

Stourbridge Area Committee –21st January 2008

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.

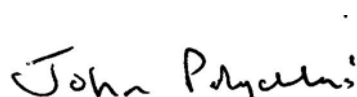
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

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

Stourbridge Area Committee

Date: 21st January 2008

Application to Purchase Land

Location: To the rear of 45 Lady Grey's Walk, Wollaston
(As shown on the plan attached)

Background

An application has been received from the owner of 29 Lyttleton Road, Wollaston, a former Council house sold under the Right to Buy, to purchase a portion of land that is controlled by the Directorate of Adult, Community and Housing Services, as shown marked on the plan attached.

The land forms part of the tenancy of 45 Lady Grey's Walk and the owner of 29 Lyttleton Road, Wollaston wishes to purchase this area of land in order to provide off road parking for his vehicle and possibly the erection of a small garage.

The applicant states that he has approached the tenant of 45 Lady Grey's Walk regarding this matter who is happy for the purchase to go ahead.

For your information, the previous owner of 31 Lyttleton Road sold over half of the rear garden of the property of No. 29 Lyttleton Road some years ago. In addition, No. 31 Lyttleton Road purchased a strip of land in 2005 for the purposes of off street parking, garden land and the erection of a car port or single domestic garage.

Comments

All of the relevant directorates have been consulted regarding this matter. However, the Directorate of Adult, Community and Housing Services have visited the site and confirm that from a Housing point of view they would be reluctant to support the sale of this land.

Although the current tenant has no use for the garden land, it should be retained in Council ownership for the benefit of future tenants. The Directorate of Adult, Community and Housing Services also have a policy of not normally selling parts of tenants' gardens to other occupiers and the Directorate of Law and Property consider that the disposal of this area of land should be refused.

Proposal

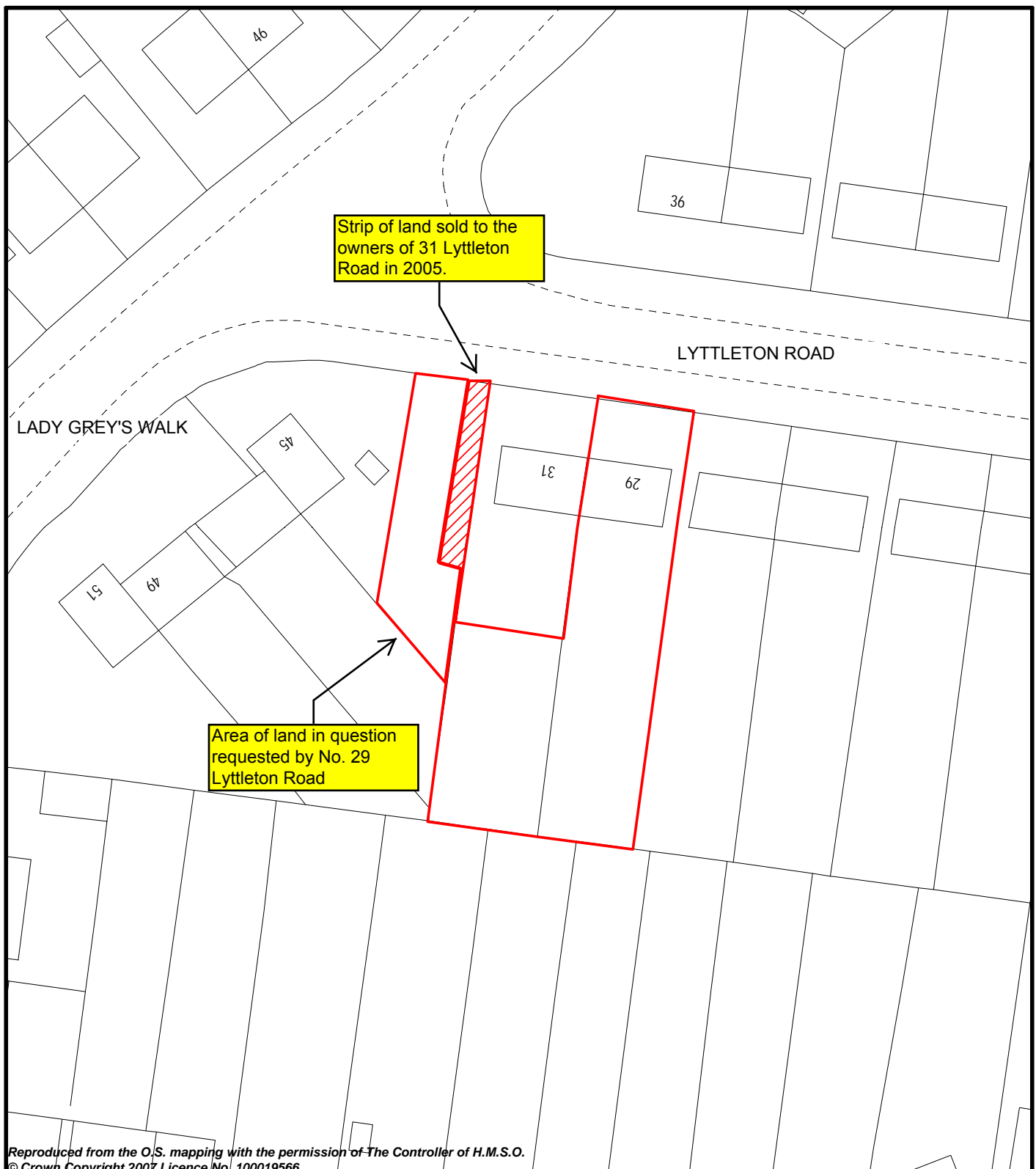
That the Area Committee advise the Cabinet Member for Housing to refuse the application to purchase land to the rear of 45 Lady Grey's Walk, Wollaston for the reasons set out above.

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

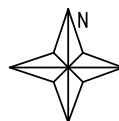


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TITLE:

Land at the rear of
 45 Lady Grey's Walk
 Wollaston
 Stourbridge

31974/FMSF



SCALE:

1 : 500

DATE:

19-SEP-2007

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 Directorate of Law and Property

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