
North Dudley Area Committee – 23rd March 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.

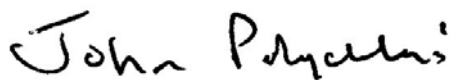
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

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

North Dudley Area Committee

Date: 23rd March 2006

Request for: Wayleave over Council owned land

Location: Land adjacent to 95 Summer Lane, Lower Gornal
(As shown on the plan attached)

Background

A request has been received from WSE Ltd for a Wayleave over the Council owned land as shown edged on the plan attached. The wayleave is required for new electricity apparatus which has been requested for the residential development at the rear (privately owned garden) of 95 Summer Lane. Planning permission was granted in 2001 for the erection of a three bedroom detached bungalow at the rear of "The Manse", 95 Summer Lane, Lower Gornal.

On the attached plan, the existing wayleave is shown. This runs on a strip of Leisure land from Summer Lane, past the side of 95 Summer Lane to the main part of the Abbey Street Recreation Ground. The new wayleave is only for the part which will run the short distance from the present rear garden of 95 to join the existing wayleave.

The land is under the control of the Directorate of the Urban Environment and is part of the Abbey Street Recreation Ground. Part of the ground is used by Education.

Comments

All the relevant Council Directorates have been consulted.

The Director of the Urban Environment expects the site to be reinstated to the Council's complete satisfaction.

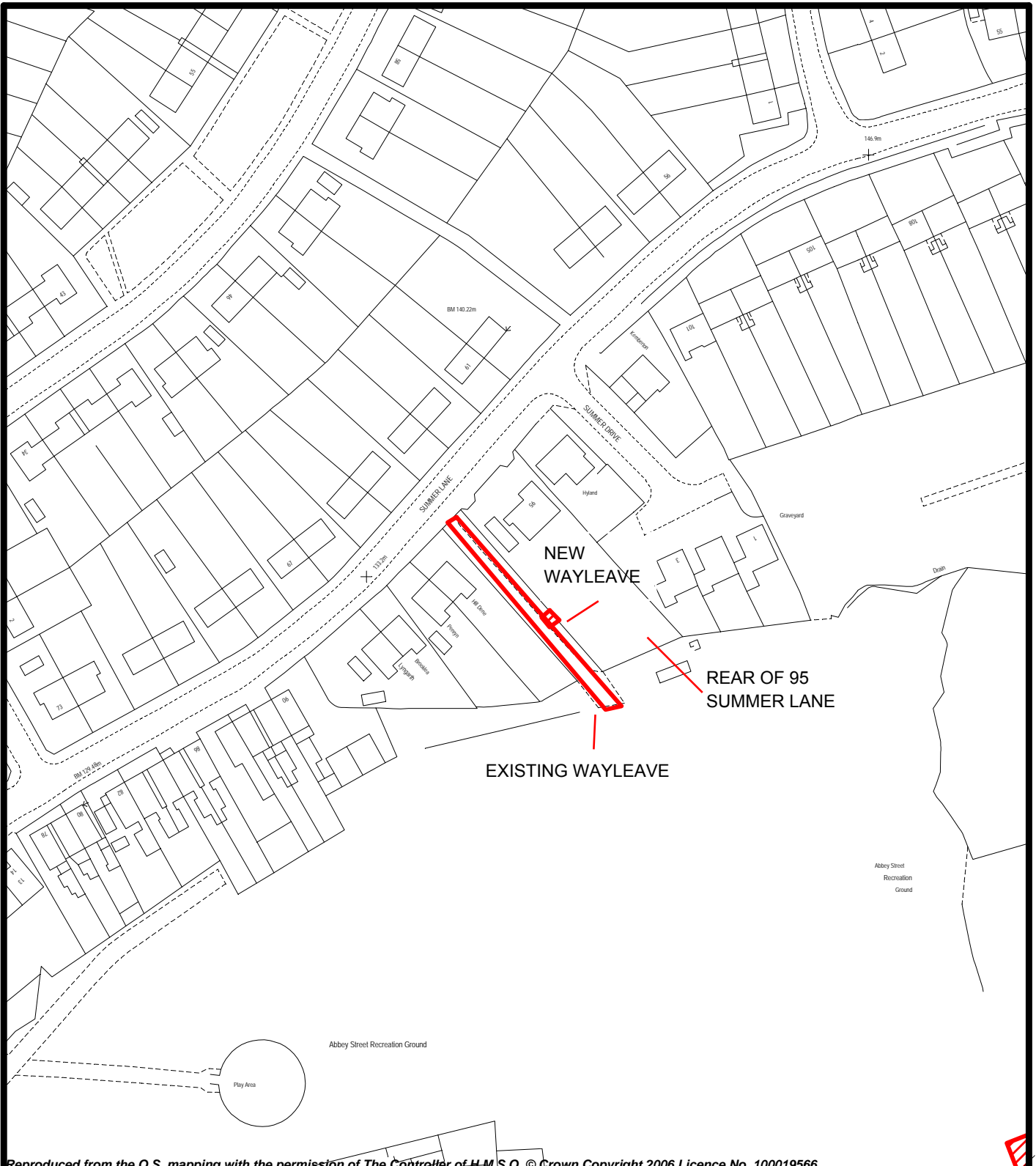
Proposal

That the North Dudley Area Committee advises the Cabinet Member for Leisure to approve the application for a wayleave on 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>LAND ADJOINING 95 SUMMER LANE LOWER GORNAL</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No 100019566</p> <p>CREATED BY: ALAN NUGENT, PROPERTY MANAGER, EXT 5351</p>	<p>SCALE: 1 : 1250</p> <p>DATE: 16-JAN-2006</p>	

Appendices

North Dudley Area Committee

Date: 23 March 2006

Request to declare surplus

Park Buildings, Park Road, Lower Gornal
(As shown on the plan attached)

Background

Park Buildings is a block of 6 empty shops with maisonettes above that are controlled by the Directorate of Adult, Community and Housing Services. The shops have all been vacant for many years and the tenants of the maisonettes have now been relocated. The building is therefore empty.

By a Decision sheet DOH/176/2003 dated 10th October 2003 it was agreed that the Council owned shops, maisonettes and garages on this site should be cleared and redeveloped with social rented housing. The housing was to be developed in partnership with a Registered Social Landlord and the preference for the area was bungalows.

Registered Social Landlords were asked to develop a scheme for bungalows on the site but the site was uneconomic to develop due to the steeply sloping site that would add to the scheme costs. A scheme was therefore developed for a block of two storey properties on the site, taking advantage of the sloping site so that each floor had ground level access.

The meeting of this Committee on 1st February 2006 considered a report regarding this proposal but recommended that the Cabinet Member for Housing refuse the scheme as the requirement in the area was for bungalows to meet the needs of elderly and infirm residents.

It is therefore considered that the best way forward is now to declare the site surplus to requirements for it to be sold on the open market for a development of bungalows.

Comments

The relevant Council Directorates have been consulted and no objections were received to the demolition of the existing buildings and the redevelopment of the site.

The Directorate of Adult, Community and Housing Services has undertaken consultation in the neighbourhood and with the Area Panel regarding the demolition and redevelopment of the site and consider that there is an identified need to provide more accommodation in the area.

The Area Committee wish the site to be redeveloped with bungalows.

Proposal

That the Area Committee ask the Cabinet Member for Housing to declare the site of Park Buildings, Park Road, Lower Gornal surplus to requirements, and for the site to be sold on the open market for a development of bungalows, on terms and conditions to be negotiated and agreed by the Director of Law and Property.

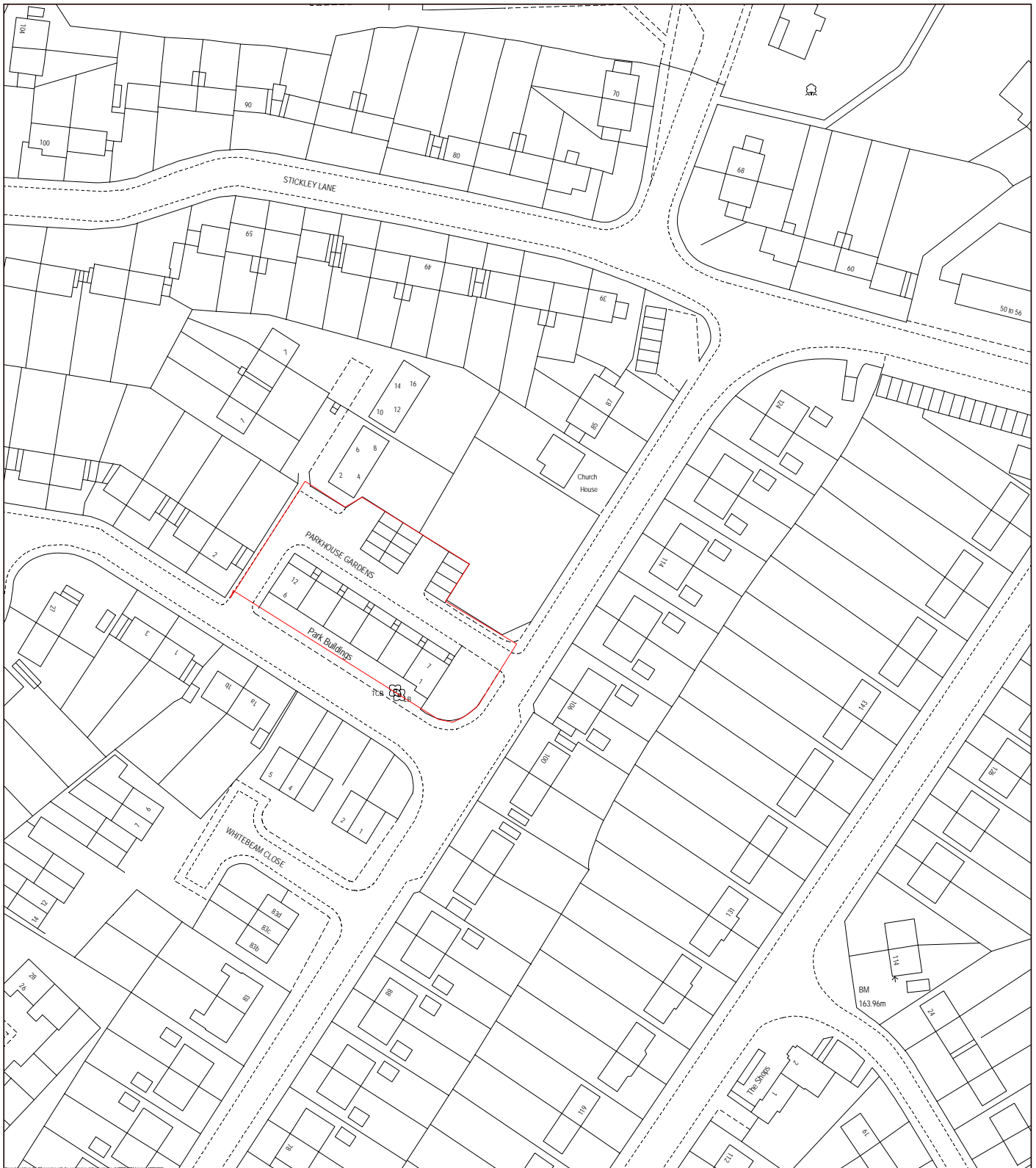
Background papers

1. Decision sheets and Council Minutes.
2. E-mails and memos from the Council Directorates.

Contact Officer:

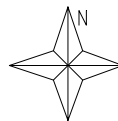
Susan Adams, District Housing Manager Ext. 2186

Gill Hudson, Property Manager, Ext. 5311



TITLE:

**PARK BUILDINGS
PARK ROAD
LOWER GORNAL**



SCALE:

1 : 1250

DATE:

09-SEP-2004

Corporate Estate Services
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