

North Dudley Area Committee – 28th March 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.

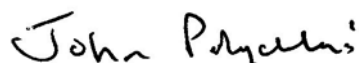
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

Equality Impact

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

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

North Dudley Area Committee

Date: 28th March 2006

Request to purchase land.

Location: Rear of 63a Mason Street, Coseley

(As shown on the plan attached)

Background

An application has been received from the owner of 63A Mason Street, Coseley to purchase Council owned land to the rear of their garden.

The applicant wishes to purchase this area of land to incorporate within the garden, as there has been many incidences of anti-social behaviour in recent weeks relating to this land and the applicant, on no less than seven occasions over a two week period has had to call the police, as a group of individuals set up camp on the land.

The applicant states that this area of land has been described by local police as a magnet for undesirables and he therefore wishes to purchase the land to incorporate within his garden to prevent the land being used for anti social behaviour. The applicant would also be happy to purchase an adjacent area of land to the rear of 63B for the same reasons, if the Council were agreeable.

The land is controlled by the Directorate of Adult Community and Housing Services (DACHS) and was purchased for Housing purposes in 1967. The land was once the site of 10, 10A, 11 & 12 Castle View Terrace, which used to run to the rear of 63A & 63B Mason Street.

The land directly to the rear of 63A is marked right hatched on the attached plan and the land to the rear of 63B is marked left hatched on the attached plan.

An area of land adjacent to 63B that runs along the Birmingham New Road is controlled by the Directorate of the Urban Environment and forms a grassed verge. This area is not affected by this application and will be retained as open space.

Comments

The relevant Council Directorates have been consulted regarding the application and no objections have been received to the disposal of the land for garden purposes only, subject to certain conditions.

The Directorate of the Urban Environment would require planning consent for change of use to be obtained, Castle View Terrace to be stopped up, and no vehicular access made on to the Birmingham New Road.

The Nature Conservation Officer would require certain actions and protection for the trees and species occupying the site, to include that the site is assessed for any species such as Biodiversity Action Plan Species and legally protected ones to include badgers and bats. That all mature trees are safeguarded with TPO's. That the corridor of mixed native hedge, scrub or wood is retained to enable wildlife movement between the remaining areas of the wildlife area and that there is a suitable creation of a habitat to

match any that is lost. Any works should avoid the bird-nesting season to prevent damage to nesting birds. It is therefore recommended that should a sale be agreed, the purchasers be referred to the Nature Conservation Officer.

The Director of Law and Property considers that the land should be declared surplus to requirements and offered to the two adjoining property owners for garden extension only.

The Directorate of Adult Community and Housing Services state that the land has no value to them and as it is a pocket of land that is used for Anti Social Behaviour they consider it should be disposed of.

Proposal

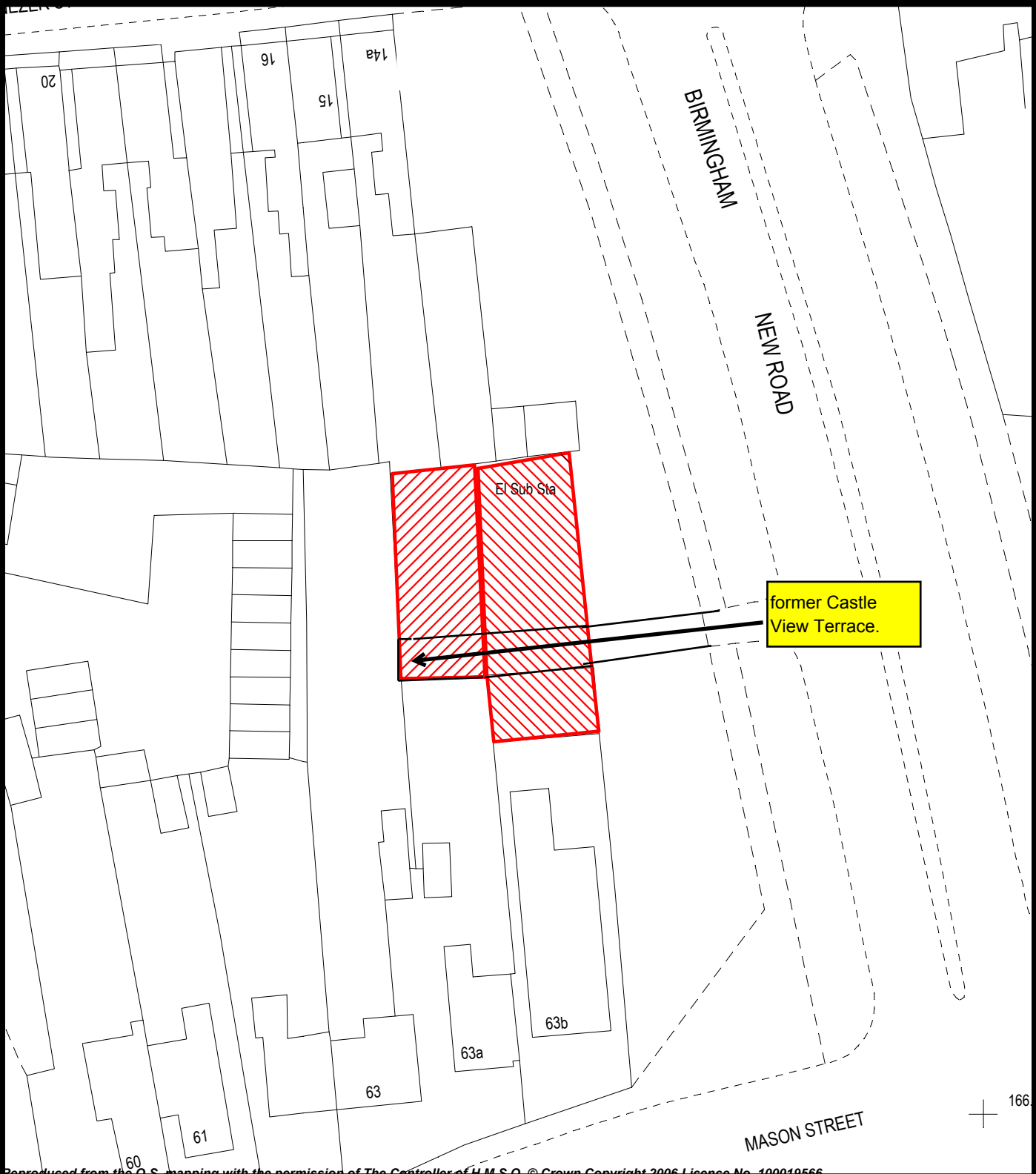
That the Area Committee advise the Cabinet Member for Housing to declare the land surplus to requirements to be sold for garden land upon terms and conditions to be negotiated and agreed by the Director of Law and Property.

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 rear of 63a Mason Street
Coseley

Hatched area's owned by Council



SCALE:

1 : 500

DATE:

15-NOV-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



North Dudley Area Committee

Date: 28th March 2007

Request for: Exchange of land

Location: 1 Billau Road, Coseley

(As shown on the plan attached)

Background

An application has been received from the owner of a long lease of 1 Billau Road, Coseley; a former Council ground floor flat sold under the right to buy, to lease an area of land to the rear of the property in order to erect a small conservatory.

The applicant is housebound and severely disabled, having had three strokes and suffers from severe arthritis, breathing and mobility problems. The applicant spends the majority of his time in the flat and in order to improve his quality of life, he would like to have erected a small conservatory at the back of the property onto his bedroom so that he may enjoy a change of surroundings and enjoy the sunshine and birds in the garden.

The applicant purchased the flat approx 8 years ago when it became impossible for him to live in their house due to his disabilities. They are not now in a financial position to move house again, so must make the best of where they currently live. The applicant spends the majority of his time in the bedroom and the addition of the conservatory would greatly add to his quality of life.

The flat was sold with an area of land for garden purposes on a leasehold basis. The tenant of the flat above, has rights of access across the land at the rear to the drying area and to use the garden.

The applicant states that the tenants of No. 3 share the whole of the garden area with the tenant and the tenant's wife maintains it. The applicant also states that he has spoken to his neighbours regarding their intentions and they have no objections.

In order for them to have the conservatory erected, which would measures approximately 3m x 4m and marked on the attached plan, they would need to exchange the area of land that is leased as their garden for an area of land adjacent to the applicant's bedroom which is currently owned by the Council.

The applicant has taken advice regarding the conservatory and the proposed construction will be such that it will be quite low and will not cause a visibility problem to the tenants of flats 3 and 7.

The land is controlled by the Directorate of Adult Community and Housing Services.

Comments

The relevant Council Directorates have been consulted regarding the application and no objections have been received, subject to the applicant gaining planning consent.

The exchange of land will involve the release of part of the garden of 1 Billau Road from the lease and the addition of the area of land that the conservatory will stand on. It will also involve the variation of rights in the lease and may require a variation of the tenancy agreement of the tenant of the above flat.

The Tenant of the above flat has indicated in writing that they have no objections to the proposal.

All costs involved in the matter will have to be met by the applicant.

Proposal

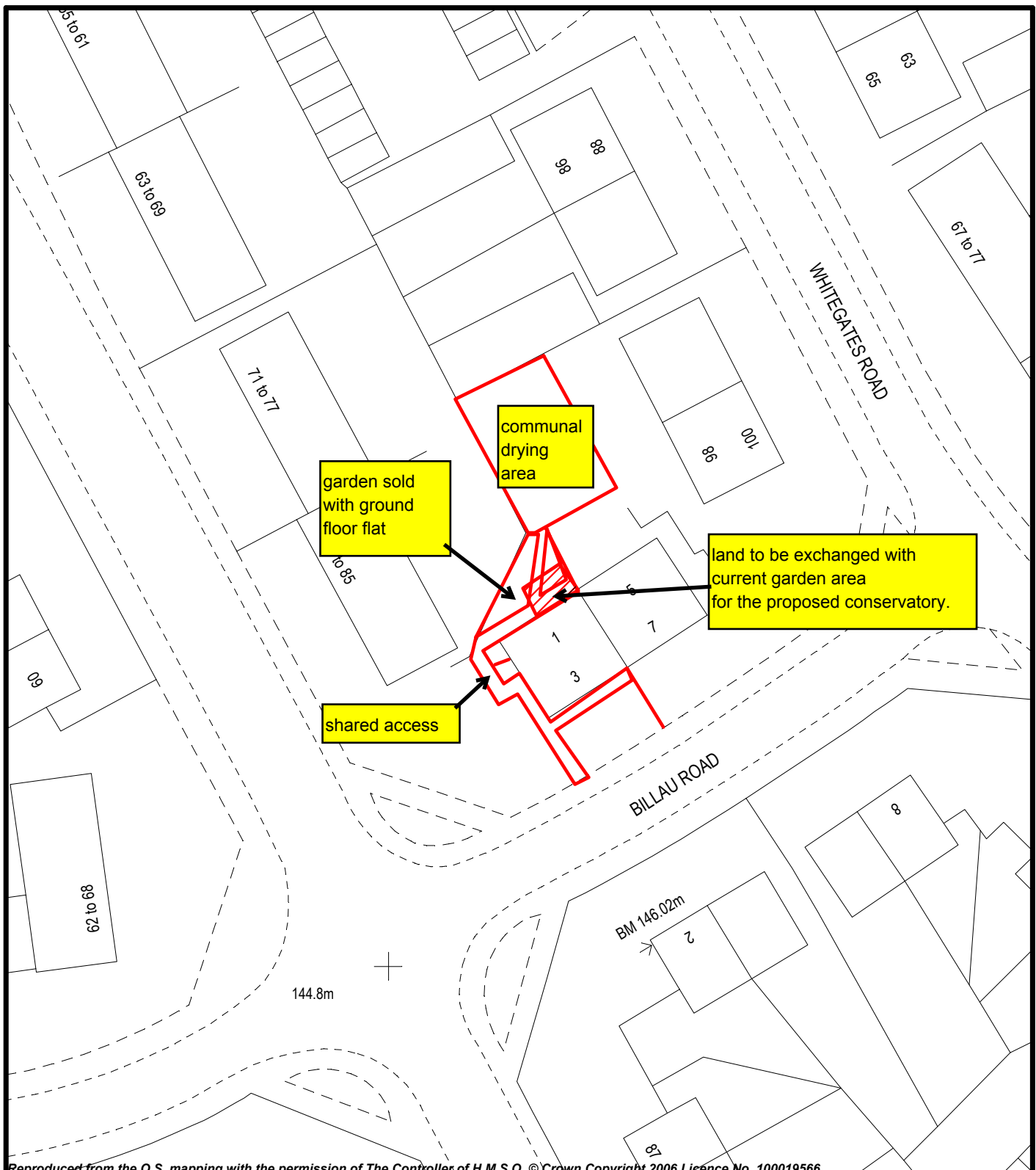
That the Area Committee advise the Cabinet Member for Housing to approve the exchange of land and the variation of rights to allow a conservatory to be built at 1 Billau Road, Coseley, upon terms and conditions to be negotiated and agreed by the Director of Law and Property, subject to planning consent being obtained.

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



<p>TITLE:</p> <p>Application to purchase land at: 1 Billau Road Coseley</p> <p>OS data reproduced with the permission of the Controller of HMSO 2006 Licence No 100019566</p>	<div data-bbox="874 1765 997 1886" data-label="Image"> </div> <p>SCALE: 1 : 500</p> <p>DATE: 27-SEP-2006</p>	<p>Corporate Estate Services Directorate of Law and Property</p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p> <div data-bbox="1209 1989 1444 2110" data-label="Image"> </div>
<p>CREATED BY: Gill Hudson. Property Manager. Ext: 5311. Ref:31754fmsf</p>		

North Dudley Area Committee

Date: 28th March 2007

Request to purchase land.

Location: at Springfield Grove and High Street, Sedgley

(As shown on the plan attached)

Background

An application has been received from the owner of 152 High Street, Sedgley, a private property, to purchase an area of Council owned land to the side and rear of his property. The applicant requires the land to add to his site for residential development.

The land is controlled by the Directorate of Adult Community and Housing Services and comprises of an access way from High Street, a Council owned garage site and a site of a former allotment garden off Springfield Grove, which is now overgrown and fenced off.

The site of the former allotments has been unused and overgrown for many years and the garage site is also unused apart from several access agreements to property in Springfield Grove.

In 2000, by Decision Sheet CHO/21/00, a decision was made to declare the former allotment site at Springfield Grove surplus to requirements, to be sold on the open market for the best price reasonably obtainable. At that time, the site was required by the Sedgley Ex-Servicemen's Club for an extension to their car park. However, planning consent was not forthcoming for that purpose or for residential development.

Comments

The relevant Council Directorates have been consulted regarding the application and The Directorate of Adult Community and Housing Services and the Directorate of the Urban Environment wish the application to be refused.

The Directorate of the Urban Environment (DUE) consider that there is a shortage of allotments within this area and they wish to bring the site off Springfield Grove back into use as an allotment site. The garage site with access form High Street, could also be retained to provide vehicular access and parking facilities for the users of the new allotments. The Directorate of Adult, Community and Housing Services (DACHS) are in agreement with this proposal and discussion between the two Directorates is ongoing, with a view to bring the sites back into use as described.

It is therefore considered that this application should be refused and that DUE utilise the site for the provision of allotments. In order to facilitate this, the site will have to be appropriated from the purposes of the Housing Act to the purposes of the act that allows the Council to hold land for the provision of allotments. This will be dealt with by a decision of the Cabinet Member for Law and Property.

Proposal

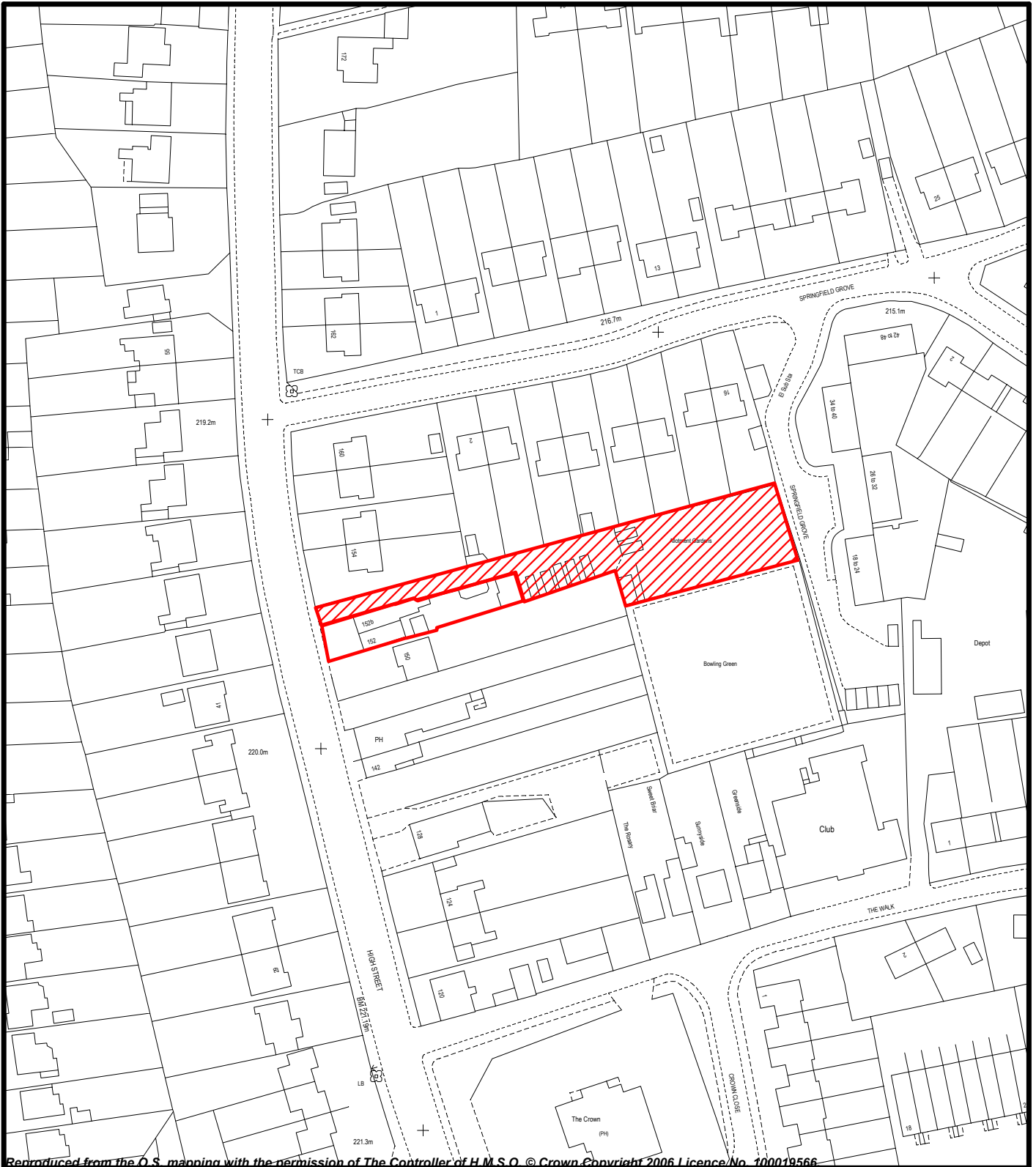
That the Area Committee advise the Cabinet Member for Housing to refuse the application to purchase land and that the Cabinet Member for Law and Property be advised to approve the appropriation of the land for the purposes of allotment provision.

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



<p>TITLE:</p> <p>Land adj to 152 High Street/Springfield Grove Sedgley</p>			<p>Corporate Estate Services Directorate of Law and Property</p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
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<p>CREATED BY:</p> <p>Gill Hudson, Property Manager. Ext: 5311</p>		<p>DATE: 20-DEC-2006</p>	