
Central Dudley Area Committee – 5th September 2006

Report of the Director of Law and Property

Applications in respect of land and property owned by the Council

Purpose of Report

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.

Background

2. The Council has interests in a substantial amount of land and property across the Borough, those interests being controlled by the Council's various Directorates.
3. 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 Directorates before preparing a report for Committee to consider.
4. 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.

Finance

5. In general terms leases, easement and access agreements each generate an income for the Council. The sale of the land generates a capital receipt of 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.

Law

6. Section 123 of the Local Government Act, 1972 enables the Council to dispose of its interests in land at the best price reasonably obtainable.

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.

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.

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.

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.

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.

Equality Impact

7. The proposals take into account the Council's equal opportunities policies.

The Directorates when formulating their view on the attached land items have considered the effects on children and young people. Any relevant issues will be reported in the individual appendices.

Recommendation

8. It is recommended that proposals contained in each of the attached appendices be approved.



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John Polychronakis
Director of Law and Property

Contact Officers: Gill Hudson, Property Manager
Telephone: 01384 815311
Email: gill.hudson@dudley.gov.uk

Sonia McLean, Property Manager
Telephone 01384 815321
Email: sonia.mclean@dudley.gov.uk

Alan Nugent, Property Manager
Telephone 01384 815351
Email: alan.nugent@dudley.gov.uk

List of Background Papers

See individual appendices

Appendices

Central Dudley Area Committee

Date: 5th September 2006

Request to purchase land

Location: Cole Street and Worcester Road, Netherton
(As shown hatched on the plan attached)

Background

An application has been received from the owner of 39 Cole Street, Netherton, to purchase areas of Council owned land for development purposes.

39 Cole Street is a detached property that is currently being converted to bed-sits by the applicant. The applicant has applied with 2 suggested options.

Option 1 is to purchase a strip of land adjacent to 39 Cole Street, in order to gain vehicular access to enable rear parking for the new residents of the bed-sits.

Option 2 is to purchase the site of the former Housing Estates Office and an area of land between the Sons of Rest building and the former Housing Estates Office site, to enable access to the rear of 39 Cole Street for parking and for residential development.

The land is controlled by the Directorate of Adult, Community and Housing Services and is held for Housing purposes.

The former Estates Office Site has already been declared surplus to requirements but is difficult to develop without incorporating some of the adjoining land within a development.

Comments

The relevant Council Directorates have been consulted regarding the applications and objections have been received to option 1. Cole Street is a very busy classified road and planning consent to create a new access onto this road would not be supported due to traffic management and public safety concerns.

Provision of an access at this point may also hinder security of the Sons of Rest building. There are already instances of anti social behaviour associated with the land and it is considered that the provision of an access between the two buildings may aggravate the situation. It is therefore proposed that this application be refused.

No objections have been received to the disposal of the areas of land between the Sons of Rest building and the former Estates Office site, subject to planning consent being gained. However, it is considered that this area of land should be declared surplus to requirements and together with the former Estates Office site should be sold for the best price reasonably obtainable in order to develop a suitable residential development scheme that is in keeping with the area. This may include a joint scheme with the owner of 39 Cole Street but it is considered that the full potential of the Councils assets should be explored in order to get the best capital receipt for the Council and to make the best use of the land.

The land is designated as a Housing Renewal Area within the Adopted Unitary Development Plan. Although the land is currently grassed it can be considered as previously developed land as it falls within the curtilage of the sons of Rest building, 39 Cole Street and the Former Estates Office. Taking this into account there would be no planning policy objections in principle to the redevelopment of the land for residential purpose, provided that the public open space to the east of the former Estates Office site is not encroached upon.

Proposal

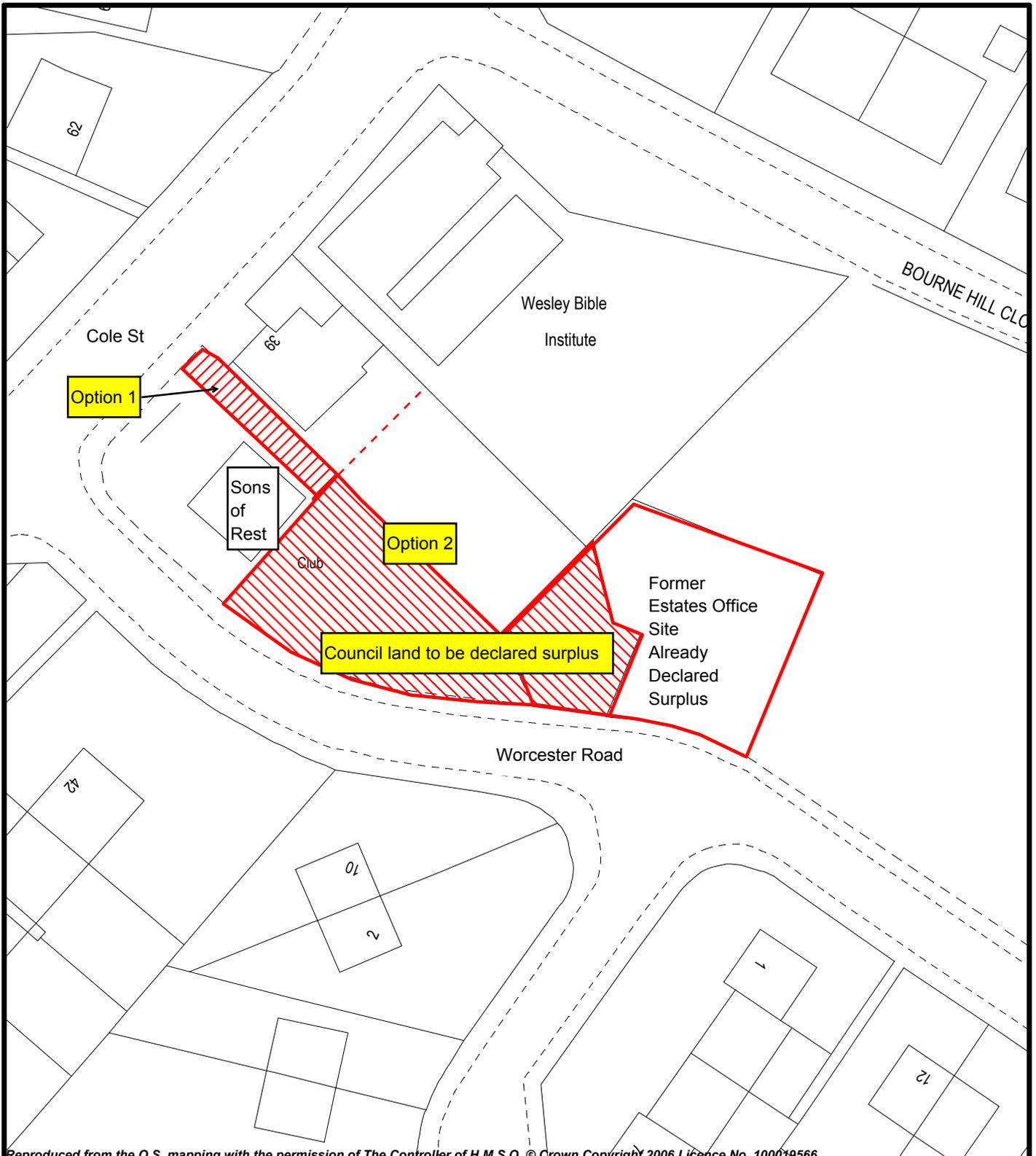
That the Area Committee advise the Cabinet Member for Housing to refuse the application to purchase land adjacent to 39 Cole Street and to declare the land between the Sons of Rest and the former Housing Estates Office as shown, surplus to requirements, to be sold on terms and conditions to be negotiated 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



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TITLE:

Land at Cole Street/ Worcester Road
Netherton.



SCALE:
1 : 500

DATE:
18-JUL-2006

**Corporate Estate Services
Directorate of Law and Property**

3 St James's Road
DUDLEY
West Midlands
DY1 1HZ

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CREATED BY:

Gill Hudson. Property Manager. Ext:5311. Ref:31679fmsf



Appendices

Central Dudley Area Committee

Date: 5th September 2006

Request to Declare Land Surplus to Requirements

Location: Saltwells House, Pedmore Road, Brierley Hill
(As shown on the plan attached)

Background

The Corporate Property Group has requested a disposal of Saltwells House, Pedmore Road, Brierley Hill, which is under the controlled of the Directorate of Children's Services, as shown on the plan attached.

The Council acquired the land in 1950 as part of a Section 52 agreement with developers. Saltwells House is located within the Saltwells Nature Reserve and for many years has had a range of uses, the most recent of which being as an Education Support Unit until this closed in July 2001. Since the building has been vacant, during this period vandalism has occurred to various parts of the building including fire damage.

The Council were considering whether Saltwells House may have any operational use and as a result it is therefore proposed that the site be declared surplus to requirements and added to the land disposals programme for sale on the open market, subject to certain restrictions and conditions including making provision for accommodating the Wardens of the Nature Reserve.

Comments

All of the relevant Council Directorates have been consulted regarding the disposal of Saltwells House and no objections have been received.

Proposal

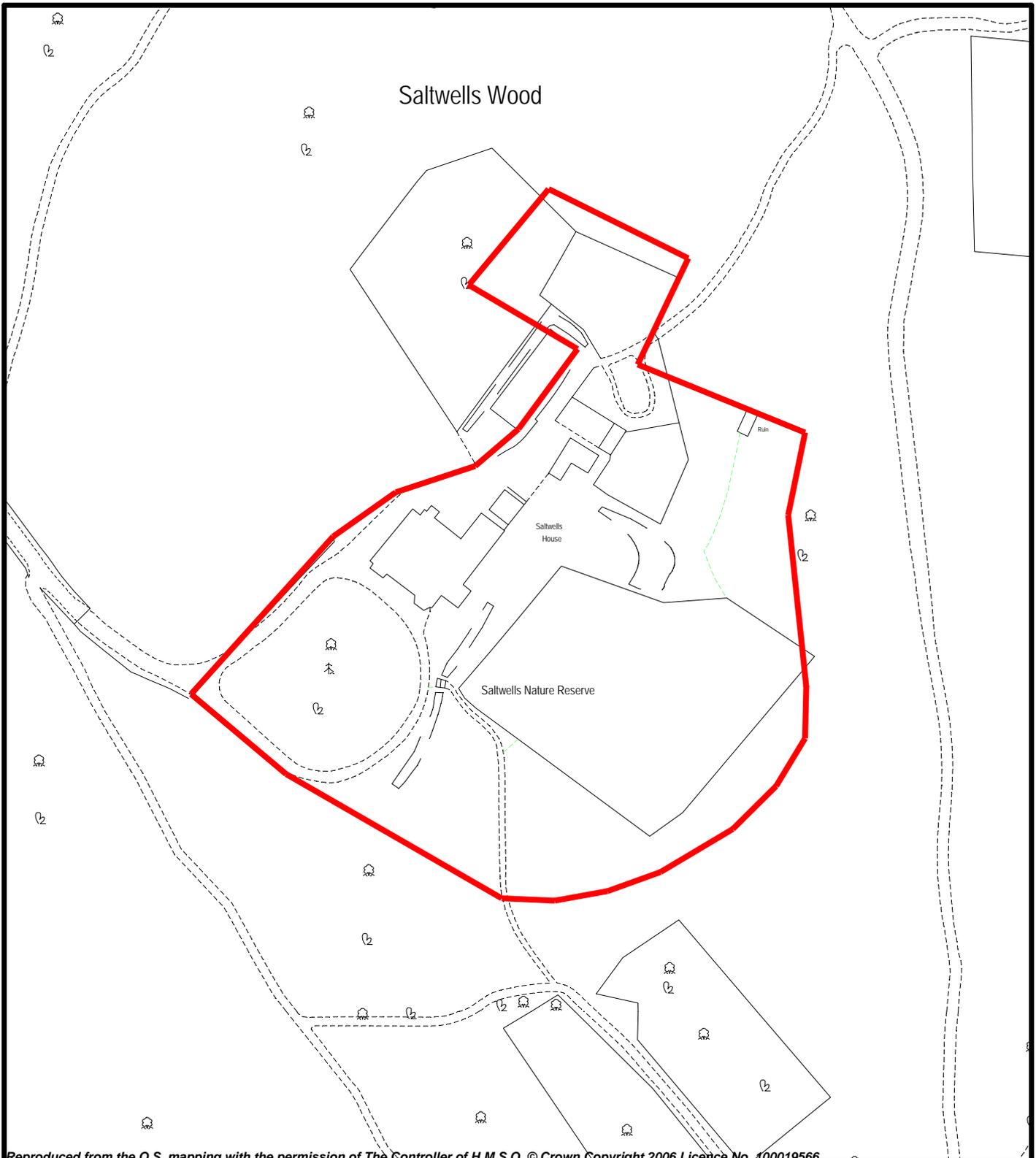
That the Area Committee advise the Cabinet Member for Children's Services to declare Saltwells House surplus to requirements and put on the Land Disposals Programme to be sold on the open market on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

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

Contact Officer:

Sonia McLean, Property Manager, Ext. 5321



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<p>TITLE:</p> <p>Saltwells House</p> <p>Pedmore Road</p> <p>Brierley Hill</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>OS data reproduced with the permission of the Controller of HMSO 2006 Licence No 100019566</p> <p>CREATED BY: Sonia McLean - Property Manager, Ext. 5321</p>	<p>SCALE: 1 : 1250</p> <p>DATE: 31-MAY-2006</p>	

Appendices

Central Dudley Area Committee

Date: 5th September 2006

Request for:

Location: Former Sons of Rest, Buffery Park, Dudley
(As shown on the plan attached)

Background

An application has been received from the Friends & Residents of Buffery Park to take a lease of the former Sons of Rest Building in Buffery Park, off Paradise/Douglas Road, Dudley.

The Friends & Residents of Buffery Park is a voluntary community group with the aim of improving facilities in Buffery and Grazebrook Parks. They have been using the above building for their meetings and for small events for some years with the agreement of the Sons of Rest. On securing a lease, The Friends & Residents of Buffery Park hope to bid for funding for repairs to the building and further increase its use for other sections of the local community.

The land is under the control of the Directorate of the Urban Environment and is held for Leisure purposes. It is believed that The Sons of Rest constructed the building. The land was leased for 99 years from the Council in or around 1949. The Sons of Rest disbanded in January 2006 and surrendered the lease by handing the keys back to the Council.

Comments

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

Proposal

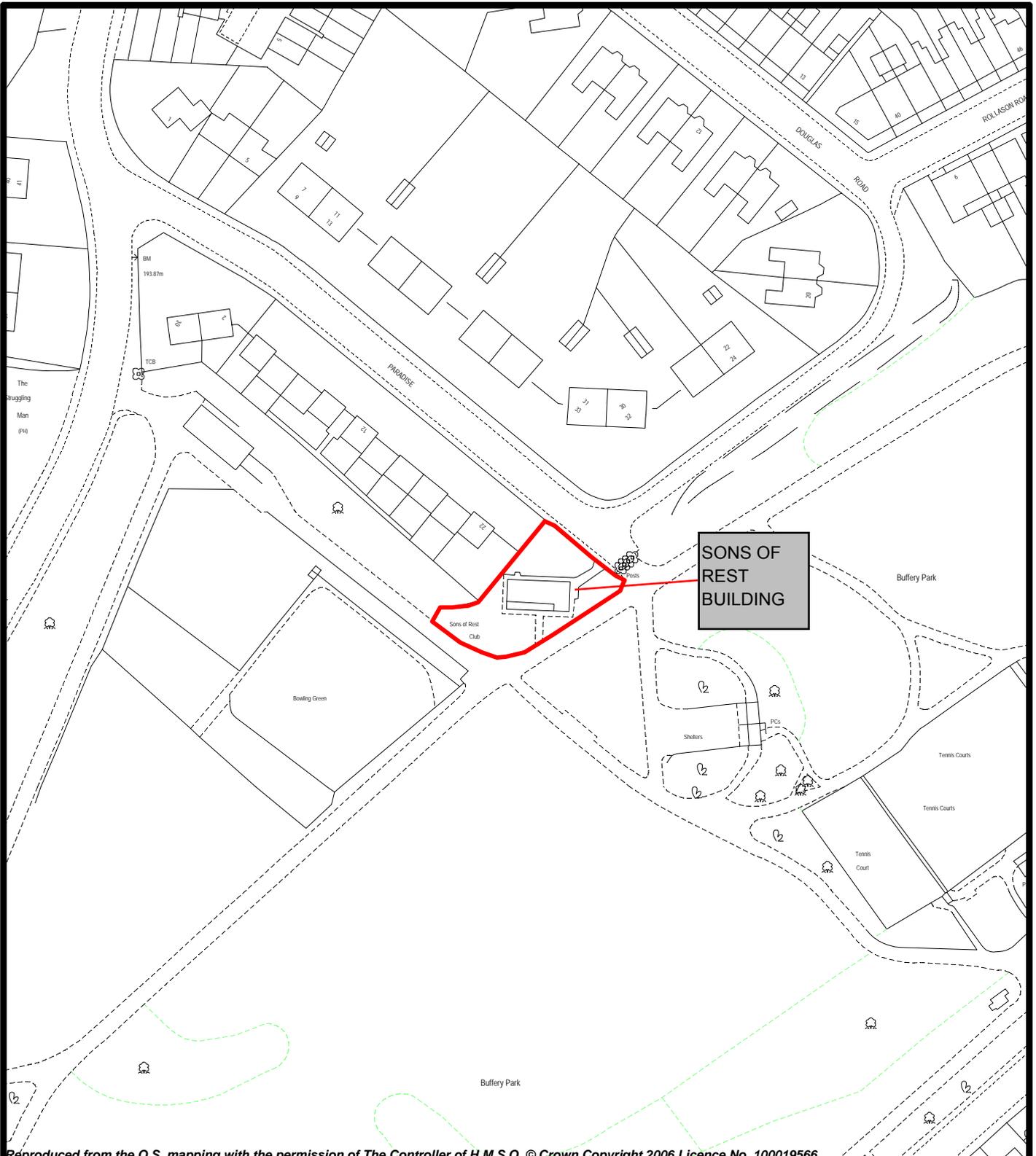
That the Area Committee advises the Cabinet Member for Leisure to approve the granting of a lease to the Friends of Buffery Park on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

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

Contact Officer:

Alan Nugent, Property Manager, Ext.5351



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<p>TITLE:</p> <p>SONS OF REST BUILDING BUFFERY PARK OFF PARADISE/ DOUGLAS ROAD DUDLEY</p> <p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No 100019566</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>CREATED BY:</p> <p>ALAN NUGENT, PROPERTY MANAGER, EXT 5351</p>	<p>SCALE: 1 : 1250</p> <p>DATE: 27-JUN-2006</p>	