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**Central Dudley Area Committee – 11<sup>th</sup> September, 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.



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**John Polychronakis**  
**Director of Law and Property**

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### **List of Background Papers**

See individual appendices

**Central Dudley Area Committee**

**Date: 11<sup>th</sup> September 2007**

**Request for: Permanent access rights**

**Location: Land at Walker Street, Netherton**  
**(As shown on the plan attached)**

**Background**

An application has been received from the builder of two properties on private land at Walker Street, Netherton, requesting permanent pedestrian access rights across Council owned land as marked on the attached plan.

The two new properties 16 & 16A Walker Street currently have the benefit of rear access to both properties along the side and rear of 16 Walker Street.

The applicant wishes the Council to grant pedestrian access across the tenancy of 18 Walker Street, which is a Council house controlled by the Directorate of Adult, Community and Housing Services, so that 16A Walker Street, Netherton, can have rear pedestrian access directly to its garden and will not have to cross 16 Walker Street.

The land in question is part of the tenancy of 18 Walker Street and also provides a right of way that serves 20 Walker Street which is a former Council property which has been sold under the right to buy.

**Comments**

The relevant Council Directorates have been consulted and the Directorate of Adult, Community and Housing Services would not support the application to grant access rights across the land, as this would disrupt the quiet enjoyment of its tenant at 18 and would involve alterations to the access way and garden of 18 Walker Street. They therefore do not wish to disrupt the current arrangements and wish the application refused.

**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.

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WALKER STREET

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TITLE:

APPLICATION FOR ACCESS RIGHTS ACROSS LAND ADJ  
 TO: 18 WALKER STREET  
 NETHERTON



SCALE:

1 : 500

DATE:

04-MAY-2007

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