
Central Dudley Area Committee – 11th March 2008

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.

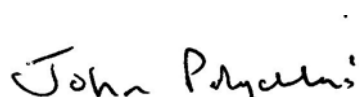
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

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

Central Dudley Area Committee

Date: 11th March 2008

Request to Purchase land

Location: land rear of 161 Stourbridge Road, Dudley
(As shown on the plan attached)

Background

An application has been received from the owners of the Supermarket at 161 Stourbridge Road, Dudley, to purchase the Council owned land to the rear of their property, on Highgate Road, as shown marked on the plan attached. The applicant requires the land for future development for his store. The applicant considers that the land has been neglected, with overgrown trees & bushes and discarded litter from passers by.

The land is under the control of the Directorate of Urban Environment and is held for highway purposes.

Previous requests to purchase this land and for vehicle parking have been refused in 1994, 1998 and 2000. The requests were refused as the shape and size of the site would not permit development, parking, turning and access from the classified Highgate Road A4036. At the time, it was stated that the land may be required for future junction improvements.

Comments

The relevant Council Directorates have been consulted and the following objections have been received.

The Directorate of the Urban Environment object to the sale as it would be detrimental to the safe and efficient operation of the adjacent public highway. It is unlikely that planning permission would be granted for either parking or a store extension.

The Directorate of Law & Property believes that the land should be retained for possible future highway improvements. The shape size and frontage onto Highgate Road (A4036) would preclude the land from being developed.

Proposal

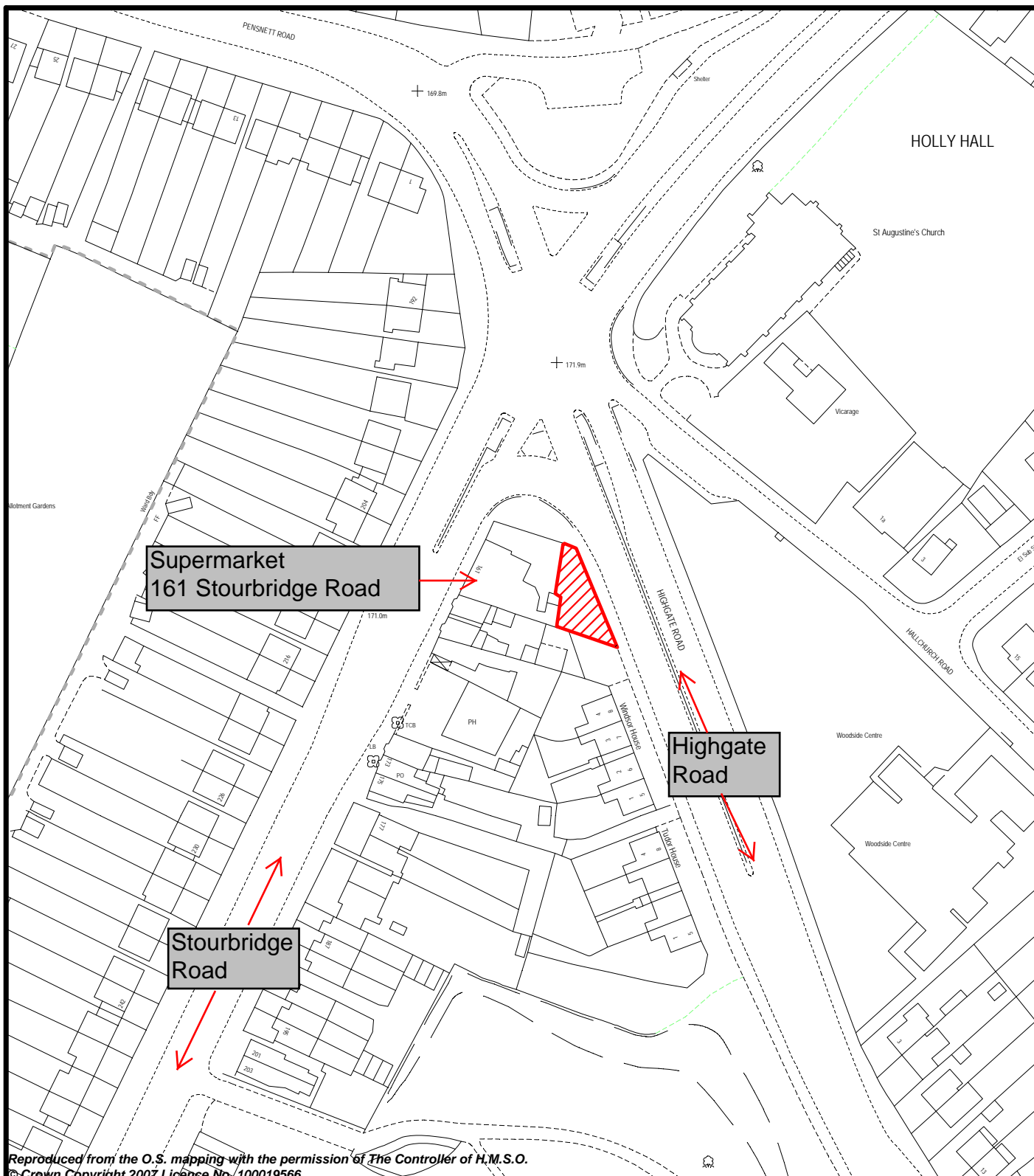
That the Area Committee advises the Cabinet Member for Transportation to refuse the application for the reasons set out above.

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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TITLE:

Land rear of
 161 Stourbridge Road
 Dudley



SCALE:
 1 : 1250

DATE:
 07-NOV-2007

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

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CREATED BY: Alan Nugent, Property Manager, ext 5351



Central Dudley Area Committee

Date: 11th March 2008

Request to purchase land

Location: Adjacent to 24 Mulberry Green Dudley

(As shown on the plan attached)

Background

A report regarding this application was deferred from a meeting of this Committee on 7th November 2007 and Officers of the Council were asked to investigate the feasibility of improving on street parking for residents in Mulberry Green.

DUE Officers have considered the subject of on street parking in Mulberry Green in great detail however, DACHS colleagues have been unable to identify funding at this time for the provision of householders' parking facilities.

A site meeting of DUE & DACHS officers was held on 6th March 2008 to discuss the matter further, a summary of which will be verbally reported to this meeting.

The application received from the owner of 24 Mullberry Green, Dudley, a former Council House purchased under the right to buy, to purchase an area of Council owned land adjacent to the frontage of their property to provide off road parking for their vehicle, however must still be determined.

The land is in the control of the Directorate of Adult Community and Housing Services and forms part of the tenancy of the adjacent property 25 Mulberry Green.

The applicant wishes to extend the frontage of their property onto this land so that the family vehicle can be parked off road.

Comments

The relevant Council Directorates have been consulted regarding the application and the Directorate of Adult, Community and Housing Services, the Directorate of the Urban Environment and the Directorate of Law and Property object to the disposal of this land.

The land forms part of the frontage of the Councils tenanted property and is directly in front of the outhouse of that property and part of its front garden. Parking on this area could be a potential nuisance from noise and blocking pedestrian access to the property.

The Housing Manager has visited the tenant and inspected the site and considers that the disposal of this land would be detrimental to the tenancy and the land should therefore be retained in Council ownership for the enjoyment of current and future tenants. The Directorate also have a general policy of not normally selling parts of tenants' gardens to owner occupiers although each application is considered upon its own merit. Removal of this land from the tenancy would also require the written permission of the tenant to release the land from their tenancy agreement.

The Directorate of the Urban Environment's Highways Division consider that the length of the area of land between the outhouse and the back of pavement measures just 4.5m and is too short to accommodate a normal sized family car head on and consider the application should be refused.

The Directorate of Law and Property consider it could be possible to provide a parking space on the existing frontage of 24 Mulberry Green without the need to purchase additional land, subject to any planning consent required.

It is therefore considered that the application should be refused and the land retained in Council ownership for the benefit of present and future tenants of 25 Mulberry Green.

Proposal

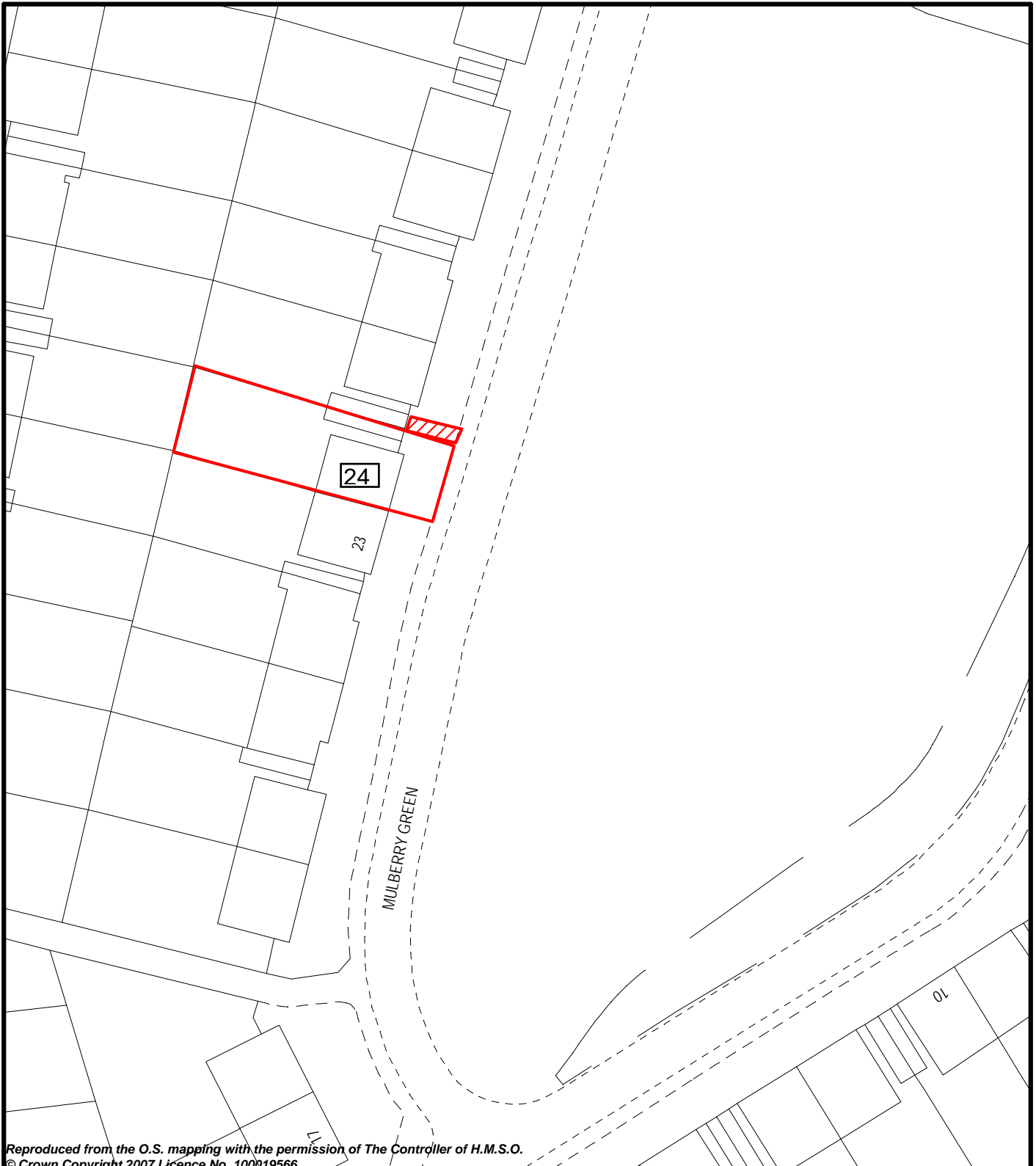
That the Area Committee advise the Cabinet Member for Housing to refuse the application to purchase the land for the reasons set out above.

Background papers

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

Contact Officer:

Gill Hudson, Principal Property Manager, Ext. 7068



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|--|--|--|
| <p>TITLE:</p> <p>application to purchase land adjacent to: 24 Mulberry Green 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 2007 Licence No 100019566</p> <p>CREATED BY: Gill Hudson, Property Manager. Ext: 5311</p> | <p>SCALE: 1 : 500</p> <p>DATE: 21-JUN-2007</p> | |

Central Dudley Area Committee

Date: 11th March 2008

Request for: Long lease of land

Location: Castle Gate, Dudley

(As shown on the plan attached)

Background

An application has been received from a Development Company acting on behalf of a major employer in the Midlands, to take a long lease of Council owned land as marked as plot 2c on the plan attached, for car parking purposes.

The land is under the control of the Directorate of Adult, Community and Housing Services and is between the Castle Gate Commercial Park and the Town Gate Retail Park adjacent to the Village Hotel.

The applicant is to develop the remaining plot 1b within the Castle Gate Commercial Park, as shown on the attached plan, which is owned by Advantage West Midlands and has frontage to Birmingham Road.

In addition, they will require a long lease of the Council owned land marked 2c on the attached plan, to provide parking facilities for approx 180 cars to serve the development. The proposed purchaser of plot 1b will take 60,000 sq ft of bespoke office space which will accommodate 600 staff on the premises and will operate in addition to the Company's existing facilities.

Whilst the retail element of Castle Gate has been largely completed, until now little interest has been shown in the remaining commercial site. This proposed development will largely complete the park but more importantly, it will bring a major employer and considerable investment into the area.

The developer is aware that plot 2c was part of the original landfill tip which covered part of the Castle Gate site and is encapsulated within a bentonite barrier. Although the land is a "no build" area, the developer understands that it can be used for car parking and indeed part of the land to the north has already been developed for car parking facilities for the adjacent commercial units. The lease of land will therefore contain detailed specifications of treatment of the land to preserve the integrity of the barrier. We would expect Environmental Protection to be instrumental in formulating these conditions.

If the lease of the Council owned land, plot 2c, for parking provision in conjunction with this development does not go ahead, it is unlikely that the company will take the office space at Castle Gate.

Comments

The relevant Council Directorates have been consulted regarding the application and no objections have been received to the granting of the lease, subject to planning consent being obtained and subject to conditions to be included within the lease regarding specifications of treatment of the land to preserve the integrity of the contamination barrier.

The site forms part of the former land fill site and approval of the Environment Agency will be required for any scheme affecting the former site.

Proposal

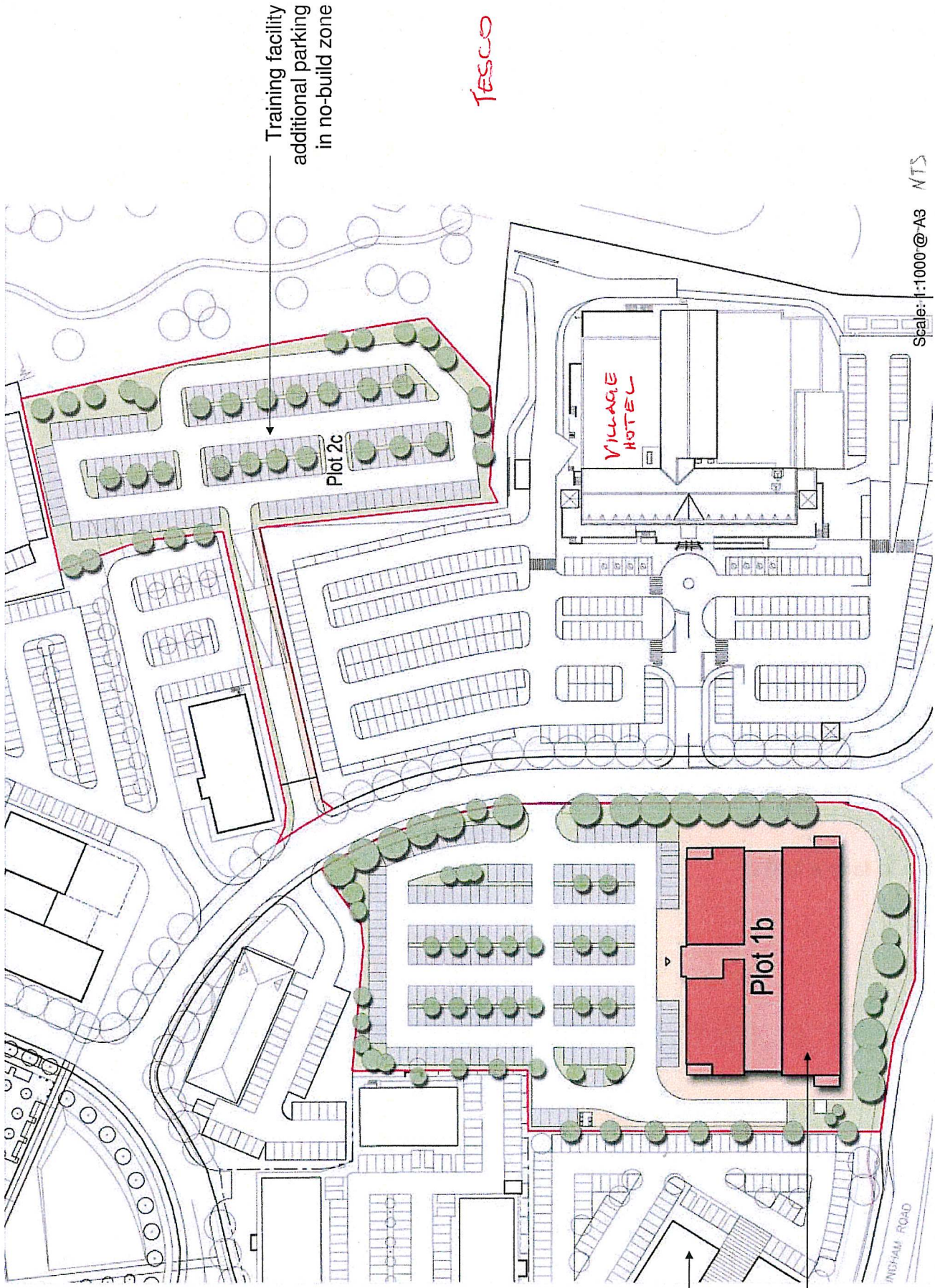
That the Area Committee advise the Cabinet Member for Housing to approve the long lease of land at Castle Gate, upon terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

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

Contact Officer:

Gill Hudson, Principal Property Manager, Ext. 7068



Training facility
additional parking
in no-build zone

TESCO

VILLAGE
HOTEL

Plot 2c

Plot 1b

Proposed Innovation
Centre

Proposed Three
Storey Building

Scale: 1:1000 @ A8 MTS

← BIRMINGHAM ROAD →

Master Plan