

Report of :	Head Of Property Services
Report to:	Director of City Development
Date :	6 November 2014
Subject :	Design & Cost Report for Station Gardens Car Park Improvements, Linton Road, Wetherby
Capital Scheme Number:	No:32204

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Wetherby	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:	10.4(3)	
Appendix number:	1	

Summary of main issues

1. Leeds City Council owns the subject site comprising a poorly surfaced free public car park which totals 0.303 ha (0.75 acres).
2. The site is situated close to Wetherby town centre and is used as informal public car parking.
3. Leeds City Council also own a public car park on Hallfield Lane in Wetherby town centre close to Wm Morrisons Supermarket. This car park is to be improved by the City Council with funding available from the supermarket chain to provide modern surfaced, and landscaped public town centre car parking.
4. The proposal to implement the improvement of the Hallfield Lane car park arose from planning conditions imposed in a planning consent obtained by Morrisons in 2012 to extend their Wetherby store which requires the upgrading of the car park.
5. Conditions contained within the planning consent for the store improvement require, amongst other things, that the Council's ownership which currently comprise a lorry and informal car park be formally improved, set out, and landscaped as a new public

car park. A management plan was to be agreed for the running of the facility created to support the supermarket development and to improve on town centre car parking in Wetherby.

6. On 14 May 2014 the Chief Asset Management and Regeneration Officer approved a Design Cost Report for a proposal with Morrisons whereby they would make a financial payment to the Council to undertake the works of improvement to the car park and in consideration of the Council committing its ownership to use as a public car park for a number of years.
7. Approval was given to the terms of that transaction which are detailed in the confidential appendix, to the making of the appropriate capital injection to undertake the works and to the grant of authority to spend in respect of incurring the expenditure on the works from the payment made by Morrisons.
8. Good progress has been made in respect of the Hallfield Lane car park project with planning matters nearing resolution and with a start on site imminent.
9. A further proposal has, however, come forward in conjunction with discussions with ward members to improve the Station Gardens car park on Linton Road, Wetherby and is proposed to be funded from part of the payment received from Morrisons when that transaction is legally secure.
10. The works proposed would be to a simpler specification than that proposed at Hallfield Lane.
11. An outline proposal has been prepared and costed for the improvements and capacity has been established within the financial consideration to be made by Morrisons in respect of Hallfield Lane to fund works to Station Gardens car park once legal commitment to the Hallfield Lane project is achieved
12. This report seeks authority from the Director of City Development to the improvement of Station Gardens, a capital injection to fund the works and for authority to incur the expenditure as outlined in the confidential appendix to this report in order to undertake the scheme as proposed. The report also seeks to have noted that funding of the project would be from the financial consideration made in connection with the previously approved transaction relating to the improvement of the Hallfield Lane car park as an externally fully funded project.

Recommendations

8. It is recommended that the Director of City Development:
 - i) approves making a capital injection at the sum identified in the confidential appendix into the capital programme in order to fund the works supporting the undertaking of the scheme.
 - ii) give authority to incur the spend identified in the confidential appendix to facilitate the works proposed once a secure unconditional contractual position is reached in connection with Wm Morrison Supermarkets in respect of payment in connection with the Hallfield Lane project and
 - iii) notes that the funding provision will be from the previously approved transaction in respect of the Hallfield Lane car park improvements as an externally fully

1 Purpose of this report

1.1 The purpose of this report is:

- i) to present a proposal for the City Council to undertake improvements to the subject property with funding available consequent to a transaction with Wm Morrisons Supermarkets plc in respect of improvements at another Council owned car park at Hallfield Lane, Wetherby and
- ii) to seek an injection of the sum required to undertake the works as specified in the confidential appendix from the Director of City Development and
- iii) to seek Director of City Development authority to incur the expenditure as detailed in the confidential appendix, to complete the works once a financially secure position is achieved with Morrisons in respect of that transaction.

2 Background information

- 2.1 Leeds City Council own the subject site which totals 0.303 ha (0.75 acres) of rough surfaced land utilised as a fee public car park available for Wetherby town centre users
 - 2.2 A proposal has arisen for improving this car park for public use with funding generated from a transaction with Wm Morrison Supermarkets in respect of improvements to another City Council owned car park in Wetherby town centre at Hallfield Lane.
 - 2.3 The supermarket chain obtained detailed planning consent (no.12/03034/FU) in November 2012 approving the extension of their existing Wetherby store to provide additional floor space which required the improvement of the Council's existing car park at Hallfield Lane.
 - 2.4 Under an arrangement between Wm Morrisons and the City Council approved by the Chief Asset Management and Regeneration Officer on 14 May 2014 Hallfield Lane car and lorry park is to be improved by the City Council with funding available from the supermarket chain to provide modern surfaced, and landscaped public town centre car parking. The details of that funding provision and the projected cost of that car park are contained within the confidential appendix to this report.
 - 2.5 Conditions contained within the planning consent require, amongst other things, that the Council's ownership, which comprises the lorry and car park, be formally improved and set out as a public car park with landscaping and that a management plan be agreed for the running of the facility to be created to support the supermarket development.
- 3 It is proposed that funding available from within the contribution made by Morrisons for the Hallfield Lane car park works be utilised to fund proposed improvements to the Station Gardens car park.

4 Main Issues

4.1 Design Proposals and Full Scheme Description.

4.1.1 The proposal is to improve the car park by undertaking a number of improvements to the Station Gardens car park as indicated on the layout plan also attached to this report. The works to be undertaken comprise the following:

- site clearance
- pedestrian guardrail, fencing, bollards
- drainage
- earthworks
- pavements
- kerbs, channels, edgings
- traffic signs and road markings
- landscaping
- traffic management

4.1.2 Funding is postulated on the basis of the Council securing a minimal risk position with Wm Supermarkets in respect of financial provision in respect of the Hallfield Lane car park. This will occur when contracts are exchanged with them and when the planning conditions associated with undertaking the works to that car park are discharged. Clearly that transaction and the funding derived from it needs to be secure in advance of incurring dependent expenditure on the second car parking project at Station Gardens.

4.1.3 The construction works at Station Gardens are estimated as taking approximately eight weeks on site after final detailed scheme design and contractor selection has taken place. In order to maintain car parking provision the onsite construction works at Station Gardens need to be programmed to commence after Hallfield Lane car park reopens.

4.1.4 Programme –

The current estimated programme is as follows:

Commencement of Design And Procurement -December2014/January 2015

Completion of Design, Procurement and Contract Placement -February 2015

Undertaking of Construction Works-March 2015 May2015

Car park re-opening- May2015

5 Corporate Considerations

5.1 Consultation and Engagement

5.1.1 Ward Members have been consulted regarding the proposal and are supportive of the initiative. The Executive Member for Transport and the Economy has been consulted and is supportive of the proposal to improve the Station Gardens car park.

5.2 Equality and Diversity / Cohesion and Integration

5.2.1 No specific issues arise however the upgrading of the car park will improve on facilities supporting general public accessibility to the town centre supporting local businesses and service provision.

5.3 Council policies and City Priorities

5.3.1 The improvement and upgrade of the car park will support public car park provision for the town centre of Wetherby enhancing out of town centre public accessibility to town centre businesses thereby supporting the local economy, employment and service provision.

5.3.2 Advice has been taken from the Council's Capital Finance Team (Strategy and Resources) regarding funding approvals appropriate to the transaction and to the project proposed to be undertaken. It has been confirmed that the proposal constitutes a Category A Scheme under the Council's Financial Procedures as a proposal fully funded by an external funder. This permits and requires approval to the initial capital injection to fund the works and authority to incur the expenditure to be provided by the Director of City Development.

5.3.3 The Council's Capital Finance Team (Strategy and Resources) also assisted with the preparation of the Capital Funding and Cash flow table presented in para 2.0 of the confidential appendix.

5.4 Resources and value for money

5.4.1 Full scheme estimate

5.4.2 Full details are contained in the confidential appendix to this report and include all costs associated with fees, construction, and other external costs such as planning & Building Regulations etc. The costings have been produced in-house by the Council's Design Services Team within City Development and are considered reasonable.

5.4.3 Capital Funding and Cash Flow.

5.4.4 Full details are contained in the table presented in the confidential appendix to this report.

5.5 Legal Implications, Access to Information and Call In

5.5.1 The proposal constitutes a significant operational decision and is therefore not subject to call in.

5.5.2 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including valuation, acquisition, appropriation, disposal and any other dealings with land or any interest in land) and Asset Management.

5.5.3 The information contained in the appendix attached to this report relates to the financial or business affairs of particular persons, or organisations, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that

since this information is being used as part of one to one negotiations in respect of the subject property in this report, it is not in the public interest to disclose this information at this point in time. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions of other similar properties. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

5.6 Risk Management

- 5.6.1 There is a small risk that the project cost could over-run however detailed costings have been considered by the Council with a level of contingency built in. Notwithstanding this there is scope within the consideration due from the Wm Morrison (Supermarket) plc to cover any cost overrun beyond this in the unlikely event that this should occur.
- 5.6.2 Implementation of the project is dependent upon legally securing the Hallfield Lane project as this will generate the funding for the project. This is expected to be achieved when planning conditions associated with undertaking that project are fulfilled. There is a slight risk that this may not occur or may not occur in a reasonable timeframe however this risk is considered to be minimal.

6 Recommendations

- 6.1 It is recommended that the Director of City Development:
- i) approves making a capital injection at the sum identified in the confidential appendix into the capital programme in order to fund the works supporting the undertaking of the scheme.
 - ii) approves the incurring of the expenditure released to facilitate the works proposed, once a secure unconditional contractual position is reached in connection with Wm Morrison Supermarkets in respect of payment in connection with the Hallfield Lane project and
 - iii) notes that the funding provision will be from the previously approved transaction in respect of the Hallfield Lane car park improvements.

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.