



Title: **Repairs to “Banjo” and Eastern Section of Princess Parade, Torquay**

Public Agenda Item: **Yes**

Wards Affected: **Tormohun Ward**

To: **Council** On: **13 July 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## **1. What we are trying to achieve**

- 1.1 We are seeking an immediate solution to the repairing liability at the “banjo” and the eastern section of Princess Parade, Torquay, which enables the closed sections to be re-opened as soon as possible.
- 1.2 This report highlights the need to carry out intrusive surveys and preliminary design work costing up to £50,000 prior to formal tendering of the contract works.
- 1.3 This report outlines a the number of issues that will need to be addressed prior to proceeding with a repair, including an estimated annual revenue cost of up to £300,000 per annum over a 25 year period in respect of the prudential borrowing required. Please note that the estimated prudential borrowing costs have not been budgeted for and will create an additional pressure on the revenue budget in future years.
- 1.4 A repair of this magnitude will make the existing 1930’s design safe for up to 25 years. Members are asked to consider whether this investment represents best value for money, as the need to carry out such extensive repairs might be regarded as an opportunity to improve the design and area as a visitor attraction. The area is especially important to Torquay’s tourism offer.
- 1.6 Ultimately we are seeking to identify a strategy that represents best value for Torbay Council, taking into account the likely expenditure, the opportunity cost, the anticipated life expectancy and importance of the area to tourism.



### 3.2 Do we want to reinstate the 1930's design or take the opportunity to improve?

The question of whether the existing design is still appropriate for a forward looking holiday destination is a subjective one and opinions will differ on this issue. This is a prime waterside asset and it is recommended that this issue needs to be finally addressed before a decision is made to carry out the works which will have a twenty five year life expectancy. The policies and proposals set out in the emerging Torquay Harbour Area Action Plan provide a spatial planning context for such considerations.

If there are sufficient funds available to repair the promenade and banjo then this is an opportunity to assess what is right, and what is wrong, with the existing design. For instance do we need a 2 tier walkway at the banjo? Do we address the fact the top tier of the banjo restricts sea views and that it is proposed to keep closed the lower section? Do we address the lack of sea views from the "sunken garden" area behind the banjo? Do we reconsider the connectivity between the walkway and the marina? Do we consider an alternative surface treatment for the walkway? What do we consider the future uses of the promenade to be (walking, recreation, markets, bandstands and such like)? All of these issues, and more, such be considered before committing to repairing the promenade and banjo.

### 3.3 Options identified to date include:

- Full repair in single or multiple phases
- Demolition and replacement
- Demolition and redevelopment to include new facilities

### 3.4 Procurement – Repair Option

#### 1. Pre Contract

It is estimated that the value of the investigation works and design works will be less than £50,000 and therefore the Council will need to satisfy its own Standing Orders. The European Union Procurement Regulations only apply where the estimated value is in excess of £156,442.

#### 2. Appointing contractors to carry out the works

If the value of the works is less than £3,927,260 the Council will need to satisfy its own Standing orders. This is likely to include a 4-8 week tendering period and appointment process.

If the cost of the works is likely to be close to the European Union procurement threshold of £3,927,260 then the Council would be required to advertise the contract in the Official Journal of the European Union (OJEU). From the date of placing the advertisement it would take between 3 and 6 months to appoint a contractor.

The value of the contract work is unlikely to exceed the European threshold.

### 3.7 Delivery Programme

In order to deliver the repair works the following processes need to be carried out:

1. Further investigation into the extent of the defects in order that we can fully assess the condition of the structure (it is recommended that specialist consulting engineers are commissioned to carry out such work)
2. Design an engineering solution to replace the concrete decking and repair the supporting concrete columns and cross beams
3. Liaise with the Environment Agency, Conservation Officer and English Heritage
4. Public Consultation
5. Produce a performance specification
6. Advertise the works
7. Negotiate the contract
8. Let the works to a contractor for them to start on site
9. Works completed

Steps 1 to 4 will take approximately 3 months.

Steps 5 to 7 may take 4 – 8 weeks assuming Council Standing orders apply or up to 6 months if European Union regulations apply.

Steps 8 and 9 are likely to take a further 6 - 9 months.

Please note the estimate for the construction programme will be better understood when steps 1 – 4 have been completed.

At best the overall repair will take 12 months from start to finish and possibly 18 months.

### 3.8 Planning, Conservation Area Consent, Environment Agency Approval

The promenade, banjo and Princess Gardens are included within the National Register of Parks and Gardens of Historic Interest and lie with a conservation area. They fall within the boundary of the Torquay Harbour Area Action Plan, a statutory development plan forming part of the Torbay Local Development Framework.

The promenade and banjo are not listed structures.

Advice from the Council's Property and Environment Solicitor is that:

*"In the circumstances, it appears that the works are not 'demolition' but rather works for the 'maintenance, improvement or other alteration of a building'. If the works (when completed) will not materially affect the external appearance of the (building) structure, they will not constitute 'development' (s.55(2) of the Town & Country Planning Act 1990) and neither planning permission nor any form of Conservation Area consent will be required."*

Please note that the wording underlined will need to be checked against the possibility that, in order to reduce costs, the hexagonal paving slabs are replaced with red 'bitmac.'

Although planning permission may not be required the Council is still required to liaise with English Heritage and invite comment.

Similarly, it is recommended that the Environment Agency (EA) be consulted.

The advice from the Council's Senior Drainage Engineer is that the nature of consultation with the EA

*"Will depend on the Environment Agency's definition of "repair" as unlike the planning department they may consider the works to the promenade are a replacement/reconstruction and therefore insist on applying today's protection standards. Due to the implications of this I would suggest if you have any concerns about the requirements of the Environment Agency that you obtain written clarification from them to ensure that there are no misunderstandings."*

Previously when liaising with the EA about the improvements to the promenade they were recommending that the walkway be raised by up to 1.0m to counter the likely affects of rising sea levels.

### 3.9 Funding

It is recommended that the Council's reserves be used to fund the pre contract activities.

Please note, depending upon the final cost of any repairs, there will be an estimated annual revenue cost of up to £300,000 per annum over a 25 year period in respect of the prudential borrowing required. The estimated prudential borrowing costs have not been budgeted for and will create an additional pressure on the revenue budget in future years.

The full scheme funding will identified in a separate report to Full Council in September when the Council's Capital Strategy will also be presented.

The Council's overall capital programme is funded from a variety of sources such as capital receipts from the sale of assets, supported and unsupported prudential borrowing and other contributions arising.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Charles Uzzell  
Environment Commissioner**

**Steve Parrock,  
Chief Executive of Torbay Development Agency**

## **Supporting information**

### **A1. Introduction and history**

The history of the creation of the Princess Gardens and Princess Parade is covered at length in the background papers referred to below.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

A2.1.1 It could take longer to design, procure and build the promenade and banjo, and that by doing the works in one phase they are not open for summer 2013, even if works continue through the summer of 2012.

A2.1.2 The Environment Agency may insist that the walkway is raised by approximately 1.0m which will result in additional costs and an unbalanced eastern and western promenade.

A2.1.3 That the reinstated promenade represents a 1930's design and does not provide a modern or appropriate facility for residents and visitors.

#### **A2.2 Remaining risks**

A2.2.1 The items of repair detailed in 3.1 above will not be addressed by any repair of the promenade and banjo in isolation.

### **A3. Other Options**

A3.1 Do nothing: the eastern section of Princess Parade will remain closed, resulting in eventual total structural failure.

A3.2 Carry out the works in phases. The cost of the initial phases is likely to be abortive unless subsequent phases are not done within the following 5 years.

A3.3 Take the opportunity to improve the promenade and create an area of public realm that is more befitting of this prime waterside location,

A3.4 Other options will be assessed following the investigative and design works proposed by this report.

### **A4 Summary of resource implications**

A4.1 The council's legal, procurement, finance, engineering and planning departments, and possibly the TDA, will be involved in the design, funding, procurement and repair of the promenade and banjo.

### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 The recommendations will not have any detrimental effect on equalities.

A5.2 The banjo was closed due to incidences of anti-social behaviour and the re-

opening the banjo in its current design may encourage the repeat of such behaviour. However, such incidences would be reduced if the lower tier of the banjo was removed or access restricted.

## **A6. Consultation and Customer Focus**

### **A6.1 The Torbay Development Agency carried out a series of public consultation events in 2010/11**

These included presentations at the Tormohun Community Partnership in February and May 2010, interim updates and a presentation to Torquay Town Centre Community Partnership in February 2011. In addition the TDA presented to the Harbour Committee in 2011. Furthermore, there has been a significant amount of coverage in the local press.

A significant level of public participation and consultation has been carried out between 2009 and 2011 on the future of the promenade area, as an integral part of preparation of the Torquay Area Action Plan.

The consultation explored a range of funding solutions but assumed as requested that the public sector alone could not finance all the repairs necessary within the area or indeed across the council's estate.

The feedback from the public consultation was mixed but on balance there was an acceptance that some commercial development might be necessary, even desirable, to support a renewal of the area. The most sensitive area was the extent of development between the Pavilion and the Theatre.

### **A6.2 Consequently there has been little public consultation regarding a publicly funded repair of the Eastern Promenade and banjo area only. Whilst the repair is unlikely to be detrimental to the Bay's economy, a straight forward repair is unlikely to significantly enhance it or increase visitors to the Bay or improve the Harbourside economy.**

### **A6.3 As the works to repair and reinstate the existing design do not need planning consent there would be no legal obligation, under planning law, to carry out public consultation. However it is proposed to present the recommended option to the public via local media and the local Community Partnership meeting following further investigation and preliminary design work.**

### **A6.4 Although planning permission is not required for works to repair and reinstate the existing design, the works are still on part of a Registered Park and Garden and as such English Heritage have been notified out of courtesy and the TDA is awaiting a response.**

### **A6.5 Although planning permission is not required for works to repair and reinstate the existing design, the Environment Agency may still need to be consulted and they may seek to impose today's protection standards.**

### **A6.6 The Executive Head of Harbour and Marine Services has confirmed that the proposals would not need to be considered by the Harbour Committee before they were put but before the Council. The next scheduled meeting of the Harbour Committee is September 2011.**

**A7 Are there any implications for other Business Units?**

A7.1 A number of Council services will be affected by the proposed repair and reopening of the promenade, such as Resident and Visitors Services, and Tor Bay Harbour Authority. All affected Services will be consulted throughout and especially during the design phase and prior to work progressing on site.

**Appendices**

None

**Documents available in members' rooms**

None

**Background Papers:**

The following documents/files were used to compile this report:

Princess Promenade: Proposed Strategy, dated 22<sup>nd</sup> June 2011

Torbay Council Cabinet Report no. 194/2011

Torquay Harbour Area Action Plan  
(Regulation 27 Submission Version; November 2010 / February 2011)