



CABINET

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Thursday, 14th March, 2019 at 7.00 pm.

The Members of the Cabinet are:-

Councillor Clarkson (Chairman)
Councillor Bell (Vice-Chairman)

Cllrs. Galpin, Bell, Bennett, Bradford, Clokie, Pickering, Shorter and White

Supplementary Agenda Item

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RR
7 March 2019

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ASHFORD
BOROUGH COUNCIL

Agenda Item No:

Report To: Cabinet

Date of meeting: 14th March 2019

Report Title: Redevelopment of the Mecca Building and the Vicarage Lane Car Park

Report Author & Job Title: Stewart Smith, Senior Commercial Development and Regeneration Manager

Portfolio Holders: Cllr Galpin, Portfolio Holder for Corporate Property

Cllr Shorter, Portfolio Holder for Finance and IT

Cllr Clarkson, Leader of Ashford Borough Council

Summary:

As part of the Council's regeneration agenda, the Council acquired the Mecca bingo hall in March 2018. Mecca had served a break notice to end its lease of the building prior to the Council's acquisition and subsequently vacated the property in September 2018. The property remains unoccupied.

The property was acquired with the intention of redevelopment which would also incorporate the Council owned Vicarage Lane car park and with the aim of regenerating the lower High Street and the wider town centre.

The scheme will, if planning permission is obtained, deliver a mix of residential and commercial uses together with improved public realm, outdoor performance space and community facilities. The project is aligned with the Council's strategic objectives and priorities to create a new vibrant town centre with the aim of supporting wider economic benefits, attracting investment, increased town centre footfall and job creation.

Ongoing town centre car parking provision will be secured/protected/enhanced by a separate but related project to build a new multi-storey car park behind Station Road.

This report seeks Cabinet approval for the delivery of the proposed Scheme by way of the delivery route herein described.

Key Decision: YES

Significantly Affected Wards: Victoria Ward

Recommendations: That Cabinet is asked to recommend to Council that it:

- i. note the advice contained within this report;
- ii. approve that the planning application for the Scheme is progressed and submitted in accordance with the Indicative Delivery Programme;
- iii. authorise the Head of Corporate Property and Projects in consultation with the Portfolio Holder for Corporate Property to negotiate and secure the ownership of Third Party Land required for the delivery of the Scheme
- iv. agree that a tender and procurement exercise is carried out with a view to the Council making the external appointments required to submit the planning application and deliver the Scheme including a Development Management Partner to deliver the Scheme in accordance with the Indicative Delivery Programme optimising both the financial and social value returns for the benefit of the Council
- v. authorise the Head of Corporate Property and Projects in consultation with the Chief Executive, Leader of the Council, the relevant portfolio holders, the Director of Law and Governance and the Head of Finance to negotiate and agree the commercial terms of the Development Management Agreement
- vi. authorise the Chief Executive in consultation with the Leader of the Council, the relevant portfolio holders, the Director of Law and Governance, the Head of Finance and the Head of Corporate Property and Projects to take the necessary steps to finalise and complete the legal documentation as it relates to the appointments and the delivery of the Scheme including the Development Management Agreement.
- vii. allocate funding in accordance with the Scheme Financial Appraisal to ensure the delivery of the Scheme with such funding to be met from the use of reserves and borrowing the extent of which is to be determined

by the Director of Finance and Economy in conjunction with the Chief Executive.

- Policy Overview:** The Council's five-year Corporate Plan identifies encouraging economic investment and growth and providing quality housing and homes as key priorities.
- Financial Implications:** The financial implications which are considered in detail in this report in the Scheme Financial Appraisal relate to the price already paid for the acquisition of the Mecca building, the land value attributable to the Vicarage Lane car park, the Gross Development Value of the proposed scheme together with the project/build/delivery costs.
- Legal Implications:** Legal advice is being sought from the Council's legal team in respect of the necessary Procurement exercise and on the Development Management Agreement, build contract and the land and property matters which will arise as a consequence of the delivery of the Scheme.
- Equalities Impact Assessment:** Please find attached.
- Other Material Implications:** None
- Exempt from Publication:** **Appendix 1 and 4** are not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information
- Appendices:**
- Exempt Appendix 1** – Scheme Financial Appraisal
 - Appendix 2** – Ash Sakula Concept Design
 - Appendix 3** – Scheme Design Brief
 - Exempt Appendix 4** – Examples of Registered Provider Housing Schemes
 - Appendix 5** – Indicative Delivery Programme
- Background Papers:** None
- Contact:** stewart.smith@ashford.gov.uk

Report Title: Redevelopment of the Mecca Building and the Vicarage Lane Car Park

Introduction and Background

1. In late 2017 the then owners of the Mecca building brought the property to the market for sale. The Council considered the property critically important for strategic town centre regeneration purposes and saw the opportunity for realising the potential marriage value from its ownership of the adjoining site, Vicarage Lane car park. The Council subsequently agreed terms to purchase the property and the transaction completed in March 2018.
2. At the time of purchase the property was let in its entirety to Rank Group Plc (“Rank”) who operated the premises as a Mecca bingo hall. Rank had however served a notice to break its lease prior to the Council acquiring the property. Consequently the building is now vacant with Rank having vacated in September 2018.
3. The Council acquired the building in the knowledge that Rank were vacating and that there was little market for re-letting the property as it currently stood. The Council was unwilling to let the building sit vacant, mindful of the hugely negative impact that this would have on the lower High Street, and thus made the decision to acquire the property with the intention of redeveloping the Mecca site together with the adjoining Vicarage Lane car park. The Council sees this as an opportunity to deliver a scheme which will create a new vibrant area within the town centre increasing footfall and attracting inward investment. The Scheme is just one of many initiatives which the Council intends to implement as part of the Ashford Town Centre Framework 2019 – 2025. This Framework, which is the subject of a separate report on this Cabinet agenda, sets out a vision and objectives to ensure the success and vibrancy of the town centre for future generations. Responding to the findings from the town centre consultation and the significant challenges facing the High Street, it sets out an ambitious and exciting programme of projects, events and activities to be implemented over the next five years. This Scheme is a crucial part of this bigger vision.
4. On the basis of the above the Council prepared a Scheme Design Brief (attached at **Appendix 3**) and asked designers to work up ideas in response to it. Ash Sakula, the winning bidder, was subsequently appointed to prepare a Concept Design (attached at **Appendix 2**). It is the case that the Concept Design was prepared following Member and Officer feedback and that the scheme has subsequently been met with Member approval.
5. It should be noted that in preparation of the Scheme Design Brief and as part of the wider consideration of the scheme more generally, consideration was given to using the existing building as a theatre. Further, this matter was the subject of a petition considered by Members at Full Council on 13 December 2018. This consideration

included taking consultants advice on the feasibility and viability of a theatre use for the existing building and on the cultural and arts offer (both existing and how this might change over time as the Borough grows) within the town. Whilst for numerous reasons, including viability and the design impracticalities, it was concluded that this use would not be appropriate, it is the case that the exercise confirmed that Ashford may be able to accommodate a theatre and the Leader of the Council has confirmed that the search for a more suitable location is now a sharp focus.

6. Any redevelopment of this site will involve the loss of High Street parking provision which it is proposed will be displaced to the proposed new multi-storey car park behind the Hollywood Bowl on Station Road. It is intended that the new car parking is brought on stream broadly in line with when the redevelopment of the Vicarage Lane car park will take place to ensure uninterrupted town centre parking provision. This multi storey car park is the subject of a separate report on this Cabinet agenda.

Proposal/Current Position

7. A copy of the Ash Sakula Concept Design is attached at **Appendix 2**.
8. The proposal identifies the site as a key town centre regeneration opportunity and proposes a mix of residential and commercial uses together with improved public realm, outdoor performance space and community facilities described in greater detail below (the "Scheme"). The Scheme entails the partial demolition of the rear of the existing Mecca building (the bulky rear auditorium) with the façade and first-floor rooms fronting the High Street (currently the old ball room) being retained and converted to provide for a community event space. At ground floor level the existing foyer will be knocked through to accommodate an arcade forming a pedestrian link between a large outdoor performance space (included within the existing footprint of the Mecca auditorium) and the lower High Street. The outdoor performance space will be surrounded with new food and beverage and retail outlets.
9. On that part of the site which is currently the Vicarage Lane car park and fronting Station Road there would be a low density residential development of around 61 homes with a mix of houses and flats. Included in this area would be some studio/work spaces primarily along St John's Lane.
10. The architect's proposal has had input from the planning service and there has been a pre-app meeting with Kent Highways. Some additional land is required to deliver the Scheme ("Third Party Land") the provisional cost of which has been identified in the Scheme Financial Appraisal.
11. The Mecca building and a part of the rest of the site is in a conservation area and as such, any demolition will need planning consent. A detailed condition and demolition survey has been undertaken to inform the development process. Advice on costs has being taken from Quantity Surveyors and advice on values has been

obtained from residential and commercial property agents. A Phase 1 desktop ground conditions survey has been undertaken and whilst there are some indications of previous contaminative uses on the site these are not considered sufficiently serious to significantly impact on a redevelopment. In addition, archaeological issues have been identified but most of these are situated in an area which under the current proposal remains largely undeveloped. In addition to the due diligence already undertaken this process will continue once Cabinet authority to proceed is obtained.

12. An Indicative Delivery Programme is attached in **Appendix 5**.

Delivery options considered and recommended

13. Various delivery options were the subject of reports to the Economic Regeneration and Investment Board (“ERIB”) on the 6th of December 2018 and the 18th of January 2019.

These delivery options considered included;

- a) Selling the site to a developer. Control over the delivery of the Scheme would primarily be by way of the Local Planning Authority (the site being sold with either outline or detailed planning permission) ensuring design and build quality through the planning process. However, this level of control is limited to a greater extent than is otherwise possible with the alternative delivery options considered. It would be within the gift of the developer to apply to either amend or obtain a new planning permission.
- b) Developing the site with internal resources. The Council would retain overall control for delivering the Scheme and would need to ensure sufficient resource with sufficient expertise and experience would be available. The risk and potential reward would be solely that of the Council.
- c) Developing the site with a specialist Development Manager. The Scheme would be delivered by the Council with the support of a procured and appointed Development Manager overseeing the development process. The Council would control the design and delivery of the scheme and again the risk and reward would be the Councils. The Council would need to ensure the availability of sufficient resource to oversee and deliver the Scheme.
- d) Negotiating a Joint Venture (JV) with a third party to share risk/rewards. The Scheme would be delivered jointly with a selected development partner. The costs, rewards and risks would be divided between the parties on commercial terms agreed between them. The parties would jointly (depending on the terms agreed) make decisions regarding design and build quality.

14. Soft market testing of each of the above options (as appropriate) was undertaken and confirmed an active market with a reasonable number of potential partners.
15. Of the two preferred and recommended delivery options (c and d), feedback from the ERIB meetings expressed a clear preference for option c), developing the site with a specialist Development Manager. The justification for the preference was on the basis of the following:
 - it was considered that the Council wants to retain as much design and quality control as possible
 - it was considered that the Council, with the assistance of a Development Manager, has the necessary skills to deliver such a Scheme
 - it was considered that the Council has already de-risked the project to a high degree by work to date as well as by the purchase of the Mecca building and should therefore realise the benefit of this
 - the view was taken that the opportunity existed to de-risk the project by seeking a pre-sale of part/all of the Scheme and that this should be further explored (soft market testing having already identified such demand).
16. The financial implications of the Scheme have been addressed in the Scheme Financial Appraisal attached at **Exempt Appendix 1**. The Scheme Financial Appraisal references the sources of the data relied upon therein. The appraisal identifies the costs and development values associated with the Scheme but does not take into account the holding costs of the Mecca building which the Council would incur if it remained undeveloped and unoccupied.

Implications and Risk Assessment

17. There are a number of risks associated with development and the proposed route for delivery although there does exist the opportunity to mitigate these.

Development Risks

- 17.1 The Council will carry all of the development risk. If there is a market down turn and/or over supply in the market and the Scheme doesn't achieve the projected sales the profit will be eroded.
- 17.2 The costs of the Scheme could increase due to unknowns in the ground or other factors such as force majeure that any contractor will exclude from a fixed price contract.
- 17.3 The lack of certainty over Brexit could result in a market down turn and higher than average build cost inflation.
- 17.4 There are planning and highways risks associated with any development scheme. These risks could result in planning permission not being obtained or in increased development costs.

Possible Mitigation

- 17.5 A large proportion of the development risk has already been taken by the Council, notably the purchase of the Mecca building, Scheme design and several stage 1 surveys. Risk can be further mitigated by undertaking further detailed surveys ahead of tendering the construction package.
- 17.6 The Scheme will be proactively marketed with the expectation of achieving a proportion of pre-sales on the residential and potential pre-lets on the commercial.
- 17.7 The Council has the option ahead of construction to further de-risk the Scheme through a bulk forward sale of the residential to an investor, subject to the deal structure, in addition to removing the residential market risk the construction contract could transfer to the end purchaser.
- 17.8 Through a soft market testing exercise demand has been identified from the Registered Provider sector. These organisations are increasingly undertaking private development for commercial reasons to fund their social activities. It is considered likely that a pre-sale of all or part of the residential element could be secured. Such a transaction could allow for significant de-risking and funding benefits:
- the deal could involve a 'land value' payment up front
 - the construction would be paid for by the purchaser in stages
 - the construction contract might be direct between the purchaser and the contractor meaning a lower risk
- 17.9 It should be noted that this approach would probably result in the transfer of a high degree of ownership to the third party, either by way of a freehold or a long leasehold sale and the Council ultimately losing overall control of the Scheme post delivery.
- 17.10 There are many examples of Registered Providers developing open market, private schemes and some examples are included in **Exempt Appendix 4**.
- 17.11 Pre-app planning advice has been taken from the Local Planning Authority and pre-app highways advice taken from Kent County Council. This has influenced the design of the Scheme and advice will continue to be taken throughout the design and pre-application process.

Reputation

- 17.12 It is a wholly Council project and if the development failed to be a success or significantly over ran on budget, the Council's reputation could suffer.
- 17.13 Generally, council-led and managed schemes are less attractive to buyers than schemes delivered and managed by established developers.

Possible Mitigation

- 17.14 The Council has in the past successfully delivered schemes and entered in to construction contracts directly, therefore having credibility in the market place. In addition, the appointment of an experienced development manager with a robust contract will enable the council to perform to a high standard in terms of design, programme, budget, marketing and future management.
- 17.15 The Council's property company 'A Better Choice for Property' would have the opportunity to buy the residential scheme enabling a separation of brand, marketing and future management. This would provide the Scheme with a more exclusive and private sector feel, giving more confidence to buyers and renters. Similarly, the Council has the option to sell the residential element of the Scheme to an investor if it lacked the appetite to deliver the Scheme itself.

Scheme Design

- 17.16 Whilst the Council has control of the design through its appointment of the architect and professional team and through it being the Local Planning Authority, viability constraints could lead to the Council needing to review the scheme design and density to improve financial viability.

Possible Mitigation

- 17.17 An appropriate contingency will be retained in the viability appraisals to account for this risk with a view avoiding it becoming necessary to revisit the design of the scheme to improve viability.
- 17.18 It has been acknowledged that maximising a development profit is of lesser importance than delivering a high-quality scheme that reflects the aspirations of the Council.
- 17.19 The Scheme could qualify for the Future High Street Fund which, if made available, could provide the opportunity to deliver quality public realm earlier and spread the benefits from the site to the wider Lower High Street, addressing this part of the town which needs re-investment as the shopping focus has moved away and westwards. This is currently being explored as an option for the Council however it should not be assumed that funding will be made available.

The Multi-storey Car Park

- 17.20 There is a loss of town centre surface car parking in the delivery of the Scheme and a re-provision through a multi storey car park proposed for behind the Hollywood Bowl on Station Road. A separate report to Cabinet will consider the proposed scheme in greater detail.
- 17.21 This Scheme is dependent on the delivery of the new multi storey car park and a delay in its delivery through planning or financial viability could have a knock-on effect to the programme for this scheme.

Possible Mitigation

- 17.22 The two project programmes and respective teams will interlink to align and mitigate risk.

Equalities Impact Assessment

18. Please find attached.

Consultation Planned or Undertaken

19. The Council held a public exhibition/consultation to share the Ask Sakula conceptual design ideas. The exhibition was opened to the public from 18 February to 4 March. Members of the public had the opportunity to look at the proposed designs for the site and give feedback either through a paper form which was anonymously posted, or through an online survey. In total there were 187 responses received. A letter representing the views of Ashford Baptist Church members was also received. The salient points arising from the feedback are as follows. Positively received aspects of the proposals were:

- Accessibility and visibility of St Mary's Church;
- The proposed multi-use community space and performance space;
- Attractiveness of the proposals;
- The retention of the Mecca Frontage.

Additionally, further consideration should be given to the impact of:

- The loss of parking at Vicarage Lane Car Park;
- Additional housing and new parking for residents;
- Vacancies at new retail units;
- Light and accessibility to the Ashford Baptist Church.

This feedback will be used to inform the next stages of the project. Where appropriate, issues arising have been discussed in the Equality Impact Assessment attached. The designs were also shared with stakeholders and businesses at the Town Centre Stakeholder event held in October 2018. Further public consultation, including with residents local to the scheme, will form a part of the planning process.

20. It is also the case that the precise use to which the community event space in the old ball room of the Mecca building will be put will be determined by the Council after it has carried out a public Call for Ideas exercise. This will provide the opportunity for the residents of the Borough and potential end users to come forward and say how they would like the space to be used.
21. As has already been mentioned a petition went to the Council meeting of 13th December 2018 to discuss the future use of the Mecca Bingo building as a theatre. Whilst the decision was taken that this was not a viable or preferable proposition for

the reasons already given this provided another opportunity for debate and consultation.

Other Options Considered

22. In response to the Council Scheme Design Brief many design ideas were submitted from which six architects were shortlisted and given the opportunity to present their schemes to a panel of Council Officers and Members. The submissions were subsequently scored and it was unanimously decided that Ash Sakula should be appointed to deliver the Conceptual Design.
23. As has been referred to above, a total of four delivery options were considered both by Officers and Members at the Economic Regeneration and Investment Board before the recommendation to proceed by way of the appointment of a Development Manager was decided upon as the recommended route for scheme delivery.

Next Steps in Process

24. The next stage of the process will require the following:
 - i. further professional appointments are required to prepare the necessary documentation to support a planning application. This will include the procurement of an architect and planning consultant to prepare the necessary drawings and undertake the work required by RIBA stages 2 and 3,
 - ii. if the planning application is successful, the selection, procurement and appointment of a Development Manager will be required to be undertaken,
 - iii. legal advice will be required on the selection and procurement of the consultants and on the form of appointments,
 - iv. further investigations and site and build due diligence will be carried out in conjunction with an appointed Quantity Surveyor,
 - v. further analysis of market values and trends will be undertaken,
 - vi. negotiations will continue with a view to securing Third Party Land identified as necessary to deliver the Scheme.

Conclusion

25. There exists the opportunity for the Council to deliver an exemplar town centre regeneration scheme which will tackle some of the issues surrounding the future of the High Street. This Scheme, which will provide high quality residential accommodation together with commercial uses, improved public realm, outdoor

performance space and community facilities, is part of a far larger programme of town centre initiatives identified in the Town Centre Framework 2019-2025, the intention of which is to regenerate the lower High Street. The Framework sets out a vision and objectives to ensure the success and vibrancy of the town centre for future generations. Responding to the findings from the town centre consultation and the significant challenges facing the High Street locally and nationally, this framework document sets out an ambitious and exciting programme of projects, events and activities to be implemented over the next five years.

26. It is considered that the risks identified in delivering the Scheme can be mitigated and are significantly outweighed by the political, economic and social benefits which will be delivered.

Portfolio Holder's Views

27. The repurposing of the Vicarage Lane car park to bring new residents and businesses into Ashford Town is an important project. It also provides vibrant town spaces and improved access to cultural assets and performance areas. Ash Sakula have given us an exciting preview of the possibilities.

The decision to utilise a Development Management process, under our control, considerably de-risks a project where the risks have already been mitigated. It also allows the residents of the Borough to receive an improved return on their investment thereby underwriting service delivery. (Cllr Galpin)

28. This project will transform not only the lower high street but the wider town centre. By bringing residential activity and small scale commercial opportunities into this area a lively sub culture will be created providing a destination for visitors and locals alike. In addition it will create a new desire line for railway travellers to the town centre so assisting with the regeneration of Ashford.

By retaining control of the design of the project due to its delivery model, not only will residents benefit from the financial return, profit will not outweigh the design and social benefit for the town. (Cllr Shorter)

29. This project is part of the transformation of the town centre and I commend the report. (Cllr Clarkson)

Contact and Email

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Ash Sakula Architects

Bingo Club and Vicarage Lane, Ashford
Design Team Meeting
24 September 2018





view looking west





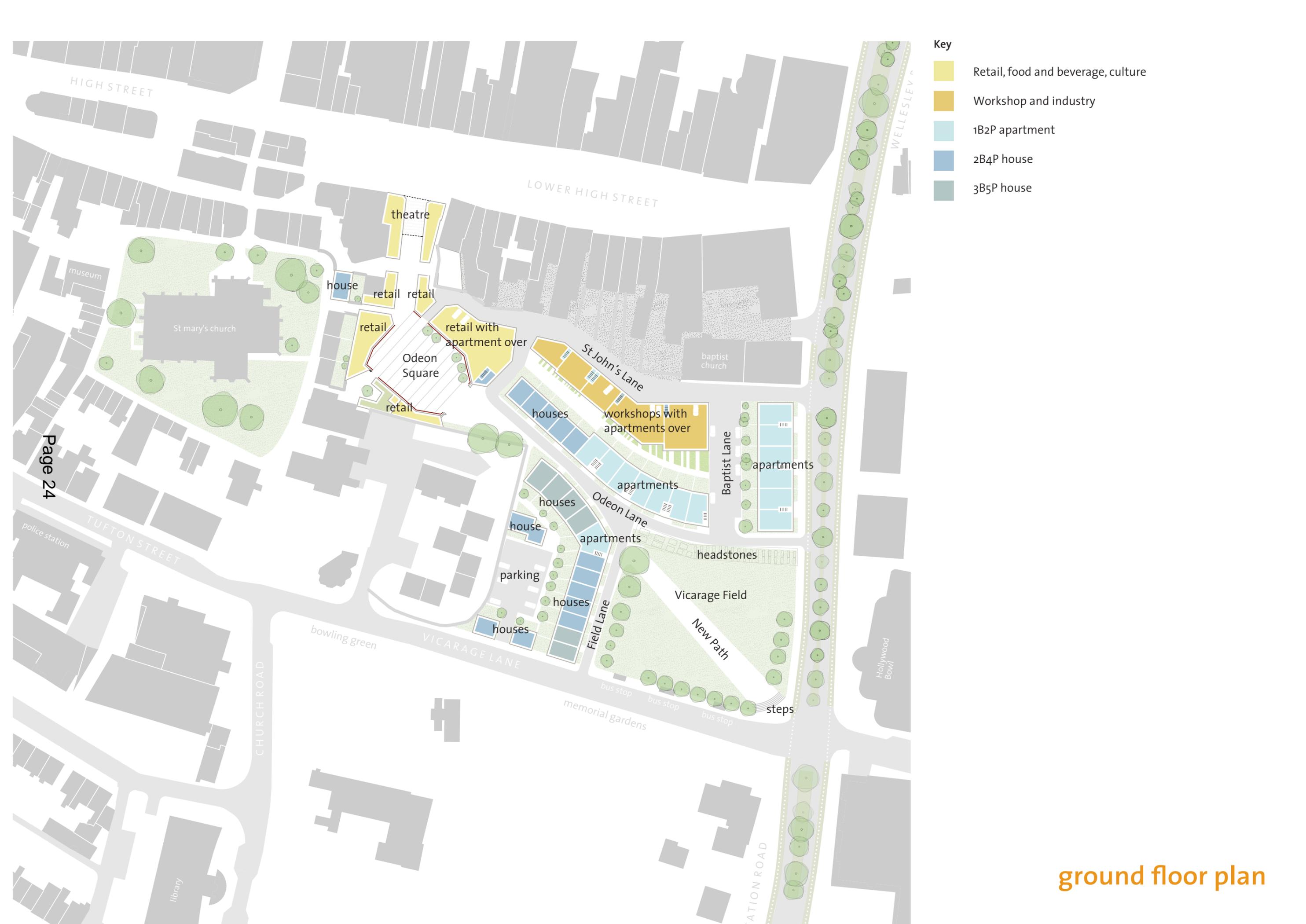




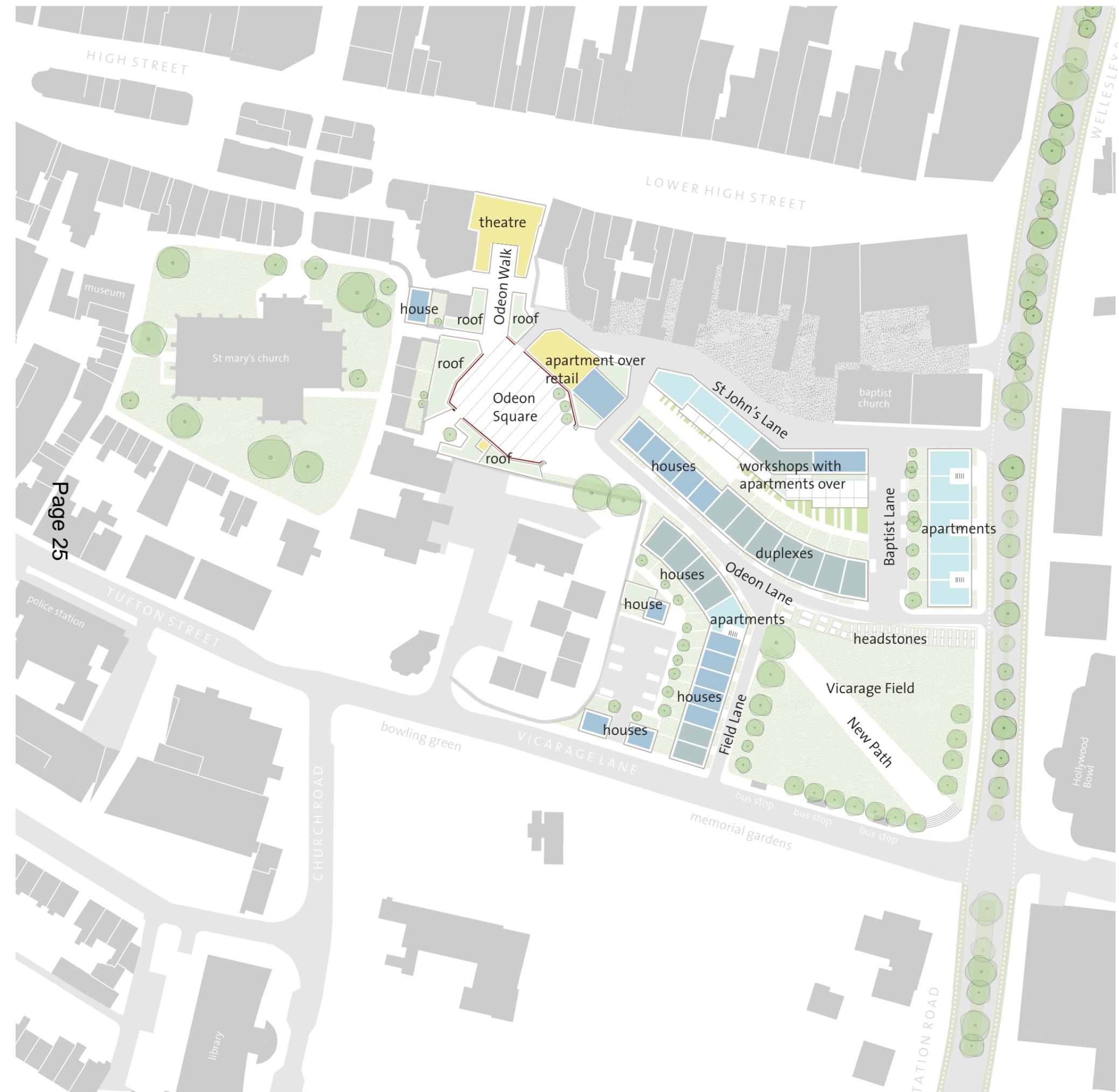
Approaching Odeon Square



Odeon Square

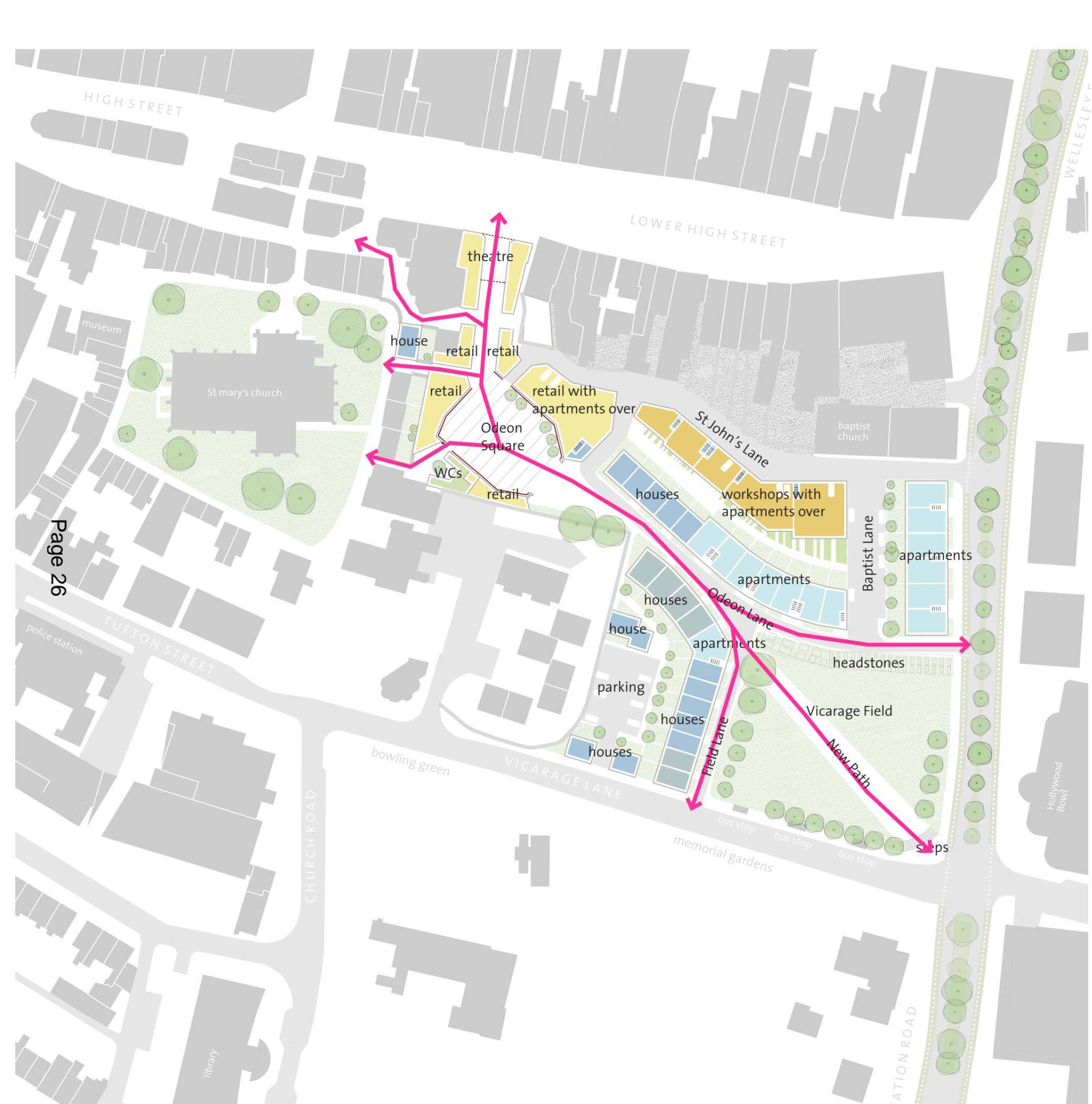


- Key**
- Retail, food and beverage, culture
 - Workshop and industry
 - 1B2P apartment
 - 2B4P house
 - 3B5P house



Key

- Retail, food and beverage, culture
- Workshop and industry
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Key

- Retail, food and beverage, culture
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- 2B4P house
- 3B5P house







Galerie Vivienne, Paris



Passage Jouffroy, Paris



Passage du Caire, Paris





	1b2p	2b4p	2b4p duplex	3b5p	3b5p duplex	3b5p triplex	Total
<i>min. NIA</i>	50	70	79	86	93	99	
Odeon Square			1	1			2
St John's Lane	3	1		1			5
Station Road	12					6	18
St Mary's View	7		5			7	19
Vicarage Fields	3		8		4	2	17
Total	25	1	14	2	17	2	61
Mix	41	25			34		

40 car parking spaces

0.65 parking ratio

Areas Schedule

	Residential						Total NIA
	floor	1b2p	2b4p	2b4p duplex	3b5p	3b5p duplex	
Odeon Square	1		42		141		183
	GF		42				42
St John's Lane	1	161	70		86		317
	GF						0
Station Road	3					408	408
	2					390	390
	1	348					348
	GF	348					348
St Mary's View	2			411			411
	1			606			606
	GF	369		195			564
Vicarage Fields	2	63		22		78	163
	1	63		281		207	629
	GF	63		319		207	667

Other Areas

Theatre	Food and beverage	Workshop	Ancillary	Structure/circulation	GIA	GEA
236				15	392	463
151	329	126	56	55	717	918
		596		39	326	426
				17	635	712
				35	425	477
				47	425	477
				77	395	477
				28	425	477
				37	439	488
				79	643	729
				7	643	88
				44	170	213
				50	673	819
					717	841

Note:

All areas in sqm

Totals 5,076

387 329 722 56 530

Total GIA Total GEA

7,025 7,605

External Areas

Soft landscape	3,622
Hard Landscape	5,197
Building Footprint	3,036
Total Site Area	11,855



View of Odeon Square and Odeon Walk





Odeon Square
ground floor plan



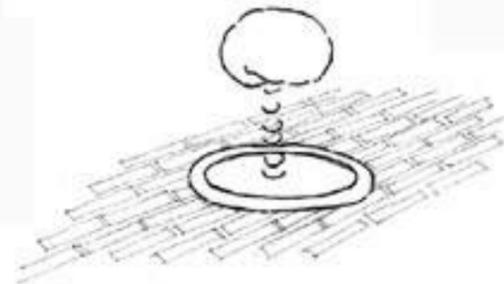
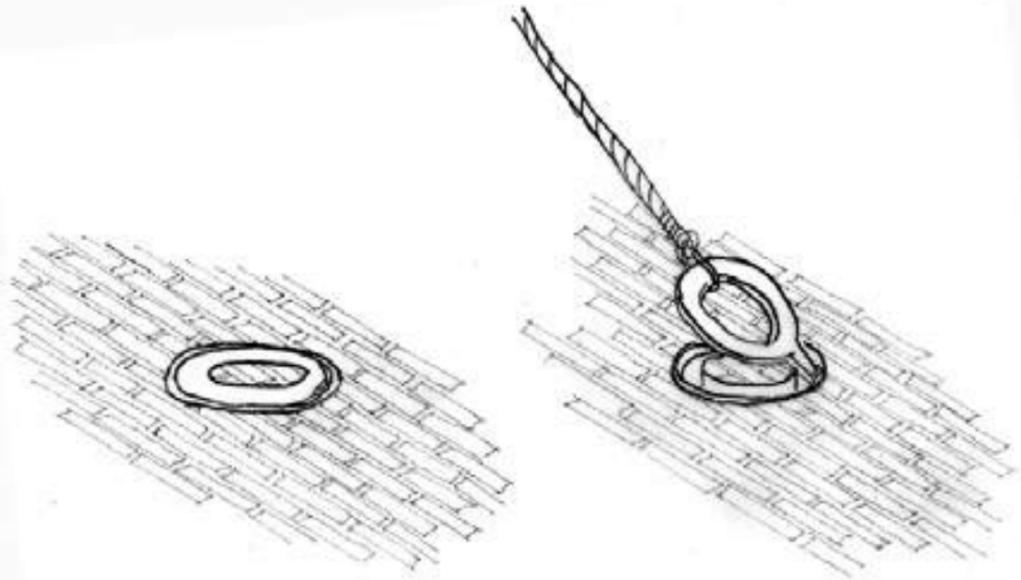
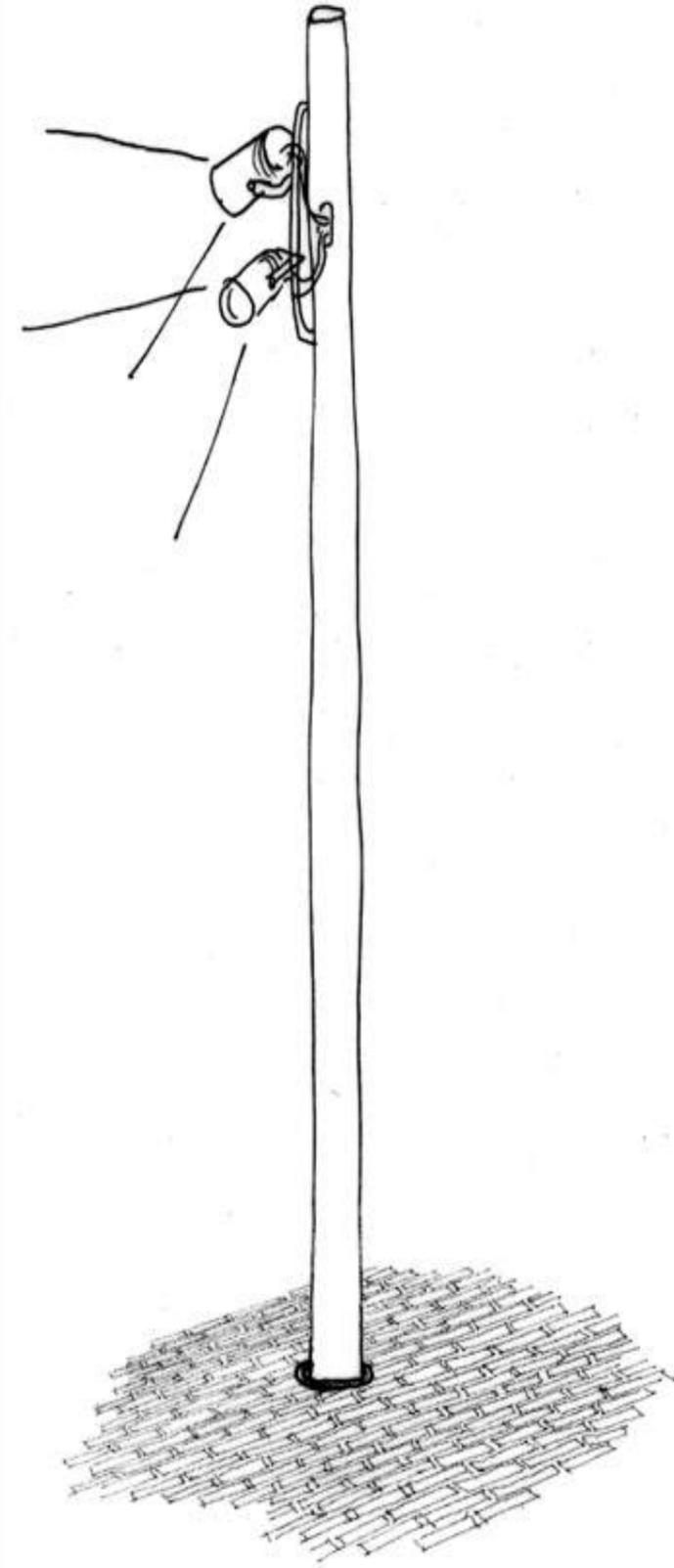
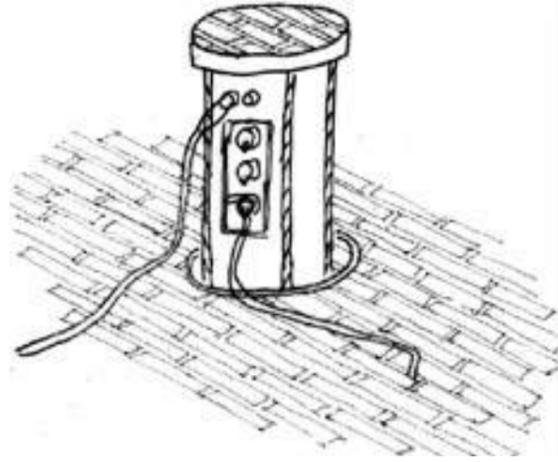
Odeon Square upper floor plan



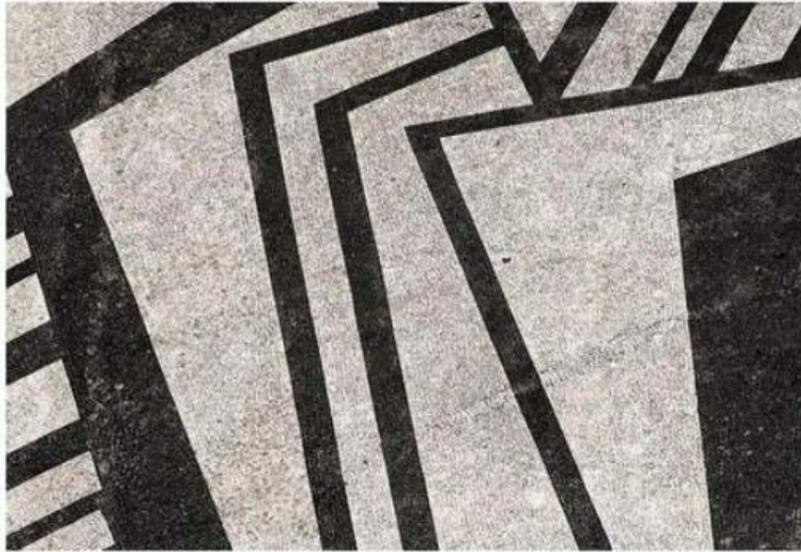
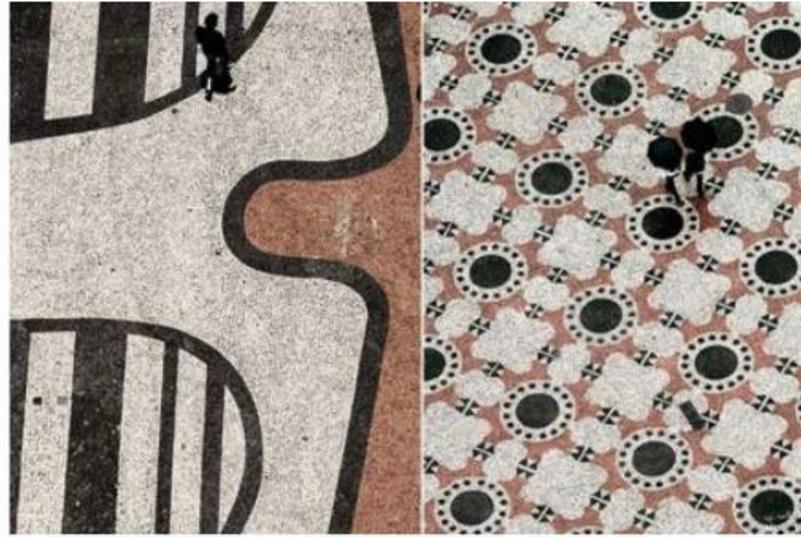
View of Odeon Square and Odeon Walk



Enjoyable perambulations, permeable paving



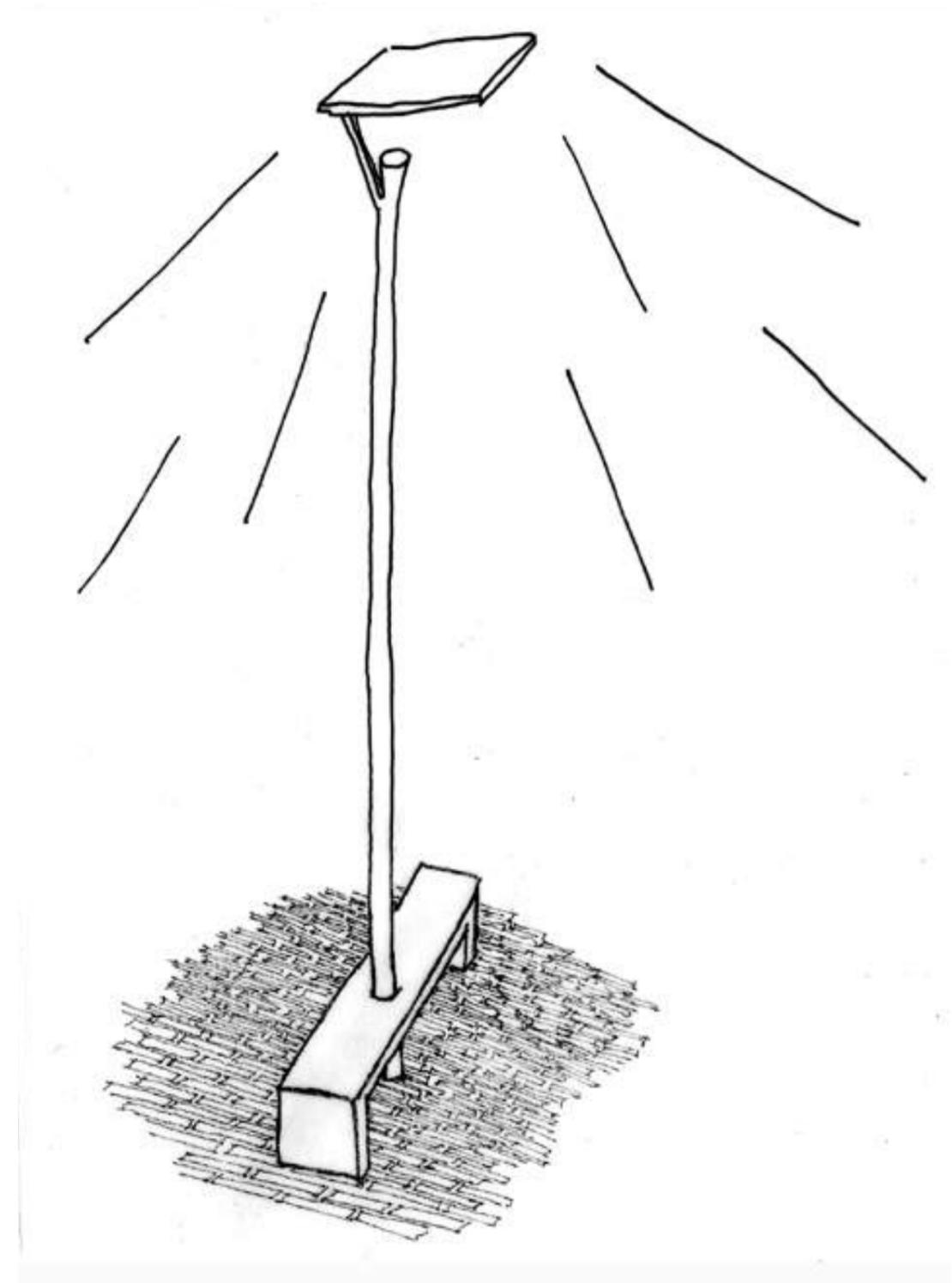
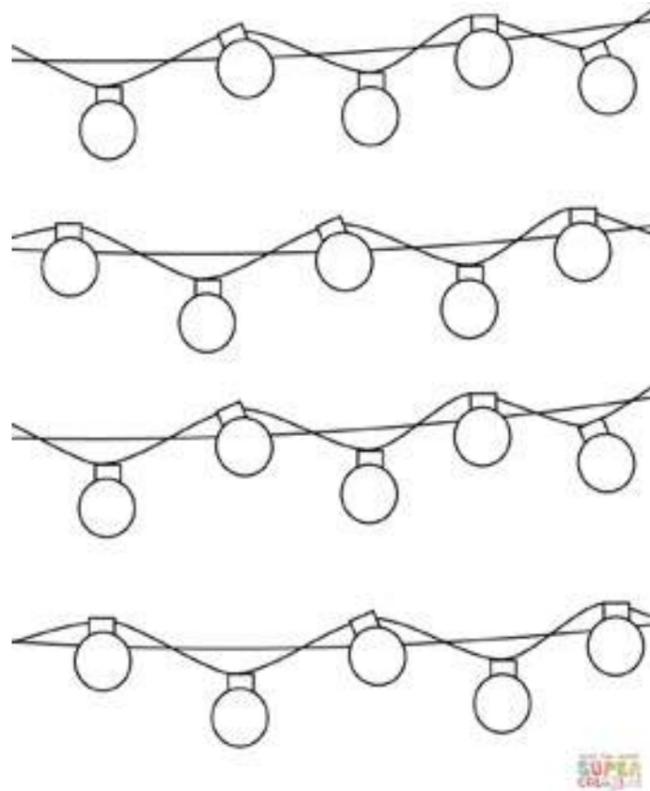
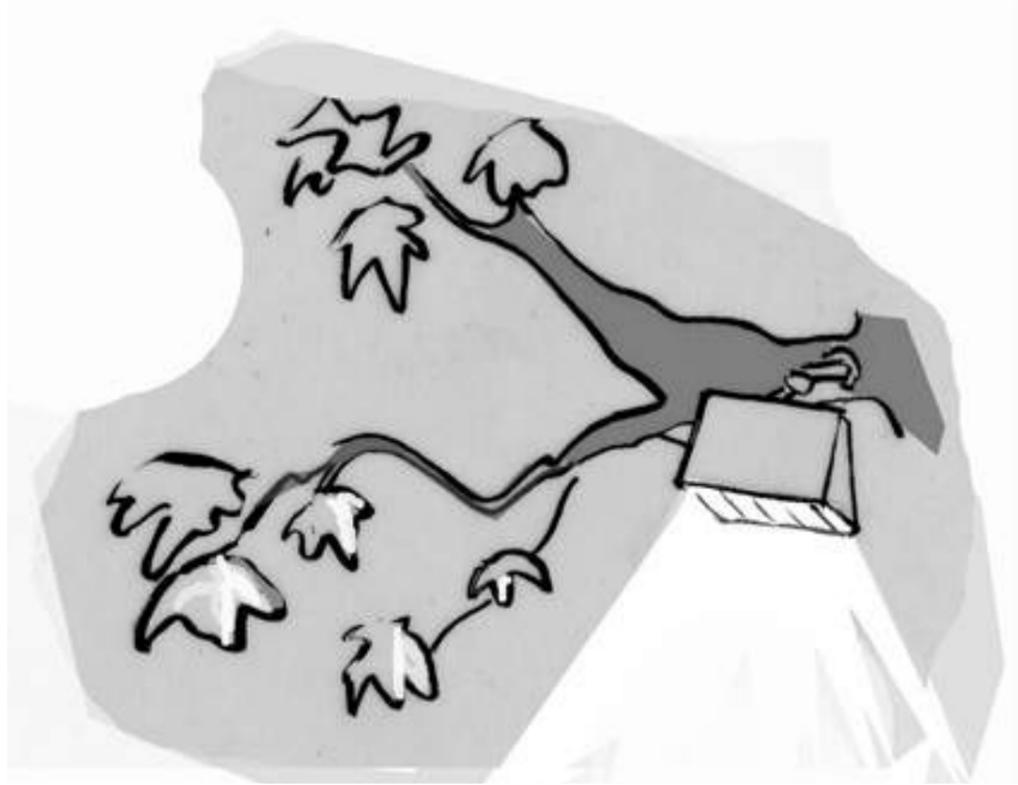




Performative value in paving, dramatising pedestrian footfall



After hours spaces, valuable placemaking through lighting architecture



after hours spaces.. finding the right place to mount a fitting and 'paint with light'



After hours spaces, glamour through both architecture and place branding



After hours spaces, mix of lighting sources, varied hours of operation



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Bingo Club/ Vicarage Lane, Ashford

Masterplanning Brief

Aim:

To establish deliverable sketch layout and design options for the land in the Council's ownership comprising the Bingo Club and Vicarage Lane car park. This preliminary work will enable the client to make a clear choice of a preferred outline development solution to be taken forward in discussions with a potential development partner and worked into a design/ development brief. It will also let the Council share a clear aspiration for the area with local people.

Land uses:

The client envisages a predominantly residential development with high quality public realm running through the site, including a public square. Associated with this, café/ bars or restaurants or similar uses which help animate the space are also appropriate.

Specific objectives to be explored:

- a high quality pedestrian route linking the Lower High Street into the wider site (and beyond that to the Commercial Quarter and stations) – with proposals for suitable development 'lining' that route;
- a suitable solution on the Lower High Street frontage to show how the character of the Conservation Area and Lower High Street can be enhanced;
- the potential for a public square as part of the scheme – a space capable of catering for a range of informal and organised leisure – and located where it has best prospects of being sufficiently animated to succeed;
- pedestrian link (or links) to the Churchyard to celebrate and broaden the heritage value of this part of the town;
- maximising the splendid visual presence of the church and its tower (opened up by the bingo club demolition) and considering short and longer views and the implications for massing of the built form on the site;
- the topography of the Vicarage Lane site as it falls away from the church towards Station Road and the opportunities/ issues this presents;
- retaining access to the rear of properties on Lower High Street and ways to reduce the current poor visual impact;
- the scale of public parking provision that should realistically be retained as part of a concept plan for the whole site (in the medium term there is scope to relocate some of the parking here to a multi-storey car park behind the bowling alley);
- the residential capacity of the site and indicative layout(s) taking account of all the above.

Character:

Whilst this is not a detailed or full architectural study, it is important to capture the essence of the Council's ambition. The part of the site nearest the church and Lower High Street presents an opportunity to increase the area of the traditional, irregular, fine grain heart of the town centre – it can help to create a stronger synergy between the strong historic character of the main streets and churchyard by linking elements together. Attractive pedestrian routes are key – these should help lead people into the town centre with a sense of anticipation, taking advantage of key views (especially of the church) and public spaces en route.

The lower part of the Vicarage Lane site has a very different character and is dominated by Station Road. The opportunity here is to strengthen the street by filling in the gap on the Station Road frontage and also fronting and enhancing the isolated green space at Vicarage Field as an important public amenity.

Services required:

- Architectural services (RIBA standard form of employment – the project will include elements – but not all – of the work included in Stages 1-3)
- Town planning services/input from a qualified planner

Process:

The client has considerable experience of using workshops and critical friends to help shape ideas in a collaborative design process. This has been very successful and we seek to work in this hands-on way with the appointed contractor. The stages we envisage will include:

- initial briefing with client team to share all relevant information, planning policy and background;
- design workshop early in the contract to explore issues and capture potential ideas;
- a first phase report back on potential options to the Council's Town Centre Place Making Board, which comprises councillors and officers, to share emerging ideas and get feedback;
- working up and testing a preferred option and take on board practical considerations;
- involvement in a public engagement event to explain emerging ideas and collect feedback;
- regular client meeting to update and share ideas and issues throughout;
- a draft final report for feedback from the client;
- a final report and presentation to councillors

In terms of specific outputs we envisage the final report focusing heavily on visual presentation which captures the site assessment and the evolution of the design proposals and final preferred option. In addition to block layout plans access and servicing issues need testing at this level. Indicative sketch illustrations of key aspects of the preferred option are needed of a standard that can be used in public engagement. **Only concise text content is required.**

In addition, a short leaflet explaining the background and illustrating the preferred option will be required along with suitably sized mounted copies of the key illustrations in a form that can be used for public exhibition.

All work produced will be available in hard copy and electronic form and become the intellectual property of the client on completion of the project.

Client involvement:

The contractor can assume for the purposes of tendering that the client will:

- supply all key information, including services;
- liaise with neighbouring owners and occupiers to establish their concerns and ideas and pass this on and help organise/ publicise the public engagement event;
- bring together key public sector stakeholders as needed to make contacts as easy as possible – e.g. highways; waste collection; conservation; leisure; planning; etc;
- organise, host and, if requested, facilitate the design workshop and provide refreshments etc;
- provide a nominated client project lead officer for all day to day contact and a client project director to help advise on any concerns/ issues that arise; handling issues etc;

Contractor selection:

Tenders will be evaluated 10% Price and 90% Quality

Selection will be by interview from a maximum of three short-listed parties who attain the highest scores. Tender submissions should set out:

Price

- an all-in total cost for the project including all expenses

We would encourage interested contractors to price this work taking account of the relatively simple nature of the outputs (we do not want a 'door stop' report); the collaborative way of working which will help to arrive at ideas quicker; and the other support the Council will provide.

Quality

The following criteria carry a maximum score of 100% and are weighted accordingly.

Total score will be converted to 90% and added to Price score.

	Criteria	Weighting
1	A short statement (maximum 8 sides A4) setting out initial perceptions of the site; ideas to explore and a suggested approach to the commission;	45%

2	A separate supporting information pack showing examples of relevant work completed elsewhere with contact points for references and the c.v.'s of the key players on the contractor team	35%
3	A project programme indicating the work stages envisaged and the duration of each and target completion date	20%

Scoring System

Score	Term	Definition
0	Unacceptable	No response provided or a response that is substantially irrelevant.
2	Limited	The response does not address some or all of the key requirements and fails to evidence the Applicant's technical capability in terms of the project.
4	Satisfactory	A response that addresses the key requirements of the project and evidences sufficient capability. Positive outcomes are present; however there may be some omissions or areas of weakness that are of concern to the Authority.
6	Good	A good response submitted in terms of level of detail and relevance. Positive and measurable outcomes have been evidenced along with lessons learned. Capability is clearly evidenced with only minor concerns raised.
8	Very Good	A comprehensive response submitted in terms of level of detail and relevance. The response is clear and all key areas have been evidenced along with positive and measurable outcomes. The Applicant has fully demonstrated its capability to deliver the requirements of the project.
10	Excellent	Response exceeds requirements and adds significant value.

Interviews

At the interview the client will wish to meet the lead member of staff who will be carrying out the bulk of the work on the project. Ashford Borough Council's panel will consist of officers and elected Members.

Timetable

Invitations to tender will be issued by week ending 18th May 2018.

Shortlisting followed by the interview on/or around 22nd June 2018 (tbc)

Project inception Late June 2018

Project Completion 8 weeks

Tender Submission

Your tender should be submitted to Ashford Borough Council via the Kent Business Portal no later than 14:30hrs on 14th June 2018

Questions

Any questions can be directed to the project manager Archie Cowan via the messaging service through the Kent Business Portal, and a private or public reply (dependent on the question) will be provided.

No further clarification will be issued later than 12 Noon 1st June 2018.

Notes:

- 1) Please register your interest through the Kent Business Portal - we will use these registration details to inform you of any amendments, or items of clarification during the tender period.
- 2) If you have any items of clarification during the tender period, these should be uploaded to the Kent Business Portal and a response will be provided.
- 3) Please be aware your registration of interest will NOT be used to issue you with tender documentation.
- 4) When submitting your tender, please keep additional marketing material to a minimum.
- 5) Please adhere to any page limit specified, and restrict the size of any uploaded document to less than 20Mb
- 6) The "Last date for Expressing Interest" detailed at the beginning of this notice, is the last date for submitting your Tender.

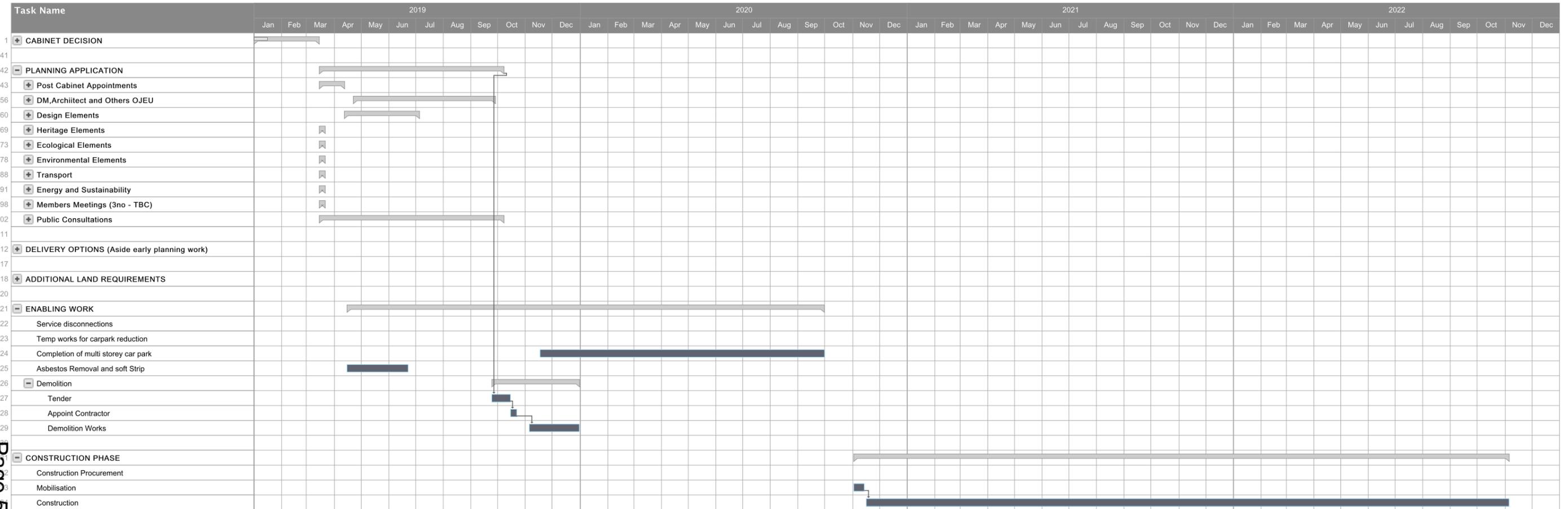
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Mecca Scheme - Master Programme...(Draft)



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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.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.
10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:
 - Current serving members of the Armed Forces (both Regular and Reserve)
 - Former serving members of the Armed Forces (both Regular and Reserve)
 - The families of current and former Armed Forces personnel.

Case law principles

11. 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](#)

Lead officer:	Stewart Smith
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	To proceed with the outlined project as described (Mecca/Vicarage Lane development).
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	Cabinet 14 March 2019 and Council 25 April 2019.
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes 	To proceed with obtaining detailed planning permission and delivering by way of Development Management Agreement the proposed development scheme on the Mecca / Vicarage Lane car park site.

<ul style="list-style-type: none"> Who will be affected and how? How many people will be affected? 	<p>Shoppers and visitors to the high street will be affected due to the loss of parking provision (to be replaced with a multi-storey car park) and temporary disruption.</p>
<p>Information and research:</p> <ul style="list-style-type: none"> Outline the information and research that has informed the decision. Include sources and key findings. 	<p>Consultants were appointed to consider the theatre use of the existing Mecca building and the cultural and arts offer within the Borough.</p> <p>Pre-app highways and planning advice has been taken.</p> <p>A public consultation exercise has been carried out at the Ashford Gateway and online from 18 February to 4 March 2019. A total of 187 responses were received.</p>
<p>Consultation:</p> <ul style="list-style-type: none"> What specific consultation has occurred on this decision? What were the results of the consultation? Did the consultation analysis reveal any difference in views across the protected characteristics? What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Following the architect's proposals, a public consultation exercise has been carried out at the Ashford Gateway in which participants were asked for their feedback on the suggested development of the Mecca site. They were given the opportunity to respond by either completing a form or an online survey.</p> <p>The salient points arising from the feedback were as follows. Some of the positively received aspects of the proposals were:</p> <ul style="list-style-type: none"> Accessibility and visibility of St Mary's Church; The proposed multi-use community space and performance space; Attractiveness of the proposals; The retention of the Mecca Frontage. <p>Additionally, further consideration should be given to the impact of:</p> <ul style="list-style-type: none"> The loss of parking at Vicarage Lane Car Park, the impact of which has been considered in this impact assessment; Additional housing and new parking for residents; Vacancies at new retail units; Light and accessibility to the Ashford Baptist Church, who regularly use the car park.

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.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	Medium	Negative (Minor) – engagement has revealed that the Vicarage

		car park is a preferred car park for elderly visitors
Middle age	Low	Neutral
Young adult	Low	Neutral
Children	Low	Neutral
<u>DISABILITY</u> Physical	Medium	Negative (Major) - removal of disabled provision. Loss of parking results in walking further into town from other car parks.
Mental	None	Neutral
Sensory	Medium	Negative (Major) – loss of parking results in walking further into town from other car parks.
<u>GENDER RE-ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	N/A – only applies for certain applications
<u>PREGNANCY/MATERNITY</u>	None	N/A – only applies for certain applications
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	Medium	Negative (minor) - disruption to access routes to a place of worship
<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral
Former service personnel	None	Neutral
Service families	None	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline	Although there is a short-term negative impact, the ultimate redevelopment of the site will result in a positive impact for groups of people with protected characteristics by providing new community and cultural facilities in the town which is
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<p>the measures taken to mitigate against it.</p>	<p>publically accessible. The site will also provide new employment and residential space. The resulting development will ensure residents have new and improved access routes to the town.</p> <p>Any new parking developments will consider additional provision and high quality provision for visitors to the town with disabilities, in particular visitors to the town with mobility difficulties.</p>
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Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC’s [Essential Guide](#), alongside fuller [PSED Technical Guidance](#).

Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	N/A
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>Throughout the process due consideration has been given to inclusivity, equality and the equality duty on the local authority with compliance a priority. While the immediate impact is negative the development will result in a positive on the community generally.</p> <p>Ultimately the redevelopment of the site will result in positive impacts for those with protected characteristics to the extent highlighted in the assessment.</p> <p>No adjustments are required as the negative impact of the decision would only last in the short term. The council should consider the quantity and quality of disabled parking provision in any future parking developments.</p>
<p>EIA completion date:</p>	<p>27 February 2019</p>

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