement which are being advanced as part of the project, providing wider benefits for the area ahead of the Black Rock site permanent redevelopment.

- Significantly improve safety by the reduction in vehicle conflicts, enhancement of cycle facilities and offering new pedestrian crossing facilities.
- Minimise delays at night and over weekends by having the ability to amend the sequencing of lights to suit the level of demand and being able to adjust which roads require the maximum green time at any point in time.

The work allows for maximum flexibility for any future use of the Black Rock site.

- 3.15 The proposed junctions will operate independently of Madeira Drive and Valley Gardens but the improved junctions, will have the ability to complement any future schemes that may be proposed.

Sea wall

- 3.16 A condition survey of the sea wall at the Black Rock site was undertaken by the council's consultant's Mott McDonald on 31st May. A threshold grading is required to determine residual life and defines the minimum condition to which a structure should be allowed to deteriorate prior to maintenance or remedial works being undertaken.
- 3.17 A general threshold grade of 4 (Poor) has been set for the structures along the Black Rock frontage. This threshold grade is, as defined by the Environment Agency, the grade where defects have reached a level that would significantly reduce the performance of an asset (Environment Agency 2006). It is assumed, say Mott McDonald in their report, "that this is the point where Brighton and Hove City Council would want to consider conducting major repairs"
- 3.18 The sea wall has long been included in any future redevelopment plans for the Black Rock site. This is because any building 3 to 4 metres to the rear of the site will dissect the retaining sea wall anchors. A previous sea wall sits directly behind these anchors, also impacting the ability to dig into the site. Behind this lies the foundations and remaining wall of the Black Rock lido
- 3.19 It has been established that the sea wall needs replacing for a future development to take place and the planning application will fully explain this and make a robust case for doing so. It will also outline how the many constraints of the site limit future development unless these works are undertaken. It will make the case that without an expanded sea wall alignment it is not realistic to expect to regenerate the Black Rock site with a development of any size or significance, such is the limited footprint remaining after all the factors are taken into account.

Car park

- 3.20 The Black Rock public car park is operated by the council adjacent to main area of enabling works. It is proposed that 10 of the current 61 spaces will be used to soften the external boundary of the car park and improve the attractiveness of the area via soft landscaping. The landscaped, informal 'play' area will also be located to support other activity on the site and will be as close as possible to the Reading Room. They will also be located on the desire line for pedestrians using the beachside promenade, thereby acting as a natural stopping off point.
- 3.21 The council's Parking Services Group has advised that if the car park were used at full capacity this would result in an income loss of £1,300 per month.

However, the car park is very rarely at capacity. The car park is also included within the Black Rock development site and therefore future considerations of parking within this area would take account of its removal when final redevelopment takes place.

3.22 Other replacement income generating activity is planned to be provided which can replace this lost income and options under final consideration include:

- Licence to let a defined area for activity/event space on 5 year let to commercial leisure operator (e.g outdoor cinema, soft play or similar)
- Expansion of ad hoc event programme
- Rental from refurbished reading room to commercial operator as café/local leisure facility & bike hub
- Income from potential “pop-up” businesses/ice-cream vans or equivalent (3 potential locations identified) potentially at circa 5-10k per letting.

The car park is currently closed for events on specific occasions, but the remaining 51 spaces are considered adequate to accommodate any increase in car trips that may occur as a result of the improved activity and interest at the site.

Reading Room and Temple

3.18 The Grade 2 listed Reading room (circa 1835) has long been available for let, but the lack of utility connections, extent of restoration and limited footprint have all combined to make it unaffordable for most commercial enterprises who have expressed an interest. Recent proposals have included a coffee shop and music venue.

3.19 The works proposed to support activity at the Black Rock site will fit out the Reading room to prepare for future marketing and include a glazed façade. Utility connections will also be installed. Soft market testing will also be done to ascertain if there are any remaining barriers to letting it commercially. If funds allow, it is proposed to expand the exterior to allow for a level outdoor seating area (where slopes currently persist) to accommodate an outdoor seating area. Improved lighting and general tidying up of the immediate area will also be undertaken.

3.20 Once completed the Reading Room will be marketed by the council’s seafront estates surveyor for a use which will support the other activities in the area and compliment the play area and Volk’s station, such as a family/dog friendly café or similar.

3.21 The Temple was constructed at the same time as the Reading Room and it is proposed to explore new potential uses which will allow the building to find a permanent use. Its footprint is small and so potential future uses remain limited. However, it is in a prime seafront location and this may help attract future opportunities once the wider area is improved.

Public realm and seafront boardwalk

3.23 A range of additional works to support the immediate future use of the area will also be undertaken to improve safe access, lighting, and general amenity.

3.24 Appendix 2 summarises the scope of proposed works.

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Funds available for the works were agreed and allocated by the C2C LEP based upon a business case for the Brighton Waterfront project, which included the potential use of the Black Rock site for a new venue (as replacement for the Brighton Conference Centre)

- 4.1 Any amendment or alternative option would require permission of the Local Enterprise Partnership, and would need to deliver similar outputs to the original business case, in the same or a shorter timescale.
- 4.2 The proposed combination of enabling works is consistent with the principles set out within the approved business case and will be the most effective way of preparing the site for future development.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 A statement of community involvement has been produced for the forthcoming planning application. These are based upon engagement workshops which were undertaken in November with members of the public and key stakeholders.
- 5.2 Significant discussions with other council teams and divisions has also taken place regarding the development of the enabling works proposals, including Property & Design, the Seafront Office and City Transport.
- 5.3 There has also been early and more recent engagement with the Environment Agency at early concept stage and more recent design stage with regard to the discussion about the repositioning and replacement of the sea wall and the loss of the SNCI vegetated shingle.

6 CONCLUSION

- 6.1 The Black Rock site sits within a strategic location on Brighton's eastern seafront and has lain derelict and underused for over 40 years.
- 6.2 The present proposals outline a way to de-risk the site for future development and also to ensure that in the short term, the site can be repurposed and improved to allow for greater access, security, amenity and re-use.
- 6.3 Improvements to the Grade 2 listed Reading Room and The Temple, addition of a new play area and informal recreation space, as well as commercial operator interest for a section of the site, will also add much needed improvement. It is expected that this will create activity and interest which will support and enliven the area, and support delivery of Policy DA2 within the City Plan Part 1.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The Council has been awarded capital grant funding of £12.111m through Coast to Capital's Local Growth Fund grant scheme to support the Black Rock Site Development 'Waterfront' Project. Approval was sought at Policy Resources and Growth Committee on 6 December 2018 to utilise the grant to begin a package of works to prepare the Black Rock site for development. The enabling works detailed in Appendices 1 & 2 supports that investment. The terms of the Local Growth Fund grant require that the grant is utilised before 31 March 2021. Failure to spend the grant by that date may require unspent grant funding to be returned to the LEP.

Finance Officer Consulted: Rob Allen

Date: 25/10/19

Legal Implications:

- 7.2 Under the terms of the Funding Agreement with the LEP, the LEP can require the repayment of the £12.111m of grant funding if the Waterfront project does not ultimately proceed. Officers are engaging with the LEP to manage this risk as far as possible.
- 7.3 Under the Council's Constitution, committees are able to appoint task and finish member Working Groups which are time-limited (six months, with the option to extend for a further six months), in order to carry out focused pieces of work, reporting back regularly to their parent body.
- 7.4 Various legal agreements may be necessary to facilitate the carrying out of enabling works. For example the Council may require a licence to encroach on to land which is not owned by it or it may need to purchase small areas of land. The Council may require specialist advice from a party wall surveyor. It will also continue its engagement with regard to the Sea Wall and SNCI with the Environment Agency.
- 7.5 The Council is required to comply with the Public Contracts Regulations 2015 in relation to the procurement and award of contracts above the relevant financial thresholds for services, supplies and works. The Council's Contract Standing Orders (CSOs) will also apply.

Lawyer Consulted:

Alice Rowland

Date: 6/11/19

Equalities Implications:

- 7.6 The project will increase access to a public area of seafront by pedestrians, cyclists, families and those using wheelchairs or buggies thereby widening the numbers of people who can appreciate the beach, the coastal path and the events at Black Rock.

Sustainability Implications:

- 7.7 The Design and Access statement and supporting material for the planning application will cover ecology, sea wall and sea defence mitigation in relation to the current climate change agenda as well as importance of the biodiversity of

the seafront and how this will protected and managed in future as part of the proposals. A 25 year management plan for the relocated vegetated shingle will be put in place

7.8 Discussions are ongoing with the council's e-bike project manager to ensure that maximum ability to accommodate e-bike provision as part of the project is explored. Current a new servicing area is being sought in the east of the city and the limited amount of commercial space to let at peppercorn rent is a constraint. If the Black Rock project can accommodate in other ways (e.g. bike hub) this will be built into the project in the coming weeks.

7.9 Any Other Significant Implications:

None

SUPPORTING DOCUMENTATION

Appendices:

1. Site - red line
2. Scope of Works for planning application

Documents in Members' Rooms

1. Previous PRG report December 2018

Background Documents

