

DUDLEY METROPOLITAN BOROUGH

STOURBRIDGE AREA COMMITTEE

DATE 31ST JANUARY 2005

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

APPLICATIONS IN RESPECT OF LAND AND PROPERTY OWNED BY THE COUNCIL

1. PURPOSE

- 1.1 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.

2. BACKGROUND

- 2.1 The Council has interests in a substantial amount of land and property across the Borough, those interests being controlled by the Council's various departments.
- 2.2 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 departments before preparing a report for Committee to consider.
- 2.3 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.

3. PROPOSAL

- 3.1 The proposal is set out at the end of each report in the appendices.

4. FINANCE

- 4.1 In general terms, easement and access agreements each generate a capital receipt for the Council. The sale of the land generates a capital receipt for 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.

5. LAW

- 5.1 Section 123 of the Local Government Act, 1972 enables the Council to dispose of its interests in land at the best price reasonably obtainable.

- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 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.

6. EQUAL OPPORTUNITIES

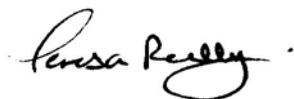
- 6.1 The proposals take into account the Council's equal opportunities policies.

7. RECOMMENDATION

- 7.1 That the proposals contained in each of the attached appendices be approved.

8. BACKGROUND PAPERS

- 8.1 See individual appendices.



pp DIRECTOR OF LAW AND PROPERTY

Contact Officers:

Gill Hudson, Property Manager, Ext. 5311
Sonia McLean, Property Manager, Ext. 5321
Alan Nugent, Property Manager, Ext.5351

STOURBRIDGE AREA COMMITTEE

DATE: 31st JANUARY 2005

REQUEST FOR: APPLICATION TO PURCHASE FREEHOLD TITLE

LOCATION: 8 HAGLEY ROAD, STOURBRIDGE

(As shown on the plan attached)

BACKGROUND

An application has been received from Commercial Property Consultant, Michael Johnson & Co. to purchase the freehold interest of the above property.

The property is currently leased to "Your Move Estate Agents", by way of a 10 year lease which is due to expire in January 2006, although the leasehold interest is currently being marketed through a local estate agent, and is at the present time empty.

If consent to dispose of the property was obtained, the applicant would accept a surrender of the present lease in order to obtain vacant possession. The applicant advises that the property requires considerable refurbishment, which he would be happy to undertake in order to make an attractive office building, for his own occupation.

The land is under the control of the Directorate of the Urban Environment (Economic Regeneration Division).

COMMENTS

All of the relevant Council Directorates have been consulted regarding the application and no objections have been received to the sale of the property to the Commercial Property Consultant.

PROPOSAL

That the Stourbridge Area Committee advise the Lead Member for Transportation to approve the sale of the freehold title on terms and conditions to be negotiated and agreed by the Director of Law & 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

STOURBRIDGE AREA COMMITTEE

DATE: 31ST JANUARY 2005

REQUEST FOR: APPLICATION TO PURCHASE

LOCATION: LAND ADJOINING 12A CROWN LANE, STOURBRIDGE

(As shown on the plan attached)

BACKGROUND

A request has been received from Charles Associates to purchase the Council owned land adjoining 12A Crown Lane. The land is required partly for car parking and partly for landscaping.

The land is currently leased to Seychelles International and used for parking in conjunction with a freehold office and car park at 8 – 12 Crown Lane. The current tenant, Holiday Hypermarkets, has 9 years remaining on its lease and would like to acquire the Council's interest.

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

COMMENTS

All of the relevant Directorates have been consulted. Objections to the sale of land have been received from Directorate of Law and Property as the site may be required by the Council in the future. The Master Plan study for Stourbridge is to be undertaken in the near future to investigate possible improvements for Stourbridge Town Centre.

The Directorate of the Urban Environment consider that land contamination could be an issue given the previous industrial uses that have occurred both on the site and within the vicinity and would recommend the use of appropriate caveats to protect the interests of the Council with respect to land contamination.

Additionally, the land is within the Stourbridge re-generation study area and therefore it should not be sold because it could prejudice possible re-development opportunities.

PROPOSAL

That the Area Committee advise the Lead Member for Transportation to refuse the application for the above reasons.

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