
Halesowen Area Committee – 28th June 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.

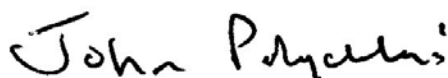
7. Section 123(2A) of the Local Government Act, 1972 requires the Council prior to any disposal of open space to advertise notice of its intention to do so for two consecutive weeks in a newspaper circulating in the area in which the land is situate and to consider any objections which may be made.
8. The various statutory undertakers 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.
9. Sections 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.
10. Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 enables the Council to apply a provision to any land it sells restricting its future use, provided the relevant section of the Act is specifically referred to in the transfer document and it is registered as a local land charge.
11. 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

12. The proposals take into account the Council's equal opportunities policies.

Recommendation

13. It is recommended that proposals contained in the attached Appendices be approved.



.....
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

Appendices

Halesowen Area Committee

Date: 28th June 2006

Request for: Application for Change of Use

Location: 21 Queensway, Halesowen
(As shown on the plan attached)

BACKGROUND

A request has been received from the tenant of 21 Queensway, Halesowen to change the user clause of his lease. D & M News is sited on land owned by the Council under the control of the Directorate of Law and Property as shown hatched black on the plan attached.

The tenant (Mr K S Bains) currently sells sweets, pop and newspapers. He has also recently purchased a chiller and now supplies milk and snacks. Mr Bains would like to change the user clause of his lease to allow him to sell alcohol on the premises. He states that his customers have shown an interest and he would be willing to sell alcohol especially with the closing of Morrisons. Additionally, he states that there are not many off licences around in the area and he also has an advantage of having parking outside the shop.

COMMENTS

All of the relevant Council Directorates have been consulted regarding the proposal and no objections have been received to change the user clause of the lease to allow the lessee to sell alcohol. The Directorate of Law and Property state that they have no strong views on the merits of the tenant being allowed to sell alcohol.

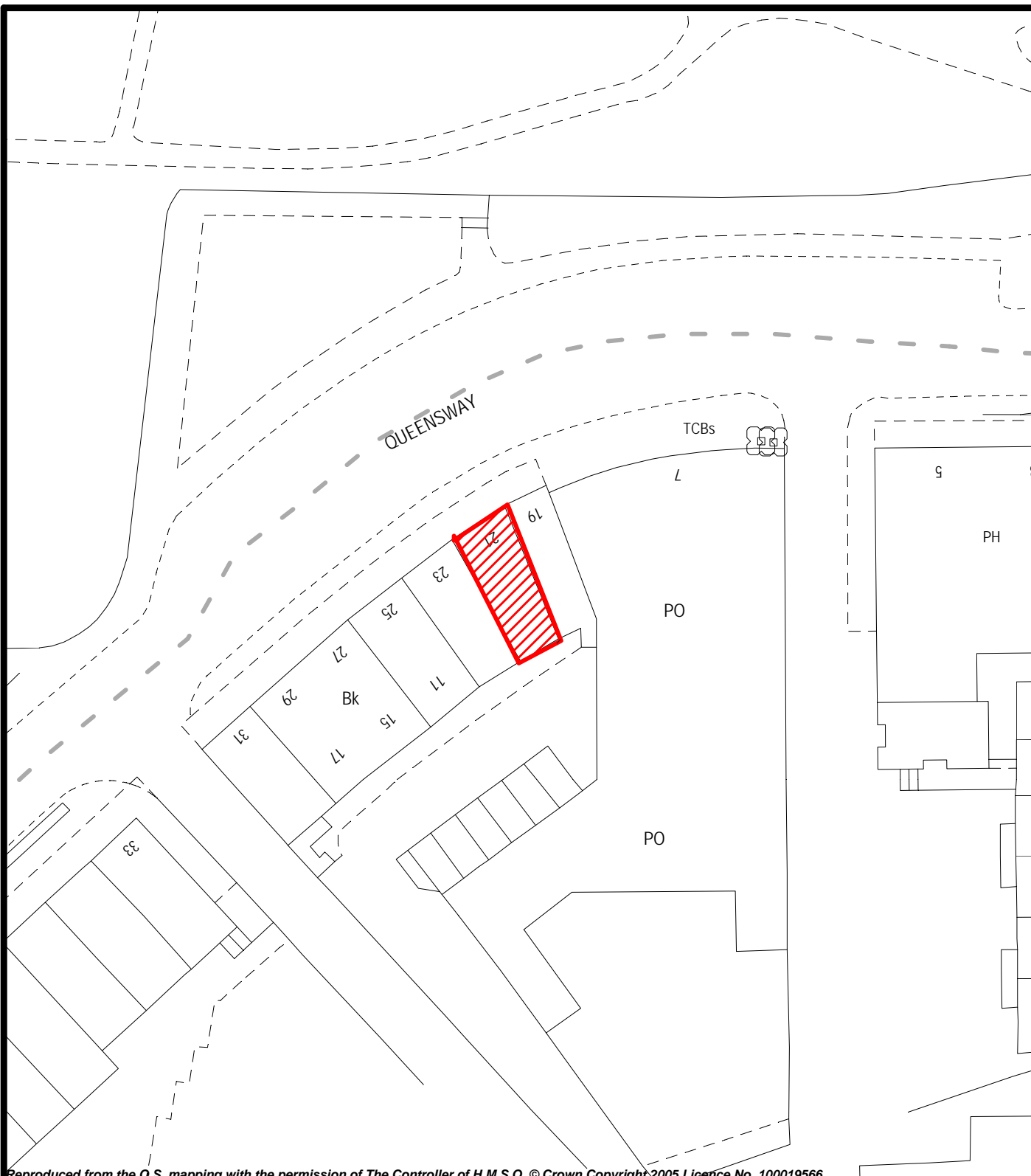
PROPOSAL

That the Area Committee advise the Cabinet Member for Personnel, Legal and Property approve the application to change the user clause to sell alcohol, subject to the applicant obtaining any necessary licences appropriate and on the terms and conditions to be negotiated 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: Sonia McLean, Property Manager, Ext. 5321



Reproduced from the O.S. mapping with the permission of The Controller of H.M.S.O. © Crown Copyright 2005 Licence No. 100019566

TITLE:

21 Queensway,
Halesowen



SCALE:

1 : 500

DATE:

08-DEC-2005

Corporate Estate Services
Directorate of Law and Property
3 St James's Road
DUDLEY
West Midlands
DY1 1HZ

OS data reproduced with the permission of the Controller of HMSO 2005 Licence No 100019566

CREATED BY:

Sonia McLean - Property Manager, Ext. 5321



Appendices

Halesowen Area Committee

Date: 28th June 2006

Request for: Purchase Land

Location: Maybrook House, Queensway, Halesowen
(As shown on the plan attached)

BACKGROUND

A request has been received from the Council's tenant, Croudace Properties, to purchase the freehold of Maybrook House, Queensway, Halesowen, as shown hatched black on the plan attached.

Croudace lease the office part of Maybrook House under a 125-year lease from the Council and the Council retains the lower ground floor for use as a car park.

The lease to Croudace Properties is from 1975, so has 95 years to expiry at an annual rent of £8000 and there is no strategic reason for the Council to retain the freehold of this property. It would make more practical sense for Croudace to become the freeholder of the whole building to allow better management of the premises, clarify responsibilities for repairs to the structure and for reinstatement and buildings insurance. If the Council were to lease back the lower ground floor on a lease for at least 25 years at a nominal rent, there would be no effect on the operational use of the public car park. The current ownership split reduces the investment value of Maybrook House and if there is a rearrangement of the ownerships as proposed the Council would share in the increase in value to realise a significant capital receipt.

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

COMMENTS

All of the relevant Council Directorates have been consulted regarding the proposal. The Directorate of the Urban Environment have no objections to the sale of the freehold of Maybrook House subject to satisfactory terms and conditions being negotiated with the Directorate of Law and Property.

The Directorate of Law and Property have no objections to the sale of the freehold. The change in the Council's ownership from freehold to leasehold need not have any effect on the use and operation of the premises as a public car park as long as the provisions of any new lease are negotiated correctly.

PROPOSAL

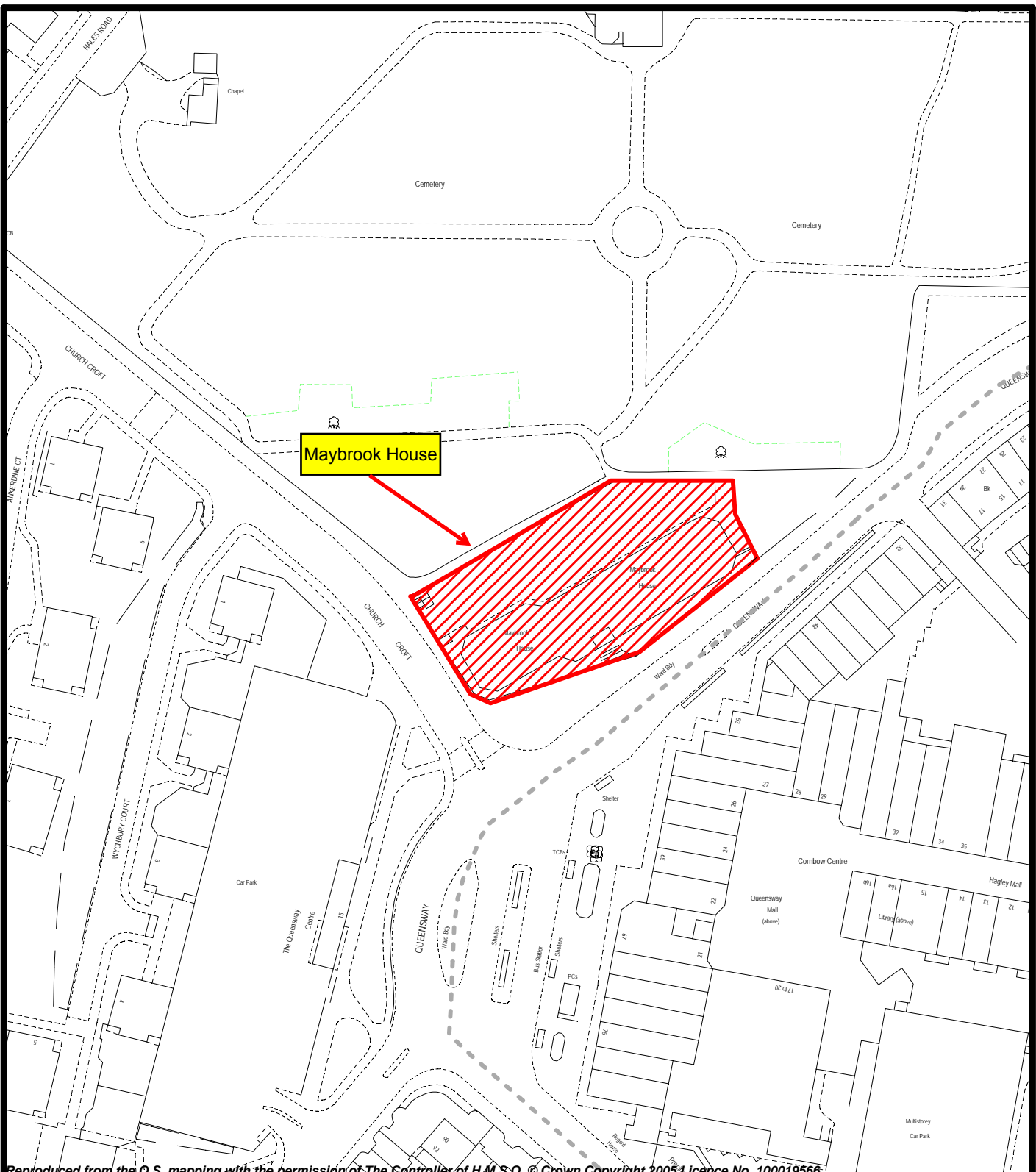
That the Area Committee consider the application and make a recommendation to the Cabinet Member for Leisure to sell the freehold interest in Maybrook House on terms and conditions to be negotiated by the Director of Law and Property including the leasing back of the lower ground floor as a public car park.

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



Reproduced from the O.S. mapping with the permission of The Controller of H.M.S.O. © Crown Copyright 2005 Licence No. 100019566

TITLE:

Maybrook House

Queensway

Halesowen



SCALE:

1 : 1250

DATE:

04-MAY-2005

Corporate Estate Services
Directorate of Law and Property
3 St James's Road
DUDLEY
West Midlands
DY1 1HZ

OS data reproduced with the permission of the Controller of HMSO 2004 Licence No. 100019566

CREATED BY:

Sonia McLean - Property Manager, Ext. 5321



Appendices

Halesowen Area Committee

Date: 28th June 2006

Request for: Vehicular Access

Location: To the rear of 23 Brandon Road, Halesowen
(As shown on the plan attached)

Background

A report regarding this matter was considered by this Committee at its meeting on 2nd February 2005. The Area Committee resolved to advise the Cabinet Member for Housing and the Cabinet Member for Leisure to refuse the application as objections were raised by Ward Members who wished an alternative route to be considered.

To reiterate, a request has been received from the owner of 23 Brandon Road for vehicular access across Council land to the property as shown on the plan attached. The applicant had been renting a garage from the Council on Brandon Road garage site, but was served with a notice to quit when the Council sold the garage site for redevelopment. The applicant therefore planning to build a garage in his rear garden and requires access across the land as shown. The applicant has stated that he has disabilities and the approval of this application would provide much needed assistance.

The land is under the control of the Directorate of Adult, Community and Housing Services and the Directorate of the Urban Environment.

The applicant has now supplied an alternative route to support his application and the relevant Council Directorates have again been consulted.

COMMENTS

No objections to the revised proposal for granting access have been received.

The Directorate of the Urban Environment suggest that if the barrier is moved approximately 5m north east, at a cost to be met by the applicant, the applicant would not have to get out of his car to open the barrier which would alleviate the security issues

At the Council meeting on 19th July 2004 it was resolved to approve changes to the constitution in relation to how some land matters are handled. It was agreed that certain matters can be circulated to Ward Members instead of referral to Area Committee and if they are in agreement, a decision sheet can be signed by the relevant Cabinet Member. If there are any objections or complications the matter should then be referred to the appropriate Area Committee meeting for consideration. This case falls into one of the

categories that could be dealt with in this manner, being permission to create a domestic vehicular access.

The Ward Members have again been consulted regarding the new proposal but they still have concerns relating to the applicant's personal safety as he could be vulnerable whilst opening and closing the barrier and also opening his garage door as this would be completely out of sight, except to park users.

The adjacent park has a recent history of serious anti-social behavior. Until 2003 a large shower and changing room block for footballers was located there, but this had to be demolished because of vandal and arson attacks, which rendered the building unsafe. Ward Members were concerned regarding who would pay for the relocation of the barrier, the surface leading to the applicant's garage door and relevant street lighting provision. It was also thought that it might lead to similar requests for vehicular access from other residents.

However, further consultation has been undertaken regarding the Ward Members concerns and The Directorate of the Urban Environment state that regarding lighting of the area, there is sufficient street lighting at Moat Drive to light the area, that by moving the barrier 5m north-east the issue of security would be resolved and the land could be suitably surfaced by the Directorate of the Urban Environment, if the applicant were willing to pay the costs. Any other forms of security found to be necessary would also have to be paid for by the applicant.

Regarding other residents requiring similar access agreements, each application would be considered individually upon its own merit and would be at a fee to be negotiated. This case has been considered in the light of the applicant's personal disabilities and the removal of his existing garage due to the sale of the garage site.

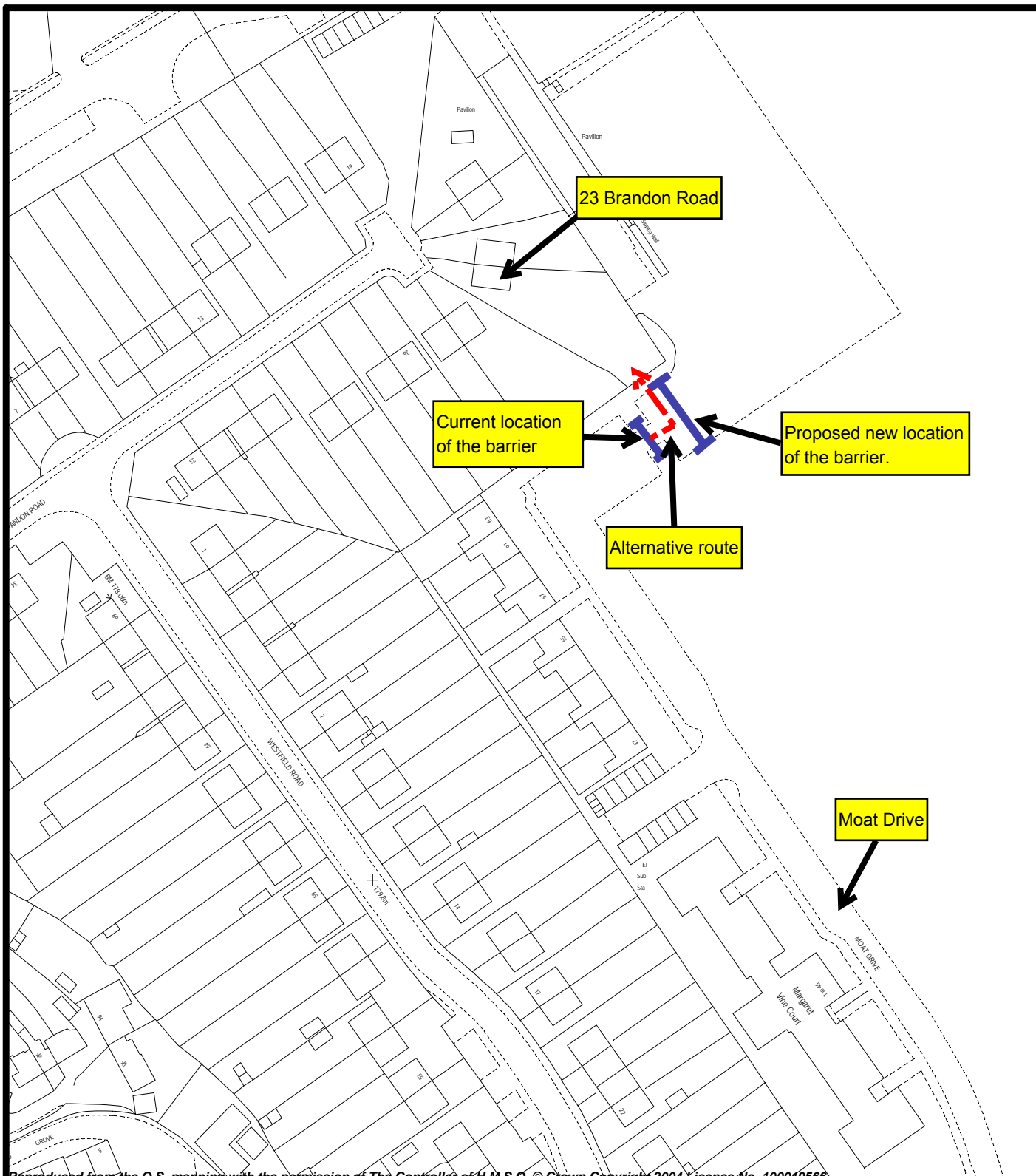
PROPOSAL

That the Area Committee advise the Cabinet Member for Housing and Cabinet Member for Leisure to approve the application for vehicular access to the rear of 23 Brandon Road, Halesowen, subject to the barrier being relocated, the access way surfaced and any other security issues required being funded by the applicant, on 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: Sonia McLean, Property Manager, Ext. 5321



<p>TITLE:</p> <p>Proposed Vehicular Access to the rear of</p> <p>23 Brandon Road</p> <p>Halesowen</p> <p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No 100019566</p> <p>CREATED BY:</p> <p>Sonia McLean - Property Manager, Ext. 5321</p>	<div data-bbox="874 1765 1002 1886"> </div> <div data-bbox="849 1921 976 1989"> <p>SCALE:</p> <p>1 : 1250</p> </div> <div data-bbox="849 1998 976 2065"> <p>DATE:</p> <p>02-DEC-2004</p> </div>	<p>Corporate Estate Services</p> <p>Directorate of Law and Property</p> <p>3 St James's Road</p> <p>DUDLEY</p> <p>West Midlands</p> <p>DY1 1HZ</p> <div data-bbox="1216 1998 1449 2110"> </div>
--	---	---