
Central Dudley Area Committee – 7th November 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.

Note and Delete -

It is a requirement for all report authors to make reference to:-

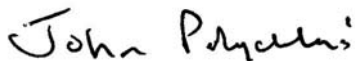
The effect of the decision on children and young people.

Whether there was consultation with children and young people; and

The involvement of children and young people in developing the proposals.

Recommendation

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



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

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List of Background Papers

See individual appendices

Central Dudley Area Committee

Date: 7th November 2006

Central Dudley Housing Garage Plot Sites

(As shown hatched on the plans attached)

Background

The Directorate of Adult, Community and Housing Services has undertaken a review of their garage sites and garage plot sites throughout the Borough and have identified sites that are now surplus to their requirements. The programme has been agreed by the Housing Area Panels.

Housing garage sites are sites that have garages built upon them by The Directorate of Adult Community and Housing Services (DACHS) and that are let out to tenants. Housing garage plot sites are areas of land where plots are let to tenant who erect their own garage upon the plot.

A report regarding the Surplus Garage sites identified by the Housing Area Panels, was considered by the Executive at its meeting on 8th September 2004 and four sites within the Central Dudley Area were declared surplus to requirements by Minute 28 (4). These were at Gads Green Crescent, Four Winds Road, Lea Bank Road and Saltwells road.

The garage plot sites that were identified by the Housing Area Panels however, need to be declared surplus to requirements and a Decision must be made by the Cabinet Member for Housing before the sites can be disposed of. These sites are the subject of this report and are shown hatched on the attached plans.

Comments

The relevant Council Directorates have been consulted regarding the disposal of these plot sites and no objections have been received to the disposal of all sites save one at Knowle Hill Road. This site is not suitable for disposal as it is protected as open space by planning policy LR1 in UDP. It must therefore remain in Council ownership as part of adjacent public open space.

The remaining sites to be declared surplus to requirements are:

Saltwells Road.

This site is a small plot site that will be added to the adjacent garage site and former Estates Office site that have already been declared surplus.

Avenue Road.

This site has an electricity substation on it and a Public Right of Way adjacent but it may be suitable for sale to adjoining owner/occupiers.

Cochrane Road.

A small area of land surrounded by land held for housing purposes. .

Greenpark Road.

This site has 2 sewers that cross it adjacent to 171 and several properties in Cromwell Drive have vehicular access across it. However, this will not prohibit residential development of the land.

Adj. To 101 Knowle Hill Road.
Site suitable for residential development.

Parkfield Road.
This is a long narrow site that may be suitable for development for apartments.

R/O 30 – 32 Sycamore Green.
This site is suitable for residential development.

Spring Road.
This site could be suitable for residential development.

Adj to 19 Sycamore Green.
This site is suitable for residential development.

Tansley Hill Avenue.
This site is suitable for residential development.

Uplands Road.
This site could be suitable for residential development or sale to adjoining properties for garden extension.

Reports regarding the surplus garage sites and plot sites for other Areas will be report to the relevant Area Committees, once the necessary consultation has been undertaken.

Proposal

That the Area Committee advise the Cabinet Member for Housing to:

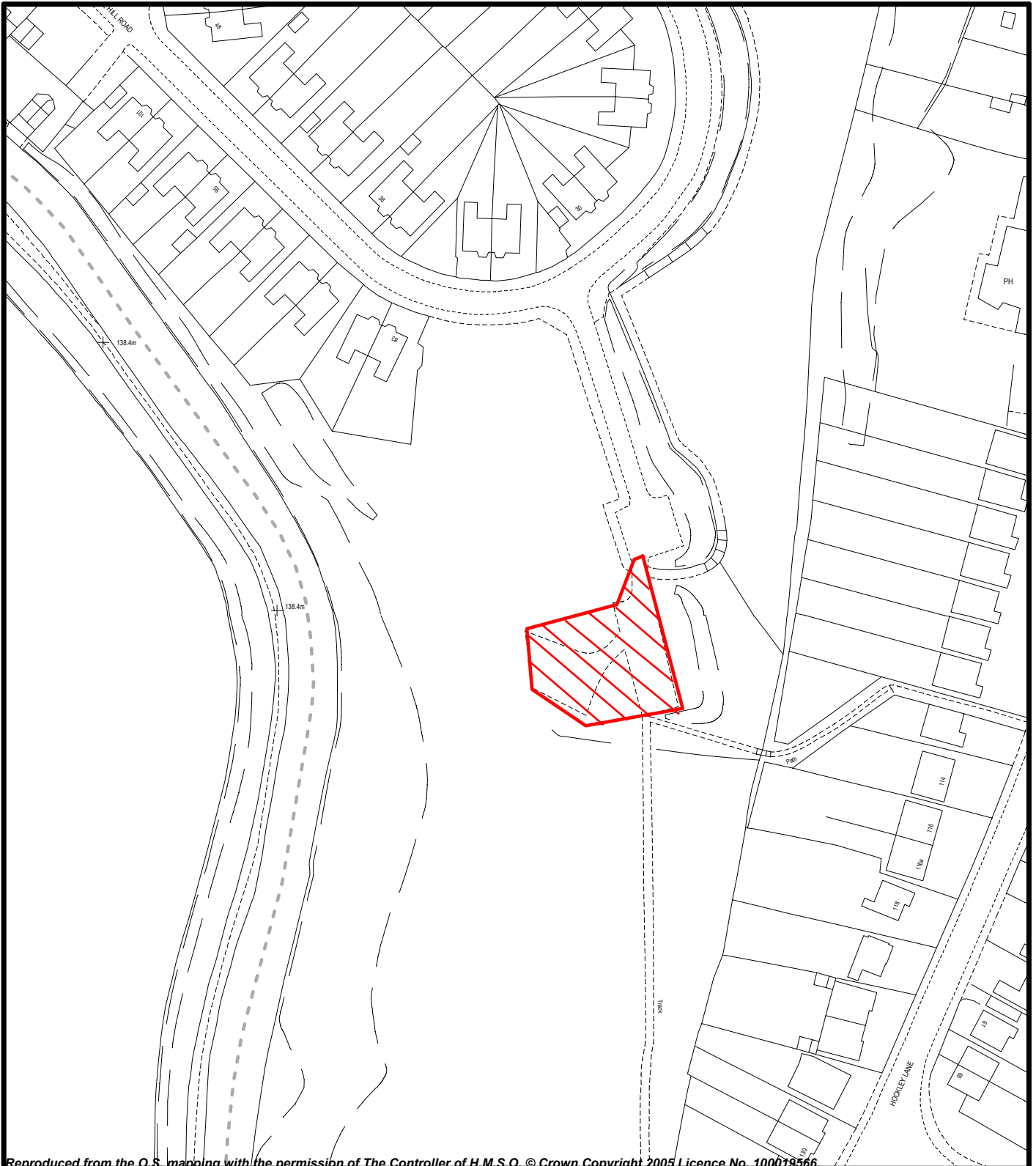
- 1) Retain the land at Knowle Hill Road in Council ownership as open space.
- 2) Declare the Central Dudley Housing garage plot sites, as marked hatched on the attached plans, surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

1. E-mails and memos from the Council Directorates.

Contact Officer:

Gill Hudson, Property Manager, Ext. 5311

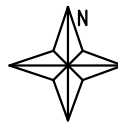


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TITLE:

FORMER GARAGE SITE AT KNOWLE HILL ROAD
DUDLEY. TO BE RETAINED IN COUNCIL OWNERSHIP.

File 31643



SCALE:

1 : 1250

DATE:

21-DEC-2005

Corporate Estate Services
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

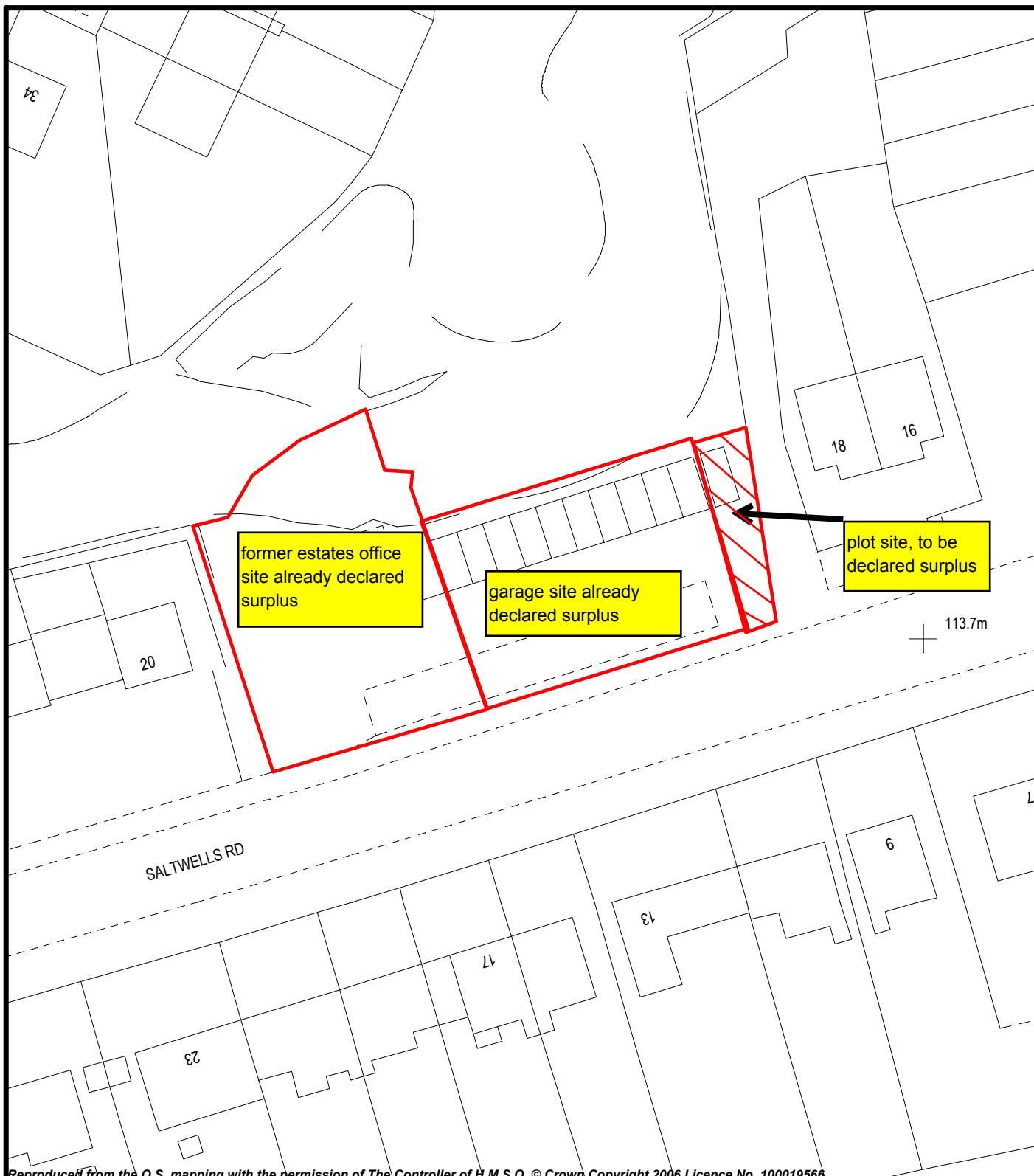
DY1 1HZ

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Dudley
Metropolitan Borough Council



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TITLE:

Land at Saltwells Road
Netherton

Garage plot site to be
declared surplus.



SCALE:

1 : 500

DATE:

20-SEP-2006

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

3 St James's Road

DUDLEY

West Midlands

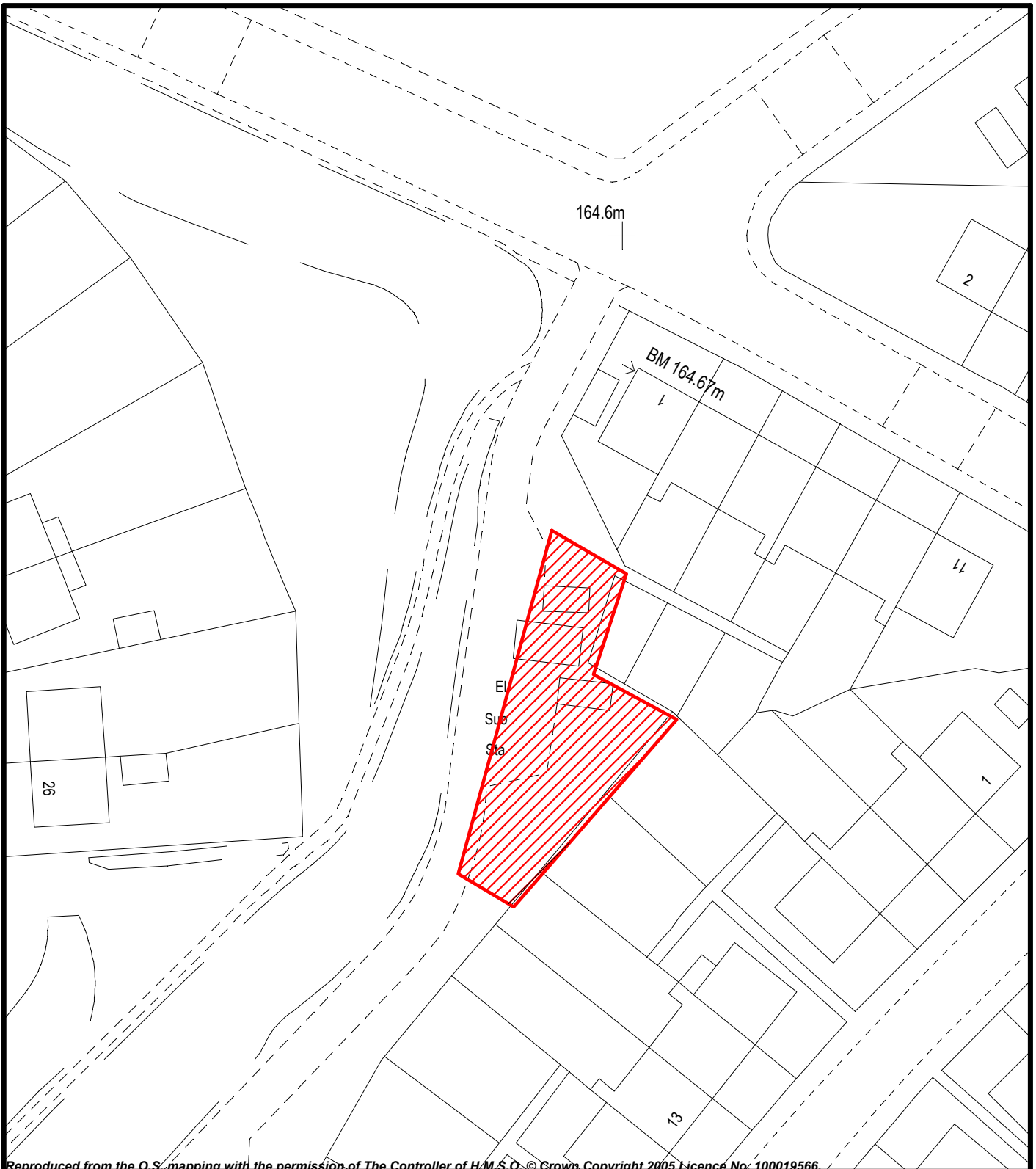
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TITLE:

land at avenue road
dudley
TO BE DECLARED SURPLUS

File 31608



SCALE:

1 : 500

DATE:

21-DEC-2005

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Directorate of Law and Property**

3 St James's Road

DUDLEY

West Midlands

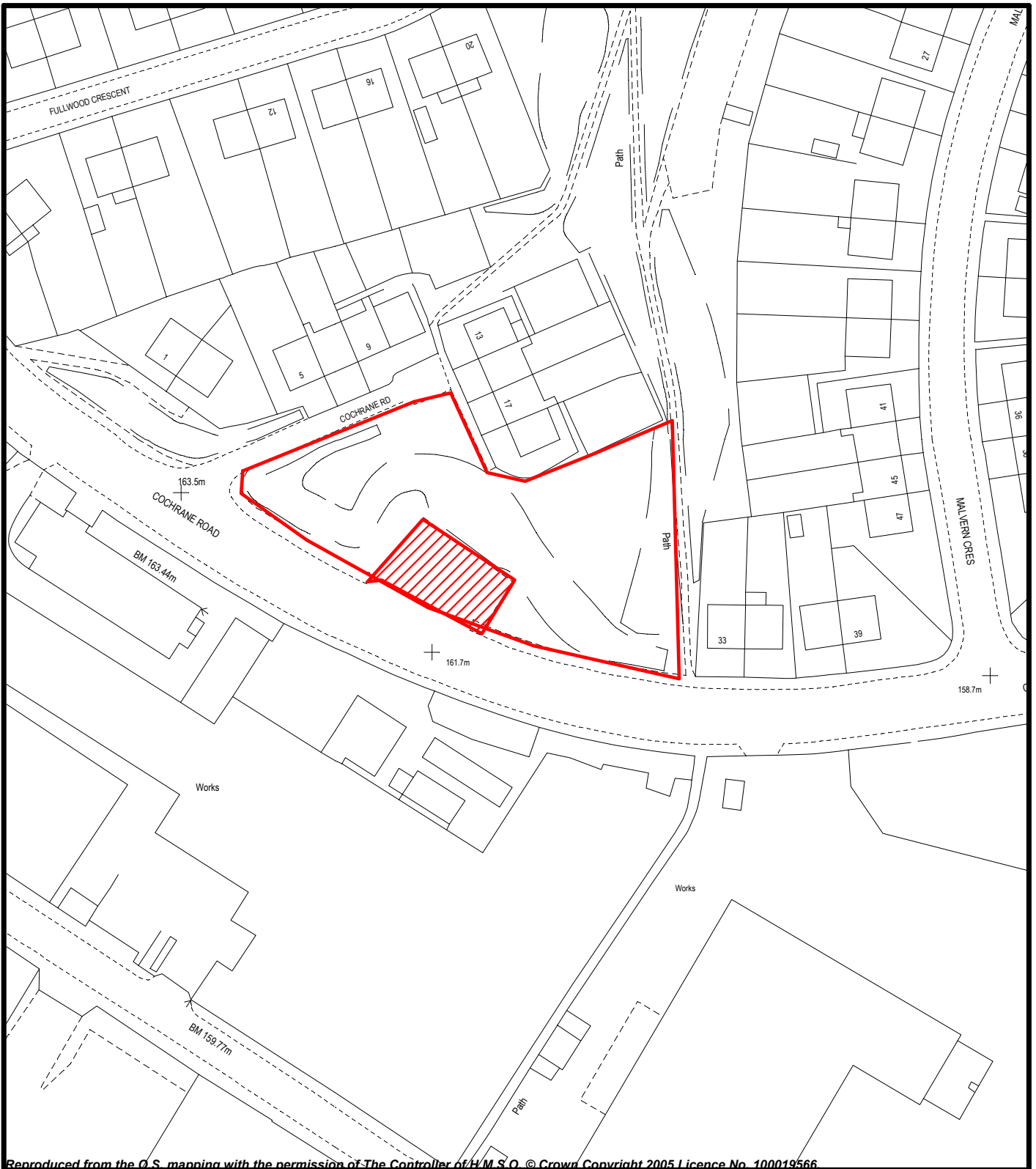
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hatched area -former garage plot site at:
cochrane road
dudley.
TO BE DECLARED SURPLUS



SCALE:
1 : 900

DATE:
21-DEC-2005

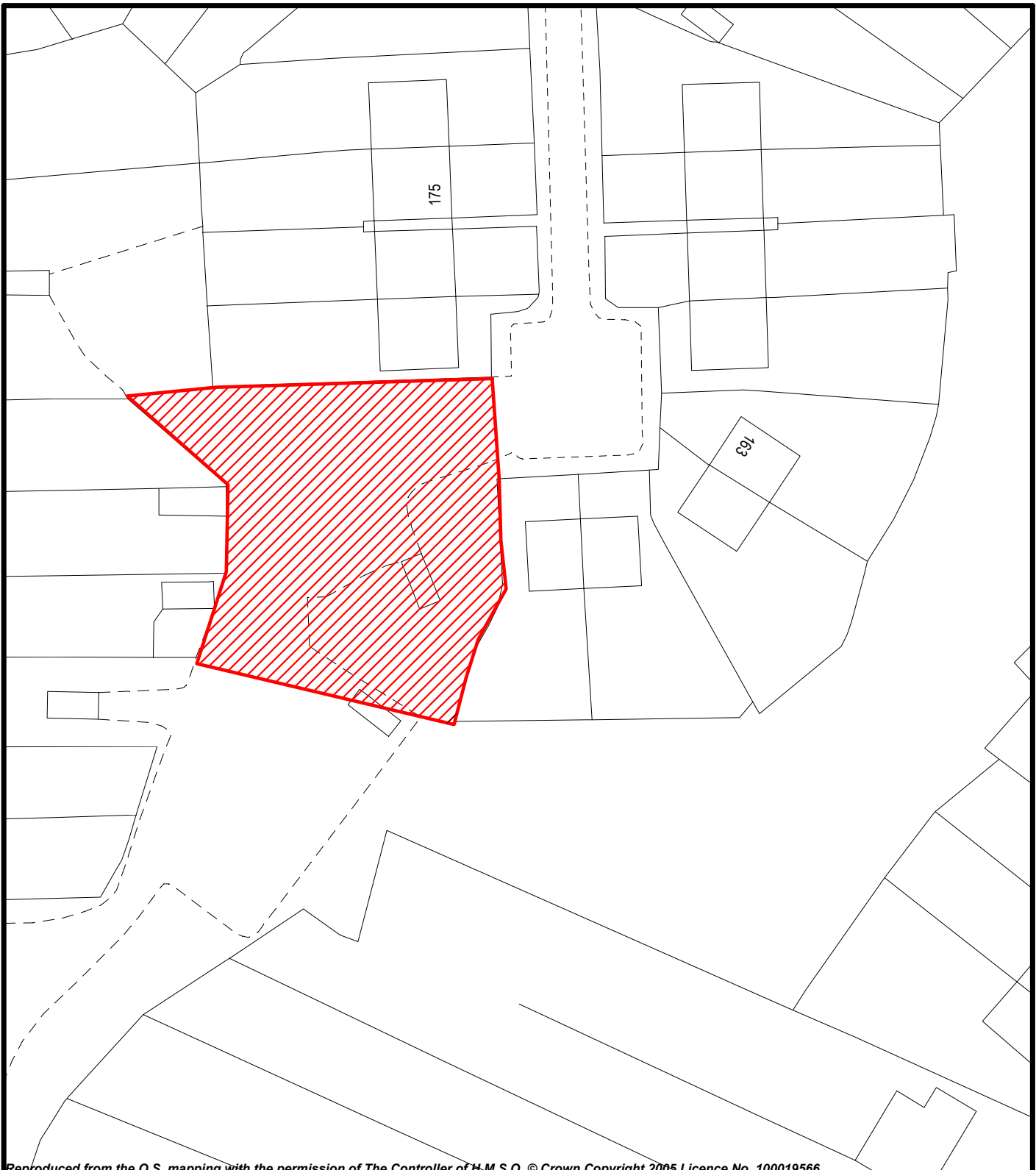
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West Midlands
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TITLE:

LAND AT GREEN PARK ROAD,
DUDLEY
File 31603
TO BE DECLARED SURPLUS



SCALE:

1 : 500

DATE:

21-DEC-2005

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

3 St James's Road

DUDLEY

West Midlands

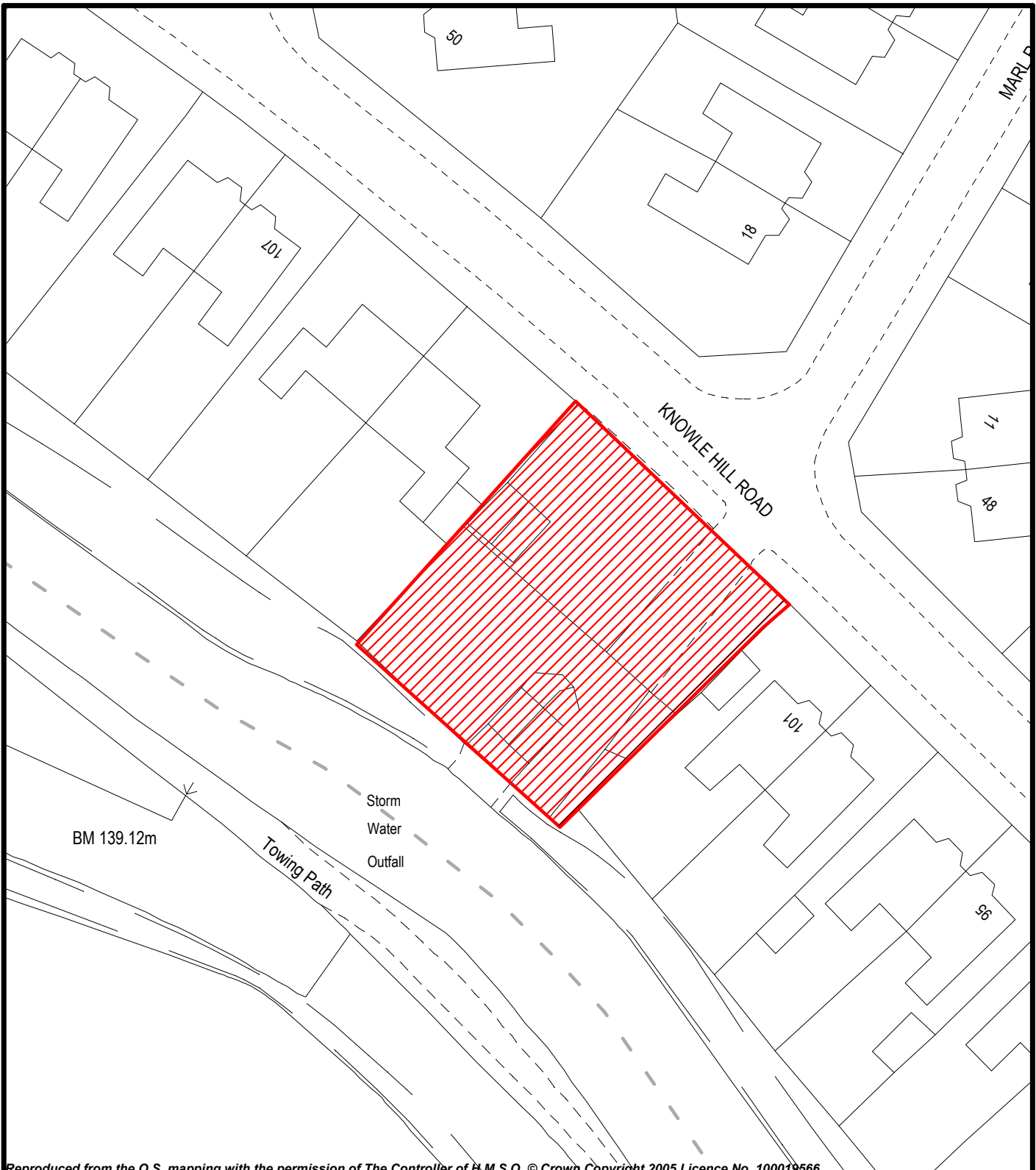
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land adjacent to 101 knowle hill road
netherton

File 31606
TO BE DECLARED SURPLUS

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SCALE:

1 : 500

DATE:

21-DEC-2005

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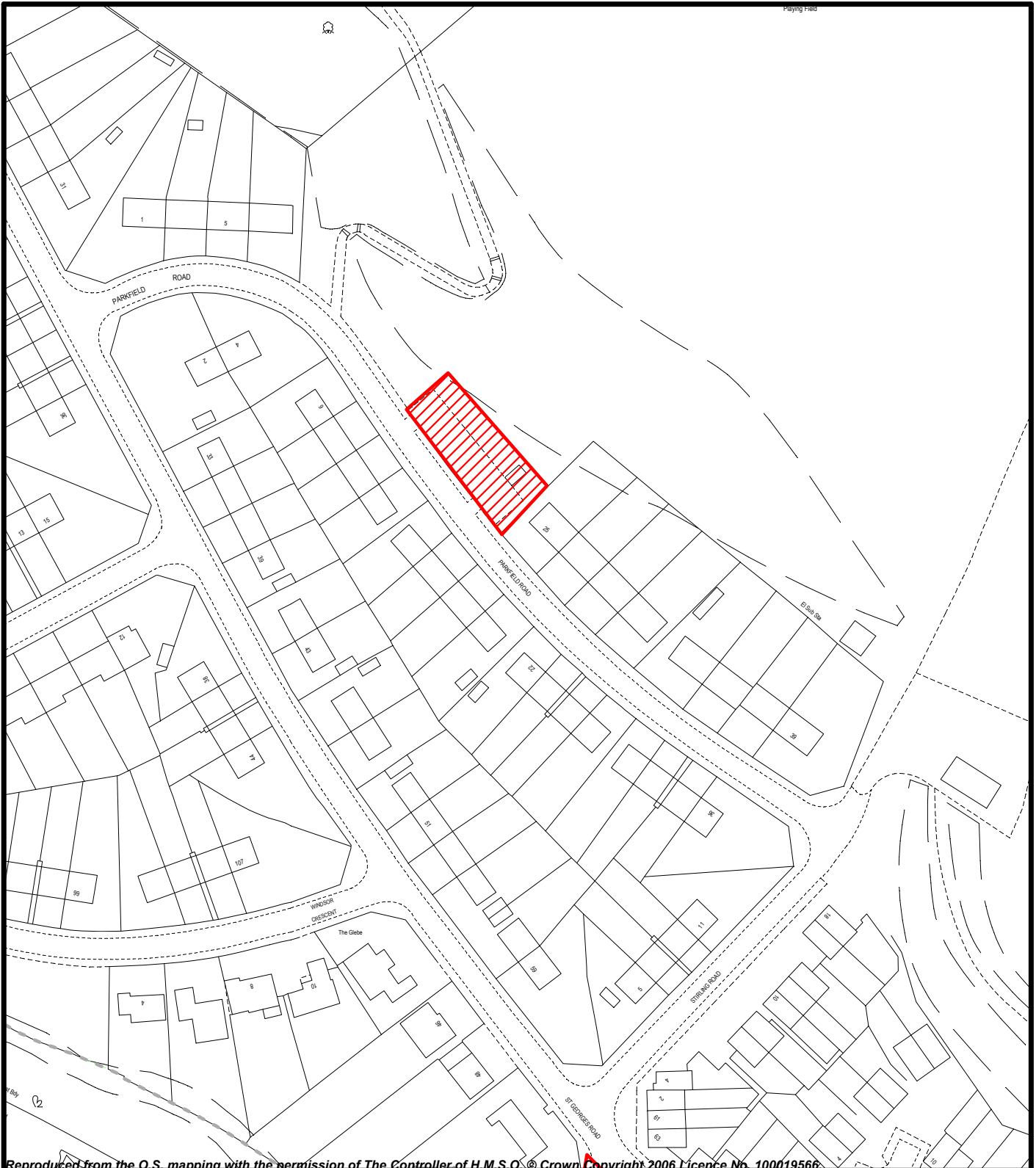
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DUDLEY

West Midlands

DY1 1HZ





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TITLE:
PARKFIELD ROAD GARAGE SITE
DUDLEY
TO BE DECLARED SURPLUS



SCALE:
1 : 1250
DATE:
20-SEP-2006

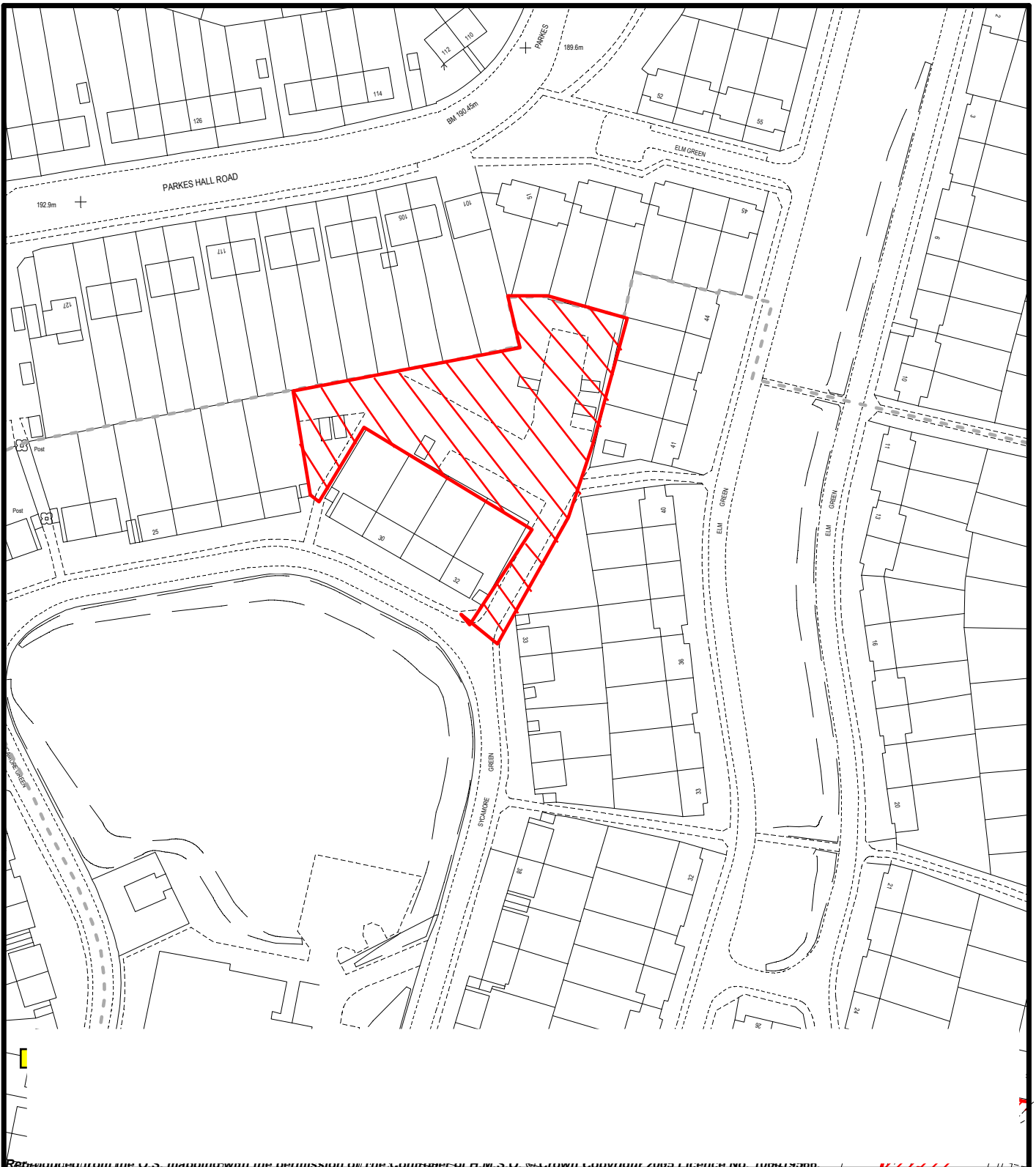
Corporate Estate Services
Directorate of Law and Property

3 St James's Road
DUDLEY
West Midlands
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Metropolitan Borough Council



TITLE:

R/O 30 - 32 Sycamore Green
Dudley.



SCALE:

1 : 1250

DATE:

13-DEC-2005

Corporate Estate Services
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

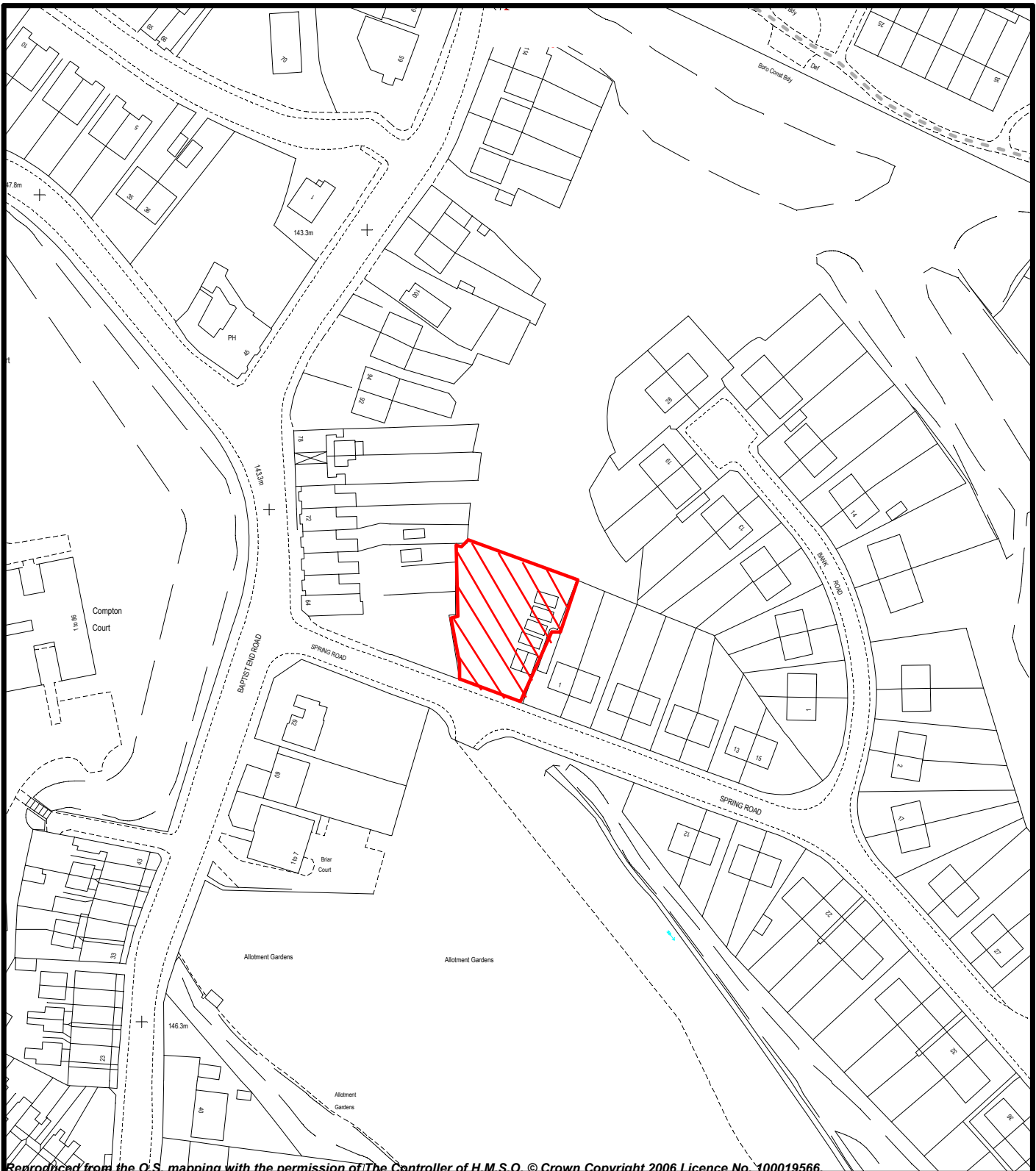
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Metropolitan Borough Council



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TITLE:
garage site at spring road
dudley



SCALE:
1 : 1250

DATE:
20-SEP-2006

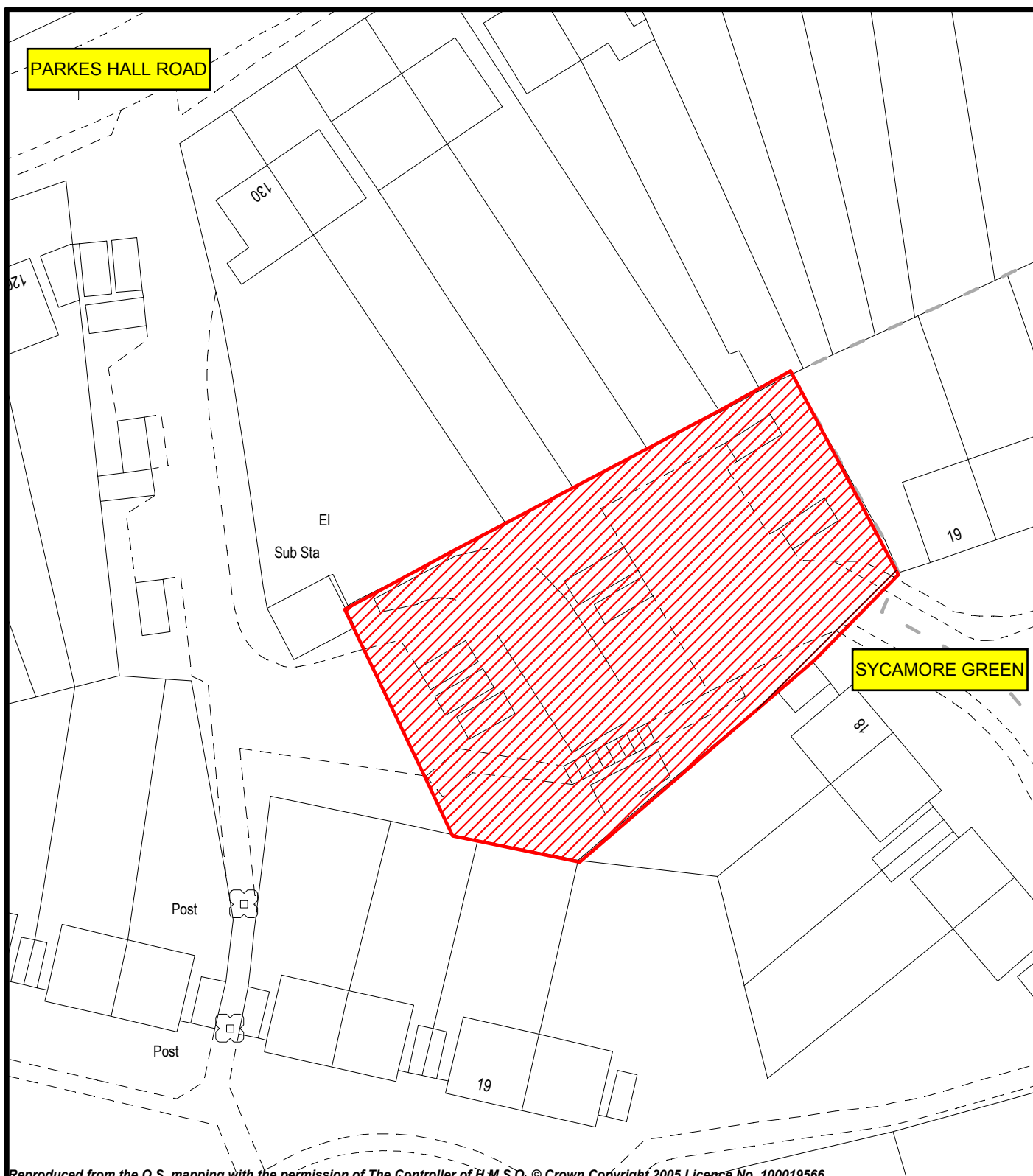
**Corporate Estate Services
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3 St James's Road
DUDLEY
West Midlands
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TITLE:

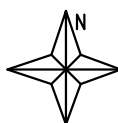
GARAGE SITE ADJACENT TO:
19 SYCAMORE GREEN
DUDLEY
TO BE DECLARED SURPLUS

File 31641

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GILL HUDSON, PROPERTY MANAGER. EXT 5311



SCALE:

1 : 500

DATE:

20-DEC-2005

Corporate Estate Services
Directorate of Law and Property

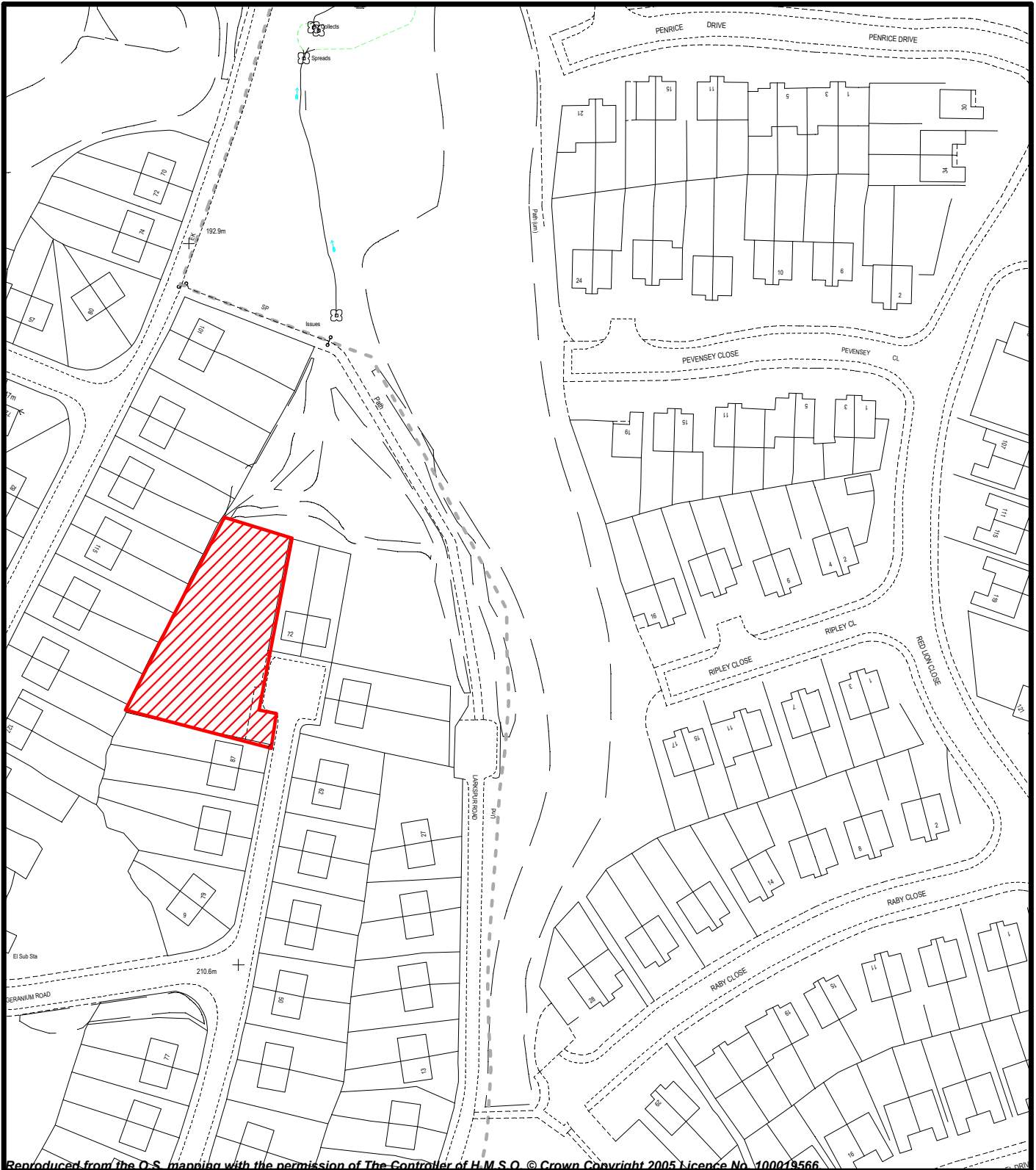
3 St James's Road

DUDLEY

West Midlands

DY1 1HZ



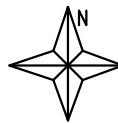


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TITLE:

LAND AT TANSLEY HILL AVE
DUDLEY
TO BE DECLARED SURPLUS

File 31605



SCALE:

1 : 1250

DATE:

21-DEC-2005

Corporate Estate Services

Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

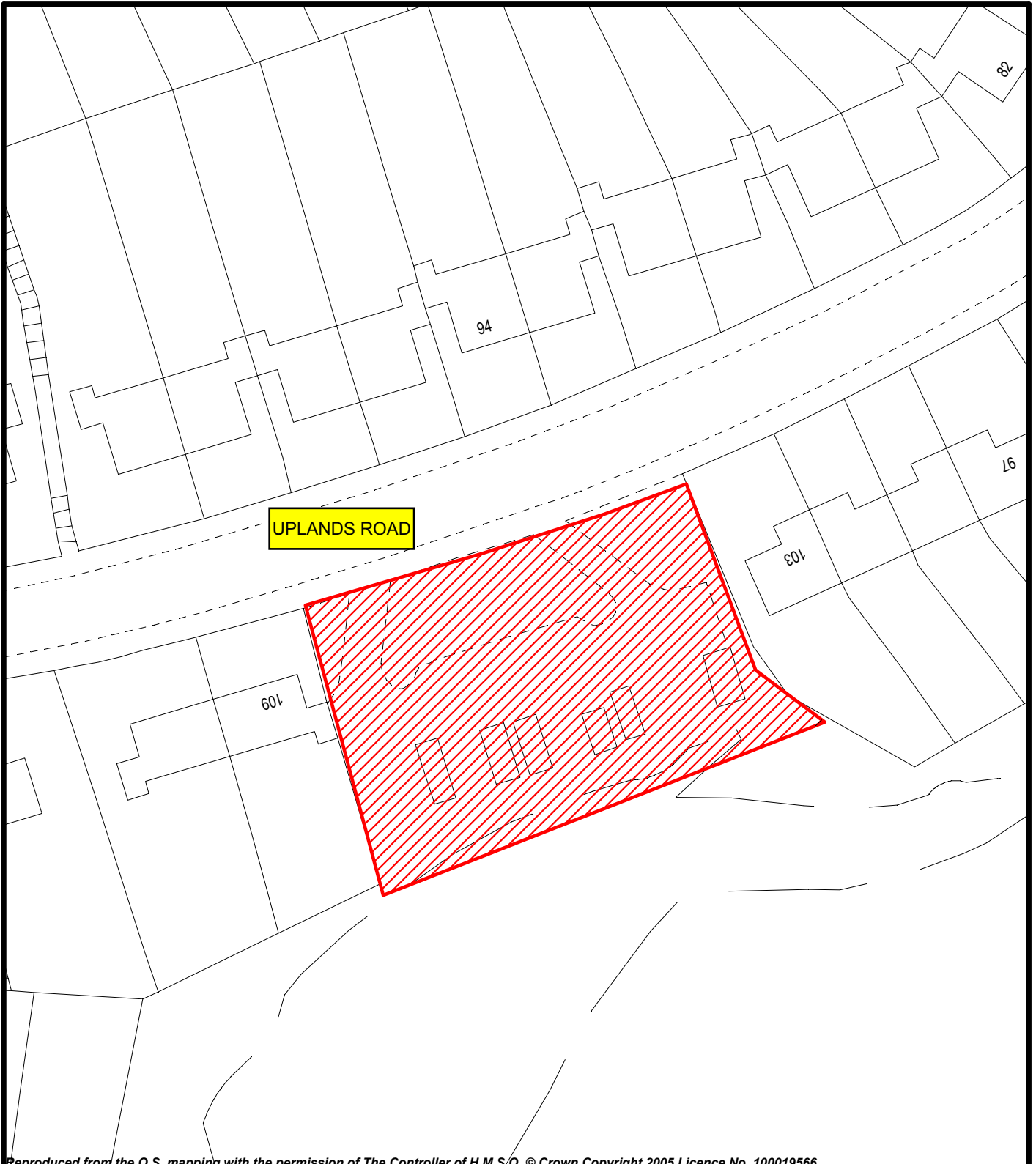
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Dudley
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TITLE:

LAND ADJACENT TO 109 UPLANDS ROAD
DUDLEY
TO BE DECLARED SURPLUS
File 31601



SCALE:

1 : 500

DATE:

20-DEC-2005

Corporate Estate Services
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

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Dudley
Metropolitan Borough Council

Appendices

Central Dudley Area Committee

Date: 7th November 2006

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 6th September 2006 so that a Members site visit could be held.

To reiterate, 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 Council's 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.

At the site visit held on 25th September 2006, it was agreed that the application to purchase the strip of land at the side of 39 Cole Street should be refused due to traffic management and public safety concerns as stated above.

It was however considered that a decision on the future of the remaining land adjacent to the Sons of Rest building should be deferred, pending further investigations to consider the possibility of the land and the former Estates Office site being utilised and improved for the needs of children and people in the area. It was further suggested that the palisade fencing surrounding the former Estates Office site could be re-erected around the Sons of Rest in order to improve the security for the building. A further consultation of Council Directorates will now be undertaken by Officers regarding the issues raised at the site visit and a report on the future of the site will be submitted to a future meeting of this Committee.

Proposal

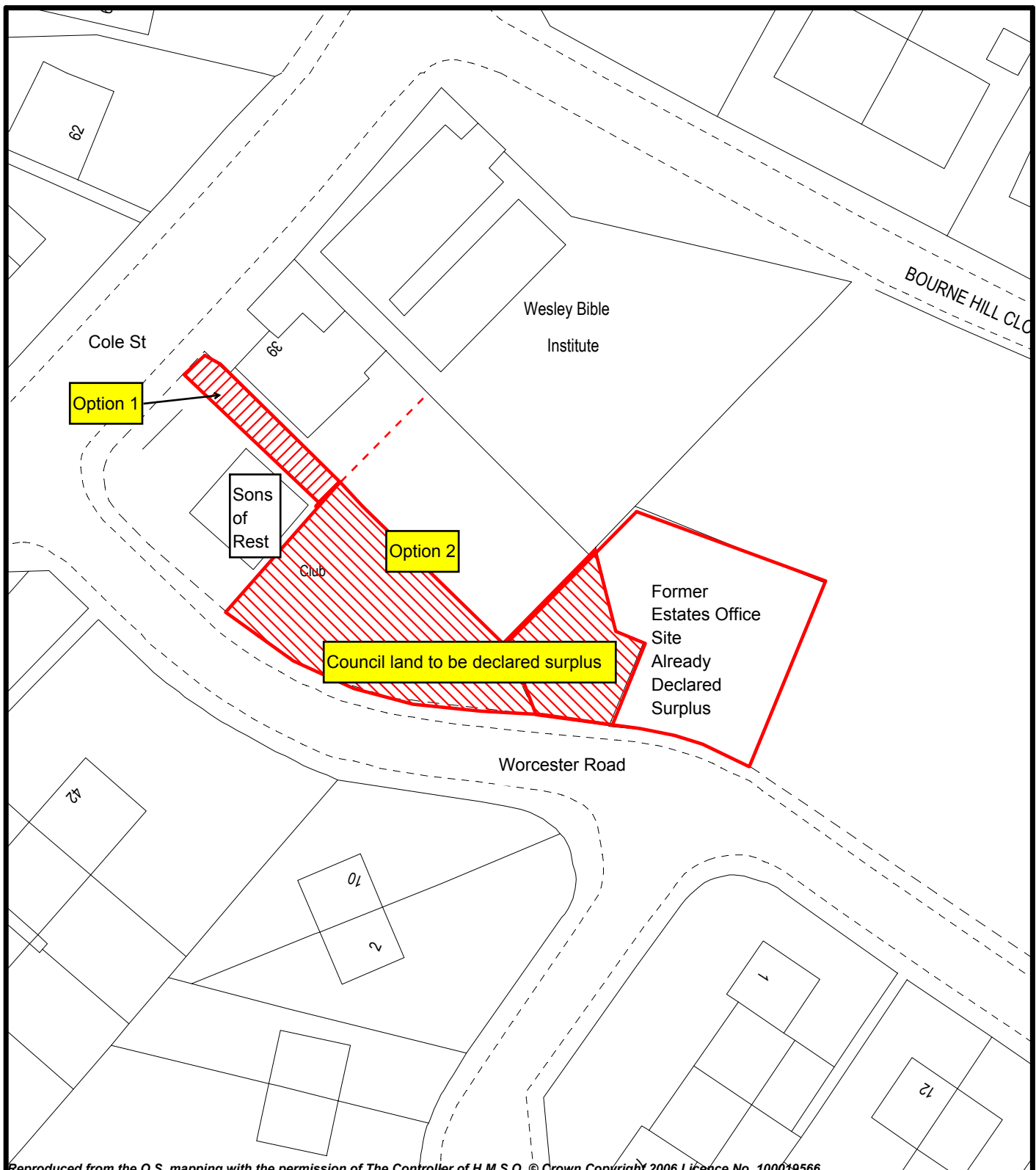
That a decision regarding the future of the land to the rear of the Sons of Rest at Worcester Road be deferred pending further investigations and that the Area Committee advise the Cabinet Member for Housing to refuse the application to purchase land adjacent to 39 Cole Street.

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



Central Dudley Area Committee

Date: 7th November 2006

Request for: Surrender of lease of 2nd Dudley Scout Group Site

Location: Douglas Road/Dando Road, Dudley

(As shown on the plan attached)

Background

The 2nd Dudley Scout Group, hold a lease of Council owned land and premise at the corner of Douglas Road and Dando Road, Dudley, for a term of 15 years to expire in 2009. A copy of site plan is attached.

Due to reorganisations within the movement, the Scout District is being disbanded, along with other districts, to make one overall larger district and as a result of assessing the group sizes, it has been decided to close the 2nd Dudley Scout Group down.

The Scout group have therefore requested that the Council accept a surrender of the lease from mid October 2006.

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

Comments

The relevant Council Directorates have been consulted regarding the surrender of the lease and no objections have been received.

The relevant Council Directorates have also been consulted regarding the future of the site, to identify any operational requirement of the site within the Council, or to declare the site surplus to requirements.

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

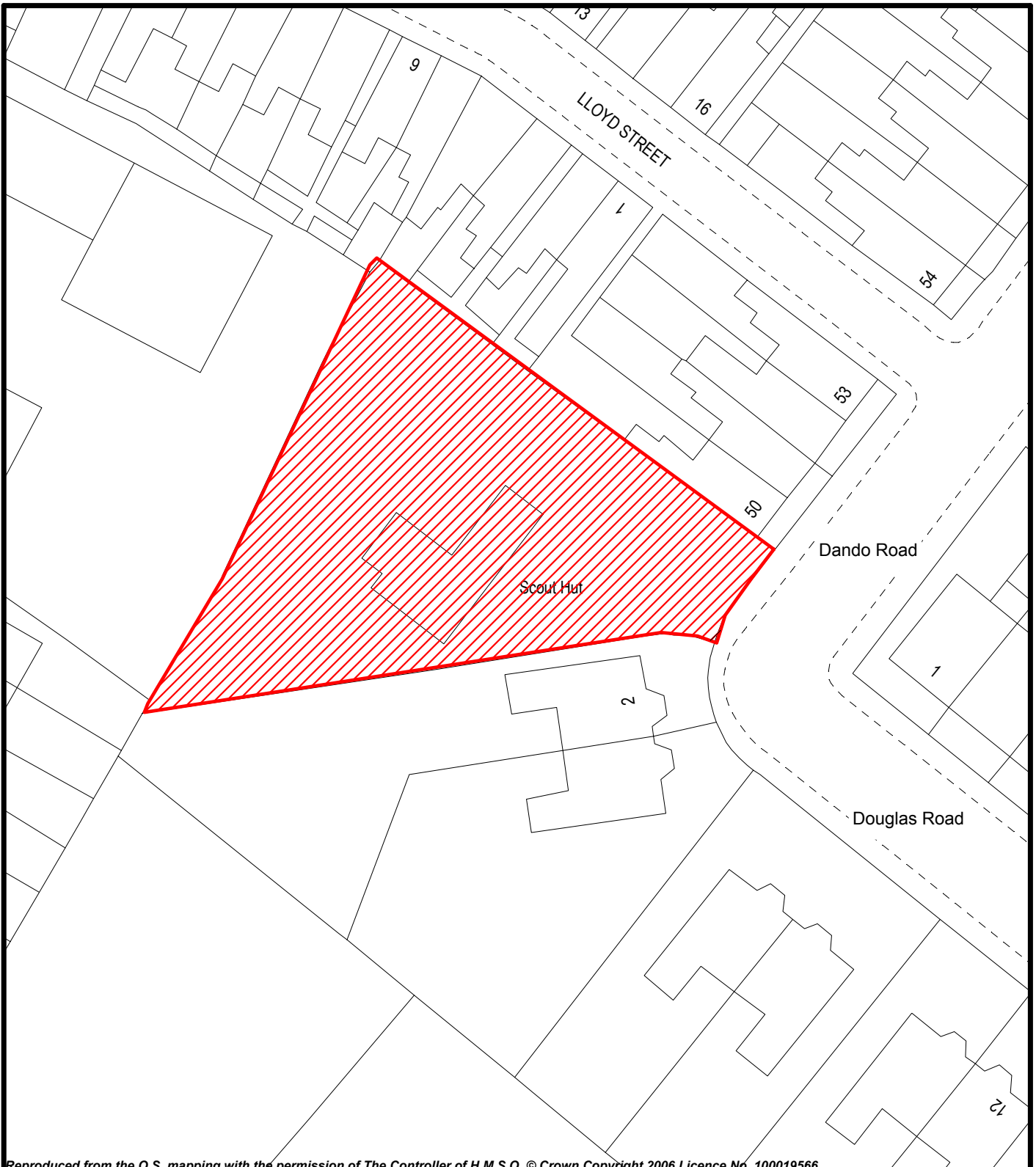
Proposal

That the Area Committee advise the Cabinet Member for Housing to:

- 1) Approve the surrender of the lease with the 2nd Dudley Scout Group, from the date of vacation of the premises.
 - 2) 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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TITLE:

Surrender of lease of 2nd Dudley Scout Hut site at:
Douglas Road/Dando Road
Dudley



SCALE:

1 : 450

DATE:

07-SEP-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 17754 Imsu



Central Dudley Area Committee

Date: 7th November 2006

Request to purchase Council owned land:

Location: Rear of 34 Harcourt Drive, Lower Gornal
(As shown on the plan attached)

Background

This report was considered at the Central Dudley Area Committee on the 24th January 2006 and was deferred pending clarification.

It was next considered at the Central Dudley Area Committee on the 14th March 2006. It was resolved that the Chairman and Ward Councillors be authorised to give further consideration to the application to purchase land at the rear of 34 Harcourt Drive, Lower Gornal and that their recommendation then be forwarded to the Cabinet Member for Transportation and to members of the Committee for information.

A site visit took place on the 21st September 2006 and was attended by the Chairman of the Central Dudley Area Committee and the appropriate officers of the Council. Another site visit was also arranged for the benefit of the Ward Members and the outcome of this will be reported verbally at this meeting.

To reiterate, an application has been received from the owner of 34 Harcourt Drive, Lower Gornal to purchase Council owned land at the rear of his property. The applicant has complained that the land, "... is a piece of wasteland that is currently very neglected and has become a haven for the local youngsters as a place they gather to drink, take drugs etc". The applicant states that the Police have been called on several occasions to disperse gangs of youths.

The land is under the control of the Director of the Urban Environment and forms part of the Public Open Space abutting Milking Banks. The land is within St James's Ward.

The applicant has applied to purchase land at the rear of his property on three separate occasions. In 1990, authority for the sale of land to the owners of 32 and 34 Harcourt drive was approved and the land purchased is shown cross hatched on the plan. However, in 1994 an application for further land was refused. Another application was submitted and the recommendation by the North Dudley Area Committee, at its meeting on the 21st November 2000, was for refusal. The reason for refusal was that the land is designated Public Open Space and its disposal would set a precedent for future applications.

The Boundary Commission undertook a review of the Ward boundaries in Dudley MBC. As a result of the review, on the 14th June 2004 there were boundary changes which resulted in the area around Harcourt Drive becoming part of the St James's Ward in the Central Dudley Area Committee area.

The application was circulated to the various Council departments for their comments and a report was prepared which recommended the refusal of the sale of the public open space at the rear of 34 Harcourt Drive. A report to the Area Committee was not required at that time as certain matters could be circulated to Ward Members instead of referral to Area Committee before a decision sheet is produced. The authority for this was the Council Meeting on 19th July 2004 when it was resolved to approve changes to the constitution in relation to how some land matters are handled. As this request fell within one of the categories i.e. to refuse the disposal of public open space, a report was prepared on 12th October 2005 for the St James's Ward Members.

The Ward Members recommended that they wished to have the matter referred to the Central Dudley Area Committee for judgement. The reason given was that the Ward Members are aware that there have been numerous reports directed to the police and others regarding anti-social behaviour. A report on the application was prepared for the Central Dudley Area Committee at its meeting on the 24th January 2006.

Comments

All the relevant Directorates have been consulted.

The Director of the Urban Environment has objected to the proposed sale. The area of land in question would set an unwelcome precedent for future garden extensions. This would result in the erosion and incremental loss of the remaining public open space area within the locality. The open space itself is protected by planning policy in the adopted UDP and follow national planning guidance to protect such land. In this instance the loss of the area of land would be considered significant and therefore the change in use to a private garden would be contrary to national and local planning policies. The Directorate of the Urban Environment therefore object to this proposal.

Should the sale of the land be approved, a planning application for a change of use from public open space to residential use would be required. It is unlikely that such an application would be considered favourably under current UDP policies.

There is a French drain, a gravelled filled trench, at the rear of the majority of the properties in Harcourt Drive. Ground vegetation has covered this system in part. The trees that exist in this location would remove large quantities of water especially the willow hence assisting the ground drainage. Over the years modifications have been made to this land drainage system to alleviate rear garden flooding of some properties. Any disposal of part of this land may affect the drainage viability of the whole area and is therefore not recommended.

The Director of Law and Property has advised that as the land is laid out and maintained as public open space any disposal of either part or all by the way of a sale or lease is subject to Section 123(A) of the Local Government Act 1972 which requires that the Council, prior to any disposal, advertise notice of its intention to do so for two consecutive weeks in a newspaper circulating in the area in which the land is situated. The Council then has to consider any objections which may be made. The applicant is required to bear the cost of advertising.

Proposal

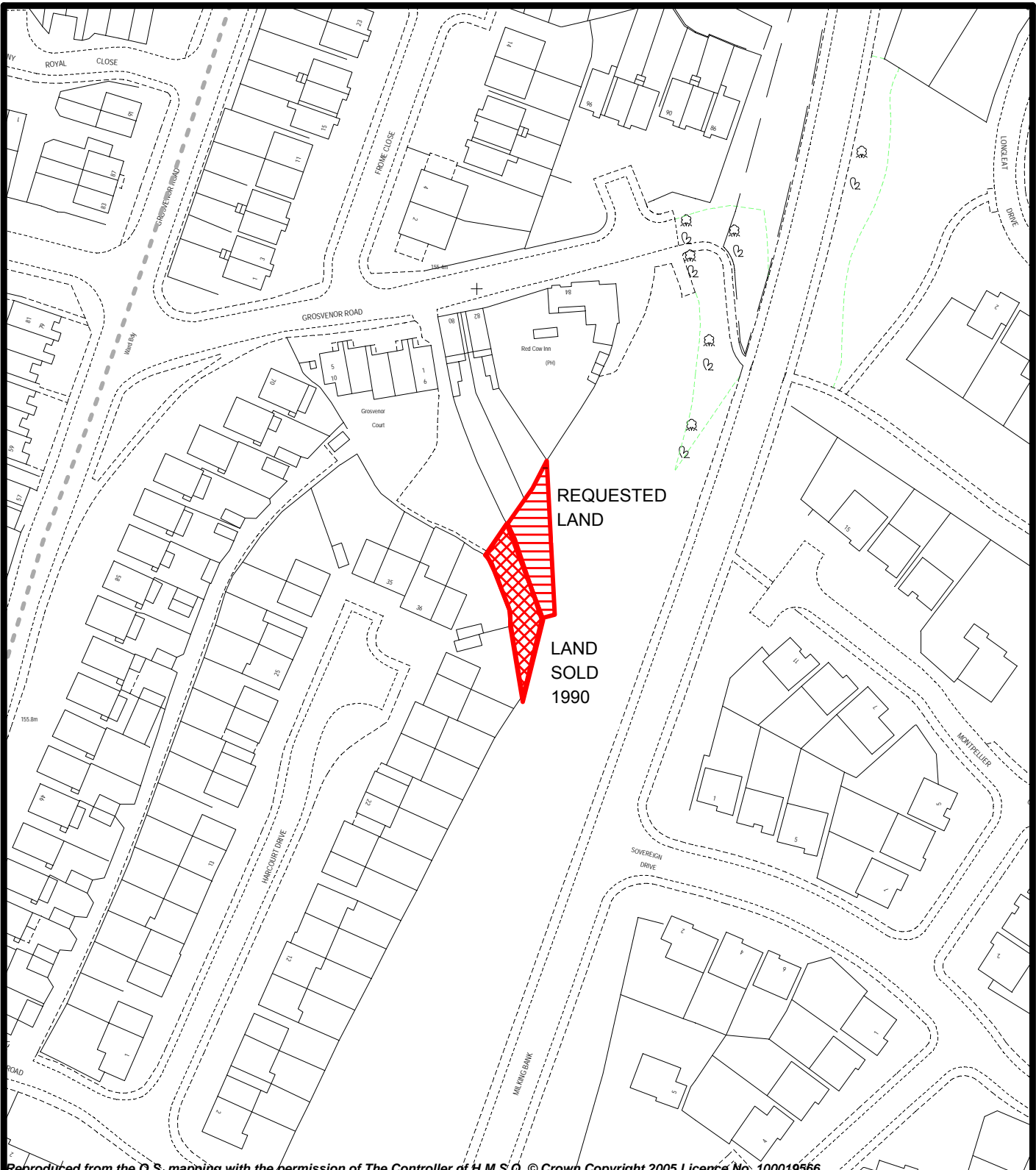
That the Area Committee advises the Cabinet Member for Leisure to refuse the application for the reasons set out above.

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:

LAND TO THE REAR OF
34 HARCOURT DRIVE
LOWER GORNAL



SCALE:

1 : 1250

DATE:

30-JUN-2005

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: 7th November 2006

Request to purchase land

Location: Rear of Oak Street Trading Estate, Quarry Bank

(As shown on the plan attached)

Background

An application has been received from the owner of Oak Street Trading Estate, Quarry Bank to purchase and area of Council owned land as marked on the plan attached.

The land was purchased for housing purposes and controlled by the Directorate of Adult Community and Housing Services (DACHS) and forms a derelict piece of land adjacent to a public footpath and parking area in Honister Close. The land has been fenced off from Honister Close with palisade fencing, by DACHS to prevent anti-social behaviour.

There is a considerable drop in levels and Honister Close is 3-4 metres higher than the land in question and Oak Street Trading Estate.

In 2000 the owner of Oak Street Trading Estate purchased an area of council owned land that is adjacent to this area of land and is outlined on the attached plan. A recent planning application has been approved for 3 small industrial units and car parking to be built on that land.

The applicant has now asked to purchase this further area of land marked hatched on the attached plan to extend the estate for car parking purposes.

Comments

The relevant Council Directorates have been consulted regarding the application and no objections to the sale of the land have been received, providing the land is used for car parking purposed only and that the tree screen is maintained. There are 4 mature trees on the land in question and an additional 4 mature trees on the Honister Close side of the fencing which forms a good natural screen between the trading estate and the residential development. It is therefore considered that the Tree Preservation Officer should be consulted if it is intended for any of the trees on the land to be removed.

Proposal

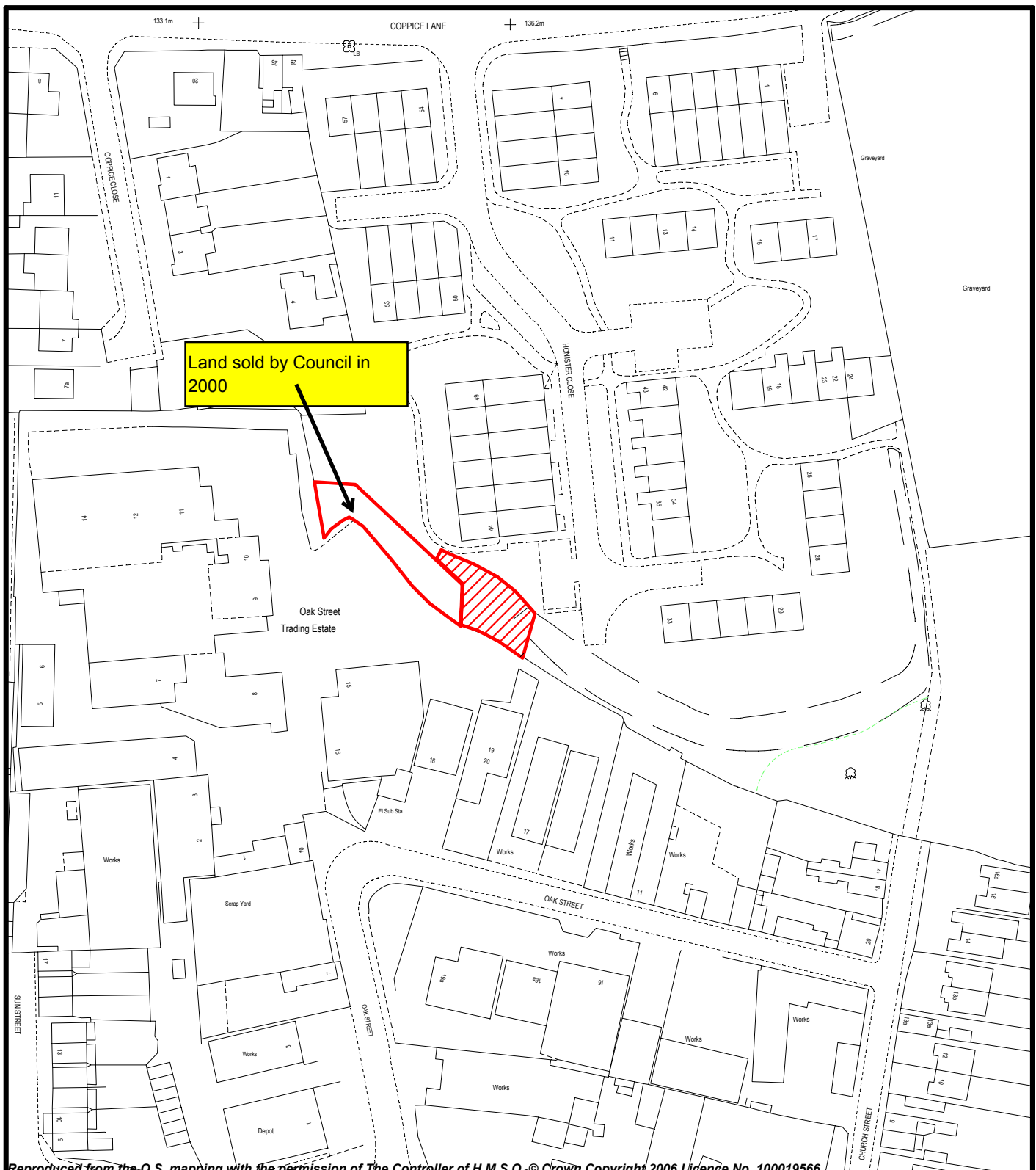
That the Area Committee advise the Cabinet Member for Housing to approve the sale of the land for Car parking purposes only, on terms and conditions to be negotiated and agreed by the Director of Law and Property.

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:

APPLICATION TO PURCHASE LAND AT REAR OF:
OAK STREET TRADING ESTATE
QUARRY BANK



SCALE:

1 : 1250

DATE:

30-JUN-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. 18464 FMSF1

Dudley
Metropolitan Borough Council

Appendices

Central Dudley Area Committee

Date: 7th November 2006

Request to lease land

Location: Peartree Lane, Dudley
(As shown hatched on the plan attached)

Background

An application has been received from an advertising company to lease Council owned land at the junction of Peartree Lane and Dudley Southern By-pass. They wish to erect a 48 Sheet Trivision display on the site away from the Cinder Bank Island on Peartree Lane

A similar application by the same company to mount a monopole advertising on Cinder Bank Island was refused by the Central Dudley Area Committee at its meeting on 5th September 2005.

The land is under the control of the Directorate of Urban Environment and is held for highway purposes.

Comments

All the relevant Council Directorates have been consulted regarding the application. The Directorate of the Urban Environment have stated that the display would be a distraction to drivers at the approach to the island and detrimental to highway safety. The adverse effects on visibility should also be considered.

Proposal

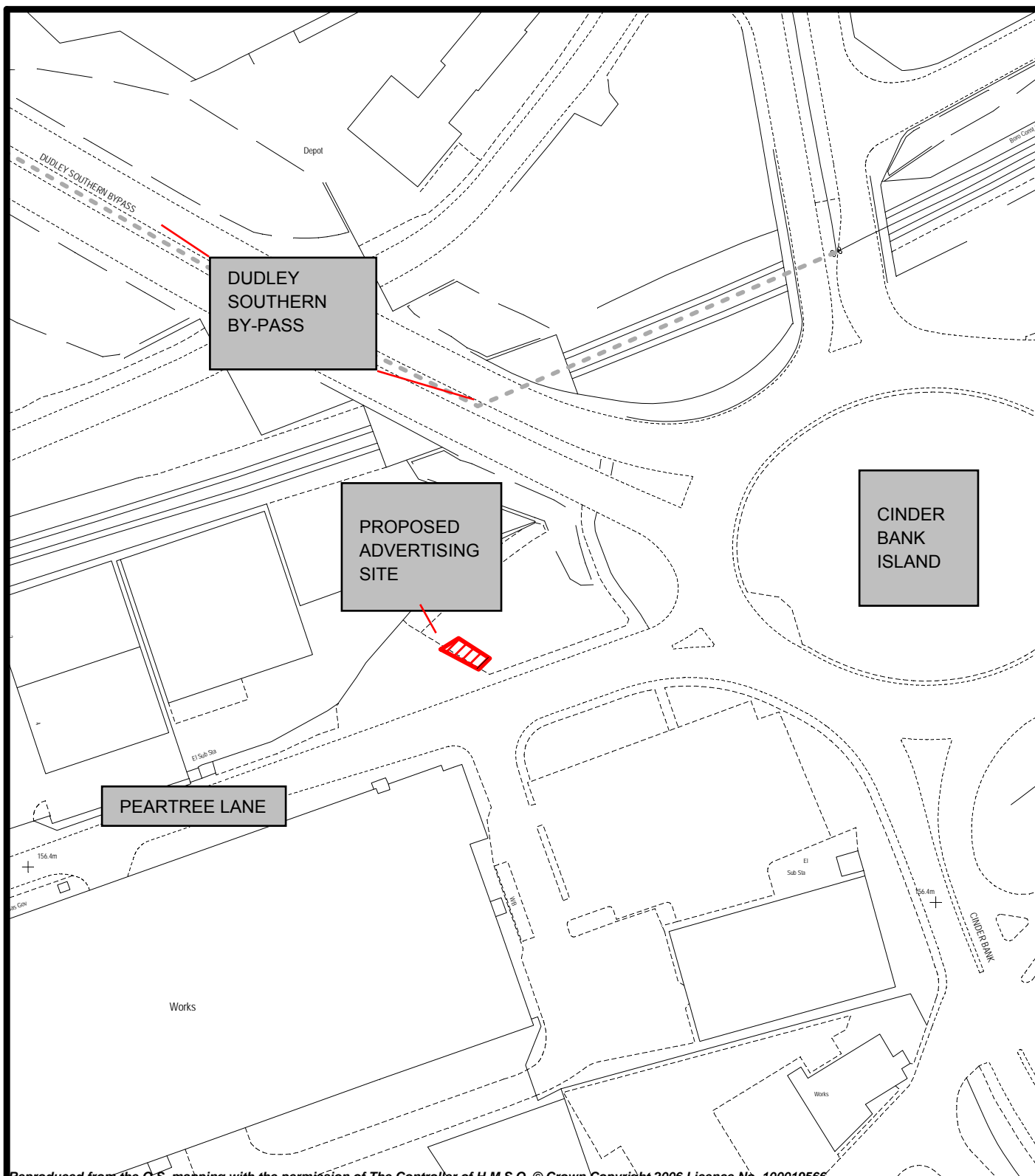
That the Area Committee advise the Cabinet Member for Transportation to refuse the application for the reasons set out above.

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:

PROPOSED LEASE OF LAND
FOR ADVERTISING SITE AT
PEARTREE LANE
DUDLEY



SCALE:

1 : 1250

DATE:

14-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:

ALAN NUGENT, PROPERTY MANAGER, EXT 5351

