

## **APENDICIES**

### **CENTRAL DUDLEY AREA COMMITTEE**

**27 NOVEMBER 2003**

### **REQUEST TO: PURCHASE LAND**

**LOCATION: LAND AT MOLYNEUX ROAD NETHERTON**  
**(As shown outlined in black on the plan attached)**

### **BACKGROUND**

An application has been received to purchase Council owned land at Molyneux Road Netherton by the owner of the adjoining factory.

The land has been the subject of long-term, persistent anti-social behaviour and this has caused a great deal of distress to local residents. Following discussions with local residents and Ward Members, and by way of providing a solution, the adjoining factory owner has submitted an application to purchase this land. He advises that if his application were approved, he would enclose the land with fencing and use it to increase the security of his factory and to provide car parking for his staff during factory hours. The factory owner has stated quite categorically that the land would not be used to extend his factory, or in connection with his business activities.

This land is under the control of the Directorate of Law & Property, but is laid out and maintained as open space, and it appears that a public right of way may cross part of the site.

By way of further background information, the sale of an area of land to the owner of the adjoining factory to improve access to the factory (shown shaded on the plan attached) completed in May 2002, whilst authority to sell the area of land shown hatched on the plan attached to enable the factory owner to improve security was recently granted by the Lead Member for Law & Property.

### **COMMENT**

All of the relevant Council Directorates have been consulted and the Directorate of the Urban Environment advise that the application site adjoins a wider area of public open space which has important formal recreational value serving the recreational needs of the surrounding residential environment. The site has wear lines caused by constant pedestrian movement across parts of the open space which indicate its regular use for informal recreational purposes. The open space also provides visual amenity value to adjoining residential areas located to the west. The application site involves a relatively small parcel of land in comparison to the overall open space, if however the

application was successful, the proposal would set a dangerous precedent for future planning applications. Therefore with regard to open space, sport, leisure and recreation planning issues, this application should be resisted. Should any sale of land be recommended, then it should be subject to planning permission being obtained for change of use.

Reservations are expressed as to whether the sale proposal would, apart from the car park problem, improve the anti-social behaviour. The proposal narrows the site with likely bland boundaries on either side which does not help natural surveillance and therefore if the sale is recommended, consideration should be given to an amended area of land being sold so that the site's western boundary has a dimension of 10 metres and the eastern boundary has a dimension of approximately 5 metres (as shown as a broken line on the plan attached). Additionally the site should be levelled and the vegetation severely cut back. It would be useful to discuss the proposals with the local Crime Prevention Officer before any final decision is made.

The public right of way referred to above would not be affected by a slightly revised northern boundary and therefore it would not require diverting. However, it should be ensured that the right of way does not form part any land sold, and that the Council's 4 metre width footpath policy should apply.

A 914mm Foul Water Sewer crosses the site and any sale of land would be subject to a 10 metre easement.

The Directorate of Housing Services and the Directorate of the Urban Environment would have no objection to the sale of the land provided that the land is not used for commercial/residential purposes.

The Directorate of Law & Property advise that the land is held and maintained as public open space and therefore any disposal by way of sale or lease is subject to Section 123(a) of the Local Government Act 1972 which requires that the Council, prior to any disposal, advertises its intention to do so for two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections made. The applicant is required to bear the cost of advertising.

## **PROPOSAL**

1. That the Area Committee considers whether the land at Molyneux Road be sold, subject to planning permission being obtained for change of use, an amended area of land being sold, the site being levelled, and vegetation being cut back, a 10 metre easement being entered into with regard to the foul water sewer, a restrictive covenant preventing the land being used for commercial/residential purposes, the sale of land being advertised in a newspaper circulating in the area for two consecutive weeks (at the applicant's expense) and on terms and conditions to be negotiated and agreed by the Director of Law & Property

2. That the Area Committee considers its recommendation to the Lead Member for Law & Property.

### **BACKGROUND PAPERS**

Correspondence with the Applicant  
Emails & Memos from Council Directorates

Contact Officer: Janice Rogers Property Manager Ext 5321