
Brierley Hill Area Committee - 27th October 2005

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.

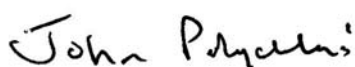
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

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

Brierley Hill Area Committee

27 October 2005

Report of the Director of Law and Property

Request For Disposal of 15 William Street, Brierley Hill

Background

15 William Street, Brierley Hill was purchased under Part 5 of the Housing Act 1957, in October 1972 and is held for housing purposes. The property is a two bedroomed end terraced house with downstairs bathroom at the rear of the kitchen and has been let through the Housing waiting list for many years.

The property is now vacant and In order to make the property habitable and achieve a basic Decent Homes Standard, the property will require between £45-50,000 worth of repairs. It is therefore uneconomic to relet.

There are no similar properties owned by the Council adjacent and the Brierley Hill Area Panel have agreed that the property is surplus to the Directorate's requirements and have asked that it be disposed of. They have suggested that the property could be put for auction.

Comments

The relevant Council Directorates have been consulted regarding this matter and no objections have been received to the disposal with the proposal.

The Current policy regarding disposal of residential properties is that once the property has been declared surplus to requirements, The Director of Law and Property will instruct an appointed outside agent to advertise the property for sale on the open market. The disposal of the property will therefore be dealt with in this manner.

Proposal

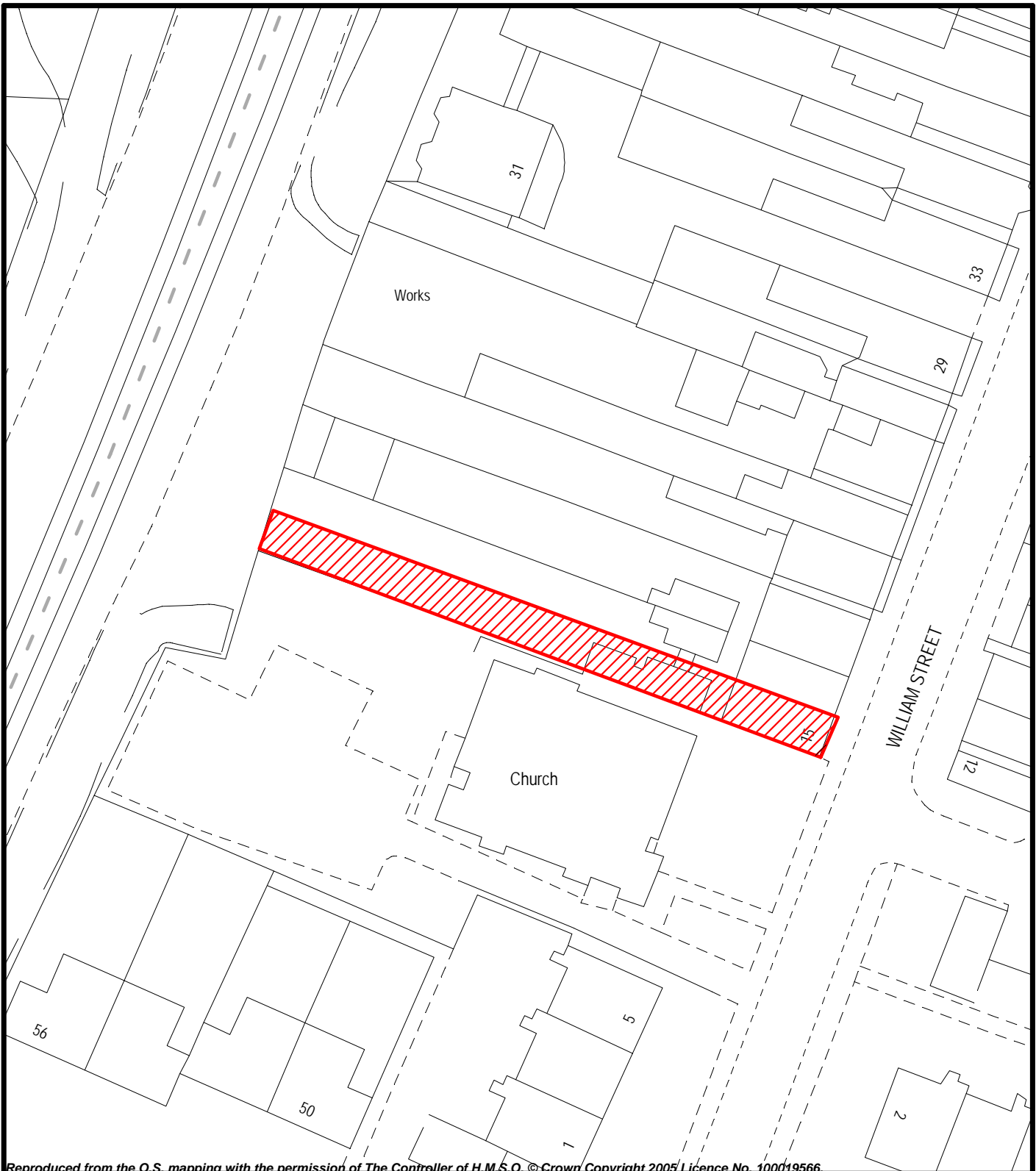
That the Area Committee recommend that the Cabinet Member for Housing declare 15 William Street, Brierley Hill surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background Papers

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

Contact Officer:

Gill Hudson, Property Manager, Ext 5311



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TITLE:

DISPOSAL OF 15 WILLIAM STREET BRIERLEY HILL



SCALE:

1 : 500

DATE:

05-AUG-2005

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

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Appendices

Brierley Hill Area Committee

27 October 2005

Report of the Director of Law and Property

Request For Disposal of 95 Adelaide Street, Brierley Hill

Background

95 Adelaide Street, Brierley Hill was purchased in March 1968, under the Housing Act 1957 Part 5, for housing purposes. The property has been let through the Housing waiting list, but is now empty.

The property is a two bedroomed end terraced house and in order to make the property habitable and get it up to a basic decent home standard, it requires between £35-40,000 worth of repairs. It is therefore uneconomic to re-let.

The Directorate of Housing's Area Panel has recommended that the property is declared surplus to requirements and suggests that it may be sold at auction.

Comments

The relevant Council directorates have been consulted regarding this matter and no objections have been received to the disposal of the property.

The Current policy regarding disposal of residential properties is that once the property has been declared surplus to requirements, The Director of Law and Property will instruct an appointed outside agent to advertise the property for sale on the open market. The disposal of the property will therefore be dealt with in this manner.

Proposal

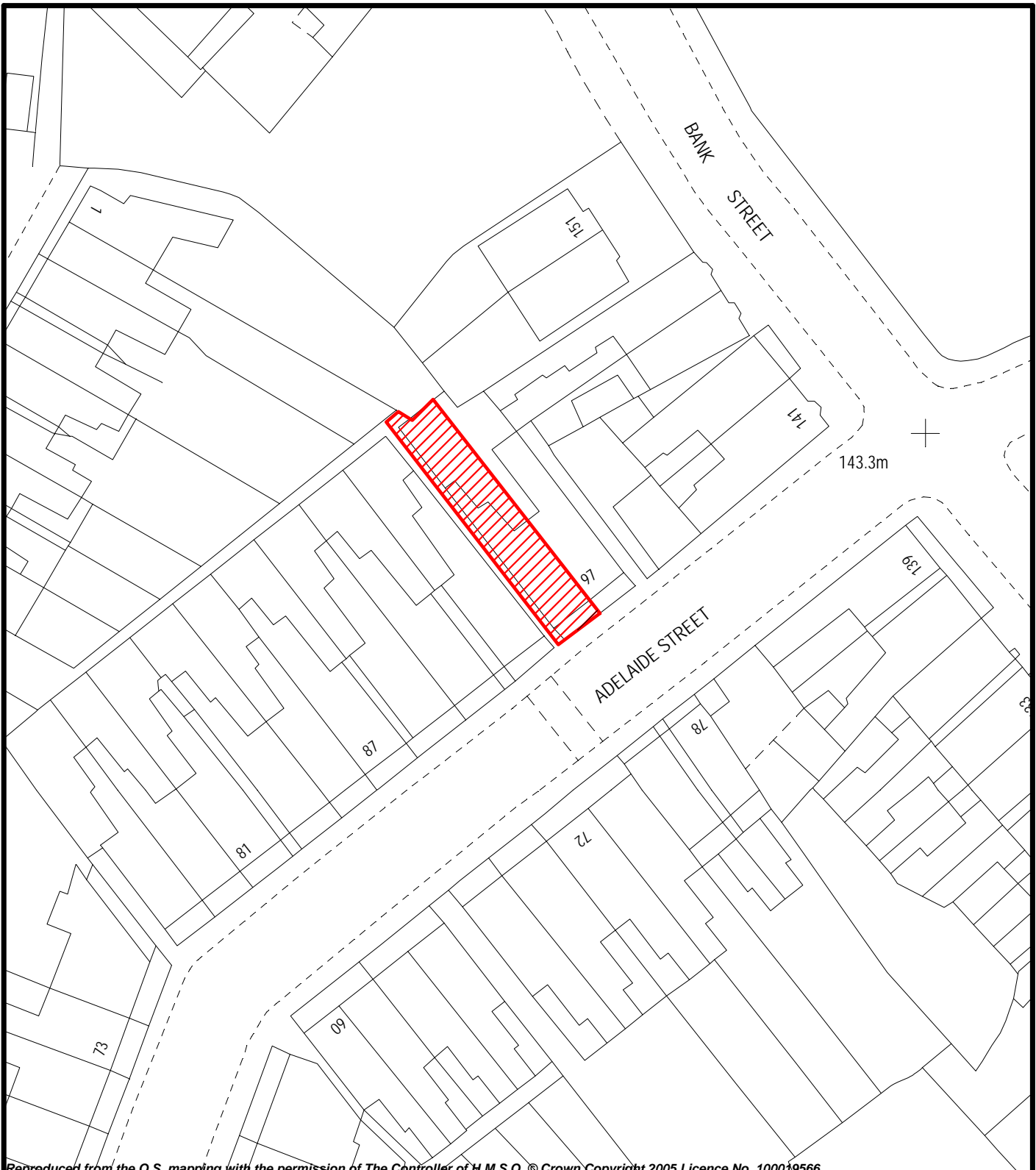
That the Area Committee advise the Cabinet Member for Housing to declare 95 Adelaide Street, Brierley Hill surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background Papers

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

Contact Officer:

Gill Hudson, Property Manager, Ext 5311



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TITLE:

95 ADELAIDE STREET



SCALE:

1 : 500

DATE:

21-JUL-2005

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

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Brierley Hill Area Committee

27 October 2005

Report of the Director of Law and Property

Application to Purchase land fronting 30/30A Planet Road, Brierley Hill

Background

A request has been received from the Leaseholder of flat 31A Planet Road, Brierley Hill, to purchase the Council owned land as shown on the plan attached. The land is under the control of the Directorate of Housing.

31A Planet Road is a leasehold flat sold under the right to buy by the Directorate of Housing and the area fronting the property was also sold with the flat as private garden.

The applicant has now applied to purchase an additional area of garden land fronting 30/30A Planet Road, which is adjacent to the land already owned. The applicant states that she wishes to purchase the land as she has looked after it and tended it for the past 7 years and has spent a considerable amount of money in keeping this land well cultivated. She considers that as a result, it is one of the nicest gardens in the Road. If allowed to buy the land the applicant has stated that she will continue to make the garden pleasant for everyone in the vicinity.

If a sale were agreed, it would be a leasehold sale in line with other leasehold sales.

Comments

The relevant Council Directorates have been consulted regarding this matter and objections to the disposal of the land have been received from the Directorate of Adult, Community and Housing Services and The Directorate of Law and Property.

This area of land would normally form part of the garden for Flat 30A Planet Road and it is considered that the land should be retained in Council ownership as the garden area for the flat. If the land is to be sold, it should be sold along with flat 30A under the right to buy, as its designated garden in line with other disposals.

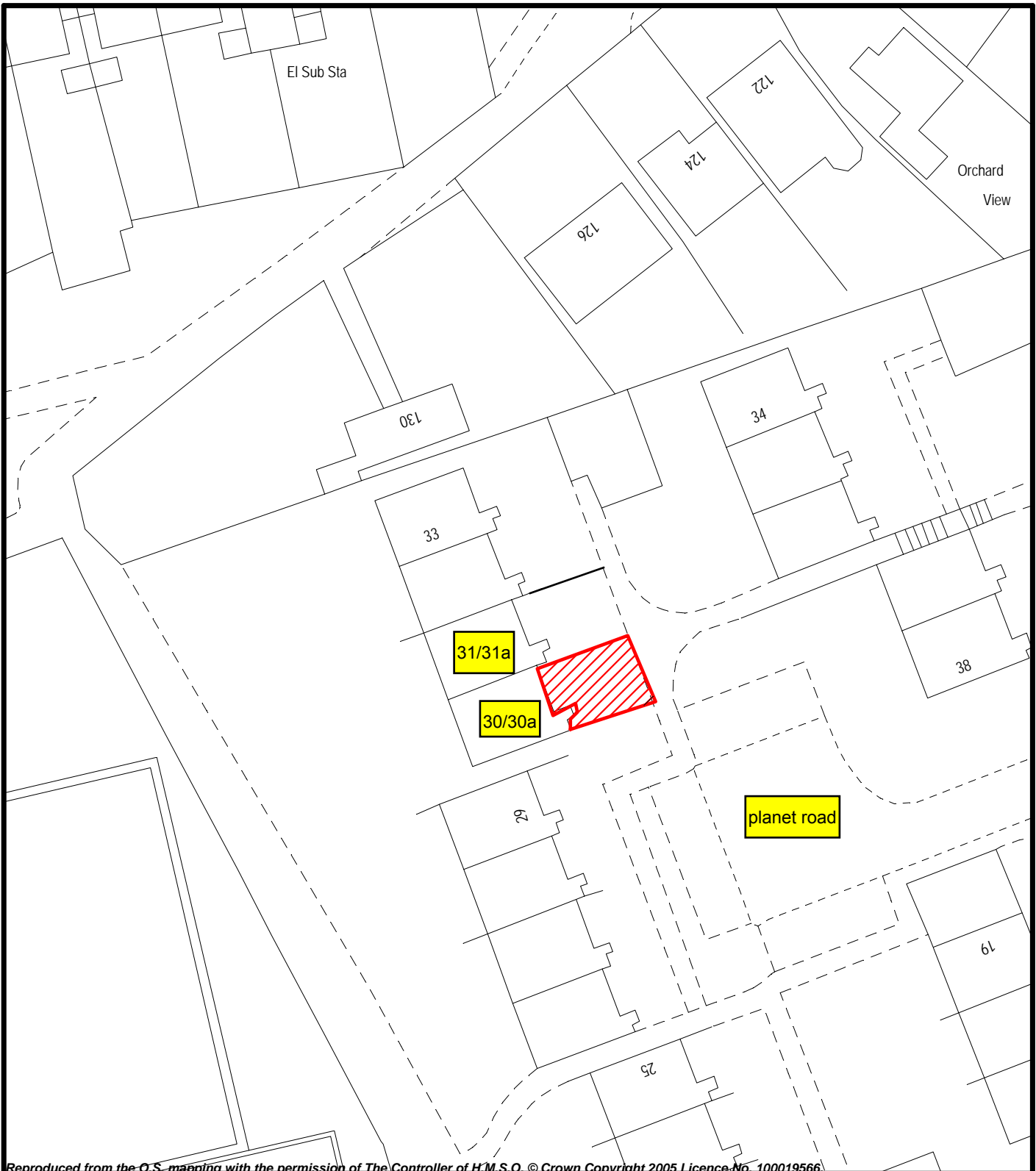
Proposal

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 5311



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TITLE:

APPLICATION TO PURCHASE
LAND FRONTING 30 PLANET
ROAD
BRIERLEY HILL



SCALE:

1 : 500

DATE:

22-JUL-2005

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

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Dudley
Metropolitan Borough Council

Appendices

Brierley Hill Area Committee

Date: 27th October 2005

Disposal of land

Location: Rear of "The Happy Return", Moor Street, Brierley Hill

(As shown on the plan attached)

Background

An area of land to the rear of "The Happy Return" Public House in Moor Street, Brierley Hill, was sold to Wolverhampton and Dudley Breweries in 1948. The surrounding land is controlled by the Directorate of Housing and was purchased for housing purposes in 1933.

There is an area of land between the backs of properties in Cooper Avenue and the land owned by the brewery, which was omitted from the 1948 sale and is still in the ownership of the Council. This is a small strip of land running the length of the rear boundaries of properties 7 – 21 Cooper Avenue. It is believed that this was omitted in error.

There has recently been a problem with a tree located on this area of land whereby the tree fell in a storm causing considerable damage to property in a garden. It was first thought that the land was owned by the Brewery but when documents were studied it was discovered that the strip of land was in fact still in Council ownership. This has resulted in an insurance claim against the Council.

The Brewery have now contacted the Council and asked if we would consider either selling or entering into a joint sale of this strip of land and also an area of land owned by the Council between 177 and 179 Moor Street, to enable the whole site to be redeveloped for perhaps 2 bungalows, subject to planning consent. The land off Moor Street would enable access to be gained to facilitate the new development. The disposals would also bring into use an otherwise overgrown and landlocked site.

It has therefore been proposed that the Brewery either purchase the strip of land between 177 and 179 Moor Street and the strip of land to the rear of Cooper Avenue, or that the Council enters into a joint sale with the Brewery to dispose of the whole site for residential development.

By Decision Sheet DOH/073/2004, it was agreed to declare the land between 177 and 179 Moor Street, surplus to requirements, to be offered for sale to the adjoining owners of 177 and 179 Moor Street and a sale had been negotiated with the owner of 177 Moor Street for the land to be sold for garden land. This sale has now been aborted so that the development potential of the larger site can be explored in the light of this application.

Comments

The relevant Council Directorates have been consulted regarding this matter and no objections to the disposal of both areas of land have been received.

The Directorate of Law and Property consider that the area of land to the rear of properties in Cooper Avenue should be transferred to the ownership of the adjacent landowner to regularise the situation and to prevent further liability falling on the Council. They also recommend that the land between 177 and 179 should be sold together with the adjoining site, for development purposes, in order to gain the best price reasonability obtainable for the Council land.

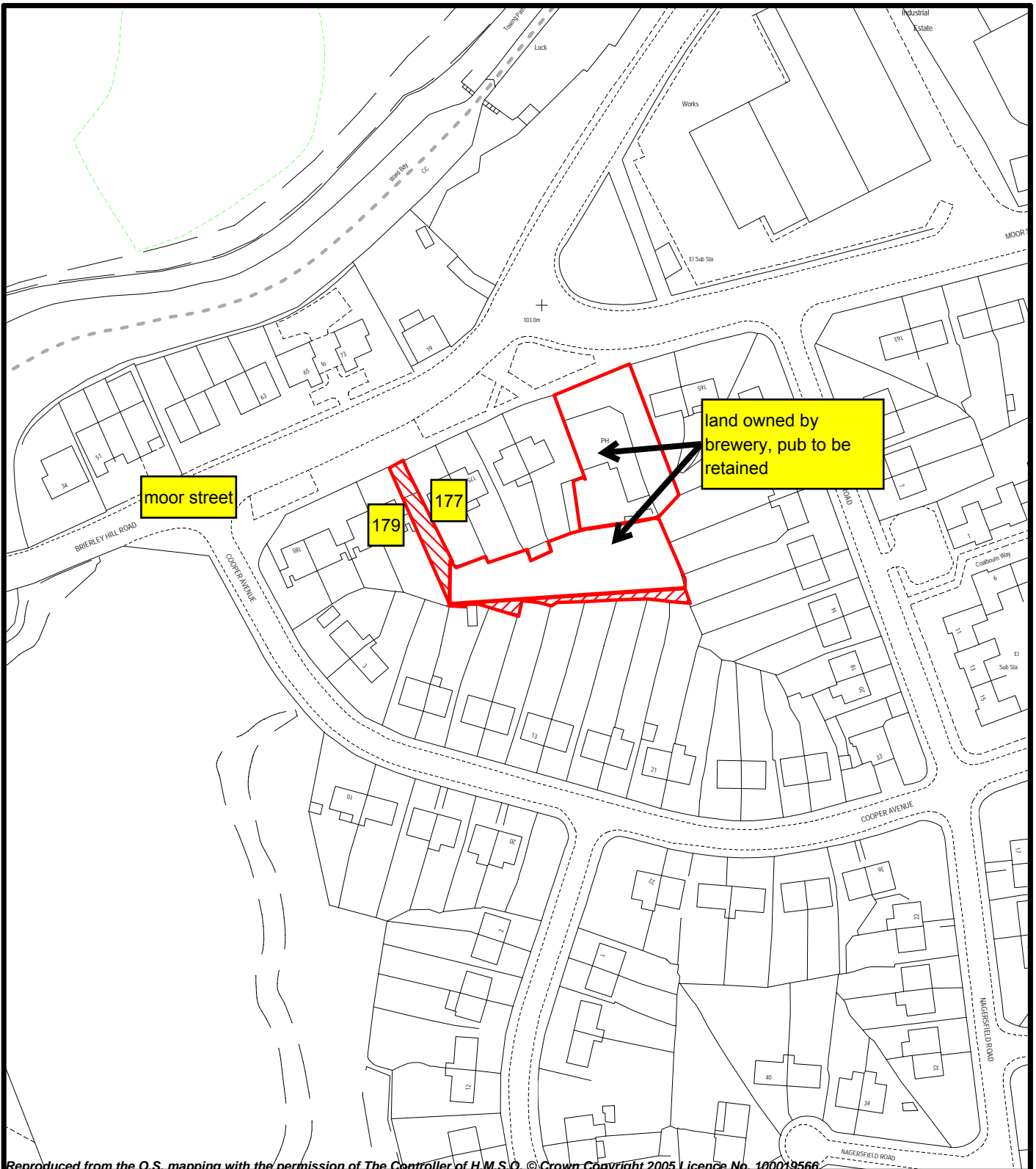
Proposal

That the Area Committee advise the Cabinet Member for Housing to declare the land to the rear of properties in Cooper Avenue and the land between 177 and 179 Moor Street, surplus to requirements, to be sold 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: Gill Hudson, Property Manager, Ext. 5311



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TITLE:

**LAND AT MOOR STREET BRIERLEY HILL
HATCHED AREA'S TO BE SOLD TO
BREWERY**



SCALE:

1 : 1250

DATE:

28-JUN-2005

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

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Dudley
Metropolitan Borough Council

Appendices

Brierley Hill Area Committee

27 October 2005

Report of the Director of Law and Property

Request For: Disposal of Part of Council House Tenancy

Location: Adjacent to 17 Gordon Crescent, Brierley Hill

Background

An application has been received from the sister of the tenant of 17 Gordon Crescent, Brierley Hill, asking to purchase an area of Council owned land marked on the attached plan. The land is part of the tenancy of 17 Gordon Crescent but is separated from the property by a wall with fencing on top. The land is an open area of rough grassed land that is open to the pavement and is not currently enclosed.

The applicant's partner has had a serious road traffic accident that has left him paralysed. This has been confirmed by the gentleman's Social Worker. The couple are therefore looking for a bungalow within the area and have asked if it would be possible to release this area of land from the tenancy so that they can purchase it. They would then be able to have a specially designed bungalow build to suit his specific needs.

It is proving difficult to locate a suitable property within the area and they consider that living in a purpose built property adjacent to a family member would have positive advantages for the couple.

Comments

The relevant Council Directorate has been consulted regarding this application and no objections to the release of part of the tenancy so that the land can be sold to the applicant have been received, subject to planning consent being granted and the site being suitable for building.

The Directorate of Adult, Community and Housing Services considers that the land is an eyesore at the moment and under the circumstances would support the release of the land from the tenancy and its disposal to the applicant. The Directorate usually have a policy of not normally selling corner plots on estates but each case is considered upon its own merit. In this case it is considered that the policy should not be exercised.

The applicants Social Worker also supports the application.

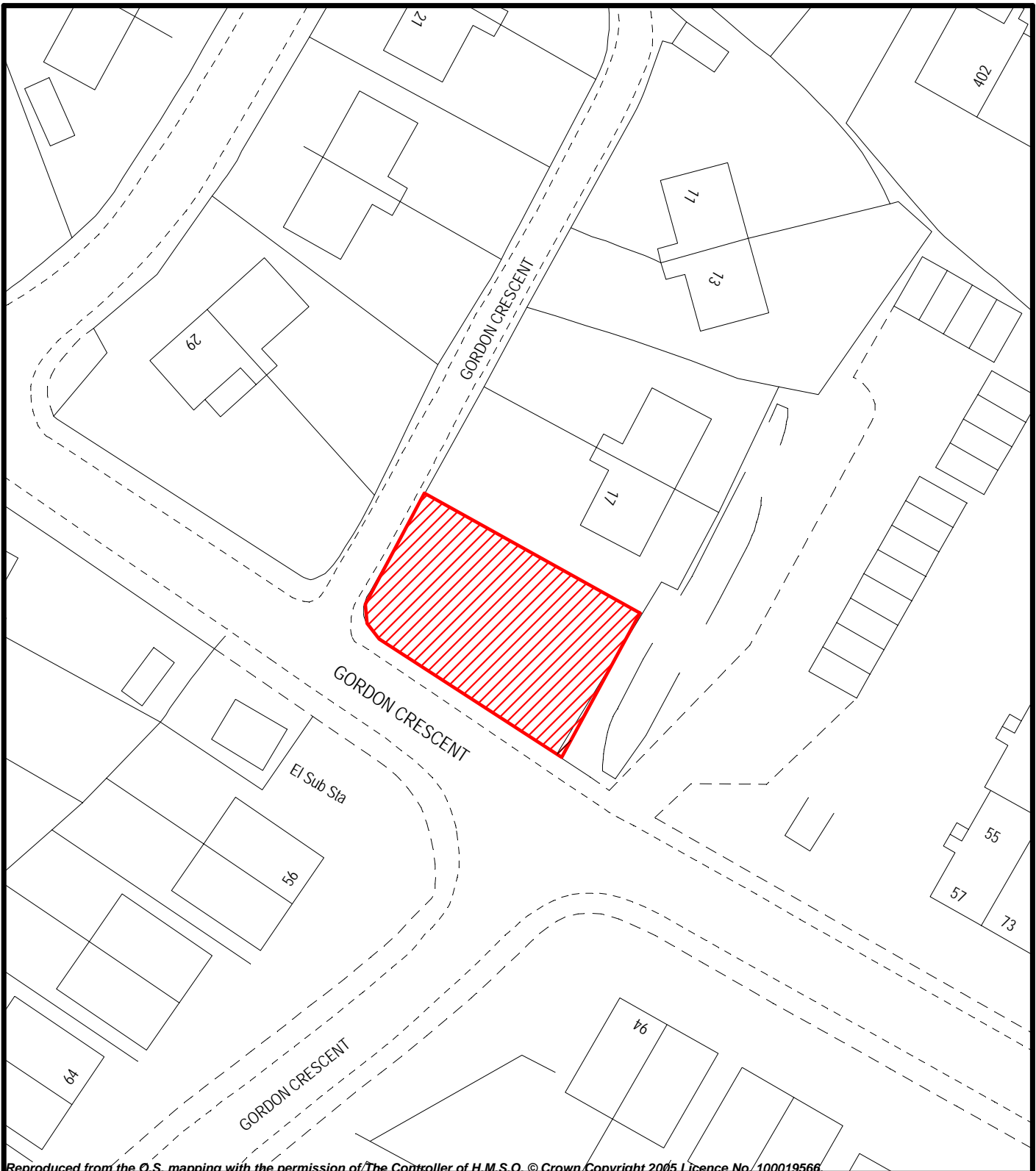
Proposal

That the Area Committee recommend that the Cabinet Member for Housing approve the sale of the land 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: Gill Hudson, Property Manager, Ext 5311.



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TITLE:

LAND ADJACENT TO:
17 GORDON CRESCENT
BRIERLEY HILL



SCALE:

1 : 500

DATE:

29-JUN-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:

GILL HUDSON

Dudley
Metropolitan Borough Council

Appendices

Brierley Hill Area Committee

27th October 2005

Report of the Director of Law and Property

Request For: Licence to Fish at the Fishing Pool

Location: Rear of Greenfields Road, Kingswinford

Background

A request has been received for the licence to fish at the fishing pool at the rear of Greenfields Road, Kingswinford (at the rear of Kingswinford Community Centre) as shown on the plan attached.

The pool has recently been tidied up and would be used by the youth of Kingswinford and other interested parties with the supervision from the Youth Centre. Additionally, there will be help from two keen fishermen, who are willing to help educate the youngsters in the pleasure of the sport. This would benefit the area and the youth by giving them an interest and having respect for the area and would possibly be policed by the youngsters who would not want any damage done to the pool and the surrounding areas.

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

Comments

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

The Directorate of the Urban Environment's Green Care Manager considers that this pool does not reliably hold water as it is on sand and has a very low input flow. In times gone by, the fire service has had to top up the pool due to distressed fish. While amphibians can cope seasonally with dry pools, the advice is that it would not be a sustainable fishing pool and therefore objects to a licence being granted. As an alternative potential site, the pool at King George VI Park nearby would be more appropriate.

The Directorate of Education and Lifelong Learning consider that the Youth Centre use this fishing pool as part of a fishing competition/club/project therefore would wish to continue this use if the pool is leased out.

The Directorate of Adult, Community and Housing Services stated that although the above site is classed as the same as a nature reserve, historically the site was in a deplorable state and rubbish was constantly being dumped on the site. The pool is next to a row path and rubbish from plastic bags to supermarket trolleys were dumped in the pool. However, recent inspection has shown that the site is in a very good and well looked after condition. The Directorate of Adult, Community and Housing Services state that they are in agreement that if the youth are allowed to fish in the pool they might respect the area more and help to keep the area clean and tidy.

The Directorate of Law and Property have no objection to a licence or fishing rights being granted subject to terms and conditions.

Proposal

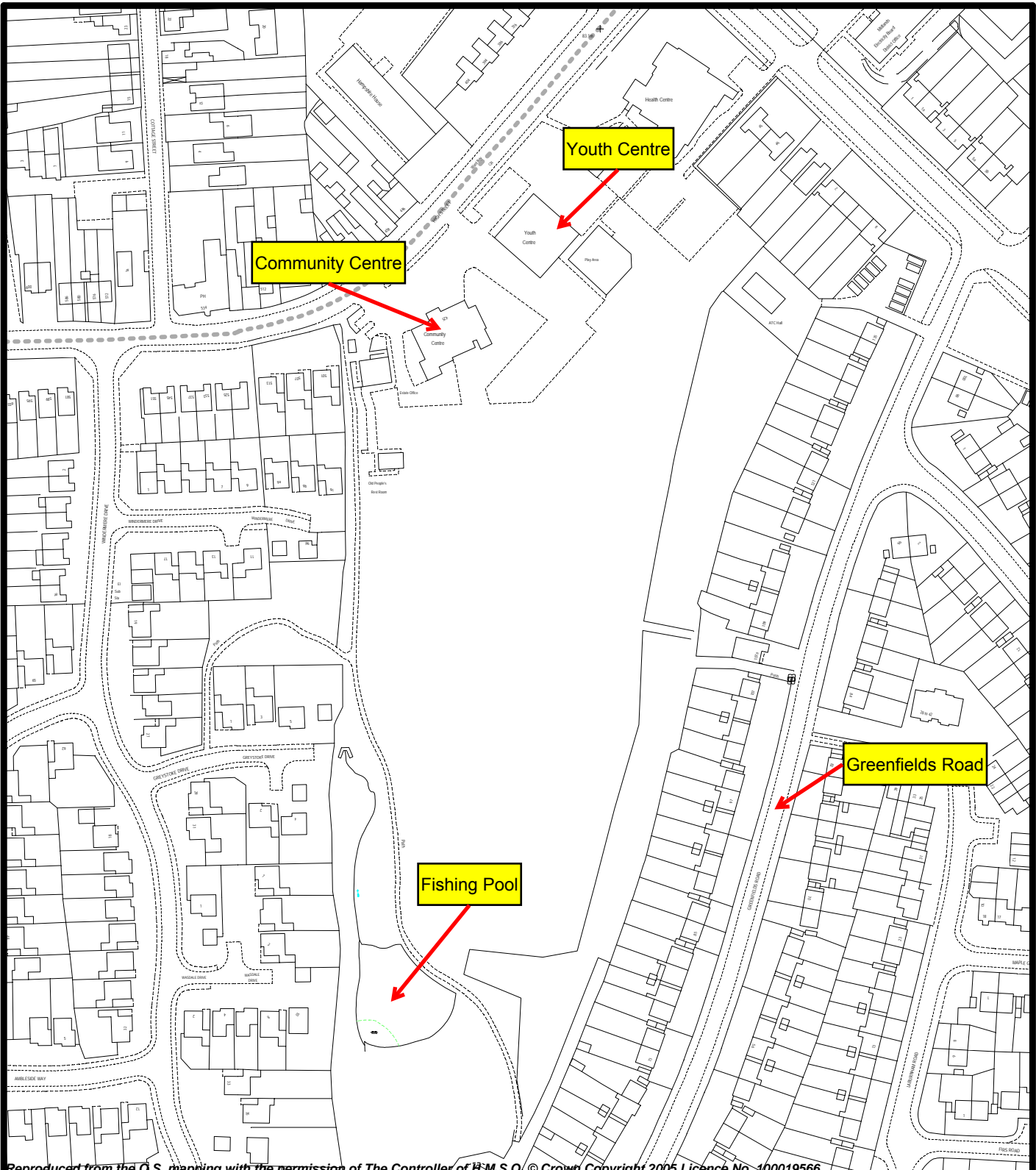
That the Brierley Hill Area Committee advises the Cabinet Member for Housing to approve the licence to fish at the fishing pool at the rear of Greenfields Road, Kingswinford.

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:

Fishing Pool at the rear of
Kingswinford Community Centre
Kingswinford



SCALE:

1 : 2000

DATE:

20-MAY-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 - Property Manager, Ext. 5321

