

**Agenda Item No:** 7  
**Report To:** Cabinet  
**Date of Meeting:** 13<sup>th</sup> July 2017



**Report Title:** Dover Place Public Realm Phase II & International House Car Park Re-Surfacing.

**Report Author & Job Title:** Steve Parish, Project Delivery Manager, Corporate Property and Projects & Paul Mckenner, Head of Corporate Property and Projects.

**Portfolio Holders:** Cllr Galpin, Corporate Property.  
Cllr Neil Shorter, Finance and IT.

**Summary:** As one of the Big 8 Projects, these proposed works will enhance the Commercial Quarter and facilitate its further development. This report provides information on the proposed works and seeks authority to proceed with the 2 projects and to accelerate the delivery programme to bring them forward approximately 4 months earlier than planned.

The rationale for an early delivery is due to the completion date of the Quinn CQ office building being brought forward to spring/early summer 2018.

It will also allow the Council to take advantage of an opportunity, which will significantly reduce the disruption that the works will cause to its business tenants in International House by utilising the new Quinn CQ buildings car park on a temporary basis whilst works are undertaken in the International House car park.

**Key Decision:** No

**Significantly Affected Wards:** Victoria Ward

**Recommendations:** **The Cabinet is recommended:**

- I. to approve the proposals to accelerate the delivery programme for the resurfacing of International House car park and allow the allocated funding to be spent in the 2017/18 financial year instead of 2018/19.
- II. to give authority to the Head of Corporate Property and Projects to negotiate the temporary car parking arrangements with Quinn Estates.

- III. to give authority for the Dover Place Public Realm project to proceed including the preparation of further designs and planning permission prior to procuring the works either via competitive tender or an alternative method.
- IV. to give authority to the Director of Law & Governance in consultation with the Head of Corporate Property and Projects and his portfolio holder to effect and complete all necessary documentation.

**Policy Overview:** The Council's Corporate Plan identifies Enterprising Ashford; stimulating economic investment and growth, as its first priority. The public realm works and improvements to International House facilities will enhance the Commercial Quarter and facilitate its further development bringing with it inward investment, creating employment opportunities and maintaining good market rental income for the authority from its International House tenants.

**Financial Implications:** Budget provision has been made in the 2017/18 & 2018/19 Budget. February 2017.

**Legal Implications:** Part of the public realm works is located within the public highway. The relevant consents, licences and agreements will be obtained from Kent Highways and Transportation prior to commencement of the works.

The Council's business tenants in International House will need to be notified of the temporary impact of the car park re-surfacing works. Tenants will need to be given access to temporary alternative parking or compensated for the temporary loss of facilities as set out in their tenancy agreements.

**Equalities Impact Assessment** Consideration has been given to the equality duty and there should be no unlawful discrimination arising from the decision relating to the Dover Place Public Realm Phase II & International House Car Park Re-Surfacing Works. The proposed works are ultimately intended to enhance accessibility and an Equalities Impact Assessment has been carried out (as attached).

**Other Material Implications:** None.

**Exempt from Publication:** No.

**Background  
Papers:**

- May 2017 Report to Economic Regeneration and Investment Board.
- February 2017 Cabinet Budget Report.
- Commercial Quarter Enabling Works PID February 2017.

**Contact:**

[steve.parish@ashford.gov.uk](mailto:steve.parish@ashford.gov.uk) – tel. (01233) 330613  
[paul.mckenner@ashford.gov.uk](mailto:paul.mckenner@ashford.gov.uk) – tel. (01233) 330419

## **Report Title: Dover Place Public Realm Phase II & International House Car Park Re-Surfacing.**

### **Introduction and Background**

1. In 2014, the Council acquired International House, Dover Place Car Park and several parcels of land on the southern side of Dover Place from the Homes and Communities Agency (HCA). This paved the way for the creation of Ashford's Commercial Quarter.
2. In 2015, the HCA funded and delivered the Phase 1 Public realm works around International House and Dover Place. These works provided an improved pedestrian link between the Commercial Quarter and Ashford International Railway Station and began to create a sense of place that is in keeping with the aspirations of the Council.
3. In 2016, the Council granted planning permission for the first new 80,000 square feet office building. Construction of the new building has commenced in January 2017 and is scheduled for completion by late spring 2018.
4. ABC plans to develop the land it owns on the southern side of Dover Place (The Island Site) with some initial retail & business proposals, which will benefit from the enabling works. In addition to the above in autumn 2017 Ashford College, located on the corner of Station Road and Elwick Road, will open its doors to its first intake of students. This will significantly increase pedestrian movements through the Commercial Quarter and in particular Dover Place.
5. The Council is proposing to carry out a programme of improvements works during the next eighteen months. These works will enhance the Commercial Quarter and facilitate the further development proposed encouraging inward investment and creating employment opportunities. These include the Station Approach improvement works being presented to Cabinet on the same agenda as this report.
6. Members approved a Project Initiation Document (PID), which included the International House Car Park works and part of the Public Realm works, in February 2017. Which dealt with the elements of the public realm works located within the public highway, but not those within the stopped up length of Dover Place
7. The budget cost estimate for the delivery of both Dover Place Public Realm Phase II & International House Car Park Re-Surfacing is £775,000. Budget provision has been made within the Corporate Project Delivery Programme and the Capital Expenditure Plan.

### **Proposal**

#### **International House Car Park Re-surfacing.**

8. These works have been identified within the Commercial Quarter Enabling Works PID for delivery in the summer 2018 at an estimated cost of £230k and feature in the Corporate Project Delivery Programme.
9. Budget provision has been made within the Corporate Property Planned Maintenance Fund and reported to be spent in the financial year 2018/19.
10. Officers are investigating the possibility of recovering some of the cost from the International House tenant's service charge fund.

11. The proposed works are long overdue and will significantly improve both the appearance and safety of the car park. The surface is currently deteriorating rapidly and has a significant amount of loose material or “marbles” present on its surface increasing the risk of pedestrian trips and falls and stones being thrown up by vehicles.
12. In order to carry out the resurfacing works it has been identified that it would be necessary to close sections of the car park and provide temporary parking permits to our tenants for the other public car parks in the vicinity. This will add to the problem of reduced availability of affordable parking, which already exists and is expected to get worse following the opening of the new Ashford College.
13. An opportunity has arisen which will significantly reduce the disruption that the works will cause to our tenants in International House and other ABC car park users.
14. This is the availability, on a temporary basis, of the new car park being constructed by Quinn Estates on South Park to service the new Commercial Quarter office building. Due to the flood risk on the site, Quinn’s have scheduled the car park construction this summer in advance of completing the office building next spring.
15. This presents a window of availability when the car park will not be in use, which officers would like to exploit to accommodate the displaced vehicles from International House during the 3 to 4 weeks it will take to complete car park resurfacing works.
16. The reason for reporting this to Cabinet is that to take advantage of this opportunity the delivery programme will need to be accelerated by 4 months to allow works to be undertaken in this financial year.
17. Project Delivery Team resources can be made available to accommodate the programme changes and no planning permission is needed.
18. Subject to Cabinet approval, a communications strategy will be prepared to address the handling issues and inform the public and stakeholders of the proposals.

### **Dover Place Public Realm – Phase II**

19. Approximately 1/3rd of the public realm improvement works at Dover Place remain unfinished due to the HCA having insufficient funding to deliver the full project. Phase 1 was awarded to civil engineering contractor Maylins back in 2015 to deliver the improvements to pavements, lighting and landscaping in Dover Place and International House.
20. The aim of the project is to improve the appearance of Dover Place Public Realm to make it attractive to new businesses relocating into the area and a nicer environment for the public.
21. Although ABC has no legally binding obligation to do so, it has assured the developer of the adjacent CQ office block, Quinn Estates that the public realm works will be delivered to coincide with the completion of their building, scheduled for late spring / early summer 2018. It is also in ABC’s interest to have the works complete to attract tenants into the two floors of the building, which it is leasing to sublet for commercial profit and to attract potential developers for future phases of the Commercial Quarter.
22. The remaining public realm works are being referred to now as Phase II and are identified in the Corporate Project Delivery Programme for completion in late summer of 2018. They

include the junction improvements with Station Road and extend approximately 50m east into Dover Place. (See attached location plan).

23. Quinn Estates have brought forward their programmed completion date by around 4 months to late spring, which will effect on ABC's ability to complete the public realm works in time unless measures are put in place now to take forward the project.
24. The project requires a minimum 3-month lead in time from award of tender for the successful contractor to place an order for the granite materials to match Phase 1 to be delivered from China.
25. The budget cost estimate for the works is £545k; this figure has been identified in the capital plan and is high due to the cost of the granite surfacing materials used in the scheme.
26. The project delivery programme will be very tight and alternative procurement options will be investigated which shorted the delivery period whilst maintaining good value for money for the authority. These could include buying the granite in advance or going down the single supplier route to shorten the time taken up by the procurement process.
27. Consultants BDP were appointed by the HCA and planning permission has been granted for the project, application No 11-00382-AS. They have already undertaken the original detailed designs for the improvements.
28. It will be necessary to make some minor alterations to the exiting design and seek amendment to the planning application in order to accommodate the new office building design. These should have the added effect of reducing the construction costs due to the need to eliminate some of the hard landscaping in the vicinity of the new Quinn CQ office buildings car park 28.entrance.
29. As before and subject to cabinet approval, a communications strategy will be prepared to address the handling issues and inform the public and stakeholders of the proposals.

## **Implications**

30. The proposed programme of works will enhance the Commercial Quarter to facilitate the further development proposed encouraging inward investment and creating employment opportunities. It will also maintain the high quality of the communal facilities at International House ensuring this authority can continue to obtain good markets rental income and attract new tenants.

## **Financial Implications**

31. The resurfacing of the car park is estimated at £230k and is to be funded from the Planned Maintenance Budget with a possible contribution from the International House tenant's service charge fund.
32. The Public Realm budget cost estimate is £545k. Funding has been identified in the Capital Expenditure Plan and Corporate Delivery Programme. Officers are investigating the possibility of recovering some of the cost from the International House tenant's service charge fund

## **Legal Implications**

33. Part of the public realm work is located within the public highway. The relevant consents, licences and agreements will need to be obtained from Kent Highways Services prior to commencement of the works.
34. The Councils business tenants in International House will need to be notified of the temporary impact of the car park re-surfacing works. Tenants will need to be given access to temporary alternative parking or compensated for the temporary loss of facilities as set out in their tenancy agreements.

## **Equalities Impact Assessment**

35. Members are referred to the attached Assessment.

## **Consultation Planned or Undertaken**

36. The Dover Place Public Realm Phase II works have an approved planning permission application No 11-00382-AS. The required minor amendments to that permission will be subject to the statutory planning regulations.
37. The International House car park resurfacing work is a refurbishment project and such no formal consultation is proposed but officers will notify and liaise with the tenants of the building to minimise the disruption to them resulting from the works.

## **Other Options Considered**

38. The existing International House car park surface has reached the end of its design life and is deteriorating fast. There is a significant amount of loose material on its surface and the bay markings are wearing off. The only option available to this authority is to postpone the resurfacing works; however this will only delay the inevitable and lead to an increased risk of accidents and injury claims from users as well as potentially increasing the future repair bill.
39. This authority could choose not to implement the public realm project or select less expensive construction materials, however this approach would not compliment the Phase I works and the new Quinn Building or deliver the benefits outlined in paragraph above.

## **Conclusion**

40. The Dover Place Public Realm Phase II & International House Car Park Re-Surfacing Works are proposed to realise the benefits outlined above. These works are a critical component to the successful delivery of the Commercial Quarter and improvements to facilities at International House.
41. **Portfolio Holder's Views**

**Cllr Galpin, Corporate Property.**

*The Commercial Quarter is a vital driver of Ashford's offer in terms of office space and jobs growth. This will form a cornerstone of the Local Plan and I am very pleased that the development is going so well that it is ahead of schedule.*

*The public realm work in Dover Place is important in that it provides a continuity to the work funded by the HCA and raises the quality of the whole development.*

*The resurfacing of the International House car park is part of providing a service to our tenants that allows us to recover the greatest leasehold fees. The use of the service charge fund to support this work is an excellent approach and by using Quinn's car park before they need it is a positive way forward. It is important that all these proposed works are completed in this financial year and to the programme identified or occupation of the site will be compromised.*

*I commend the recommendations to the Cabinet*

**Cllr Neil Shorter, Finance and IT.**

*"I fully support and welcome this pragmatic approach to the delivery of this project and also endorse comments made by Cllr. Galpin".*

## **Contact and Email**

[steve.parish@ashford.gov.uk](mailto:steve.parish@ashford.gov.uk) – tel. (01233) 330613  
[paul.mckenner@ashford.gov.uk](mailto:paul.mckenner@ashford.gov.uk) – tel. (01233 330419)



**Appendix 1: The Dover Place Public  
Realm Phase II & International House Car  
Park Re-Surfacing Works Location Plan**

**Appendix 2 Equalities Impact  
Assessment.**

---

# Equality Impact Assessment

---

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment and victimisation;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.

6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:

- removing or minimising disadvantages suffered by people due to their protected characteristics.
- taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
- encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.

7. How much regard is 'due' will depend on the circumstances. The greater the potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

### Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.

- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

|  |  |
|--|--|
| <b>Lead officer:</b>   | Steve Parish/Paul McKenner   |
| <b>Decision maker:</b>   | Cabinet  |
| <b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>   | <p>Accelerate the delivery programme for the resurfacing of International House car park and allow the allocated funding to be spent in the 2017/18 financial year instead of 2018/19.</p> <p>Give authority to the Head of Corporate Property and Projects to negotiate the temporary car parking arrangements with Quinn Estates.</p> <p>Give authority to the Head of Service to investigate and potentially implement alternative procurement methods, which shorten the project, delivery programme allowing the completion of the works to coincide with that of the QC Quinn building whilst still delivering good value for money.</p> <p>Give authority to the Director of Law &amp; Governance in consultation with the Head of Corporate Property and Projects to effect and complete all necessary documentation.</p>  |
| <b>Date of decision:</b><br>The date when the final decision is made. The EIA must be complete before this point and inform the final decision.  | 13 <sup>th</sup> July 2017   |
| <b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul> | <p><b>To accelerate the delivery of International House car park resurfacing works and temporary car parking arrangements.</b></p> <p>Will necessitate closing the car park and providing temporary car parking for International House tenants. Tenants of International House will be affected by the closure and will need to be notified of proposed temporary arrangements. The works will improve the safety of the car park and provide greater accessibility.</p> <p><b>Proceed with Dover Place Public Realms works.</b></p> <p>To proceed with further design work to incorporate the new office building design necessitating amendments to the original planning application.</p> <p>To prepare a communications strategy to inform the public and stakeholders of the proposals.</p> <p>Will improve accessibility and safety for the public providing a direct route from the station to the town centre particularly in regard to likely increase in pedestrian traffic with the opening of the college and new office block.</p> <p><b>Investigate alternative procurement methods to allow completion of works to coincide with completion of new office building.</b></p> <p>Will shorten the delivery time and reduce disruption to the public.</p> |
| <b>Information and research:</b>   |  |

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>   |  |
| <p><b>Consultation:</b></p> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul> |  |

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

| <b>Protected characteristic</b> | <b>Relevance to Decision</b><br>High/Medium/Low/None | <b>Impact of Decision</b><br><b>Positive</b> (Major/Minor)<br><b>Negative</b> (Major/Minor)<br><b>Neutral</b> |
|---------------------------------|--|---|
| <u>AGE</u><br>Elderly           | Medium   | Positive minor  |
| Middle age                      | Medium   | Positive minor  |
| Young adult                     | Medium   | Positive minor  |
| Children                        | Medium   | Positive minor  |
| <u>DISABILITY</u><br>Physical   | Medium   | Positive minor  |
| Mental                          | None   | Neutral   |
| Sensory                         | None   | Neutral   |
| <u>GENDER RE-ASSIGNMENT</u>     | None   | Neutral   |

|                                   |      |         |
|-----------------------------------|------|---------|
| <u>MARRIAGE/CIVIL PARTNERSHIP</u> | None | Neutral |
| <u>PREGNANCY/MATERNITY</u>        | None | Neutral |
| <u>RACE</u>                       | None | Neutral |
| <u>RELIGION OR BELIEF</u>         | None | Neutral |
| <u>SEX</u><br>Men                 | None | Neutral |
| Women                             | None | Neutral |
| <u>SEXUAL ORIENTATION</u>         | None | Neutral |

|   |  |
|---|--|
| <b>Mitigating negative impact:</b><br>Where any negative impact has been identified, outline the measures taken to mitigate against it. |  |
|---|--|

|  |                       |
|--|-----------------------|
| <b>Is the decision relevant to the aims of the equality duty?</b>  |                       |
| Guidance on the aims can be found in the EHRC's <a href="#">Essential Guide</a> , alongside fuller <a href="#">PSED Technical Guidance</a> . |                       |
| <b>Aim</b>   | <b>Yes / No / N/A</b> |
| 1) Eliminate discrimination, harassment and victimisation  | YES                   |
| 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it             | YES                   |
| 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it                       | YES                   |

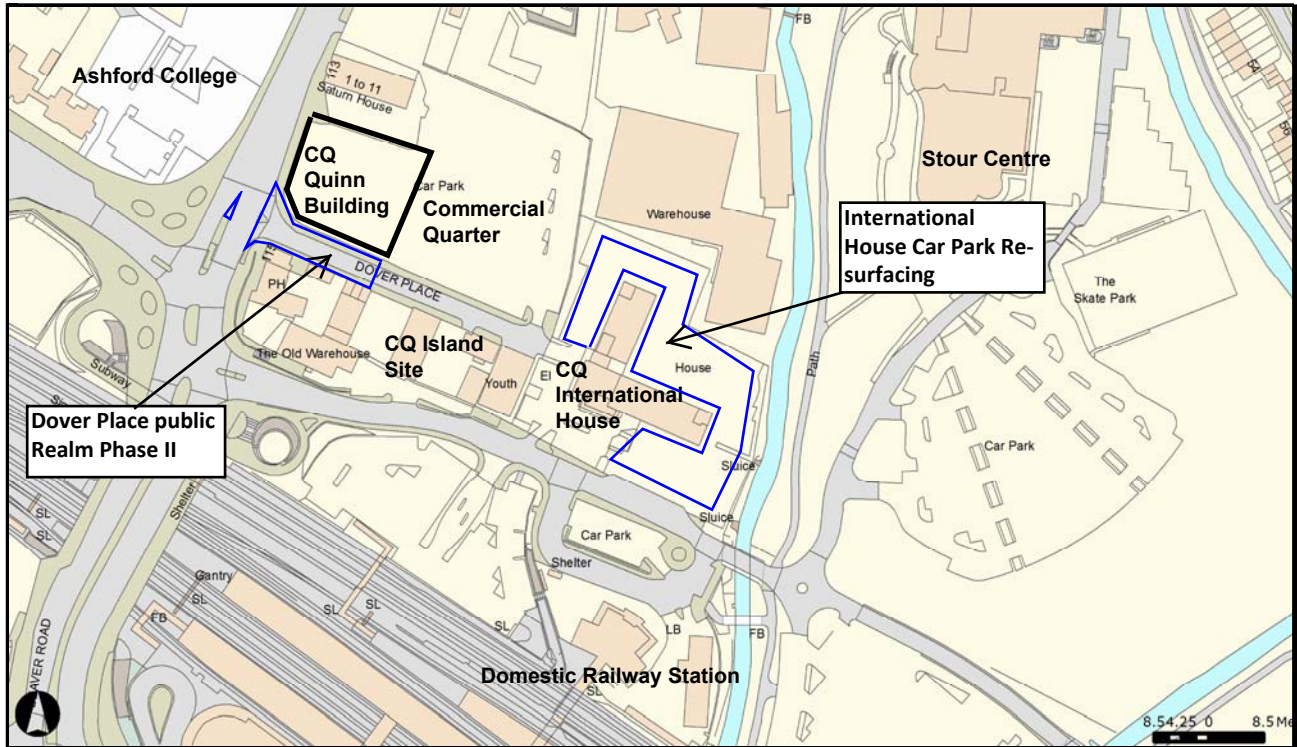
|  |   |
|--|---|
| <b>Conclusion:</b>   |   |
| <ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see guidance above).</li> <li>Advise on whether the proposal meets the aims of</li> </ul> | <p>Due regard has been made to the equality duty.</p> <p>There will be no unlawful discrimination arising from the decision</p> |

|  |  |
|--|--|
| <p>the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</p> <ul style="list-style-type: none"><li>• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li></ul> | <p>The proposal meets the aims of the equality duty as all sections of the community including those with protected characteristics will benefit from the enhancements to the Public Realm and those uses of the Car Park.</p> |
| <p><b>EIA completion date:</b></p>   | <p>13<sup>th</sup> June 2017</p>   |



# Dover Place Public Realm Phase II and International House Car Park Resurfacing Project - Location Plan

## Appendix 1



All rights reserved. Licence Number 100024427

This product includes mapping data from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. All rights reserved.