

**Halesowen Area Committee – 24<sup>TH</sup> 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.

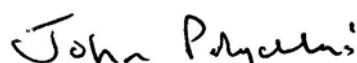
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

### **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**

Contact Officers: Gill Hudson, Principal Property Manager  
Telephone: 01384 817068  
Email: [gill.hudson@dudley.gov.uk](mailto:gill.hudson@dudley.gov.uk)

Sonia McLean, Property Manager  
Telephone 01384 815321  
Email: [sonia.mclean@dudley.gov.uk](mailto:sonia.mclean@dudley.gov.uk)

Alan Nugent, Property Manager  
Telephone 01384 815351  
Email: [alan.nugent@dudley.gov.uk](mailto:alan.nugent@dudley.gov.uk)

**List of Background Papers**  
See individual appendices

**Halesowen Area Committee**

**Date: 24<sup>th</sup> January 2008**

**Request for: Application for Vehicular and Pedestrian Access**

**Location: Homer Hill Road, Homer Hill, Halesowen**

**(As shown on the plan attached)**

**Background**

An application has been received from LHP Law Solicitors on behalf of their client, Harper Jones Limited for vehicular and pedestrian access over the above mentioned Council owned land, as shown marked on the plan attached.

The land is under the control of the Directorate of Children's Services and is held for educational purposes and forms part of the access to the Cradley High School site.

Harper Jones Limited have developed the site of the former Homer Hill bungalow at Homer Hill Road by demolishing the original bungalow and erecting three new bungalows. Planning permission for the development was granted under PO5/2290 for the formation of separate access points, the applicant was under the misapprehension that no further consent was required and is therefore still responsible for securing any necessary consents from the landowner by way of purchasing or obtaining access rights across the Council owned land.

The applicant have obtained buyers for the bungalows, one of the buyers is keen to proceed with the purchase, she being disabled and suffering from M.S. and urgently in need of this accommodation.

**Comments**

All of the relevant Council Directorates have been consulted regarding this matter.

The Directors of Children's Services state that this request forms the access to a larger site of the Cradley High School and the future use of the site has not yet been determined. However, on condition that there will be no prejudice to the development of the school site, there are no objections to the proposed.

The Directorate of the Urban Environment state that legally the developer of the bungalow site should have acquired the vehicular access rights to his development regardless of the Council granting planning permission for these access points being established. The first bungalow has direct access from Homer Hill Road. Additionally, the granting of access agreements to bungalows 2 and 3 is unlikely to prejudice future highway improvements to Homer Hill Road. Any highway improvements required for the school will need to include access to the bungalows, cemetery and other highway frontages.

In view of the foregoing, it is recommended that an access to the two bungalows is granted along the road to Cradley High School and across the triangular piece of land.

## **Proposal**

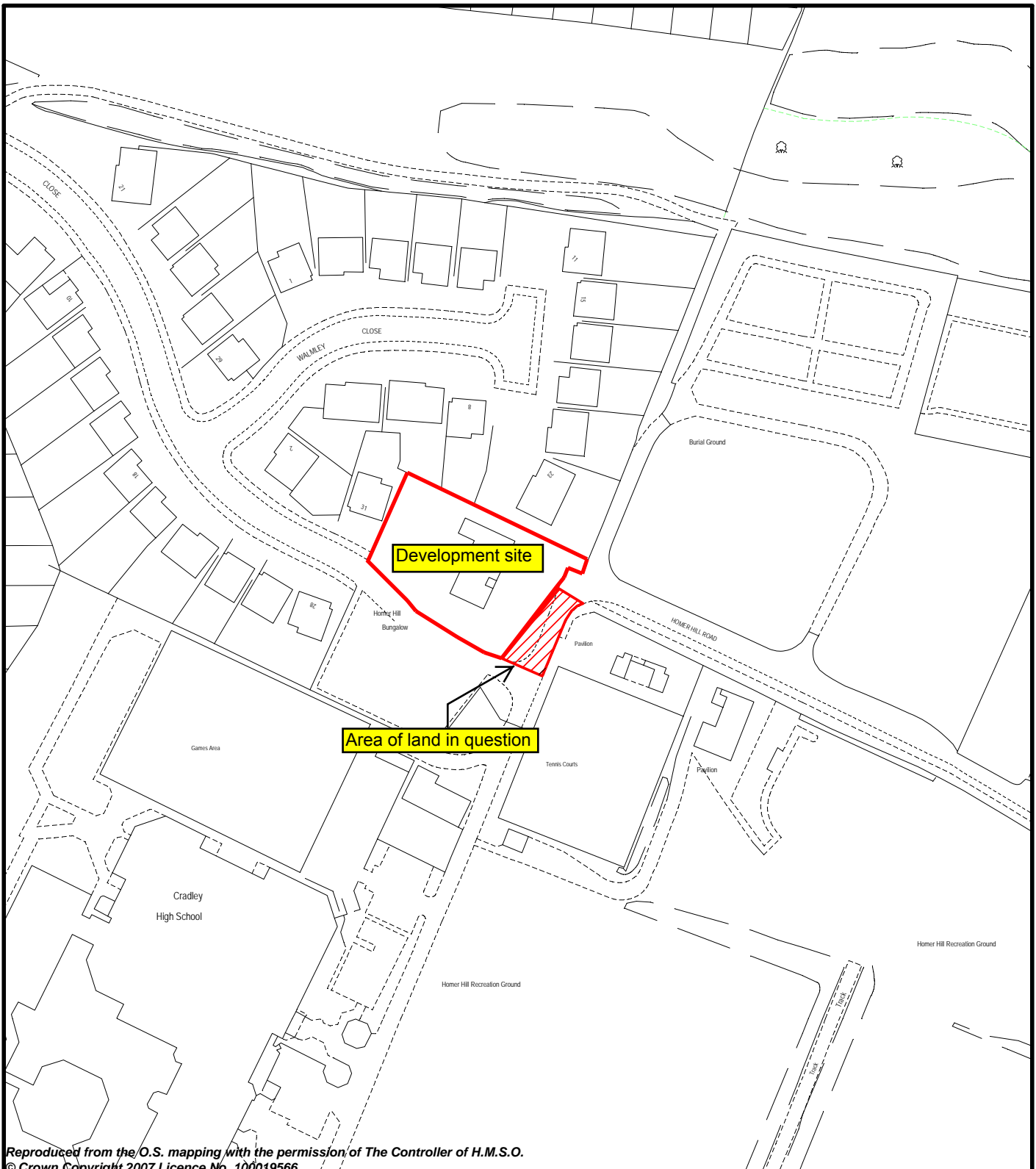
That the Area Committee advise the Cabinet Member for Children's Services to approve the granting of vehicular and pedestrian access agreement at Homer Hill Road, Homer Hill, Halesowen on terms and conditions to be negotiated and agreed by the Director of Law & Property.

## **Background papers**

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

Contact Officer:

Sonia McLean, Property Manager, Ext. 5321

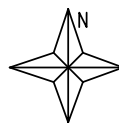


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TITLE:

Homer Hill Road  
Homer Hill  
Halesowen

8299/FMAG



SCALE:

1 : 1250

DATE:

31-DEC-2007

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

