

BABERGH DISTRICT COUNCIL

TO: Cabinet	REPORT NUMBER: BCa/23/14
FROM: Councillor Derek Davis, Cabinet Member Economic Growth	DATE OF MEETING: 5 September 2023
OFFICER: Fiona Duhamel, Director Economic Growth and Climate Change	KEY DECISION REF NO. CAB439

This report is open for public inspection. However, Appendices referred to within the report are not open for public inspection as they contain exempt information by virtue of which the Council are likely to exclude the public during the discussion of the agenda item to which the report relates.

The description of the exempt information under Schedule 12A of the Local Government Act 1972 (as amended) is as follows: -

1. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The author(s) confirm(s) that the public interest in maintaining the exemption outweighs the public interest in disclosing the information

BELLE VUE PARK (SUDBURY) IMPROVEMENTS

1. PURPOSE OF REPORT

- 1.1 To report to Cabinet progress made to date on designing a new modular building café incorporating toilet block element for the Belle Vue Park site in Sudbury. This would necessitate the demolition of the existing late-1930's era toilet block at the site, which is in poor condition and has been regularly damaged through instances of vandalism.
- 1.2 To recommend to Cabinet that the project is taken forward and to ask Cabinet to approve a funding strategy for the new build which includes diversion of the capital receipt from the (May 2023) sale of Belle Vue House and an element of capital borrowing at the prevailing interest rate.
- 1.3 It should be noted that access to a central government Changing Place match fund award towards capital expenditure (£45k) for the new toilet block will be withdrawn should the facility not be delivered and approval registered by 31 March 2024. There is no flexibility from the government on this deadline. In this risk scenario the additional gap would need to be funded by further borrowing unless a viable alternative source is secured.

2. OPTIONS CONSIDERED

- 2.1 **DO-NOTHING. Not Recommended.** A 'do-nothing' approach will fail to deliver multiple benefits to the park and wider town centre.
- 2.2 **DELIVER A NEW MODULAR BUILD CAFÉ WITH INTEGRATED SEPARATE ACCESS TOILET BLOCK AND CHANGING PLACE FACILITY. Recommended.** A

modular build is more expedient and cost effective than a traditional build. It will deliver multiple benefits for park users, visitors to the town and support the wider improvement of Belle Vue Park. A Changing Place unit will deliver enhanced accessibility infrastructure.

3. RECOMMENDATIONS

- 3.1 That Cabinet **review and note** the progress made in scoping and designing a suitable modular build café and toilet block facility for Belle Vue park, including the estimated breakdown of costs attached as Confidential Appendix B (which includes an estimate of borrowing costs).
- 3.2 That Cabinet **approve** the recommendation to proceed with delivery of a new café and toilets as a modular build which includes provision of a changing place facility.
- 3.3 That Cabinet **approve** the funding of the works from the Changing Places Grant, the capital receipt from the sale of Belle Vue House and the existing capital budget (borrowing) for works at Belle Vue. The capital programme currently includes a budget of £1.9m for works at Belle Vue and it is anticipated that this scheme will require £105,000 of that budget, or in the worst case £150,000 if it is not possible to complete the scheme in the timescale required to be able to utilise the £45,000 Changing Place grant.
- 3.4 That Cabinet **note** the intention to directly award a supplier for the modular unit design and delivery from a suitably approved contract framework under officer delegation to the Director for Economic Growth and Climate Change. This is for expediency due to the funding deadline set for accessing Changing Place grant.

REASON FOR DECISION

Supporting the regeneration of Sudbury town centre and improvements to Belle Vue Park, by investing directly in expanded and new opportunities for local residents and visitors to the town to engage in healthy activities and pursuits.

Further, this intervention will support the town's amenities, connectivity and bring a range of positive economic, environmental and social benefits. This will also improve a Council asset in line with the aims of the Joint Strategic Asset Management Plan to 2025.

4. KEY INFORMATION

- 4.1 Provision of improved toilet facilities and a new café at Belle Vue Park have been fed back by the public as being a higher priority for the park area for a number of years, including through a public exhibition and engagement period undertaken during late 2021.
- 4.2 The Council had developed up to pre-planning stage a traditional construction and build design café facility with integrated toilets. However, due to rising costs of construction, associated extensive ground and retaining works needed, and a wider review of the site strategy, this option was paused in late-2022. Opportunities for a less expensive, sustainable, energy efficient, high quality and more expedient modular build were explored.
- 4.3 A new scheme has been developed by the Economic Growth Team, working closely in partnership with the Council's Public Realm Team in respect of the wider plans for

park improvements. Spatial and practical considerations have been assessed regarding demolishing the existing toilet block and installing new facilities. The proposed new scheme outline design is attached as Appendix A (subject to further work before planning submission). The exact location of the new facility is to be determined but the general area is identified, which is on existing hardstanding and nearer to park activities than the existing toilet block.

- 4.4 The Council was also successful in a bid for Changing Place funding for the district, of which a £45k allowance is held for Belle Vue (but must be delivered in 2023/24 financial year). This would greatly improve accessibility facilities in the park and make a tangible contribution towards wider town connectivity and accessibility improvements, but the government timeframe is non-negotiable so this element remains at significant risk.
- 4.5 The Council has undertaken a planning pre-application process, including heritage element, on 08 August 2023. The building must be of sufficient quality, durability and design befitting its location and intended uses within the historic park setting and given its importance to the town. The planning process and timeline risks, alongside procurement and contracting work required, may push the scheme delivery past the deadline for benefitting from £45k Changing Place grant.

5. LINKS TO CORPORATE PLAN

- 5.1 The organisational vision is *'great communities with bright & healthy futures that everyone is proud to call home'* supported by the Council's mission to *'provide strong, proud, and inspirational leadership; striving for excellence, and together building great communities for everyone to live, work, visit and invest in'*. This proposal is a strong fit towards the vision and mission.
- 5.2 There are a range of strategic priorities and Council policies which align with this project, including:
- Joint District Wellbeing Strategy (2021-2027) - overarching vision that *'The residents of Babergh and Mid Suffolk will have the best possible conditions for good wellbeing and have lives that are healthy, happy and rewarding.'*
 - Strategic Asset Management Plan 2020-2025 (SAMP) aims to *'Maintain and renew as appropriate, all publicly accessible assets'*
 - Place Regeneration and Sudbury Vision delivery – responding to public feedback for improvement to Belle Vue Park as part of the town regeneration programme
 - Carbon Reduction Management Plan and Biodiversity Action Plan supported through rooftop solar PV panel installations on the units and new planting as part of the setting for the new café facility

6. FINANCIAL IMPLICATIONS

- 6.1 Appendix B (confidential) to this report contains an initial high-level financial appraisal as part of the business case. The bulk of the financial risk is addressed through approval of use of the capital receipt of sale proceeds from the house. That however will not cover the full cost of works, so an amount of borrowing at prevailing PWLB interest rates will be required and in addition to the Changing Place grant if that can be utilised.

- 6.2 More than one work package is needed to progress this development – the supplier of the modular units, demolition of the existing toilet block and undertaking groundworks/civils, services connections and provision of temporary toilets during works. An estimate of these costs is provided in confidential Appendix B and reflected within the report recommendations. A direct award under officer delegation is proposed given the upper value cost estimate of these works.
- 6.3 Whilst not a purely commercially driven investment, due to the considerable wider benefits to the park and town, the Council will retain ownership of the café facility and derive an income stream from occupier licence or lease/profit share arrangements etc. in due course. This will recoup the initial investment over an extended period of time. An indicative annual lease income is shown in Appendix B.
- 6.4 There are associated costs of maintaining and repair, some of which can pass to the tenant operator but others to be borne by Public Realm or Building Services. This will in part be an offset of repair and maintenance resource once the existing toilet block is demolished. Further, the existing toilet block is regularly vandalised at cost to the Council. The new facility will be more secure and monitored.
- 6.5 CIL would only fund one element of the whole site infrastructure strategy for Belle Vue site so this is likely to be more beneficial to seek for any future park entrance improvements, which will be more costly and extensive than the café/toilet delivery.

7. LEGAL IMPLICATIONS

- 7.1 All land at Belle Vue Park is held within the long-term ownership of Babergh District Council. The house and associated land parcel have been disposed of into private ownership from May 2023. Appendix C shows the overall site outline strategy.
- 7.2 The Council will implement public sector compliant procurement processes/access approved contract frameworks in securing the unit supplier, civils and the café operator in due course.
- 7.3 A full repairing and insuring lease agreement is likely for any onward tenancy and operation of the café, although the procurement of an operator will be at a later stage of the delivery. Legal advice will be sought at the appropriate time.
- 7.4 As a park improvement and facilities enhancement project, there is no ‘disposal’ of land under this proposal activating Asset of Community Value or open space loss matters. It is likely that the demolishing of the 1930’s toilet block will open up wider opportunities for improving that area of the park also, and as part of the emerging wider park strategy.
- 7.5 Legal Services form part of the extended project team and their advice is sought as appropriate (for example terms of lease agreements, construction contracts etc.), as is input from the S151 Officer and Monitoring Officer where required. The Council also observes all relevant guidance, obligations and practice in relation to construction project management - for example CDM Regulations 2015 compliance.

8. RISK MANAGEMENT

8.1 The key risks are set out below. For also noting is the missed opportunities from not accessing Changing Place funding. See also Section 3 above on options considered.

Key Risk Description	Likelihood 1-4	Impact 1-4	Mitigation	Risk Register and Reference
Failure to deliver a holistic strategy for park improvements in line with public and stakeholder expectations	1	3	Refer to public consultation priorities where toilets and café where higher priority	Belle Vue Site Project Risk Register – BV14
Costs overrun on delivering a café and new toilet block	2	3	Quantity Surveyor costed works and suitable contingency allowance. Approved funding strategy. Robust procurement processes	Belle Vue Site Project Risk Register – BV15
Failing to deliver the café and toilets by 31/03/2024 meaning the secured £45k of Changing Places grant is handed back	4	3	Take all possible steps to twin-track or expedite elements of the delivery programme. A residual high risk remains due to the non-controllable elements such as planning and third-party supplier availability and existing order commitments	Belle Vue Site Project Risk Register – BV16
The modular development option is less durable, lower quality and higher maintenance than a full traditional build solution	2	3	Suitable tender specification and on finish options to befit the setting, intended use and available budget. Good quality modular units have an anticipated 50 year lifetime and good thermal and energy performance	Belle Vue Site Project Risk Register – BV17

8.2 The project risk register for the Belle Vue site programme is kept regularly updated. This will be managed operationally and through key governance gateway decision points and programme board reporting as appropriate.

9. CONSULTATIONS

9.1 Periodic and regular engagement and consultation has been carried out over a number of years and with a range of partners as well as the general public. Belle Vue Park specific public engagement took place over October and November of 2021. Stakeholder views on town matters via the Sudbury Vision and Working Together for Sudbury programmes are regularly sought.

9.2 The Economic Growth Team work collaboratively across all relevant teams and individuals within the three-tiers of public sector partners, and with a range of groups and interested parties as appropriate.

9.3 Formal consultation will be carried out as part of the linked planning application.

10. EQUALITY ANALYSIS

10.1 Initial screening informed the Council to undertake a full Equality Impact Assessment (EIA). This has now been completed and has found that the proposals from this development are generally very positive and are fair, equitable and proportionate (and where possible mitigate against any adverse impacts) on people from the different protected characteristics.

10.2 The Council and chosen supplier are following 2021 Changing Places Guidance detailed specifications in terms of delivering a fully compliant Changing Place facility. This is a requirement of the funding allocation.

10.3 Part M Building Regulations 'Access to and Use of Buildings' compliance and planning pre-application advice will be followed.

10.4 It is the Council's published ambition to improve access for all to the park as part of its wider site ambitions.

11. ENVIRONMENTAL IMPLICATIONS

11.1 Environmental and sustainability issues are being considered as part of the design, planning and delivery process however there are no direct environmental implications in respect of the recommendations at section 3.

11.2 The modular build facility will have an EPC (Energy Performance Certificate) rating of 'A' (most efficient). Solar PV will be utilised on available roof space and fittings and furniture will be sourced from ethical and sustainable sources/suppliers wherever possible.

11.3 A traditional built development would have associated environment impacts requiring increased assessment and mitigation. However, a modular development is far less invasive or impactful. It can be delivered fully constructed within 10-12 weeks of an order and normally only 2 weeks would be needed on site. The units are of good longevity (50 years range) and quality and can sit on pad foundations rather than excavated e.g. piling or retained groundworks. This also helps to mitigate carbon release from more traditional and lengthy works/removal of waste. A construction management plan will be provided including demolition, waste management and groundworks activities.

11.4 The initial design work has proposed roof mounted solar PV and air source heat pumps, to provide self-consumption energy opportunities and cost savings for occupiers. Active and sustainable travel, biodiversity planting and features to the park will be considered as part of wider strategy but included within the planning application where relating specifically to the café/toilet element.

12. APPENDICES

Title	Location
APPENDIX A – Outline Scheme Concept	ATTACHED
APPENDIX B – Outline costs and funding strategy	ATTACHED

*** CONFIDENTIAL ***	
APPENDIX C – Wider Belle Vue Site Overview	ATTACHED
APPENDIX D – Programme Timeline (Aug 2023) *** CONFIDENTIAL ***	ATTACHED
APPENDIX E - EQIA	ATTACHED

13. BACKGROUND DOCUMENTS

None other than Appendices above