
Halesowen Area Committee – 12th September 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.

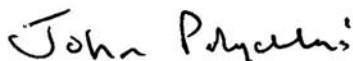
Equality Impact

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

The Directorates when formulating their view on the attached land items have considered the effects on children and young people. Any relevant issues will be reported in the individual appendices.

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

Halesowen Area Committee

Date: 12th September 2006

Request to Lease Land

Location: Land adjacent to 116 Colley Gate, Halesowen
(As shown on the plan attached)

Background

An application has been received from Mr I J Newton, Managing Director of Financial Services (Sefton) Limited in Lancaster to lease the above mentioned Council owned land, as shown marked on the plan attached.

The land is under the control of the Directorate of the Urban Environment and is held for car parking purposes.

The applicant owns 116 Colley Gate and wishes to develop a living accommodation above the shop units into two flats and associated car parking facilities. Therefore, requires the Council permission to grant a lease on the adjacent car park to greatly improve the overall car parking capacity.

The applicant states that for a nominal rent, they would assume responsibility for the maintenance and upkeep of the car park and on the granting of planning consent they would resurface and improve both car parks to the benefit of shoppers and residents alike.

For your information, a report was presented to the Halesowen Area Committee on 2nd February 2005 for the purchase of the land in question but was refused due to the potential redevelopment of the whole site including 116 Colley Gate.

Comments

The relevant Council Directorates have been consulted regarding this application. The Directorate of Law and Property have no objections to the request to lease the car park on condition that it is no longer required for public parking. However, objections have been raised by the Directorate of the Urban Environment who state that the lease should be refused because it would prejudice local regeneration as regards to the Council policy. The levels and means of new access to A458 would be prejudicial to the safe and efficient operation of the public highway. Additionally, The Directorate of the Urban Environment state that the boundary between 116 Colley Gate and the car park removed by the owner should be reinstated at his expense to protect the public users of the car park.

Proposal

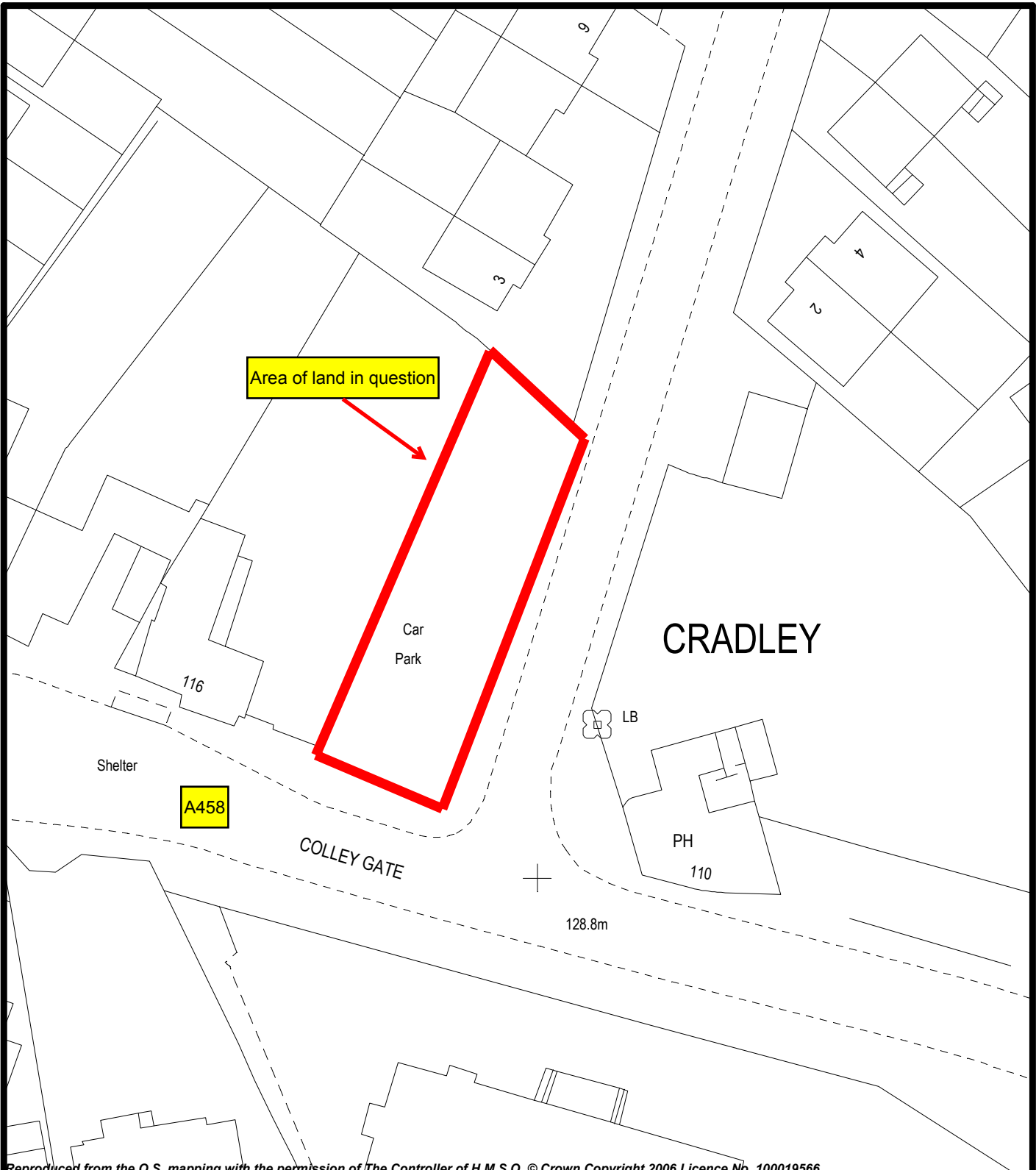
That the Area Committee advise the Cabinet Member for Transportation to refuse the lease of the car park adjacent to 116 Colley Gate, Halesowen.

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 Adjacent 116 Colley Gate

Halesowen



SCALE:

1 : 500

DATE:

28-APR-2006

**Corporate Estate Services
Directorate of Law and Property**

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

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CREATED BY:

Sonia McLean - Property Manager, Ext. 5321



Halesowen Area Committee

Date: 12th September 2006

Request to purchase land

Location: Rear of 60 Whittingham Road, Halesowen.
(As shown on the plan attached)

Background

An application has been received from the owner of 60 Whittingham Road, Halesowen, which is a privately owned property, to purchase an area of Council owned land to the rear of his garden.

The land forms part of a Council owned garage site off Cranmoor Crescent and is controlled by the Directorate of Adult, Community and Housing Services. There is an access across this garage site to an adjacent Council owned allotment site.

The applicant wishes to purchase the land to enclose within his garden for additional garden land. The applicant states that the garages are in a bad state of repair, the land is used for anti social behaviour and is infested with vermin. He therefore considers that the land would look a lot better and be more secure as part of his garden. The area measures approximately 88square metres.

The applicant would also consider purchasing a larger area of land if the Council were in agreement.

Comments

The relevant Council Directorates have been consulted regarding the application and objections have been received from the Directorate of Law and Property, the Directorate of Adult, Community and Housing Services and the Directorate of the Urban Environment as the disposal of this land would leave an irregular shaped site and may prejudice any future development of the land. It should therefore be retained in Council ownership.

The Director of Law and Property has no delegated authority to refuse the sale of this land and the matter must therefore be considered by this Area Committee before the decision is made by the relevant Cabinet Member.

Proposal

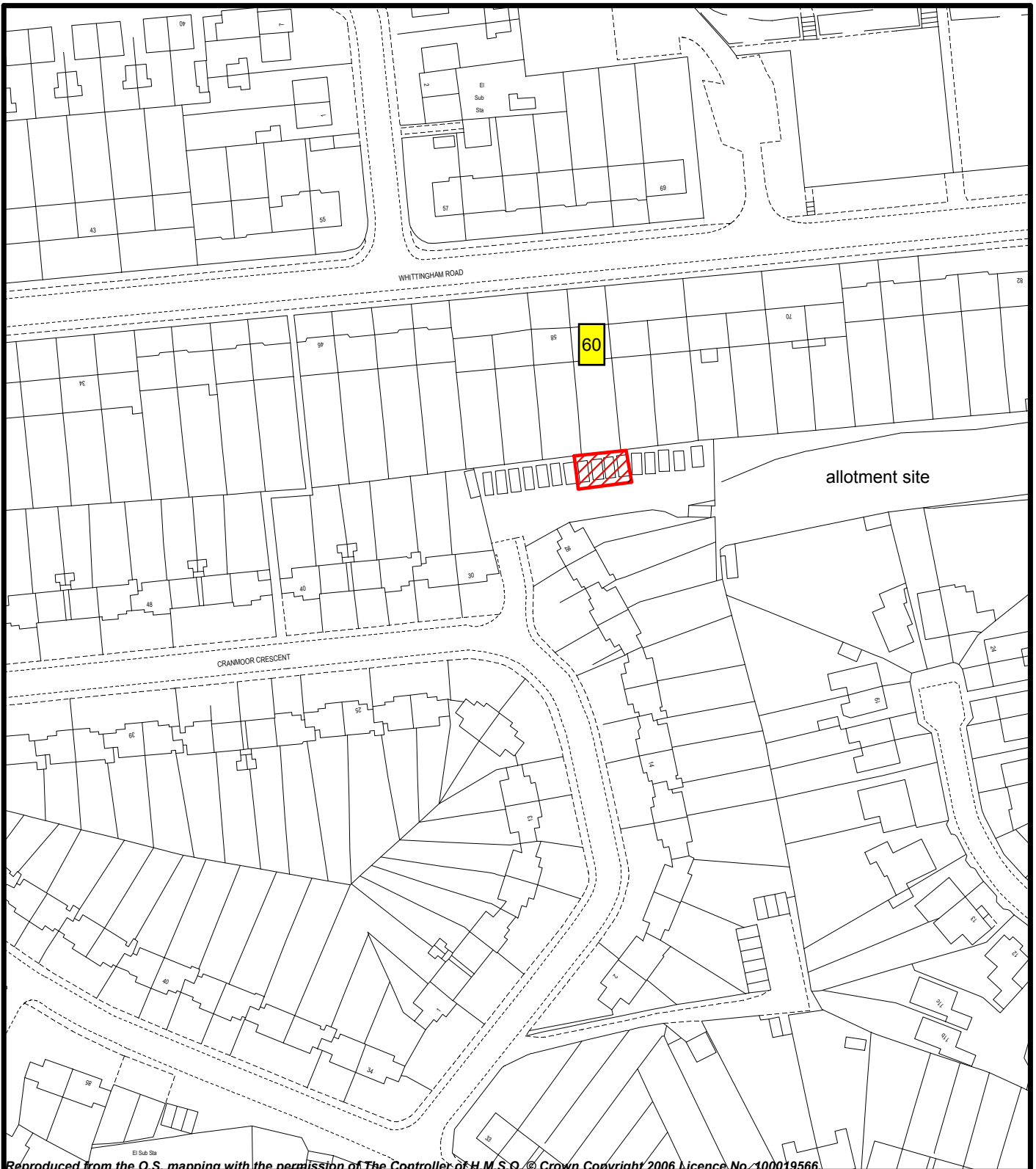
That the Area Committee advise the Cabinet Member for Housing to refuse the application.

Background papers

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Gill Hudson, Property Manager, Ext. 53119



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TITLE:

application to purchase land rear of:
60 Whittingham Road
Halesowen



SCALE:

1 : 1250

DATE:

18-JUL-2006

Corporate Estate Services

Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

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CREATED BY:

Gill Hudson. Property Manager. Ext: 5311. Ref: 31699fmsf

Dudley
Metropolitan Borough Council

Halesowen Area Committee

Date: 12th September 2006

Request for: Visibility Splay

Location: Bromsgrove Street, Halesowen
(As shown on the plan attached)

Background

A request has been received from a developer to gain rights over the Council owned land as shown marked on the plan attached to provide access.

The small triangle of land is required for a visibility splay to a new day nursery at the front of Hillside bungalow off Bromsgrove Street. The applicant is willing to purchase or acquire a long lease of the land required.

The Planning Application for the Day Nursery was approved with conditions (planning application P06/0550 and P00/51839 refer).

The land is under the control of the Director of Law & Property.

Comments

The relevant Council Directorates have been consulted regarding the application and it is considered that the land should be retained in Council ownership.

The Director of Law & Property considers a Restrictive Covenant on the land restricting the lands use in favour of the owner of the site for visibility purposes, is most appropriate.

The Director of the Urban Environment considers that any approval should be subject to the applicant complying with the planning conditions included in the planning application, including a suitable visibility splay.

Proposal

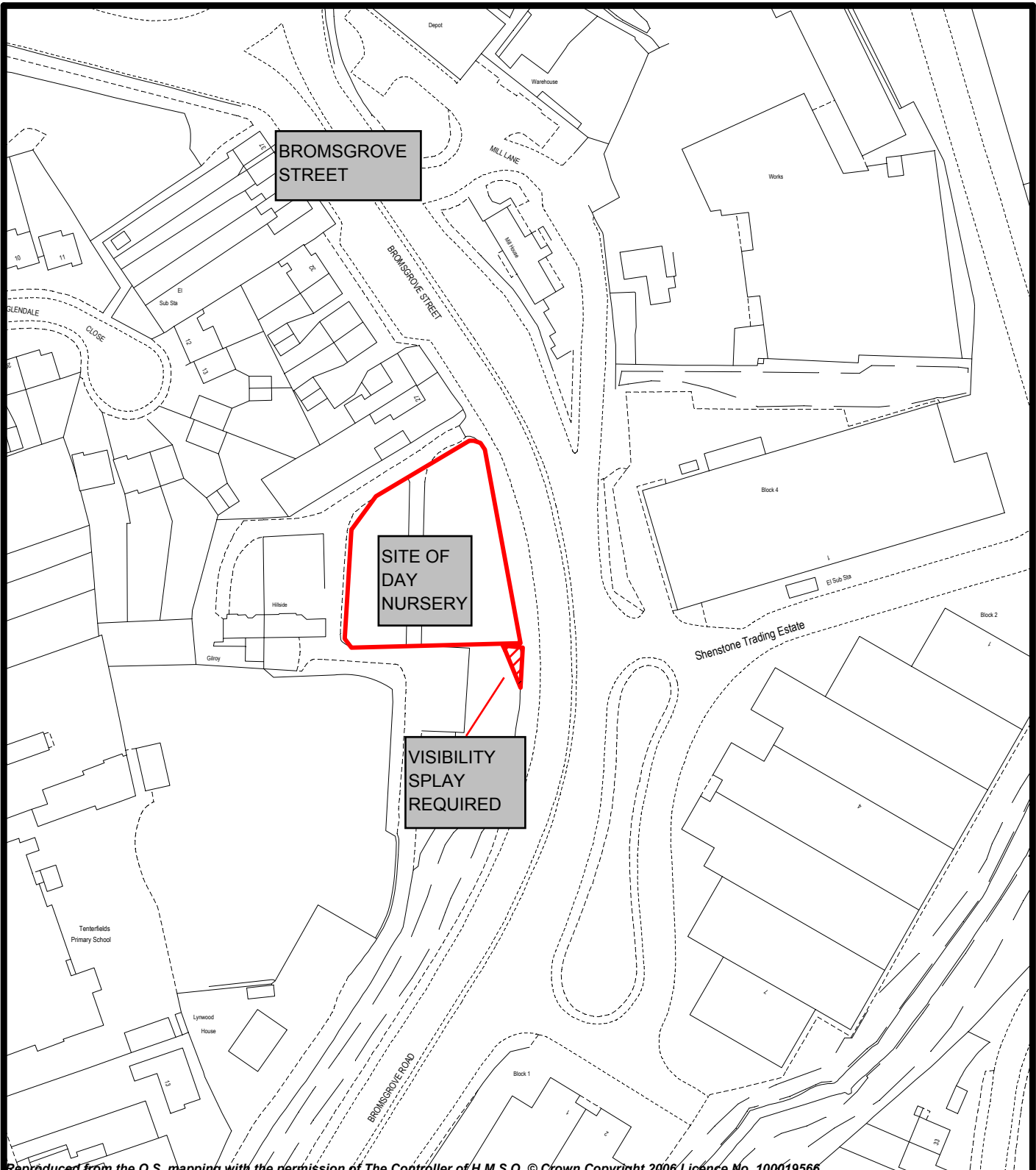
That the Area Committee advises the Cabinet Member for Personnel, Law & Property to approve the application for the Restrictive Covenant on the Council owned land at Bromsgrove Street, Halesowen subject to compliance with Planning Conditions, and on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

1. Letters from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Alan Nugent, Property Manager, Ext.5351



TITLE:

VISIBILITY SPLAY
PROPOSED DAY NURSERY
BROMSGROVE STREET
HALESOWEN



SCALE:

1 : 1250

DATE:

16-MAY-2006

Corporate Estate Services
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

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CREATED BY:

ALAN NUGENT, PROPERTY MANAGER, EXT 5351



Halesowen Area Committee

Date: 12th September 2006

Request to purchase land

Location: Land at Maple Road, Halesowen
(As shown on the plan attached)

Background

A previous application by the applicant to purchase this area of land, due to anti-social behaviour, was deferred from the Halesowen Area Committee at its meeting on the 14th December 2005, so that the Directorate of the Urban Environment could undertake a further assessment of the area and make recommendations.

A feasibility study for this area has now been completed by the Directorate of the Urban Environment. A further report on this agenda considers this issue.

The applicant has now therefore reapplied to purchase the land but this time for a different reason. Colesbury Limited own adjacent property at 295 Long Lane, and wish to purchase the area of Council owned land on the corner of Maple Road, Halesowen as marked on the plan attached.

The land currently has a low level brick wall around it, which is approximately 2 ft high and the ground inside is levelled to the top of the wall. It was once used as a planter for flowers and shrubs.

The applicant wishes to purchase this land as part of a residential redevelopment of their adjacent site. The intention is to demolish the offices and build new flats as a residential redevelopment.

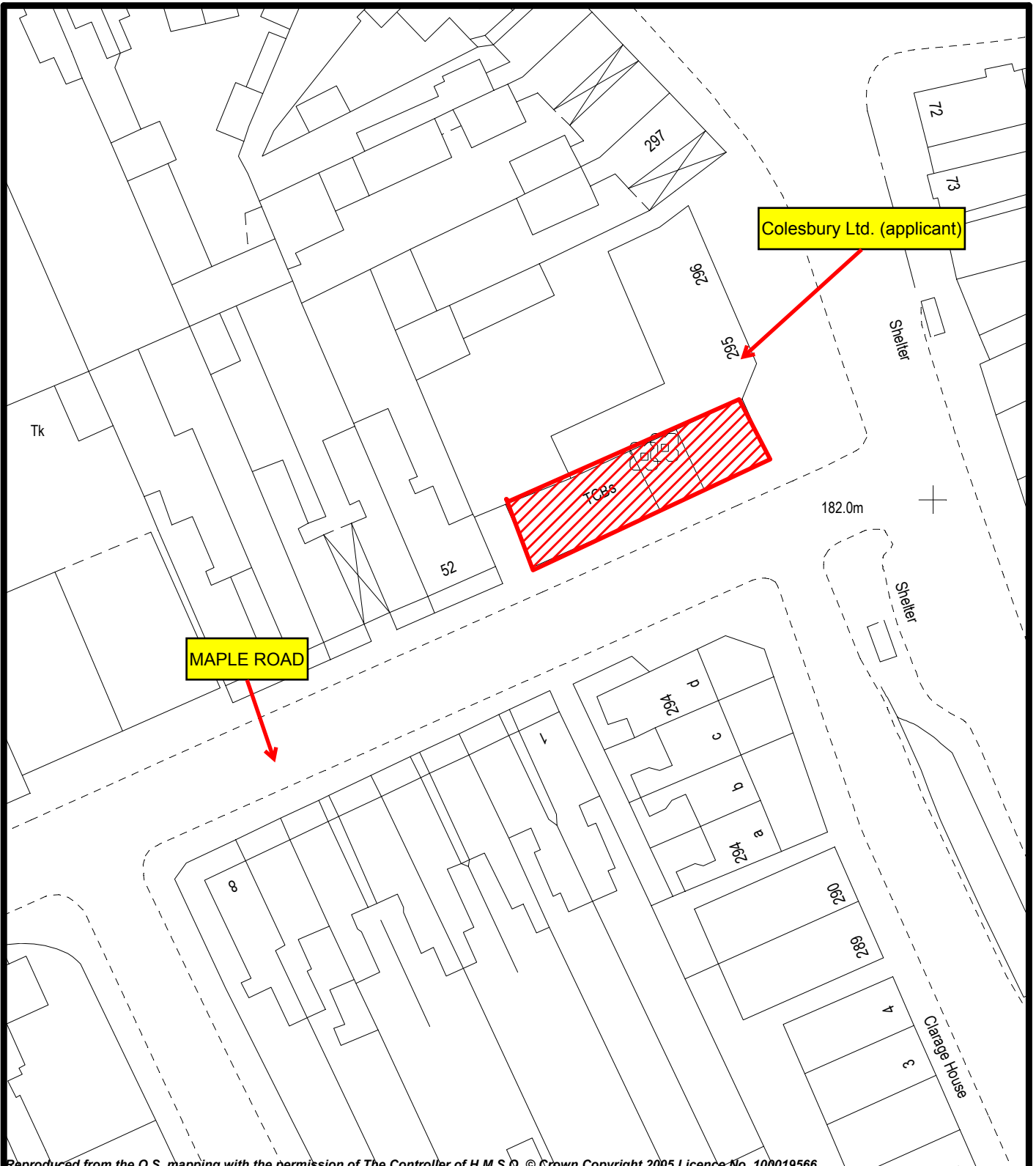
The land is under the control of the Directorate of the Urban Environment.

Comments

The relevant Council Directorates have been consulted regarding the application and no objections to the sale of the land for inclusion in the residential development site have been received. In light of the findings of the feasibility study and the potential for the proposed residential development to act as a catalyst for further investment in Shell Corner Local Centre.

Proposal

That the Area Committee advise the Cabinet Member for the Environment to approve the sale of the land to the applicant on terms and conditions to be negotiated and agreed by the Director of Law and Property.



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TITLE:

*Maple Road
Halesowen
Former Public Conveniences*



SCALE:
1 : 500

DATE:
18-MAR-2005

**Corporate Estate Services
Directorate of Law and Property**

3 St James's Road
DUDLEY
West Midlands
DY1 1HZ

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CREATED BY:

Sonia McLean



Background papers

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

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