
Central Dudley Area Committee - 6 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.

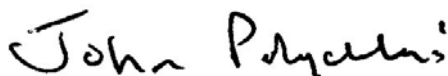
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

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

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List of Background Papers

See individual appendices

APPENDICES

CENTRAL AREA COMMITTEE

DATE: 6TH SEPTEMBER 2005

REQUEST FOR: VEHICULAR ACCESS

LOCATION: REAR OF 113 CINDER BANK, NETHERTON

(As shown on the plan attached)

BACKGROUND

An application has been received from the owner of 113 Cinder Bank, Netherton, to regularise a rear vehicular access used by the property.

The property is a privately owned terraced house that has a garage in the rear garden and access to the garage is gained from Park Road across an area of Council owned land that lies between the highway and the property.

This land is controlled by the Directorate of Housing and was purchased in the 1970's under the Baptist End General Improvement Area.

The Council records have been consulted and there is no record of an agreement being entered into. A land registry search has been undertaken and there are no rights of access registered to the owner of 113 Cinder Bank, to cross the Council owned land.

COMMENTS

The relevant Council Directorates have been consulted regarding the application and no objections to the granting of a vehicular access agreement were received.

The Directorate of Housing and the Directorate of Law and Property consider that the access should be formalised by way of a commercial access agreement to be negotiated by the Director of Law and Property.

The Directorate of Housing report that there are 4 other properties backing onto this land who also have erected garages within their rear gardens and who are gaining access across this land. These properties are also using this land without agreement and it is proposed that this situation is also regulated by way of access agreements, negotiated by the Directorate of Law and Property.

Under the Councils Constitution, permission to create domestic vehicular accesses can be referred to Ward Members and if Ward Members are in agreement with the recommendation, a decision sheet can be produced. If Ward Members do not agree or there are differing views, the matter should be put forward for consideration at Area Committee.

The Ward Members were therefore consulted, recommending approval to the granting of a domestic vehicular access agreement to the owner of 113 Cinder Bank. One reply was received requesting a site visit to assess the access issues and in particular the other garage accesses. The matter is therefore now referred to Central Dudley Area Committee for consideration and to make a recommendation to the Cabinet Member for Housing.

PROPOSAL

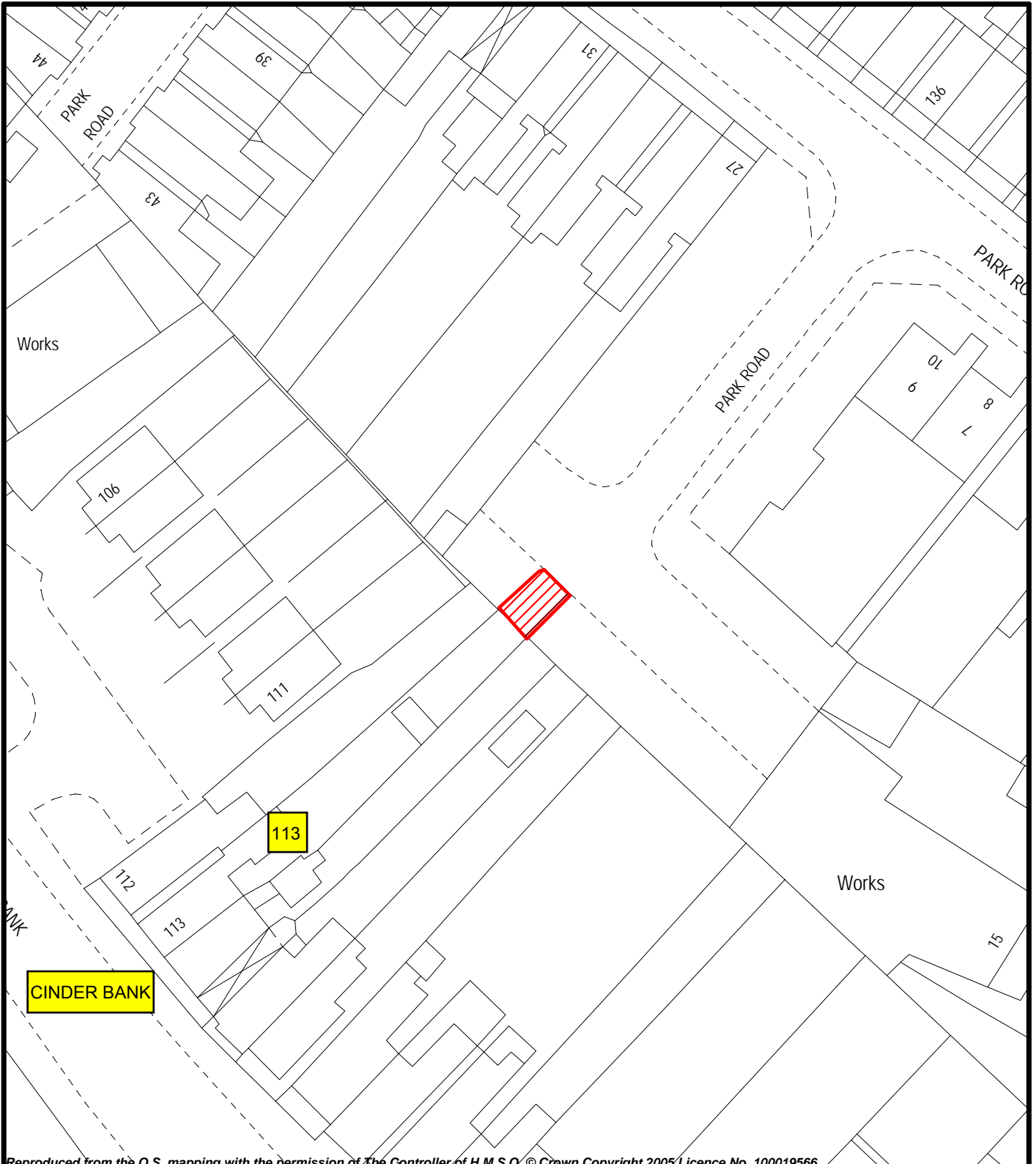
That the Area Committee recommend that a domestic vehicular access agreement be offered to the owner of 113 Cinder Bank and that the other users also be offered similar agreements to be negotiated by the Director of Law and Property.

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

APPENDICES



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<p>TITLE:</p> <p>APPLICATION FOR VEHICULAR ACCESS RIGHTS TO REAR OF: 113 CINDER BANK NETHERTON</p> <p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No 100019566</p> <p>CREATED BY:</p>	<div data-bbox="869 1758 997 1881" data-label="Image"> </div> <p>SCALE: 1 : 500</p> <p>DATE: 22-MAR-2005</p>	<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p> <div data-bbox="1204 1982 1452 2116" data-label="Image"> </div>
<p>5</p>		

CENTRAL DUDLEY AREA COMMITTEE

DATE: 6TH SEPTEMBER 2005

DISPOSAL OF LAND

LOCATION: PEDMORE ROAD, DUDLEY
(As shown on the plan attached)

BACKGROUND

A report regarding this matter was deferred from the meeting of this Committee on 14th June 2005, in order for a Members site visit to be held. The details of the site visit will be reported verbally at this meeting.

To reiterate, an area of land at the corner of Pedmore Road and Hurst Lane was purchased by the Council under the Housing Act 1936 in 1950 and forms the site of two derelict cottages that were let on agricultural tenancies. The Site is marked hatched on the attached plan 1.

The Site is in the control of the Directorate of Housing.

One of the properties formally known as 141 has been boarded up since the tenant left in 1967 when both cottages were condemned as unfit for human habitation. Cottage 142 has therefore been uninhabitable since that date and both are now in a very dilapidated condition.

Following a series of road improvements at the junction of Pedmore road and Hurst Lane, access is now gained to the site via a driveway off Pedmore road.

The site of Cottage 142 was let together with a grazing field further along Pedmore Road, by way of an agricultural tenancy. This field is within the Saltwells Nature Reserve and is marked hatched on attached plan 2.

In 2002 the tenant of the existing agricultural tenancy passed away and the Council have served notice to quit under the terms of the agreement, on the Public Trustee, giving notice to terminate the agreement on the 28th September 2005.

It is therefore the intention, once the Notice has come to an end, to declare the site of 141 & 142 Pedmore Road surplus to requirements and dispose of it on the open market and to incorporate the field within the surrounding nature reserve.

COMMENTS

The relevant Council Directorates have been consulted regarding the future of the sites and no objections have been received to the disposal of the site of 141 & 142 Pedmore Road on the open market.

The Director of Urban Environment consider that the site is not suitable for residential development due to the access and proximity to industrial/commercial premises, however they would consider a use of industrial/warehousing on the site suitable and consistent with other users in the area.

Regarding the field along Pedmore Road, this is within the Saltwells Nature Reserve and was appropriated from the purposes of the Housing Act to that of the nature reserve at the time the Nature Reserve was created. It is therefore already under the control of the Directorate of the Urban Environment.

The Directorate of the Urban Environment are therefore keen to bring the field back into nature reserve management in order to rest the field, clear some encroaching shrubs and seek advice from a grassland expert regarding long-term management. The field supports the locally uncommon Bee Orchid, which has not flowered for two or three years but hopefully would do so, once the aforementioned management work has been undertaken.

It is therefore proposed that the field is returned to Nature Reserve Management to allow an important nature conservation area to be looked after in a more sympathetic way and help restore its biodiversity in line with policy and community plan objectives.

PROPOSAL

That the Area Committee advises the Cabinet Member for Housing to Declare the site of 141 & 142 Surplus to requirements to be sold on the open market for the best price reasonably obtainable.

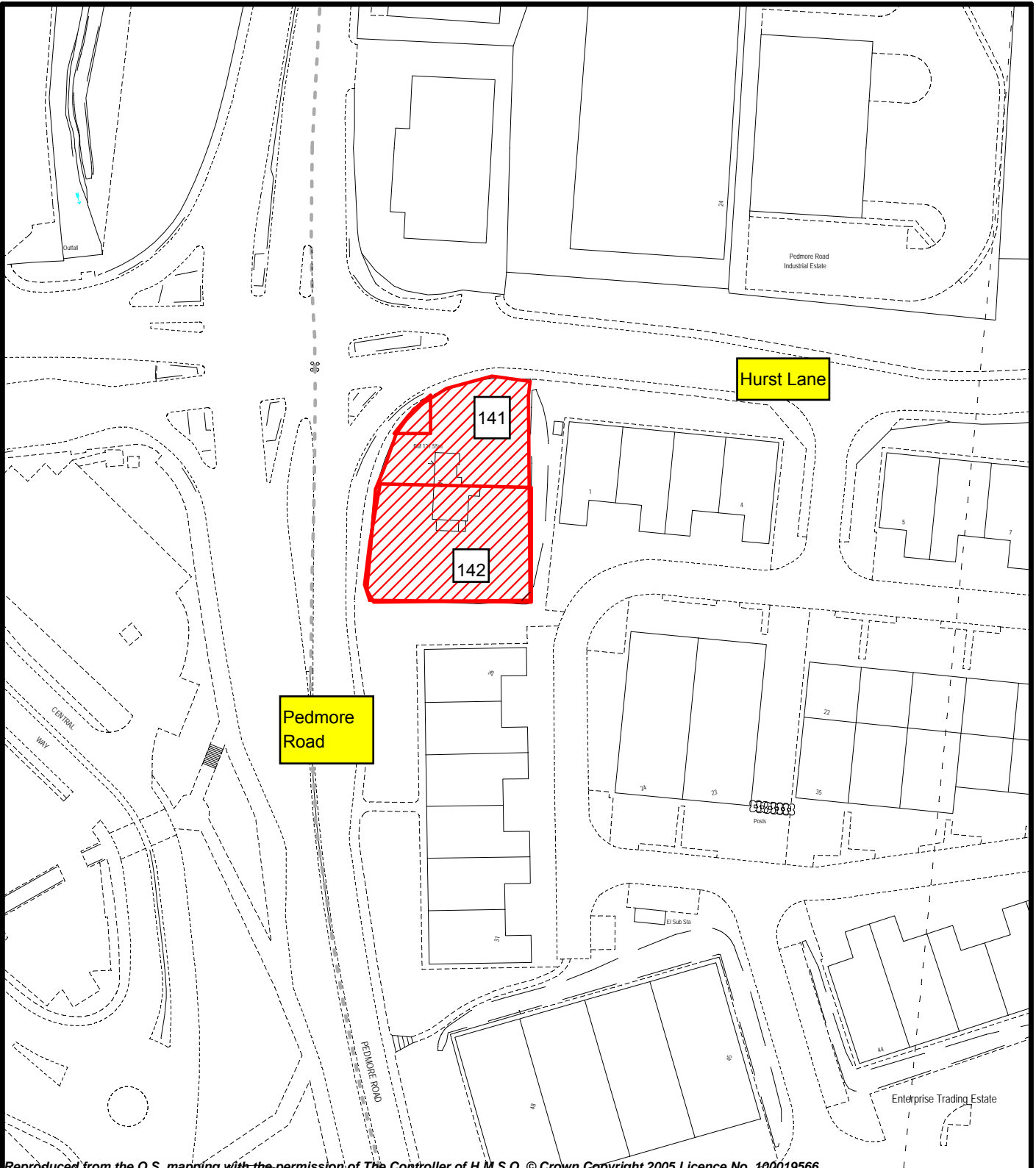
That the Area Committee recommend that the field at Pedmore Road be incorporated within the Saltwells Nature Reserve management.

BACKGROUND PAPERS

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

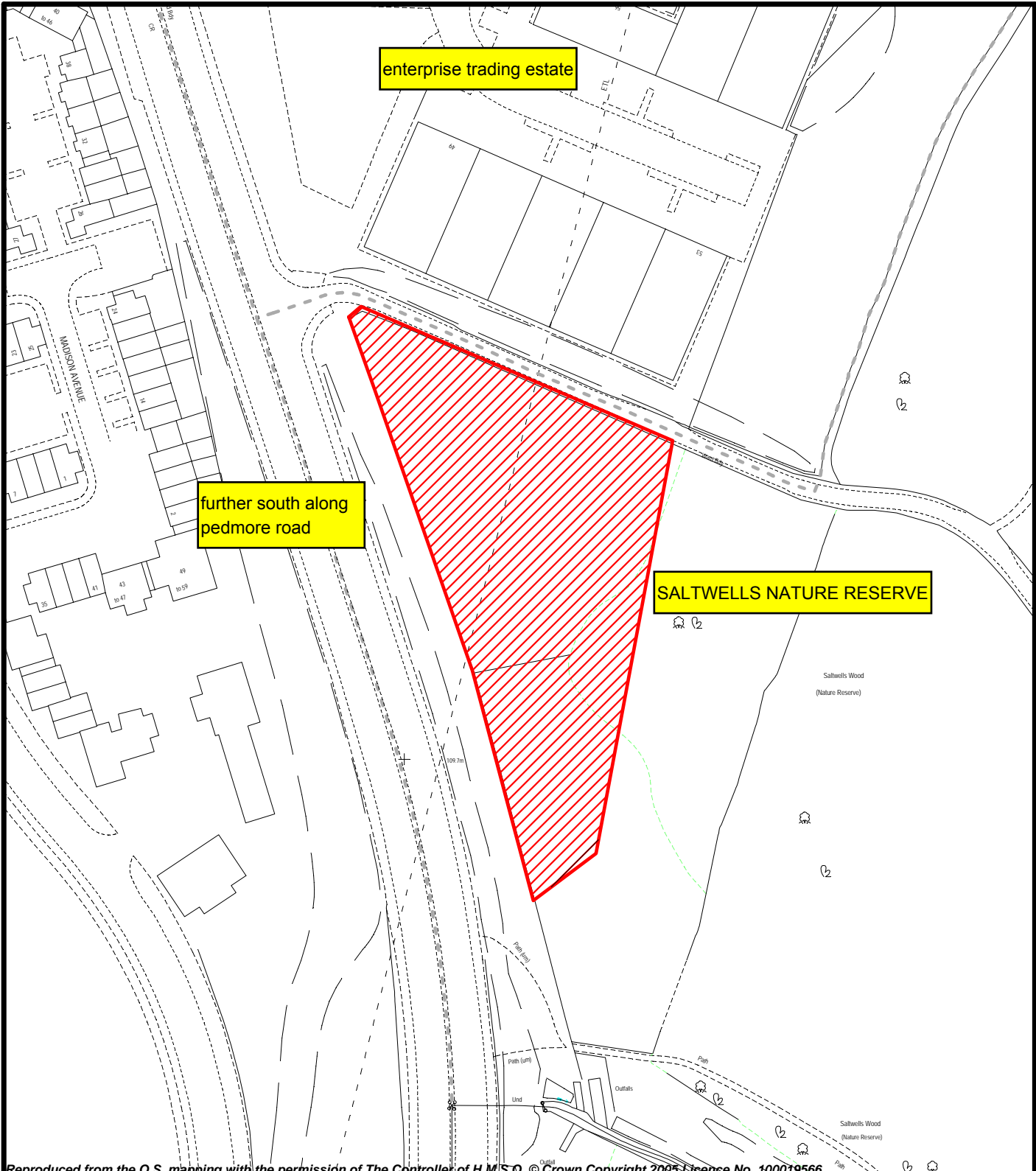
Contact Officer:

Gill Hudson, Property Manager, Ext. 5311



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<p>TITLE:</p> <p>site of 141/142 Pedmore Road Briery Hill</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No 100019566</p> <p>CREATED BY:</p>		<p>SCALE: 1 : 1250</p> <p>DATE: 12-JAN-2005</p>



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<p>TITLE:</p> <p>field at Pedmore Road part of agricultural tenancy</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No 100019566</p> <p>CREATED BY:</p>	<p>SCALE: 1 : 1250</p> <p>DATE: 12-JAN-2005</p>	

APPENDICES

CENTRAL DUDLEY AREA COMMITTEE

DATE: 6TH SEPTEMBER 2005

APPLICATION PURCHASE COUNCIL OWNED LAND ADJACENT TO:

LOCATION: KUDOS HOUSE, 3 EDNAM ROAD, DUDLEY

(As shown on the plan attached)

BACKGROUND

An application has been received from a local resident to purchase the land and derelict building adjacent to Kudos House, 3 Ednam Road, Dudley. The applicant lives near Castle High School and wishes to use the building to garage his vehicle and for storage purposes.

The land in question is under the control of the Director of Law and Property. It was purchased in December 1999 for use as Council offices. In 2001 a previous application to purchase this land was turned down as the site was required for the future development of the area.

COMMENTS

All the relevant Council Directorates have been consulted.

The Directorate of the Urban Environment have objected to the sale as the site is required for the future development of the whole of the adjacent area.

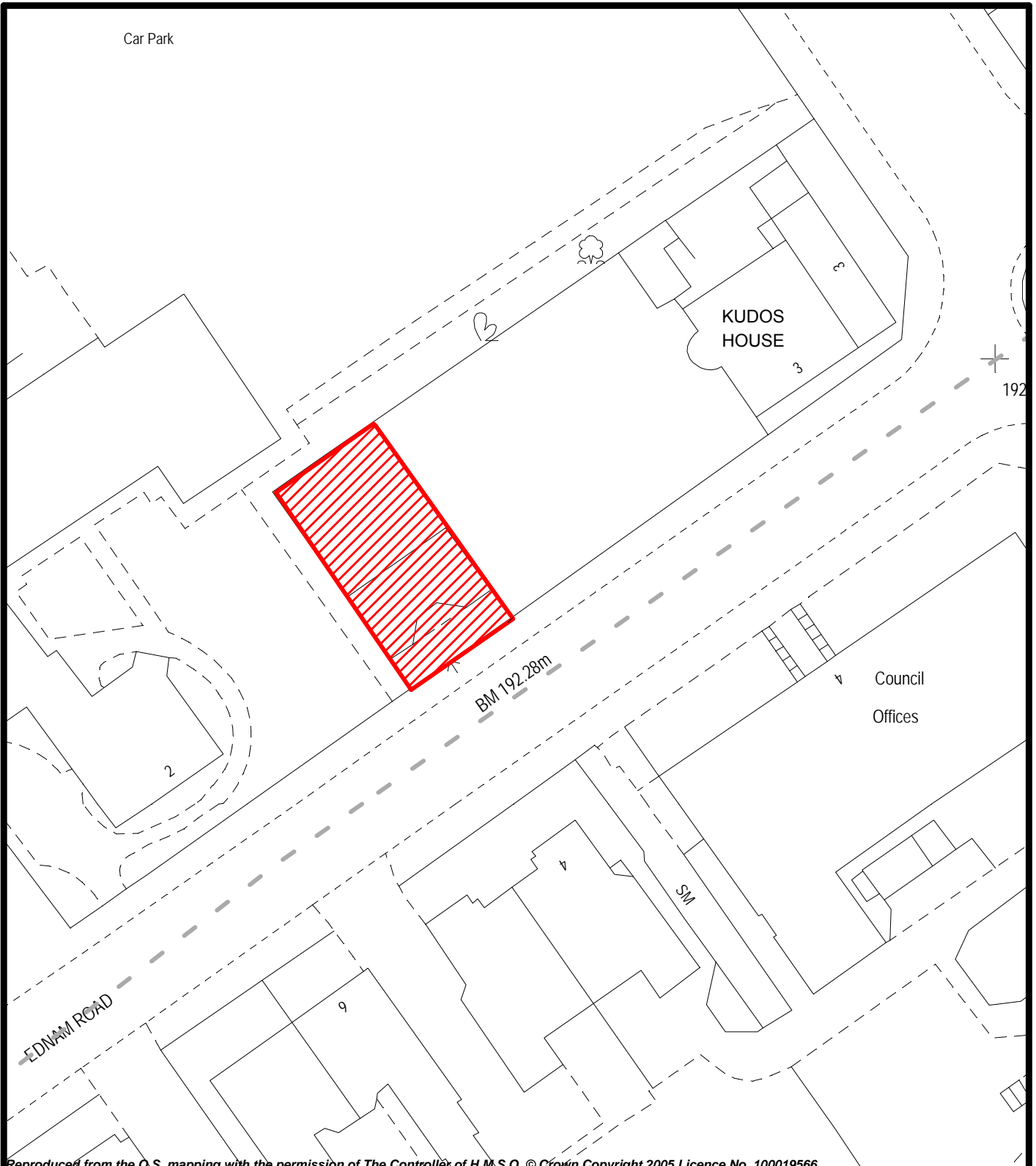
PROPOSAL

That the Central Dudley Area Committee advises the Cabinet Member for Law & Property to refuse the request to purchase the site adjacent to Kudos House, Dudley.

BACKGROUND PAPERS

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

Contact Officer: Alan Nugent, Property Manager, Ext. 5351



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<p>TITLE:</p> <p>LAND AND GARAGE ADJACENT TO KUDOS HOUSE 3 EDNAM ROAD DUDLEY</p> <p>OS data reproduced with the permission of the Controller of HMSO 2004 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: ALAN NUGENT, PROPERTY MANAGER, EXT 5351</p>	<p>SCALE: 1 : 500</p> <p>DATE: 24-JUN-2005</p>	

APPENDICES

CENTRAL DUDLEY AREA COMMITTEE

DATE: 6TH SEPTEMBER 2005

APPLICATION FOR A LICENCE:

LOCATION: CINDER BANK ISLAND, PEARTREE LANE, DUDLEY
(As shown on the plan attached)

BACKGROUND

An application has been received from an advertising company to erect an advertising display which consists of an illuminated monopole mounted 48-sheet lightbox. The required location is opposite the roundabout at Peartree Lane and the Dudley Southern By-pass. This will replace an existing nearby advertising hoarding of three 48 sheets. These would be removed in the event of a licence for the new advertising being approved.

The land is under the control of the Director of the Urban Environment and is classified as highway verge. It was purchased in 1993 for the Dudley Southern By-pass.

COMMENTS

All the relevant Council Directorates have been consulted.

The Director of the Urban Environment has objected to the granting of a licence as it would constitute a distraction at this busy intersection. Should a licence for the display be granted, the advertisement would require express consent from the local planning authority.

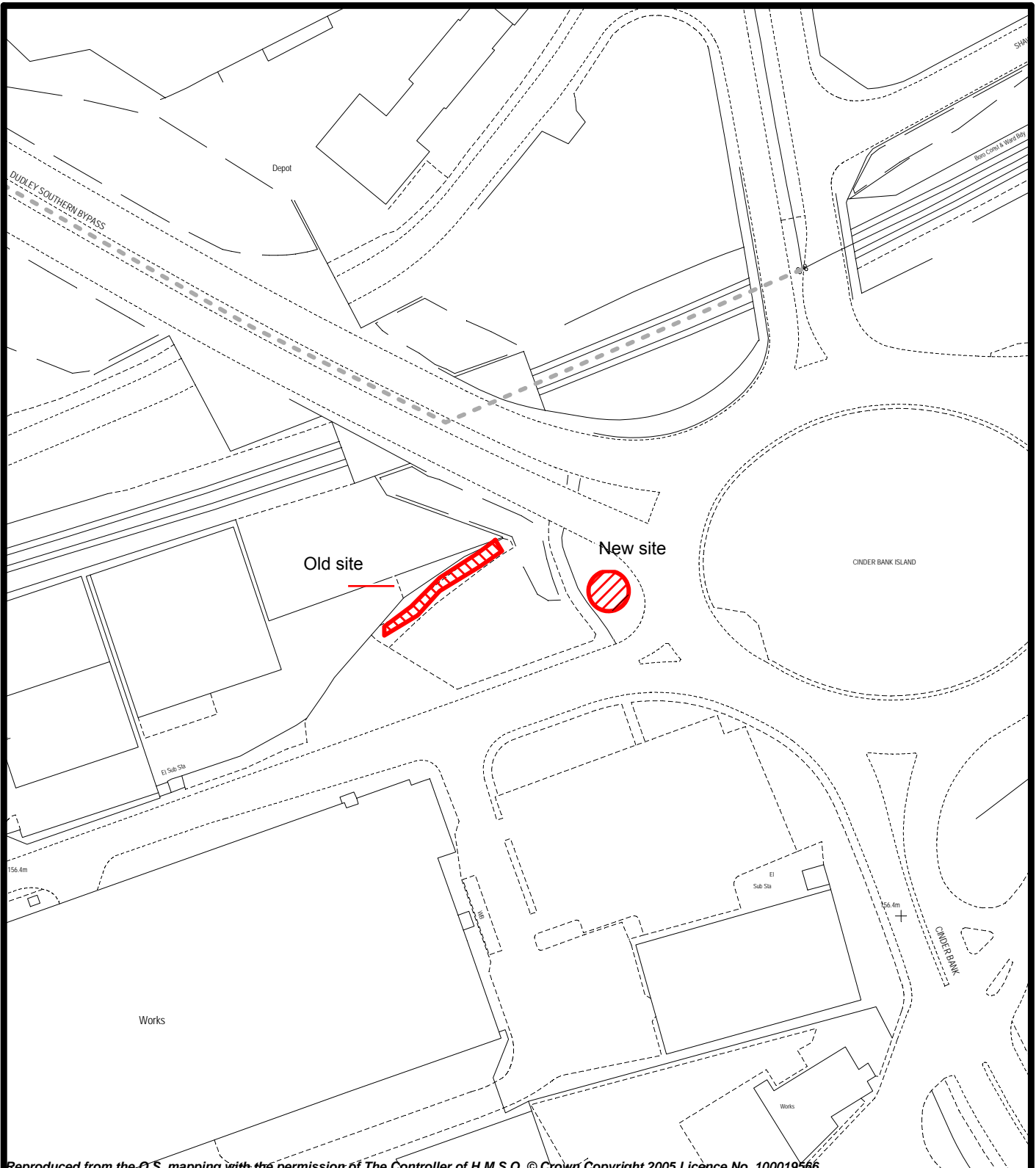
PROPOSAL

That the Central Dudley Area Committee advises the Cabinet Member for Transport to refuse the request for a licence to site an advertising display at Cinder Bank Island, Dudley for the reason set out above.

BACKGROUND PAPERS

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

Contact Officer: Alan Nugent, Property Manager, Ext. 5351



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<p>TITLE:</p> <p>Proposed advertising at Peartree Lane and Cinderbank Island Dudley</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No 100019566</p> <p>CREATED BY:</p> <p>ALAN NUGENT, PROPERTY MANAGER, EXT 5351</p>		<p>SCALE: 1 : 1250</p> <p>DATE: 13-APR-2005</p>

APPENDICES

CENTRAL DUDLEY AREA COMMITTEE

DATE: 6TH SEPTEMBER 2005

APPLICATION FOR A LICENCE OVER COUNCIL OWNED LAND REAR OF:

LOCATION: 28 DUDLEY WOOD ROAD, DUDLEY

(As shown on the plan attached)

BACKGROUND

A report regarding this matter was deferred from the meeting of this Committee on 14th June 2005, in order for a Members site visit to be held. The details of the site visit will be reported verbally at this meeting.

A request has been received from the owner of Number 28 Dudley Wood Road, Netherton for an access licence to the rear of their property to garage their vehicle. The access would be via the entrance by 16 Dudley Wood Road and along a access road to the rear of their properties. There are already a number of similar licences for neighbouring properties.

The land forms part of Dudley Wood Sports Ground and is under the control of the Directorate of Law & Property and maintained by Leisure Services.

COMMENTS

All the relevant Council Directorates have been consulted.

The Directorate of the Urban Environment approve of the granting of licences and have requested that a commuted sum should be included in the fee for the maintenance of the access track.

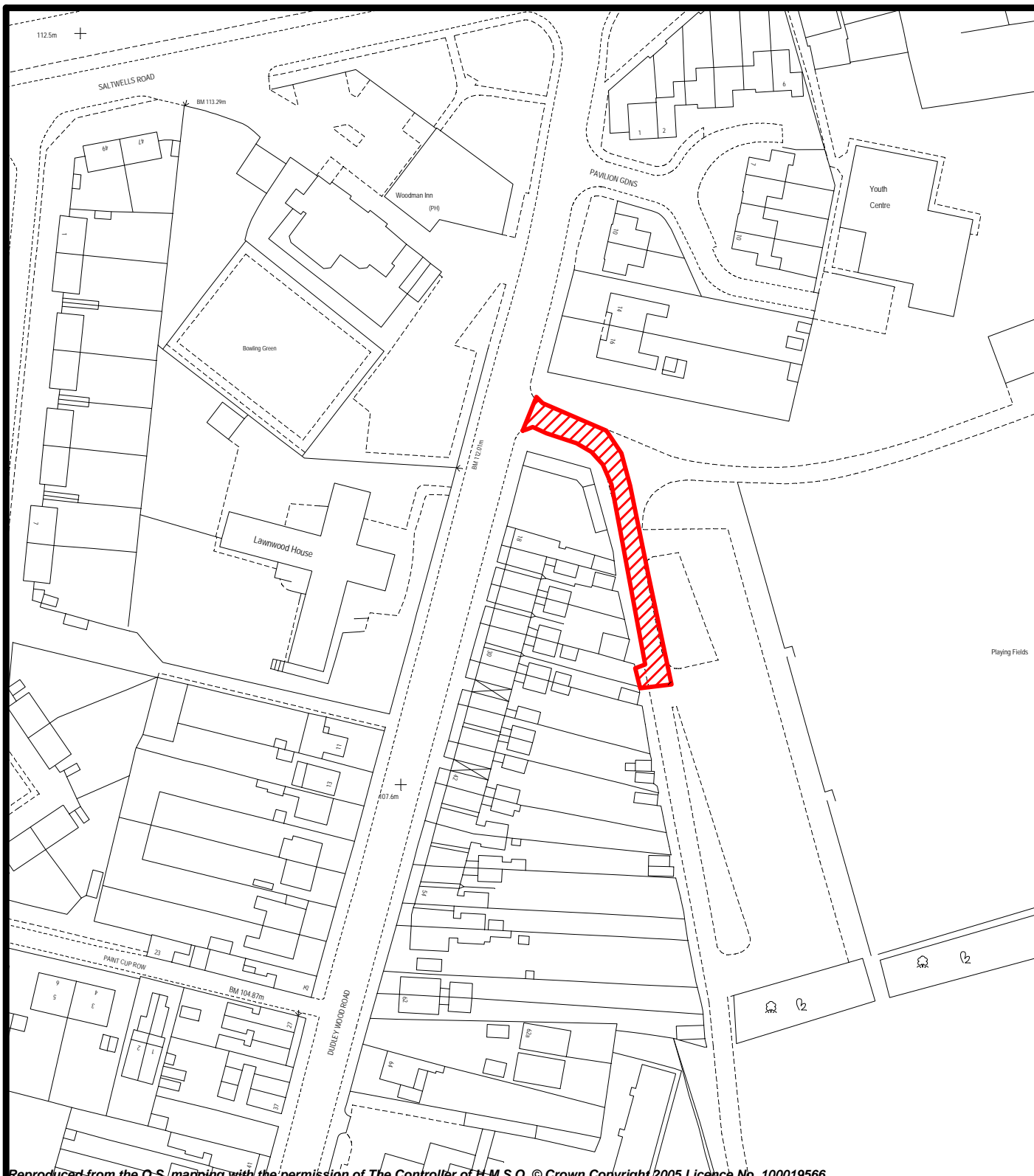
PROPOSAL

That the Central Dudley Area Committee advises the Cabinet Member for Law & Property to approve the application for a licence 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: Alan Nugent, Property Manager, Ext. 5351



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TITLE:

**ACCESS TO REAR OF
28 DUDLEY WOOD ROAD
NETHERTON**



SCALE:

1 : 1250

DATE:

20-JAN-2005

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

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CREATED BY:





CENTRAL DUDLEY AREA COMMITTEE – 6TH SEPTEMBER 2005

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

**URBAN ENVIRONMENT - MATTERS RAISED AT THE
CENTRAL DUDLEY AREA COMMITTEE – 14TH JUNE 2005**

PURPOSE OF REPORT

1. To update Committee on a number of issues raised at the 14th June 2005 Central Dudley Area Committee that relate to services provided by the Directorate of the Urban Environment.

BACKGROUND

2. The Directorate of the Urban Environment provides a number of services that have considerable impact on local communities. This diverse range of technical services focus on regenerating the Borough, maintaining our environment to high standards, protecting our communities and promoting leisure and other community services for all.
3. Requests for service and information are received at Area Committee on a regular basis from both members and the general public, relating to matters such as traffic management, leisure and recreation, regeneration and new development. Few enquiries can be answered immediately, with many prompting further investigation, feasibility studies and public consultation, prior to being reported back to Committee.
4. To keep Committee updated, progress reports are attached as appendices and the proposal resulting from the update is set out at the end of each appendix.

FINANCE

5. There are no immediate financial implications arising from this report.

LAW

6. Section 19 of the Local Government (Miscellaneous Provisions) Act 1976 empowers the Council to provide recreational facilities in its area.

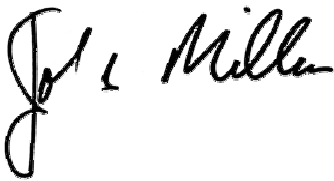
7. Section 2 of the Local Government Act 2000, enables the Council to do anything that is likely to promote the economic, social and environmental well-being of the Borough.
8. Section 111 of the Local Government Act 1972 authorises the Council to do anything which is calculated to facilitate or is conducive or incidental to the exercise of any of its functions.
9. Section 51 of the Environmental Protection Act 1990 places a duty on the Council as Waste Disposal Authority for its area to provide places where its residents may deposit their household waste free of charge.
10. Traffic Regulation Orders are made under Section 1 of the Road Traffic Regulation Act 1984.
11. The Traffic Calming Act 1992 amends the Highways Act 1980 to allow works to be carried out to promote safety and to preserve or improve the environment.

EQUALITY IMPACT

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

RECOMMENDATION

13. That the proposals contained in Appendix 1 attached be approved.



.....
Director of the Urban Environment - John B Millar

Contact Officer: Matt Williams
Telephone: 01384 814510
Email: Matt.Williams@Dudley.gov.uk

Background documents used in the preparation of this report:-

Action Notes from 14th June Committee

URBAN ENVIRONMENT - MATTERS RAISED AT THE CENTRAL DUDLEY AREA COMMITTEE HELD 14TH JUNE 2005

1. RUSSELLS HALL ESTATE - DROPPED KERBS

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor M Davis submitted a petition requesting the supply of dropped kerbs on the Russells Hall Estate "at no cost".

Comments: Unfortunately, it is not economically viable to supply dropped kerbs free of charge on the Russells Hall Estate or any other estate within the Borough. However, dropped kerbs will be installed as part of any major refurbishment or reconstruction works commissioned as part of a highway improvement programme or working on the instructions of the Housing Directorate.

As far as DUE officers are aware, no such work is planned in the Russells Hall area at the moment.

2. WALTERS ROW – CONDITION OF ROAD SURFACE

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor M Davis once again highlighted the plight of residents in Walters Row and the condition of the unadopted road surface.

Comment: A comprehensive investigation has been undertaken in relation to the history of Walters Row to determine if the Council could intervene to assist in the ongoing maintenance.

A definitive answer should be available for the next Area Committee that may enable the Council to undertake some minor maintenance at no cost to the residents.

3. GREEN ROAD AND GREENFELLS RISE, OAKHAM – HIGHWAY MAINTENANCE ISSUES

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor Ali requested that resurfacing work be carried out to Green Road following the resurfacing work undertaken on Buffery Road.

Councillor Ali also referred to a letter that he had received from residents in Greenfells Rise, Oakham complaining about the recently laid road surface.

Comment: Officers from DUE can confirm that Green Road is included in the provisional highway maintenance programme for 2006/07.

The residents who raised the maintenance issue in Greenfells Rise have been contacted and a site investigation has been undertaken.

As part of the micro asphalt process, it is quite common for a new surface to take time to “bed in”. Our site investigation identified loose aggregate that had collected at the junction of Greenfells Rise. Instructions have been issued to sweep the road and remove any surplus aggregate which should hopefully resolve the residents’ concerns.

4. **FLOOD STREET AND BLACKACRE ROAD AREA – STREET LIGHTING**

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor Ali requested improved lighting in the Flood Street and Blackacre Road area.

Comment: As Flood Street is illuminated with modern light sources, the levels of illumination should be well up to current standards. However, officers from DUE will confirm this and report back.

Blackacre Road is not lit to current lighting standards and while conversion of some of the existing street lights would improve things considerably, in all probability “ad hoc” improvements would not bring the road up to current standards. DUE lighting engineers are surveying the site with a view to a long-term solution.

5. **WRENS NEST ESTATE – LITTER ISSUES**

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor Finch highlighted litter problems on the Wrens Nest Estate.

Comment: Officers from DUE followed up the request from Councillor Finch and dispatched a sweeper to help address the problem.

6. **RICHBOROUGH DRIVE – FOOTPATH LIGHTING**

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor Aston asked for lighting improvements on the public right of way adjacent to Richborough Drive.

Comment: The footpath from Richborough Drive to Deepdale Lane is extensive and no funding is currently available to undertake a scheme of this size.

The land adjacent to the public right of way has yet to be developed and pressure will be placed on any future developer to light the footpath as a primary means of access as part of the development costs. This could be justified through additional usage.

7. **BUFFERY ROAD FENCE**

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor John Davies highlighted the need to replace the fence at Buffery Park once the funfair had moved on.

Comment: The fence has now been reinstated.

8. NEW STREET – FLY-TIPPING PROBLEMS

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor John Davies highlighted the problem of fly-tipping on a piece of private land in New Street and asked if the land could be fenced off.

Comment: An investigation is ongoing by officers in DUE to ascertain who actually owns the land.

9. WINDSOR ROAD/COLE STREET – REQUEST FOR PLAY EQUIPMENT

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor Rahman asked for the installation of play equipment on the playing fields adjacent to Windsor Road and Cole Street.

Comment: Officers from DUE are currently investigating Councillor Rahman's request and will contact him directly once the feasibility has been determined.

10. QUEENS CROSS - PROPOSED PELICAN CROSSING

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor M Davis made reference to a notification he had received regarding the proposed installation of a pelican crossing at Queens Cross which he considered inappropriate. Councillor Davis suggested that locations in High Street and junction of Stafford Street/High Street, Dudley would be more appropriate.

Comment: The pelican crossing in Queens Cross is being provided as part of an approved planning permission to promote safe routes to schools linking Westley Street with Blowers Green Primary School in Blowers Green Road and conforms to the Council's policies on sustainable development encouraging walking rather than the use of the private cars.

11. DARBY END ROAD – SPEEDING MOTORISTS

Background: At the Central Dudley Area Committee on the 14th June 2005, Councillor Rahman asked for action to be taken to prevent motorists speeding on Darby End Road.

Comment: West Midlands Police will be advised of Councillor Rahman's concern with the request that they monitor vehicular speeds in Darby End Road with a view to taking enforcement action when their resources permit.