

Central Dudley Area Committee – 13th June 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

1. 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.
2. 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.
3. 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

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

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Appendices

Central Dudley Area Committee

Date: 13 June 2006

Request for: Request for a vehicle access over Council owned land:

Location: Wolverhampton Street Car Park, Dudley
(As shown on the plan attached)

Background

A request has been received from Gayatri Picture Framing of 172 Wolverhampton Street for an access agreement to the rear of their property. The land they require access over is a Council owned car park with an entrance between 167 and 172 Wolverhampton Street.

They currently have a gate at the side of their property and they wish to replace it with another gate approximately 12 feet away as shown on the plan attached. The existing gate would then be permanently closed. Gayatri Picture Framing have approximately 10 deliveries a week. These deliveries are made using small to medium lorries (5 – 10 tonnes) and the new opening should be big enough to allow access for a van.

The land is under the control of the Directorate of Law & Property and is maintained as a public Car Park by DUE.

Comments

All the relevant Directorates have been consulted.

The Director of Law & Property have no objections. There was a licence granted to the previous owners of 172 Wolverhampton Street in 1985. The access granted was over Wolverhampton Street Car Park to the current gate. Whether the current or a new gateway is used, a new access licence will be required by the present owners to continue using Wolverhampton Street Car Park.

The Director of the Urban Environment have questioned whether access to the rear of other properties along Wolverhampton Street may be made via the proposed new access. The agreement of the owner of 172 Wolverhampton Street would be required as well as separate requests to the Council for access licences over Wolverhampton Street Car Park.

The Director of the Urban Environment has also stated that the deliveries to 172 Wolverhampton Street should not obstruct traffic flow within the car park or cause any damage to recently turfed fenced frontage.

Proposal

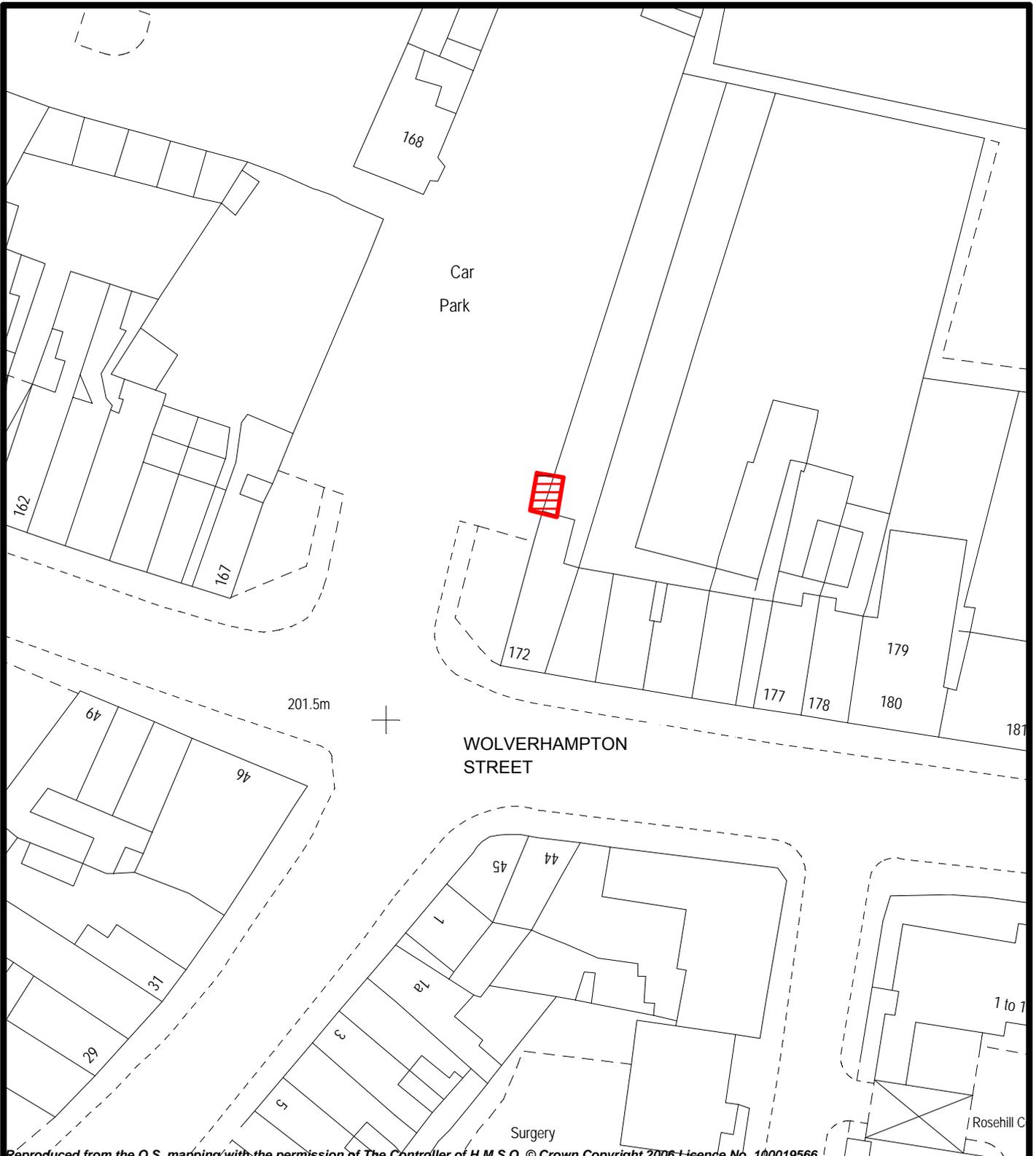
That the Central Dudley Area Committee advises the Cabinet Member for Law & Property to approve the licence for access over Wolverhampton Street Car Park on terms and conditions to be negotiated and agreed by the Director of Law & Property.

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



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TITLE:

ACCESS TO THE REAR OF
172 WOLVERHAMPTON STREET
OVER COUNCIL OWNED CAR PARK AT
WOLVERHAMPTON STREET
DUDLEY



SCALE:
1 : 500

DATE:
28-FEB-2006

Corporate Estate Services
Directorate of Law and Property
3 St James's Road
DUDLEY
West Midlands
DY1 1HZ

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ALAN NUGENT, PROPERTY MANAGER, EXT 5351



Appendices

Central Dudley Area Committee

Date: 13 June 2006

Request for: Declare Council owned land surplus to requirements

Location: 209 & 211 Stourbridge Road, Dudley
(As shown on the plan attached)

Background

Applications have been received to purchase 209/211 Stourbridge Road, Holly Hall. It was also requested that, as well as 209 & 211, the adjoining land and garages should be sold in order to provide a site suitable for a comprehensive redevelopment. 209/211 were formerly used as the Holly Hall Estate Office.

The adjoining property of 213 is let to Dudley Crossroads, a charity which is commissioned by Social Services to provide respite for carers. Crossroads have about six of their personnel working there with approximately another twenty using it as a base. There have been numerous vandal attacks, including arson, on 209 & 211. Vandals have been using these premises to access the roof and from there to break in to Crossroads.

The garages on the other side of 209/211 are still in use for the storage of Green Care machinery. The car park to the rear is considered to be part of the park.

The land and the garages are under the control of the Directorate of the Urban Environment and 209/211 is under the control of the Directorate of Law & Property.

Comments

All the relevant Directorates have been consulted. No proposals have been forwarded for an alternative use of 209 & 211 Stourbridge Road by the Council.

The Directorate of the Urban Environment have stated that the car park to the rear is considered part of the park and Planning are unlikely to permit a change of use to domestic. The garages adjacent to 209/211 are still in use for the storage of Green Care machinery.

The Director of the Urban Environment have objected to the comprehensive redevelopment of the site. The garages and the car park falls within a highly sensitive area of public open space designated as a Local Park. There is no objection from a Planning Policy point of view to the disposal of 209 & 211 Stourbridge Road.

The Director of Law & Property has advised that the Council acquired the site in 1893 and is the freehold proprietor of the land. It was a gift from the Earl of Dudley and his Trustees to the Council and the land was to be used to erect a public library, police buildings and fire station, "or some other public purpose". A release from this Restrictive Covenant would be required if the land is to be sold. Section 84 of the Law and Property Act 1925 allows the Land Tribunal to modify or discharge a restrictive Covenant on a freehold title where over 25 years have passed.

Proposal

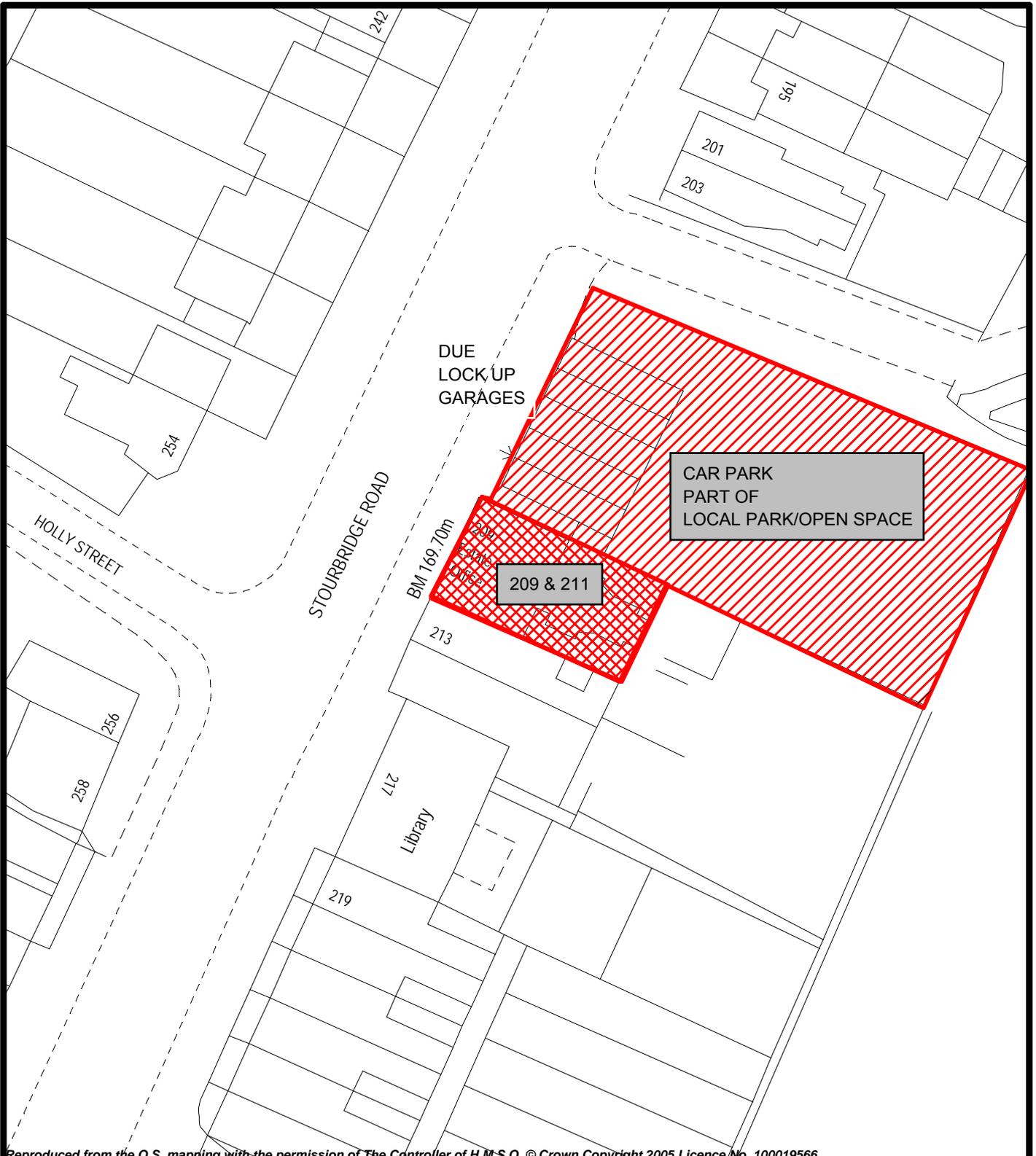
That the Central Dudley advises the Cabinet Member for Law & Property to declare 209 & 211 Stourbridge Road, Dudley surplus to Council requirements and added to the Land Disposal Programme.

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



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TITLE:

**FORMER HOLLY HALL ESTATE OFFICE
209 & 211 STOURBRIDGE ROAD
HOLLY HALL
DUDLEY**



SCALE:
1 : 500

DATE:
28-NOV-2005

Corporate Estate Services
Directorate of Law and Property
3 St James's Road
DUDLEY
West Midlands
DY1 1HZ

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