
Halesowen Area Committee - 25th January 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.

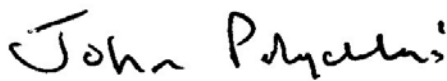
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

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

Contact Officers: Gill Hudson, Property Manager
Telephone: 01384 815311
Email: gill.hudson@dudley.gov.uk

Sonia McLean, Property Manager
Telephone 01384 815321
Email: sonia.mclean@dudley.gov.uk

Alan Nugent, Property Manager
Telephone 01384 815351
Email: alan.nugent@dudley.gov.uk

List of Background Papers

See individual appendices

HALESOWEN AREA COMMITTEE

DATE: 25TH JANUARY 2006

REQUEST FOR THE RELEASE OF A RESTRICTIVE COVENANTS

LOCATION: 56 STOURDELL ROAD, HALESOWEN

(As shown on the plan attached)

BACKGROUND

56 Stourdell Road is a former Council House purchased under the right to buy in 1983. The property is shown hatched on the attached plan.

A further area of land measuring 119.9 sq metres, (shown cross-hatched on the attached plan) situated between the property and the highway was sold to the applicant in 1985, to be used for garden land in connection with the adjoining property only. There is also a restriction contained in the conveyance of this additional area of land that states that the purchaser shall retain the existing mature trees on the land.

A request has been received from the owner of 56 Stourdell Road, Halesowen, asking for the consent of the Council to the release of both of the restrictive covenants relating to this land, to allow a drive- way to be built on the land so that the applicant can park their cars off the road.

The applicant states that Stourdell Road is congested with parked vehicles, which often cause a problem for the refuse collection vehicle to get through and could cause a problem for emergency services. The applicant therefore wishes to be released from the covenants on the land so that a driveway can be constructed on part of the land to provide off road parking.

The applicant states that only one mature tree will have to be removed to enable the scheme to go ahead.

COMMENTS

The relevant Council Directorates have been consulted regarding this matter and The Directorate of Adult, Community and Housing Services have no objections to the release of the covenants, providing the work to construct the driveway is undertaken professionally as there is a considerable difference in levels between the property and the highway. They would also impose a condition that the land is properly surfaced with either tarmac block paving or concrete but not gravel, as it can become a nuisance and a danger if it is thrown around.

The Directorate of Urban Environment have no objections in principle to the release of the restrictive covenants. However, the applicant should first contact the Tree Management Officer in relation to the removal of any trees.

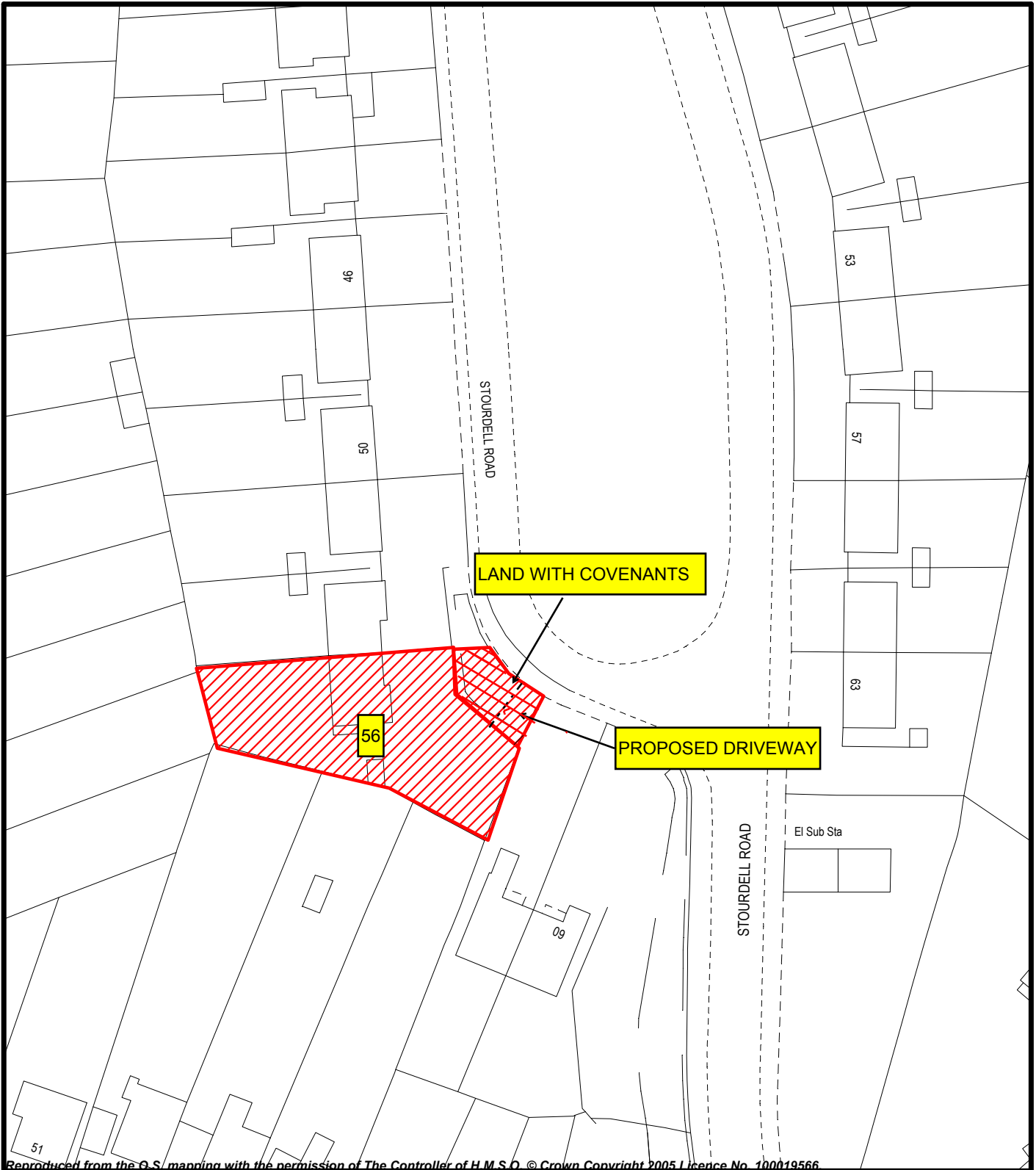
PROPOSAL

That the Central Dudley Area Committee advises the Cabinet Member for Housing to approve the release of the restrictive covenants on the affected land, on conditions set out above, to enable the applicant to construct a driveway.

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



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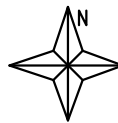
APPLICATION FOR RELEASE OF RESTRICTIVE COVENANTS.
56 STOURDELL ROAD
HALESOWEN

area cross-hatched is the subject of the covenants

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CREATED BY:

GILL HUDSON- PROPERTY MANAGER. EXT:5311



SCALE:

1 : 625

DATE:

27-SEP-2005

Corporate Estate Services

Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

