

BRIERLEY HILL AREA COMMITTEE

03 FEBRUARY 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.

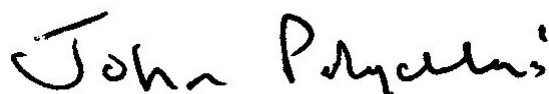
4. FINANCE

- 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.
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- 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.



DIRECTOR OF LAW AND PROPERTY

Contact Officers:

Gill Hudson, Property Manager, Ext. 5311

Sonia McLean, Property Manager, Ext. 5321

Alan Nugent, Property Manager, Ext.5351

BRIERLEY HILL AREA COMMITTEE

DATE: 3rd FEBRUARY 2005

APPLICATION TO APPROPRIATE COUNCIL OWNED LAND

LOCATION: LAND AT BARROW HILL, PENSNETT

(As shown on the plan attached)

BACKGROUND

The Director of the Urban Environment wishes to declare the Council owned land at Barrow Hill as a Local Nature Reserve under the National Parks & Access to the Countryside Act 1949 Section 21. This will be in line with the Revised Deposit UDP policy and a project grant agreement with English Nature.

Local Nature Reserves are places with wildlife or geological features that are of special interest locally. They increase people's awareness and enjoyment of their natural environment. Because a Local Nature Reserve is a statutory provision, it is a very clear signal to a local community of the local authority's commitment to nature conservation. Local Nature Reserves offer a positive use for land that local authorities would prefer was left undeveloped. They can also help local authorities meet Local Agenda 21, Local Biodiversity Action Plan and Sustainable Development targets.

The land forms a large area of public open space that is currently held under the Housing Act 1985 being purchased originally for Housing purposes. In order to facilitate the adoption of the land as a Nature Reserve, it will be necessary to appropriate the land to the purposes of the National Parks & Access Act 1949, Section 21.

COMMENTS

The relevant Council Directorates have been consulted and no objections have been received.

PROPOSAL

That the Area Committee advises the Cabinet Member for Housing and the Cabinet Member for Economic Vitality & Jobs to approve the appropriation of the land so that Barrow Hill can be declared a Local Nature Reserve.

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

BRIERLEY HILL AREA COMMITTEE

DATE: 3RD FEBRUARY 2005

REQUEST FOR: APPLICATION TO PURCHASE LAND ADJOINING

LOCATION: 5 GREENBANK GARDENS, WORDSLEY

(As shown on the plan attached)

BACKGROUND

A request has been received from the owner of 5 Greenbank Gardens, Wordsley to purchase the Council owned land as shown on the plan attached. The land is required to extend the back garden.

The land is under the control of the Directorate of the Urban Environment.

COMMENTS

All of the relevant Directorates have been consulted. Objections to the sale of land were received from Directorate of Law and Property on the grounds of estate management.

The Directorate of the Urban Environment objected to the sale of the land as the site forms a highly sensitive area of wooded urban green, which has important visual amenity value, beneficial for enhancing surrounding residential areas and the wider heavily urbanised area. Mature trees are contained inside the proposed site boundary and these may be subject to Tree Preservation Order's. Discussions several years ago mentioned there could be Japanese Knotweed present on the site. Additionally, this application to purchase land would prejudice the joint sale with the Brewery for a comprehensive development.

PROPOSAL

That the Area Committee advise the Lead Member for Transportation to refuse the application.

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
