

**Decision Session - Executive Leader
(incorporating Finance and Performance)**

20 November 2017

Report of the Corporate Director of Economy and Place

Land at Bootham Row Car Park

Summary

1. This report sets out further information relating to the decision taken at the September Executive meeting relating to the sale of a strip of land at Bootham Row Car Park, following receipt of an alternative formal offer to buy the land .

Recommendations

2. The Executive Member is asked to :

Confirm the Executive decision to continue with the disposal of land at Bootham Row to Bootham Developments LLP for the revised sum of £165,000.

Reason: To achieve a capital receipt and improve the environment and public realm of Bootham Row and the surrounding area.

Background

3. On 28th September the Executive approved the sale of a strip of land at Bootham Row Car Park to Bootham Developments LLP for the sum of £155,000.
4. The off market sale was approved to achieve a capital receipt and improve the environment and public realm of Bootham Row and the surrounding area. At the time of that meeting the offer was considered to achieve a market value and was judged to be best consideration.
5. On 20th October 2017 a formal offer was received from Mr Steve Hull, who owns Aspire House to purchase the property for the sum of £180,000. His proposal is to:

1) Use the land for car parking for his business tenants at Aspire House.

2) The land will be tidied up with new surfacing, repair/replacing kerbstones, tree/shrub planting, and making the area much more aesthetically pleasing.

6. Bootham Developments LLP were then approached to confirm their best and final offer and they then increased their offer from £155,000 to £165,000.

7. Their agent has emphasised the benefit of a sale to them as follows:

1) "This land is to be used as a 'pocket park' in the future. Bootham Developments will accept a condition that there will be no parking on this land at all and will agree a plan with the Council to create this pocket park which will benefit everyone, once planning is granted. The exact size/specification will be agreed with officers prior to a new planning application being made.

2) Bootham Developments will create a living, breathing frontage to this street as their building will front onto this land. The intention is to substitute a new planning application for the existing one, which has no real frontage, with one with a frontage to the street, which will dramatically enhance the area and bring it back to life. We believe this is very important for York residents. Life in a street is crucial and this bit of York has turned its back on that.

3) In addition the Conservation officer would like the rear elevation to be opened up to the rear car park to bring 'life' to this frontage. This will NOT happen if Bootham Developments do not have the area to the front. Bootham Developments will remove the eyesore buildings in this street as part of the re-development which can only be good for everyone in York. This may not happen without the land.

4) The fact there will be a retail frontage to Bootham Row means that the area will be looked after and the dumping of rubbish, and will create a decent access into the city centre, from the main car park. This is sorely lacking at the present time and presents a poor image to locals and tourists alike. This is a forgotten area which needs to be remembered and used properly and this is a once in a generation chance to 'get it right'.

Consultation

8. This report has been written in consultation with the Council's Capital and Asset Board and Parking Services.

Options

9. Option 1 – Sale of the land to Mr Steve Hull for £180,000.
This will achieve the highest capital receipt for the Council and provide environmental benefits by way of resurfacing, tree/shrub planting and repairs/replacement to kerb stones. However, the land will remain as a car park. This option will not achieve the level of improvements to the environment and public realm in the area offered by option 2, and may also mean that unsightly buildings in the vicinity will not be redeveloped. There is no logic to selling a car park for use as a car park by a private operator with no prospect of significant improvement to public realm and landscaping. Should this option be chosen, the matter will have to be referred back to the Executive for a final decision, because this will not be in accordance with the original decision made by the Executive, or the reasons for that decision.

Option 2 – Sale of the land to Bootham Developments LLB for £165,000
This option will provide improvements to the public realm and the setting of the conservation area and listed buildings. The redevelopment will entail the demolition of the unsightly buildings adjacent to the site and the creation of a 'frontage' to the rear facing the remaining car park. The capital receipt achieved will be lower but, as was detailed in the original Executive report of 28th September

'The sale will provide the following improvements for local residents

- a) Provision of a new footpath where none exists at present.
- b) Attractive paved and landscaped open space.
- c) Trees
- d) Improved street design.

These improvements will enhance the environment of the immediate area by changing what is currently an unattractive access to the car park into an attractive landscaped area with the loss of only a small area of motorcycle and car parking space which can be absorbed into the remainder of the car park'

10. Council Plan

These proposals contribute towards providing a prosperous city for all, where local businesses can thrive and provide good quality housing.

11. Implications

Financial - The council budgets for £377k income from Bootham Row car park and the loss of 5 spaces will impact revenue estimated at circa £7kpa. Car park income is a key income generator for the council (£5.7m budget) and variations will be reported to Executive through the regular monitoring regime

The sale to Mr Hull will result in a higher capital receipt totalling £15k. However it is possible that the alternative arrangements could reduce income to the council as the tenants / business visitors at Aspire House would have a nearby alternative facility to the council car park at Bootham Row.

Human Resources (HR) – There are no human resources implications.

Equalities – There are no equalities implications.

- **Legal** - Section 123 of the Local Government Act 1972 authorises the Council to dispose of non-housing land without the consent of the Secretary of State (for Communities and Local Government) provided that the best consideration reasonably obtainable is being obtained. The Council can still sell non-housing land without the Secretary of State's specific consent for less than best consideration/full open market value provided that:
 - (i) the difference between the price obtained and full market value does not exceed £2 million and
 - (ii) the Council (acting reasonably and properly considers) that the disposal will facilitate the improvement of economic, environmental or social well-being of the area.

Given that there is now a credible offer to purchase the land at a higher price than originally agreed any disposal to Bootham Developments should be regarded as a sale for less than best consideration. The Leader could, however, take a reasonable view that the factors set out in paragraph 7 above will facilitate the improvement of the well being and particularly the environmental well being of the area and therefore justify such a disposal.

Crime and Disorder – The improvement of the public realm will make the environment safer for pedestrians

Information Technology (IT) – There are no IT implications

Property – Implications are included in this report.

Risk Management

12. The loss of car parking space is very small and is unlikely to have any significant impact on parking provision in the city.

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**Report
Approved**



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Wards Affected: Guildhall

For further information please contact the author of the report

Background Papers:

[Council Executive report – 28th September and Council Executive minutes](#)

Annexes

Annex 1 – site plan