

BRIERLEY HILL AREA COMMITTEE

05 APRIL 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.

John Poyellis

DIRECTOR OF LAW AND PROPERTY

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BRIERLEY HILL AREA COMMITTEE

DATE: 5TH APRIL 2005

REQUEST FOR: APPLICATION TO PURCHASE LAND TO THE REAR

LOCATION: 19 BROOK STREET, WORDSLEY

(As shown on the plan attached)

BACKGROUND

A request has been received from the owner of 4 The Hedges, Wombourne, Wolverhampton to purchase the Council owned land at the rear of 19 Brook Street (land between Oak Park Road/George Street) Wordsley, as shown hatched black on the plan attached. The land is required for the development of 3 townhouses. The land at present is wasteland and in need of serious attention.

The application to purchase the Council's land is to assemble a larger development site which was granted outlined planning permission for three terraced houses back in 1989 but has since expired.

Potentially almost twice as much land is available for development and if this other land is included in any development a better scheme should be achieved and further wasteland removed.

The land is under the control of the Directorate of the Housing.

COMMENTS

All of the relevant Directorates have been consulted. The Directorate of Law and Property have no objections to this application as the Council's land should be declared surplus to requirements and sold as part of a joint disposal and/or development of the larger site, upon the terms and conditions to be agreed. Additionally, there are no restrictive covenants or onerous matters which affect the land.

Prior to this application the Directorate of Law and Property had been trying to make contact with the three other landowners to investigate the possibility of a joint disposal of the site with them. Verbal agreement in principle has been reached with one owner. The other two have not responded but one is believed to have offered his land to the applicant. If an owner cannot be traced it is still possible for all the land to be developed on the basis that the Council seeks a General Vesting Declaration and pays the value of the land into Court.

The Directorate of the Urban Environment have no objection to the sale of a reduced area of land for residential development purposes. Although one objection was received from the Directorate of the Urban Environment (Planning Policy) that the Council has designated enough residential sites on previously developed land to satisfy the Council's housing requirements for the plan period (i.e. up to 2011). As such there is no justification for bringing forward green-field sites for residential development as it would be contrary to national and local guidance.

The Directorate of Housing have no objections.

PROPOSAL

That the Area Committee advise the Cabinet Member for Housing to declare the land surplus to requirements and sold as part of a joint disposal and/or development of the larger site, upon the terms and conditions to be agreed by Director of Law and Property.

BACKGROUND PAPERS

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

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