

Executive Report

Ward(s) affected: Friary and St Nicolas

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North Street Development Site, Guildford

Executive Summary

On 8 March 2022 the Council exchanged contracts with St Edward (the developer), for the sale of its land within the North Street development site. This will, subject to the developer obtaining planning consent, facilitate the construction of a residential led mixed-use scheme that will include provision of a refurbished bus interchange and the pedestrianisation of North Street.

At its meeting on 26 October 2021, the Executive agreed:

To authorise the Strategic Services Director, in consultation with the Lead Councillor for Regeneration, to establish a working group consisting of stakeholders, Councillors and officers to make recommendations to the Executive in respect of the design of the refurbished bus interchange (including the associated access and public realm improvements) and the proposed pedestrianisation of North Street.

The working group was established and the Strategic Services Director, in consultation with the Lead Councillor for Regeneration, made recommendations which were approved by the Executive on 24 February 2022. The group has since been disbanded.

The developer is now preparing further plans and detailed specification for the bus interchange and pedestrianisation of North Street as required by the contract. These must be submitted to the Council at least four weeks before the planning application is submitted (scheduled for July). The Council must approve or reject the plans and detail specification for the refurbished bus interchange and the pedestrianisation

within 15 working days of receipt. If the Council does not respond within 15 working days consent will be deemed to have been granted.

To agree the detailed plans and specifications and to minimise the probability of the Council failing to meet its obligations (or even being in breach of its contract) further delegated authority is sought to enable timely approval of these matters.

Further there are associated matters where delegated authority is sought in relation to the North Street Market and Taxi ranks to enable commencement of works and the implementation of a planning consent. Failure to deal with these matters within limited time scales could have considerable adverse impact. Details at Section 5. below.

Note that the delegated authorities being sought do not affect or impede the Local Planning Authority in deciding the developer's planning application in the normal way.

Recommendation to Executive:

To authorise the Strategic Services Director, in consultation with the Lead Councillor for Regeneration:

- (1) To approve the detailed plans and specification for the refurbished bus interchange.
- (2) To approve the detailed plans and specification for the proposed pedestrianisation of North Street.
- (3) To approve temporary North Street Market arrangements to facilitate the implementation of the developer's planning consent.
- (4) To approve any temporary taxi rank arrangements required to facilitate implementation of the developer's planning consent once all necessary statutory requirements have been followed.
- (5) To seek approval to remove the existing taxi rank in North Street that is located outside the Marks and Spencer store and to make any necessary arrangements and complete any agreements as necessary to proceed with seeking such approval to facilitate the North Street Development and to follow all necessary statutory requirements when seeking such approval.
- (6) To approve any temporary parking changes that are required to facilitate temporary market and taxi rank arrangements.

Is the report (or part of it) exempt from publication? No.

1. Purpose of Report

1.1 The purpose of this Report is to update the Executive on various approvals required:

- (a) under the terms of the Council's contract with the developer; and
- (b) to enable works to take place to enable the pedestrianisation of North Street.

2. Strategic Priorities

2.1 The relevant strategic priorities of the Council in connection with proposals for facilitating the redevelopment of the Site are set out in the Report to the Executive in February 2020 and September 2020.

3. Background

3.1 Under terms of the sales contract the proposed redevelopment of North Street by St Edward will include the refurbishment of the bus station to create a new bus interchange and the pedestrianisation of North Street between Leapale Road and Onslow Street.

3.2 The developer has agreed to invest a considerable amount of money to provide these benefits to the town and require various timely decisions and actions from the Council in order to facilitate delivery.

3.3 The first milestone will be the submission by the developer of a planning application. This is scheduled for July 2022. Prior to this, the Council must agree detailed plans and specifications for both the bus interchange and pedestrianisation proposals as detailed in Section 4 below.

3.4 To enable works to proceed in North Street the Council is required to make temporary relocation arrangements for the North Street market traders and taxi operators. This is detailed in Section 5 below.

3.5 To enable the pedestrianisation scheme in North Street it will be necessary to permanently remove the taxi rank in North Street that is located outside M&S.

4. Bus Interchange and North Street Pedestrianisation detailed Plans and Specifications

4.1 In November 2021 the Strategic Services Director, in consultation with the Lead Councillor for Regeneration, established a working group (now disbanded) consisting of stakeholders, councillors and officers to make

recommendations in respect of the refurbished bus interchange and proposed pedestrianisation of North Street.

- 4.2 A recommendation was made and approved at the Executive meeting on 24 February 2022.
- 4.3 Under the terms of the sale contract with the developer the Council as landowner needs to approve (or reject with reasons) detailed plans and specifications for both schemes before a planning application is submitted. At which time the Local Planning Authority will consider the detailed design and specification as part of the planning process.
- 4.4 The developer has scheduled the planning application to be submitted in July 2022 and the detailed plans and specifications must be submitted to the Council four weeks prior to this. The Council will then have 15 working days to approve or reject both the detailed plans and specifications once they have been submitted to the Council.
- 4.5 If the Council does not respond in 15 days, the developer will serve a 5-day reminder on the Council. At the end of this period the Council will be deemed to have given approval if no response has been issued.
- 4.6 The previously approved high-level plans and specifications contain overall design parameters but do not specify materials, fixings, standard, colours or operating systems etc. These matters will be dealt with in the detailed plans and specifications but should not affect the general design parameters and high-level specifications agreed in the contract.
- 4.7 Scott Brownrigg and Aecom are appointed by the developer to prepare the detailed specifications. It has been confirmed that they have agreed to an ongoing duty of care to the Council on the advice that has been given.

5. North Street Market and Taxi Ranks.

- 5.1 At its meeting on 26 October 2021, the Executive agreed "To authorise the Strategic Services Director, in consultation with the Lead Councillor for Regeneration to develop and take forward a plan for engagement with market traders, taxi operators and any other parties that are impacted by the development".
- 5.2 A plan has been prepared and agreed and is in the process of being implemented. A meeting took place with market stall licence holders on 25 April and with taxi operators on 12 May 2022.
- 5.3 To enable the pedestrianisation of North Street it will be necessary to temporarily relocate the North Street Market whilst construction work takes

place. Various options have been discussed and are being further considered by the Council and stall holders.

- 5.4 To enable the pedestrianisation of North Street it will also be necessary to permanently remove the taxi rank outside M&S.
- 5.5 To enable re-arrangement of the junction of North Street and Onslow Street it will be necessary to temporarily relocate the Friary taxi rank from this location.
- 5.6 Temporary and permanent closure and temporary siting of taxi ranks will require approval by the Licensing Committee, notices to be served on the Highway Authority and Police and notices to be posted for 28 days prior as a consultation process. The matter will then be passed for approval by the Licensing Committee.
- 5.7 The Licensing Committee's decision is usually then reported to Executive for confirmation. For the Council to fulfil its contractual obligations it would be beneficial for delegated authority to be available at this point. This will enable the Council to act in a nimble and unfettered way to achieve the Council's goal of redeveloping the North Street site to include the developer pedestrianising North Street.
- 5.8 The location of a temporary market or taxi Rank may require temporary changes to on-street parking. On-street parking is controlled by Surrey County Council (SCC) and any changes will need to follow the usual process to obtain approval. However, for the Council to fulfil its contractual obligations it would be beneficial for delegated authority to be available to enable the temporary arrangements to be promoted by the Council to SCC. The Council will be able to act in a nimble and unfettered way to achieve the Council's goal of redeveloping the North Street site to include the pedestrianisation of North Street.

6. Options

- 6.1 To approve the request for additional delegated authority. This will enable the Council to proceed smoothly towards completion of the sale of the North Street site to the developer and to meet its contractual obligations.
- 6.2 To not approve the request for additional delegated authority. It is unlikely that Executive approval could be given within the required 15 working days. Therefore, the Council would fail to meet its contractual obligations.

7. Consultations

- 7.1 Councillor John Rigg, the Lead Councillor for Regeneration, Chair of Major Projects Portfolio Board and of the sub-portfolio Capital Transport and

Infrastructure Board (which includes the North Street project) supports the recommendations detailed above.

- 7.2 Dawn Hudd, Director of Strategic Services and a member of the North Street Programme Board, has been consulted and supports the recommendations detailed above.
- 7.3 External stakeholders impacted by the proposals have been engaged as outlined in Sections 4 and 5 above. This engagement will continue through the delivery phase.
- 7.4 During the process of seeking to relocate or close the taxi ranks the Police and Highway Authority will be consulted and 28 days public notice will be given by advertisement in local press, all statutory consultations will be complied with under this process.

8. Key Risks

- 8.1 Failure by the Council to promptly approve or give a reasoned rejection of the developer's detailed plans and specification would be a lost opportunity to verify our agreement or otherwise with the developer's proposals. This could leave the Council open to criticism.
- 8.2 If the Council is unable to meet its contractual obligations and causes delay the developer might decide to claim for damages.
- 8.3 If there are delays in approving the plans and specifications the delivery of the redevelopment is likely to be delayed.
- 8.4 If the Council is unable to make the necessary arrangements to relocate the North Street Market, remove the taxi rank outside M&S and temporarily close and/or relocate the taxi rank at the bottom on North Street/Onslow Street in a timely manner, the developer's obligation to carry out pedestrianisation works will cease. Instead, the Council would receive a payment in lieu and would need to make its own arrangements to pedestrianise North Street.

9. Financial Implications.

- 9.1 If the Council agrees the detailed plans and specifications the developer will cover the total cost of works and the Council will not be required to make any financial contribution.
- 9.2 If the Council rejects the plans and specifications, there may be cost implications that as yet cannot be quantified.

9.3 If the Council seeks changes that are variances to the previously agreed high-level specification the Council will be responsible for any additional costs.

10. Legal Implications

10.1 The Contract and Procurement implications were dealt with in the 26 October 2021 Executive Report.

10.2 The approved plans and specifications will form part of the planning application for the North Street Redevelopment Site seeking permission from the Council as the Local Planning Authority to carry out the works.

10.3 A local authority can adopt areas on streets or private land as taxi ranks for either continual or part-time use under section 63 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act). The statutory process provides that the local authority must obtain the permission of the Highway Authority, give notice to the Police, publish a public advertisement in a local paper and consider any objections or representations received within 28 days of publication before a taxi rank is appointed.

10.4 Section 63(5) of the Act states that the power to appoint taxi ranks includes the power to revoke and alter such appointment and requires the same statutory process to be followed.

10.5 Failure to meet contractual obligations within the sale agreement with St Edwards could result in a claim for damages, termination of the agreement and an obligation to return the deposit monies secured under the agreement.

11. Human Resource Implications

11.1 Human Resources does not foresee any impact over and above the resource requirements identified in the 26 October report. The Council is reliant on its internal specialists alongside external advisers and a budget has been put in place to cover the cost of these resources.

12. Equality and Diversity Implications

12.1 The Equality and Diversity Implications were dealt with in the 26 October 2021 Executive Report.

12.2 The Equality and Diversity Implications of moving taxi ranks will be considered in the consultation period.

12.3 The Equality and Diversity Implications of pedestrianising North Street and the refurbishment of the Bus Interchange will be considered by the LPA as part of the planning application process.

13. Climate Change/Sustainability Implications

13.1 Climate Change and Sustainability implications were reported in the September 2020 Executive Report. The position has not changed.

14. Conclusion

14.1 The approval of the additional delegated authorities recommended in this report will provide a clear route for the Council to fulfil its contractual obligations in respect of the refurbished bus interchange and the pedestrianisation of North Street.

14.2 When considering the likely acceptability of the plans and specifications proposed for the overall site, the bus interchange, North Street pedestrianisation and the likely development impacts, the Council will have the benefit of protection by the planning process. It has been made clear to the developer that any decision on the part of the Council to sell its interest in the Site should not be seen as a predetermination or commitment on the part of the Council, in its capacity as LPA, to approve a subsequent planning application for the proposed development. The developer will need to address all relevant national and local planning policies. It will also need to respond to consultation and local sensitivities.

15. Background Papers

- September 2020 Executive Report
- October 2021 Executive Report

16. Appendices.

None.