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**Brierley Hill Area Committee – 4<sup>th</sup> October, 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

**Brierley Hill Area Committee**

**Date: 4<sup>th</sup> October 2007**

**Request to Purchase**

**Location: Land off Albion Street, Brierley Hill**

**(As shown on the plan attached)**

**Background**

An application has been received from Longlife Buildings Limited in Brierley Hill of 1 Albion Street to purchase the above mentioned Council owned land, as shown marked on the plan attached.

The land is under the control of the Directorate of Law and Property.

The applicant requires the land to be used as its current purpose, for storage of materials and parking. They insist that they do not intend to develop the land, but propose to build a wall with Victoria gates in order to smarten up the area itself.

Longlife Buildings have been in occupation of the land in question for a number of years without the consent of the Council and wishes to regularise the position. It appears that a panel of close-boarded fence has been cut in the middle and hinges attached to form double gates on land. Additionally, there seems to be the long term storage of a skip stored on the land in question and the manoeuvring of a vehicle to load/unload a skip which is not conducive to highway safety along this section of Albion Street due to its alignment and adjacent road junction.

In addition, this land forms part of a larger area of land that has been declared surplus to requirements and added to the Land Disposals Programme for redevelopment.

**Comments**

All of the relevant Council Directorates have been consulted and objections have been received. The Directorate of the Urban Environment and the Directorate of Law and Property are of the opinion that the sale would prejudice the viability of additional Council owned land adjacent.

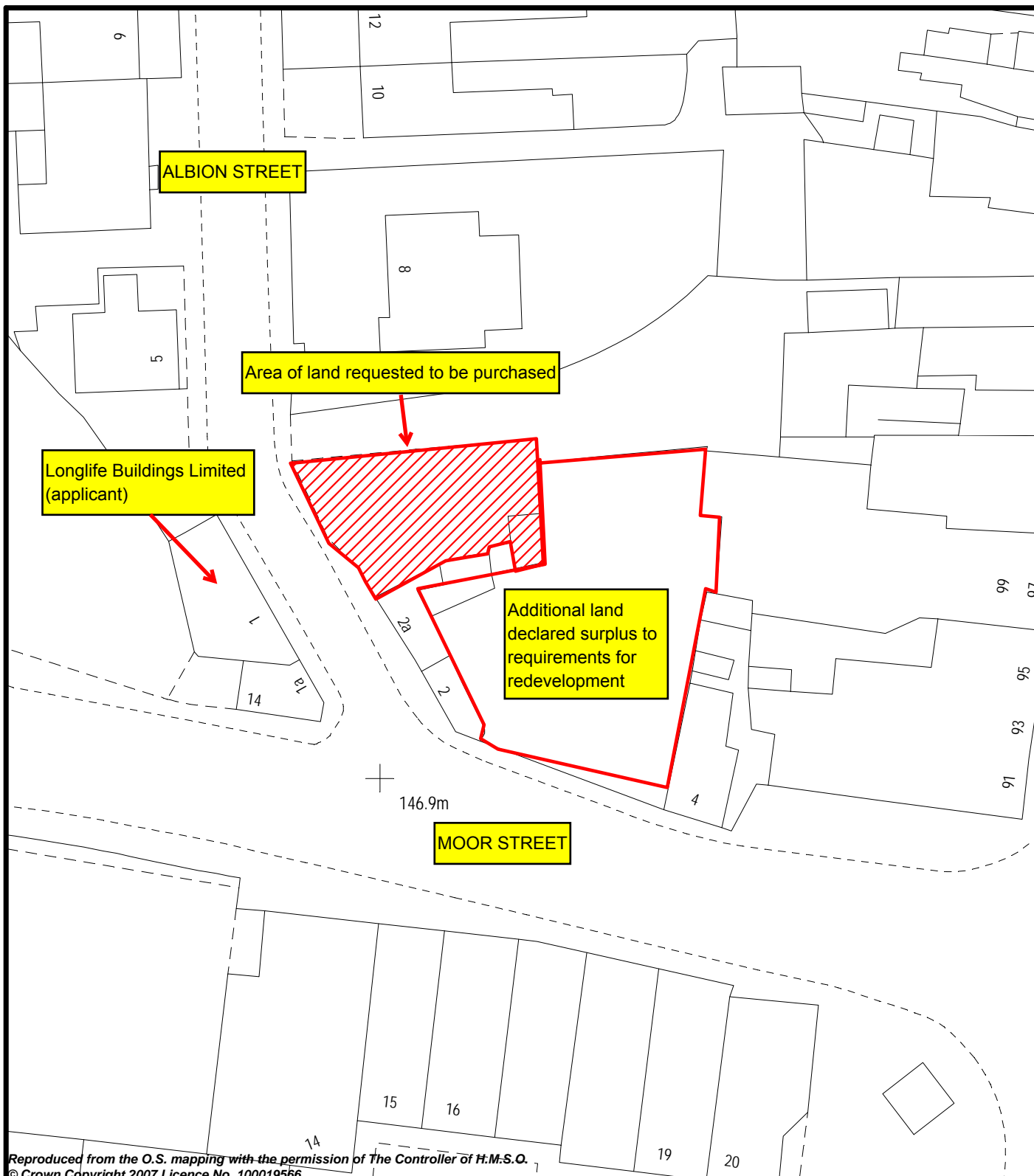
**Proposal**

That the Area Committee advise the Cabinet Member for Personnel, Legal and Property to refuse the application for the purchase land off Albion Street, Brierley Hill.

**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 off Albion Street          Brierley Hill</p> <p>27042/FMSF</p>		<p>Corporate Estate Services          Directorate of Law and Property          3 St James's Road          DUDLEY          West Midlands          DY1 1HZ</p>
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**Brierley Hill Area Committee**

**Date: 4<sup>th</sup> October 2007**

**Request for: Application to Purchase & for an Easement over Council owned land**

**Location: Land adjacent to Peters Hill School, Amblecote**  
**(As shown on the plan attached)**

**Background**

Dudley MBC's Dudley Property Consultancy, Capital Projects Section, have now installed air conditioning in Peters Hill Primary School, Amblecote, as part of self funded improvement to the school. The air conditioning is needed as parts of the school reach very high temperatures in excess of 30c. The new equipment will result in an increase in the electricity requirement and Central Networks, (the Statutory Undertaker) have advised that, as a result, a new electricity sub-station will be required. Central Networks have therefore requested to purchase a small area of land for the sub-station and they are also requesting the granting of an easement to allow the electricity cable to run from the main cable in the road to the new sub-station and then to the school. The cable will be buried and its route reinstated.

The sub-station could be located on the site of the Primary School though the school considered this not acceptable. Therefore, Central Networks have suggested that the sub-station is located on Public Open Space off Hillfields Road, just to the rear of numbers 19 & 21 as shown marked on the plan attached. The sub-station will be green box type structure and will require an area measuring approximately 4 metres by 4 metres. It is Central Networks policy not to fence off this type of substation, relying upon the housing to provide the security they require. As well as the additional maintenance responsibility fencing creates, it can also become a litter trap.

An Easement will also be required from the sub-station across Public Open Space to the school and the route is shown on the plan attached.

The land is under the control of the Directorate of the Urban Environment and is held as Public Open Space.

**Comments**

All the relevant Council Directorates have been consulted and the following comments have been received.

The Directorate of the Urban Environment would have preferred the sub-station to be nearer the school, but otherwise have no objections. There is an existing high voltage cable which runs along Hillfields Road servicing the local area. The proposed site for the sub-station allows for easy access to this cable. To locate the sub-station nearer to or on the school site, would necessitate a high voltage cable running from Hillfields Road and through the open space to the new sub-station, which would greatly increase the cost of the project. Dudley Property Consultancy had considered alternative options and on balance it was considered unrealistic to site the sub station elsewhere. Siting the sub-station at the proposed location would be the cheapest and safest option and would minimise the length of high voltage cabling to the sub-station.

The Directorate of Law & Property have advised that if the small area of land required for the sub station is sold, then it will be subject to Section 123 (a) of the Local Government Act 1972. This requires that the Council, prior to any disposal of Public 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. The Council then has to consider any objections which may be made. The applicant is required to bear the cost of advertising. Any development would be subject to planning permission, for which a separate application would need to be made.

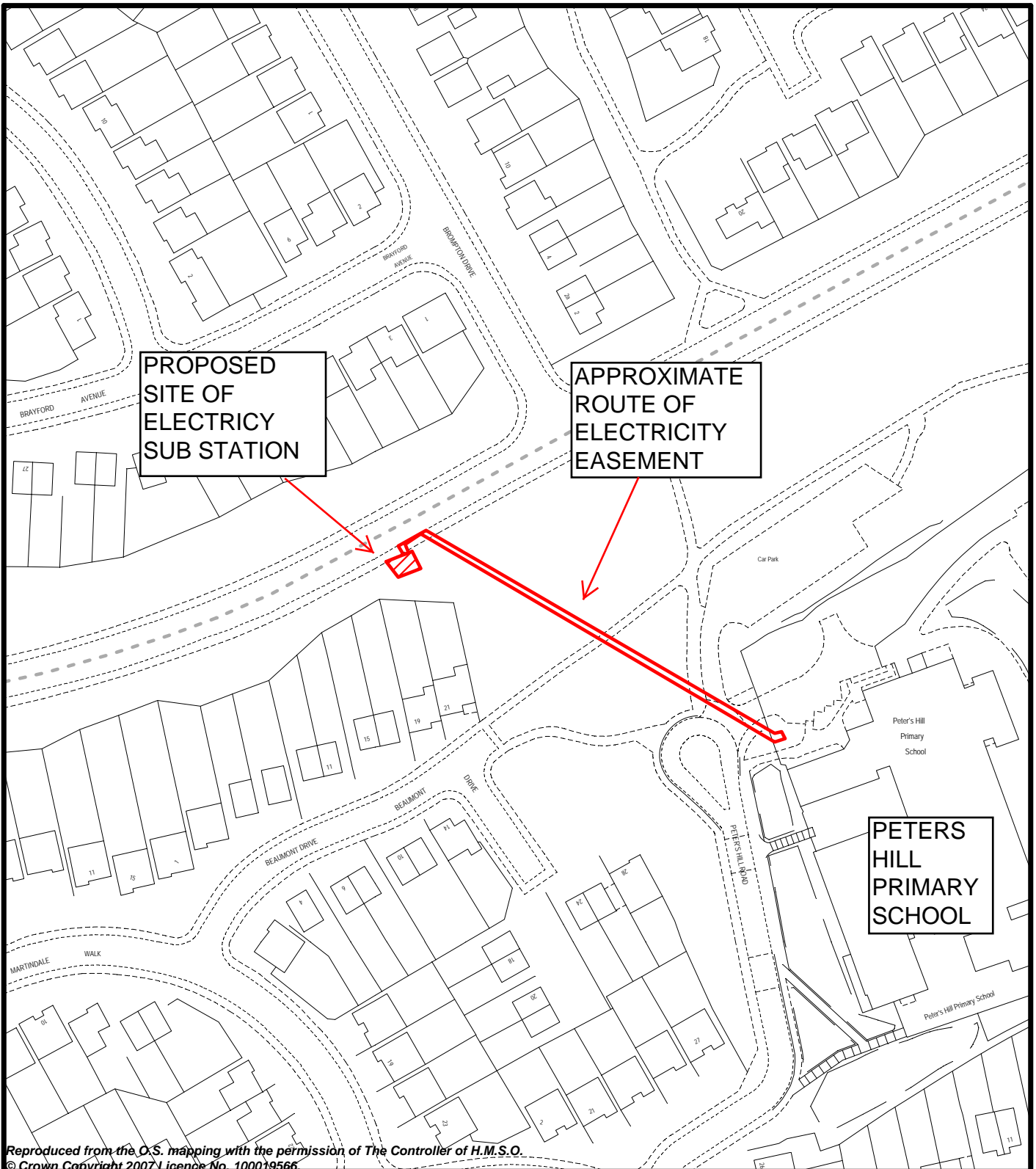
### **Proposal**

That the Area Committee advises the Cabinet Member for Leisure to approve the sale of the small area of land required for the sub-station and the easement across Council owned land subject to terms and conditions to be negotiated and agreed by the Director of Law & Property.

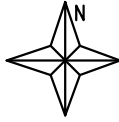
### **Background papers**

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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<p>TITLE:</p> <p><b>SUB STATION AND EASEMENT          PETERS HILL PRIMARY SCHOOL          AMBLECOTE</b></p>		<p>Corporate Estate Services          Directorate of Law and Property          3 St James's Road          DUDLEY          West Midlands          DY1 1HZ</p>
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