

LONDON BOROUGH OF NEWHAM

LOCALISM ACT 2011

ASSETS OF COMMUNITY VALUE

NOTICE OF DETERMINATION OF COMMUNITY NOMINATION

1. On 16 November 2014 Mr Robert Gordon on behalf of Canning Town North Labour Party submitted a Community Right to Bid Nomination Form, seeking to have Maud Street Car Park, Canning Town listed as an asset of community value pursuant to the provisions of the Localism Act 2011.
2. The Community Nomination sought the listing as an asset of community value of Maud Street Car Park as shown edged on the plan comprising Appendix 1 to this notice. The owner and occupier of the land is the London Borough of Newham.
3. The applicant made it clear in the nomination that it was concerned about the loss of the car park for the general public and the impact that would have upon local residents and businesses.
4. The Council had made two traffic orders which removed parking control over the land and whilst objections had been made and were considered, the traffic orders were confirmed on 8 December 2014.
5. In addition the Council had proposed to appropriate the land from parking to planning purposes and objection had also been made to that proposal. Whilst the 1,288 objections were considered, the land was appropriated by the Council for planning purposes on 23 January 2015.
6. The Applicant had noted that the car park had closed and works by or for the Council has commenced. Planning permission for works had been obtained some years previously and on the site of the car park, the permission was for the erection of a residential block.

7. The Applicant did not consider that adequate parking provision had been made which would impact adversely upon residents and businesses, and this application was made to try to preserve the car park for public use.
8. In giving its reasons for nominating the land for listing as an asset of community value, the applicant stated that it regarded the car park as a key resource for the local residents and businesses in Canning Town.
9. Section 88(1) of the Localism Act 2011 provides that land is of community value if in the opinion of the Authority:
 - a. An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - b. It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing of social interests of the local community.
10. Section 88(2) of the Localism Act 2011 provides that land which is not of community value under the criteria of Section 88(1) is land of community value if in the opinion of the Authority.
 - a. There is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - b. It is realistic to expect that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
11. Section 88(1) of the Act is not applicable in this case as there is no actual current use of the land which furthers the social interests or social wellbeing of the local community. The land has ceased to be used as a car park. Consequently the Community Nomination must rely on Section 88(2), that there was a time in the

recent past, i.e. when the car park was being used as such, that such use furthered the social wellbeing or interests of the local community.

12. The Applicant whilst aggrieved at the closure of the car park and fearful for the impact on local residents and businesses if there is inadequate parking provision in the area, has not made representations upon how it is realistic to expect that there is a time in the next five years when the land would be put to a use which would further the social wellbeing or interests of the local community.

13. DECISION

1. Maud Street Car Park, the subject of the Community Nomination by Canning Town North Labour Party and shown edged on the plan comprising Appendix 1 does not fulfil the criteria of Section 88(2) of the Localism Act 2011 and is not of community value.
2. Pursuant to Section 90(5) of the Localism Act 2011 the Community Nomination is unsuccessful and the subject land will not be included in the Council's list of Assets of Community Value.

14. Reasons for the Decision

1. It is accepted that until recently the land has been used as a public car park. However the use of the land for the purpose has been available to the public generally and not just to those in the local community. Consequently whilst that use furthered social wellbeing or social interests generally that social use was not centered on the local community alone and could not be limited to furthering the social wellbeing or social interests of the local community, but was extended to the world at large. As such the use did not fulfil the criterion of Section 88(2)(a).
2. No representations have been made as to it being realistic to expect that there is a time within the next five years when there could be a use of the land that would further the social wellbeing or social interests of the local community. Indeed it is noted that planning permission for development on the land has been granted and that the permission is being implemented. Consequently it is

not considered that it is realistic to expect that there could be a use within the next five years that would further the social wellbeing or social interests of the local community. As such the future potential use of the land does not fulfil the criterion of Section 88(2)(b).

Signed: Zoe Power

Zoe Power, Interim Head of Property (Newham)
For and on behalf of the London Borough of Newham

Date: 24th April 2015