

BABERGH DISTRICT COUNCIL

TO:	CABINET (BABERGH)	REPORT NUMBER: BCa/21/12
FROM:	Cabinet Member for Economy & Cabinet Member for Assets and Investments	DATE OF MEETING: 05/07/2021
OFFICER:	Fiona Duhamel Assistant Director – Economic Development and Regeneration	KEY DECISION REF NO. CAB294

Belle Vue Park (Sudbury) Facilities and Entrance

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek Cabinet's recommendation to Council on approval and addition to the Capital Expenditure Programme of the scheme to create a retaining wall structure, new high quality, secure and accessible park entrance and new café/toilet block facilities (to 'Changing Places' standard) at the Belle Vue Park site in Sudbury.
- 1.2 This report also includes updated information on the overall delivery programme milestones and timeline for the site, an order of costs estimate for the retaining wall and park entrance works and indicative timescale for café/toilet facilities (subject to further public and stakeholder engagement).
- 1.3 It should be noted that Cabinet resolved (Paper B/Ca/20/44) on 11 March 2021 that up to 100% of the proceeds from the sale of the adjacent site (contracts exchanged 05 May 2021) be diverted to ensure the creation of a new Belle Vue park entrance, café and toilet facilities.

2. OPTIONS CONSIDERED

- 2.1 (a) DO NOTHING (Not Recommended) – the site for these proposed works continues to be retained and maintained by the Council. Cabinet has resolved to reinvest capital receipt from wider-site sale proceeds into these works. The Council has contractual obligations from the sale of the adjacent site to undertake retaining wall structural works, as a minimum, and within a timeframe to enable the retirement living complex development to come forward. Sale of the adjacent site means the current park entrance will need to be moved.

(b) SEEK FORMAL APPROVAL TO DELIVER THE FULL WORK-PACKAGE AND ADD THE SCHEME TO THE COUNCILS CAPITAL EXPENDITURE PROGRAMME (Recommended) – to enable the commissioning of a multi-disciplinary professional team to support and deliver the stakeholder and community engagement and detailed design work, surveys and investigations, planning, principal contractor procurement, liaison with the retirement living developer's professional team (including party wall matters) and construction delivery within the required timeframe.

3. RECOMMENDATIONS

- 3.1 That Cabinet note the additional information provided with the report, further to its resolutions of 11 March 2021 relating to the Belle Vue site, and make onward recommendations to Council as follow at 3.3 and 3.4 below.
- 3.2 That with immediate effect from the approval of the recommendations of this report, delegated authority be given to the Assistant Director for Economy, Business & Regeneration in consultation with the Cabinet Member for Economy and Cabinet Member for Assets and Investments to procure and appoint the contractor to deliver the scheme outlined in 3.3 below following a formal tender process.

RECOMMENDATIONS TO COUNCIL

- 3.3 That Council approve the addition to the Capital Expenditure Programme of the Council's spend of up to £1.12m to create a new high quality, secure and accessible park entrance with supporting retaining wall structure and new café/toilet block facilities (to 'Changing Places' or equivalent standard) at the Belle Vue Park site in Sudbury.
- 3.4 That Council authorise forward funding of essential works by borrowing until the capital receipt is received, and to ensure that the overall site delivery programme critical path (including the retirement living development) remains on track.

REASONS FOR DECISION

1. The Council has committed to deliver for the community and visitors to the town a new park entrance, café and toilet facilities at Belle Vue park in Sudbury. Cabinet resolved to divert this capital receipt and with understanding of the timeframes involved.
2. As a condition of sale of adjacent land, the Council is contractually obliged to deliver completed, as a minimum, the new park wall retaining structure within nine months of completion of the sale. Those works are also to have commenced within three months of sale completion.
3. Approval of the Capital Programme works will enable the Council to progress the necessary works and to also seek stakeholder engagement input and additional funding support (including CIL/S106/external contributions).

4. KEY INFORMATION

- 4.1 The Council has, subject to planning, sold part of the previous outdoor swimming pool area and Belle Vue house to a retirement living developer. Exchange of contracts was effected on 05 May 2021. Upon completion of the transfer, the capital receipt to the Council from the sale will be £1.12m.
- 4.2 The Council is retaining the rest of the outdoor swimming pool area to create the new accessible park entrance, returning this area to accessible public space. In addition, a new café with outdoor seating and new toilet facilities will be developed on the site.
- 4.3 It is vital that in delivering the park entrance and facilities the Council works very closely with the retirement living developer on the other portion of the site to ensure

the complementary works, including party wall considerations, come forward as an efficient and integrated programme of works. This will ensure that the necessary technical and structural requirements are fully understood by both sides and progressed accordingly to the overall critical path of the contract and programme.

- 4.4 Due to the contractual timeframes, it is anticipated that the Council will need to borrow ahead of the incoming capital receipt to deliver the retaining wall structure element, with remaining capital receipt made available for the new café and toilets investment in addition to any CIL/S106 and external funding match such as 'Changing Places Fund' for toilets.
- 4.5 Combining as much of the work package delivery as possible makes sense in terms of the programme delivery timescales, the need to prioritise the facilities for community use as soon as possible and minimise time and space needed on site for a compound, temporary traffic mitigations and related matters.
- 4.6 Having already applied for some external funding relating to remedial site works to bring forward the park entrance, which was unsuccessful, the Council will continue to actively seek external funding and match opportunities to deliver the café and toilet facilities. This is also supportive of furthering available funds for wider park improvements.

5. LINKS TO CORPORATE PLAN

- 5.1 The Corporate Plan (2019-27) is designed to address the challenges and seize the opportunities facing the districts, and their organisations, for the foreseeable future. In relationship to the matters contained within this report, the Council's strong local leadership role to build great communities for living, working, visiting and investing in is particularly relevant.
- 5.2 The future of Sudbury and within it Belle Vue are high priority for the Council, and Belle Vue forms a key strand of the Sudbury Vision in creating a better connected town centre and improving gateways to the town.
- 5.3 Strategic priorities linked for this matter include:
 - (a) Rejuvenate our vibrant market towns
 - (b) Thriving, attractive, sustainable and connected Communities
 - (c) A robust financial strategy
- 5.4 The Strategic Asset Management Plan 2020-2025 aims to achieve the following:
 - Utilise the strategic property fund to respond to new opportunities quickly;
 - Diligent disposal of under-performing and surplus assets where use of these assets is otherwise unviable for the Councils;
 - Maintain and renew as appropriate, all publicly accessible assets;
 - Ensure property assets make the optimum contribution to the Councils' priorities and objectives;
 - Strategically manage the portfolio to maximise benefits to the Councils and communities;
 - Delivery of key programmes and projects.

6. FINANCIAL IMPLICATIONS

- 6.1 The Council's Medium Term Financial Strategy (MTFS) 2021-2025 requires the Council to take a medium-term view of the budget through a robust financial strategy that is focused on delivering the six corporate strategic priorities. The Council's main strategic financial aim remains to become self-financing and not reliant on Government funding.
- 6.2 It is estimated that since 2017/18 the district council has incurred maintenance, insurance, remedial works and associated costs of around £150,000 in respect of the Belle Vue site, not including business rates liability currently standing at £16,886 per annum. There is an ongoing and significant problem with unauthorised access, anti-social behaviour and vandalism at the site, which creates an ongoing cost burden to the Council. Improved facilities and security measures at the site, including coverage from the updated town CCTV system investment, should help to reduce these negative impacts.
- 6.3 The order of costs work undertaken so far indicates a new stepped and accessible park entrance with retaining wall will cost to the order of £777,000, which accounts for considerable site levelling and structural retaining elements. Engagement and preliminary costings/funding for café and toilet facilities are now being progressed but are not available at the time of reporting.

7. LEGAL IMPLICATIONS

- 7.1 The Council has a variety of contractual obligations and timeframes in relation to the disposal portion of the site to the retirement living developer. These constraints need to be reflected in the Council's own park entrance and facilities programme. An overview of the anticipated overall programme timeframe including contractual and other key milestones is attached as Confidential Appendix A. Estimated costs for individual elements is contained within Confidential Appendix C.
- 7.2 The Council will need to formally instruct the professional team and services required and, given the masterplanning development and entrance work to date, it is proposed to continue commissioning these services via the Council's Joint-Venture Company Babergh Growth Ltd for the three work packages involved, with early completion required of the retaining wall structure element. It is anticipated that planning applications will be submitted for the Council's packaged works around October 2021.
- 7.3 Legal advice has been taken from both internal and external legal advisors and will continue at all stages of the programme.
- 7.4 It is proposed to carry out a formal tender process for the appointment of a contractor to carry out all works to the park entrance, retaining structure and café/toilets. Recommendations of this report refer.

8. RISK MANAGEMENT

- 8.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No.8 (Decline of Sudbury impacting on economic prosperity of the districts) and risks relating to land and assets remaining underutilised. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
No approval is given to progress the three work packages (wall/entrance/café & toilet) as a single programme	2 – Unlikely	3 – Bad	The Council is legally obliged to deliver the retaining wall structure as minimum and Cabinet have authorised the capital receipt investment in park entrance and new facilities. Approve the three work packages to combine as a one holistic capital delivery project
No forward-funding is authorised, meaning key contractual dates are missed and step-in rights activated by the retirement living developer	2 – Unlikely	3 – Bad	Approve the forward funding borrowing investment request, which will only be used until a capital receipt from the sale is available
The retirement living developer withdraws and does not complete the purchase – meaning Council's forward funding investment is recouped from a delayed capital receipt	2 – Unlikely	4 – Bad	An alternative best consideration disposal would need to be considered by Cabinet, potentially introducing some delay and uncertainty to recouping funds invested and borrowing costs Due to the timeframes/subject to planning disposal, a residual risk will remain
Failure to deliver the structural wall	2 – Unlikely	3 – Bad	Combined programme of works for the whole site

works within the contracted dates			delivery. Robust project management. Sufficient borrowing until capital receipt available
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9. CONSULTATIONS

- 9.1 Formal consultation in respect of the scheme will be facilitated under the planning regime in due course.
- 9.2 The Council has now set up a cross-services project group and stakeholder engagement will continue including with the town council and local community representatives, which will also influence the design of the café and toilet facilities, and any wider park improvements.
- 9.3 The retirement living developer has commenced engagement activities locally on their proposals initially with Sudbury Town Council on 26 May 2021, and are now developing their wider engagement proposals and planning pre-application discussions.
- 9.4 Various engagement activities relating to Belle Vue have been undertaken by the Council, both publicly and with identified stakeholders, in the years since the Council resolved to dispose of the site and as part of the Sudbury Vision programme exhibition held in January 2020.
- 9.5 This has included Sudbury Town Council, Sudbury Steering Group (later reformed as Sudbury Vision Steering Group), Suffolk County Council, user groups, Portfolio Cabinet Members, attendees to public exhibition/park events including local community groups/charities.

10. EQUALITY ANALYSIS

- 10.1 Equality Impact Assessment (EIA) Initial Screening has been undertaken and identified no impact on one or more of the nine protected characteristics as defined by the Equality Act 2010. No full assessment is required arising from the matters contained within this report. This is an asset disposal and commercial principles apply to it.
- 10.2 A more accessible park entrance will widely benefit the local community and visitors, and enable free access for all. The park will remain within Council ownership and as a key asset and attraction for Sudbury residents and visitors to the area.
- 10.3 All relevant accessibility standards and specifications will be considered throughout the design, planning and construction phases of the project.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 Development of the site would have associated environment impacts, temporary during construction and from the development undertaken. Environmental implications and mitigations would be considered through design work, planning process and consultation. Overall, it is intended the entrance and café/toilet facilities

will have a positive overall visual and sustainable/high environmental standard amenity impact.

- 11.2 The stakeholder working group will also assess and inform environmental impacts and mitigations.

12. APPENDICES

Title	Location
A: Entrance design and CGI work to date	Attached
B: Indicative forward integrated programme timeline and milestones CONFIDENTIAL	Attached CONFIDENTIAL
C: Order of costs estimates CONFIDENTIAL	Attached CONFIDENTIAL

BACKGROUND PAPERS

1. REPORT BCA/20/44 (CABINET 11 MARCH 2021)