

**Stourbridge Area Committee -12 September 2005**

**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.

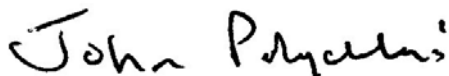
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

### **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.



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

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### **List of Background Papers**

See individual appendices

## **APPENDICES**

### **STOURBRIDGE AREA COMMITTEE**

**DATE: 12<sup>TH</sup> SEPTEMBER 2005**

### **REQUEST FOR: JOINT DEVELOPMENT SCHEME**

**LOCATION: LAND FRONTING ENVILLE STREET, STOURBRIDGE**  
**(As shown on the plan attached)**

### **BACKGROUND**

A request has been received for a joint auction of land fronting Enville Street, the Ring Road and School Street in Stourbridge as shown on the attached plan. A number of parcels of land owned by the Council will form part of the expected surplus land following construction of the new Enville Street junction improvement, which dissects the land shown on the plan. The adjoining owners who are affected by the Compulsory Purchase Order are interested in developing the whole site to provide 21 No. 2-bed apartments with car parking and amenity area.

The land required for this development is in 3 separate ownerships as indicated on the attached plan:

- |   |                          |
|---|--------------------------|
| 1. Alexandra House (house, garden and car park) | P J Tibbetts & C L Lloyd |
| 2. Mayfield House and land adjoining            | Dudley M B C             |
| 3. Land fronting Enville Street                 | Tooby                    |

The Directorate of Social Services, Leaving Care Team, currently occupies Mayfield House on a temporary basis since approximately 1998. The proposal is to obtain planning consent for redevelopment and then to offer the whole site for sale with the owners dividing the net proceeds amongst themselves based on the value of the land they each put in.

The land is under the control of the Directorate of the Urban Environment and was acquired for highway purposes. If the application were approved then the Council's land left over after construction of the road would be appropriated for planning purposes before being offered for sale.

### **COMMENTS**

All of the relevant Council Directorates have been consulted regarding the proposal and no objections have been received. However, there is great concern from the Directorate of Social Services, the tenants of Mayfield House, to find a new appropriate location for the Leaving Care Home and the funding for rental/refurbishment of another property. Another major concern is the timescales for the proposals since finding a suitable location for the service could take many months and time would be required for the work to be undertaken to make it operational. The Directorate will need to provide its services from Mayfield House until another suitable location is established, and would object strongly to

work commencing until the Directorate have made alternative arrangements for the service provision. The disruption caused by any work around the property would interfere considerably with the current service provision and would have a direct affect on service users.

The Directorate of the Urban Environment raise no objection to this proposal subject to appropriate planning permission being sought which takes into consideration suitable design solutions for the remaining land. Necessary air quality assessments and appropriate contaminated land caveats will need to be applied.

## **PROPOSAL**

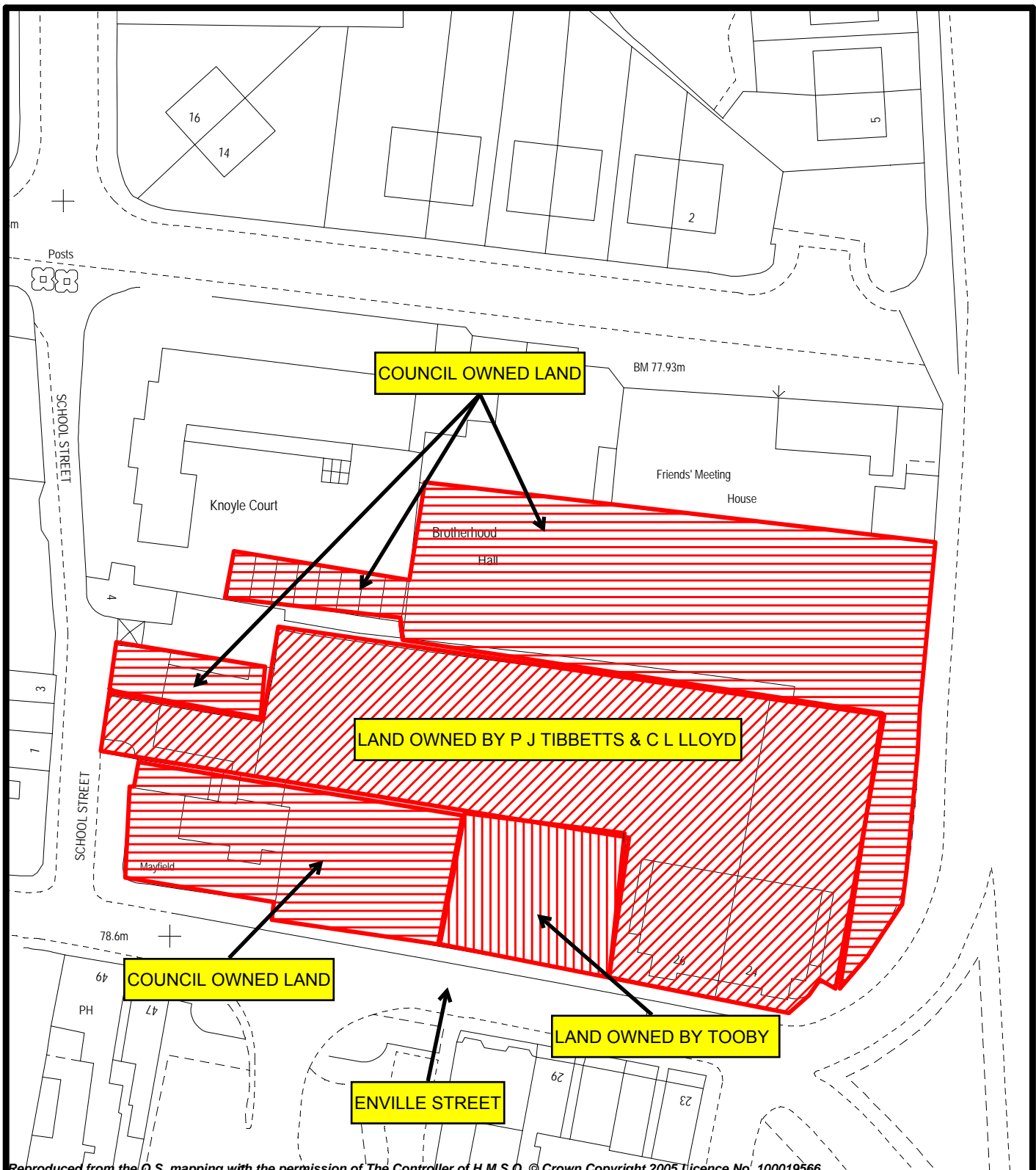
That the Area Committee advises the Cabinet Member for Transportation to approve the application for a joint sale of the surplus land following construction of the new road subject to the disposal been deferred for a reasonable amount of time to enable the Directorate of Social Services to find new alternative location for the Leaving Care Team. In addition, that the Cabinet Member for Law and Property be recommended to appropriate the surplus land for planning purposes.

## **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



<p>TITLE:</p> <p>Land fronting Envile Street,</p> <p>Stourbridge</p>			<p>Corporate Estate Services</p> <p>Directorate of Law and Property</p> <p>3 St James's Road</p> <p>DUDLEY</p> <p>West Midlands</p> <p>DY1 1HZ</p>	
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## **APPENDICES**

### **STOURBRIDGE AREA COMMITTEE**

**DATE: 12<sup>TH</sup> SEPTEMBER 2005**

### **REQUEST FOR: LEASE HIGHWAY LAND FOR A FENCE**

**LOCATION: AT THE FRIENDS MEETING HOUSE (STOURBRIDGE QUAKERS  
(RELIGIOUS SOCIETY OF FRIENDS)), SCOTTS ROAD, STOURBRIDGE**  
**(As shown on the plan attached)**

### **BACKGROUND**

A request has been received from Stourbridge Quakers (Religious Society of Friends) to lease land as shown hatched black on the plan attached. The land is required to place a fence fronting their building.

The applicant states that they have recently restored this historic building to English Heritage standards but the premises are vulnerable to vandalism. The restored building wall has been shot at and has many holes of some size. There are problems with anti-social behaviour, which have been reported to the police many times. The applicant feels that they need to protect the wall and roof with a 6-foot high metal fence the length of the building, which will enable them to maintain the wall and area. The applicant propose that they would immediately plant the area with large bushes, honeysuckle and roses, etc. to cover the metal strips and make the area more attractive, which will be maintained by the applicant.

The cost in damage, money, labour and unsightliness has become too much for the small group, the neighbours and the public in general. For that reason the applicant's requirement is to seek help from the Council to gain approval for the use of the land at a peppercorn rent.

### **COMMENTS**

All of the relevant Council Directorates have been consulted regarding the proposal. The Directorate of the Urban Environment have no objections to the erection of the fence. However the public highway would have to be declared surplus and "stopped-up" following a planning application under Section 247 of the Town and Planning Act 1990 to facilitate the development. Furthermore, the fence will require listed building consent and also planning permission as the fence is over 1 metre in height.

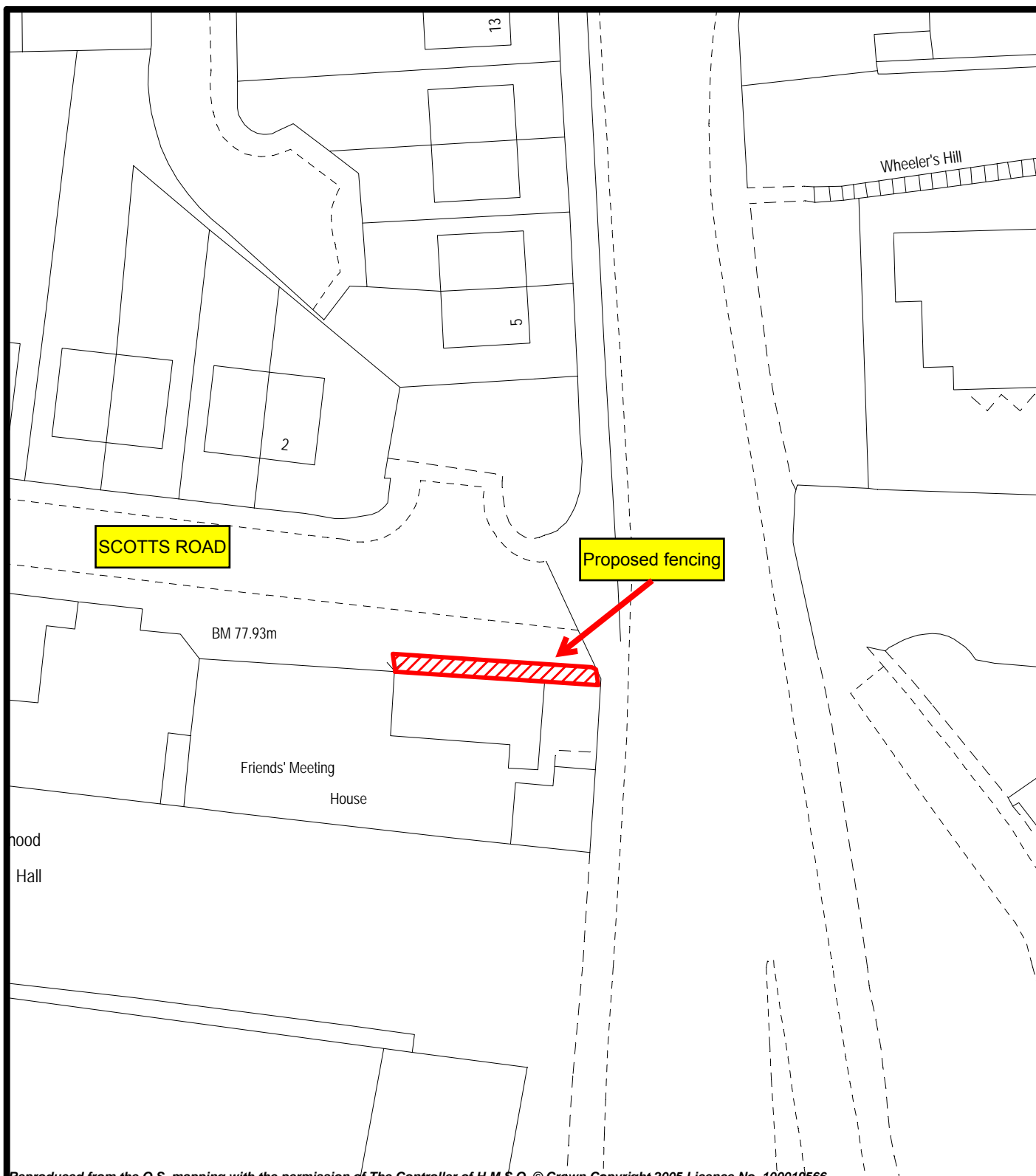
### **PROPOSAL**

That the Area Committee consider the application and make a recommendation to the Cabinet Member for Transportation.

### **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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TITLE:

The Friends Meeting House

Scotts Road, Stourbridge



SCALE:

1 : 500

DATE:

03-AUG-2005

Corporate Estate Services  
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

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