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**Stourbridge Area Committee – 14<sup>th</sup> November 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.

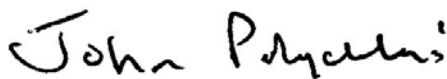
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

### **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: 14<sup>th</sup> November 2005**

**Request for: Application for Wayleave**

**Location: Valley Road Youth & Community Centre, Providence Street,  
Stourbridge**  
**(As shown on the plan attached)**

### **Background**

British Telecommunications plc. require the consent of the Council for the installation and maintenance of electronic communications apparatus consisting of a pole and associated wiring/termination on Council owned land as shown on the plan attached. They have received a request to re-site the overhead wire serving this property (alarm line) as the existing drop wire is interfering with building works at the adjacent land. BT intend to re-site the drop wire in which a pole will be required within the grounds of the Community Centre to re-route the service.

The land is under the control of the Directorate of Education and Lifelong Learning.

### **Comments**

All of the relevant Directorates have been consulted and no objections have been received to the granting of the wayleave agreement, subject to the location within the car park may require a barrier protection to prevent damage from vehicles.

### **Proposal**

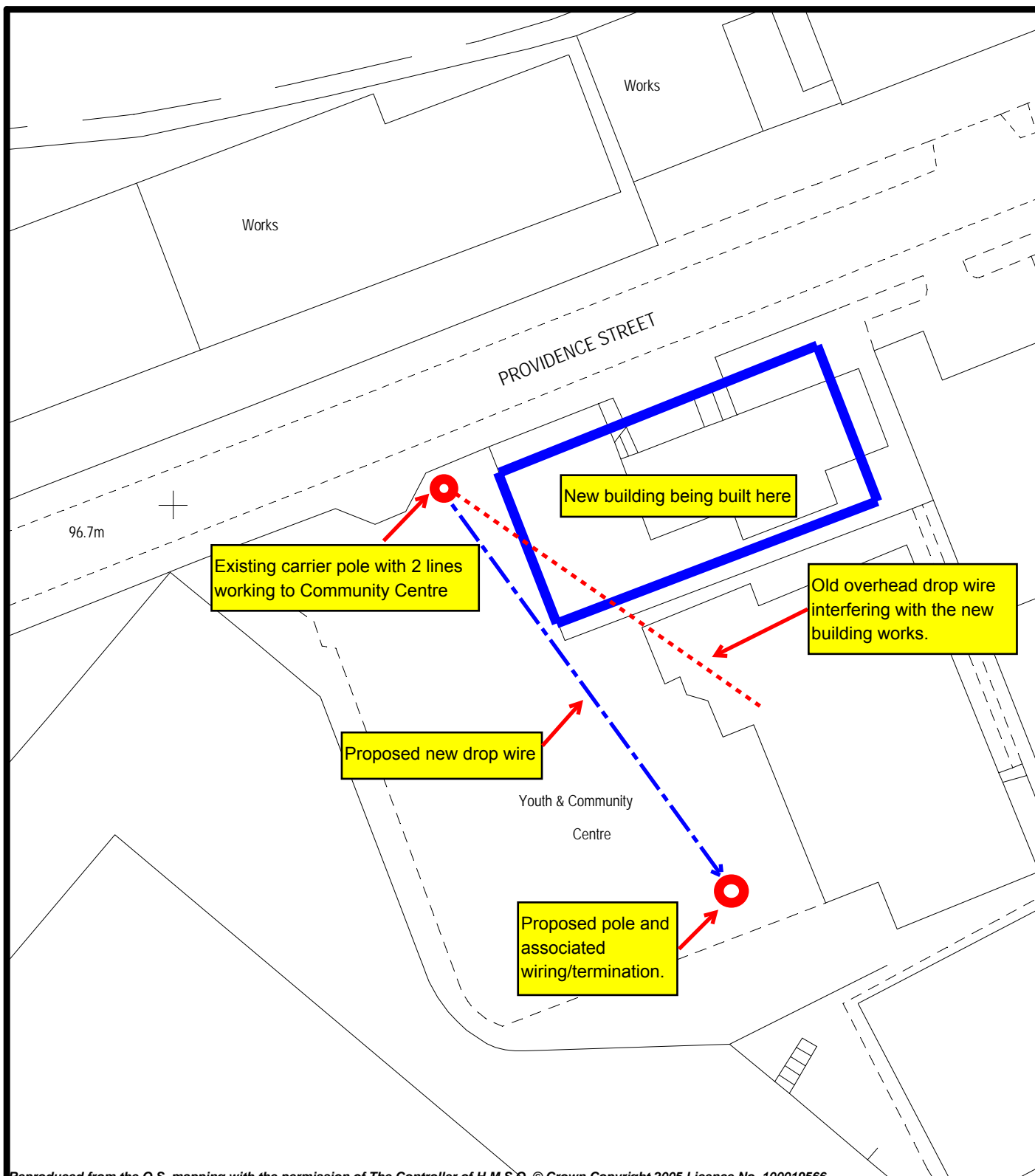
That the Cabinet Member for Lifelong Learning be advised to approve the granting of the wayleave agreement, subject to terms and conditions to be negotiated and agreed by the Director of Law and Property.

### **Background papers**

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Sonia McLean, Property Manager, Ext. 5321



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TITLE:

Valley Road Youth & Community Centre

Providence Street

Stourbridge



SCALE:

1 : 500

DATE:

25-JUL-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

## **Appendices**

### **Stourbridge Area Committee**

**Date: 14<sup>th</sup> November 2005**

### **Request for: Joint Development Scheme**

**Location: Land fronting Enville Street, Stourbridge**  
**(As shown on the plan attached)**

### **Background**

A report regarding this matter was deferred from a meeting of this Committee on 12<sup>th</sup> September 2005, pending a site visit by Members. The site visit was held on 6<sup>th</sup> October 2005 and the Members are in favour of the joint auction.

To reiterate, 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**

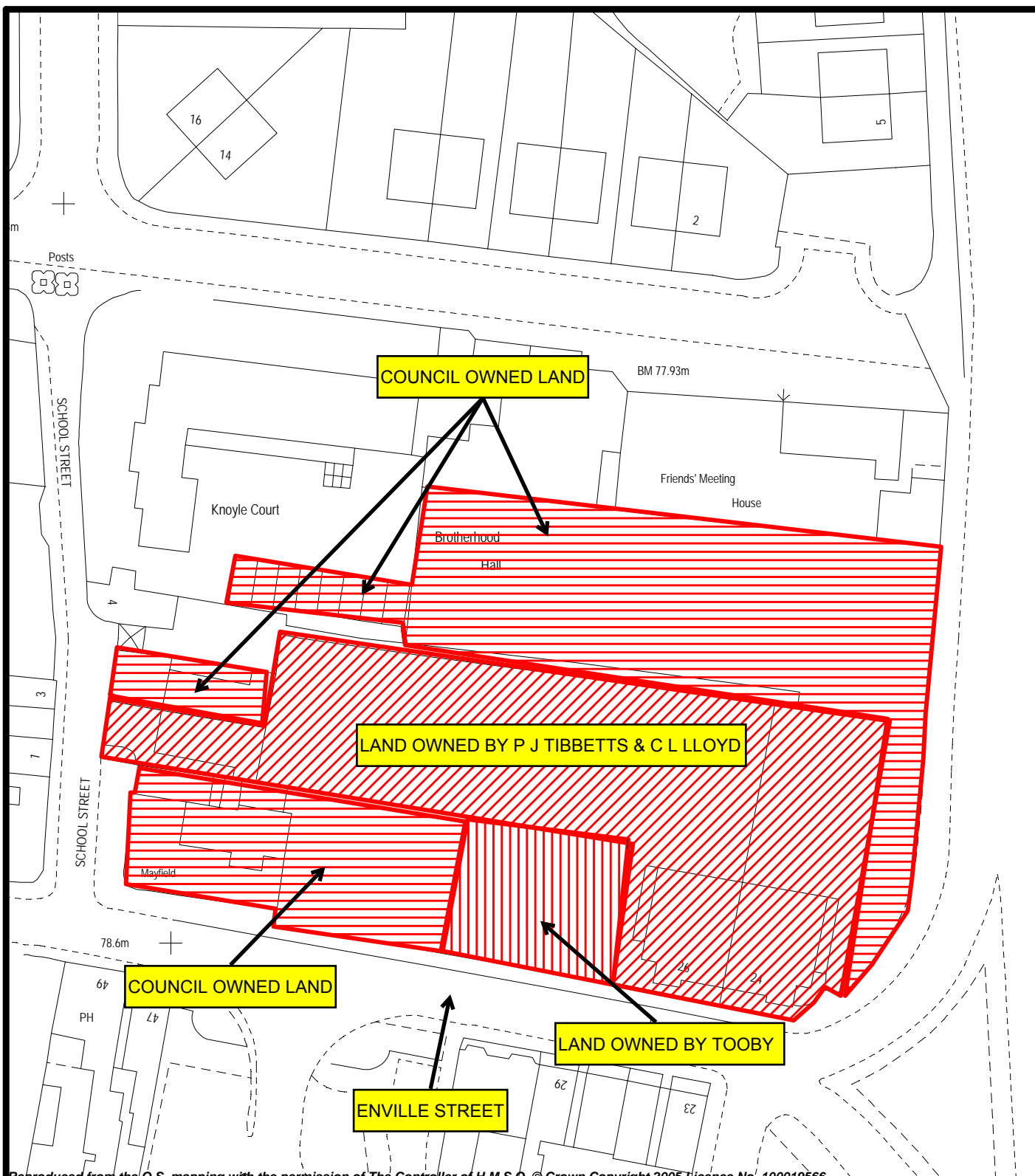
That the Area Committee advises the Cabinet Member for Transportation to approve the application for a joint sale of the surplus land following construction of the new road subject to the disposal been deferred for a reasonable amount of time to enable the Directorate of Social Services to find new alternative 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



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TITLE:

Land fronting Envile Street,  
Stourbridge



SCALE:

1 : 625

DATE:

02-JUN-2005

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