

Subject:	Dalton's Bastion site, Madeira Drive – leisure attraction proposal		
Date of Meeting:	10 March 2016		
Report of:	Assistant Chief Executive & Acting Executive Director, Environment Development & Housing		
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Ward(s) affected:	Queens Park		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report seeks approval to grant Landlord's consent, subject to final determination of Heads of Terms under officer delegated powers, for the development of a new zip wire leisure attraction and café on the Dalton's Bastion site on Madeira Drive.
- 1.2 A Seafront Investment Plan is currently being developed building upon the draft Seafront Strategy and responding to the recommendations of the Seafront Infrastructure Scrutiny Panel. Madeira Drive has been highlighted as an area in need of investment and this proposal will maintain a leisure attraction on the Dalton's Bastion site after the Brighton Wheel ceases to operate.

2. RECOMMENDATIONS:

- 2.1 That the Economic Development & Culture Committee agree to grant Landlord's consent for the Brighton Zip and cafe development on the Dalton's Bastion site on Madeira Drive.
- 2.2 That officers negotiate Heads of Terms for the required Agreement to Lease and Lease to be agreed under delegated powers by the Acting Executive Director, Environment, Development & Housing, Assistant Director Property & Design and the Head of Law.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Brighton Wheel has been operating since October 2011. There is a 5 year Lease in place for the Bastion deck and Planning consent for the Brighton Wheel expires on 19th May 2016. The council has now served notice requiring

Paramount Entertainments Ltd (the tenant) to cease operating the wheel by the end of May 2016.

- 3.2 The operators currently have a Lease for the site below the Brighton Wheel which runs until 2023. They occupy this building as a beach goods and retail shop and ice-cream parlour. Paramount Entertainments have made significant investment in building the platform and strengthening the structure of the Bastion which has created an area with load bearing properties. This proposal would enable the benefit of this investment to be utilised in the longer term.
- 3.3 Paramount Entertainments have now approached the council with a proposal to install a new zip wire and drop zone attraction (Brighton Zip) with a café/restaurant and on the deck after the Brighton Wheel has been removed.
- 3.4 When the Wheel is removed the council not only loses a high profile attraction and landmark on Madeira Drive, but also stands to lose a substantial proportion of the income for the site unless an agreement can be made for a new attraction. The proposal from Paramount is for a zip wire attraction which would start from a 20m tower on the Bastion site and run eastwards to a landing stage approximately 300m away on the beach (see appendix 1). There will also be a Dropzone (20m jump) for those wishing to add to the thrill. Ancillary facilities such as equipment store, changing rooms, ticket office and a café/restaurant would also be built on the Bastion. Further information on the proposal is shown in appendix 2.
- 3.5 The Brighton Zip will be the largest in Sussex and the first in Brighton. It will bring private investment estimated to total £1.7m including the café to the seafront
- 3.6 This proposal provides an exciting new attraction for the Seafront and particularly Madeira Drive which will complement the existing businesses and add to the overall visitor offer in the city. This attraction will enhance the family leisure offer for Madeira Drive and support the new Volk's Railway developments. The new Volk's Railway station and visitor centre is scheduled to open in 2017 and is very close to the Bastion site.
- 3.7 The council can agree Heads of Terms for the Brighton Zip and café/restaurant under officer delegated powers together with a licence for the landing area. Subject to Landlord's consent being agreed by Committee, Paramount would then need to submit a Planning Application for the attraction and café facilities.
- 3.8 It will be a requirement of the Lease for the operator to comply with health and safety legislation and indemnify the council from and against all claims and liabilities. The public liability insurance required would be for a sum not less than £10 million. As with the lease for the Brighton Wheel there will be a clause which stipulates that the Zip attraction must at all times operate in accordance with a current ADIPS (Amusement Device Inspection Procedures Scheme) DoOC (Declaration of Operational Compliance) and all appropriate ADIPS guidance and regulations.

- 3.9 The operators are hoping to open the attraction in time for the summer 2016 season. The Brighton Zip tower cannot be installed until the Wheel has been removed from the site, therefore officers would work with Paramount to agree a suitable time for the Wheel to be dismantled. The new Lease offered would be subject to Planning and also a stopping up order which would be required to transfer a strip of the Bastion site which is currently public highway to become council Seafront land. This would ensure the entire site (the deck and premises below) could fall under one Lease.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Paramount Entertainments have made significant investment in building the platform and strengthening the structure of the Bastion which has created an area with load bearing properties. This proposal would enable the benefit of this investment to be utilised in the longer term. Without the improvements to the structure the site would not be suitable for development.

5. CONCLUSION

- 5.1 Madeira Drive is an area in need of investment and this proposal provides a welcome continuation of a leisure attraction on the Dalton's Bastion site. Paramount Entertainments have previously invested significantly in the site to enable the operation of a leisure attraction, and this proposal enables the benefit of that investment to be continued.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 The financial implications will be determined by the negotiations on the Heads of Terms, but the proposed leisure attraction will help replace the important income stream from the site when the Wheel is removed.

Finance Officer Consulted: Name: Michael Bentley Date: 27/01/16

Legal Implications:

- 6.2 The zip wire attraction and café/restaurant would require planning permission. The relevant highway land was not stopped up to facilitate the wheel as that has always been regarded as a temporary attraction and was therefore a licensed obstruction. It is therefore proposed that the stopping up of the highway is achieved by order of the Secretary of State under s247 of the Town and Country Planning Act 1990.. The Secretary of State's powers can be used where the highway needs to be stopped up to enable development to be carried out. A condition precedent to the order is the grant of planning permission, but the appropriate application can be made in advance of the planning decision. The next steps & timetable within appendix 2 reflect this requirement.

- 6.3 It is not considered that any adverse human rights implications arise from this report.
- 6.4 It is likely that the Heads of Terms referred to (“HoT’s) will propose that the existing lease referred to in paragraph 3.2 is surrendered, so that a lease of all of the appropriate land, including the stopped highway can be granted on a consolidated basis. The HoTs will need to set out how compliance with the provisions of S123 Local Government Act 1972 have been complied with, regarding best consideration. Other requirements in the HoTs will include any controls the council wishes to impose on the works necessary to construct the development and the terms of such a lease, including rent and any other payments to be made, alienation provisions relating to assignment and underletting and alterations.

Lawyer Consulted Name: Bob Bruce / Hilary Woodward Date: 01/02/16

Corporate / Citywide Implications:

- 6.5 This proposal will provide employment and training opportunities for local residents and will act as a catalyst for the regeneration of Madeira Drive which has been identified as one of the key elements of the draft Seafront Strategy.

Crime & Disorder Implications:

- 6.6 The facility will be open all year round and into the evening therefore providing additional controlled activity and security in a currently underutilised area of the seafront.

Risk and Opportunity Management Implications:

- 6.7 Existing businesses within Madeira Drive will benefit from the new investment and increased footfall.

SUPPORTING DOCUMENTATION

Appendices:

1. Plan of Dalton's Bastion site and landing area.
2. Brighton Zip Proposal for Brighton Seafront

