

**Central Dudley Area Committee – 13<sup>th</sup> March 2007**

**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.

### **Recommendation**

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



.....  
**John Polychronakis**  
**Director of Law and Property**

Contact Officers: Gill Hudson, Property Manager  
Telephone: 01384 815311  
Email: [gill.hudson@dudley.gov.uk](mailto:gill.hudson@dudley.gov.uk)

Sonia McLean, Property Manager  
Telephone 01384 815321  
Email: [sonia.mclean@dudley.gov.uk](mailto:sonia.mclean@dudley.gov.uk)

Alan Nugent, Property Manager  
Telephone 01384 815351  
Email: [alan.nugent@dudley.gov.uk](mailto:alan.nugent@dudley.gov.uk)

**List of Background Papers**  
See individual appendices

**Central Dudley Area Committee**

**Date: 13<sup>th</sup> March 2007**

**Request to: Purchase Land**

**Location: Abberley Street ICT Training Centre, Dudley**  
**(As shown on the plan attached)**

**Background**

An application has been received from a developer to purchase an area of land in the Abberley Street ICT Training Centre, Abberley Street, Dudley. The land is required for use as car parking spaces in a proposed redevelopment into apartments of the adjoining Gainsborough House.

The developers are willing to re-fence the area and “make good” the tarmac on the Council’s remaining land should a sale be agreed.

The land is under the control of the Director of Law & Property. It is used by the Directorate of Finance as part of the Abberley Street ICT Training Centre. The Directorate of Children’s Services also use the site for the Pupil Referral Unit.

**Comments**

The relevant Council Directorates have been consulted and the following objections have been received.

The Directorate of the Urban Environment have objected to the proposal. There is a lime tree located near the proposed new fence line which could become compromised if there is any excavation work carried out, near the rooting area. Guidelines from the National Joint Utilities Group, NJUG 10, and British Standards BS 5837 for the protection of trees should be quoted any agreement and abided by the applicant.

The Directorate of Finance strongly oppose any move to dispose of the land in question while ICT Services remain at Abberley Street. This land is an integral part of the car parking arrangements for both the Pupil Referral Unit and the ICT Training Centre. Car parking on this site is already under pressure. Staff from all over the Council attend training courses at Abberley Street. The removal of the proposed piece of land would mean that on many occasions the number of delegates would exceed the number of places available on site. There are no suitable alternative Car Parks or on street parking.

There is also concern about any development which would compromise the security of the training centre.

The Directorate of Children’s Services have objected to the sale of the land. Abberley Street is used by the Pupil Referral and the land is an integral part of their garden enhancement. The Unit’s 'potting shed' and a large storage container are on this land and there are no alternative locations available. New planters to develop a vegetable plot have been ordered to complement the site. Parking spaces for the Unit staff would be lost.

The Directorate of Law & Property object to the sale as the land should be retained to protect the interests of the Council.

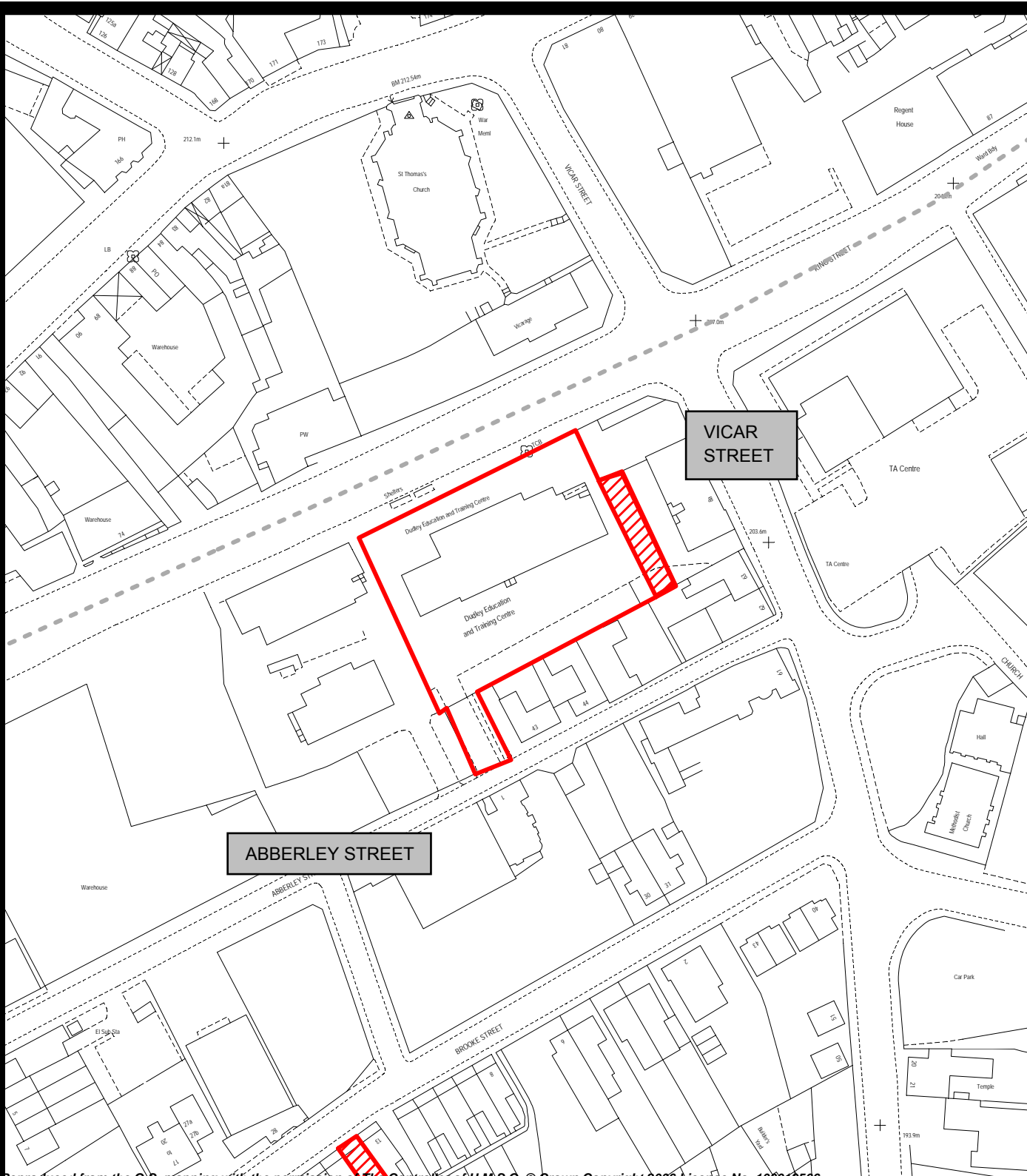
**Proposal**

That the Area Committee recommends the Cabinet Member for Personnel, Law & Property refuse the application.

**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



ABBERLEY STREET

VICAR STREET

|   |   |
|---|---|
| <p>TITLE:</p> <p><b>LAND AT<br/>DUDLEY TRAINING CENTRE<br/>ABBERLEY STREET<br/>DUDLEY</b></p> |   |
| <p>CREATED BY:</p> <p><b>ALAN NUGENT, PROPERTY MANAGER, EXT 5351</b></p>                      | <p>SCALE:<br/>1 : 1250</p> <p>DATE:<br/>01-DEC-2006</p> |

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



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**Central Dudley Area Committee**

**Date: 13<sup>th</sup> March 2007**

**Request for a Lease and a Licence**

**Location: The Priory Boxing Club,**  
**(As shown on the plan attached)**

**Background**

An application has been received from The Priory Boxing Club to lease land adjacent to the Club. The extra land is required for an extension to the club. A planning application was submitted in September to retain the existing premises and provide an extension running parallel to Priory Road. Approval of the application is dependent upon the planners being satisfied on parking provision. The club are therefore also requesting a licence to use the car park at the Priory Hall Training & Conference Centre. In order to formalise the occupation of the existing building, the new lease will also cover the existing building.

The club is currently operating from old and inadequate premises. The current building can't be easily adapted to provide an alternative entrance and there is no quick solution to relocating the club. They are investigating various funding streams for the extension but these will require a lease to be in place to secure the future occupation of the land.

The boxing club is very successful in keeping many children occupied and "off the street". They have such a high demand for places that they could easily double their membership. Extending the club will enable them to increase their membership considerably. The club is seen within the boxing community as very successful and with the forthcoming UK Olympics is likely to have its profile raised even further. Extension of the club is also included in the long term development plan for Priory Park as developed through both the Livability Project & the Conservation Management Plan which was funded by the Heritage Lottery Fund. The club receives a lot of support for the work they do with young people in the area from the local parents, the MP, Ward Members and the Friends of Priory Park.

The extra land requested by The Priory Boxing Club is under the control of the Director of the Adult, Community & Housing. The car park required for the licence is used by the staff and visitors to the Priory Hall Training & Conference Centre. The Registration office staff at Priory Hall also use the car park.

**Comments**

The relevant Council Directorates have been consulted.

The Directorate of the Urban Environment have expressed concerns at the number of accidents resulting in injury in Priory Road and the adjacent junction with Hazel Road. Development which results in on street parking which may exacerbate the problem is a cause for concern and could not be supported in policy terms. Therefore off street parking is required for the development of the Boxing Club.

The Chief Executives Office, which controls the Priory Hall Training & Conference Centre, have indicated that their car park may be used after the end of the normal working day by the Priory Boxing Club. This will be subject to suitable arrangements being made with the Boxing Club.

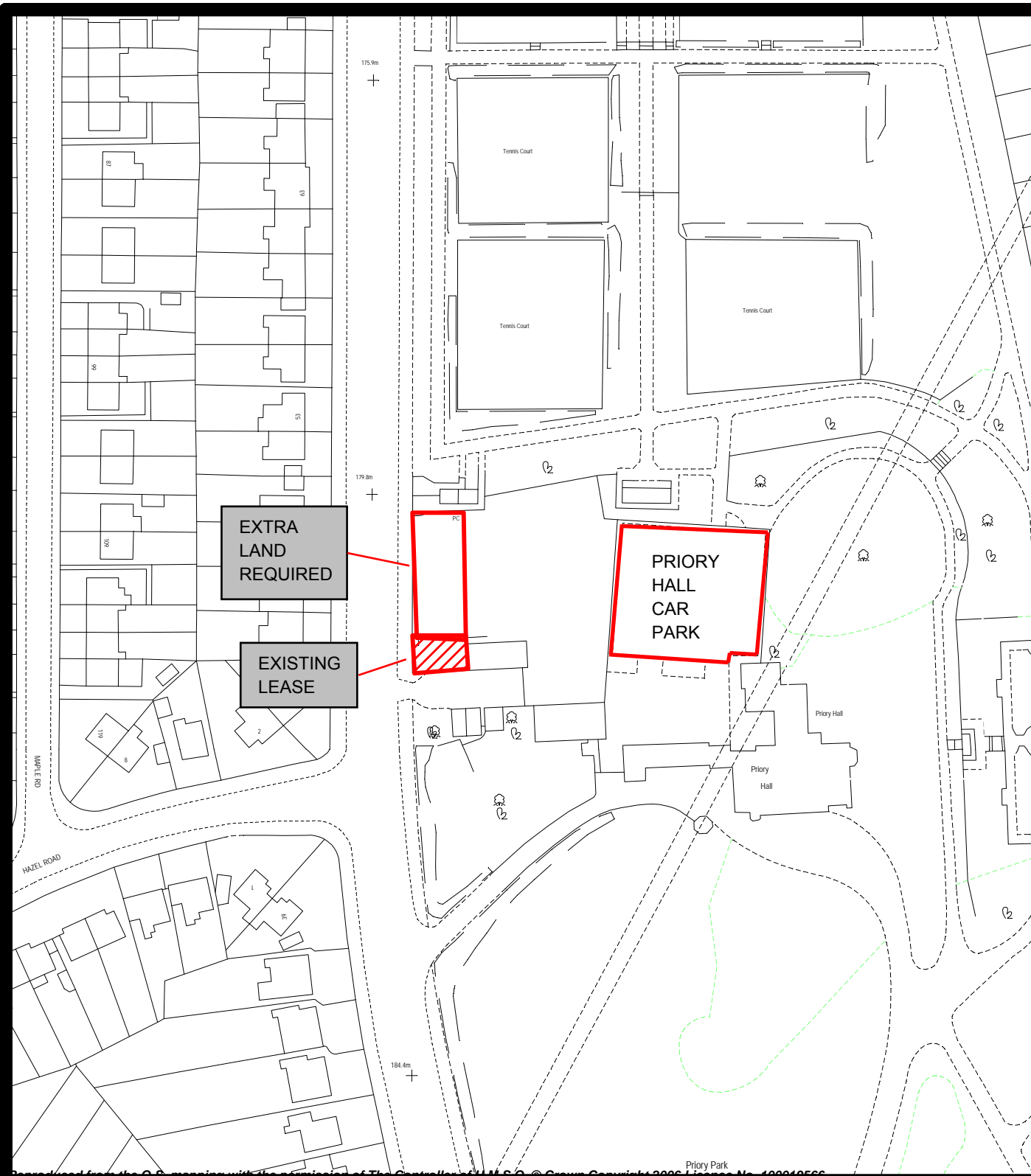
### **Proposal**

That the Area Committee recommend that Cabinet Member for Housing approves both the application for a Lease of the extra land required and a licence to use the Priory Hall Training & Conference Centre for car parking. These are to be on terms & conditions to be negotiated and agreed by the Director of Law & Property and subject to Planning Permission being granted.

### **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



TITLE:

THE PRIORY BOXING CLUB  
 PRIORY ROAD  
 DUDLEY



SCALE:  
 1 : 1250

DATE:  
 13-DEC-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:  
 ALAN NUGENT, PROPERTY MANAGER, EXT 5351





**Central Dudley Area Committee**

**Date: 13<sup>th</sup> March 2007**

**Request to purchase land**

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

**Background**

A report regarding this matter was deferred from a meeting of this Committee on 7<sup>th</sup> November 2006 to enable further investigations to take place regarding the future of land at Cole Street and Worcester Road, Netherton.

An application had originally 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.

At the meeting of this Committee it was agreed to recommend that the application to purchase a strip of land adjacent to 39 Cole Street, to gain vehicular access to enable rear parking for the new residents of the bed-sits at 39 Cole Street be refused.

A further application to purchase the site of the former Housing Estates Office and an area of land between the Sons of Rest building, (marked left hatched on the attached plan) and the former Housing Estates Office site, (marked outlined on the attached plan) to enable access to the rear of 39 Cole Street for parking and for residential development has yet to be determined.

At the site visit held on 25<sup>th</sup> September 2006, it was considered that further investigations should take place to consider the possibility of all of the land and the former Estates Office site being utilised and improved for the needs of children and people in the area, to be used as a play area and Public Open Space. It was further suggested that the palisade fencing surrounding the former Estates Office site could be re-erected around the building occupied by the Darby End Senior Citizens and Social Club and that the occupation of this site be regularised by way of a lease. It was also suggested that an area of garden land belonging to the tenancies of Council property 13 and 15 Worcester Road, (marked right hatched on the attached plan) could be added to the play area providing the tenants agree to give up parts of their rear gardens.

A petition was also submitted to the Central Dudley Area Committee on 7<sup>th</sup> November 2006, from the Darby End Senior Citizens and Social Club, requesting that land is not sold for development, that the Club be allowed to keep the land surrounding the club for use by the Club members and their activities and that the Housing controlled land adjacent to the Club be returned to a children's play area.

All of the land adjacent to the Club was originally purchased for Housing purposes and is controlled by the Directorate of Adult, Community and Housing Services.

The former Estates Office Site has 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 therefore carefully considered the future of the area, taking into consideration the suggestions made at the site visit and the needs of the community and the following solutions have been considered as the best way forward.

It is considered that the applications by the owner of 39 Cole Street for access from Worcester Road and to purchase areas of Council owned land should be refused, as they would prejudice the adjacent public open space.

The Community Group have been consulted and it has been agreed that the area of land shown left hatched on the attached plan should be appropriated to section 19 of the Miscellaneous Provisions Act 1976, to allow a formal lease to be agreed with the Darby End Senior Citizens Club. The exact area to be the subject of the lease has been agreed with the group to include an area of land 20m from the back of pavement on Cole Street as marked on the attached plan. The granting of the lease will require the group to develop a formal constitution.

The fencing around the former Estates Office is to be removed as it is encouraging rubbish to accumulate. The land will then become part of the adjacent open space. The Directorate of Urban Environment is looking into the possibility of a play area scheme on the open space and all of the land adjacent to the site of the Senior Citizens Club will then be formally appropriated to the purposes of the Open Spaces Act 1906.

Regarding the request to relocate the fencing that is currently around the former Estates Office site to protect the Community building, this fencing is not suitable for re erection in its current state as it is the type that has 3 spikes on the top edge and is no longer considered safe to erect. The possibility of modification of the fencing is being looked into and costings sought. The District Housing Manager would then like the Community Group to make a bid to this Area Committee for the cost of either modification or purchase of new fencing, whichever is viable and the erection of the fencing around the building.

There is an area of land to the rear of properties 13 to 21 Worcester Road that the residents have indicated they would be willing to give up as part of their gardens, as it is too large an area for them to maintain. It is proposed that a scheme can be developed on this land to widen the turning head of Bourne Hill Close, to provide additional residents parking and to provide some additional social housing. This scheme would involve the owner/occupier of 17 Bourne Hill Close selling part of their garden also and they have indicated that they would be interested in doing so. This scheme would therefore fulfil a need for additional parking in the area and affordable housing, whilst elevating the responsibility of the tenants to maintain the very long gardens.

## **Proposal**

- 1) That the Cabinet member for Law and Property approve:
  - a. The appropriation of the area of land that is the site of the Darby End Senior Citizens and Social Club from the purposes of the Housing Act 1957 to that of section 19 of the Local Government (Miscellaneous Provisions) Act 1976 for community use.
  - b. The appropriation of the land Held for Housing purposes between Worcester Road and Bourne Hill Close, to the purposes of the Open Spaces Act, 1906 for the creation of a play area and to maintain as public open space.

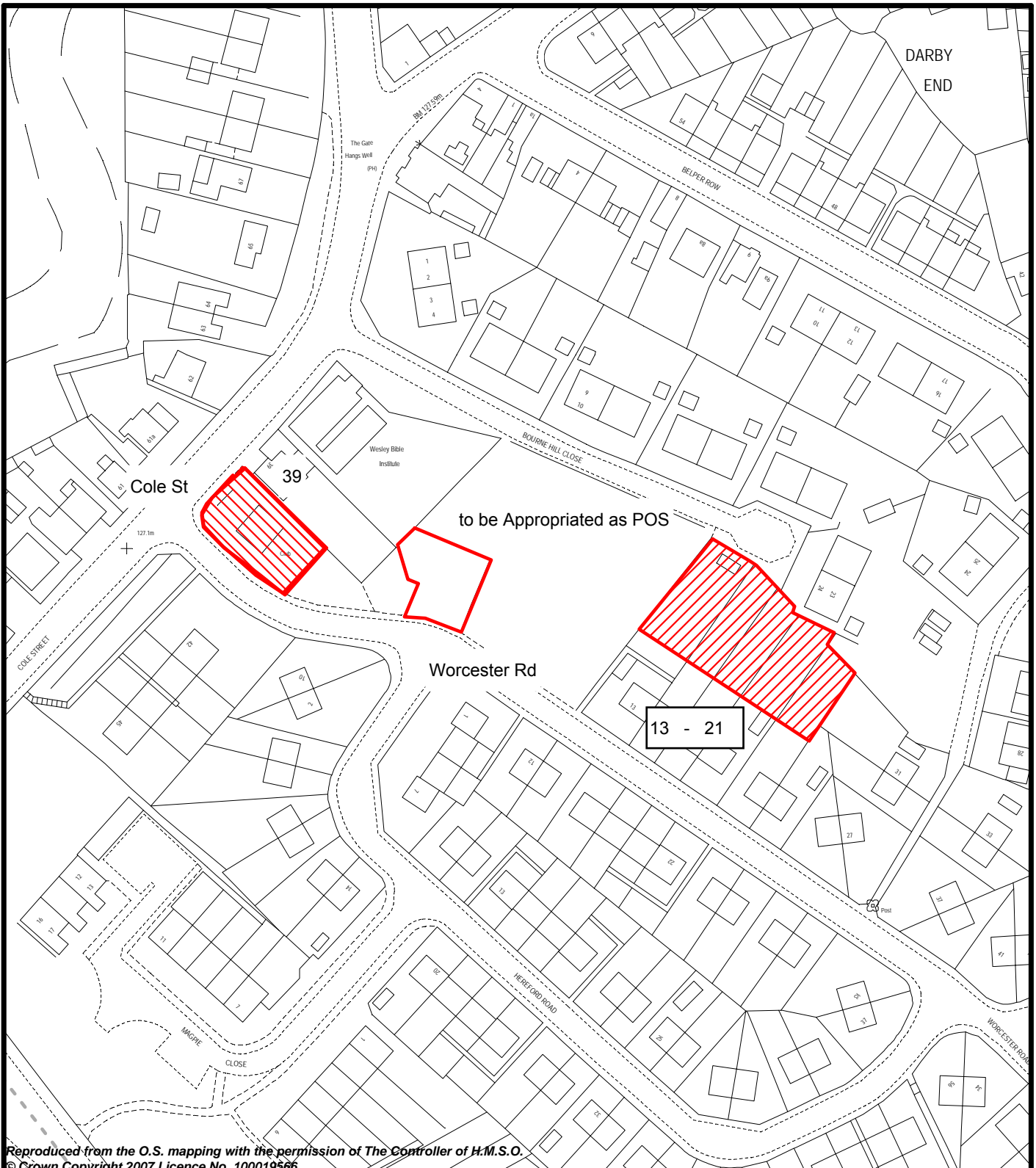
3) That the Cabinet Member for Housing:

- a. Approve the lease to the Darby End Senior Citizens and Social Club.
- b. Declare the land to the rear of 13 & 15, 19 & 21 Worcester Road surplus to requirements to be sold for social housing in conjunction with land forming apart of 17 Worcester Road, on terms and conditions to be negotiated and agreed by the Director of Law and Property.
- c. Refuse the application by the owner of 39 Cole Street to purchase land or for vehicular access across land in Worcester Road.

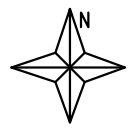

**Background papers**

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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| <p>TITLE:</p> <p><b>LAND AT COLE ST/WORCESTER RD, NETHERTON.</b></p> <p>Left hatched - to be leased to Darby End Senior Citizens<br/>         Right hatched - land r/o 13-21 Worcester Rd to be declared surplus<br/>         Thick line = former Estate Office Site</p> <p>OS data reproduced with the permission of the Controller of HMSO 2007 Licence No 100019566</p> |  <p>SCALE:<br/>1 : 1250</p> <p>DATE:<br/>31-JAN-2007</p> | <p>Corporate Estate Services<br/>         Directorate of Law and Property<br/>         3 St James's Road<br/>         DUDLEY<br/>         West Midlands<br/>         DY1 1HZ</p>  |
| <p>CREATED BY:<br/>Gill Hudson, Property Manager. Ext 5311</p>   |   |  |

**Central Dudley Area Committee**

**Date: 13<sup>th</sup> March 2007**

**Request to: Declare Surplus**

**Location: Land at Douglas Road/ Dando Road, Dudley**  
**(As shown on the plan attached)**

**Background**

At the meeting of this committee on 7<sup>th</sup> November 2006 it was agreed to recommend that the Cabinet Member for Housing approve the Surrender of the lease of the 2<sup>nd</sup> Dudley Scout Group, but to defer consideration of the future of the site for further investigations and to report back to a future meeting of the Committee regarding the running costs of the centre, contact with external community groups and Youth Services and Neighbourhood Managers, to determine whether there would be interest in any of the groups using the building.

The land was purchased by the Council for Housing purposes and is under the control of the Directorate of Adult, Community and Housing Services.

The rateable value of the hall and premises is £1,150 and it is considered that the building would be re-let at a rental of approx £6000 pa exclusive of other outgoings. Costs for services such as gas, electricity and water would depend on usage and supplier.

The Council no longer provide concessionary rentals for community groups, all new leases being at a market rental.

**Comments**

The relevant Council Directorates have again been consulted regarding the future of the site, to identify any operational requirement for the site within the Council, or to identify any external community groups or other groups that may wish to lease the building. Community and Youth Services and Neighbourhood Managers have been consulted as requested.

No operational use for the site has been identified and the Director of Children's Services has confirmed that he has no interest in the site as it is not appropriate for their needs. Neighbourhood Management have also failed to identify any suitable group to use the site.

The Director of Law and Property state that now the property is empty and back in the control of the Council, it will be vulnerable to vandalism. It will therefore be advantageous to dispose of the site as soon as possible. There has already been some interest in the site for residential development.

It is therefore proposed that the site should be declared surplus to requirements and sold on the open market.

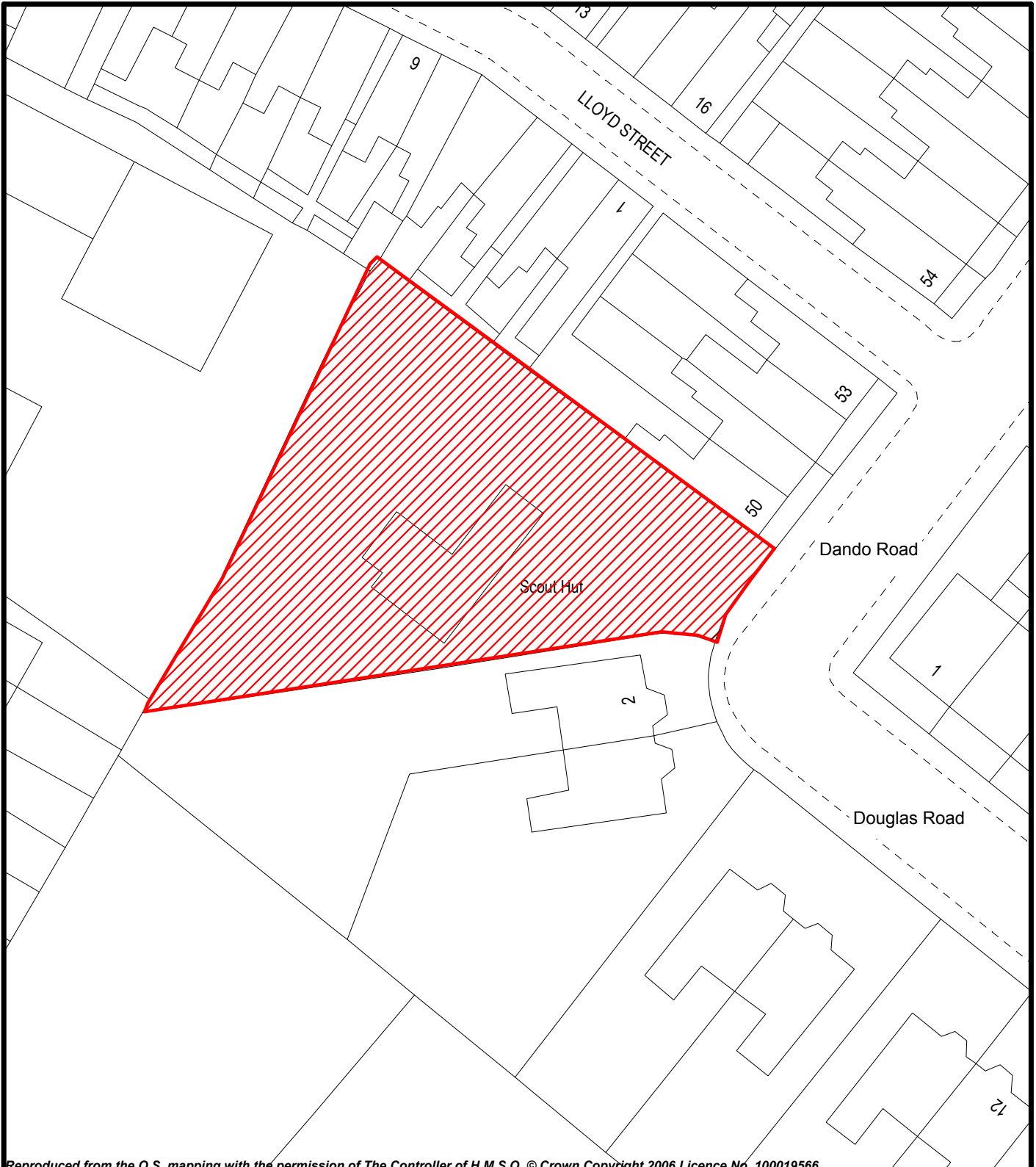
## **Proposal**

That the Area Committee advise the Cabinet Member for Housing to declare the site at Douglas Road/Dando Road surplus to requirements, 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: Gill Hudson, Property Manager, Ext. 5311



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|---|--|--|
| <p>TITLE:</p> <p>Surrender of lease of 2nd Dudley Scout Hut site at:<br/>Douglas Road/Dando Road<br/>Dudley</p>   |  | <p><b>Corporate Estate Services</b><br/><b>Directorate of Law and Property</b></p> <p>3 St James's Road<br/>DUDLEY<br/>West Midlands<br/>DY1 1HZ</p> |
| <p>OS data reproduced with the permission of the Controller of HMSO 2006 Licence No 100019566</p> <p>CREATED BY: Gill Hudson, Property Manager. Ext: 5311. Ref 17754 Imsu</p> | <p>SCALE:<br/>1 : 450</p> <p>DATE:<br/>07-SEP-2006</p> |  |