
North Dudley Area Committee – 27th June 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

North Dudley Area Committee

Date: 27th June 2007

Request for: Commercial Access Rights

Location: Furlongs Road, Sedgley
(As shown on the plan attached)

Background

An application has been received from Solicitors acting for the new owner of a private garage site off Furlongs Road, Sedgley, to regularise access rights to their site across Council owned land, from Furlongs Road, as shown marked on the plan attached.

The land that access is required over is controlled by the Directorate of Adult Community and Housing Services and is held for Housing purposes.

The former owner of the site developed the southern half of the land with four residential properties and sold the properties on, together with the access road leading from Dudley Road. This access road used to be the access to the whole of the site; however, since development of the southern part of the site, access has unofficially been gained from Furlongs Road across the Council land in question.

The new owner of the garage site therefore wishes to regularise access to their land by asking the Council to grant a legal right of access.

The applicant states that the owner's current intention is to keep the site as a garage site for the foreseeable future.

Comments

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

The Directorate of Law and Property state that there is an easement in existence for a Gas pipe within the land in question that runs from Furlongs Road to Dudley Road and the Gas Companies consent must be obtained before any alterations to the access way can be undertaken. There is also a public right of way that runs along the length of this access way. However neither of these matters will prevent the granting of access rights.

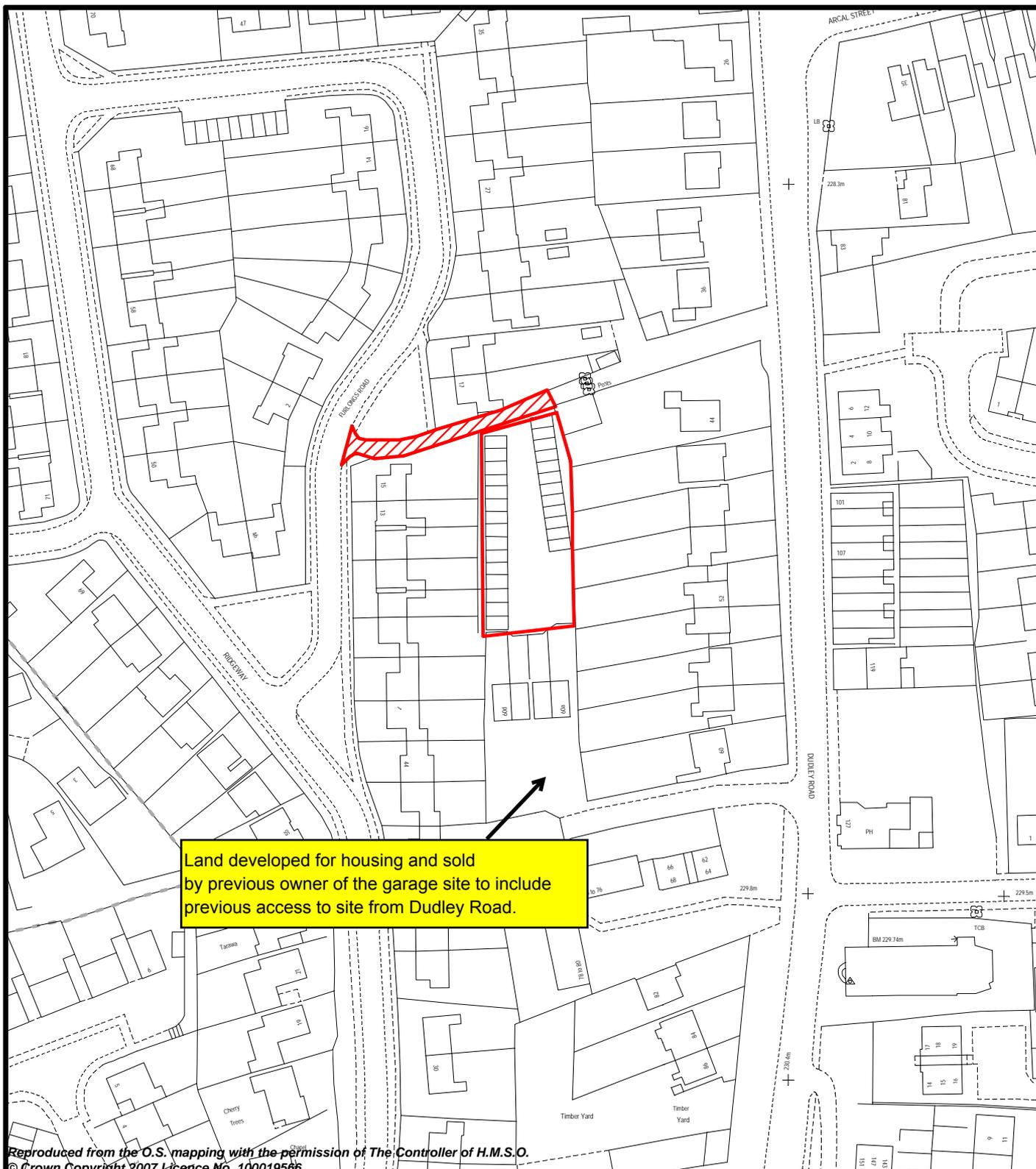
Proposal

That the Area Committee advise the Cabinet Member for Housing to approve the grant of access rights to the owner of the garage site, upon terms and conditions to be negotiated and agreed by the Director of Law and Property.

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



Land developed for housing and sold by previous owner of the garage site to include previous access to site from Dudley Road.

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<p>TITLE:</p> <p>Request for access rights across land off: Furlongs Road Sedgley</p> <p>Hatched area is the land that access rights are required over. privately owned land outlined</p> <p>OS data ref</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>CREATED BY: Gill Hudson, Property Manager. Ext: 5311</p>	<p>SCALE: 1 : 1250</p> <p>DATE: 07-MAR-2007</p>	

North Dudley Area Committee

Date: 27th June 2007

Request to Declare Land Surplus

Location: Land at corner of Jews Lane & Kent Street, Upper Gornal
(As shown on the plan attached)

Background

A request has been received from Environmental Health, the Directorate of the Urban Environment, to declare the land as surplus to requirements the Public Conveniences at the corner of Jews Lane and Kent Street. The convenience has suffered from severe damage and theft.

The land is under the control of the Director of Law and Property although it has been used by Environmental Health for Public Conveniences. The land was acquired for the junction improvements to Jews Lane and Kent Street. As well as the Public Conveniences, it has been requested that all the Law & Property land, excluding the land that has been used for the highway improvements, should be considered as surplus to requirements.

Interest in the site has been shown before by developers. At the time, it was considered premature to dispose of any of the land until the road improvements were completed.

Comments

The relevant Council Directorates have been consulted regarding the application.

The Directorate of the Urban Environment have confirmed that the Public Conveniences are surplus to requirements as they have been replaced on a separate site with a "Superloo". Any prospective purchaser should be made aware of the possibility of contamination on the site due to nearby industrial sites.

If approval is given for the land to be disposed of, then a more detailed plan of the site showing both the land to be retained for highway use and that which is surplus, will be produced by the Directorate of the Urban Environment. Any Statutory Undertakers equipment should remain in the public highway.

The Directorate of Law & Property has stated that there are discrepancies with the title. The boundaries appear to overlap with neighbouring properties and these will have to be addressed before the land may be disposed of.

Proposal

That the North Dudley Area Committee advise the Cabinet Member for Law & Property to declare the Public Conveniences at the corner of Jews Lane & Kent Street and adjacent land, Coseley, surplus to requirements and to be added to the Land Disposal Programme to be sold on the open market on terms and conditions 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>PUBLIC CONVENIENCE AT THE CORNER OF JEWS LANE & KENT STREET UPPER GORNAL</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>CREATED BY: ALAN NUGENT, PROPERTY MANAGER, EXT 5351</p>	<p>SCALE: 1 : 1250</p> <p>DATE: 20-DEC-2006</p>	

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North Dudley Area Committee

Date: 27th June 2007

Request to Purchase Land

Location: Adjacent to 21 Hospital Lane, Coseley
(As shown on the plan attached)

Background

A request has been received from the owner of 21 Hospital Lane, Coseley to purchase the Council owned land adjacent to their property. The land is on the corner of Hospital Lane and Portland Place, as shown hatched on the plan attached, and is required to extend the garden of 21.

The land is under the control of the Director of the Urban Environment and is used and maintained as Highway verge.

The applicant has complained that for the last four years local children have played football on this area of grass. Repeated requests have been made to them to stop kicking the ball over, screaming and shouting, as the applicant has a small child. This has only resulted in them throwing bricks over the hedge and has damaged the applicant's conservatory roof.

An area of the land in front of 30 Portland Place was sold some years ago for use as a drive.

Comments

The relevant Council Directorates have been consulted regarding the application.

The Directorate of the Urban Environment have in principle no objections to the sale of the land. It is no longer required for highway verge or a visibility splay and is therefore surplus to requirements. However, the sale of land is not an appropriate means of dealing with anti-social behaviour as it only moves the problem. As the site may have development potential, a better price may be obtained on the open market.

As the site is no longer required for highway verge or a visibility splay, then the Directorate of Law & Property considers that the site is suitable for residential development. Only as a last resort should it be sold for garden purposes.

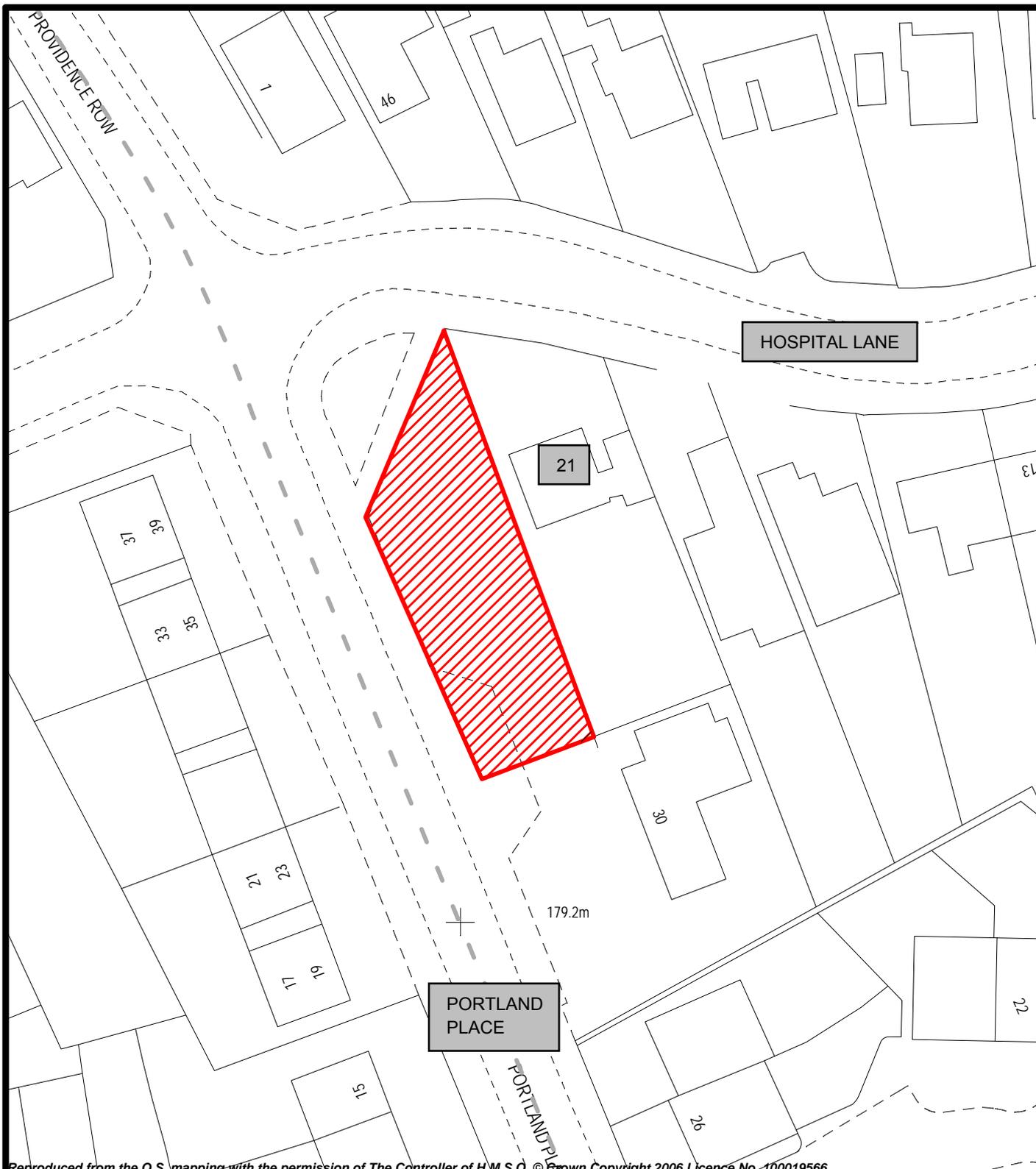
Proposal

That the North Dudley Area Committee advise the Cabinet Member for Transport to declare the land adjacent to 21 Hospital Lane, Coseley, surplus to requirements and to be added to the Land Disposal Programme to be sold on the open market on terms and conditions 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 ADJACENT TO 21 HOSPITAL LANE COSELEY WEST MIDLANDS WV14 9LF</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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