

Brierley Hill Area Committee – 7th December 2006

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

Appendices

Brierley Hill Area Committee

Date: 7th December, 2006

Request to purchase land at:

Location: adjacent to 5 Chestnut Grove, Kingswinford
(As shown on the plan attached)

Background

An application has been received from the owner of 5 Chestnut Grove Kingswinford, a former Council house purchased under the right to buy, to purchase the above mentioned Council owned land, as shown outlined on the attached plan.

The land is under the control of the Directorate of Adult Community and Housing Services and forms a grassed verge on the bend in Chestnut Grove. The applicant requires the land to extend his garden and for car parking.

Comments

The relevant Council Directorates have been consulted regarding the application and no objections to the sale of a reduced area of a 4m strip of land, marked hatched on the attached plan has been received.

The Directorate of Adult Community and Housing Services have a policy of not normally selling corner plots, but each one is considered individually before a decision is taken. In this case it was considered that the sale of a 4 metre strip of land would allow the applicant to extend his garden, and would not be detrimental to the open aspect of the area. It would also mean that a decent sized corner plot would be retained in Council ownership.

The Directorate of the Urban Environment have no objections to the sale of the 4-metre strip of land, as a good-sized corner plot of open land will remain. They recommend that the first 2 metres of the frontage of the plot should be kept clear to aid visibility.

It is noted from a site visit that the applicant already parks vehicles on this land. It is therefore considered that the sale of the 4-metre strip would regularise this situation.

The sale will be subject to the applicant gaining planning consent for change of use of the land and for any boundary treatment.

As the proposed sale of land is under 200 sq. meters in area, the Ward Members were consulted and they indicated that they had no objections to the proposal to offer a 4 meter strip of land to the applicant for car parking and garden purposes only.

The Cabinet Member for Housing was asked to make this decision but he considered that as the Directorate of Adult, Community and Housing Services have a policy of not normally selling corner plots within Council housing estates, he would like the matter considered by Area Committee before a decision is made.

Proposal

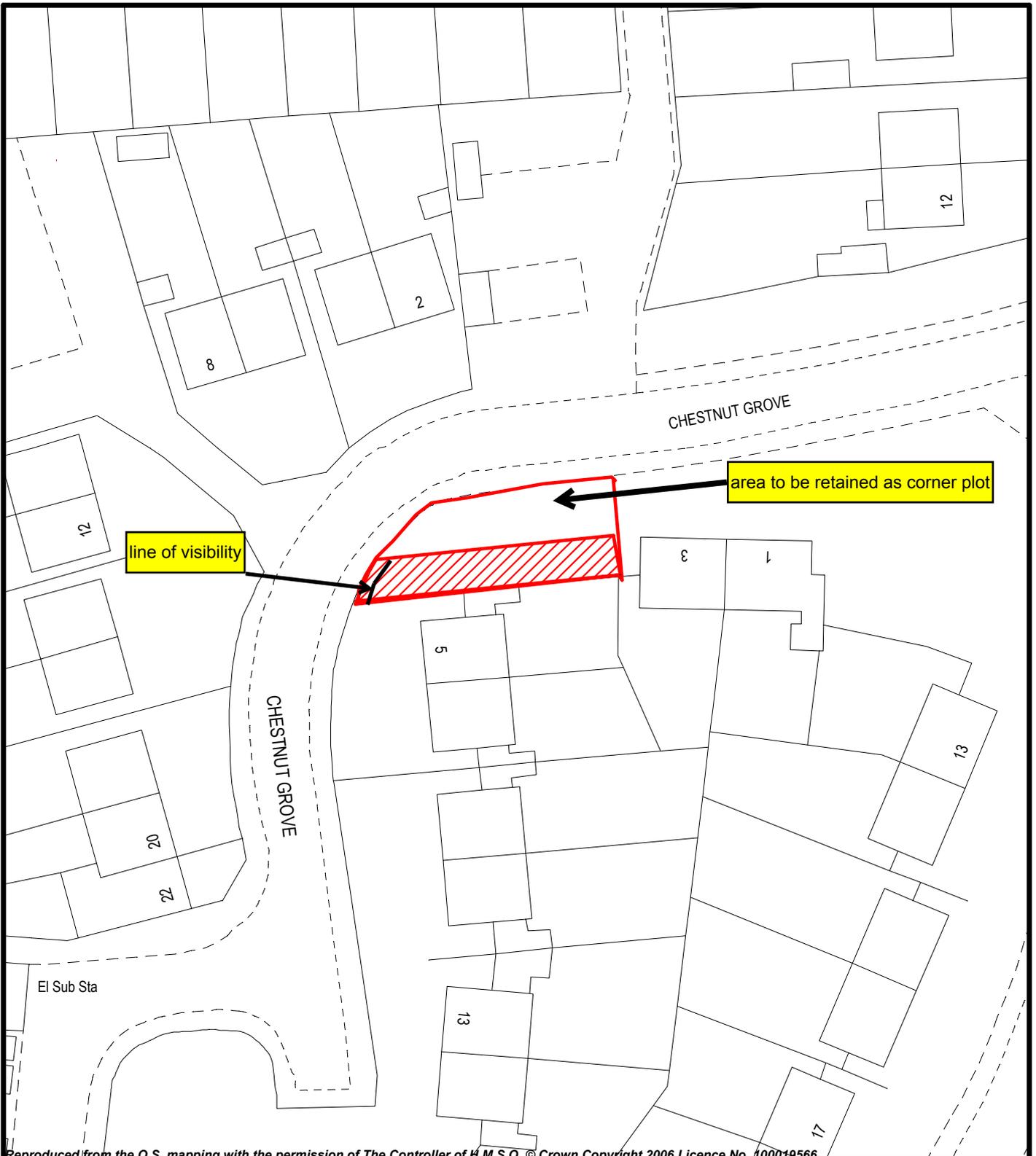
That the Area Committee advise the Cabinet Member for Housing to refuse the sale of the whole corner plot of land but to approve the sale of a 4 metre strip of land, shown hatched on the attached plan, to the owner of 5 Chestnut Grove, Kingswinford, for car parking and garden purposes, on terms and conditions 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, Property Manager, Ext. 5311



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<p>TITLE:</p> <p>LAND ADJACENT TO: 5 CHESTNUT GROVE KINGSWINFORD</p> <p>HATCHED AREA PROPOSED TO BE SOLD</p> <p>OS data reproduced with the permission of the Controller of HMSO 2006 Licence No 100019566</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, EXT 5311</p>	<p>SCALE: 1 : 500</p> <p>DATE: 10-OCT-2006</p>	

Appendices

Brierley Hill Area Committee

Date: 7th December 2006

Request to purchase or lease land at rear of:

Location: 23 Mill Street, Brierley Hill
(As shown on the plan attached)

Background

An application has been received from the owner of 23 Mill Street, Brierley Hill, who trades as Dreamland Bedding Limited, to purchase or lease the adjacent Council owned land to the rear of his property as shown outlined on the attached plan.

The land, which is the site of the public toilets has a frontage to Little Cottage Street and is adjacent to the applicants existing car park. The applicant wishes to either purchase or lease the landscaped area of land or the whole of the site if the public toilets were to be re-sited or closed.

The applicant states that the land at present is very overgrown and is being used by drug addicts discarding dangerous needles and refuge on the site and this is attracting vermin. He would therefore like to purchase or lease the land in order to extend his car park.

The land was purchased for slum clearance purposes in 1932 and is held by the Directorate of Law and Property. There are well-used public toilets adjacent to this land, which are maintained by the Directorate of the Urban Environment.

Comments

The relevant Council Directorates have been consulted regarding the application and objections have been received from the Directorate of the Urban Environment and the Directorate of Law and Property, to the disposal of any of this land as the site is likely to be effected by the Midlands Metro and its disposal at this time would be premature. It is therefore considered that this application should be refused.

Proposal

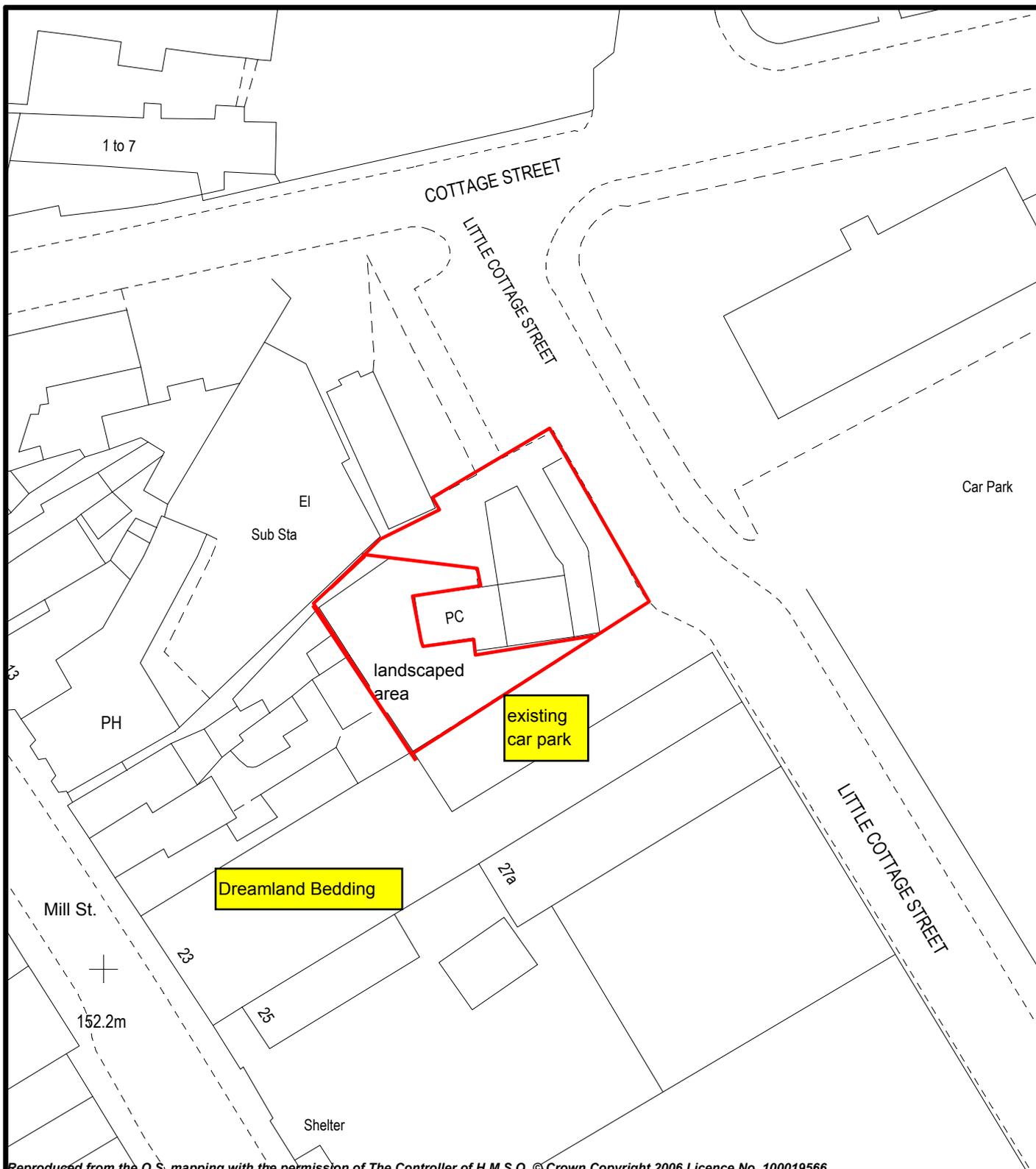
That the Cabinet Member for Law and Property be advised to refuse the application.

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>Land rear of 23 Mill Street Brierley Hill</p> <p>OS data reproduced with the permission of the Controller of HMSO 2006 Licence No 100019566</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. Ext: 5311</p>	<p>SCALE:</p> <p>1 : 500</p> <p>DATE:</p> <p>10-OCT-2006</p>	