

## CABINET

**18 OCTOBER 2022**

### **UNION PLACE CAR PARK, CHATHAM**

Portfolio Holder: Councillor Adrian Gulvin, Portfolio Holder for Resources

Report from: Sunny Ee, Assistant Director, Regeneration

Author: Des Andrews Senior Valuation Surveyor

#### Summary

This report seeks delegated authority for the Director of Place and Deputy Chief Executive, in consultation with the Portfolio Holder for Resources to:

- (i) Appropriate the above car park for planning purposes.
- (ii) Declare the car park surplus to requirements, so that it can be disposed of for development.

#### 1. Budget and policy framework

- 1.1 The capital receipt from the disposal, is likely to exceed £100,000 and this is therefore a matter for Cabinet.

#### 2. Background

##### 2.1. **Car park at Union Place, Chatham**

- 2.1.1 This car park site, as shown edged black on the attached plan at appendix A, to this report, is currently a pay and display car park, which is accessed from Union Place and then over private land at the rear of the adjacent former bingo premises.

- 2.1.2 The car park has 49 spaces and has seen a reduction in income over recent years, with both the Covid 19 pandemic and the closure of the adjacent former bingo premises. As a result, on average, only 45 Pay & display tickets are issued each month (around 0.3 transactions per space per day) and the average net income over the financial years of, 2021/22 and 2022/23 (we have not included the income for 2020/21 in the average due to Covid 19 and lockdowns, meaning that the figure for this year was low) from the car park is

only £15,634 per annum. It is considered that the demand for this car park can be catered for in other Council car parks.

2.1.3 It is recommended that Cabinet delegates authority to the Director of Place and Deputy Chief Executive, in consultation with the Portfolio Holder for Resources to:

- Appropriate the above car park for planning purposes.
- Declare the car park surplus to requirements, so that it can be disposed of for development.

### 3. Options

3.1 The site can either be retained or appropriated and then disposed of.

### 4. Advice and Analysis

4.1 Union Place car park is not well used and the income from it is low, if the car park was to close, then the demand for it could be accommodated at other Council car parks. Disposal of the site, will enable it to be developed, which will generate a capital receipt.

4.2 Disposal of the car park will enable a more comprehensive development of the area to take place, rather than just the former Bingo Hall site being developed in isolation.

### 5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Legal Challenge	The Council faces a Judicial Review on the Grounds it has not obtained best consideration from the disposal.	Appropriate the site for planning purposes and then offer it for sale on the open market and sell to the highest realistic bidder.	D3
Complaints about the loss of parking.	Local businesses and residents complain about the loss of parking.	As set out above, the car park is not well used and it is considered that those displaced from using the car park, will be able to be accommodated in other car parks.	D3

## 6. Consultation

- 6.1 The relevant service departments, and the Portfolio Holders for Resources and the Portfolio Holder and Front Line Services have been consulted about the disposal of the car park and have no objections.

## 7. Climate change implications

- 7.1 There are none directly relating to this report.

## 8. Financial implications

- 8.1 Disposal of the car park will generate a significant capital receipt, likely to be in excess of £100,000. The net average income of £15,634 pa will be lost as a result of the disposal of the Union Place car park, and if this is not recouped by customers using alternative Council car parks, this will be addressed through the 2023/24 budget build process.

## 9. Legal implications

- 9.1 The Council has a fiduciary duty and under Section 123 of the Local Government Act 1972, the Council is required to obtain best consideration when it disposes of or grants leases for over seven years of land and property, unless it is using the general disposals consent 2003 and the undervalue is less than £2,000,000 and the disposal will help to secure the promotion or improvement of the economic or environmental well-being of the area, or a specific approval is obtained from the Secretary Of State.
- 9.2 By appropriating the site for planning purposes, it can be disposed of using S233 of the Town & Country Planning Act 1990. This will enable the Council to disregard any bids, that would not secure the redevelopment of the site (such as those for existing use, which might be higher than the development value) without acting unlawfully.

## 10. Recommendations

- 10.1 It is recommended that the Cabinet agrees to, delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Portfolio Holder for Resources:
- 10.1.1 To appropriate the Union Place Car Park, Chatham for planning purposes.
- 10.1.2 Declare the car park surplus to requirements, so that it can be disposed of using Section 233 of the Town and Country Planning Act 1990 for development on the best terms reasonably obtainable.

## 11. Suggested reasons for decisions

- 11.1 To secure a capital receipt, and to enable development.

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Appendices

Appendix A: Plan of the Car Park at Union Place Chatham edged black

Background papers.

None