
Brierley Hill Area Committee – 1st February 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.

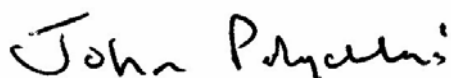
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

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.



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John Polychronakis
Director of Law and Property

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List of Background Papers

See individual appendices

Appendices

Brierley Hill Area Committee

Date: 1st February 2007

Disposal of land

Location: Cottage Street, Brierley Hill
(As shown on the plan attached)

Background

An application has been received from Stourbridge College to purchase Council owned land in the Brierley Hill area, to expand and develop the College facilities to include the plus 16 educational facilities and a youth theatre.

Once the Midlands Metro and the Parallel Route have been built, the remainder of the site will be ideal for their purposes, as it will have direct links to the public transport network.

A plan of the site is attached which roughly shows the proposed parallel route and the area that will contain the preferred line of the Metro. The exact route is yet to be confirmed within the marked area.

The site consists of the former Leisure Centre site, the site of the adjacent Social Services porta-cabin buildings, The Poplars Health Centre that is jointly used by the Primary Care Trust and DACHS, the site of the Current District Housing office, which is affected by the Metro Line and an area of land that is currently laid out as a car park.

The majority of the land concerned is held by the Directorate of Law and Property, except for the Poplars Health Centre building that was appropriated to the purposes of Social Services in 1988. The Poplars is currently in joint use by PCT and Adult Services Division of DACHS as a base for the Community Mental Health Team and two Day Services. There appears to be no formal agreement between the Council and the PCT relating to the ownership, use and maintenance of this building.

The Housing District Office will be relocated to the new LIFT Health and Social Care Centre in Brierley Hill in 2008.

In order for the scheme to proceed, the College will eventually require vacant possession of these buildings, once the services have been relocated.

The proposal will require the sales of land to be phased, as marked on the plan A – D, in line with the building of the Metro and Parallel route, but all phases will be dependent on each other. The exact area of land available will be determined as the Metro and Parallel Route develop and will be subject to terms and conditions to be negotiated and agreed by the Director of Law and Property.

The College are hoping to secure funding from Advantage West Midlands.

Comments

The relevant Council Directorates have been consulted regarding the application and no objections have been received to the principle of disposal of the land to Stourbridge College following completion of the Brierley Hill Sustainable Access Network (BHSAN) and the Metro line, the relocation of services and the completion of necessary ground works.

The Directorate of the Urban Environment will require any disposal to be subject to the proviso of rights of access and rights to movement of spoil within the site and those surrounding it for a determined period. The limits of deviation of the Metro Line have not yet been confirmed but there will be areas of fill that will be required to accommodate the Metro embankment and by considering the whole site, the Council can level out and avoid the need for any retaining walls to be built for the Metro. A prerequisite of accommodating the cost of the Brierley Hill Scheme within the grant from Government is the ability to use fill from the construction to raise levels in surrounding areas under the Councils control such as the baths site. Planning consent will be required for this. Any sale of land must therefore be subject to this and must not prejudice the grant position. The development of the land should also incorporate adequate access and parking arrangements, which should be developed as part of the wider area development strategy. As the proposal affects current car parking facilities, adequate replacement parking should be developed within the vicinity so that no provision is lost.

Culture and Community Services would like any proceeds from the sale of the former Leisure Centre site to be ring fenced for investment in sport and recreation in the Brierley Hill area, as facilities have been lost in the area due to the closure of the Leisure Centre and Sport England would therefore insist on some level of reinvestment in sporting provision. Such ring fencing would have to be agreed by the Cabinet and Council.

Planning Policy consider that the proposals would be looked at favourably as they accord with the objectives of the overall vision of regeneration in the Brierley Hill area, subject to planning consent being granted.

The Directorate of Adult, Community and Housing Services would in any case have to vacate the District Housing Office due to the Metro, and have already identified alternative accommodation in the new LIFT Health and Social Care Centre from 2008. DACHS has no objections in principle to the disposal of the surplus land, providing that they and the PCT have sufficient time to identify suitable alternative accommodation for services currently delivered at the Poplars.

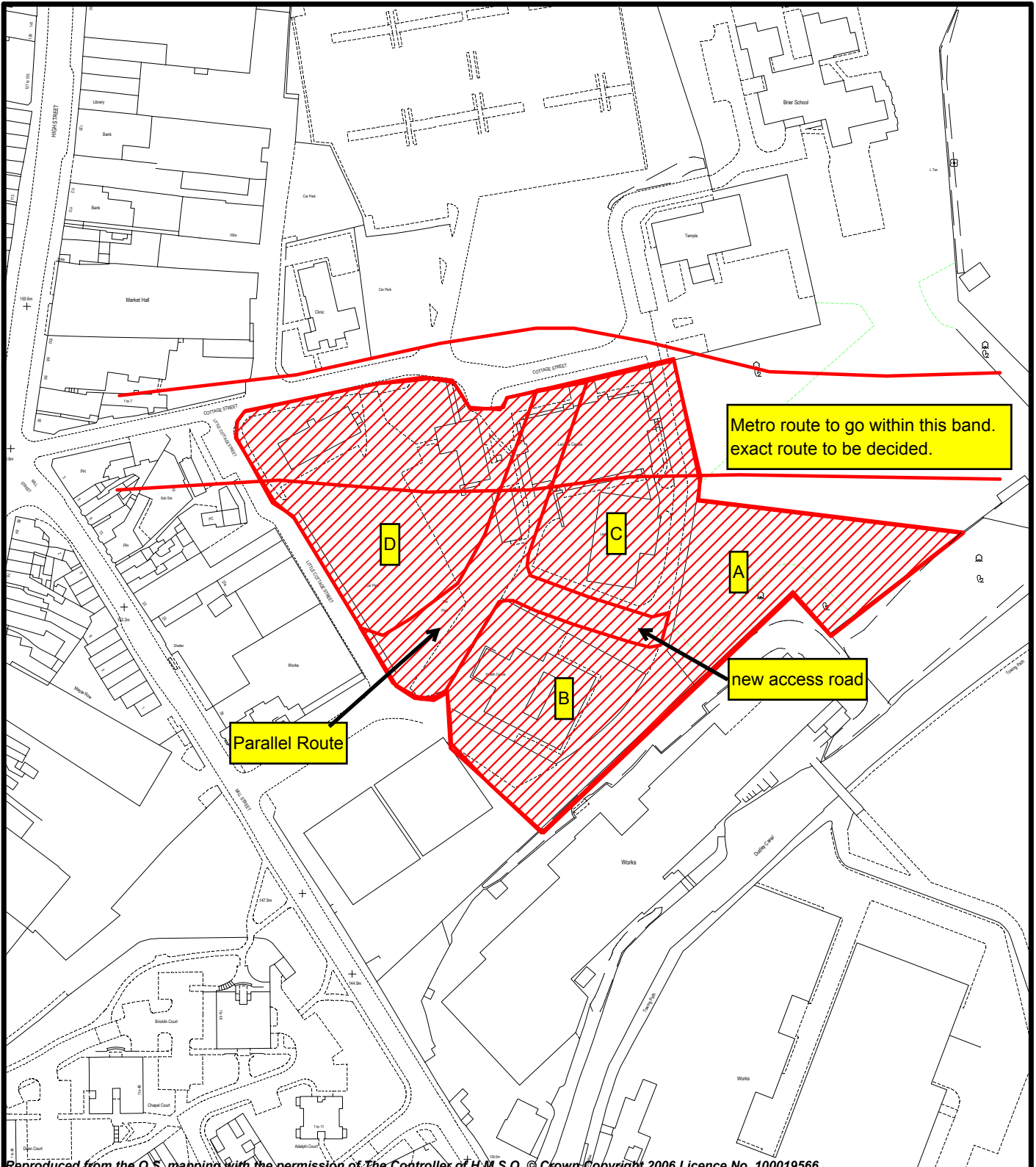
Proposal

That the Area Committee recommend that the Cabinet Member for Personnel, Law and Property and the Cabinet Member for Adult and Community Services approve the disposal of surplus land off Cottage Street, Brierley Hill, to Stourbridge College, 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: Gill Hudson, Property Manager, Ext. 5311



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<p>TITLE:</p> <p>Hatched area to be sold to Stourbridge College</p> <p>Land at: Cottage Street Brierley Hill</p>		<p>Corporate Estate Services Directorate of Law and Property</p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
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