

North Dudley Area Committee – 23 November 2005

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 situated 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

Contact Officers: Gill Hudson, Property Manager
Telephone: 01384 815311
Email: gill.hudson@dudley.gov.uk

List of Background Papers

See individual appendices

Appendices

North Dudley Area Committee

23 November 2005

Land fronting:

Location: 45/51 Old Meeting Road, Coseley

(As shown on the plan attached)

Background

An application has been received from Frank Nason & Co. on behalf of the Coseley Old Meeting House, who are considering disposing of part of the site adjacent to their Church for residential development, in order to fund repairs to the Church. The site is marked on the attached plan.

However, in order to establish a visibility splay for vehicles to enter and leave the site, they require an easement or some other formal agreement, binding the adjacent land that fronts 45- 51 Old meeting Road, to be forever open land for a visibility splay required for the proposed development.

The adjacent land fronting 45-51 Old Meeting Road is controlled by the Directorate of Adult, Community and Housing Services and currently forms an area of open space with mature trees and shrubs fronting Council owned flats.

If the application is granted, the land would have to be kept free from vegetation so that visibility across it is maintained for ever more.

Comments

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

The Directorate of Law and Property state that a restrictive covenant on the Council's title would be the correct way of dealing with this matter. However, If this application is approved it would prejudice the future of the Councils land for ever more and would require the removal of trees and vegetation on the land. Legal advice therefore recommends that the Council does not enter into the restrictive covenant.

The Directorate of the Urban Environment states that the granting of a formal agreement as requested could prejudice any future development of the Council land. They therefore recommend refusal.

The Directorate of Adult Community and Housing Services object to allowing the restrictive covenant to be imposed on their land as it would restrict the use of the land or future development and they wish to retain the mature vegetation.

Proposal

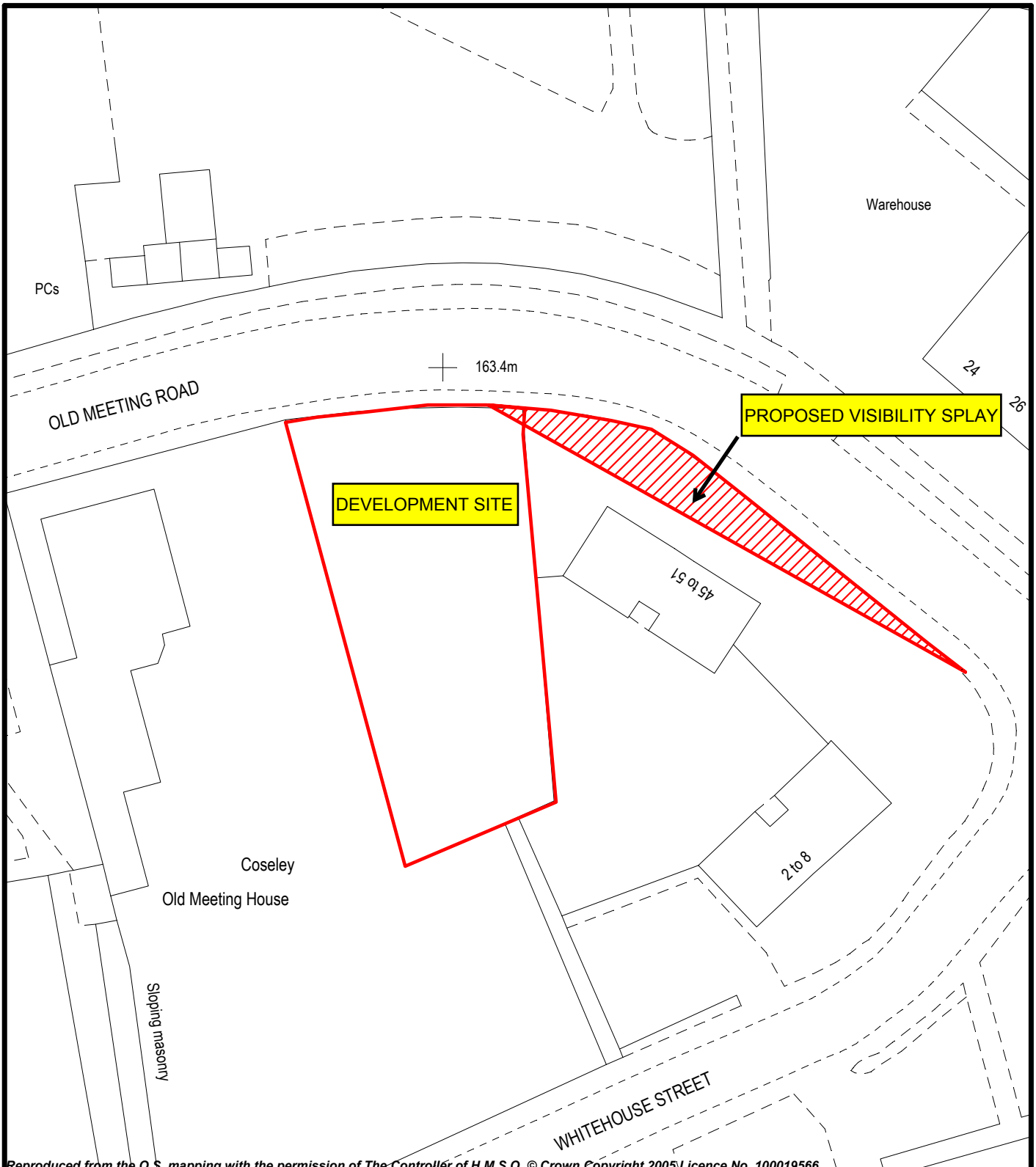
That the Area Committee recommends that the Cabinet Member for Housing refuse the application.

Background papers

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

Contact Officer:

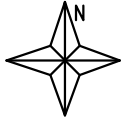
Gill Hudson, Property Manager, Ext. 5311



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TITLE:
**LAND AT OLD MEETING ROAD
 COSELEY**

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 SCALE:
1 : 500
 DATE:
28-SEP-2005

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

CREATED BY:
GILL HUDSON. PROPERTY MANAGER. EXT:5311



Appendices

North Dudley Area Committee

23 November 2005

Application to Purchase Land

Location: Adjacent to 34/36 Poole Crescent, Coseley
(As shown on the plan attached)

Background

An application has been received from the owner of shop premises and living accommodation at 34/36 Poole Crescent, Coseley, to purchase an area of Council owned land adjacent to the property.

34/36 Poole Crescent is a former housing controlled shop that was sold freehold to a previous owner in 1981. It trades as a newsagent with living accommodation above.

The applicant has been experiencing severe anti-social behaviour from youths who have been congregating on the land and throwing bricks, rubbish and empty bottles into the back garden of the property. Youths have also been climbing into the garden from the land.

The applicant states that there is a path across the land that leads to the back garden of the property and side garage and that if allowed to purchase the land would incorporate it within the boundary of the property. The applicant considers that by purchasing this land they will be able to better manage the problems that are occurring.

Comments

The relevant Council Directorates have been consulted regarding the application and the Directorate of Adult, Community and Housing Services and the Directorate of Law and Property consider that the application should be refused as the land forms a corner plot and the Directorate have a policy of not normally selling corner plots on housing estates. No instances of anti social behaviour have been reported to the District Housing Office.

Bromford Housing Association are currently considering the future of the adjacent garage site for development for social housing and this area may be required for visibility, should development proceed. It is therefore considered that this application should be refused.

The Directorate of Urban Environment state that they have no objections to a reduced area of land being sold for garden purposes only, providing an area of land is retained for visibility and highway safety. However, they would object to high fencing enclosing the site and would require the land to be used for garden purposes only.

The Ward Members have been consulted regarding the possible disposal of the reduced area to the applicant and they do not support the disposal.

They are not aware of any incidences of anti-social behaviour and consider that the land should be left in Council ownership for visibility purposes and in case the adjacent land is developed by Bromford Housing Association.

Proposal

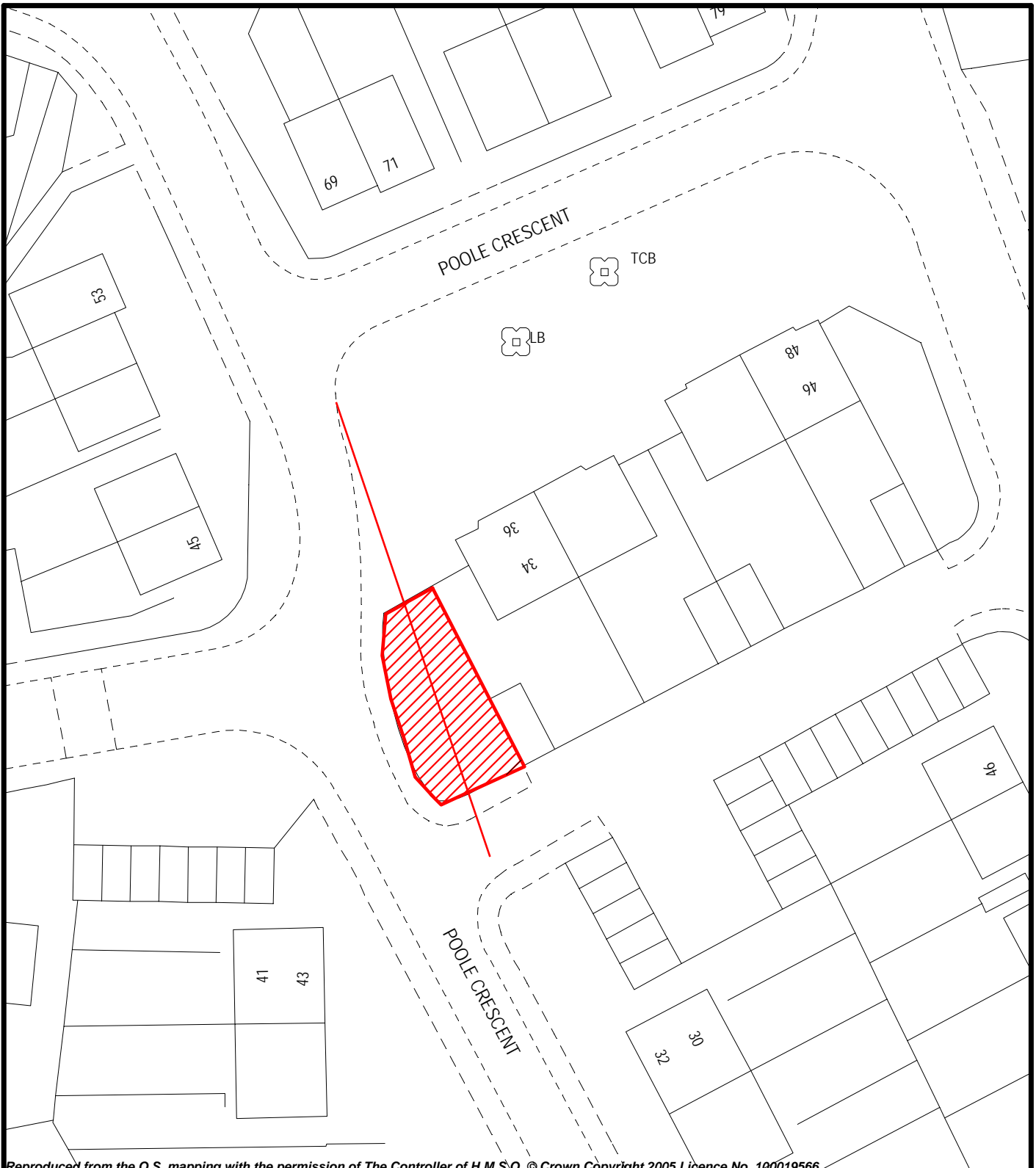
That the Area Committee advise the Cabinet Member for Housing to refuse the application.

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>LAND ADJACENT TO: 34/36 POOLE CRES COSELEY</p> <p>reduced area of land right of line</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>OS data reprint</p> <p>CREATED BY:</p>	<p>SCALE: 1 : 500</p> <p>DATE: 08-APR-2005</p>	

Appendices

North Dudley Area Committee

Date: 23rd November 2005

Request for: Application to purchase Council owned land

Location: Dormston Youth Centre and adjoining land Tipton Street, Sedgley
(As shown on the plan attached)

Background

An application have been received from a developer to purchase land at the Dormston Youth Centre and the adjacent vacant land as shown on the plan attached. The site is required for a residential development. A similar request was presented to the North Dudley Area Committee on 3rd April 2003. It was decided to retain the site until the Western Access Study was completed.

The land at the Youth Centre is under the control of the Director of Education & Lifelong Learning and the vacant land is under the control of the Directorate of the Urban Environment.

Comments

The relevant Council Directorates have been consulted.

The Directorate of the Urban Environment have objected to the proposed disposal as it would prejudice further highway improvements in this area.

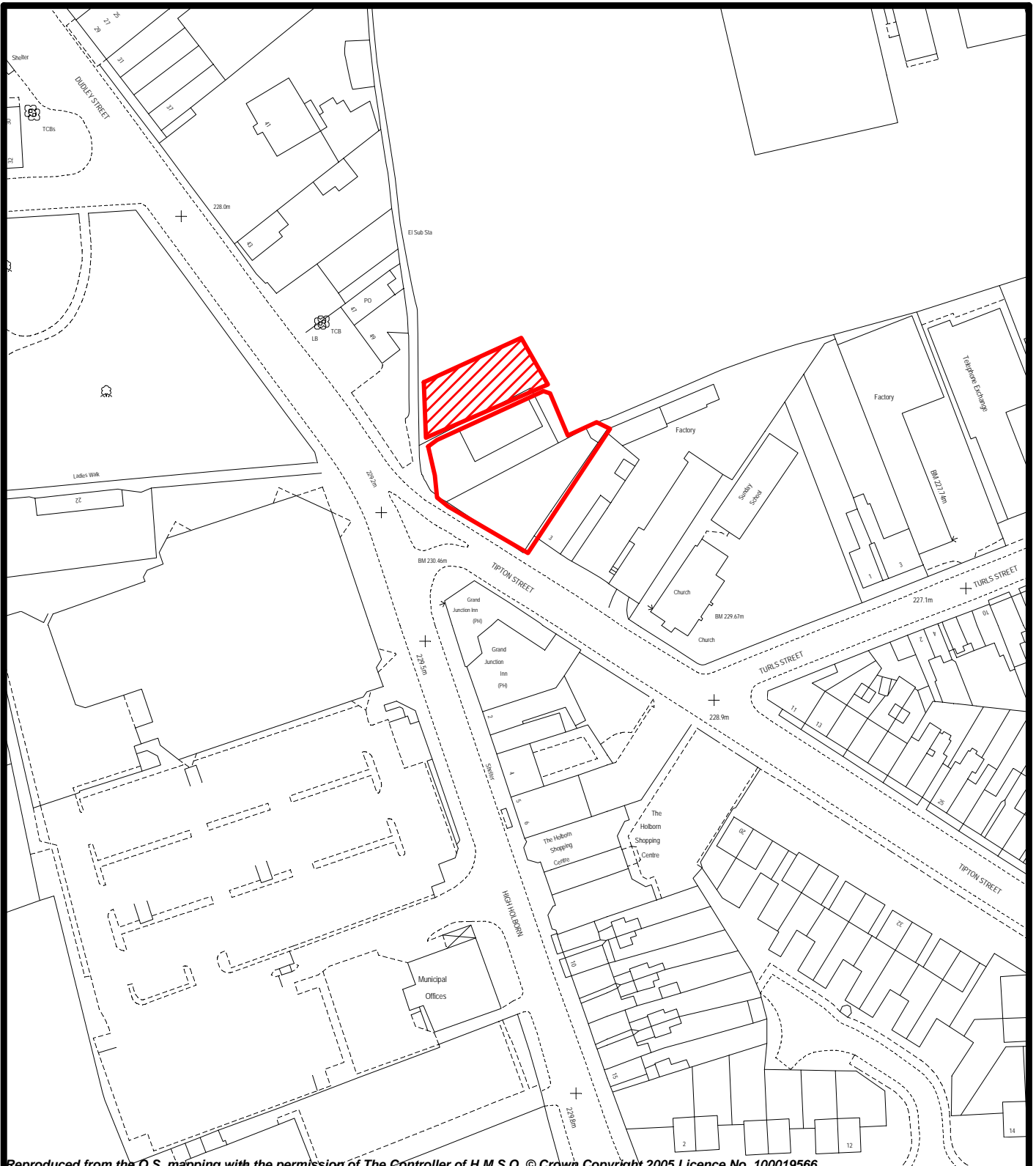
Proposal

That the Area Committee advises the Cabinet Member for Education and Lifelong Learning and the Cabinet Member for Transportation to refuse the application for the reason 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 AT
DORMSTON YOUTH CENTRE &
1 TIPTON STREET
SEDGLEY



SCALE:

1 : 1250

DATE:

21-JUL-2005

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

