

DUDLEY METROPOLITAN BOROUGH

BRIERLEY HILL AREA COMMITTEE: 25 NOVEMBER 2003

REQUEST TO: DECLARE SITE SURPLUS

**LOCATION: LAND AT SQUIRES COURT/KIRKSTONE WAY WITHYMOOR
VILLAGE BRIERLEY HILL**

This application was on the agenda for the meeting of the Brierley Hill Area Committee on the 14th October 2003. Unfortunately the meeting reached 9.30 p.m. before all of the land and property matters could be considered. This application is therefore resubmitted to this meeting for consideration.

1.0 PURPOSE

- 1.1 To consult the Area Committee regarding the future of the site at Squires Court/Withymoor Village Brierley Hill (outlined in black on Plan 1).

2.0 BACKGROUND

- 2.1 An Agent acting for Dudley & Black Country NHS contacted the Council to assist in locating a suitable site for a new primary healthcare surgery in the Withymoor Village Area Brierley Hill to replace the existing space and access restricted doctors' surgery at Turners Lane.
- 2.2 The Council's land at Squires Court/Kirkstone Way (this land is under the control of the Directorate of Education & Lifelong Learning and is intended for community use) has been identified as a suitable location which would meet the needs of the project.
- 2.3 An application to purchase this site has also been received from a property developer who wishes to build a day nursery.
- 2.4 Subsequently the Property Developer and the Agent formed a partnership to purchase the site to build both a new group practice and a day nursery.
- 2.5 The Property Developer raised in his application to purchase this site, the possibility of taking his land at Collis Street as part of the consideration.
- 2.6 A report regarding the joint application was submitted to the Brierley Hill Area Committee at its meeting on 5 December 2002, but was deferred pending a meeting of local residents which took place on 12 February 2003. Approximately 90 residents attended the meeting.

- 2.7 By a show of hands taken at the end of the meeting, an overwhelming majority of residents favoured the provision of a new medical centre only, with two votes for the provision of a combined project of a new medical centre/nursery unit and fifteen votes to leave the land as it is at present.
- 2.8 Prior to the residents' meeting on 12 February 2003, an expression of interest in the site was also received from a local food retailer. The meeting was advised of this expression of interest, although details of the application were not discussed.
- 2.9 The Agents acting on behalf of the food retailer (the adjoining supermarket) initially advised that they required the land for the purposes of a car park. However, they also recognise the community's need for the provision of a new medical centre, and after discussing the matter with the Agent for Dudley & Black Country NHS, have developed a comprehensive scheme for the site which includes the provision of a new medical centre on the supermarket site. Brief details of their expression of interest can be described as follows:
- 2.9.1 The new medical centre to be located on the supermarket site, the location of which is shown outlined in black on Plan Number 2. The facility will comprise a 610 square metre two-storey building and will be served by 22 dedicated car parking spaces. The centre will be a 4 GP Practice together with nurse consulting rooms, treatment rooms, minor operation suite, attached staff and administration, as well as being the base for the District Nurse Team.
- 2.9.2 To strengthen the relationship between the retail site and the adjacent local park, a detailed landscaping and planting scheme will be undertaken.
- 2.9.3 As part of the overall scheme for the retail site, a small extension to the store is to be built, but again additional landscaping will be provided along the site boundary to soften the appearance of the store from the park.
- 2.9.4 In line with the improvements to the store, it is proposed to extend the existing store car park onto the site at Squires Court. It is proposed that the site would provide approximately 100 spaces with the remainder of the site being used to incorporate a substantial landscape buffer to shield the car park from the residential properties on Squires Court.

- 2.9.5 There is also potential to re-route the existing bus lane through the store site, so that it provides easy access to both the medical centre and the store. However, the applicant appreciates that there are a number of significant issues that will need to be resolved in order that this can be progressed. If this option is not achievable, it is proposed that the bus route will be retained on its current alignment but enhanced measures will be introduced aimed at reducing rat running and general misuse.
- 2.9.6 The applicant has also undertaken to relocate the changing room to a site as required by the Directorate of the Urban Environment (Cultural & Community Services).
- 2.9.7 The applicant considers that the proposed scheme will provide substantial improvements to key local facilities and will also provide a number of significant local benefits.
- 2.10 A summary of the details of the original application to purchase the site at Squires Court/Kirkstone Way for the purposes of a new medical centre/day nursery, can be described as follows:
- 2.10.1 The proposed group practice surgery would provide facilities for three general practitioners, nurse consulting rooms, minor surgery facilities and pharmacy together with associated administrative support service.
- 2.10.2 The separate proposed nursery would have 6 nursery rooms with accommodation for up to 40 children, together with associated staff car parking and an outdoor playing area.
- 2.10.3 The property developer is aware that any access plan will have to be produced which will preserve the integrity of the bus only land which skirts the site. The developer proposes that the main drop-off and pick up point will be the public car park adjoining the north east corner of the site in Turners Lane which is generally only used at weekends when the sports pitches are in use. The developer has offered to improve this car park and provide a direct footpath link to the surgery/nursery site.
- 2.10.4 If the application to purchase the site is successful, the property developer has also given an undertaking to relocate the existing changing room block to the same or better specification to a suitable nearby site.

- 2.11 A Residents' Meeting has been arranged for 11 November 2003 which will be held at Withymoor Primary School, Gayfield Avenue Brierley Hill in order that all options for the site can be discussed.

3.0 COMMENTS

- 3.1 With regard to the Property Developer's application to acquire the site for the purposes of providing a new medical centre/day care centre, all of the relevant Council Departments have been consulted and advise as follows:

3.1.1 In principle the proposal for the joint development of a healthcare facility and day nursery on the site would be acceptable, although it would be heavily dependant upon the detail of the scheme, particularly with in respect of access, car parking and/or shared use of Sainsbury's car park and scheme layout to ensure that the extent of the floor space required can physically be accommodated on the site, and would be subject to the granting of planning permission.

3.1.2 The Directorate of the Urban Environment (Environment Management Division) advise that an access strategy for the development is required that allows west bound traffic from Turners Lane to access the site. This could be by way of improvement to the existing sports field car park with better pedestrian links, or extending this car park towards Squires Court or providing a service road parallel to Turners Lane for a new car park. There should be no vehicular links created between Turners Land and Squires Court. Again, access requirements would be dealt with at the planning application stage. The Directorate of the Urban Environment also advise that coal and fire clay pits may affect the site, and therefore any site investigations must be carried out at the applicants' expense.

3.1.3 The Directorate of Law & Property advise that part of the title to the land at Squires Court/Kirkstone Way is subject to covenants which prohibit the erection of any buildings or structures on the land if they are more than three storeys in height.

- 3.2 With regard to the Agent's application to acquire the site for the adjoining food retailer, for the purposes of a car park, with the new medical centre being located on the retailers main site (as shown on Plan 2), all of the relevant Council Departments have been consulted and advise as follows:

- 3.2.1 With regard to the location of the healthcare facility on the store site, the Directorate of the Environment (Environment Management Division) and the Directorate of Law & Property advise that there is inadequate information to advise whether access and parking numbers are adequate to serve the development. Officers would therefore be seeking a greater understanding of the internal operation of the building and would apply car park capacity data to determine whether the car park is of adequate size to serve the needs of the development. The point and design of vehicular and pedestrian access points will need to be agreed. Officers would also need to consider if it is appropriate for the cluster of access points given the volume of traffic in Turners Lane as it may be more appropriate that an alternative junction design or location would be preferable.
- 3.2.2 The expansion of the store would normally require an additional parking allocation that complies with the standards set out by the Government in Planning Policy Guidance Note 13. The precise area of expansion would need to be considered to calculate the actual number of parking bays permitted.
- 3.2.3 Part of the store's expansion would be into the existing service yard. Careful consideration would need to be given to ensure that this would not have a detrimental effect on the operation of the service yard that may impact on local residents. Service vehicles may be required to wait on the carriageway with engines running before there is space for the vehicle to enter the service yard.
- 3.2.4 The bus only link is adopted public highway maintained at public expense for the passage of pedestrians, cyclists and PSV's. If the highway is to be stopped up the land under the highway would be returned to its original developer. An alternative route for PSV's through the store car park is unlikely to be acceptable to the Highway Authority who will need to protect the interests of all users of the highway.

- 3.2.5 The expansion of the store with the resulting expansion of car parking will impact on the bus only link. This is therefore a significant part of the plan which will need to be determined at the earliest stage. The development of the surgery would appear to be a separate issue that is not dependant on parking/store expansion and relocation of the bus route.
- 3.2.6 The Directorate of the Urban Environment also advise that coal and fire clay pits may affect the land at Squires Court and therefore any site investigations must be carried out at the applicant's expense.
- 3.2.7 The Directorate of Law & Property advises that part of the title to the land at Squires Court is subject to covenants which prohibit the erection of any buildings or structures on the land if they are more than three storeys in height.
- 3.2.8 The Directorate of Law & Property advise that any scheme which involves relocation of the changing rooms will rely upon an agreement being reached with the landowner as the playing fields are not in Council ownership, but are dedicated to public use. This may delay the progression of any development.
- 3.3 The pressing need of the community is to replace the existing doctors surgery located at Turners Lane, and therefore it is of paramount importance that this matter is brought to a speedy conclusion. In summary, there are three options to consider:
- 3.3.1 To build a new healthcare facility on the site at Squires Court.
- 3.3.2 To build a new healthcare facility and day nursery on the site at Squires Court
- 3.3.3 To locate the new healthcare facility on the adjoining store site with the land at Squires Court being used as a car park.
- 3.4 Officers have been able to evaluate the first two options, but a full evaluation of the third option has not been possible, as it is still in the early stage of development. However, there are problems with the proposal, mainly revolving around the existing bus route which separates Council land from the store site, which may not be possible to overcome and therefore further time would be required to fully evaluate the proposal.

- 3.5 Officers are therefore requesting that the Brierley Hill Area Committee consider the options as detailed in paragraph 3.3 above, in conjunction with comments made, and to indicate which options, if any, are acceptable and supported.
- 3.6 Officers are also requesting that the Brierley Hill Area Committee resolves to recommend that the Lead Member for Education and Lifelong Learning declare the site surplus to requirements and to authorise officers to negotiate with the applicants to enable the most advantageous solution (in accordance with paragraph 3.5 above) for the local community to be found to bring a new healthcare facility to either Squires Court or the store site, as soon as possible, subject to planning permission and on terms and conditions to be negotiated and agreed by the Director of Law & Property.
- 3.7 A further report upon conclusion would then be submitted to the Brierley Area Committee to advise Members of the outcome.

4.0 PROPOSAL

- 4.1 That the Brierley Hill Area Committee give their support in principle to the development of the Council's site in accordance with the preferred option(s) under paragraph 3.5.
- 4.2 That the Brierley Hill Area Committee resolve to recommend that the Lead Member for Education & Lifelong Learning declare the site surplus to requirements to enable a new medical centre to be brought to the area, as soon as possible, subject to planning permission, and on terms and conditions to be negotiated and agreed by the Director of Law & Property.

5.0 FINANCE

- 5.1 In general terms, the sale of land generates a capital receipt for the Council the size of which would depend on a valuation placed on the site by the Director of Law & Property and the price finally agreed by the parties.

6.0 LAW

- 6.1 Section 123 of the Local Government Act 1972 enables the Council to dispose of its interest in land at the best price reasonably obtainable.
- 6.2 Section 123 of the Local Government Act 1972 requires the Council prior to any sale 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.

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

7.0 EQUAL OPPORTUNITIES

- 7.1 The proposal takes into account the Council's Equal Opportunities policies.

8.0 RECOMMENDATION

- 8.1 That the Area Committee consider this report and make their recommendation.

BACKGROUND PAPERS

1. The Minutes of the Brierley Hill Area Committee Meeting held on 5 December 2002.
2. The Minutes of the Brierley Hill Area Committee and Amblecote Ward Members Meeting with Local Residents held on 12 February 2003.
3. The Minutes of the Brierley Hill Area Committee Meeting held on 8 April 2003
4. Letter from Applicant dated 23 September 2003.
5. Email from the Directorate of the Urban Environment dated 23 September 2003.

DIRECTOR OF LAW & PROPERTY

Contact Officer: Janice Rogers Property Manager, Ext 5321