
DARLINGTON TOWN CENTRE ‘PEDESTRIAN HEART’

**Responsible Cabinet Member(s) - Councillor John Williams, Leader;
Councillor David Lyonette, Regeneration and Planning Portfolio;
Councillor Nick Wallis, Highways and Transport Portfolio**

Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To seek Members approval for the release of One NorthEast Single Programme funding to complete Phase One Enabling works, assuming the Pedestrian Heart Traffic Regulation Order (TRO) report, detailed elsewhere in the agenda, has been approved.
2. To confirm expenditure undertaken by officers for additional studies and supplementary works required to progress the scheme and to seek Members approval for further works and fees.

Information and Analysis

Background

3. In November 2004, following detailed concept consultation, and stakeholder involvement, Cabinet reviewed that consultation feedback and analysis. Cabinet agreed that the design of the Darlington Town Centre Pedestrian Heart scheme, as detailed in their report and accompanying plans, proceed to Conservation Area Consent, Listed Building Consent and Planning Applications. The Director of Development and Environment, in consultation with the Leader, and Cabinet Members for Regeneration and Planning and Highways and Transport, was authorised to agree any minor amendments to the design and materials, which may result from further detailed design work, from consideration of applications or from discussions with potential contractors.
4. As outlined in the Pedestrian Heart TRO report, earlier in the agenda, the Phase One Enabling works TRO was advertised in November 2004. The Phase Two main Public Realm works TRO were advertised in December 2004 and it is anticipated that it will be considered by Cabinet in February 2005.
5. The Phase One Enabling works have been tendered in accordance with the Council’s Contract Procedure Rules. Tenders are due to be considered by Tender Panel in January 2005.

6. The Phase Two main Public Realm works are programmed to be tendered in February 2005.

Phasing of works

7. The proposed phasing/programme is anticipated to be:

December 2004	Phase Two Traffic Regulation Orders advertised
January 2005	Cabinet to consider any objections to TROs for Phase One Enabling works and funding availability
February 2005	Cabinet to consider any objections to TROs for Phase Two main Public Realm works
February / March 2005	Planning Consents, Conservation Area Consent and Listed Building Consent Applications consideration
February 2005	Commence Phase One Enabling works
February 2005	Phase Two main Public Realm works tendering
March 2005	Council to consider LTP and Capital Programme funding availability
May 2005	Artistic Event to mark the completion of Phase One Enabling works and commencement of Phase Two works
June 2005	Commence Phase Two main Public Realm scheme
November 2005	Break for Christmas
January 2006	Resume Phase Two main Public Realm scheme
October 2006	Complete Darlington Pedestrian Heart scheme (Building Grant Scheme to proceed through financial year 2007/8)

8. Achieving this timetable depends on:

- (a) whether there are objections to the TROs which are of sufficient concern to require a public inquiry to be held (impacting on programme in terms of increased time and therefore possibly on the ability to spend the Single Programme funding)
- (b) the outcome of conservation, listed building and planning applications.

9. The Director of Development and Environment has delegated powers (in consultation with the Cabinet Member with the Highways and Transport Portfolio) to consult on and publicise Traffic Regulation Orders, and to make the Orders unless any objections are received.

Phase One Enabling works

10. The Enabling works are scheduled to take place early 2005, ahead of planning-related consents and TROs for the designs in the Pedestrian Heart, in order that the available funding can be spent. The Enabling works do not prejudice future design decisions for the works in the Pedestrian Heart: a wide range of designs would remain possible in the town centre should any problems arise with the main TRO or any of the planning-related applications.

11. The Phase One Enabling works include:

- (a) Provision of bus priority on Stonebridge, Stonebridge Roundabout and St. Cuthbert's Way (northbound). This will help minimize bus journey times on the alternative routings and also remove buses from general traffic lanes, where practicable
- (b) Junction improvements at Stonebridge/St. Cuthbert's Way and Freeman's Place/St. Cuthbert's Way.

Planning, Conservation Area and Listed Building Consents

- 12. The Council will seek the necessary consents under Planning and related Acts and, as a matter of course, a Conservation Area Consent application for demolition of the existing walls and balustrading, and a Listed Building Consent application for the re-positioning of the Joseph Pease statue will be referred to the First Secretary of State (through Government Office North East). This meeting cannot, therefore, take any decision which would fetter the decisions of Planning Applications Committee and/or the First Secretary of State in due course.

Costs

- 13. The Pedestrian Heart works have been envisaged as taking place in two main phases:
 - (a) Phase One 'Enabling works' are the works to the Ring Road, entrance points to the town centre etc. to enable traffic and buses to be re-routed, removing traffic from the Pedestrian Heart and creating a bus loop. This is envisaged to commence in early 2005. The cost of this phase is estimated at £450,000.
 - (b) Phase Two works propose the use of high quality material paving and related works to most of what is considered to be the Pedestrian Heart: High Row, West Row, Prebend Row and Blackwellgate. Good quality material paving and related works are proposed for Northgate, Bondgate and Tubwell Row. These works include additional Yorkstone and the proposed Water feature. It is envisaged they will commence in spring 2005/6, immediately after the Enabling works. The cost of the phase (including preliminaries and contingencies) is estimated at £5,315,000.
 - (c) A Chronological lighting feature and new Christmas lights are costed at £229,000.
 - (d) An artistic event is planned to mark the completion of the Phase One Enabling works and commencement of the Phase Two main Public Realm works. This event has been costed at £25,000.
 - (e) Shop Front Building Grant allocation, partly to help bring vacant properties back into use, is costed at £150,000 (£25,000 in 2005/6, £50,000 in 2006/7 and £75,000 in 2007/8). This grant scheme will also require private retailer match funding in the region of £100,000 (£16,000 in 2005/6, £34,000 in 2006/7 and £50,000 in 2007/8).
 - (f) Professional fees, scheme studies and reports are costed around £650,000.

Pedestrian Heart Maintenance Costs

14. Maintenance and cleansing costs for the Pedestrian Heart scheme will be met from existing budget levels.
15. The cost to maintain the possible water feature is estimated at £5,500 per annum. It is anticipated that this would be funded from a revenue maintenance budget.

Funding

16. The Darlington Pedestrian Heart scheme has secured £60,000 of LTP capital funding for 2004/5 for the Phase One Enabling works.
17. In December 2004 a Single Programme capital bid for £3,259,000 was approved by One NorthEast, to fund the implementation of the scheme. The funding profile is detailed below:
 - (a) £259,000 in 2004/5
 - (b) £1,500,000 in 2005/6 (including £25,000 for an Artistic Event)
 - (c) £1,425,000 in 2006/7
 - (d) £75,000 in 2007/8.
18. The building grant scheme requires private retailer match funding in the region of £100,000 (£16,000 in 2005/6, £34,000 in 2006/7 and £50,000 in 2007/8).
19. It is necessary to proceed with the Phase One Enabling Works now in order to use funding which would otherwise be lost and to enable the main works to proceed on programme. Were the main works not to proceed, some clawback of Single Programme Funding for the Enabling Works might be required, but (as paragraph 10 explains) the Enabling Works leave open a range of design solutions for the main works, and it is therefore very unlikely that the main works would not proceed in some form.
20. The Single Programme funding covers approximately half of the estimated works. However, in order to carry out the full scheme, as described in the November 2004 Cabinet report, additional funding will be required. It is anticipated that this funding will be met by LTP funding and from the Council's Corporate Resources. The Phase Two main Public Realm works are to be put out to tender in February 2005 so that a definite cost can be obtained.
21. It is anticipated that the additional funding would be met by:
 - (a) Council's Corporate Resource - £2.5million (in 2005/06 and 2006/07)
 - (b) LTP funding - £640,000 (in 2005/06 and 2006/07)

22. Consideration of whether to cover the funding gap from the Council's Corporate Resources will take place through the 2005/6 budget process, and would be subject to:
 - (a) the necessary consents (Conservation Area, Listed Building and Planning)
 - (b) the TRO for the main scheme being agreed.
23. It is anticipated that the necessary report(s) will be brought to a Special Council on 10 March 2005 requesting the release of LTP funding and Corporate Resources.

Consultant Fees and Additional Studies

24. In September 2003, Gillespies were appointed by Tender Panel, with a professional fee agreement of £413,982.92, as the lead consultants to work with Darlington Borough Council. Gillespies were commissioned to take forward the design principles, established by EDAW and Colin Buchanan & Partners as part of the Town Centre Access Study (2001), and to develop a standard of design in the public realm which improves access provision, enhances environmental quality and boots the economy of Darlington town centre.
25. As detailed design has progressed professional and consultancy fees have increased:
 - (a) in proportion to the increase in the schemes construction costs (from the original anticipated £5million to approximately £6million scheme)
 - (b) as a result of additional works previously not identified, or identified to a lesser amount in the original tender, from which Gillespies were appointed. It was not possible to accurately estimate the work or funding requirement(s), for a scheme of this nature, at the pre design tender stage.
26. In accordance with the Council's Financial Procedure Rules, it is requested that Cabinet approve the variation to the accepted tender from Gillespies, which involves an estimated additional payment of £110,000.
27. The Single Programme and LTP funding previously approved for 2003/04 and 2004/05 has been used to progress the design of the Pedestrian Heart scheme, ensuring professional fees and various studies are funded. Additional studies and reports, not identified in the original tender, have been commissioned by the Director of Development and Environment, in accordance with the Council's Financial Contract Procedure Rules which have so far amounted to £40,000. It is anticipated that further studies and reports will be required at an estimated cost of £10,000.
28. In order to meet the estimated costs of £120,000 of the aforementioned fees and studies it is requested that the Director of Development and Environment be authorised to vary expenditure within the total capital scheme.

Outcome of Consultation

29. Consultations and their outcomes were described in the report to November 2004 Cabinet (refer to sections 25 – 36 in that report, a copy of which is **appended** to this report).

Legal Implications

30. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

31. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

32. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

33. For the purpose of the 'call-in' procedure this does represent an urgent matter if Members agree to support the recommendations, because the Enabling works need to start on site as soon as possible to avoid loss of Single Programme funding available only in 2004/05. Environment Scrutiny Committee and Resource Scrutiny Committee have already considered some matters covered in this report.

Key Decisions

34. In accordance with the Council's Constitution this matter is classed as a Key Decision and have been advertised in the Forward Plan as the projects involved affect a large number of residents in the Borough.

Conclusions

35. The Darlington Pedestrian Heart scheme achieves the fundamental objective of helping the Town Centre economy and attracting more trade, whilst achieving a better balance of pedestrian priority and bus accessibility across the Town Centre. Proceeding with the Enabling works at this stage ensures we take full advantage of the funding profile and utilise Single Programme funding.

Recommendation

36. It is recommended that Members:
 - (a) Release the Single Programme funding (£259,000 in 2004/05 and £93,000 in 2005/06) to complete the Phase One Enabling works

- (b) Authorise the Director of Development and Environment, in consultation with the Cabinet Member with the Regeneration and Planning Portfolio, to agree future expenditure taken by officers for additional studies, supplementary works and fees totalling £120,000 required to progress the scheme and release Single Programme funding for those purposes

Reasons

37. The recommendations are supported by the following reasons:

- (a) To progress the Pedestrian Heart scheme
- (b) To enhance the economy, environment and ease of use of the town centre;
- (c) To allow full use to be made of external funding as soon as it becomes available.

John Buxton
Director of Development and Environment

Background Papers

- (i) Reports to Cabinet - 'Darlington Town Centre Access Study' - November 2002 and April 2003
- (ii) Reports to Cabinet – 'Darlington Town Centre Pedestrian Heart' - March 2004 and November 2004
- (iii) Reports to the Joint Town Centre Forum and Darlington Transport Forum - March 2004 and July 2004
- (iv) Report to the Environment Scrutiny Committee – September 2004
- (v) Report to the Transport Forum - September 2004
- (vi) Report to the Resource Scrutiny Committee – December 2004
- (vii) Designs and cost estimates from Gillespies and other consultants.

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