

Halesowen Area Committee -14 September 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.

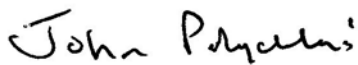
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

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.



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

Contact Officer: Gill Hudson, Property Manager, Telephone: 01384 815311
Email: gill.hudson@dudley.gov.uk

Sonia McLean, Property Manager, Telephone 01384 815321
Email: sonia.mclean@dudley.gov.uk

Alan Nugent, Property Manager, telephone 01384 815351
Email: alan.nugent@dudley.gov.uk

List of Background Papers

See individual appendices

APPENDICES

HALESOWEN AREA COMMITTEE

DATE: 14TH SEPTEMBER 2005

REQUEST FOR: APPLICATION TO PURCHASE LAND

LOCATION: ADJOINING 1C COLLEY LANE, CRADLEY, HALESOWEN

(As shown on the plan attached)

BACKGROUND

A request has been received from Mr A Aziz of 1C Colley Lane, Cradley to purchase Council owned land as shown hatched black on the plan attached. The strip of land is required to provide a vehicle access to serve the rear of Mr Aziz's property and to provide for the parking of a vehicle.

The applicant states that he intends to park his car at the rear of his property, so that friends and relatives can park their cars on the slabbed drive, as there are yellow lines on both sides of the road therefore preventing them from parking.

The applicant has previously submitted a request to purchase the same strip of land adjoining his property and a report was submitted to the Halesowen Area Committee in 2000. The proposal was that the application should be refused, as it would require the removal of a substantial brick wall and a significant degree of land in order to provide enhanced vehicular space. Mature vegetation would also require removal from the site. Additionally, following a site inspection from the Directorate of the Urban Environment the applicant's front garden was found to be slabbed and vehicles were parked on the forecourt. The Directorate of Education and Lifelong Learning stated that given the potential of the new PFI Scheme for Colley Lane Primary School, the Local Education Authority do not support the sale of the land.

The land forms part of the Colley Lane Primary School site and is under the control of the Directorate of Education and Lifelong Learning.

COMMENTS

The relevant Council Directorates have been consulted. The Directorate of the Urban Environment have no objections to the sale of land for access purposes. However, on a further inspection of the site, the applicant's whole front garden is now block-paved and three vehicles were parked on the forecourt.

The Directorate of Education and Lifelong Learning state that the land falls within the envelope that is currently leased to Newmount Ltd. (DELL's Private Finance Initiative Scheme partner) on a 27-year lease from the 6th January 2003 and therefore do not support the sale of this land.

The Directorate of Law and Property consider that the application to the purchase the land should be refused for the same reasons stated by the Directorate of Education and Lifelong Learning.

PROPOSAL

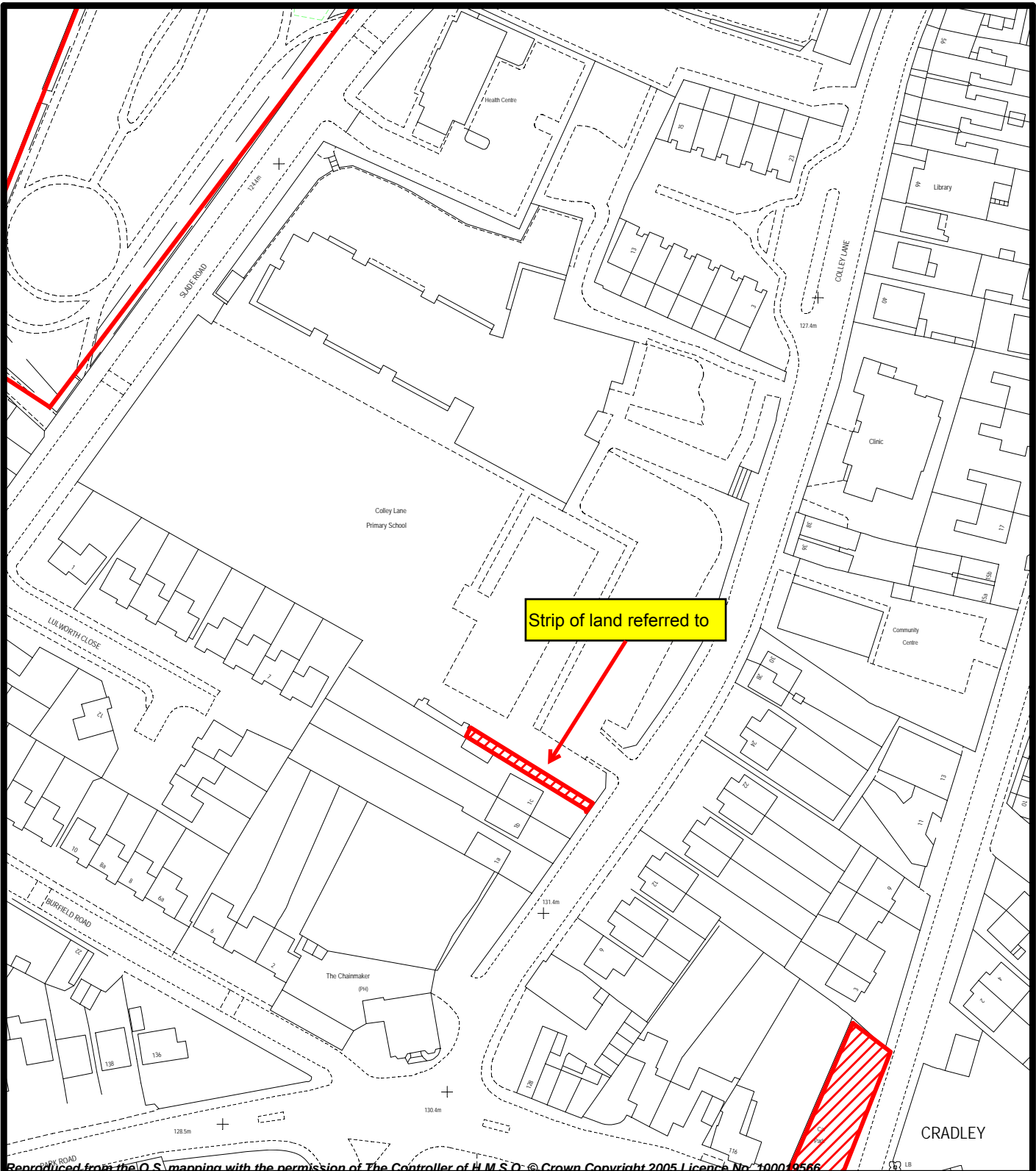
That the Area Committee advises the Cabinet Member for Lifelong Learning to refuse the application to purchase land adjoining 1C Colley Lane, Cradley, Halesowen.

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



<p>TITLE:</p> <p><i>Land adjoining 1C Colley Lane</i></p> <p><i>Cradley</i></p> <p><i>Halesowen</i></p> <p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No. 100019566</p>	<div data-bbox="874 1760 995 1883"> </div> <div data-bbox="847 1917 967 1984"> <p>SCALE:</p> <p>1 : 1250</p> </div> <div data-bbox="847 1995 967 2051"> <p>DATE:</p> <p>26-APR-2005</p> </div>	<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p> <div data-bbox="1209 1984 1445 2107"> </div>
<p>CREATED BY:</p> <p><i>Sonia McLean - Property Manager, Ext. 5321</i></p>		

APPENDICES

HALESOWEN AREA COMMITTEE

DATE: 14th SEPTEMBER 2005

REQUEST FOR: APPLICATION TO PURCHASE LAND

LOCATION: MAPLE ROAD, HALESOWEN

(As shown on the plan attached)

BACKGROUND

A request has been received from Colesbury Ltd. to purchase Council owned land as shown hatched black on the plan attached. The land is required in order to erect a fence or a brick wall for its subsequent use as storage facilities for their premises.

Currently the land has a low level brick wall around it (approx. 2 ft. high) and the ground level inside is to the top of the wall. This has allowed people to easily climb the single storey building next to it and break into the applicant's premises. Additionally, the applicant states that there are problems with anti-social behaviour during the night and weekends and that the land is used as a general rubbish tip for beers cans, etc.

The land is under the control of the Directorate of the Urban Environment (Environmental Management).

COMMENTS

All of the relevant Council Directorates have been consulted regarding the proposal and objections have been received from the Directorate of the Urban Environment who state that the proposed scheme would result in the loss of amenity space which plays an important role enhancing the visual amenity of the local area and contributing towards local distinctiveness. The site contains three semi-mature trees on which there is no Tree Preservation Order. The proposal would be contrary to UDP policy and national planning policy. The Directorate of the Urban Environment also suggest that Colesbury Ltd. look to possible mitigation measures on the existing boundary like improved security lighting.

PROPOSAL

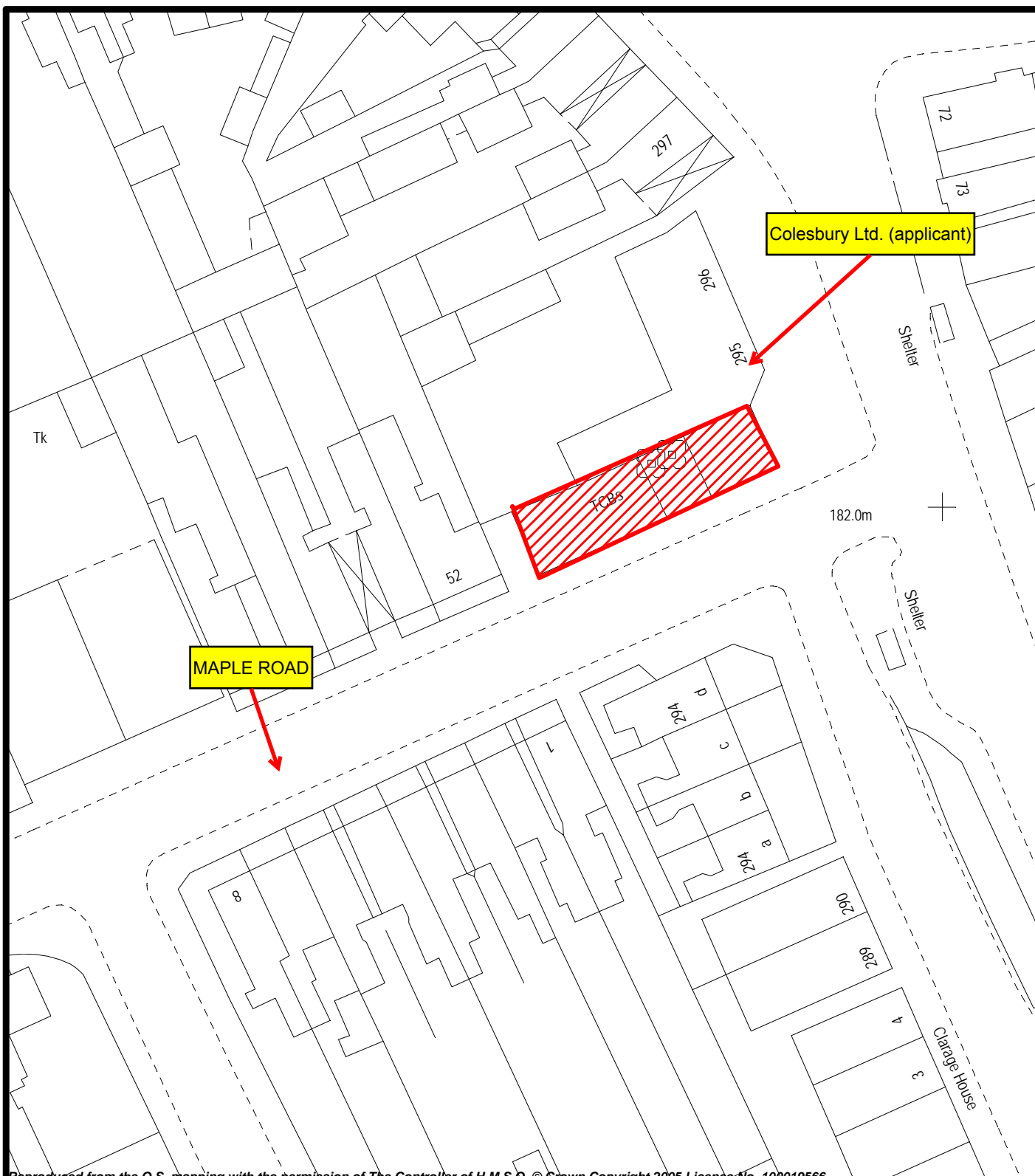
That the Area Committee advises the Cabinet Member for Environment to refuse the application to purchase the land in Maple Road, Halesowen.

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



Reproduced from the O.S. mapping with the permission of The Controller of H.M.S.O. © Crown Copyright 2005 Licence No. 100019566

TITLE:

*Maple Road
Halesowen
Former Public Conveniences*



SCALE:

1 : 500

DATE:

18-MAR-2005

Corporate Estate Services
Directorate of Law and Property
3 St James's Road
DUDLEY
West Midlands
DY1 1HZ

OS data reproduced with the permission of the Controller of HMSO 2004 Licence No. 100019566

CREATED BY:

Sonia McLean

Dudley
Metropolitan Borough Council

APPENDICES

HALESOWEN AREA COMMITTEE

DATE: 14TH SEPTEMBER 2005

REQUEST FOR: APPLICATION TO PURCHASE/EXCHANGE LAND AT CAR PARK

LOCATION: BIRMINGHAM STREET, HALESOWEN

(As shown on the plan attached)

BACKGROUND

A request has been received on behalf of the Zion Christian Centre to purchase/exchange the Council owned land as shown hatched black on the plan attached. The land is required for the potential Church building redevelopment project.

Over the years, the Zion Church has grown in size in terms of the congregation and services provision for its members and the community within the Halesowen and the Black Country. This development has now resulted in the Church Elders instigating a feasibility study for increasing the physical capacity of the Church building and also exploring what other community based activities could be accommodated within the new facility.

The Church objective is to create better facilities that would have larger sitting capacity but also provide better facilities that can be used for community support activities.

The land is under the control of the Directorate of the Urban Environment and is currently used for parking purposes.

COMMENTS

The relevant Council Directorates have been consulted. The Directorate of the Urban Environment state that the site that the Christian Centre wishes to purchase/exchange is a very popular and is a busy town centre car park. It is managed by Parking Management under "The Borough of Dudley Off-Street Parking Places Order" as a pay and display car park which has approximately 100 spaces and is generally full to capacity on a daily basis.

Aside from the not insignificant fact of a substantial loss of revenue to the authority the loss of this site would cause, there are concerns about this proposal in the light of the discussions taking place between the Local Authority and Vale Retail concerning the redevelopment of the Cornbow Shopping Centre; these proposals include the sale by the Authority to the developer of the Precinct multi-storey car park which would then be demolished as part of the redevelopment. The loss of the parking spaces on this site would in itself leave Halesowen Town Centre with a shortfall of parking spaces, the impact of which is currently being assessed.

In addition Birmingham Street car park is one of 11 Local Authority car parks to hold the prestigious "Safer Car Park" awards.

The Directorate of Law and Property objects to the exchange of the land as the proposal would move the parking to a much inferior site in terms of its configuration.

The Halesowen Leisure Centre are concerned about the potential loss of surface car parking as many of their customers use Birmingham Street rather than the Cornbow multi-

storey car park. If there was certainty about the continuity and replacement of the parking provision then the proposal could be supported, but any loss of car parking spaces used for Leisure Centre purposes for a period of time or permanently, would not be supported.

PROPOSAL

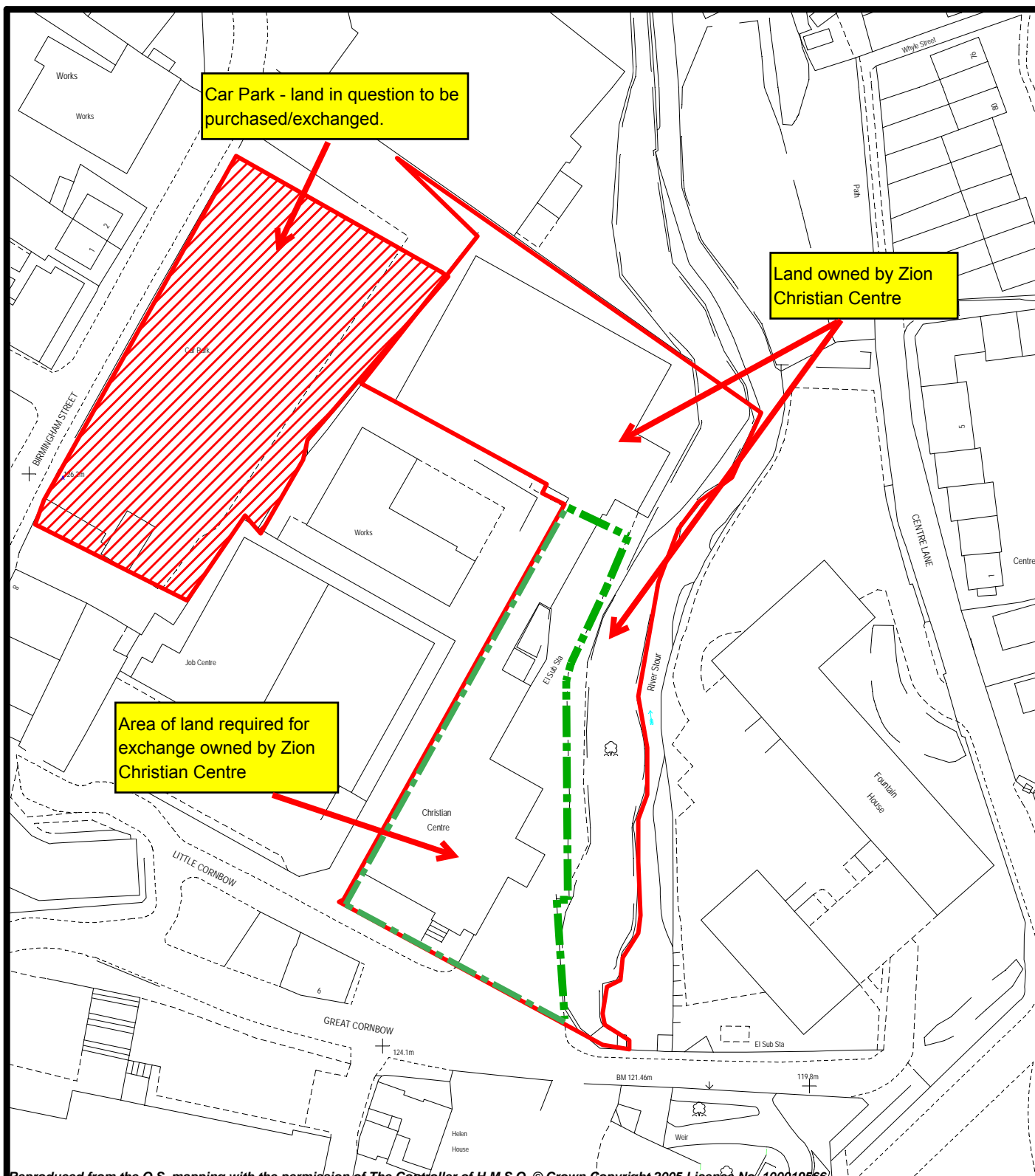
That the Area Committee advises the Cabinet Member for Transportation to refuse the application to purchase/exchange the land at Birmingham Street, Halesowen.

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



Reproduced from the O.S. mapping with the permission of The Controller of H.M.S.O. © Crown Copyright 2005 Licence No. 100019566

TITLE:

Application to Purchase/Exchange land at Car Park

Birmingham Street

Halesowen



SCALE:

1 : 1000

DATE:

18-APR-2005

Corporate Estate Services
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

OS data reproduced with the permission of the Controller of HMSO 2004 Licence No. 100019566

CREATED BY:

Sonia McLean - Property Manager, Ext. 5321

Dudley
Metropolitan Borough Council

APPENDICES

HALESOWEN AREA COMMITTEE

DATE: 14th SEPTEMBER 2005

REQUEST FOR: APPLICATION TO PURCHASE COUNCIL OWNED LAND

LOCATION: THE CORNBOW SHOPPING CENTRE, HALESOWEN

(As shown on the plan attached)

BACKGROUND

Subsequent to planning consent granted on 19th July 2005, the owners of The Cornbow Shopping Centre (Vale Retail Limited) now require the purchase of Council owned land in order to implement the proposed extension to the shopping centre as shown hatched on Plans 1 and 2 attached. The land is under the control of the Directorate of Law and Property and the Directorate of the Urban Environment.

Vale Retail wishes to purchase the area of the multi-storey car park and service yard; a decision was previously made by the Council in 2001 to sell the car park and service yard to Vale Retail. However, Vale now want to incorporate the southern service yard and access road in with the disposal to allow not only the replacement of the existing 400 car parking spaces with a new 592 space car park, but also better servicing of the expanded centre. Any sale will be subject to preserving the existing rights of access for premises in Hagley Road and Hagley Street over the service yard.

In addition to this, small areas of the pavement fronting Precinct House and Regent House on the Queensway and the area between the bus shelter and the shops as shown on Plan 2 are required for this extension. The land fronting Precinct House is part of the public highway, therefore a stopping up order would have to be made, the cost of which would have to be met by the Vale Retail. The Directorate of the Urban Environment are in full support of a stopping up order on this land. The two areas heavily edged in black on Plan 2 are currently part of the lease to the bus station for which Centro have indicated their agreement to surrender their lease in respect of these parcels.

The short-term lease of Andrews Road car park, during the period while the multi storey car park is being replaced with the new car park, will provide alternative shoppers parking in which Vale have proposed to put a temporary deck on part of the existing surface car park to increase the number of car spaces by 100.

COMMENTS

All of the relevant Council Directorates have been consulted regarding the proposal and no objections have been received.

PROPOSAL

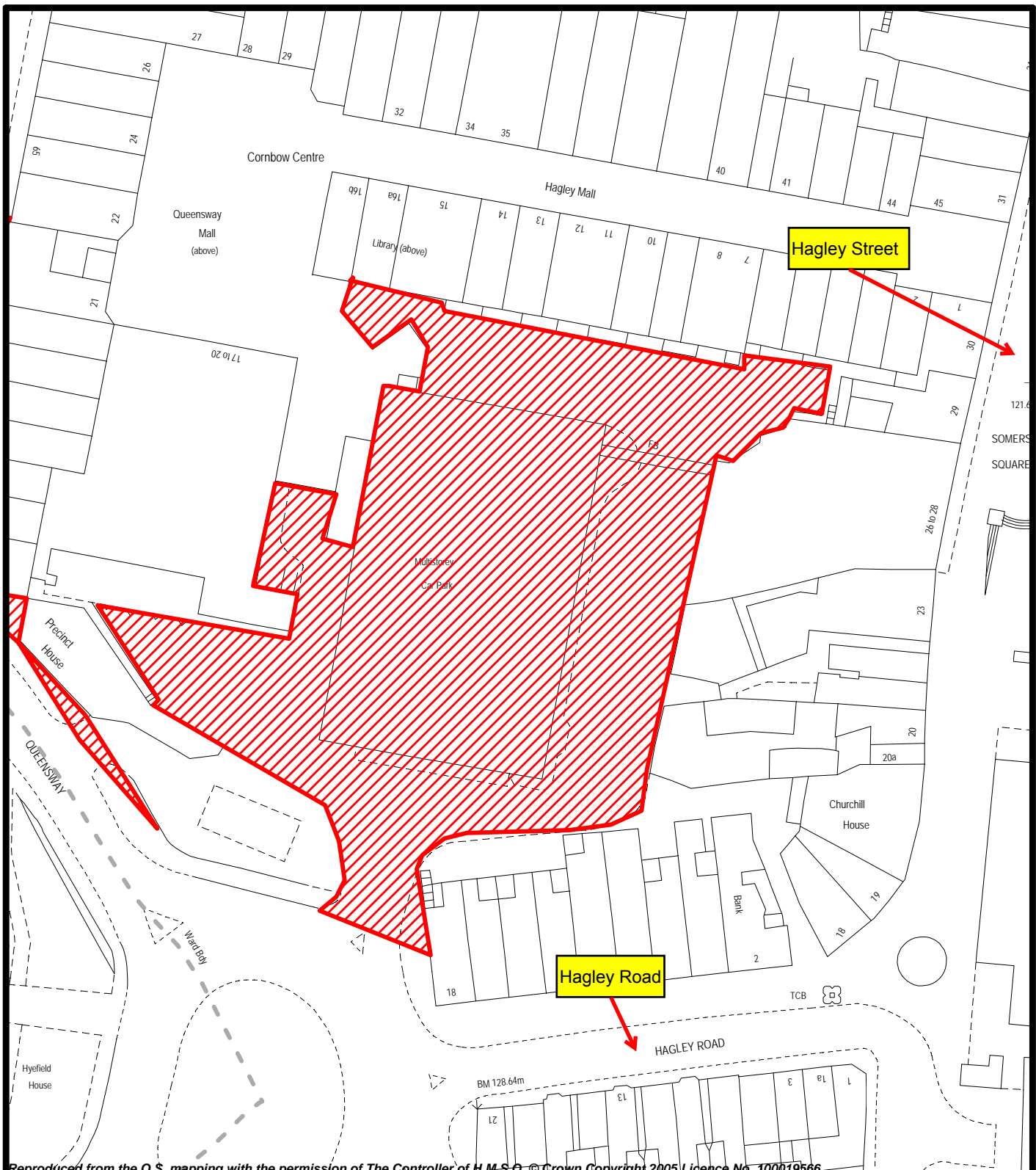
That the Area Committee advises the Cabinet Member for Leisure to approve the application to purchase the freehold of The Cornbow Centre, Halesowen subject to any necessary application for the closure of the parts of the public highway identified in this report being undertaken by and at the expense of Vale Retail Limited.

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



Reproduced from the O.S. mapping with the permission of The Controller of H.M.S.O. © Crown Copyright 2005 Licence No. 100019566

PLAN 1

Cornbow Centre, Halesowen

Request for Land Disposals



SCALE:

1 : 800

DATE:

28-JUL-2005

Corporate Estate Services
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

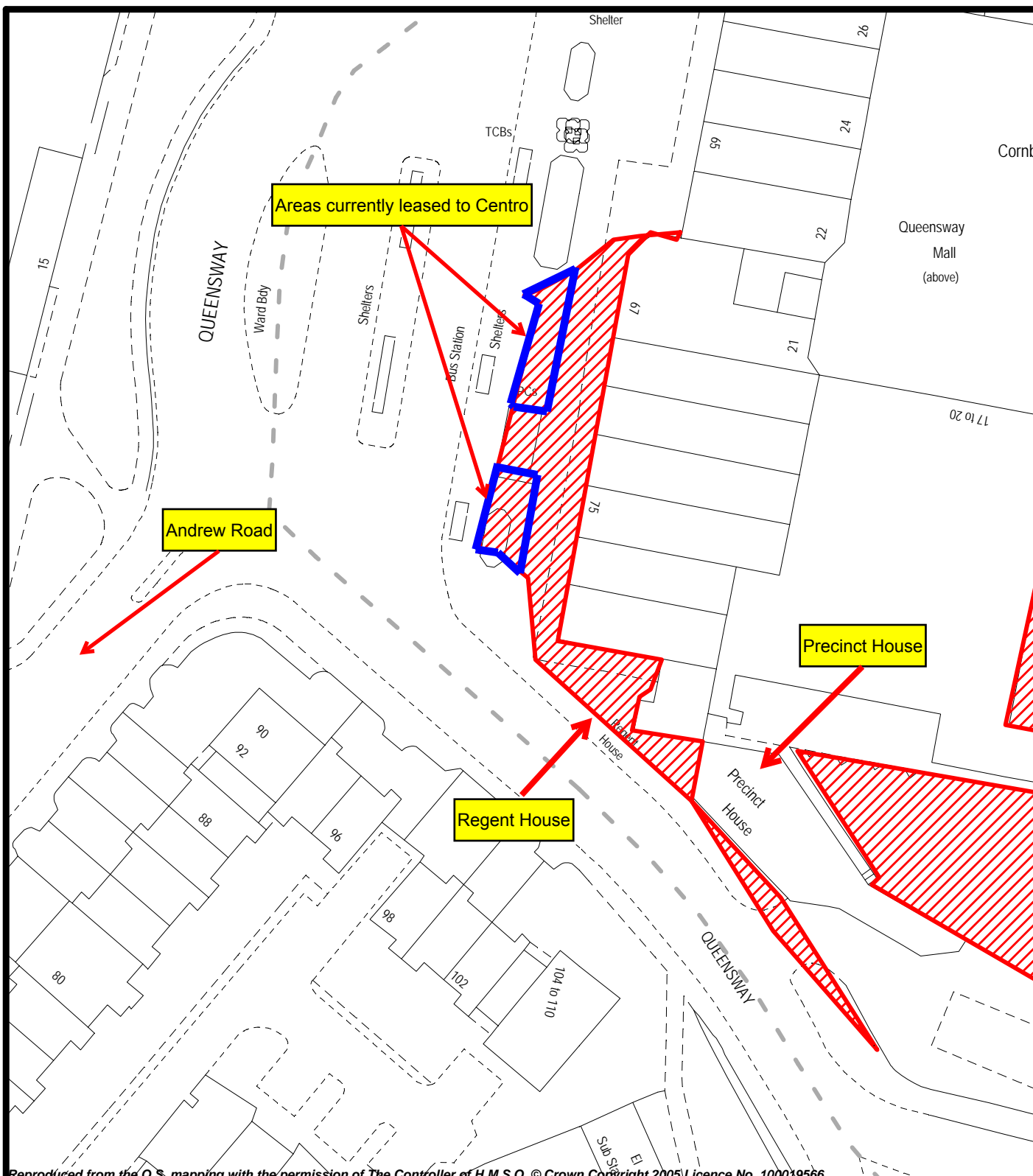
DY1 1HZ

OS data reproduced with the permission of the Controller of HMSO 2004 Licence No. 100019566

CREATED BY:

Sonia McLean - Property Manager, Ext. 5321

Dudley
Metropolitan Borough Council



Reproduced from the O.S. mapping with the permission of The Controller of H.M.S.O. © Crown Copyright 2005 Licence No. 100019566

TITLE:

PLAN 2

Cornbow Centre, Halesowen

Request for Land Disposals



SCALE:

1 : 600

DATE:

28-JUL-2005

Corporate Estate Services
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

OS data reproduced with the permission of the Controller of HMSO 2004 Licence No. 100019566

CREATED BY:

Sonia McLean - Property Manager, Ext. 5321

