

## **Report to the Leader of the Council**

**Subject:** Sale of the upper car park and associated land at Burntstump Country Park and the making of a new Off Street Parking Places Order

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### **Wards Affected**

- 1 Calverton

### **Purpose**

- 2 To seek approval to sell the land at Burntstump Country Park, Arnold shown edged red in the plan at Appendix 1 ("the Land") subject to the right for members of the public to be able to use the upper car park area shown coloured yellow in the plan at Appendix 1 ("the Car Park") at weekends and Bank Holidays during the period between April to September in each year and subject to the Car Park being removed from the current Off Street Parking Places Order.
- 3 To seek approval to sell the Land, without selling through the tender process as defined in Standing Orders for Dealings with Land, to the Office of the Police and Crime Commissioner for Nottinghamshire ("the Purchaser") for £98,500.
- 4 To seek approval to remove the Car Park, which comprises of 49 car parking spaces, from the current Off Street Parking Places Order ("Parking Order").

### **Key Decision**

- 5 This is not a Key Decision.

## Background

### Burntstump Country Park and its car park usage

- 6 The Council owns Burntstump Country Park shown hatched blue on the plan at Appendix 2 (“the Park”). The Park currently has two car parks which are used by members of the public visiting the Park. The lower car park shown coloured brown on the plan at Appendix 2 (“the Lower Car Park”) is frequently used and comprises of 71 parking spaces. Due to the locality of the Car Park, it is less favoured by Park visitors. It has 49 spaces which are rarely used except at weekends and on Bank Holidays during the period April to September in each year (“the Increased Demand Period”).

The Land which is proposed to be sold comprises of the following which are shown on the plan at Appendix 1:

Inaccessible Land - a fenced off inaccessible wooded area, which has not been used by the public for more than 15 years - shown coloured purple.

Car Park - the upper car park which has negligible use, except during the Increased Demand Period - shown coloured yellow

Access - access to the Car Park - shown coloured green and blue. Park visitors travel over the areas coloured green and blue to gain access to and egress from the Car Park. Council maintenance vehicles travel over the area coloured green to gain access to and egress from the Park when necessary. These rights of way will be preserved through the proposed sale.

Land - the entirety of the land which is proposed to be sold comprising the Inaccessible Land, Car Park and Access - shown edged red.

Request from the Purchaser to purchase the Land and arrangements for the Increased Demand Period

- 7 The Council has been approached by the Purchaser to purchase the Land. The Purchaser, would like to purchase the Car Park, along with the Access to create additional parking at their adjacent headquarters due to intensified operational use. During each week the Purchaser would only require use of the Car Park for the period Monday to Friday. The Purchaser, as part of their partnership working with the Council, has therefore agreed that if it was to purchase the Car Park it would allow the Council to continue to use the Car Park for visitors of the Park during the Increased Demand Period. Thus sale of the Land would result in there being 71 parking spaces available to visitors of the Park during the period Monday to Friday, which is sufficient based on current usage, and 120 parking spaces during the Increased Demand Period. To cover management of the Car Park during the Increased Demand Period, a legal agreement between the Purchaser and the Council would need to be prepared enabling the Council to assume responsibility for the Car Park at those times.

Inaccessible Land

- 8 Sale of the Car Park would render the Inaccessible Land, which is fenced off and has not been used by members of the public for many years, effectively unreachable from the Council's land by park maintenance vehicles. This Inaccessible Land measures approximately 1,200 square metres and is equivalent to less than 1 per cent of the area of the Park. This area is essentially a liability in terms of the potential costs associated with its future tree maintenance and it offers no substantial benefit to Park users as it is inaccessible. The Purchaser has agreed that if the sale proceeds it will also take on this area as it abuts its boundary.

Parking Order

- 9 The sale of the land would be subject to the Car Park being removed from the Council's current Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2014 ("the Parking Order"). There is no ticket machine

at the Car Park currently and income from the Car Park is negligible as well as this there are no issues in respect of visitors using the car parks at the Park to “park and ride” to other destinations thereby denying Park users the opportunity to park. Removal of the Car Park from the Parking Order is not likely to be detrimental to the enjoyment of the Park by visitors or to be financially onerous to the Council.

- 10 Removal of the Car Park from the Parking Order will therefore be proposed and the process of removal would commence as soon as possible so that if successful, the Order would be finalised along with the sale of the Land. As removal is not considered to be a minor variation, the current Parking Order will need to be revoked and a new Parking Order made with the Car Park being excluded.
- 11 At the same time as this variation it is also proposed that the Parking Order is modernised to allow for the introduction of parking bays for electric vehicles. As well as this other variations to the Parking Order have already been approved by way of previous decisions - the Council has previously approved the removal of the long stay area car park at Carlton Square and to add in two parking areas to be leased by Calverton Parish Council to the Council at St Wilfrid's Square (see previously approved reports at Appendix 3 and Appendix 4). It is proposed that all currently approved and, if approved, proposed variations are dealt with at the same time. Other than this, it is intended that the new Order is on the same terms as the current Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2014.
- 12 Before any variations to the Parking Order can be made the Council is required to carry out statutory consultations and to publicise the proposals. The Council will consider any representations made prior to the new Parking Order coming into force and sale of the Land will not proceed if, after consideration of those representations, it is decided that the Car Park should not be removed from the Parking Order.

Costs in relation to retaining the Land

- 13 There is a cost associated with holding the Land in the form of maintenance and resurfacing estimated to be approximately £175,000 every 20 years. There is also an annual cost of approximately £1,000 for minor repairs to the surface of the Car Park. If the Land was sold there would be a requirement, in the sale document, for the Purchaser to maintain the Car Park and Access to a standard that is acceptable for use as a car park. The Council would still contribute an amount to these maintenance costs due to the continued use during the Increased Demand Period. The annual amount of this contribution is estimated to be £1,000. The contribution towards resurfacing every 20 years is estimated to be £25,000.

Value of the Land and sale method

- 14 The disposal of the Land under s.123 of the Local Government Act 1972, requires disposal to be for the best consideration that can be reasonably obtained. The Council's Service Manager for Property has assessed that the best consideration that could reasonably be obtained from the sale of the Land in its existing use is £98,500 and this has been agreed as the sale price with the Purchaser. Due to there being a lack of other potential purchasers for land designated for car parking, located in a semi rural setting, the use of which is prohibited on certain Bank Holidays and weekends, it is considered that direct sale to the Purchaser will be the most effective method of sale rather than via the tender process as provided for in Standing Orders, as it will produce the highest receipt for the Land and will not incur any unnecessary marketing costs or wasted officer time.

Restrictions on use of the Land

- 15 Planning advice indicates that it would not be a straightforward matter to obtain planning permission to enable the Land to be put to a different use however, it is considered prudent to protect the Council's position should circumstances change in the future. For this reason there will be a restriction on the sale preventing the Land being used for anything other than car parking or its current uses. Should the Purchaser or its successors in title ever

wish to implement a different use it would not only have to obtain planning permission but would also have to revert to the Council in its capacity as previous land owner before implementing any change of use.

Requirements in relation to Standing Orders when selling land

- 16 The Council's Standing Orders for dealings with land state that

*The executive shall consult with the Chairman of the Overview and Scrutiny Committee and ward members before making any decision to dispose of any land or property other than the sale of council houses to sitting tenants pursuant to the right to buy.*

As this is a disposal other than sale of a council house the Chairman of the Overview and Scrutiny Committee and ward members have been consulted in accordance with the above and made no comment.

- 17 Council Standing Orders also state that

*In the case of the disposal of real property other than a house or houses and where the Corporate Director assesses the value of such property to be less than £20,000 he shall adopt such method of disposal as appears to him to be appropriate in the circumstances. In the case of the disposal of any other real property the sale shall be effected by tender in accordance with the following tender procedure unless the relevant Cabinet member authorises a different method of disposal after consultation with the Chairman of the Overview and Scrutiny Committee.*

As this is a disposal of real property other than a house for a value higher than £20,000 and the method of sale that is proposed is via direct sale to a special purchaser (the Purchaser) rather than via tender, the Chairman of the Overview and Scrutiny Committee has been consulted and made no comment.

**Proposal**

- 18 It is proposed:

- (a) that the Land be sold direct to the Purchaser for £98,500 without using the tender process as defined in the Standing Orders for Dealings with Land subject to the removal of the Car Park from the Parking Order and subject to the public being able to use the Car Park during the Increased Demand Period.
- (b) that the Deputy Chief Executive and Director of Finance in consultation with the Director of Organisational Development and Democratic Services be authorised to negotiate and approve the heads of terms for the sale of the Land in accordance with the proposals set out in this report and the legal agreement for the management of the Car Park during the Increased Demand Period.
- (c) that the Land is removed from the current Parking Order and that, if approved, these amendments are made at the same time as those proposed in relation to the car parks at Calverton and Carlton (see Appendix 3 and Appendix 4) and in respect of electric vehicle bays and that a new Order is made to reflect this but is otherwise on the same terms as the existing order, namely the Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2014 which will be revoked by the new Parking Order.
- (d) that the Deputy Chief Executive and Director of Finance in conjunction with the Director of Organisational Development and Democratic Services is authorised to take all necessary steps to revoke the existing Parking Order and bring into effect the new Parking Order in accordance with the proposals set out in the report, including consideration of objections received pursuant to the statutory consultation and any necessary decisions pursuant to the applicable regulations.

### **Alternative Options**

- 19 An alternative option could be for the Council to offer to sell an equivalent amount of car parking spaces (49 spaces), on similar terms to those proposed for the Car Park sale, from its more popular Lower Car Park. The only other

likely purchaser (other than the Purchaser) for spaces in the Lower Car Park is the adjacent private hospital which could use it for its patients, visitors and staff. However, when the Lower Car Park is full visitors of the Park are inconvenienced by having to park in the more remote Car Park. Under this scenario, this inconvenience would be likely to occur all year round, rather than in the Increased Demand Period only. As the Council's main priority in providing parking at Burntstump is for the use of Park visitors, pursuing an objective that would inconvenience them would not seem to be preferable. In addition, sale on this basis could prevent the Purchaser from being able to use their headquarters more efficiently and would mean that the Council would have to retain responsibility for the Inaccessible Land. For these reasons, sale on this basis would not be recommended.

- 20 Another alternative would be to sell the Land through the tender process as defined in Standing Orders. This would enable the sale of the Land to be effected in an open and transparent way with a wider audience being made aware of its availability for sale. However, it is not thought that there would be any other parties who would be interested in purchasing land in this remote area, part of which they would only be able to use outside of the Increased Demand Period. Therefore, sale by tender would be unlikely to achieve any higher value for the Land and could incur unnecessary marketing costs and waste officer time. Sale by tender would therefore not be recommended.
- 21 A final option would be to not sell the Land. As the Land currently produces little income for the Council, has management and maintenance liabilities (some of which would still apply in respect of the maintenance of the Car Park and Access) and there is no apparent requirement for the parking spaces outside of the Increased Demand Period, obtaining a capital receipt whilst Park visitors are able to park in the Car Park in the Increased Demand Period would be a more financially preferable alternative. Another consequence of not selling would be that the Council would retain the liability for the Inaccessible Land. Sale of the Land rather than retention would therefore appear to be a better alternative.

## **Financial Implications**



- 22 The income stream from the Car Park has been negligible since parking charges and parking enforcement were introduced.
- 23 The costs associated with holding the Land are in the form of a complete overhaul of the Car Park and Access which could include resurfacing, work to the base layers, realignment/replacement of the kerb stones and drainage works which would be required from time to time estimated to be approximately £175,000 every 20 years. In addition there are annual maintenance costs of approximately £1,000 for minor repairs to the surface of the Car Park. There are also costs associated with maintaining the Inaccessible Land.
- 24 There would still be costs associated with the Land if it was sold. These would be in the form of contributions towards the maintenance of the Car Park and Access. These costs would be proportionate and representative of the Council's use during the Increased Demand Period. The cost of overhauling every 20 years is still estimated at £175,000 even with the additional estimated usage of the Purchaser. This is because the expected increase in use of the Car Park is not likely to affect the overhaul expense or to shorten the 20 year cycle. The Council's contribution towards this resurfacing, every 20 years is therefore estimated at £25,000 every 20 years. The annual maintenance contribution would remain the same regardless of whether the Land was sold (estimated at £1,000). This is because the same amount of wear and tear attributable to the Council would still occur each year.
- 25 The Purchaser will contribute £1,200 towards the Council's legal costs in this matter.
- 26 The sale of the Land will bring in a capital receipt for the Council of £98,500.

## **Appendices**

- 27 Appendix 1 Plan showing the Land edged red, the Inaccessible Land coloured purple, the Car Park coloured yellow and the Access coloured green and blue.

- 28 Appendix 2 Plan showing Burntstump Country Park hatched blue, Burntstump Lower Car Park coloured brown and the Land edged red.
- 29 Appendix 3 Report to Cabinet - Sale of land at and grant of a Right of Way over Carlton Square Car Park, Carlton and the making of a new Off Street Parking Places Order.
- 30 Appendix 4 Report to Cabinet - Enforcement arrangements for the Calverton Parish Council's Car Parks at St Wilfrid's Square Calverton

### **Background Papers**

- 31 None identified.

### **Recommendation**

32 **THAT:**

- (a) approval is given to sell the Land direct to the Purchaser, for £98,500 without using the tender process as defined in the Standing Orders for Dealings with Land, subject to Park visitors being able to use the Car Park during the Increased Demand Period and subject to the removal of the Car Park from the Parking Order
- (b) the Deputy Chief Executive and Director of Finance in consultation with the Director of Organisational Development and Democratic Services be authorised to negotiate and approve the heads of terms for the sale of the Land and the legal agreement for the management of the Car Park during the Increased Demand Period in accordance with the proposals set out in this report.
- (c) the Car Park is removed from the Parking Order and that the Parking Order is modernised to allow for the introduction of parking bays for electric vehicles and that, if approved, these amendments are made at the same time as those proposed in relation to Calverton and Carlton (see Appendix 3 and Appendix 4) and a new Parking Order is made to reflect this but is otherwise on the same terms as the existing order, namely the

Gedling Borough Council (Civil Enforcement Off-Street Parking Places) Order 2014 which will be revoked by the new Order

- (d) the Deputy Chief Executive and Director of Finance in conjunction with the Director of Organisational Development and Democratic Services is authorised to take all necessary steps to revoke the existing Parking Order and bring into effect the new Parking Order in accordance with the proposals set out in the report, including consideration of objections received pursuant to the statutory consultation and any necessary decisions pursuant to the applicable regulations.

### **Reasons for Recommendations**

33 The reasons for these recommendations are as follows:

- (a) the Car Park is underused, except during the Increased Demand Period
- (b) Park visitors will still be able to use the Car Park during the Increased Demand Period which means that in real terms visitors to the Park will experience no loss of parking compared to that which currently exists
- (c) the Council will obtain a capital receipt
- (d) the capital receipt from entering into the sale of the Land is likely to be no less than that which could be achieved if the Land was sold in accordance with Standing Orders
- (e) sale of the Land will support partnership working with the Purchaser as it will assist them in being able to use their headquarters more efficiently
- (f) to enable parking bays for electric vehicles
- (g) to enable a new Parking Order to be made