
FEETHAMS PROGRAMME – PROGRESS UPDATE AND RIVERSIDE PARK

**Responsible Cabinet Member –
Councillor Chris McEwan, Economy and Regeneration Portfolio**

**Responsible Director –
Ian Williams, Director of Economic Growth**

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to set out for Member's consideration the progress in relation to delivering the vision for the Feethams Area.
2. This report also identifies the issues currently facing the delivery of the Riverside Park and seeks the appropriate recommendations to enable the timely delivery of this key infrastructure requirement.

Summary

3. The Feethams Planning and Development Brief was adopted in 2008 (referred to as the Feethams Brief) and establishes the objectives and vision for the Feethams Area. The development of the Department for Education (DfE) Offices sees the first physical contribution towards these objectives, which is now accompanied by the commencement of the Feethams Leisure Development on the former bus depot site. These developments alone equate to a £38million investment in the Borough, bringing over 900 jobs to the town centre.
4. This report provides an overview of the Feethams Programme, set up to ensure cross project issues are appropriately managed, and provides an update in respect of progress of key projects.
5. Both the Feethams Leisure Development and the DfE Offices have resulted in the loss of car parking in Feethams serving the Town Centre. To address this, the Feethams Brief identified a Multi Storey Car Park (MSCP) as a key infrastructure requirement; Members considered and approved the way forward in respect of the MSCP at their meeting on 18th May 2013. Work is now underway to enable the commencement of the MSCP in January 2015 with a target delivery date in December 2015.

6. Not only will the delivery of the MSCP in the Feethams Area provide safe and secure parking serving both the town centre and the new developments at Feethams, but it will also enable the release of further sites for development, again adding to the offer of the town centre and contributing towards the Council's challenging economic Growth targets.
7. The level of development within Feethams, and in particular around the Town Hall, has resulted in logistical and access issues arising, for which mitigating actions have been identified and/or put in place. This, together with the temporary re-provision of car parking between St Cuthbert's the River Skerne and the new DfE offices, has implications for the delivery of the riverside park in this location.
8. The riverside park, is an objective of the Feethams Brief, the Town Centre Fringe masterplan and Borough's Green Infrastructure Strategy. The Riverside Park will not only address an open space shortage and flood management issues for the Town Centre, but will also create a high quality frontage for the DfE Offices and Feethams Leisure development, increasing the viability and vitality of these developments together with the town centre.
9. To ensure that the riverside can be delivered in a timely manner and to comply with the terms of the agreement with the Homes and Communities Agency (HCA) in respect of the Feethams Leisure land receipt, Cabinet is asked to note that a proportion of this land receipt for the design and delivery of the riverside park in line with the Feethams Brief and the vision for the wider Town Centre Fringe. To enable these works to be delivered promptly once the MSCP is open and the temporary car parking use has ceased, Cabinet is also asked to release £50,000 of this land receipt, to advance the feasibility, design and planning works, as well as approving the proposed procurement route.

Recommendation

10. It is recommended that Cabinet:-
 - (a) Note the content of this report and the progress made in respect of delivering the Feethams Brief and Programme;
 - (b) Note the £405,000 of the land receipt generated through the disposal of the former Bus Depot (ie the Feethams Leisure Development land receipt) earmarked for the delivery of the riverside park;
 - (c) Release £50,000 of the land receipt generated through the Feethams Leisure Development and delegate authority to the Director of Economic Growth, in consultation with the Portfolio Holder for Economy and Regeneration, to advance the feasibility, design and planning in respect of the Riverside Park in accordance with the riverside brief as described in **Appendix 2**;
 - (d) Approve the use of the SCAPE Framework in respect of the design and construction of the riverside park;

- (e) Approve capital expenditure (not covered by the land receipt) of £150,000 to fund enabling and access accommodation works.

Delegations

- 11. In exercising his delegated authority under 10(c), the Director of Economic Growth will consult with the Director of Neighbourhood Services and Resources and the Portfolio Holder for Economy and Regeneration in respect the outcome of the feasibility work and in particular any elements of the riverside brief which may not be deliverable within the identified budget before considering how best to progress in respect of the detailed design and planning. It is proposed that a further report will be presented to Cabinet to approve the design and release the funding required before the riverside park is delivered.

Reasons

- 12. The recommendations are supported by the following reasons :-
 - (a) So Members are aware of the on-going implementation of the vision for the Feethams area as described in the Feethams Planning and Development Brief and the Town Centre Fringe masterplan;
 - (b) To ensure that the Council are able to meet the terms of the agreement with Homes and Community Agency in respect of the land receipt generated through the Feethams Leisure Development;
 - (c) To enable feasibility, design and planning of the riverside park to progress, to enable works to advance once the area is made available following the completion of the MSCP;
 - (d) To ensure that all access accommodation works required can be funded, if required, through the land receipt without adding unnecessary delay to the commencement of the Feethams Leisure Development.

Ian Williams, Director of Economic Growth

Background Papers

Council Report 28 November 2013 – Feethams Developments – Multi Storey Car Park (MSC)

Council Report 18 July 2013 – Town Centre Regeneration and Inward Investment
Feethams Planning and Development Brief (2008)

Jill Thwaite : Extension 6312

S17 Crime and Disorder	S17 Crime and Disorder will be considered throughout the design of the riverside park to ensure that any potential issues are addressed and mitigated appropriately.
Health and Well Being	The riverside park will provide informal open space close to the town centre, as well as delivering flood management improvements for the town centre and town centre fringe.
Carbon Impact	The design of eh riverside park will consider carbon impact.
Diversity	The riverside park will be designed to be inclusive for all.
Wards Affected	Central Ward
Groups Affected	None.
Budget and Policy Framework	Underwriting the costs may result in costs been incurred by the Council which are not currently included in the MTFP.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	Delivery of the riverside park will help facilitate development in the Feethams area, and by providing good open space close to and serving the Town Centre, as well as meeting green infrastructure objectives.
Efficiency	Design of the riverside park will consider life-cycle costing and maintenance requirements in particular.

MAIN REPORT

Background

13. A plan of the Feethams Area is included in **Appendix 1**.
14. The Feethams Brief was adopted by the Council in 2008. This brief sets out the following objectives for Feethams:-
 - (a) Provision of uses which substantially raise the level of attraction in the town centre and drawing more people to the town centre;
 - (b) Provision of uses which draw people across town, providing footfall past the indoor market and market square, helping rebalance the town centre in context of major redevelopment proposals for Commercial Street to the north;
 - (c) Delivery of a development that cherishes and respects the key environmental features such as St Cuthbert's Church, the River Skerne, the Conservation Area and Listed Buildings;

- (d) Creation of good pedestrian and cycle links;
 - (e) Outstanding design quality which creates an impressive gateway to this part of Darlington; and
 - (f) Attract new businesses to the town with higher wage employment.
15. The Feethams Brief identified a number of public goods that should be delivered as part of the regeneration of the area to ensure that the quality of place and amenity of the area is improved, as well as adding to the offer of the Town Centre. These were identified as:-
- (a) An improvement in the facilities for bus and coach travellers to include waiting areas and connections to other transport;
 - (b) Improvement of the existing public realm within and around the Feethams area;
 - (c) The creation of at least one new public square and a greenspace close to the River Skerne to a size of no less than 2500sqm;
 - (d) The building of a riverside promenade and improvements to the landscape and ecology value of the Skerne;
 - (e) The building of a new access road or roads leading to the riverside;
 - (f) The construction of the multi-storey car park;
 - (g) Upgrading the town hall forecourt to improve linkages and amenity for the town.
16. These objectives continue to be relevant to the development of the Feethams Area and are reflected in the strategic policies for the town centre as set out in the Core Strategy. They will also help the Council achieve its ambitions for economic growth by diversifying the town centre and addressing currently unmet needs and increasing visitors to, and footfall across, the town centre. In addition, the developments already underway will raise values within this vicinity and beyond helping to maintain a buoyant town centre.
17. A key element of the Feethams brief is the delivery of a riverside park including a riverside promenade to enable development to front the Skerne, improvements to the landscape and ecological value of the River Skerne. This park will also deliver flood management measures as well as creating informal open space close to the town centre. This objective was enhanced and reflected through the Town Centre Fringe Masterplan, adopted in 2012, which extended the riverside park beyond the Feethams area, northward through the length of the Town Centre Fringe.
18. Cabinet considered the development of Feethams in October 2011 (04/10/11) which resulted in the former bus depot site being released for a leisure development including a multiplex cinema. In taking the decision, Members agreed

that a staged release of land would be more appropriate for the area than a comprehensive delivery mechanism.

19. Following the procurement of the Feethams Leisure Development, the Council has also released land to the rear of the Town Hall for the DfE offices and agreed to build a MSCP on its land at Beaumont Street North Car Park.
20. In June 2014, Cabinet also agreed to the release of Tees Valley Bus Network Improvement (TVBNI) funding to deliver Bus and Coach Passenger Waiting Facility Improvements on Feethams, outside the Town Hall, as well as traffic and pedestrian management facilities in and around the Feethams area.

DfE – Progress

21. The construction of the DfE Offices is continuing to the construction programme, and are scheduled to be completed to enable occupation in late January/February 2015. This £8million investment in the town centre has safeguarded 450 jobs within Darlington, bringing these from Mowden Hall into the town centre, which will help increase the vitality of the town centre.
22. In the long term, the DfE offices will be accessed via the vehicular shared access way between the Feethams Leisure Development and Town Hall, however, as this will be constructed as part of the Feethams Leisure Development, an alternative, temporary access needs to be made available to serve both the DfE Offices and the Town Hall until the Feethams Leisure Development is completed. This will have implications for the delivery timescales and/or brief in respect of the riverside park. This issue is considered in more detail later in this report.

Feethams Leisure Development – Progress

23. Work on the Feethams Leisure Development started on site on 22nd September 2014, with a target completion date in early 2016. This £30m private sector investment in the town centre will deliver c500 new jobs in Darlington, enhance the offer of the existing town centre and makes a significant contribution towards the Council's economic growth targets.
24. The land receipt in respect of the Feethams Leisure Development will be received following practical and legal completion of the development. As the HCA funded the acquisition of the Bus Depot site, the land receipt will re-pay their investment, although they have agreed that the Council can retain £405,000 to fund the delivery of the riverside park.
25. The Feethams Leisure Development arrangement also includes an Overage Deed which could result in an addition payment to the Council and HCA depending on market values in year 5 following the completion of the development.
26. Due to the changes to the proposed scheme resulting from the planning process, namely the delivery of the lift for accessibility reasons, there are now some access accommodation works required to enable a safe access to be delivered between the new Leisure Development and the Town Hall for both users of the Town Hall

and the Leisure development during and following the construction phase. As these works were not anticipated during the procurement exercise and resulted from changes in the submission of the revised planning application, these costs fall to the Council. In addition the Council had to incur some costs to achieve vacant possession of the site.

27. To ensure that these works can be carried out as quickly as possible to ensure the continued accessibility for the Town Hall by all its staff, visitors and users, it is recommended that authority be delegated to the Director of Economic Growth to spend up to £150,000 to fund and deliver these works.

MSCP – Progress

28. Members have previously considered the need for a MSCP in the Feethams Area and resolved to progress a Council funded MSCP in Feethams (18/07/13 and 28/11/13). This scheme is based on the Council funding, building and operating a new MSCP which also provided a Shopmobility facility and office space for Darlington Association on Disability (DAD). To this end, planning permission has been secured and contractors lined up to complete design works and deliver the build.
29. During the planning application process, there was some objection to the MSCP relating to both the need for a MSCP and the proposed design solution. In view of the comments received, the Council proposes to undertake a Design Quality Review before finalising the plans and progressing with the MSCP.
30. Now the developers are contractually committed to delivering the Feethams Leisure Development, the Council is now in a position to undertake this design review and advance the final design matters to enable it to enter into the building contractor for the MSCP in line with the previous resolutions by Cabinet. It is anticipated that works will start on site in mid-late January 2015, with a proposed delivery deadline within 12 months and a contracted completion date early 2016. The Council is comfortable that, given the experience with the DfE contract and when undertaking the design review, it will be able to work with Willmott Dixon, the main contractor, to achieve a target completion date in December 2015, to provide this new parking facility in advance of Christmas 2015.
31. Given the period since the initial estimates for the MSCP were sourced and the national increases in construction activities and material costs, the price may exceed the current estimate once it is received in November. These changes are not expected to be in excess of 10% of the original build estimates but will mean the initial budget approved by Council is exceeded. It is therefore proposed that, once the revised estimate/actual price is received a further report be considered by Cabinet and subsequently Council to allocate and release any additional funds.

Contingency Car Parking

32. The proposed development at Feethams will deliver a leisure offer not currently available within Darlington, as well as delivering high quality office accommodation and other town centre uses to this currently underutilised area. The development

of the DfE Offices, the Leisure Development, the MSCP and public realm improvements described in this report equate to a £46million investment in the Borough with over 900 jobs being brought to the town centre as a direct result. These developments will release other land for development and will have the ability to raise values and attract other users to Darlington town centre. This will help the Council achieve its ambitions for economic growth.

33. In order to get there however, the Council will need to address the resulting under-provision of car parking spaces within the town centre. In lieu of MSCP being available for use, there is a clear need for short term contingency car parking measures to support the town centre. On 25 September 2014, Cabinet approved the delivery of measures to support car park provision over the next 12-18 months in lieu of the MSCP being delivered.
34. These measures include the delivery of additional spaces in the area around the DfE offices adjacent to St Cuthbert's and the Skerne. This is the area identified for the riverside park in the Feethams Brief. However, it is considered appropriate to delay the delivery of the riverside park until the MSCP is operational to enable this area to meet the short term parking needs of the Town Centre.

Riverside Park

35. The 'Riverside Park' is a key component of both the Town Centre Fringe masterplan and the Feethams Brief, as well as the Borough's Green Infrastructure Plan. It seeks to help alleviate flooding issues across the town centre fringe and to provide attractive frontage to the developments in the Feethams area and contributes towards wider green infrastructure objectives such as habitat creation and provision of accessible informal open space close to the town centre.
36. The brief for the riverside park is set out in **Appendix 2** for Members information. This is based upon adopted policy and the recently adopted Green Infrastructure Strategy, as well as being in conformity with the Town Centre Fringe Masterplan and Town Centre Strategy.
37. The brief proposes that vehicular access will be limited to emergency vehicles and to service vehicles outside peak times, as currently permitted on High Row.
38. Given temporary access through the area which will become the riverside park is required to serve the Town Hall and DfE offices during the construction of the Feethams Leisure Development and the use of the area to provide temporary car parking until the MSCP is operational, the riverside park cannot be delivered immediately or align with the opening of the DfE Offices or the Feethams Leisure Development.
39. The Council will progress to the detailed design of the scheme based on fulfilling the brief within the available budget. It is proposed that an additional report be brought to Cabinet to approve the design of the riverside park and seek the release of the funding.

40. To ensure that the delivery of the Riverside Project can progress quickly once the area becomes available (following the temporary car parking use) and the land receipt has been paid in full (following completion of the development), it is proposed to undertake the feasibility works and subsequently the design and planning elements components of the project now. To achieve this, it is recommended that Cabinet release £50,000 of the Feethams Leisure Development land receipt, to take the project up to and through to planning stage, including a feasibility exercise to consider how the brief can be delivered for the budget available.
41. A further Cabinet paper is proposed to enable Members to approve the design in advance of planning and to release the necessary funding in respect of the riverside park in advance of its delivery.
42. The archaeological investigations which have been completed, together with the findings of the archaeological works in respect of the DfE office development, has suggested that there are likely to be archaeological remains within the Riverside Park. Given the earthworks required in order to respond to the flood mitigation element of the riverside brief, it is anticipated that full archaeological excavation of the riverside park is required. This is likely to have cost and time implications for the delivery of the Riverside Park.
43. It may be possible to secure some external funding to contribute towards the archaeological work, if the dig were opened up to community groups and individuals. Whilst this may have time implications for the project, it could reduce the overall cost. It is however unlikely that archaeological works can be avoided in their entirety. The options available will be considered during the feasibility stage.

Public Realm and Bus and Coach Passenger Waiting Facility Improvements

44. The Feethams Brief identified that, in order to achieve its objectives and ensure that development in Feethams supported and enhanced the town centre, there was a need to deliver some key infrastructure improvements within Feethams.
45. To this aid, funding has been secured from Tees Valley Bus Network Improvement (TVBNI) and the Local Transport Plan fund (LTP) to deliver improved bus and coach passenger waiting facilities as well as an improved traffic and pedestrian management system in the Feethams area, including Beaumont Street and Houndgate. These works include works to the footways along Feethams, including the access to the Town Hall forecourt, to enable the delivery of improved bus and coach passenger facilities. These works are expected to be completed by April 2015.

Financial Implications

46. Funding has already been secured for a number of the projects set out in the Feethams Programme which have all been subject to separate Cabinet/Council resolutions. In addition the delivery of the Feethams Leisure Development, DfE Offices and MSCP will generate revenue for the Council through Business Rate Retention.

47. The Council has secured a £405,000 capital receipt from the Feethams Leisure Development to deliver the riverside park. In addition, there is scope to receive an additional payment as a result of the Overage Deed.
48. There are three remaining development plots within the Feethams Area within the Council's ownership. Whilst these development plots cannot be disposed of until after the MSCP is open due to their existing car parking use (which will be re-provided through the MSCP), they all have the potential to generate additional land receipts (as well as business rates) through their disposal and subsequent development. The value of these other receipts are not known and will be greatly dependent upon the nature of development they are to be brought forward for and the scale of infrastructure or other obligations placed upon the sites. In theory these values should increase following the development of the adjacent plots for the Leisure Development, DfE Offices and MSCP. In addition, the development of these plots will also generate business rate income for the Council.

Legal Implications

49. There are Traffic Regulation Orders and a Stopping Up order required to enable the delivery of the MSCP in Feethams. These will need to be progressed, reviewed and amended in line with the relevant regulations, as appropriate to facilitate the delivery of the scheme.

Procurement Advice

50. The procurements in respect of the DfE and Leisure Developments have already taken place in accordance with the Council's contract procedure rules.
51. The value of the Riverside Park is under the strategic procurement limit of £5m and is to be added to the Annual Procurement Plan when considered by Cabinet in October 2014.
52. The preferred procurement route in respect of the riverside park is through the SCAPE Framework as a significant portion of the site currently falls within the compound area for the DfE Offices. This work can be included within the current appointment under this Framework. Cabinet are therefore asked to approve the use of the SCAPE Framework in respect of the design and build for the riverside park.

Equalities Considerations

53. The Feethams Brief was developed in partnership with the public through a process of engagement and consultation. As part of this there were specific workshops held with various protected characteristic groups and the results of these were fed in to the design process and the finalised Feethams Brief. As the design of any of the detailed components develop this will be tested with various groups and stakeholders, prior to securing any required consents and construction.
54. Each individual project will consider equality issues as the project advances, as has been the case for the DfE office, the MSCP and the Leisure Development projects.

Consultation

55. Consultation was undertaken during the preparation of the Feethams Brief, the responses of which were considered prior to the finalisation and subsequent adoption of the Feethams Brief in 2008.
56. Subsequently pre-application consultations have taken place in respect of the new DfE office, the MSCP and the Cinema. Comments received in response to these consultations were submitted as part of the relevant planning applications.
57. Arriva, as main bus operator in Darlington, was consulted with and has agreed the proposals in respect of the Bus and Coach Passenger Waiting Facilities Improvements Project. Wider community and stakeholder consultation will be undertaken as the design advances.

Outcome of Consultation

58. There was significant local objection received in connection with the MSCP during the planning process. This related to the impact of the proposed MSCP on the setting of the Listed Buildings in the vicinity and the Town Centre Conservation Area as well as the need for the Car Park with reference to the Parking Strategy.
59. These matters were considered by the Council in its role as Local Planning Authority during the consideration of the planning application. Whilst these issues were not considered sufficient to warrant the refusal of planning permission, the Council has agreed to undertake a design review process of the MSCP in advance of its delivery.

Conclusion

60. Significant progress has been made in respect of realising the vision for the Feethams Area as set out in the Feethams Brief approved in 2008 and reflected in the Core Strategy. The first physical component, the DfE Offices, is scheduled to be completed in the next 3 months. The developments and proposals outlined in this report and which already benefit from the necessary Cabinet/Council approvals will see a £46million investment in Feethams over the next 18 months and bring an additional 900 new jobs to the town centre. This marks a significant contribution towards the Council's challenging economic growth aspirations.
61. In addition, the Council is confident that the developments at Feethams will diversify and enhance the town centre offer, adding value to and increasing the viability and vitality of the town centre. As well as presenting opportunities for further development and economic benefits within and adjoining the town centre.
62. It is, however, acknowledged that to benefit from this long term gain, there is a need to provide Contingency Car parking solutions to mitigate the impact whilst projects are being delivered.

63. A key infrastructure requirement of the Feethams Brief is the riverside park. This paper seeks to secure funding in respect of the delivery of the riverside park and release the funds required to advance the feasibility, design and planning stages of this project to ensure that delivery can commence once the area become available.
64. Once delivered these developments and the infrastructure improvements will see a significant proportion of the Feethams Brief being realised. This will make a significant contribution to the creation of a diverse, attractive, well-connected and accessible town centre offer in Darlington Council's targets for economic growth.