

## **Wyre Forest District Council**

### **Record of a Council Decision delegated to be made by an Officer**

This includes a record of an Executive Decision made by an officer under Regulation 13, Part 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Item decided:</b> To proceed with the disposal of part of Vale Road car park as agreed by Cabinet on 16 <sup>th</sup> September 2015.	
<b>Officer who has taken the decision</b>	Director of Economic Prosperity & Place
<b>Date of the decision</b>	14 <sup>th</sup> April 2016
<b>Reason for the decision/alternatives considered</b>	Delegated authority granted by Cabinet on 16 <sup>th</sup> September 2015; see attached report.
<b>Date and source of Delegated Decision (if appropriate)</b>	Cabinet 16 <sup>th</sup> September 2015.
<b>Council/Cabinet member consulted – if applicable</b>	Cabinet Member for Planning & Economic Regeneration and the Cabinet Member for Operational Services
<b>Any interest declared by the Consultee or officer</b>	None

## WYRE FOREST DISTRICT COUNCIL

### Disposal of part of Vale Road Car Park, Stourport

<b>OPEN</b>	
<b>DIRECTOR:</b>	Mike Parker
<b>CONTACT OFFICER:</b>	Mike Parker
<b>APPENDICES:</b>	Appendix 1 – Minute of Cabinet 16 <sup>th</sup> September 2015 Appendix 2 – Consideration of objections made to removal of car park from Car Park Places Order

#### **1. PURPOSE OF REPORT**

- 1.1 To provide the background to a decision taken by the Director of Economic Prosperity & Place to dispose of part of Vale Road car park, Stourport.

#### **2. DECISION**

- 2.1 **Subject to the receipt of any required consent from Worcestershire County Council relating to the removal of the car park from the Parking Places Order to dispose of part of Vale Road car park as agreed by Cabinet at the meeting on 16<sup>th</sup> September 2015.**

#### **3. BACKGROUND**

- 3.1 At the meeting of Cabinet on 16th September 2015 it was agreed that subject to planning permission being obtained for its residential redevelopment and subject to it being advertised for removal from the Car Park Places Order that part of Vale Road car park would be disposed of for redevelopment purposes. The resolution made at the meeting was to delegate authority to the Director of Economic Prosperity & Place to proceed with the disposal once planning permission and the Car Park Places order had been dealt with, in consultation with Cabinet Members for Planning & Regeneration and Operational Services (see Appendix 1)
- 3.2 Subsequent to that decision a planning application was made in outline for six residential plots in October 2015 (15/0624/OUTL) and was approved in February 2016.
- 3.3 Further, in March 2016, formal advertisement of the intention to remove that part of the car park from the Wyre Forest District Council (Off Street Parking Places) Order 2015 (no2) was undertaken and the objections received and responses are set out in Appendix 2 to this report. The decision has been made and agreed by the Cabinet Members for Planning & Economic Regeneration and Operational Services to remove that part of the car park identified for disposal from the Parking Places Order.
- 3.4 The proposal involves the removal of 0.14Ha of the car park (roughly 48 of the 72 spaces) to be combined with the already redundant public toilets to form the development site, leaving roughly 24 parking spaces for public use.

#### **4. KEY ISSUES**

- 4.1 The Cabinet has already acknowledged that the Vale Road car park is not used sufficiently regularly enough at its optimum capacity to ensure that revenue received covers the costs of retaining the car park as an operational public car park and that therefore a part of it should be disposed of. This will both assist the Council's financial position as well as releasing land for much needed housing in a sustainable location in the town.
- 4.2 The proposal involves the removal of 0.14Ha of the car park (roughly 48 of the 72 spaces) to be combined with the already redundant public toilets to form the development site, leaving roughly 24 parking spaces for public use.
- 4.3 The Director of Economic Prosperity & Place has liaised with the Cabinet Members for Planning & Economic Regeneration and Operational Services and determined that the part of the car park originally identified for disposal should now be disposed of.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 The disposal of the site will generate a capital receipt for the Council and it has already been agreed by Cabinet that the capital receipt from the sale of the car park and toilet block will be put into the Evergreen Investment Fund for future investment to generate a revenue return for the council.

#### **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 The Council has met all the pre requisites for the disposal of the land as set out by Cabinet, namely the obtaining of planning permission and the advertising and consideration of objections to the removal of the land from the Car Park Places Order.

#### **7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 Not applicable.

#### **8. RISK MANAGEMENT**

- 8.1 Surveys of usage indicate that whilst there may be an under capacity of spaces on certain occasions, the intended retention of 24 or so spaces will be sufficient to meet most daily requirements. The risk of not proceeding with the part disposal of the site is that the current net revenue cost to the Council to maintain the car park will continue.

#### **9. CONCLUSION**

- 9.1 The Director of Economic Prosperity & Place has decided in consultation with the Cabinet Members for Planning & Economic Regeneration and Operational Services to dispose of part of Vale Road car park as agreed by Cabinet in September 2015.

#### **10. CONSULTEES**

- 10.1 Corporate Leadership Team.

## **11. BACKGROUND PAPERS**

- 11.1 Cabinet Report September 2015
- 11.2 Planning Application 15/0624/OUTL

**WYRE FOREST DISTRICT COUNCIL**  
**CABINET MINUTE**  
**16TH SEPTEMBER 2015**

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**CAB.33 Disposal of Land at Vale Road, Stourport-on-Severn**

A report was considered from the Director of Economic Prosperity and Place which asked Members to agree the disposal of land at Vale Road, Stourport-on-Severn forming part of the public car park and disused public toilets.

The Cabinet Member for Planning and Economic Regeneration took Members through the report and advised that over the last three years there had been a significant drop in the usage of the car park. The public conveniences on the site had been closed since 2014 and were becoming unsightly. The proposals for the land would result in fewer parking spaces which would meet the local parking need.

**Decision:**

- 1. Delegated authority be granted to the Director of Economic Prosperity & Place, in consultation with the Cabinet Member for Planning & Economic Regeneration and the Cabinet Member for Operational Services to:**
  - a) Agree terms for and dispose of land at Vale Road, subject to obtaining planning permission for residential development, for a capital receipt that will be made available for the Evergreen Investment Fund.**
  - b) Advertise the removal of part of the Vale Road Car Park in the Wyre Forest (Off-Street Parking Places) Order 2015 No 2 (“the Parking Places Order); to consider any objections made as a result of the advertisement; and, following such consideration, to decide whether the car park should be removed from the Parking Places Order.**

## WYRE FOREST DISTRICT COUNCIL

**Disposal of part of Vale Road Car Park, Stourport – Consideration of objections raised in respect of removal of part of car park from Wyre Forest District Council (Off – Street Parking Places) Order 2015 (no2)**

OPEN	
<b>DIRECTOR:</b>	Mike Parker
<b>CONTACT OFFICER:</b>	Mike Parker
<b>APPENDICES:</b>	List of objections and comments received and responses,

### **1. PURPOSE OF REPORT**

- 1.1 To consider the objections raised in respect of the advertising of the removal of part of Vale Road car park from the WFDC (Off-Street Parking Places) Order 2015 (no 2) and to agree to the removal of the spaces in order to dispose of part of the car park for residential redevelopment.

### **2. DECISION**

- 2.1 **Subject to the receipt of any required consent from Worcestershire County Council, the removal of part of the car park at Vale Road, Stourport from the Wyre Forest District Council (Off-Street Parking Places) Order 2015 (no2) should proceed as advertised.**

### **3. BACKGROUND**

- 3.1 At the meeting of Cabinet on 16th September 2015 it was agreed that subject to planning permission being obtained for its residential redevelopment and subject to it being advertised for removal from the Car Park Places Order that part of Vale Road car park would be disposed of for redevelopment purposes. The resolution made at the meeting was to delegate authority to the Director of Economic Prosperity & Place to proceed with the disposal once planning permission and the Car Park Places order had been dealt with, in consultation with Cabinet Members for Planning & Regeneration and Operational Services (see attached)
- 3.2 Subsequent to that decision a planning application was made in outline for six residential plots in October 2015 (15/0624/OUTL) and was approved in February 2016. Further, in March 2016, formal advertisement of the intention to remove that part of the car park from the Car Park Places Order was undertaken and the responses received have been presented and responded to in Appendix 1 to this report.
- 3.3 The proposal involves the removal of 0.14Ha of the car park (roughly 48 of the 72 spaces) to be combined with the already redundant public toilets to form the development site, leaving roughly 24 parking spaces for public use.

### **4. KEY ISSUES**

- 4.1 The advertising of the removal of the parking spaces from the Car Park Places Order generated responses from 5 sources; two comments (rather than objections) from Worcestershire County Council (expressing concerns at parking displacement) and

West Mercia Police (no objection); an objection from a Stourport Town Councillor (but not confirmed as on behalf of the Town Council) and two individuals who live opposite the car park. Although the County Council has not objected, whether any further consent to remove the car park from the Places Order is currently being clarified.

- 4.2 All responses have been summarised in the Appendix with a considered response to each. It is fair to say that no new matters were raised at this juncture that had not been considered and repeated at length as part of the consideration of the planning application. In fact respondents supported their objections at this stage by referring back to their comments made at the time of the planning application. Having analysed the objections and considered them each, carefully, it is still recommended to proceed with the removal of that part of the car park from the Places Order as advertised to enable its disposal.

**5. FINANCIAL IMPLICATIONS**

- 5.1 There are none associated with this decision; it has already been agreed by Cabinet that the capital receipt from the sale of the car park and toilet block will be put into the Evergreen Investment Fund for future investment to generate a revenue return for the council.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 As a consequence of advertising the removal of part of the car park from the WFDC (Off-Street Parking Places) Order 2015 (no 2) the Council has to consider any objections made.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 Not applicable.

**8. RISK MANAGEMENT**

- 8.1 There is a risk associated with this decision that the remaining parking spaces at the site available for the public will be insufficient to meet the needs of the local community, but surveys of usage indicate that whilst this may be true at certain occasions, the intended retention of 24 or so spaces will be sufficient to meet most daily requirements. The risk of not proceeding with the part disposal of the site is that the current net revenue cost to the Council to maintain the car park will continue.

**9. CONCLUSION**

- 9.1 Having considered the responses to the advertisement to remove part of the car park from the Car park Places Order, the conclusion is that the removal should proceed as planned.

**10. CONSULTEES**

- 10.1 Corporate Leadership Team.

**11. BACKGROUND PAPERS**

- 11.1 Cabinet Report September 2015  
11.2 Planning Application 15/0624/OUTL

## Wyre Forest District Council (Off – Street Parking Places) Order 2016

Vale Road, Stourport on Severn

Consideration of objections received in response to public consultation.

<b>Respondent: Worcestershire County Council</b>	(comment only, not objection)
1. Proposal will displace cars into nearby residential streets esp Mitton Close where shortage of parking for residents will be exacerbated at busy times.	<b>Response:</b> Assessment of normal day to day parking usage of the car park indicates that the proposed retention of circa 24 parking spaces to continue to operate as a public car park will meet demand and therefore minimise displacement of vehicles.
<b>Respondent: West Mercia Police</b>	(No objection)
<b>Respondent: Cllr Dixon Sheppard, Stourport Town Councillor</b>	(Objection)
1. Land was gifted by Thomas Vale to Stourport UDC for use as a car park.	<b>Response:</b> Factually incorrect; the land was sold to the then Stourport UDC for £1,000 in 1947 with no limit on its usage.
2. Stourport Town Council had voted to object to reduction in size of car park.	<b>Response:</b> No objection has been received from the Town Council body
3. Information used to justify reduction was flawed as it did not account for periods when the car park payment meter was out of action.	<b>Response:</b> The meter income reported in the report to Cabinet in September was the total meter income for the years 2012/13, 2013/14 and 2014/15, this is the gross income received during those complete financial years. It is accepted that income received during the 2014/15 financial year was lower than in previous years and the Cabinet report suggested that may be because of a shift of patronage to the new Tesco store; it appears that in fact the ticket machine was not operable for periods due to a fault with the electrical supply to the site caused by the decommissioning of the public conveniences. Nevertheless if the net income position is considered i.e. after taking into account costs for emptying of payment machines, enforcement, rates payable, cleansing, maintenance etc which are apportioned across all of the Council's car parks and even discounting the 2014/15 financial year, the car park simply does not generate sufficient income to justify its retention in its entirety (-£1275 in 13/14 and £1548 in 12/13). If projections are made as to what the 14/15 income might have been if the ticket machine was fully operational, based on previous years data including identical annual costs, then the net income would still be - £2400 which would not alter the position that the car park in its entirety is

	not generating sufficient revenue to warrant keeping it open in full. The Council's Finance Manager has also predicted income for the remainder of the current financial year based on previous data and assuming costs as at 2013/14 and still there is projected to be a loss of -£1362.
4. Catholic Church and residents are against the proposal	<b>Response:</b> No objection has been received from the Church.
5. Reduction in size of car park will force cars onto adjacent streets at times.	<b>Response:</b> Assessment of normal day to day parking usage of the car park indicates that the proposed retention of circa 24 parking spaces to continue to operate as a public car park will meet demand and therefore minimise displacement of vehicles.
6. People in Stourport at "fed up with Kidderminster Wyre Forest District Councillors interfering with matters affecting Stourport only".	<b>Response:</b> Not a properly articulated objection, cannot be considered.
<b>Respondent: Christine Short</b>	(Objection)
1. Council has failed to produce its own proper survey usage over a prolonged period.	<b>Response:</b> Information presented to Planning Committee as part of the planning application brought together usage information provided by the applicant, by objectors and recorded independently by the case officer dealing with the planning application. None of the information provided conclusive evidence that the car park was being consistently used at an optimal level such that there was a positive net revenue position i.e. the car park is consistently underused and is being run at an overall loss to the council and local Council Tax payers.
2. Applicant has ignored important material facts and evidence and has railroaded the [planning] application through, rendering the process potentially unlawful.	<b>Response:</b> Unable to address this objection in detail as no clarification provided regarding the 'material facts and evidence' referred to.
3. (from planning application objection) Occupants and visitors to Mitton Lodge rely on public car park [and have purchased season tickets to use there] and have no other alternatives at this end of the town. Others also rely on access to the car park e.g the adjacent Church. The Council's usage figures do not represent the true levels of usage.	<b>Response:</b> Assessment of normal day to day parking usage of the car park indicates that the proposed retention of circa 24 parking spaces to continue to operate as a public car park will meet demand and therefore minimise displacement of vehicles. Purchase of a season ticket does not guarantee the availability of a space in any car park. Information presented to Planning Committee as part of the planning application brought together usage information provided by the applicant, by objectors and recorded independently by the case officer dealing with the planning application. None of the information provided

	conclusive evidence that the car park was being consistently used at an optimal level such that there was a positive net revenue position i.e. the car park is consistently underused and is being run at an overall loss to the council and local Council Tax payers.
4. (from planning application objection) Thomas Vale left the land for parking purposes and documentation to prove this has been mislaid.	<b>Response:</b> Factually incorrect; the land was sold to the then Stourport UDC for £1,000 in 1947 with no limit on its usage. The documents are available for inspection on the Council's website.
5. (from planning application objection) Removing the car parking spaces will undermine the town's attractiveness as a tourist destination.	<b>Response:</b> Most, if not all, of the tourism traffic is focussed on the Riverside Meadows car parks which are more proximate to the town's attractions. It is not felt that the loss of spaces at Vale Road will have an impact on the town's tourism economy.
6. (from planning application objection) Occupants of the new houses will be in danger because of the speed and level of traffic along Vale Rd and the Council has done nothing to address this already.	<b>Response:</b> Occupants of the proposed new properties will be at no greater risk from the Vale Road traffic than residents of other properties in the vicinity nor users of facilities such as the Church. It will be for any developer to provide an appropriate layout of houses that protects as far as possible intended residents and existing users of the highway. Matter of traffic speed and alternative routes are not matters dealt with by the district council but are for the County Council.
7. (from planning application objection) Figures regarding revenue taken by the ticket machine are unreliable as the machine was not working for some lengthy periods.	<b>Response:</b> The meter income reported in the report to Cabinet in September was the total meter income for the years 2012/13, 2013/14 and 2014/15, this is the gross income received during those complete financial years. It is accepted that income received during the 2014/15 financial year was lower than in previous years and the Cabinet report suggested that may be because of a shift of patronage to the new Tesco store; it appears that in fact the ticket machine was not operable for periods due to a fault with the electrical supply to the site caused by the decommissioning of the public conveniences. Nevertheless if the net income position is considered i.e. after taking into account costs for emptying of payment machines, enforcement, rates payable, cleansing, maintenance etc which are apportioned across all of the Council's car parks and even discounting the 2014/15 financial year, the car park simply does not generate sufficient income to justify its retention in its entirety (-£1275 in 13/14 and

	<p>£1548 in 12/13). If projections are made as to what the 14/15 income might have been if the ticket machine was fully operational, based on previous years data including identical annual costs, then the net income would still be - £2400 which would not alter the position that the car park in its entirety is not generating sufficient revenue to warrant keeping it open in full. The Council's Finance Manager has also predicted income for the remainder of the current financial year based on previous data and assuming costs as at 2013/14 and still there is projected to be a loss of -£1362.</p>
8. (from planning application objection) Other car parks in Kidderminster are empty overnight but are not closed down because they are needed during the day; not all car parks are full all of the time.	<b>Response:</b> It is indeed fair to say that not all car parks are full all of the time as there is always turnover of vehicles and busy and quiet periods; but what is important is that individual car parks are not considered in isolation and their the overall usage is considered. In the case of Vale Road the overall use is not substantial enough to justify maintaining the whole car park and when considered in the context of the relationship to the town, to the main town attractions and to other car parking available in the vicinity, it is considered that a reduced amount of parking at the location will meet most everyday needs.
<b>Respondent: Alan Wheeler</b>	(Objection)
1. National Planning Policy Framework (NPPF) principles regarding 'sustainability' not followed.	<b>Response:</b> The planning application dealt with matters pertaining to the NPPF which was the correct and proper place for that to take place. The case officer took advice from the Council's Planning Solicitor in preparing the report to Planning Committee.
2. No contact with adjacent Church or Diocese regarding impact on them.	<b>Response:</b> The planning application was advertised in the proper manner and the Church were one of the objectors who responded. The notice of the proposals was displayed at the site throughout the period for objections.
3. Data used to support reduction in car park size was 'faulty'.	<b>Response:</b> The meter income reported in the report to Cabinet in September was the total meter income for the years 2012/13, 2013/14 and 2014/15, this is the gross income received during those complete financial years. It is accepted that income received during the 2014/15 financial year was lower than in previous years and the Cabinet report suggested that may be because of a shift of patronage

	<p>to the new Tesco store; it appears that in fact the ticket machine was not operable for periods due to a fault with the electrical supply to the site caused by the decommissioning of the public conveniences. Nevertheless if the net income position is considered i.e. after taking into account costs for emptying of payment machines, enforcement, rates payable, cleansing, maintenance etc which are apportioned across all of the Council's car parks and even discounting the 2014/15 financial year, the car park simply does not generate sufficient income to justify its retention in its entirety (-£1275 in 13/14 and £1548 in 12/13). If projections are made as to what the 14/15 income might have been if the ticket machine was fully operational, based on previous years data including identical annual costs, then the net income would still be - £2400 which would not alter the position that the car park in its entirety is not generating sufficient revenue to warrant keeping it open in full. The Council's Finance Manager has also predicted income for the remainder of the current financial year based on previous data and assuming costs as at 2013/14 and still there is projected to be a loss of -£1362.</p>
4. No proper vehicle usage count undertaken & insufficient weight given to photographic evidence of usage.	<p><b>Response:</b> Information presented to Planning Committee as part of the planning application brought together usage information provided by the applicant, by objectors and recorded independently by the case officer dealing with the planning application. None of the information provided conclusive evidence that the car park was being consistently used at an optimal level such that there was a positive net revenue position i.e. the car park is consistently underused and is being run at an overall loss to the council and local Council Tax payers.</p>
5. Elderly residents of Mitton Lodge may be affected as carers may not be able to park.	<p><b>Response:</b> Assessment of normal day to day parking usage of the car park indicates that the proposed retention of circa 24 parking spaces to continue to operate as a public car park will meet demand and therefore minimise displacement of vehicles.</p>
6. Reduction in cost of maintaining car park and emptying machines will not be achieved as still have to service smaller car park remaining.	<p><b>Response:</b> It is acknowledged that there will still need to be attendance at the site incurring costs but as the area of the car park is reduced the cost of repairs and</p>

	maintenance will be reduced as will the NNDR commitment thereby reducing costs.
7. A new set of charges could be introduced to make the car park viable.	<b>Response:</b> The Council reviewed its district wide car parking charges a number of years ago to ensure that charges were fair, equitable and consistent across the three towns in the district; establishing a new set of charges for this car park alone would introduce the element of inconsistency the previous review sought to eradicate. At that time of that review, parking on Vale Road car park was completely free and there were very strong objections at that time to the introduction of charging, so it is to be expected that any increase in charging for this car park in isolation would generate significant opposition as well as probably further reducing its usage as drivers favoured other cheaper alternatives in the town.
8. More investigation and justification would be required if a similar decision were being taken in the private sector.	<b>Response:</b> The decision to dispose of part of the car park was taken by the Council's Cabinet following consideration of a report which provided sufficient justification such that Cabinet agreed the proposal.