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**North Dudley Area Committee – 20th September 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.

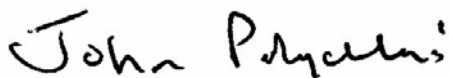
### **Equality Impact**

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

### North Dudley Area Committee

Date: 20<sup>th</sup> September 2006

### For information purposes

Location: 9 Bayer Street, Coseley  
(As shown on the plan attached)

### Background

9 Bayer Street is a detached property, built between 1912 and 1916 in the village of Coseley. It was once the home of Cllr. Noah Hingley but was used as the Coseley Housing Estates Office for many years.

The property is controlled by the Directorate of Law and Property and was, up until November 2005, used by the Directorate of Adult Community and Housing Services as office accommodation. The building was closed and services moved to the Sedgley District Housing Office, as the property was unsafe.

The Council has no operational use for the property.

The North Dudley Area Committee on the 1<sup>st</sup> February 2006 deferred consideration of a report to declare the property surplus to requirement as, at the meeting, a member of the public drew the Committees attention to the history of the property and requested that it be considered for local or national listing and that the said member of public be given an opportunity to inspect the inside of the property, in order to establish if there are any historical artefacts within it. The matter was therefore deferred for further investigation.

Since that time, the property has been visited by the Borough Archaeologist and the said member of public and no artefacts of any significance or interest have been found within the property. The Borough Archaeologist states that the property does not meet the criteria for either national or local listing, but as there is some local interest in the property it should firstly be offered to the Black Country Museum before being declared surplus.

The Director of the Black Country Museum has been approached and has visited the property, but does not consider the building worthy of preservation within the Black Country Museum.

The member of the public who requested that the buildings be preserved has been informed of the situation.

The property is now in an extremely bad state of repair and requires a considerable amount of money spending on it to bring it up to a standard for use.

Although this property is being regularly inspected by the Council's appointed security firm, it is subject to break-ins and vandalism and is becoming a financial liability.

More importantly a structural survey has determined that parts of the building are in an extremely dangerous condition and pose a threat to public safety.

## **Comments**

The relevant Council Directorates were consulted regarding the future use of the property and no operational use by the Council has been identified. The property is therefore surplus to the Council's requirements.

The property is now in such a poor state that urgent action needed to be taken as it is posing a real danger to the public. The Ward Members have been consulted and no objections were received to declaring the property surplus to requirements. A decision sheet has now been signed by the Cabinet Member for Personnel Law and Property, declaring the property surplus to requirements and authorising its demolition.

The property has been inspected by the Council's Structural Engineers and the Health and Safety Division of the Chief Executive's Directorate.. The cost of repairing the existing building are well in excess of £102,000, whilst demolition costs would be approx £10,000 plus fees.

Certain urgent works have already been undertaken in order to make the structure of the property safe and alleviate the serious danger to the public. The site will now be put on the open market and the property demolished.

The Health Trust who own the adjacent Health Centre which also accommodates the Children and Families unit, are currently undertaking an assessment of services in the area and should the Centre be identified for expansion, the Trust may be interested in this site for extension of the Health Centre. Alternatively the site will be suitable for residential development, subject to planning consent being obtained.

## **Proposal**

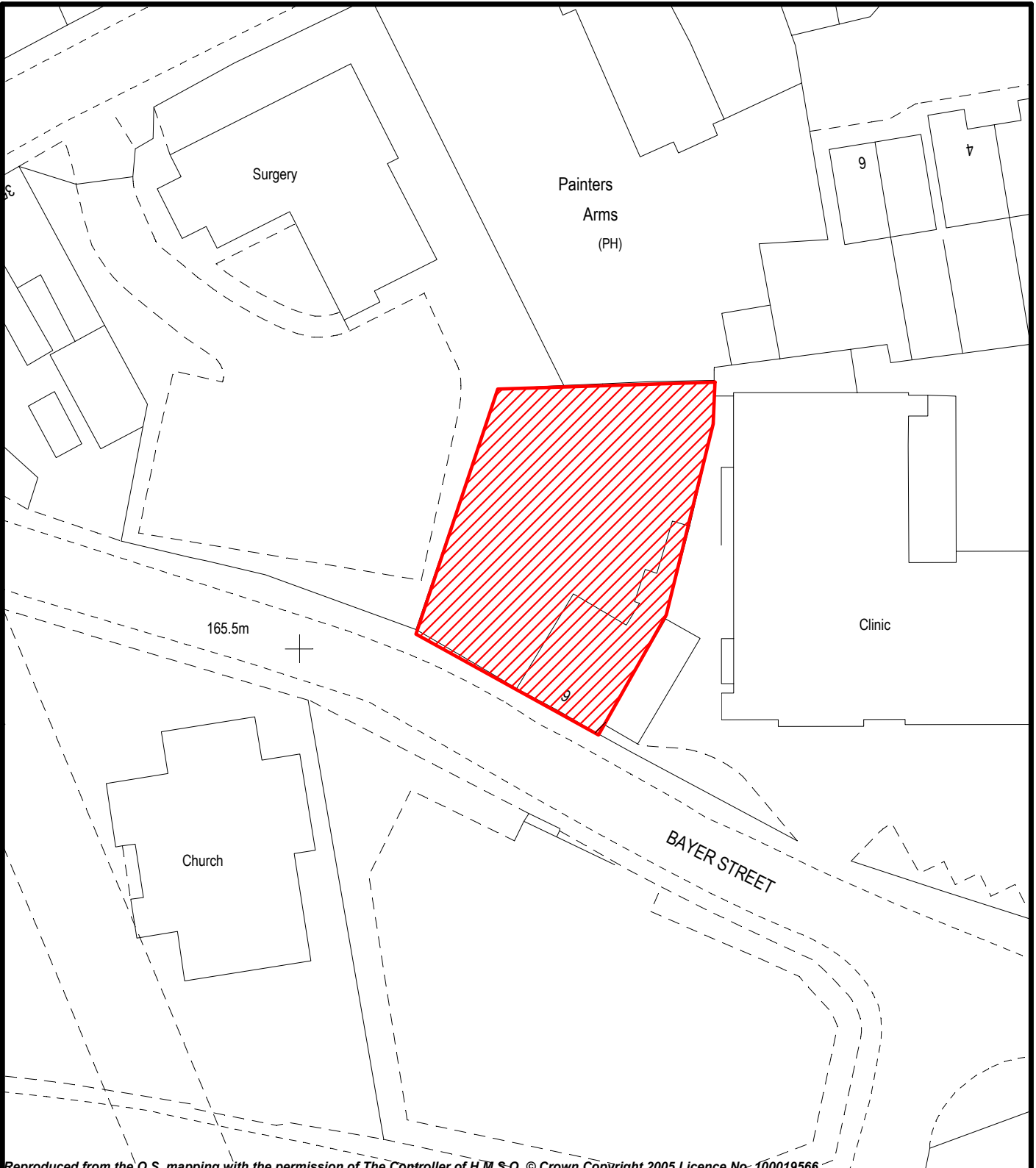
That the Area Committee note the information contained in this report

## **Background papers**

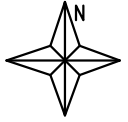

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Gill Hudson, Property Manager, Ext. 5311



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<p>TITLE:</p> <p><b>9 BAYER STREET COSELEY</b></p>		<p><b>Corporate Estate Services Directorate of Law and Property</b></p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p> 
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## Appendices

### North Dudley Area Committee

Date: 20<sup>th</sup> September 2006

### Request to purchase land

Location: Moden Close/Vale Street, Upper Gornal  
(As shown on the plan attached)

### Background

An application has been received from the owners of land off Moden Close/Vale Street, Upper Gornal, to purchase 3 areas of Council Owned land as marked on the attached plan.

The applicants land is designated for Housing within the Councils adopted Unitary Development Plan and he therefore intends to develop it for residential purposes. The applicants Architect has been working closely with Council Officers to develop a suitable scheme.

The first area of land marked 1 on the attached plan is controlled by the Directorate of Adult, Community and Housing Services and is required to provide the vehicular access point for the development. Vehicular access would not be allowed from Vale Street as the street is extremely narrow and the developer therefore requires this strip of land in order to proceed.

The Second area of land marked 2 on the attached plan is controlled by the Directorate of Urban Environment and is designated for Housing purposes in the Councils adopted Unitary Development Plan. This area of land is incapable of independent development and must therefore be added to the applicants land in order for it to be developed for its designated purpose.

The Third area of land marked 3 on the attached plan is controlled by the Directorate of the Urban Environment and forms part of the adjacent Local Park.

The Adjacent Ruiton Windmill was conveyed to the Staffordshire County Council in 1959 by way of gift, together with a right of access for evermore across the applicants land from Vale Street to the Ruiton Windmill. Dudley Borough Council inherited the freehold title of the Windmill together with this right of access. The Windmill is now managed by the Ruiton Windmill Preservation and Development Trust that was established by way of a Trust Deed in 1982.

In order for this scheme to go ahead, the developer is proposing to relocate the existing right of access to the Windmill within the new development and provide a designated parking area for the Windmill.

### Comments

The relevant Council Directorates have been consulted and no objections to the disposal of areas 1 and 2 have been received, subject to satisfactory planning consent being granted which will dictate details of the access from Moden Close and the retention of the public footpaths through the development.

Objections to the disposal of the area marked 3 on the attached plan were received from the Directorate of the Urban Environment and the Directorate of Law and Property, as the land forms part of the Local Park, is designated Public Open Space and should be retained as such. This area will also serve as a barrier between the proposed development and the park.

The applicant has been advised of the Councils views and has submitted a planning application incorporating areas 1 & 2 only into the design. The planning application should have been determined by the time this meeting takes place and the decision will be reported verbally to this meeting.

In order to facilitate the development, the developer will be required to negotiate and agree with the Council and the Windmill Trust the exchange of the Councils existing rights of access to the Ruiton Windmill. A new access and parking area for the Windmill has been proposed within the planning application

### **Proposal**

That the Area Committee advise:

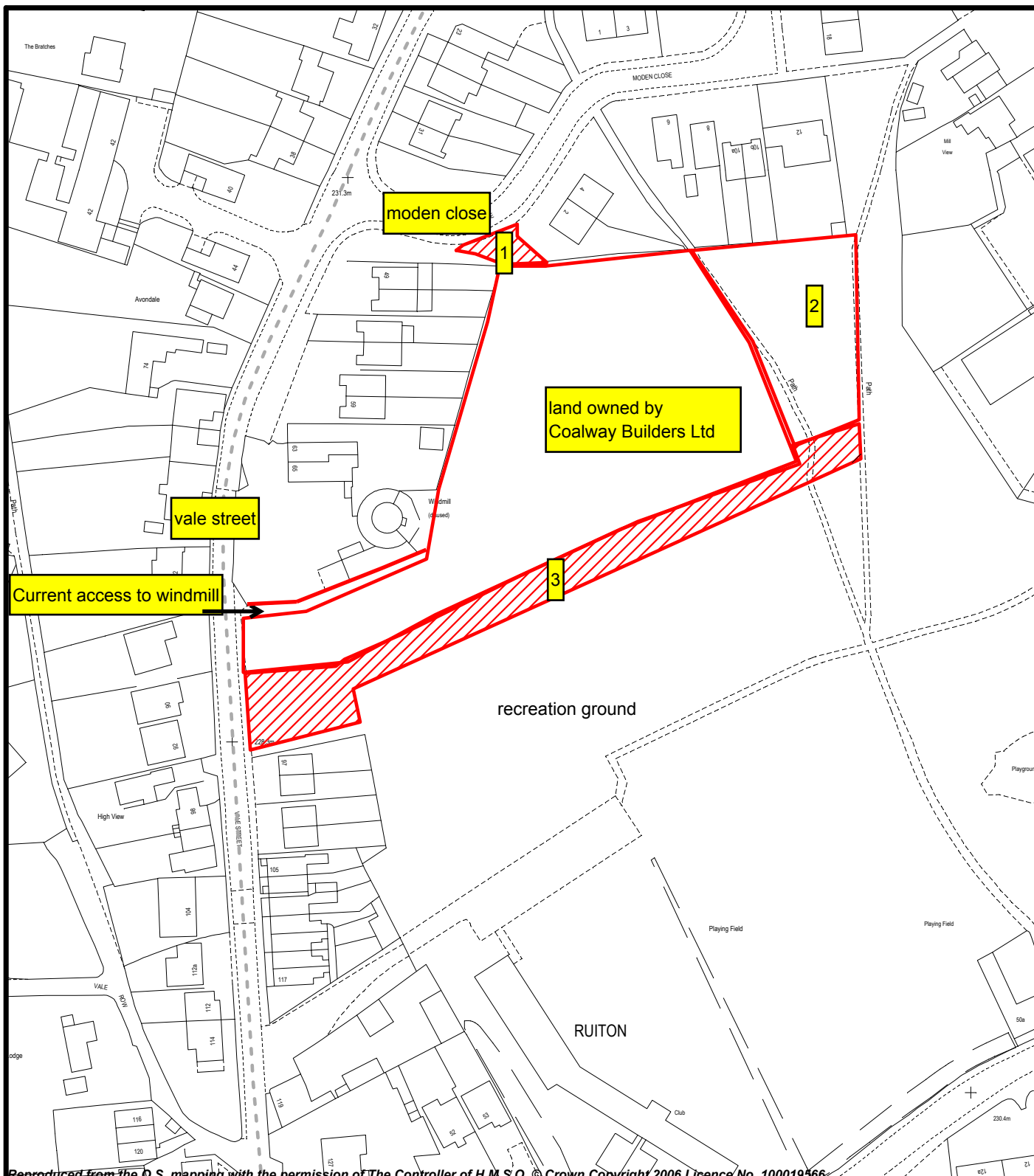
1. That the Cabinet Member for Housing approve the sale of the area marked 1 on the attached plan.
2. That the Cabinet Member for Leisure and Culture:
  - a. approve the sale of the area marked 2 on the attached plan,
  - b. negotiate the exchange of access rights to the Windmill,
  - c. refuse the sale of the area marked 3 on the attached plan,subject to satisfactory planning consent being obtained and upon 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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TITLE:  
 APPLICATION TO PURCHASE LAND AT:  
 MODEN CLOSE/VALE STREET  
 UPPER GORNAL

APPROVE AREA 1 & 2  
 REFUSE AREA 3

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SCALE:  
 1 : 1250

DATE:  
 19-MAY-2006

**Corporate Estate Services**  
**Directorate of Law and Property**

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