

Stourbridge Area Committee – 5th September 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

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John Polychronakis
Director of Law and Property

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List of Background Papers

See individual appendices

Stourbridge Area Committee

Date: 5th September 2007

Request for a Licence to Cultivate a Walled Garden

Location: Mary Stevens Centre, Hagley Road, Oldswinford
(As shown on the plan attached)

Background

An application has been received from the Thomas Pocklington Trust at Mary Stevens Centre, 221 Hagley Road, Oldswinford, Stourbridge for a licence to cultivate a walled garden at Mary Stevens Centre, as shown hatched on the plan attached.

The Thomas Pocklington Trust operates a Resource Centre which provides help and support to people who have sight loss. The Pocklington Resource Centre provides a Day Service for 3 days a week offering places to 36 people. A Carers' Support Group, Readers' Scheme and the Black Country Talking Newspaper and Magazine are also operating from the Resource Centre.

If they are successful in gaining a licence to cultivate this site, consultation will take place with other charities and agencies (Age Concern, Mary Stevens Hospice, MIND) that share this site. It is envisaged that the walled garden will become an accessible community garden for all service users. As the land has public access it is proposed that the garden is also enjoyed by the local community as well as all those that share this area.

Fundraising will be required as the Trust would want to employ landscapers in the initial design and the heavy work. It is hoped that raising funds should not be too difficult and the project can be done in stages as monies become available.

It is hoped that the higher level of the garden should be cultivated, making it accessible to people who use wheelchairs, having raised beds and ensuring that the garden is both tactile and sensory for the pleasure of people with sight loss. The lower part of the garden can remain grassed with some bulb planting.

Problems have occurred with vandals on the site periodically. The local PACT (Police and Communities Together) engages with local youth groups and it is hoped that work can take place with these young people to encourage ownership and citizenship.

It is planned to keep the garden as low maintenance as possible so it can be easily maintained by the Trust, with the project opening up many opportunities for the local community to be involved. A scout troop has already expressed an interest in helping to look after the garden as this would help with badges. A local group of people with learning disabilities will also be approached to see if maintaining the garden can fit in their daily living skills and local schools will be invited to take part in competitions to design small sculptures for the garden.

Comments

All of the relevant Council Directorates have been consulted and no objections have been received. However, the Directorate of the Urban Environment and the Directorate of Law and Property are of the same opinion that further details of proposals will be necessary to determine whether any works require planning permission.

Proposal

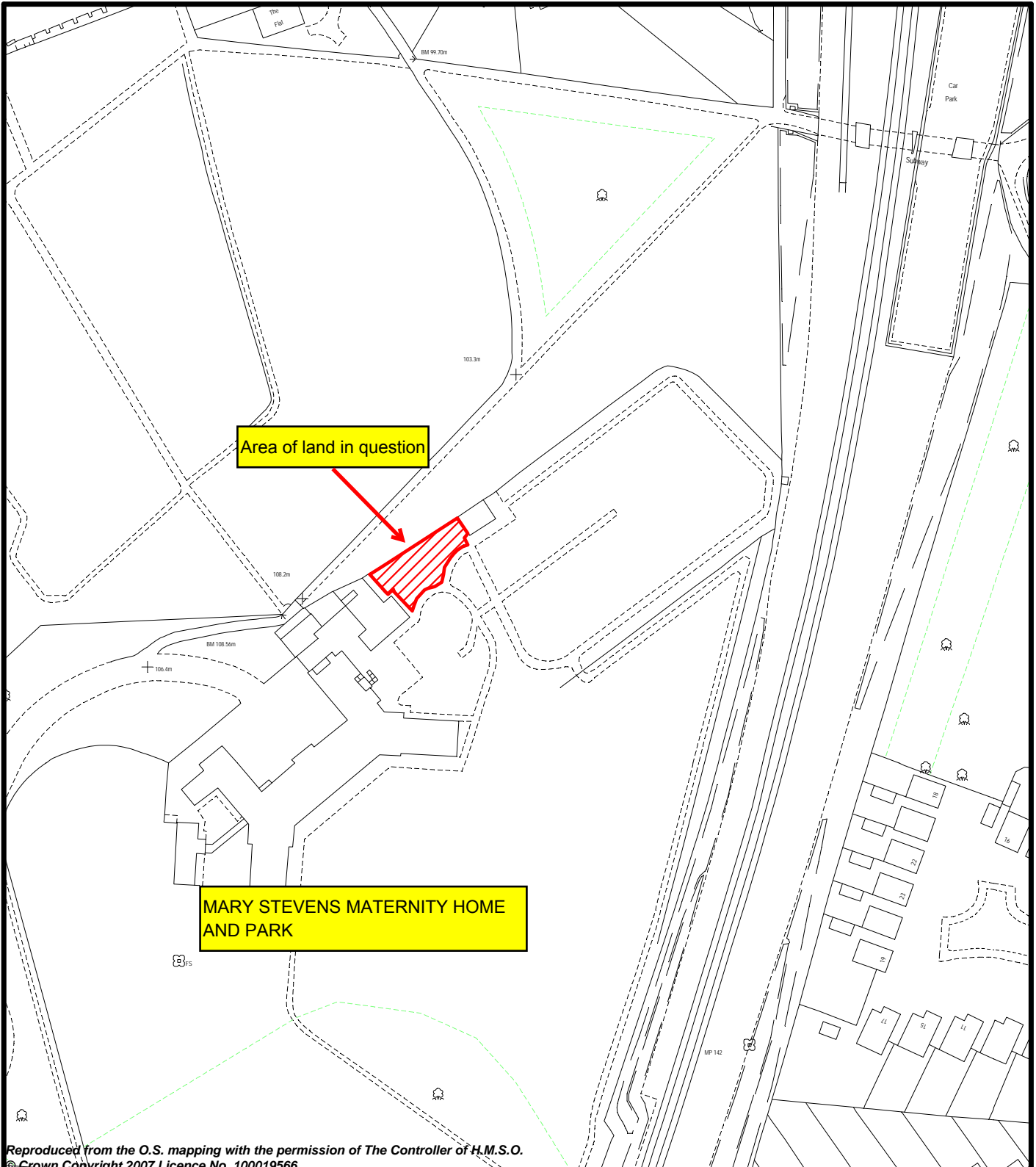
That the Area Committee advise the Cabinet Member for Adult and Community Services to approve the application for a licence to cultivate a walled garden at Mary Stevens Centre, Hagley Road, Oldswinford on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

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

Contact Officer:

Sonia McLean, Property Manager, Ext. 5321

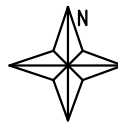


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TITLE:

Mary Stevens Centre
Hagley Road
Oldswinford

11584/LMNL2



SCALE:

1 : 1250

DATE:

21-MAY-2007

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