

DUDLEY METROPOLITAN BOROUGH

CENTRAL DUDLEY AREA COMMITTEE

31st MARCH 2005

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

APPLICATIONS IN RESPECT OF LAND AND PROPERTY OWNED BY THE COUNCIL

1. PURPOSE

- 1.1 To bring to the Committee's attention requests relating to land and property controlled by the Council and to seek the Committee's recommendations on those requests.

2. BACKGROUND

- 2.1 The Council has interests in a substantial amount of land and property across the Borough, those interests being controlled by the Council's various departments.
- 2.2 Requests are received from the public on a regular basis for property related matters such as purchases, leases, licences, easements and access agreements. Those requests are dealt with by the Directorate Law and Property who carry out a consultation process with the Council's relevant departments before preparing a report for Committee to consider.
- 2.3 Reports for this Committee are attached as appendices and the proposal resulting from the consultation on each particular request is set out at the end of each appendix. A plan is provided where required.

3. PROPOSAL

- 3.1 The proposal is set out at the end of each report in the appendices.

4. FINANCE

- 4.1 In general terms, easement and access agreements each generate a capital receipt for the Council. The sale of the land generates a capital receipt for the Council, the size of which would depend on a valuation placed on the site by the Director of Law and Property and the price finally agreed between the parties.

5. LAW

- 5.1 Section 123 of the Local Government Act, 1972 enables the Council to dispose of its interests in land at the best price reasonably obtainable.
- 5.2 Section 123(2A) of the Local Government Act, 1972 requires the Council prior to any disposal of open space to advertise notice of its intention to do so for two consecutive weeks in a newspaper circulating in the area in which the land is situate and to consider any objections which may be made.

- 5.3 The various statutory undertakers will have statutory powers to install equipment in Council owned land, but they do apply to the Council for a formal agreement, such as an easement, on a regular basis.
- 5.4 Section 32 and 34 of the Housing Act, 1985 and the General Consents for the disposal of Houses and Land, 1999, enable the Council to let and dispose of land and buildings held for housing purposes at the best price reasonably obtainable.
- 5.5 Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 enables the Council to apply provision to any land it sells restricting its future use, provided the relevant section of the Act are specifically referred to in the transfer document and are registered as a local land charge.
- 5.6 Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.
6. EQUAL OPPORTUNITIES
 - 6.1 The proposals take into account the Council's equal opportunities policies.
7. RECOMMENDATION
 - 7.1 That the proposals contained in each of the attached appendices be approved.
8. BACKGROUND PAPERS
 - 8.1 See individual appendices.



DIRECTOR OF LAW AND PROPERTY

Contact Officers:

Gill Hudson, Property Manager, Ext. 5311
Sonia McLean, Property Manager, Ext. 5321
Alan Nugent, Property Manager, Ext.5351

APPENDICES

CENTRAL DUDLEY AREA COMMITTEE

DATE: 31ST MARCH 2005

DISPOSAL OF SITE

LOCATION: SITE OF FORMER 49 AND 51 PINE ROAD, DUDLEY
(As shown on the plan attached)

BACKGROUND

There is an area of land in Pine Road, Dudley that is controlled by the Directorate of Housing and was the site of 49 and 51 Pine Road. Pine Road is within the Priory estate that is a large Council housing estate within the central Dudley Housing area. The two properties on the site were demolished some years ago due to subsidence and the site has laid empty since.

The Directorate of Housing have put this site forward for disposal as there are issues of anti-social behaviour on the land and it is considered preferable for the land to have some beneficial use for residential development rather than leave it open. Currently youths congregating on the land and cause a nuisance to the residents.

COMMENTS

The relevant Council Directorates have been consulted regarding the disposal of the site and no objections have been received.

PROPOSAL

That the Area Committee advise the Cabinet Member for Housing to declare the site surplus to requirements and added to the land disposals programme, to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Gill Hudson, Property Manager, Ext. 5311

APPENDICES

CENTRAL DUDLEY AREA COMMITTEE

DATE: 31 MARCH 2005

APPLICATION FOR VEHICULAR ACCESS ACROSS LAND AT:

LOCATION: GADS GREEN, NETHERTON

(As shown on the plan attached)

BACKGROUND

Consideration of this application was deferred from the meeting of this Area Committee on 8 February 2005, to enable the Members to make a site visit in order to make an informed decision.

The site visit was held on 9th March 2005 and the views of the members will be reported verbally to this meeting.

The access track, which is controlled by the Directorate of Housing and is known as Gads Green, is maintained by the Directorate of the Urban Environment and crosses land within the ownership of the Directorate of Housing. It is well used by all ages and is a definitive footpath (D69) that runs from Gads Green through to St. Georges Road, crossing the dismantled railway line.

The applicant is the owner of land at 3 Gads Green, Netherton, who has gained planning consent to build a second property for his son on the old orchard adjacent to the existing house. This new property is to be known as 5 Gads Green.

By way of a Deed of Grant dated 18th January 1968, the Borough Council conveyed to the former owner of 3 Gads Green, a right of vehicular access across Gads Green to the property. This right is granted to whoever owns the site of No. 3 Gads Green (identified as the "green land" in the deed) only and not the owner of the Orchard, so in order to secure vehicular access for the new property, the applicant has applied for a right of way across the track known as Gads Green as shown on the plan 1 attached.

When the planning application was submitted it was stated that they already had access for the new property by way of the above deed. Planning consent was subsequently granted with conditions that a turning circle was constructed within the boundary of the property. It was not until the applicant's solicitor studied the deed that it came to light that the deed did not allow for access to the new property. The applicant therefore submitted this application.

COMMENTS

The relevant Council Directorates were consulted regarding the application and the Directorate of the Urban Environment require that the part of the track serving the existing and proposed users should be made up and upgraded to an adoptable standard of a 4.8m wide road, plus 1.6m for installation of lighting columns (0.8m either side) before it can be used for any additional vehicular traffic by the applicant and before development can take place.

The reason for the upgrading is to reduce pedestrian/vehicular conflict, to protect the safety of pedestrians using the track and to ensure the Councils highways maintenance liability will not increase in the future due to increased use of the access by vehicles belonging to and visiting the new property.

It is therefore proposed that the developer enters into an agreement under section 278 of the Highways Act 1980, that will allow improvements to the highway, to permit development to take place.

PROPOSAL

That the Area Committee advise the Cabinet Member for Housing to approve the entering into of an agreement under section 278 of the Highways Act 1980, on terms and conditions to be negotiated and agreed and that the agreement be completed and the works undertaken before access is allowed or the property is built.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Gill Hudson, Property Manager, Ext. 5311

CENTRAL DUDLEY AREA COMMITTEE

DATE: 31 MARCH 2005

PROPOSED LEASEHOLD SALE

LOCATION: 11A NEW STREET, DUDLEY
(As shown on the plan attached)

BACKGROUND

A report regarding this matter was considered by the Central Dudley Area Committee on the 7th July 2004, requesting support to dispose of the leasehold interest of this flat that is controlled by the Directorate of Law and Property.

11A was let through the Housing waiting list until early 2004, but is now currently empty and requires in excess of £14,800 worth of repairs being undertaken before it could be bought up to an acceptable standard for re-letting. There are also severe problems with woodworm affecting the flat that will increase the cost of repairs substantially from this initial estimate.

The flat is in a block, the freehold of which is owned by the Council and contains units let on commercial leases on the ground floor and commercial and residential leases on the first and second floors. Some of these leases have already been sold on long leasehold basis.

This Committee previously resolved to recommend that the property be retained in Council ownership to be let through the Housing waiting list as it was considered there was a demand for this type of property within the town centre.

The District Housing Manager was therefore asked to take steps to find a suitable tenant for the property.

Multiple viewings of the property have been undertaken to try and find an applicant who wishes to move into the flat, before the repairs budget is committed, however, it has proved impossible to find a suitable tenant willing to take on the property.

The property is considered mature housing stock and is unsuitable for many applicants due to the number of steps leading up to the property, access problems and complete lack of suitable parking.

The District Housing Officer states that there are over 300 superior flats within the Dudley town centre including Housing Association provision and this property has therefore proved impossible to let.

The Directorate of Housing therefore wish the property to be taken out of Housing stock and offered for leasehold sale on the open market.

By way of background information some of the units on the first and second floors of the building have been let through the Housing waiting list and some have been sold to tenants under the right to buy scheme. Some have also been sold independently to

tenants who were not involved with Directorate of Housing. Only three of the units in the block are now let through the Housing waiting list, the rest of the units are either commercial leases or sold on long leasehold. It is considered by the Directorate of Housing that these properties are not desirable social housing properties.

COMMENTS

The relevant Council Directorates have been consulted and no objections to the proposal have been received.

The Directorate of Housing considers that even if the repair work is undertaken, they would not be able re-let this property due to the problems of access, lack of car parking and availability of higher standard accommodation in the area.

The Directorate of Law and Property consider the property should be sold on a long leasehold on the open market to gain a capital receipt for the Council as the property is no longer required by the Directorate of Housing.

PROPOSAL

That the Area Committee advise the Committee Member for Law and Property to approve the sale of the leasehold interest of 11A New Street, Dudley, on terms and conditions to be negotiated and agreed by the Director of Law and Property.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Gill Hudson, Property Manager, Ext. 5311

APPENDICES

CENTRAL DUDLEY AREA COMMITTEE

DATE: 31ST MARCH 2005

REQUEST FOR: APPLICATION TO LEASE COUNCIL OWNED GARAGE SITE

LOCATION: NEW ROAD, DUDLEY

(As shown on the plan attached)

BACKGROUND

A request has been received from the owner of 20 New Road, Netherton to lease a lock-up garage as shown edged red on the plan attached. The applicant also wishes to lease an additional concrete pad at the rear of the garage where a burnt shed now stands.

This additional plot would be used to put a solid concrete sectional garage to store tools, gardening equipment, etc., this is because the applicant's garden is too small to place a shed. The applicant states that he has spent a lot of money moving rubbish caused from illegal fly tipping and has tried to prevent any further reoccurrences.

The land is under the control of the Directorate of Law and Property.

COMMENTS

All of the relevant Directorates have been consulted. No objections have been received from the Directorate of the Urban Environment (Planning Policy) but note that there are a number of mature trees on/adjacent to the site which will need to be taken into consideration. Additionally, the Highways Section does object to the lease of the land as the land is affected by the Metro and ancillary works. Also as long as a solid concrete base is provided to the area where the shed is to be located.

The Directorate of Law and Property have no objections to the application except that when the Council acquired the site in 1971 from British Railways Board, a restriction was imposed on the Council not to erect any building or structure or add to any existing building or structure nor execute any works without first submitting detailed plans and sections to the board, obtaining the board's approval and complying with any conditions the board imposes.

PROPOSAL

That the Area Committee advise the Cabinet Member for Personnel, Law and Property to refuse the application.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Sonia McLean, Property Manager, Ext. 5321

CENTRAL DUDLEY AREA COMMITTEE

DATE: 31ST MARCH 2005

REQUEST FOR LEASE

LOCATION: THE FORMER COUNCIL ESTATES OFFICE, WATSONS GREEN ROAD/BREWERY STREET, DUDLEY

(As shown on the plan attached)

BACKGROUND

The Central Dudley Area Committee at its meeting on the 31st March 2003 resolved to recommend that the Lead Member for Housing approve a temporary lease of the Kates Hill Estates Office at Watsons Green Road, to the Sure Start Project for a period of 18 months to 2 years. This temporary accommodation was until their permanent base in Buffery Park was completed. This decision was authorised by way of a Decision Sheet of the Lead Member for Housing CHO/54/2003.

Sure Start have now approached the Council asking if they could negotiate a further lease of the premises so that the Watsons Green Road office can be retained once the new office in Buffery Park has opened.

The Watsons Green Road site has proved very popular and is well used within the local community. The families who access their services at the Watsons Green office have expressed their wish for the services to remain operational in the Kates Hill area. In addition, Sure Start have been able to work in partnership with other community groups and organisations such as St. Thomas's Network and Dudley Citizens Advice Bureau to provide drop-in sessions and learning support groups for the estate. They therefore wish the Council to consider granting a further lease of the premises.

The current arrangements are that Sure Start are responsible for all repairs, maintenance, security and insurance to the premises and it is envisaged that the occupation will continue upon similar terms.

COMMENTS

The relevant Council Directorates have been consulted regarding the application and no objections have been received.

The Directorate of Housing support the continuation of the lease, as Sure Start is having a very positive impact with families across the estate and they therefore wish these services retained in the area.

PROPOSAL

That the Area Committee advise the Cabinet Member for Housing to authorise a new lease of the Watsons Green Road premises to Sure Start, on terms and conditions to be negotiated and agreed by the Director of Law and Property.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Gill Hudson, Property Manager, Ext. 5311

CENTRAL DUDLEY AREA COMMITTEE

DATE: 31 MARCH 2005

APPLICATION TO PURCHASE LAND

LOCATION: REAR OF 18 VAUXHALL GARDENS, DUDLEY

(As shown on the plan attached)

BACKGROUND

A report regarding this area of land was considered at the meeting of this Committee on 8th February 2005 and was deferred for a members site visit to be held. The site visit was held on 9th March 2005 and the views of the members, following the site visit will be reported verbally at this meeting.

The application to purchase the land by the owner of 18 Vauxhall Gardens, Dudley for a garden extension was withdrawn before the last Committee meeting but it was considered that the future of the site should still be determined in light of residents views. The land in question is shown on the attached plan.

To reiterate, the land is controlled by Directorate of Housing and forms an area of land-locked land adjacent No. 1 Uplands Road, which is a sold Council house purchased under the right to buy.

COMMENTS

The relevant Council Directorates have been consulted regarding the application and no objections to the disposal of the land have been received as it forms a landlocked area that has no beneficial use to the Council.

At the Council meeting on 19th July 2004 it was resolved to approve changes to the constitution in relation to how some land matters are handled. It was agreed that certain matters can be circulated to Ward Members instead of referral to Area Committee and if Members are in agreement, a decision sheet can be signed by the relevant lead member. If there are any objections or complications, the matter should then be referred to the appropriate Area Committee meeting for consideration. This case falls into one of the categories that could be dealt with in this manner, being approval to dispose of Housing Revenue Account land measuring under 200 square metres.

The Ward Members were therefore consulted and it was suggested that the land may be of interest to other adjacent properties for garden extension and the owners of 19.20 & 21 Vauxhall Gardens and the owner of 1 Uplands Road have therefore been contacted.

The owner of 1 Uplands Road opposes the disposal of the land as he is concerned that any changes to the structure of the land may undermine the property or put the new boundary fencing in jeopardy. The natural slope of the land is too great for building or gardening and has mature trees and shrubs that provide a natural windbreak and visual barrier. He also states that other local residents are also in opposition to the lands disposal.

The owner of 19 Vauxhall Gardens does not wish to purchase any of the land but requests that the land is tidied and a fence erected at the eastern end to prevent unauthorised access.

The owner of 20 Vauxhall Gardens has expressed an interest in purchasing the part of the land to the rear of their garden themselves.

The options are therefore to:

1. Refuse the application and retain the land in Council ownership
2. Declare the land surplus to requirements and offer the land to adjoining residents as appropriate.

PROPOSAL

That the Area Committee consider the contents of this report and make a recommendation to the Cabinet Member for Housing.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Gill Hudson, Property Manager, Ext. 5311

APPENDICES

CENTRAL DUDLEY AREA COMMITTEE

DATE: 31 MARCH 2005

APPLICATION FOR THE RELEASE OF A RESTRICTIVE COVENANT ON FORMER COUNCIL LAND

LOCATION: GUEST HOSPITAL, TIPTON ROAD, DUDLEY

(As shown on the plan attached)

BACKGROUND

An application has been received from the Dudley Group of Hospitals NHS Trust for the release of the Restrictive Covenants and agreement on the title to the Guest Hospital land. The Trust intends to dispose of the site for the purpose of a residential development.

There are several Restrictive Covenants, in favour of the Council, covering the land at the Guest Hospital. The second covenant prohibits dwelling houses other than any required for Hospital purposes; the fifth covenant requires a building line to be observed and the seventh stipulates that any plans, method of construction and materials to be used should be approved by the Council.

The land in question was under the control of the Directorate of Housing prior to the sale to the Guest Hospital.

COMMENTS

All the relevant Council Directorates have been consulted and no adverse comments have been received.

The Directorate of the Urban Environment has stated that the application would be consistent with the emerging Unitary Development Plan of Dudley. Therefore there is planning policy support for releasing the restrictive covenant prohibiting residential properties. A more detailed study of the issues relating to the residential development of the site will be conducted at the planning application stage.

PROPOSAL

That the Area Committee advise the Cabinet Member for Housing to approve the application for the release of the Restrictive Covenant and terms and conditions to be negotiated and agreed by the Director of Law & Property.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Alan Nugent, Property Manager, Ext. 5351

APPENDICES

CENTRAL DUDLEY AREA COMMITTEE

DATE: 31 MARCH 2005

APPLICATION LEASE OR PURCHASE COUNCIL OWNED LAND ADJACENT TO:

LOCATION: 117 HIMLEY ROAD, DUDLEY

(As shown on the plan attached)

BACKGROUND

An application was received to lease or purchaser the land adjacent 117 Himley Road, Dudley. The applicant wishes to park cars there for business purposes (car hire for weddings etc).

The land was under the control of the Directorate of the Urban Environment (Leisure Services) and is used by Housing for renting garage plots. They allow individuals to construct and maintain their own garages on the land. To the northeast of the site the Council lease land to the MEB for a substation. To the west is 129 Himley Road, which is leased as a Scout Hut.

COMMENTS

The Directorate of the Urban Environment has made the following comments:

1. In the Revised Deposit UDP, the site falls fully within designated as Open Space. On the sites southern side it borders Russell's Hall Park.
2. The site contains lock up garages, gravel hard standing areas and there is vehicle trackways linking the garages to the entrance of the site off Himley Road. It is considered that part of the site would fall under the category of previously developed land. There would be no planning policy objections to new-build residential redevelopment for the part of the site considered to be previously developed. The wooded urban green space area immediately to the rear of the garages remains sensitive green space and would be considered "Greenfield". In this area, it is unlikely that planning permission would be granted for a residential redevelopment given its "Greenfield" status and its contribution to the setting of the adjacent Russells Hall Park.
3. The "Greenfield" land to be retained should be included into Russells Hall Park. A suitable fence would have to be erected around the site and the purchaser would have to pay for the land to be restored to a suitable condition. These would be conditions of any sale. At present much of the "Greenfield" area of the site is unmaintained and inaccessible.
4. The use of the land as a site for the parking of commercial vehicles could be visually intrusive for local residents if they could not be screened from view. This proposal is likely to involve the inclusion of macadam surfaced hard-standings on existing grassed areas for vehicle parking purposes. If parked cars could not be screened from view then planning permission may be refused. If parking were allowed, then it would have to be subject to conditions restricting the hours of use in order to preserve neighbours amenity.

5. Quite a few developers have expressed interest in the site in the past. The lease of the land for car parking would not only be detrimental to the amenity of the area; it would provide reduced funds to the Authority.
6. In the event of a sale it would be the purchaser's responsibility to undertake the necessary investigation into contamination on the site. The purchase would be required to carry out any remediation that is required to enable the land to be used safely for the purpose proposed. The purchaser may also have to pay for the MEB lease to be terminated and the substation moved.
7. The site has to be cleaned up quite regularly.

The impact of any future redevelopment proposals on the adjacent facilities at 129 Himley Road (the Scout Hut) would be important. The possibility of jointly disposing of the land and the adjoining land adjacent to 117 Himley Road was considered by the Directorate of Law and Property. The Directorate of Education and Lifelong Learning are against any such disposal. The adjacent Scout Hut is well used and that the Scouts are increasing the number of nights that they are open.

To sum up; there are four possible uses for the site, these are:

Option 1

Leave the site as it is.

Option 2

Have the entire site incorporated into Russells Hall Park. There is at present no funding for this option.

Option 3

Sell or lease the land for business purposes (the parking of limousines).

Option 4

Sell the land for a new-build residential development purposes.

PROPOSAL

That the Area Committee advises the Cabinet Member for Leisure to declare the land adjacent to 117 Himley Road, Dudley surplus to requirements and add it to the Land Disposals programme to be sold on the open market for the best price reasonably obtainable, and on terms and conditions to be negotiated and agreed by the Director of Law and Property.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Alan Nugent, Property Manager, Ext. 5351

APPENDICES

CENTRAL DUDLEY AREA COMMITTEE

DATE: 31 MARCH 2005

APPLICATION TO APPROPRIATE COUNCIL OWNED LAND ADJACENT TO:

LOCATION: MILKING BANK PRIMARY SCHOOL, DUDLEY

(As shown on the plan attached)

BACKGROUND

We have request from Milking Bank Primary School, to appropriate land from the purposes of the Open Space Act 1906 to the purposes of the Section 14 of the Education Act 1996. The land is currently used as a car park and has suffered from anti-social behaviour. It is intended that it will be used as a secure car park for Milking Bank Primary School. The security measure will comprise of extending the existing iron railings.

A consultation was carried out with the parents of children attending the school and nearly 200 responses were all positive. The mail shot of local residents was also extremely well received with a number of local residents supporting the proposal.

The land is currently under the control of the Directorate of the Urban Environment. The Council acquired the land in 1999 as part of a Section 52 agreement with developers. The Council holds the land in trust for the perpetual use by the public, for exercise and recreation purposes, pursuant to the provisions of the Open Spaces Act 1906.

COMMENTS

All the relevant Council Directorates have been consulted regarding the application and no objections have been received.

Whilst the Directorate of the Urban Environment has no objection in principle to the car park been appropriated. However, the car park is a community facility which will be lost if the School have control. It is recommended that the car park is not secured and use is not denied to others using the local amenities. Planning approval will be required once the proposal is finalised.

The Directorate of Education and Lifelong Learning have stated that any user group using the playing fields will have the use of the car park. Currently the primary users of the car park are parents dropping off and picking up their children from school.

The Directorate of the Urban Environment has suggested that the area of land requested for the appropriation be increased by approximately two metres. This will allow for the appropriate grounds maintenance. This area is the outer ring shown on the plan attached.

The Directorate of Law and Property has pointed out, that as the land is classified as Public Open Space, the Council are required to advertise notice of its intention to do so for two consecutive weeks in a local newspaper.

PROPOSAL

That the Area Committee advise the Cabinet Member for Leisure to approve the appropriation of the car park to enable it to be used as a secure car park for Milking Bank Primary School.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Alan Nugent, Property Manager, Ext. 5351

CENTRAL DUDLEY AREA COMMITTEE

DATE: 31 MARCH 2005

APPLICATION LEASE OR PURCHASE COUNCIL OWNED LAND:

LOCATION: LAND AT OAKEYWELL STREET, DUDLEY

(As shown on the plan attached)

BACKGROUND

A report on the Dudley Muslim Association Limited (DMAL) application to purchase three areas of land was presented to the Area Committee on 2nd September 2004. The three areas of land adjoin the land DMAL lease from the Council at Oakeywell Street and are required for the provision of a new Mosque and a Community Enterprise Centre.

The Central Dudley Area Committee resolved to defer making a recommendation to the Cabinet Member for Transportation regarding the sale of the additional land to enable the Committee to make a site visit.

At the site visit on the 5th October 2004, concern was expressed about the size of the scheme and the amount of traffic to be generated. Further details and arrangements for traffic access to the site are required as part of the Planning permission process. It was therefore decided that a recommendation regarding the purchase of the additional land be deferred.

COMMENTS

The Directorate of Law and Property has advised that in 2001, the DMAL exchanged their land at Trindle Road for a lease of the land at Oakeywell Street. The lease contained an option to purchase the freehold, which has now been exercised by DMAL. The terms have been agreed for the sale of the freehold title and the legal work has reached an advanced stage.

The Directorate of the Urban Environment is still considering the proposals for outline Planning Permission for the erection of a mosque and community centre on the site. Officers are awaiting receipt of further information from the applicant including highway and traffic generation matters.

PROPOSAL

That the Area Committee defers a recommendation pending the outcome of the Planning Application. Once a decision has been made on the Planning Application a further report will then be presented to the Area Committee.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Alan Nugent, Property Manager, Ext. 5351