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Land and Asset Management Committee**1 October 2015****Disposal of Council Owned Public Pay and Display Car Park, Crocketts Lane, Smethwick****1. Summary Statement**

- 1.1 Following a review by Highway Services approval is sought to formally declare the Council owned public pay and display car park at Crocketts Lane, Smethwick (Drawing No. SAM/13240/013 attached) surplus to council requirements and to dispose of the freehold interest in the land.
- 1.2 As a result of the review, the Highways Service has identified a number of public car parks which are underutilised and potentially available for disposal.
- 1.3 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 park surplus to Council's requirement and to seek authority to dispose of the freehold interest in the site.
- 1.4 The freehold disposal would generate a capital receipt in the region of £XXXXXXX based upon an indicative development scheme of six semi-detached dwellings and there being no adverse ground conditions or title encumbrances. The net revenue saving per annum is estimated to be circa £XXXXXX.

Further details are attached for your information

2. Recommendation

That Cabinet be recommended to approve:-

- 2.1 That the Council owned land of the public car park at Crocketts Lane, Smethwick, as shown on Drawing No. SAM/13240/013, be declared surplus to the Council's requirements and the Director - Governance be authorised to dispose of the freehold interest on terms and conditions to be agreed by the Director- Regeneration and the Economy.
- 2.2 The Director - Governance enters into or executes under seal, where necessary, any other legal documentation in connection with the disposal of the land referred in 2.1 above on terms to be agreed by the Director - Regeneration and the Economy .

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3. Strategic Resource Implications

- 3.1 The Director - Regeneration and Economy estimates the freehold value in the region of £XXXXXXX.
- 3.2 Based on 2014/15 figures the car park generated an income of £XXXXXXX. However, costs for the same period were £XXXXXXX. Therefore, estimated net revenue saving of £XXXXXXX could be achieved if the site is disposed of.
- 3.3 There are no implications for the Council workforce.

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- 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 site remains in use for as long as possible before disposal with the Highways Service closing and securing the car park prior to disposal.
- 3.5 The Council has no strategic interest in the sites.

4. Legal and Statutory Implications

- 4.1 The results of a title investigation carried out by Legal Services has revealed the following:
- 4.1.1 the land is subject to the following rights for the benefit of adjoining land:
- a) Rights to use the drains, sprouting rights of way water light air and drainage and any other privileges or easements (if any) now enjoyed.
 - b) Full and free rights and liberty without obtaining the consent of or making any compensation to the Authority or other owners to deal with any matter whatsoever with any of the land adjoining opposite or near and to erect on such land any building whatsoever, whether such shall or shall not diminish the light or air
 - c) The free flow of water and soil or other service to and from any land owned by the vendor
 - d) The land is subject to rights granted by a Deed dated 1 December 1995 with Midland Cable Communications Limited
- 4.2 Part of the land is unregistered and any purchaser would take subject to the unregistered title and it is usual for an Indemnity Policy to be obtained by the Purchaser and consider obtaining ownership at some later date subject to exclusive possession requirements.
- 4.3 It is considered that all of the legal issues identified can be resolved prior to or as part of the disposal process.
- 4.4 The Council has the power to make a disposal or grant of a lease under the Local Government Act 1972 Section 123 and the General Disposal Consent (England) 2003 which allows councils to dispose of estates in land at less than best consideration (where the undervalue is less than £2,000,000) provided that the disposal will secure the promotion or improvement of the economic, social or environmental well-being of their

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areas. Councils are directed to have regard in this to their community strategy (in the case of Sandwell MBC the Sandwell Scorecard). This needs to be considered and will be formally agreed as part of the decision-making process.

5. Implications for Scorecard Priorities

- 5.1 People – The closure of the public car park will not unduly affect local people. The car park is under used and there is alternative parking provision within the vicinity.
- 5.2 Place – The development of this site is likely to enhance the locale particularly in regard to the proposed redevelopment of the adjacent former College site.
- 5.3 Prospects – Any development in the area will improve the prospects for local residents in terms of quality of life and options, dependent on the end use.
- 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 which states that the site is unallocated but lies within the wider allocation of SME3 (Windmill Eye) which identifies other sites in the vicinity for residential use. Its current use is for a car park. However, since the relocation of Sandwell College to new premises in West Bromwich, the car park has been underused. New development on the former college site for residential will not generate a need for its continued use. However, as it is located within a primarily residential area, residential redevelopment would be considered appropriate.
- 6.2 Given the shape of the site and access requirements, it is anticipated that this site could accommodate approximately 6 semi-detached dwellings.

Source Documents

Planning Statement June 2015

Equality Impact Assessment, July 2015

Due Diligence form completed by legal services, June 2015

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