

CENTRAL DUDLEY AREA COMMITTEE

DATE: 2nd SEPTEMBER 2004

REQUEST TO PURCHASE COUNCIL OWNED LAND

LOCATION: LAND AT Oakeywell Street, Dudley

(As shown on the plan attached)

BACKGROUND

Dudley Muslim Association Limited (DMAL) has applied to purchase three areas of land adjoining their land leased from the Council at Oakeywell Street, Dudley. This is the site for a major development called the Pride of Dudley Project under which a new Mosque and Community/Enterprise Centre will be provided.

The first area (marked "A" on the attached plan) is required as it forms part of the land covered by the Outline Planning Application and provides access onto the site. The second (marked "B" on the attached plan) is required for future road junction improvements for the development. The third area (marked "C" on the attached plan) is a 4-metre strip of land at the top of the Dudley Southern By-pass embankment, which DMAL would like to purchase and maintain as a landscaped area as part of the scheme. This area of land is currently maintained as highway verge.

All three plots of land applied for are under the control of the Directorate of the Urban Environment.

The DMAL owned land at Trindle Road/Claughton Road, which had subsequently been found to be unsuitable for a proposed new community centre. A report regarding the request to exchange this land for the land at Oakeywell Street was presented to the Central Dudley Area Committee at its meeting on 3rd July 2001. DMAL was granted a lease for 99 years on the 16th May 2003 at a peppercorn rent, for the land at Oakeywell Street, Dudley. The site was originally acquired for the purposes of the Dudley Southern By-pass before being declared surplus and subsequently leased to the DMAL. The lease contains a covenant that commits the DMAL to complete the Pride of Dudley Project on the land within five years from the date of the lease.

The Lease also contains an option to purchase the freehold and the tenant now wishes to exercise this right. DMAL do not require further permission to exercise this right and this report is only in respect of the extra plots of land required. With the freehold, the DMAL believe they would be able to secure match funding for the Pride of Dudley Project. Planning permission has been applied for to erect a mosque and a Community and Enterprise Centre. Proposals for the site at Oakeywell Road include community, religious, training and employment/business facilities. The

Planning application includes the three additional areas that DMAL now wish to purchase.

COMMENTS

All the relevant Council Directorates have been consulted.

The Director of Law and Property has stated that the Council is bound by the terms of the Lease and the right of the Association to exercise the option to purchase the freehold. The additional areas are contained in the registered titles, which form the Council's title to the area that is presently let.

The Director of the Urban Environment does not support the sale of the third area of land mentioned (marked "C" on the attached plan) adjacent to the Dudley Southern By-pass. This area of land forms part of the structural embankment to the by pass and as such needs to remain as highway to ensure its structural integrity and maintenance. The land was also proposed for landscape mitigation in the Public Enquiry for the by-pass, and the planting subsequently carried out is further covered by a planning condition. This planting is required as part of a comprehensive scheme along the length of the by-pass which could be harmed by its removal. However, it may be that future consideration could be given to the entering into a licence to cultivate this land in a controlled manner should the DMAL wish to enhance existing planting

The second area of land (marked "B" on the attached plan) required for future junction improvements to access the development site is reliant on the 'stopping up' of part of the Public Highway. As this is required to allow development to take place the appropriate mechanism for such would be under Section 247 of the Town and Country Planning Act 1990 under the terms of any planning approval.

Therefore as areas one and two are directly related to the planning application and subject in part to the stopping up of public highway it is considered that the sale of these additional pieces of land should be subject to the granting of planning permission for the development.

The Director of the Urban Environment also states, that from a planning policy perspective only, the site is in an area where employment creating uses are encouraged and protected. However, given that the site has already been committed for use as a mosque and community & enterprise facility no objections are made in this regard.

PROPOSAL

That the Area Committee advises the Lead Member for Transportation to approve the application to purchase the first area (required as part of the application site and

marked "A" on the attached plan) and the second area (required for road junction improvements and access, (marked "B" on the attached plan)) under terms and conditions agreed by the Director of Law and Property following the granting of planning permission for the development and the successful 'stopping up' of the highway forming part of the second area.

That the Area Committee advises the Lead Member for Transportation to refuse the application to purchase the third area (marked "C" on the attached plan) at the top of the Dudley Southern By-pass embankment for the reasons stated above, but that future consideration be given to issuing a licence to DMAL to allow them to cultivate this area.

BACKGROUND PAPERS

1. Letters from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Alan Nugent, Property Manager, Ext 5351