

Stourbridge Committee – 20th November 2006

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.

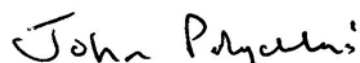
Equality Impact

7. The proposals take into account the Council's equal opportunities policies.

The Directorates when formulating their view on the attached land items have considered the effects on children and young people. Any relevant issues will be reported in the individual appendices.

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: 20th November 2006

Request to Declare Land Surplus to Requirements

Location: Land at Clinic Drive, Lye
(As shown on the plan attached)

Background

Subsequent to the completion of the Lye By-pass the Council is now in a position to consider the disposal of surplus land acquired for the Lye Gyratory Scheme in order to meet the objective of the Lye District Centre Action Plan for development.

In the Lye District Centre Action Plan land at Clinic Drive, Lye, as shown on the plan attached, is allocated as an opportunity site for community facilities with residential accommodation. Some of the organisations and their requirements for community uses may have changed since the Lye District Plan was published.

Additionally, an application has been received from Dudley Infracare LIFT Limited to purchase the above mentioned Council owned land to build a new Health and Social Care Centre on behalf of Dudley Primary Care Trust.

The land is under the control of the Directorate of Urban Environment.

Comments

The relevant Council Directorates have been consulted regarding the disposal of land at Clinic Drive and no objections have been received.

Proposal

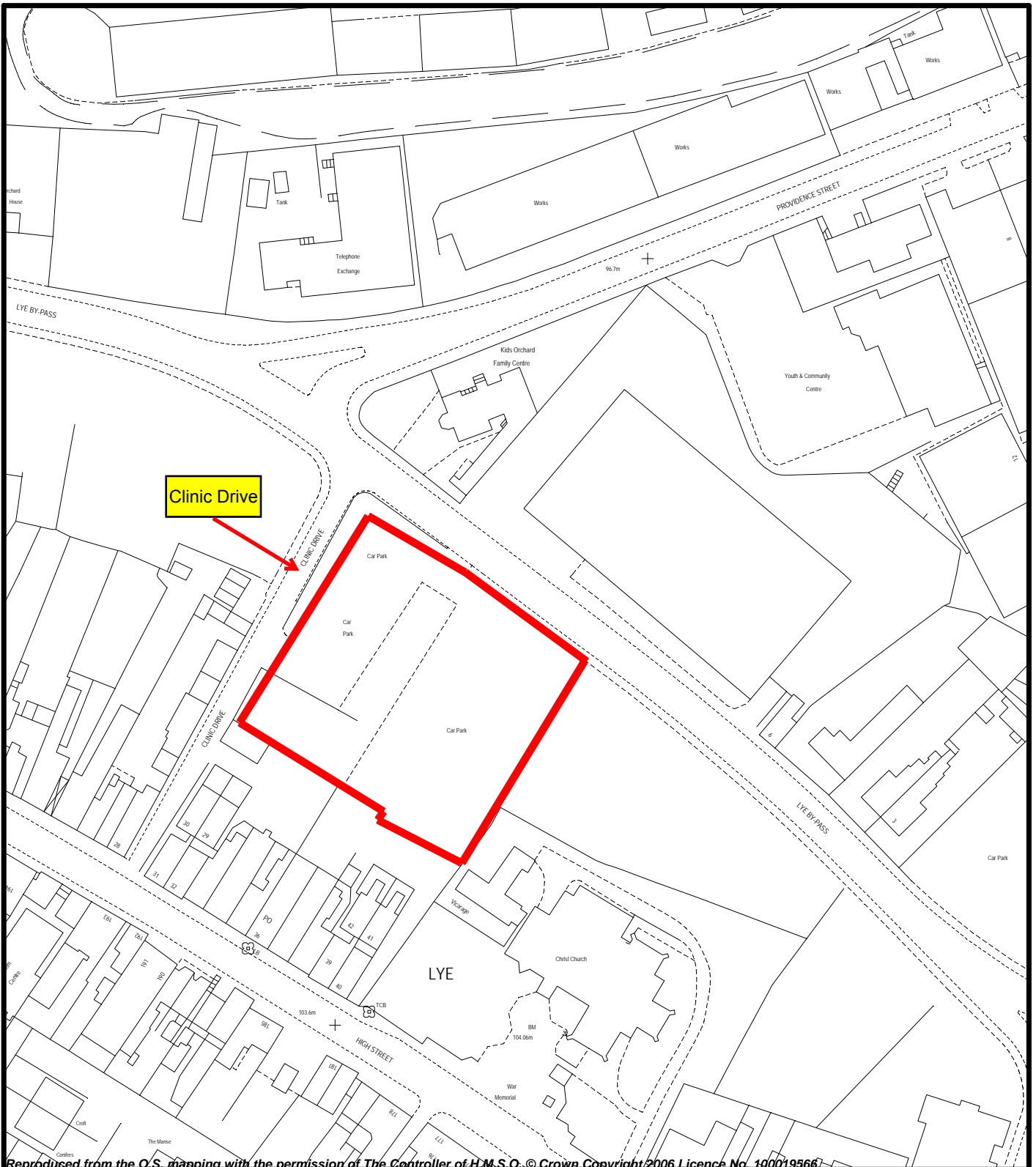
That the Area Committee advise the Cabinet Member for Transportation to declare land at Clinic Street, Lye surplus to requirements for disposal on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

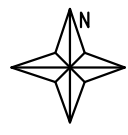

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Sonia McLean, Property Manager, Ext. 5321



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<p>TITLE:</p> <p>Land at Clinic Drive, Lye</p> <p>29816/FMDV/FMSF/STM</p> <p>OS data reproduced with the permission of the Controller of HMSO 2006 Licence No 100019566</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p> 
<p>CREATED BY: Sonia McLean - Property Manager, Ext. 5321</p>	<p>SCALE: 1 : 1250</p> <p>DATE: 07-SEP-2006</p>	

Appendices

Stourbridge Area Committee

Date: 20th November 2006

Request to Declare Land Surplus to Requirements

Location: Land at The Dock, Lye
(As shown on the plan attached)

Background

Subsequent to the completion of the Lye By-pass the Council is now in a position to consider the disposal of surplus land acquired for the Lye Gyratory Scheme in order to meet the objective of the Lye District Centre Action Plan for development.

In the Lye District Centre Action Plan land at The Dock, Lye is allocated as an opportunity site for residential development, as shown on the plan attached.

The land is under the control of the Directorate of Law and Property and the Directorate of the Urban Environment.

Comments

The relevant Council Directorates have been consulted regarding the disposal of land at The Dock, Lye and no objections have been received.

Proposal

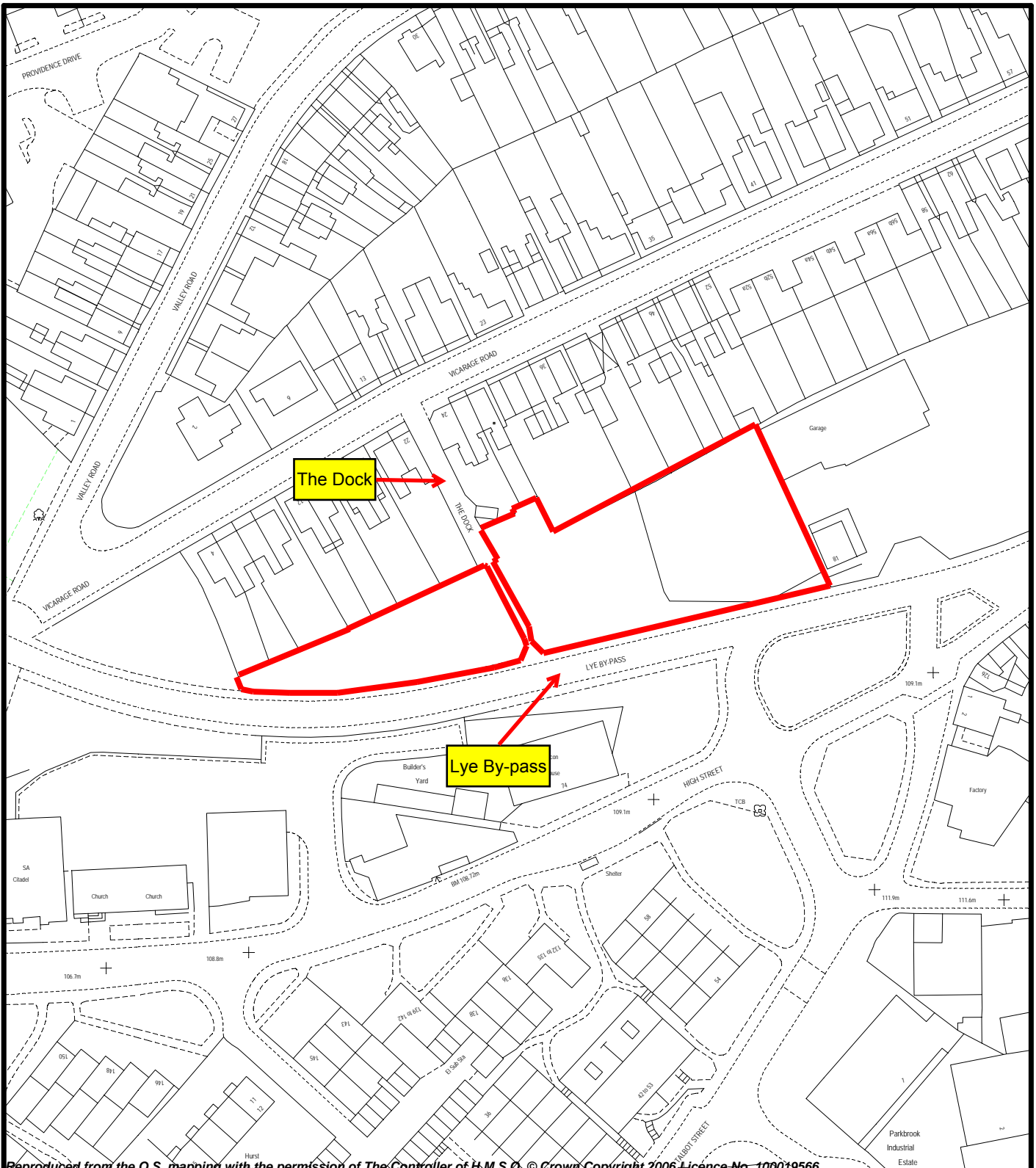
That the Area Committee advise the Cabinet Member for Personnel, Legal and Property and the Cabinet Member for Transportation to declare land at The Dock, Lye surplus to requirements for disposal on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

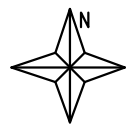

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<p>CREATED BY: Sonia McLean - Property Manager, Ext. 5321</p>		

Appendices

Stourbridge Area Committee

Date: 20th November 2006

Request to Declare Land Surplus to Requirements

Location: Land between Dudley Road, Lye By-pass and Clinic Drive, Lye
(As shown on the plan attached)

Background

The Council is now in a position to consider the disposal of surplus land acquired for the Lye Gyratory Scheme in order to meet the objectives of the Lye District Centre Action Plan for development.

In the Lye District Centre Action Plan land between Dudley Road, the By-pass and Clinic Drive, as shown on the plan attached, is allocated as an opportunity site in the Lye District Centre Action Plan for retail development, which includes a foodstore and restaurant/pub with car parking for Lye Centre.

The land is under the control of the Directorate of the Urban Environment.

Comments

The relevant Council Directorates have been consulted regarding the disposal of land between Dudley Road, Lye By-Pass and Clinic Drive and no objections have been received subject to adequate car parking provision to the retail development. The Directorate of Law and Property and the Directorate of the Urban Environment are of the same opinion that as an alternative to a restaurant/pub area this land could also be used as a residential development.

Proposal

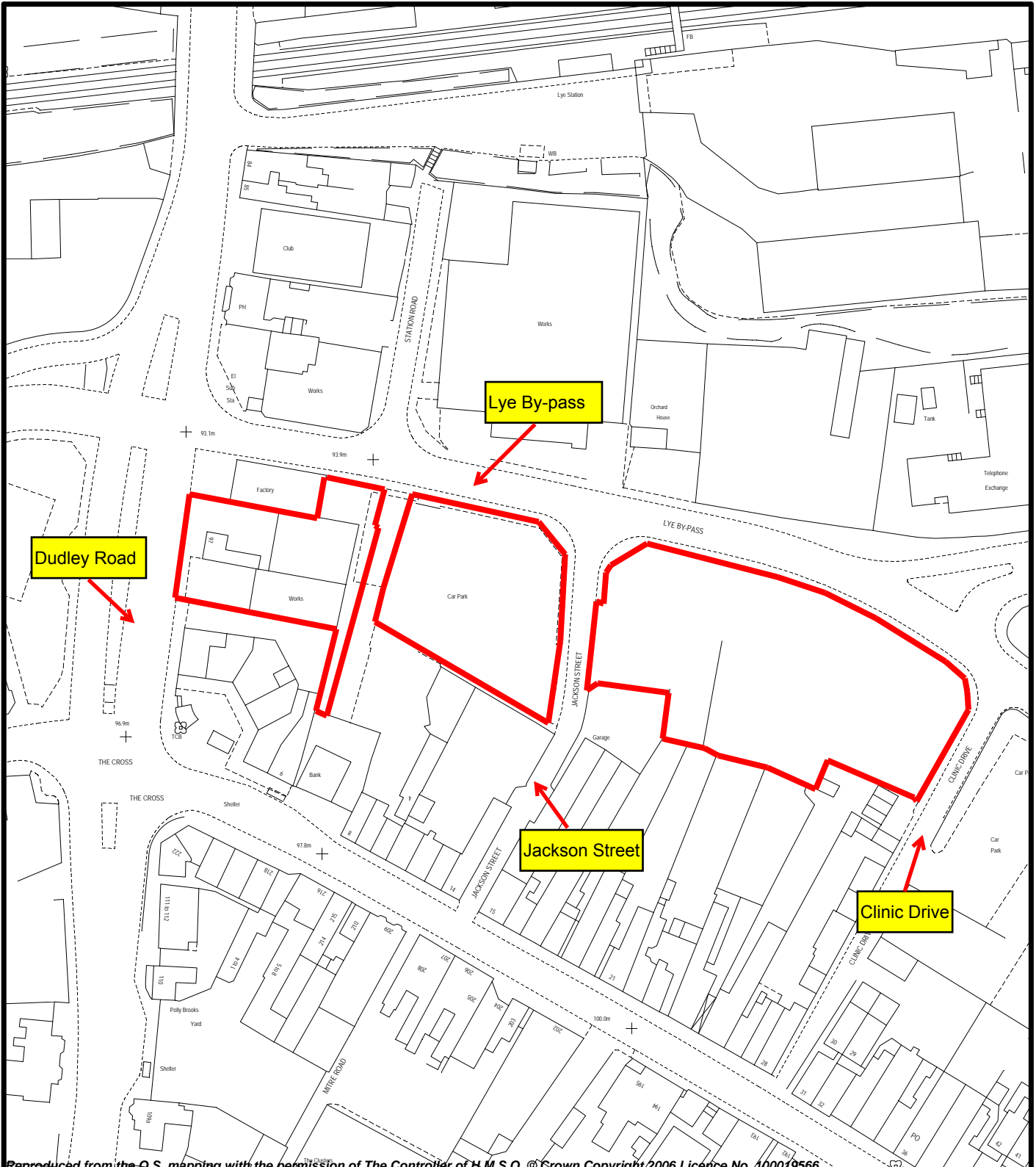
That the Area Committee advise the Cabinet Member for Transportation to declare land between Dudley Road, the By-pass and Clinic Drive surplus to requirements for disposal on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

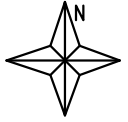

1. Letter(s) from the applicant.
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