

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COMMUNITY SCRUTINY COMMITTEE -

9 FEBRUARY 2022



Title of Report	MARLBOROUGH SQUARE PUBLIC REALM	
Presented by	Paul Wheatley Head of Property and Regeneration	
Background Papers	<p>The Prince's Foundation's Regeneration Strategy for Coalville (2009). www.nwleics.gov.uk/files/documents/princes_foundation_regeneration_strategy</p> <p>Four Squares and Streets Investment Plan (2010). www.nwleics.gov.uk/files/documents/four_squares_and_streets_plan</p> <p>Report to Cabinet (13 June 2017) Building Confidence in Coalville – Proposals and Funding. http://prodmodgov:9070/ieListDocuments.aspx?CId=126&MId=1551&Ver=4</p> <p>Report to Cabinet (16 January 2018) Marlborough Square Refurbishment http://prodmodgov:9070/ieListDocuments.aspx?CId=126&MId=1557&Ver=4</p>	<p>Public Report:</p> <p>YES</p>
Financial Implications	<p>A budget of £1,899,426 (made up of existing capital allocations and LLEP Grants remaining to be claimed) is available to deliver the project.</p> <p>Remaining project costs are set out in the paper.</p> <p>The Stage 2 tender price for the construction works will not be known until 2 February 2022 and may not be received before the deadline to print this report. In this situation the tender price will be submitted as an update prior to the scrutiny meeting</p> <p>In the event that the tender price (once received) and the other remaining project cost estimates are in excess of available budget then a request for additional budget allocation to enable the scheme to proceed can be put before Council on 24th February 2022</p> <hr/> <p>Signed off by the Section 151 Officer: Yes</p>	

Legal Implications	<p>The project is to be delivered on Public Highway within the control of Leicestershire County Council. A Section 278 process has been followed by the district council in order to obtain permission for the works. The Formal S278 agreement will be signed before works commence.</p> <p>Signed off by the Deputy Monitoring Officer: Yes</p>
Staffing and Corporate Implications	<p>The project is being managed within existing staffing resources supported by specialist consultants where necessary.</p> <p>Signed off by the Head of Paid Service: Yes</p>
Purpose of Report	<p>To present the latest proposals for the redevelopment of Marlborough Square as a public square.</p> <p>To outline next steps towards completing project implementation, subject to the tender price received.</p>
Recommendations	<p>THAT SCRUTINY COMMITTEE:</p> <p>1) CONSIDERS AND COMMENTS ON THE UPDATE IN THIS REPORT ON THE REDEVELOPMENT OF MARLBOROUGH SQUARE AS A PUBLIC REALM PLACE.</p> <p>2) SUBJECT TO THE ABOVE AND THE OUTCOME OF THE TENDER EXERCISE, SUPPORTS THE FOLLOWING RECOMMENDATIONS TO CABINET:</p> <p>THAT CABINET:</p> <p>1. BASED ON THE OUTCOME OF THE TENDER EXERCISE AND THE ESTIMATED OTHER PROJECT COSTS SET OUT IN THE REPORT, AGREESTO PROCEED TO AWARD THE CONSTRUCTION CONTRACT AND IMPLEMENT THE PROJECT.</p> <p>2. DELEGATES AUTHORITY TO THE STRATEGIC DIRECTOR(PLACE) TO:</p> <p>A) ENTER INTO THOSE HIGHWAYS AGREEMENTS NECESSARY TO DELIVER THE PUBLIC REALM PROJECT;</p> <p>B) AGREE THE TERMS OF THE CONSTRUCTION CONTRACT; AND</p> <p>C) COMPLETE SUCH OTHER AGREEMENTS AS SHALL BE NECESSARY TO IMPLEMENT THE PROJECT WITHIN THE APPROVED BUDGET.</p>

1.0 INTRODUCTION

- 1.1 Proposals to redevelop Marlborough Square as a predominantly pedestrian focused space emerged out of the Princes Foundation Regeneration Strategy for Coalville produced in 2009 and were then set out in more detail in the Four Squares and Streets Investment Plan of 2010.

- 1.2 NWLDC subsequently made the project to redevelop Marlborough Square a Corporate Objective in 2018 and the following brief was drawn up:
- To reduce the vehicle domination of the square, reduce vehicle speeds and remove street clutter.
 - To make the square more flexible for events.
 - To create a square that is easier for pedestrians (shoppers) to move around.
 - To create a better waiting area for public transport users.
 - To introduce new hard landscaping and trees to improve the visual appeal of this part of the town centre.
 - To increase the amount of turnover in parking spaces, to allow more shoppers per hour to park in the square and get to businesses within the square more easily
- 1.3 Initially NWLDC commissioned Leicestershire County Council as delivery partner. Unfortunately this approach was frustrated by LCC being unable to find a contractor who was prepared to undertake the works within the available budget.
- 1.4 Faced with an inability to proceed with LCC, Cabinet agreed to pursue a “hands on” project management approach which has very much required the project to be “restarted from step 1”.
- 1.5 The project has presented many complex problems for officers to solve before tenders for the construction contract could be sought. Particular challenges worthy of note are:
- The project sits entirely on highways land and therefore requires a section 278 agreement with Leicestershire County Council to be in place before construction can begin. The Average time in which all the surveys and information needed for a S278 can be produced and approved is 12 to 18 months, but for many cases takes longer. There have been a host of other highways and associated approvals that have had to be sought such as S106 Water Industry Act and Section 50 Highways approval.
 - There are a large number of properties surrounding Marlborough Square each with unique rights. We have had to engage on numerous occasions with each landowner to ensure that their rights wouldn't be impinged and the proposals objected to.
 - Marlborough Square is used as an access and egress route by a wide range of vehicle types visiting properties on residential and commercial streets surrounding Marlborough Square. We have prove that each and every one of these vehicles can track around the proposed new layout at Marlborough Square.
 - There have been technical issues with utility companies that have needed resolution before both designs could be completed and works tendered.
 - Significant time has been invested into developing the palette of materials to be used to ensure quality, cost, availability and source factors are in accordance with objectives.

- Proposals have had to be developed alongside other projects where there are inter-relations e.g. Newmarket and proposals for redevelopment of Needhams Walk which are taking access from Belvoir Road.
- 1.6 A full description of the preparatory activities undertaken to ready the project for implementation are set out in appendix 1. The extent of these activities is further evidenced in the finance section of this report where preparatory cost expenditure is reported.
- 1.7 The project has now progressed to a stage whereby it is appropriate for Cabinet to consider whether they wish to proceed to construction.

2.0 Summary Of Proposals

- 2.1 Marlborough Square in Coalville currently comprises a gyratory, motor vehicle dominated highway arrangement with a vehicular route East to West on the southern side of the Square and West to East on the north side of the Square. Parts of Jackson Street and Belvoir Road complete the gyratory arrangements. The Central part of Marlborough Square has traditionally been used as car parking.
- 2.2 The Square is “built up” on all four surrounding sides with neighbouring uses including retailers, service sector businesses, childcare facilities, religious institutions and licensed establishments. It is worth noting that the council’s Newmarket fronts on to the south side of Marlborough Square and the Marlborough Centre Building, which the council has recently agreed to purchase, also fronts the square.
- 2.3 Through the Marlborough Square Public Realm Project it is proposed to remove gyratory traffic from the Square. Vehicles will only be permitted to drive through Marlborough Square on the southern side in a west to east direction (to carry on their journey via Belvoir Road). Vehicular access to Marlborough Square will be via Owen Street, as per current arrangements.
- 2.4 The north side of Marlborough Square will become a primarily pedestrian place (pedestrian zone) with vehicles only able to drive along this route between certain hours for the purpose of deliveries.
- 2.5 The central area of Marlborough Square (currently used for parking) will become a pedestrian only space, laid out with benches, lighting bollards, planters and other high quality street furniture. This space has also been designed to accommodate events, fayres and open air markets. The flexibility that has been designed into the space will allow it to be promoted as a place for open air dining (during good weather) served by the many eateries that currently exist around the square.
- 2.6 Other points to note in respect to the current design are as follows:
- Free car parking previously provided in Marlborough Square has already been relocated to Margaret Street and James Street Car Parks
 - Disabled parking spaces, taxi Ranks and Bus Stands have been retained within the new layout arrangements.
 - Surface treatments are proposed to be high quality and hard-wearing granite setts and flags including across significant parts of the driven highway proposed on the southern side of the square.

2.7 Plans and illustrations showing the proposed works are shown in appendix 2

3.0 Project Benefits

3.1 Delivery of the Marlborough Square project is anticipated to bring the following benefits to Coalville:

- Establish Marlborough Square as a pedestrian dominated space, which is an attractive and safe place for shopping, informal gathering and events.
- Creates an area which projects quality and a positive aesthetic such that it becomes an area which locals are proud of, providing the same kind of public realm experience that can be found in more prosperous towns.
- Increased retail footfall as a result of greater willingness to shop in places that feel safe and attractive.
- Increased range of retailers as a result of a greater willingness by new retailers to “give it a try” in locations which are attractive and popular.
- Reduced vehicular movements through concentration of car parking in strategic locations (fewer movements associated with hunting for car parking).
- Greater willingness by others to invest in the built fabric of Coalville.

4.0 Procurement

4.1 A suitably approved contractor with the necessary permits and experience to deliver public realm works on the highway has been sought via the Procure Partnerships Framework, using a two stage tender approach. This involved initially approaching a number of contractors on the framework, to determine whether they were interested in tendering for the job.

4.2 Those contractors who expressed an interest in tendering for the construction contract were then asked to make a stage 1 submission in Autumn 2021. This involved provision of Preliminaries and Overhead and Profit rates, plus answering a number of questions on quality of workmanship, customer care and their green credentials. All contractors making submissions were interviewed by the project team and an evaluation matrix was completed, scored for both cost and quality. At the end of the first stage tender in Mid December 2021 a “Preferred Contractor” was selected

4.3 At Stage 2 of the tender process the Preferred Contractor was requested to submit a fully developed price (having been provided with a detailed specification of works and construction drawings) . A return date of 21st January 2022 was initially set for Stage 2 tenders however, it became apparent during the tender preparation period that a number of materials suppliers and sub-contractors were struggling to meet this date and we therefore agreed an extension to 2nd February.

4.4 As a result of the above mentioned submission extension, the print deadline for papers to be presented to this Community Scrutiny Committee meeting is earlier than the Stage 2 tender submission deadline. The Tender price will therefore be provided by way of an update paper circulated just in advance of the Scrutiny meeting..

5.0 Finance

- 5.1 The council has (up to December 2021) incurred £533,107 of expenditure on preparatory works (designs, surveys, consent applications etc) for the Marlborough Square Public Realm project.
- 5.2 The remaining budget allocation for delivery of the project set out in the council's capital programme is £1,648,905. In addition to this there is a further £250,521 of grant support for the project from Leicester and Leicestershire Enterprise Partnership (LLEP) to be claimed. The total funding currently available to complete the project is therefore £1,899,426.
- 5.3 Anticipated remaining project expenditure is

Expenditure Category	Amount
Fees (supervision, legal and QS)	£55,000
Permits, Connections, Utilities	£25,000
Construction Works	To be advised
Equipment	£40,000
Commuted Sums	£50,000
Contingency	£50,000
TOTAL	To be advised

6.0 Liabilities

- 6.1 As a result of converting Marlborough Square from carriageway to pedestrian dominated public realm, maintenance costs are likely to increase. Physical maintenance will need to be undertaken to a higher standard (in order to prevent slips trips and falls) whilst the cost of repairs are likely to be greater due to the type of surfacing material that has been selected and the comparative difficulty of laying (Tarmac is relatively cheap and easy to repair compared to granite setts). An enhanced cleaning regime will also be required to keep the public realm looking attractive and there will be new costs arising from maintaining the planting areas (irrigation, pruning and restocking) and the operation of the LED feature lighting scheme (electricity charges).
- 6.2 The square will remain public highway and therefore physical repair of the hard surfaces will rest with Leicestershire County Council as part of their Highway function. LCC have indicated that they will require a commuted sum from the district council to cover the additional maintenance costs associated with non-standard surfacing. Negotiation of the exact sum to be paid to LCC remains to be concluded. A line item has been included in the project budget based on LCC's initial estimate.
- 6.3 Some maintenance costs will also fall on NWLDC. The costs of replacing street furniture such as bins, benches bollards and planters will fall to the district council along with any of the infrastructure necessary to support the outdoor market. Offices have sought to minimise the future cost and inconvenience of these maintenance obligations by ensure that a small stock of spare street furniture is bought and held in stores at the initial implementation phase.
- 6.4 The following additional revenue costs associated with operating the square as public realm will fall on NWLDC:
- Street Cleansing including waste bin emptying
 - Erecting / dismantling outdoor market stalls
 - Power for feature lighting scheme
 - Irrigation of planting areas

- Pruning and restocking planting areas.
- Redecoration of street furniture

6.5 Operation of the square will be by the Community Services Department. Funding to cover the associated costs has been included in their future years budget projections

7.0 Next Steps

7.1 As part of their tender submission the Preferred Contractor have submitted a provisional programme for the works, which projects a commencement on site ten weeks after contract award (roughly early May 2022 with the work anticipated to take thirty two weeks (completed roughly the end of November 2022). This timetable is based on an expectation that the contract is awarded by the end of February 2022. A more accurate programme will be issued once the contract has been awarded.

7.2 Road space booking (TTRO) has already been submitted LCC to secure the opportunity to carry out the works during the desired window, certain that there wont be any conflicting roadworks underway at the same time. Whilst the anticipated construction period is 32 weeks a longer period of road space booking has been made (following discussion with LCC Highways) to allow for any unforeseen delays.

7.3 Members are asked to note that the programme identified by the Preferred Contractor is their best estimate. They have flagged with us that material delivery (granite from quarries in Europe) and delays due to Covid Pandemic impacts on labour availability may result in the need to amend the programme.

8.0 Conclusion

8.1 The proposed public realm improvement project at Marlborough Square is a key part of the Regeneration Framework for Coalville and will work with other ongoing and recently completed projects such as Newmarket, the Marlborough Centre and the shopfront improvement to Metrostores to turn this part of the town into an attractive destination on the town retail circuit. The project will also work in concert with other schemes that council officers have been working with private sector partners to facilitate such as improvements to the Belvoir Shopping Centre, development of new leisure accommodation and establishment of the shopping centre car park as the primary high quality parking provision for the town centre.

8.2 The project has been extremely difficult to develop to its current stage with many problems having to be resolved along the journey to ensure that the initial aspirations for quality a purpose are retained. Consents for creation of the public realm have been negotiated and can be signed once a contractor has been appointed.

8.3 A Preferred Contractor has been sourced and a price (tender) for the construction contract is due following the publication of this report, which will be provided by way of an update paper.

8.4 Should this scrutiny committee wish to see the Marlborough Square Public Realm project delivered then they are asked to offer their support to Cabinet in the form set out in the recommendations section of this paper.

Policies and other considerations, as appropriate	
Council Priorities:	The implementation of the Marlborough Square Public Realm project is an identified priority within the Council Delivery Plan
Policy Considerations:	None
Safeguarding:	None
Equalities/Diversity:	The Public Realm solution shown has been designed to accommodate all user groups and has been the subject of engagement with user groups
Customer Impact:	The project will make a positive improvement to residents and visitors experience of Coalville
Economic and Social Impact:	The project is expected to increase confidence and pride in an important part of the town centre
Environment and Climate Change:	The project aims to improve the Coalville town centre environment. The materials selected are naturally occurring and have a very long life. The contractor proposed to be appointed has demonstrated their commitment to reducing their carbon footprint and minimising construction waste.
Consultation/Community Engagement:	The project has been the subject of significant publicity and repeated public engagement.
Risks:	Financial failure of contractor – appropriate checks of the contractors financial standing have been undertaken by the council's Finance Department. Unexpected physical obstacle to delivery of works – extensive due diligence has been undertaken. The contractor is very experienced at delivering public realm projects. We retain a contingency sum within the project budget. Covid Delays – The contractor has been asked to develop contingencies.
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