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Report to Land and Asset Management Committee

22 July 2015

Disposal of Council Owned Public Pay and Display Car Parks, Cradley Heath (Key Decision Ref. No. LAM004)

1. Summary Statement

- 1.1 Following a review by Highway Services the purpose of this report is to seek approval to formally declare three Council owned public pay and display car parks in Cradley Heath surplus to council requirement and to dispose of the freehold interest in the land.
- 1.2 The Highways service has previously, in December 2013, made public car parks available for disposal. Following on from this it has been decided to review Council owned public car parking provision in Cradley Heath.
- 1.3 The review identified the Council Owned public pay and display car parks at Lower High Street (map A on attached plan) Highgate Street South (map B on attached plan) and Haden Road (Map C on attached plan) Cradley Heath as no longer viable as pay and display car parks. The Lower High Street the car park is being vandalised on a regular basis. Each car park has alternative car parking provision nearby.
- 1.4 The Council has no Strategic interest in the public council owned car park identified for disposal, although the land may be of interest to the private sector. It is, therefore sensible to declare the car parks surplus to Council requirements and to seek authority to dispose of the freehold interest in the site.

1.5 An equality impact assessment had been carried out.

Further details are attached for your information

2. **Recommendations**

That Cabinet be recommended to approve: -

- 2.1 The former council owned land of the public car parks at Lower High Street, Cradley Heath as shown on Plan No. SAM/30500/001, Highgate Street South as shown on Plan No. SAM/24460/001 and Haden Road as shown on Plan No. SAM/21440/001 be declared surplus to the Council's requirements.
- 2.2 Subject to recommendation 2.1 above, the Director – Governance be authorised to dispose of the freehold interest in the former council owned land of the public car parks at Lower High Street, Cradley Heath, Highgate Street South and Haden Road on terms and conditions to be agreed by the Director – Regeneration and Economy.
- 2.3 The Director - Governance be authorised to enter into or execute under seal , where necessary any other legal documentation in connection with the disposal of the land referred in recommendation 2.2 above, on terms to be agreed by the Director - Regeneration and Economy .

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3. Strategic Resource Implications

- 3.1 The Director of Regeneration and Economy is of the opinion that each Council Owned Public Pay and display car park has a freehold value estimated as follows:
- | | |
|-----------------------|----------|
| Lower High Street | £xxx,xxx |
| Highgate Street South | £xx,xxx |
| Haden Road | £xxx,xxx |
- 3.2 Based on 2013/14 expenditure net revenue from the disposal of the car parks would amount to £x,xxx.xx.
- 3.3 There are no implications for the Council workforce.
- 3.4 The risk identified with this proposal relates to the decline of the site following closure as a car park and possible anti-social activity prior to disposal. The Council will try to ensure that the sites remain in use for as long as possible before disposal.
- 3.5 The Council has no Strategic interest in the sites.

4. Legal and Statutory Implications

- 4.1 Following a due diligence assessment by legal Services it has been identified that rights by deed were granted to Midland Cable communication limited on the 1st December 1995 on each site . There are further reserved rights on adjacent lands for the provision of service media. Each site further has a restriction on mining and minerals extraction.
- 4.2 Lower High Street has a gap in title between Council land and the adopted Highway.
- 4.3 Highgate Street South. Has a gap in title. There is also a right of way to the rear of 120 and 121 Highgate Street.
- 4.4 Haden Road. There is a gap in title relating to Hill Passage.
- 4.5 All of the legal issues identified can be resolved prior to or as part of the disposal process.

5. Implications for Scorecard Priorities

- 5.1 People- The closure of the public car parks will not unduly affect local people. The car parks are under used and there are alternative car parking facilities in the vicinity.
- 5.2 Place – The re use of this space is likely to have a positive benefit to the area. There is, with regard to Lower High Street an outstanding planning consent on an adjacent site at Chester Road (planning application DC08/49251 refs) and the availability of the Council owned site may kick start development.
- 5.3 Prospects- Any development in the area will improve the prospects for local residents.
- 5.4 Performance – The Highways service reviewed public car parking provision in the Borough in December 2013 (Key Decision AML038 refs) this report shows that Council assets are under constant review.

6. Background Details

- 6.1 A planning statement has been prepared for each site.

Source Documents

Planning Statement. September 2014

Equality impact Assessment, August 2014

Due Diligence form completed by legal services, December 2014