

Stourbridge Area Committee – 12th 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.

John Polychronakis

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John Polychronakis
Director of Law and Property

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List of Background Papers
See individual appendices

Stourbridge Area Committee

Date: 12th March, 2007

Request for: Extinguishment of rights of way

Location: 108 & 110 Dobbins Oak Road, Wollescote.
(As shown on the plan attached)

Background

An application has been received from a Solicitor acting for the owner of 110 Dobbins Oak Road, Wollescote, a former Council house purchased under the right to buy, to extinguish rights of way over land in the ownership of the Council, that forms part of the tenancy of 108 Dobbins Oak Road, Wollescote.

110 has a right of way over an area of land marked right hatched on the attached plan and reciprocally, the Council has a right of way over the area of land shown left hatched on the attached plan. This allows both properties vehicular access to the rear of their property.

The applicant has asked for these rights to be extinguished and would like to erect a fence between the two areas of land to separate the two dwellings. To achieve this it will be necessary for the Council to relinquish its rights over 110 and for 110 to relinquish its rights over 108 and if agreed, all costs involved would be met by the applicant.

The land is under the control of the Directorate of Adult Community and Housing Services and is held for housing purposes.

Comments

The relevant Council Directorate have been consulted regarding this application and the Directorate of Adult Community and Housing Services (DACHS), the Directorate of Law and Property (DLAP) and the Directorate of the Urban Environment (DUE) all object to granting the request.

DACHS wish the application to be refused as the tenant of 108 currently enjoys rear parking and driveway facilities and they do not wish to change this arrangement.

DLAP & DUE consider that approval would reduce the rights currently enjoyed by the tenant and by future tenants and these rights should be retained. There are many Council properties with similar arrangements and the granting of this application would set an unwelcome precedent.

Proposal

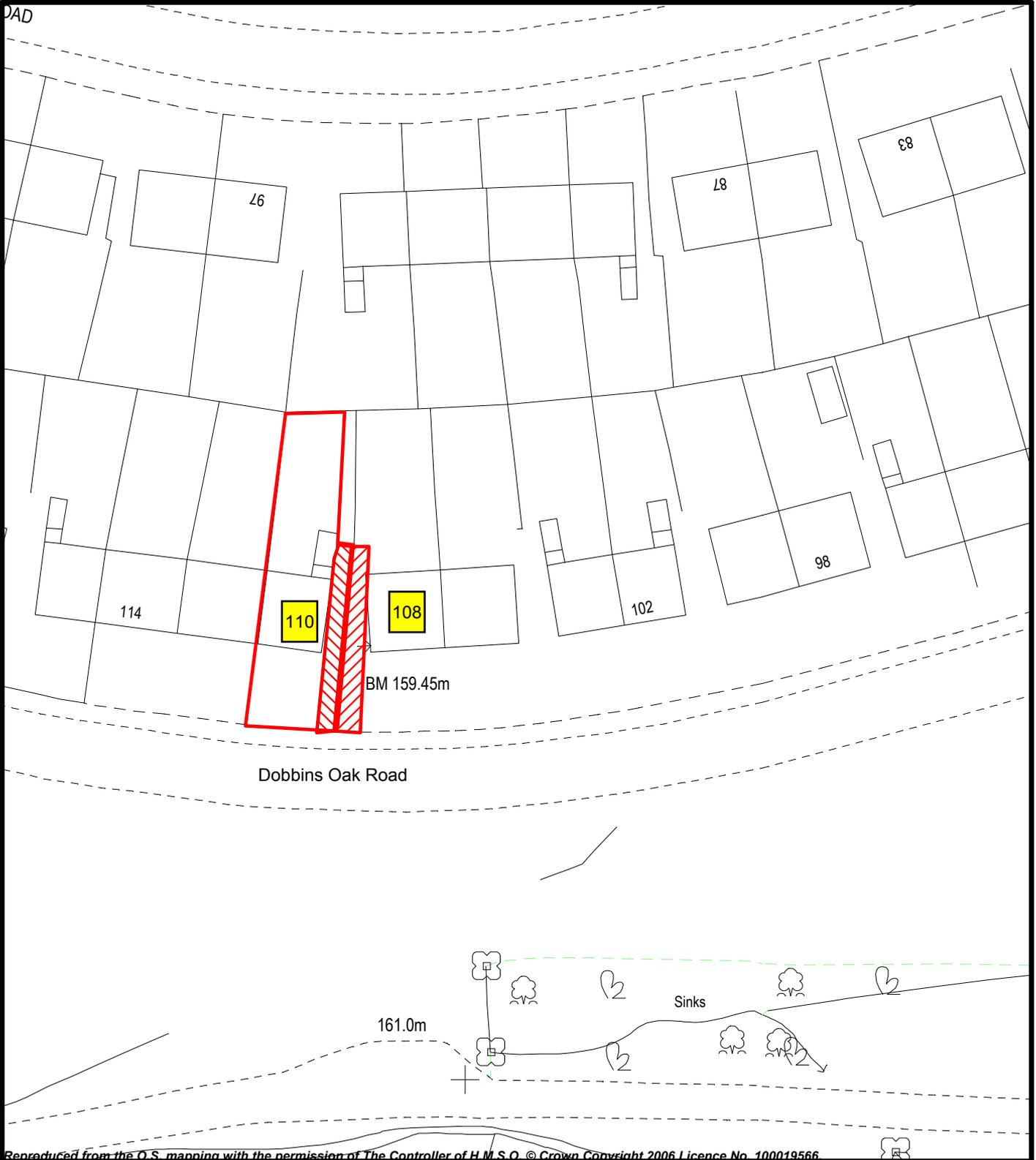
That the Area Committee advise the Cabinet Member for Housing to refuse the application.

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>110 Dobbins Oak Road Wollescote, outlined in red.</p>		<p>Corporate Estate Services Directorate of Law and Property</p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>CREATED BY:</p> <p>Gill Hudson. Property Manager.. Est: 5311</p>		

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Stourbridge Area Committee

Date: 12th March, 2007

Request to: Purchase land

Location: Adjacent to 5 Bath Road, Stourbridge.
(As shown on the plan attached)

Background

An application has been received from the owner of 5 Bath Road, Stourbridge, a former Council house purchased under the right to buy, to purchase an area of Council owned land adjacent to the property.

The land is under the control of both the Directorate of Urban Environment and the Directorate of Adult Community and Housing Services. Part of the land was purchased for highway purposes in order to erect the turning head in Scotts Road. The remainder of the land was purchased for Housing purposes. The land forms an unkept area of open land at the head of the cul-de-sac.

The applicant wishes to incorporate the land into his garden and use it for an extended garden only. The applicant states that the land is being used as a rubbish dump and he would therefore like to incorporate it within his garden to maintain the land, so that it is not such an eyesore in the area.

Comments

The relevant Council Directorate have been consulted and no objections to the sale of a reduced area have been received. The land is not maintained by the Council and the land has no specific designation.

The Directorate of Urban Environment considers that a strip of land measuring 2 metres in width, as marked on the attached plan, should be retained by the Council as highway verge, to reduce the effect of any boundary treatment. The retention of this strip of land would also prevent access to the highway from the land. It is considered that the sale of land should be subject to a covenant limiting its use for garden purposes only. The sale will be subject to the applicant gaining planning consent for change of use of the land.

The Directorate of Law and Property consider that the land could be large enough for a development plot. It is therefore considered that the land should be declared surplus to requirements and the Director of Law and Property will then be able to negotiate the sale of the land to gain the best price reasonably obtainable. The land will either be sold with a covenant restricting its use to that of garden land only or alternatively can be sold at development value with no restriction on development of the land.

Proposal

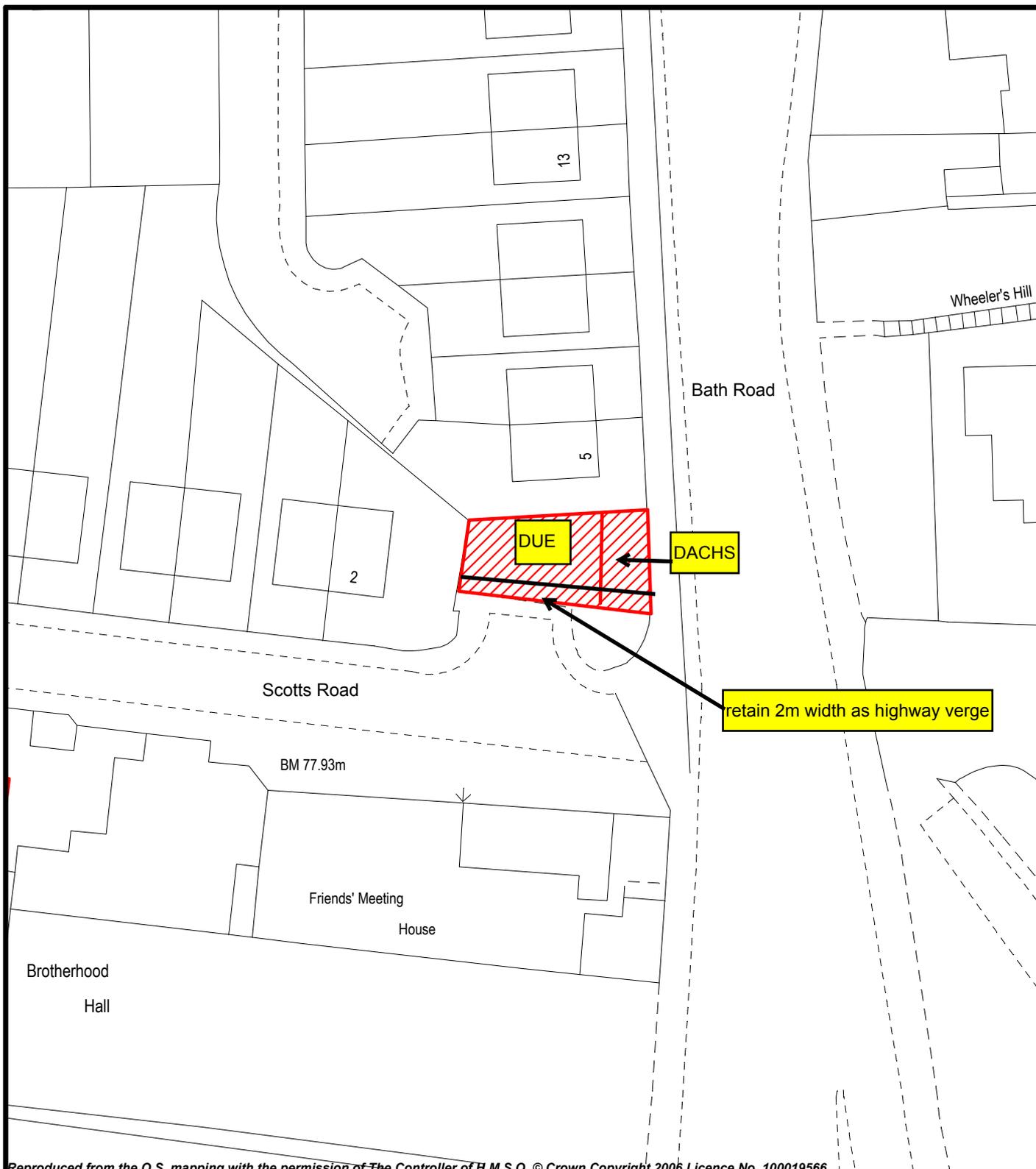
That the Area Committee advise the Cabinet Member for Housing and the Cabinet Member for Transportation to declare the reduced area of land surplus to requirements, to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property and for the Director of the Urban Environment to maintain the remaining land as highway verge.

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:

Land adjacent to 5 Bath Road
Stourbridge



SCALE:
1 : 500

DATE:
15-NOV-2006

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

3 St James's Road
DUDLEY
West Midlands
DY1 1HZ

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CREATED BY: Gill Hudson. Property Manager. Ext: 5311



Stourbridge Area Committee

Date: 12th March 2007

Request to: Lease land

Location: Queensway, Wollescote
(As shown on the plan attached)

Background

A recent request to add a small area of land into the lease of the St. Andrew's Scout Group was approved, but as negotiations have gone on, the Scout Group have asked to have a larger area of the land to be included within their lease.

The additional area of land, that is controlled by the Directorate of Adult Community and Housing Services and held for Housing purposes, is currently a Housing garage site. The land is adjacent to the Scout Group hall and the Scouts gain access across this land to the Scout hut.

The applicant states that the majority of the garages appear to be unused and some are boarded up following extensive vandalism. The ones that are occupied are in danger of collapse. They suggest that these could be relocated to new garages at the rear of 24 & 22 Queensway.

The Scout Group states that the acquisition of this land would enable them to make their site more secure enabling them to extend their facilities, to provide a games court for all young people of the area including the physically challenged, enable them to segregate car parking from the area of children's activities and would make life easier for adjacent residents who complain of vandals, drug takers and boisterous football in the garage area. The Scout Group states they would be prepared to undertake the demolition of the garages and remove the materials from the site, but they may need advice regarding the asbestos roofs, if they were to do so.

Comments

The relevant Council Directorates have been consulted regarding the lease of land and no objections have been received.

The Directorate of Adult, Community and Housing Services, have consulted with residents and their Area Panel and agree that the land should be leased to the Scout Group. They have decided that the garage site is no longer needed and not worthy of refurbishment.

As the Access way from Queensway will only now serve the Scout Group, this should be included within the new lease.

Proposal

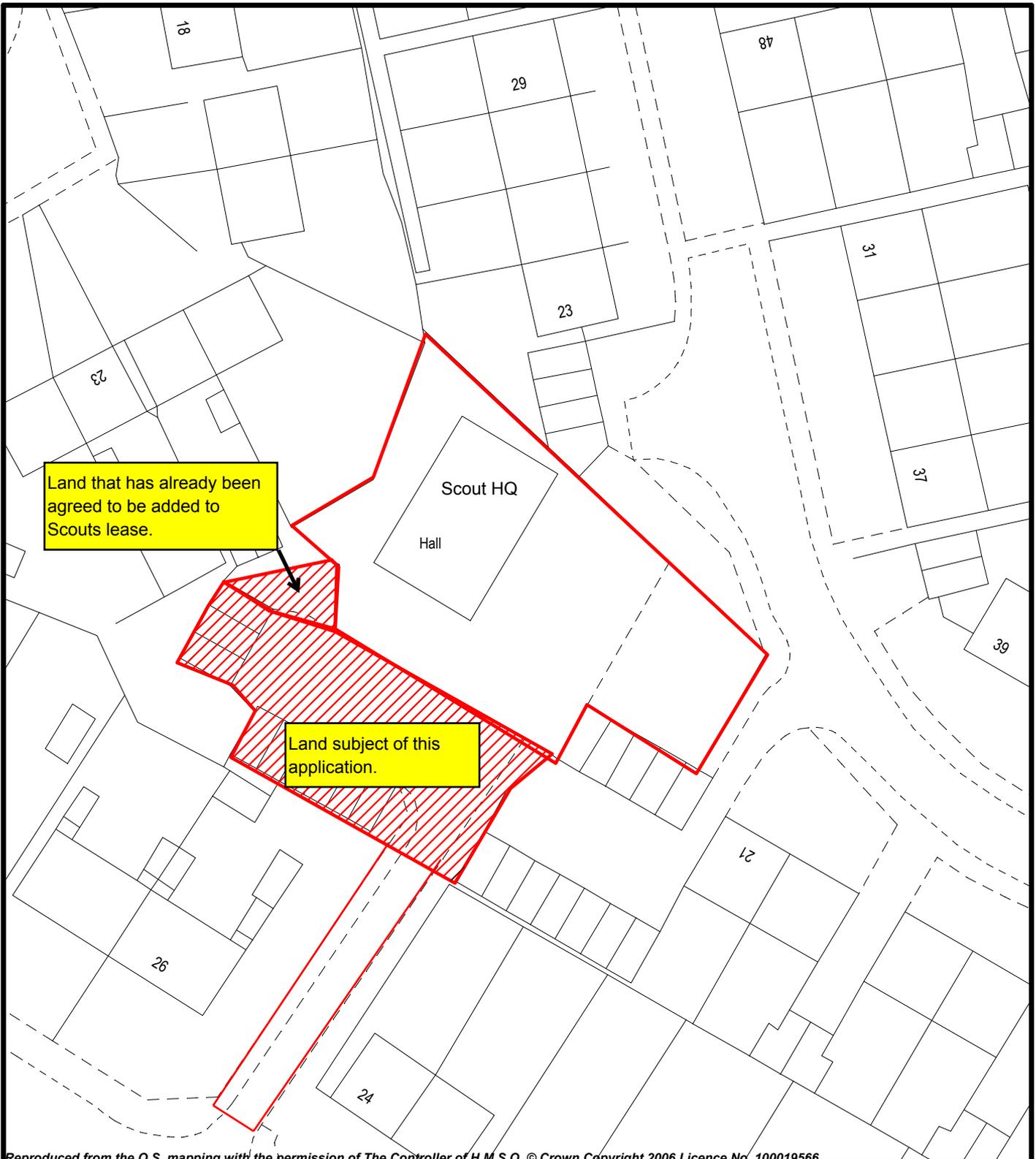
That the Area Committee advise the Cabinet Member for Housing to approve the lease of the land to the St. Andrews Scout Group.

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:

Extra land to be added to lease of land to:
 St Andrews Scout Group
 Queensway
 Wollascote.



SCALE:
 1 : 500

DATE:
 29-SEP-2006

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

3 St James's Road
 DUDLEY
 West Midlands
 DY1 1HZ

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