

Brierley Hill Area Committee – 29th March 2007

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

Brierley Hill Area Committee

Date: 29th March 2007

Request to Declare Land Surplus to Requirements

Location: Audnam Centre, Audnam, Stourbridge

(As shown on the plan attached)

Background

The Audnam Centre, Audnam, Stourbridge, which was a day centre for adults with learning disabilities closed in December 2006, as indicated on the plan attached.

It is proposed that the site be declared surplus to requirements and added to the land disposals programme for sale on the open market and that the capital receipt from the disposal of the site be redirected to improve facilities in the three other Day Centres for people with learning disabilities.

Comments

All of the relevant Council Directorates have been consulted regarding the disposal of the Audnam Centre and no objections have been received subject to planning permission.

Proposal

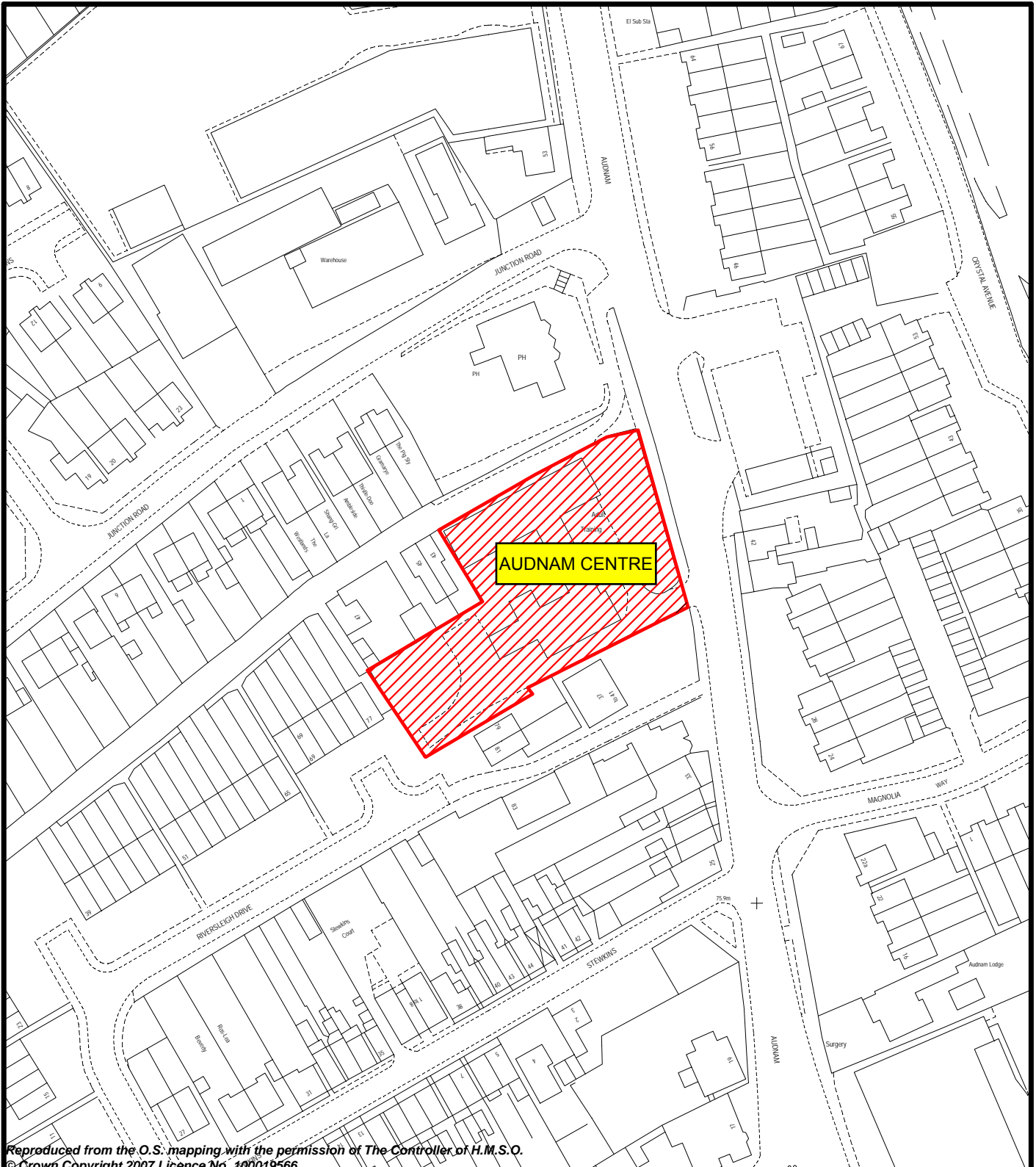
That the Area Committee advise the Cabinet Member for Adult & Community Services to declare land at Audnam Centre, Audnam, Stourbridge surplus to requirements for disposal on terms and conditions to be negotiated and agreed by the Directorate and Law and Property.

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>Audnam Centre Stourbridge</p> <p>27057/FMSF2</p> <p>OS data reproduced with the permission of the Controller of HMSO 2007 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:</p> <p>Sonia McLean - Property Manager, Ext. 5321</p>	<p>SCALE:</p> <p>1 : 1250</p> <p>DATE:</p> <p>24-JAN-2007</p>	

Brierley Hill Area Committee

Date: 29th March 2007

Request to Purchase

Location: Land adjoining 47 Audnam, Stourbridge

(As shown on the plan attached)

Background

An application has been received from the owner of 47 Audnam, Stourbridge to purchase the above mentioned Council owned land. The piece of land, as shown marked on the plan attached, is part of the site occupied by Audnam Day Centre for adults with a learning disability, which closed in December 2006.

The applicant requires the land to extend their garden, area which will also enable them to maintain their house wall, workshop and boundary to the rear.

The applicant states that Audnam Day Centre closed in December 2006 and the land will be coming up for sale for development. Their house is situated adjacent to the Centre car park and is at present very private and quiet. However, they have concerns that if they do not try to safeguard this quality before the land is developed, there will be problems in the future, e.g. problems with maintenance of shared boundaries, security worries (access onto their flat roof, etc.).

Comments

All of the relevant Council Directorates have been consulted regarding this application and objections have been received from the Directorate of the Urban Environment and Directorate of Adult, Community and Housing Services who are in agreement that the purchase would prejudice the redevelopment layout of the site.

Proposal

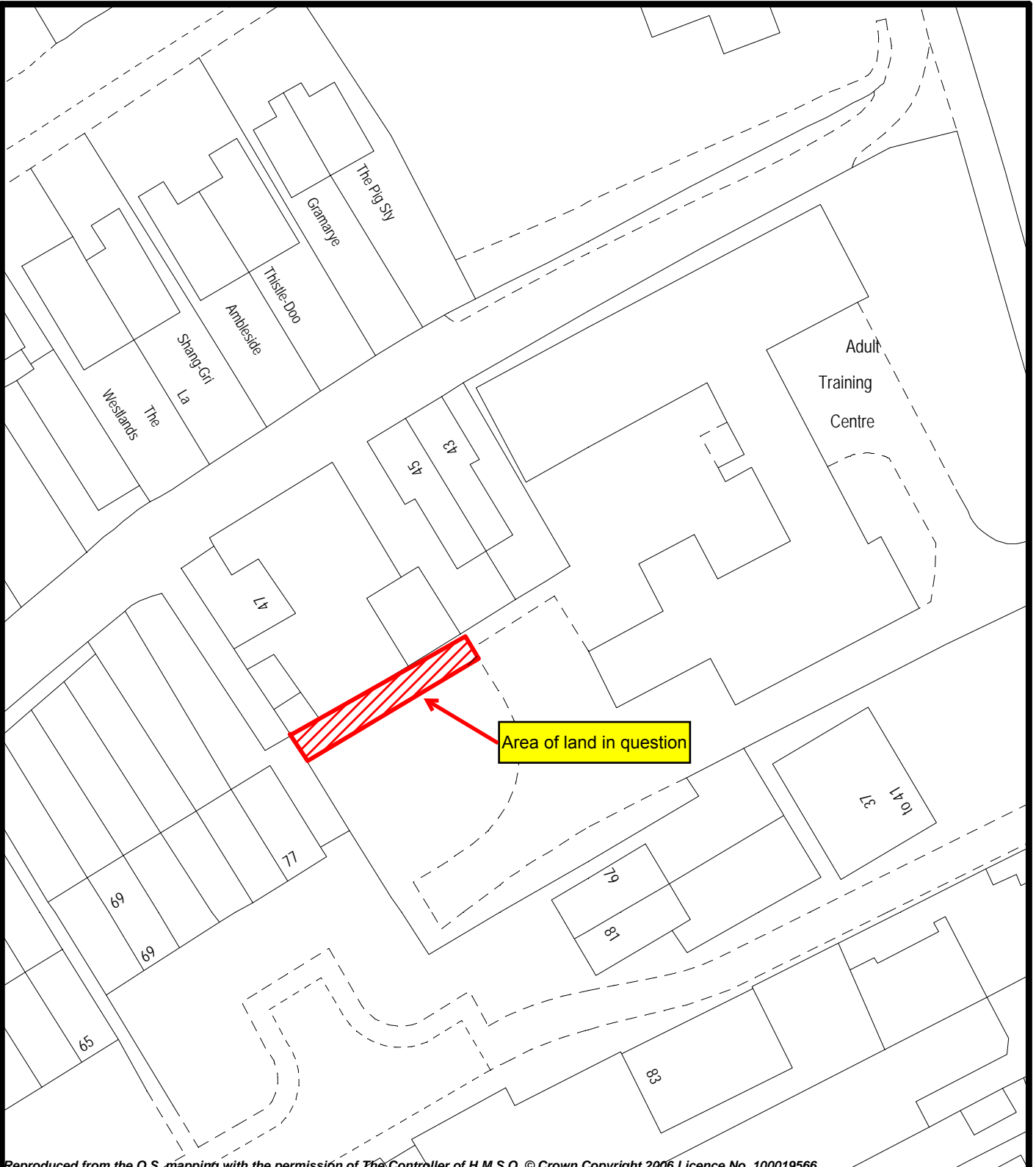
That the Area Committee advise the Cabinet Member for Adult & Community Services to refuse the application for the purchase land adjoining 47 Audnam, Stourbridge.

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 Adjoining 47 Audnam</p> <p>Stourbridge</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>SCALE: 1 : 500</p> <p>DATE: 27-APR-2006</p>		
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Brierley Hill Area Committee

Date: 29th March 2007

For information purposes

Disposal of land at Cottage Street, Brierley Hill

(As shown on the plan attached)

Background

A report regarding an application to purchase land off Cottage Street, Brierley Hill, by Stourbridge College was presented to this Committee on 1st February 2007, when it was resolved that:

- 1) Negotiations with Stourbridge College be permitted to continue and that the Cabinet Members for Personnel Law and Property and Adult and Community Services determine the application.
- 2) That the final decision be reported to the next meeting of this Committee.
- 3) That Stourbridge College be requested to make a presentation on their detailed proposals to the members of this Committee in advance of the next meeting of the Committee.
- 4) That in determining the issues the two Cabinet Members above be asked to address the concerns expressed at the condition of the site and the fencing.

A Decision Sheet has now been signed by the Cabinet Members for Personnel, Law and Property and Adult and Community Services, declaring the land that will remain following the completion of the Parallel Route and the Midland Metro, surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property. Negotiations are underway with Stourbridge College.

Stourbridge College made their presentation to the Members of this Committee on 20th February 2007, which included the following information.

The College is a general Further Education (FE) College serving nearly 10,000 students across 4 centres in Dudley. Its mission is to bridge education and employment opportunities. The College has a good reputation with results in the top 25% of FE Colleges in the Country and an aim over the next 3 years to be in the top 10%.

A recent review of the College's accommodation has identified much of its current accommodation is old and unsuitable for post 16 learning. They are therefore working towards a 10-year accommodation strategy to upgrade their facilities.

The Brierley Hill area has been identified as having the potential for moving the Visual and Performing Arts facilities, "A" levels, basic skills and retail and commercial enterprise studies to this new location, as it is a key strategic centre in the Back Country, has significant future employment and population growth predicted, and has no current FE facilities.

The College consider that the introduction of good quality educational provision will support the regeneration plans for the area and provide local people and businesses

with easy access to education and training. It is expected that local people will benefit and there will be a significant increase in local people gaining new skills as a result of the new building.

The College is working with Advantage West Midlands and are proposing to invest £23m in the new building to house the facilities. They are also exploring with the Arts Council the possibility of developing Arts facilities to be used by local schools and community groups and are in contact with Sure Start regarding childcare facilities for learners.

The College would like to be in a position to open a new building in 2009 but the release of land will be dependent on the building of the Parallel Route, The finalisation of Midlands Metro proposals and the regarding works to be undertaken on the land.

Discussion and negotiation between the Council, the College and the various agencies involved is now underway.

Proposal

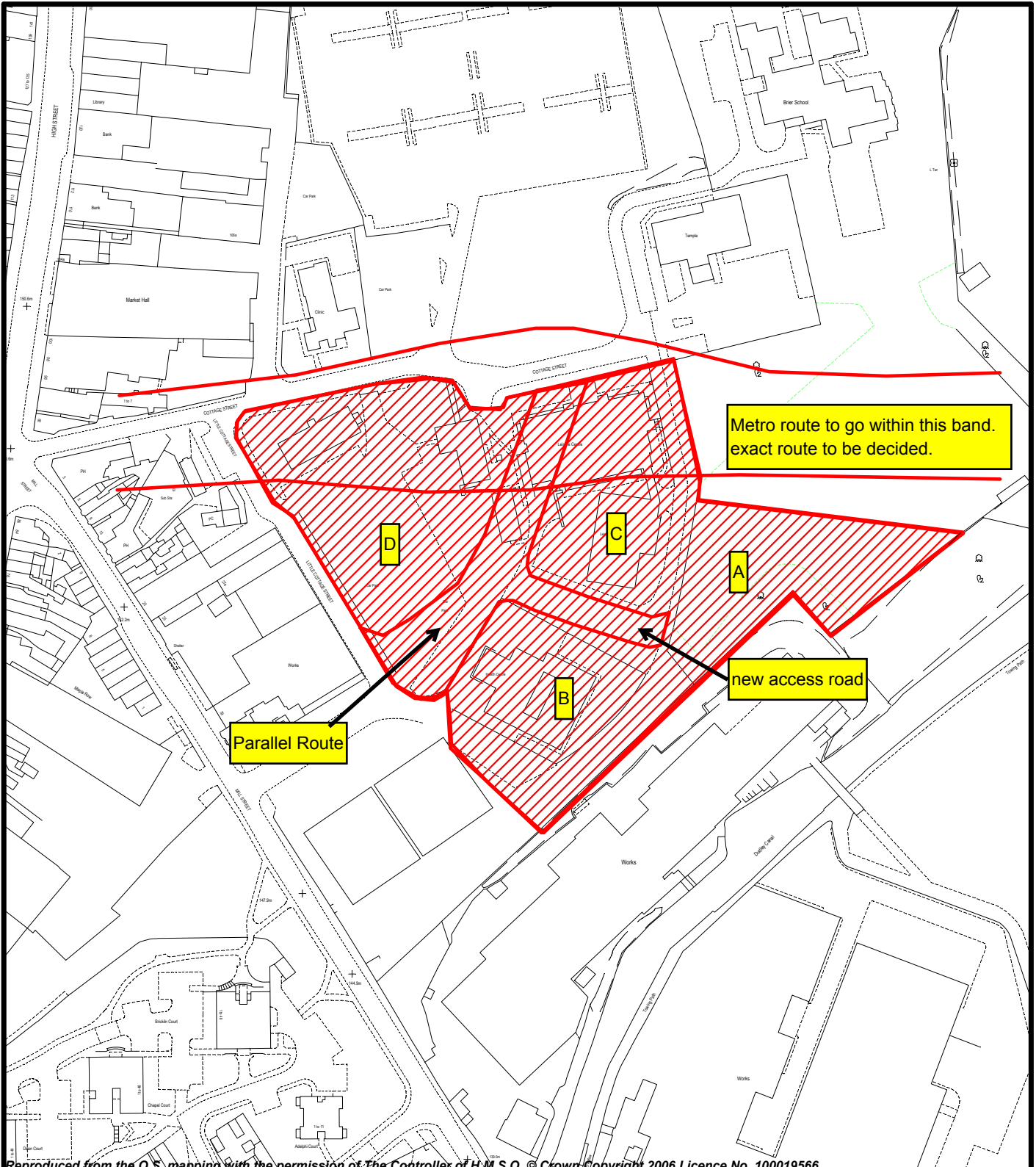
That the Area Committee notes the contents of this report.

Background papers

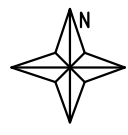
1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Gill Hudson, Property Manager, Ext. 5311



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<p>TITLE:</p> <p>Hatched area to be sold to Stourbridge College</p> <p>Land at:</p> <p>Cottage Street Brierley Hill</p>		<p>Corporate Estate Services Directorate of Law and Property</p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
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