

Central Dudley Area Committee – 7th November 2007

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.

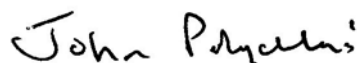
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

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

Appendices

Central Dudley Area Committee

Date: 7th November 2007

Request to purchase land

Location: Adjacent to 24 Mulberry Green Dudley

(As shown on the plan attached)

Background

An application has been received from the owner of 24 Mulberry Green, Dudley, a former Council House purchased under the right to buy, to purchase an area of Council owned land adjacent to the frontage of their property.

The land is in the control of the Directorate of Adult Community and Housing Services and is part of the tenancy of the adjacent property that is owned by the Council and let to a tenant.

The land is required so that the applicant can extend the front garden of the property and provide an off road parking space on its frontage. On street parking is a particular problem around the green and the applicant therefore wishes to store their vehicle off road to help alleviate this problem.

Comments

The relevant Council Directorates have been consulted regarding the application and the Directorate of Adult, Community and Housing Services object to the disposal of this land.

The land forms part of the frontage of the Council's tenanted property and is directly in front of the outhouse of that property and forms part of the front garden. Any form of parking on this area could be a potential nuisance from noise, blocking access etc. The Housing Manager has visited the tenant and inspected the site and considers that the disposal of this land would be detrimental to the tenancy and the land should therefore be retained in Council ownership for the enjoyment of current and future tenants.

The Directorate of the Urban Environments Highways Division consider that the length of the area of land between the outhouse and the back of pavement measures just 4.5m and is too short to accommodate a normal sized family car head on.

The Directorate of Law and Property consider it could be possible to provide a parking space on the existing frontage of 24 Mulberry Green without the need for additional land, subject to any planning consent required.

Proposal

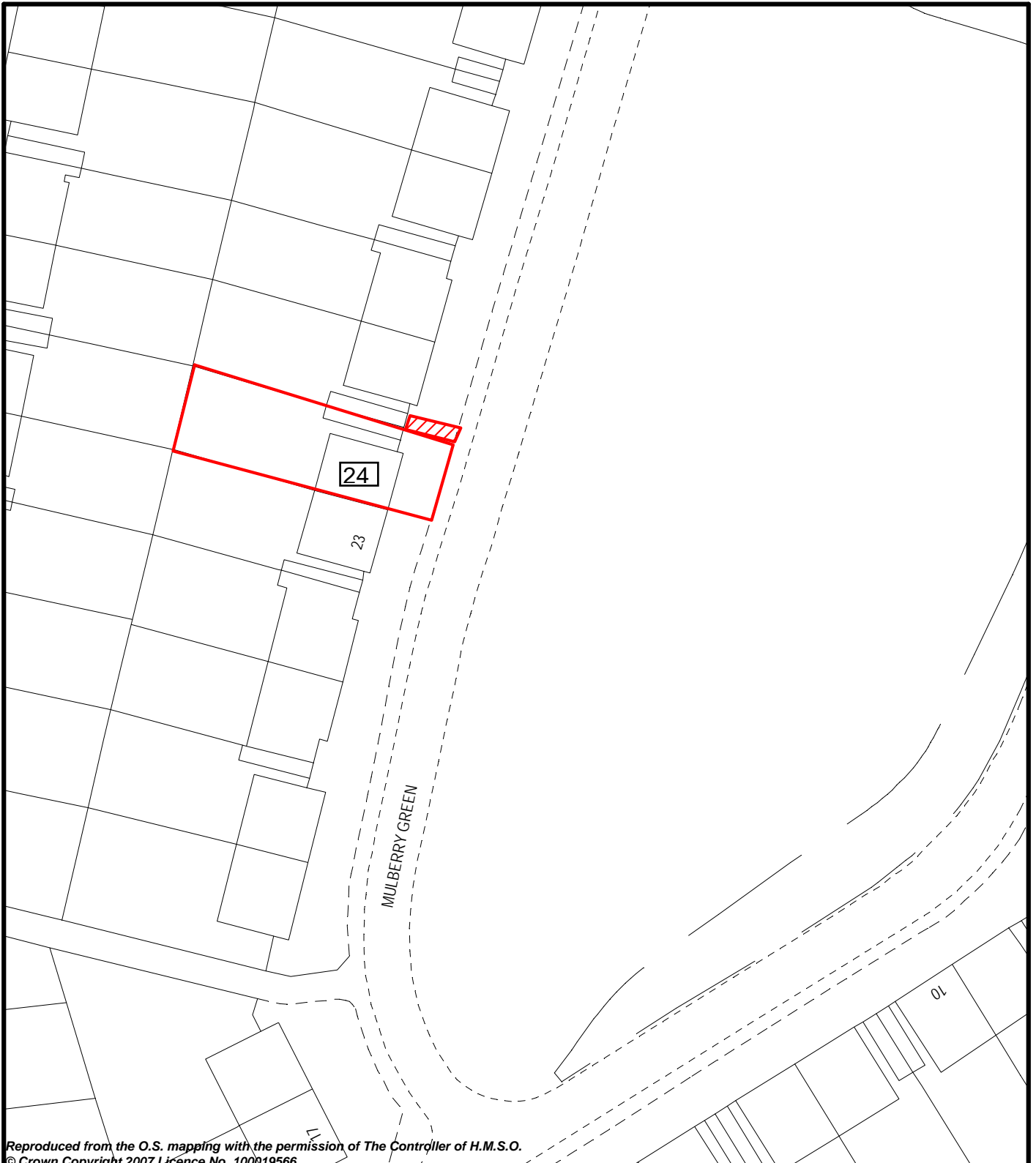
That the Area Committee advise the Cabinet Member for Housing to refuse the application to purchase the land for the reasons set out above.

Background papers

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

Contact Officer:

Gill Hudson, Principal Property Manager, Ext. 7068



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TITLE:
application to purchase land
adjacent to:
24 Mulberry Green
Dudley



SCALE:
1 : 500

DATE:
21-JUN-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: Gill Hudson, Property Manager. Ext: 5311



Appendices

Central Dudley Area Committee

Date: 7th November 2007

Request to purchase land

Location: Adjacent to 46/48 Cedar Road, Dudley
(As shown on the plan attached)

Background

A request has been received from the owner of a residential home at 46 Cedar Road, Dudley to purchase the Council owned land as shown hatched on the plan attached.

The area in question is a thin strip of land which forms an alleyway between the residential home at number 46 Cedar Road and number 48 Cedar Road, a former Council house sold under the Right to Buy legislation. The Wrens Nest Nature Reserve is at the rear of these properties.

The applicant has become concerned for the safety of the residents as a number of fires have been started by youths in the alley. He also claims that it has become a meeting place for people to drink and take drugs. The applicant therefore wishes to purchase the alleyway, or at least have it blocked off, to prevent further arson attacks. He is also willing to consider any other alternatives to prevent the anti-social behaviour.

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

Comments

The relevant Council Directorates have been consulted and the following comments have been received.

The Directorate of the Urban Environment have no objections to the disposal of the thin strip of land as it is not a definitive right of way and there are numerous other pathways into the Wrens Nest Nature Reserve. As the land is not part of the Wrens Nest Nature Reserve it is considered that the land should be sold. The land could be sold to either of the adjoining properties, however, due to a difference in the levels, it would seem more practical to sell to the applicant.

The Headteacher of the Priory Primary School has been consulted. Few children use the alleyway as a way to school. There have been problems with youths gathering in the alleyway and causing damage to the school property, such as setting fire to the school fence and hedges. The alley is used as an escape route after they have caused trouble on the school property. The Headteacher therefore supports the disposal of this land.

The Directorate of Adult, Community & Housing Services has advised that the land serves no Housing purpose and should be declared surplus to Housing requirements

Proposal

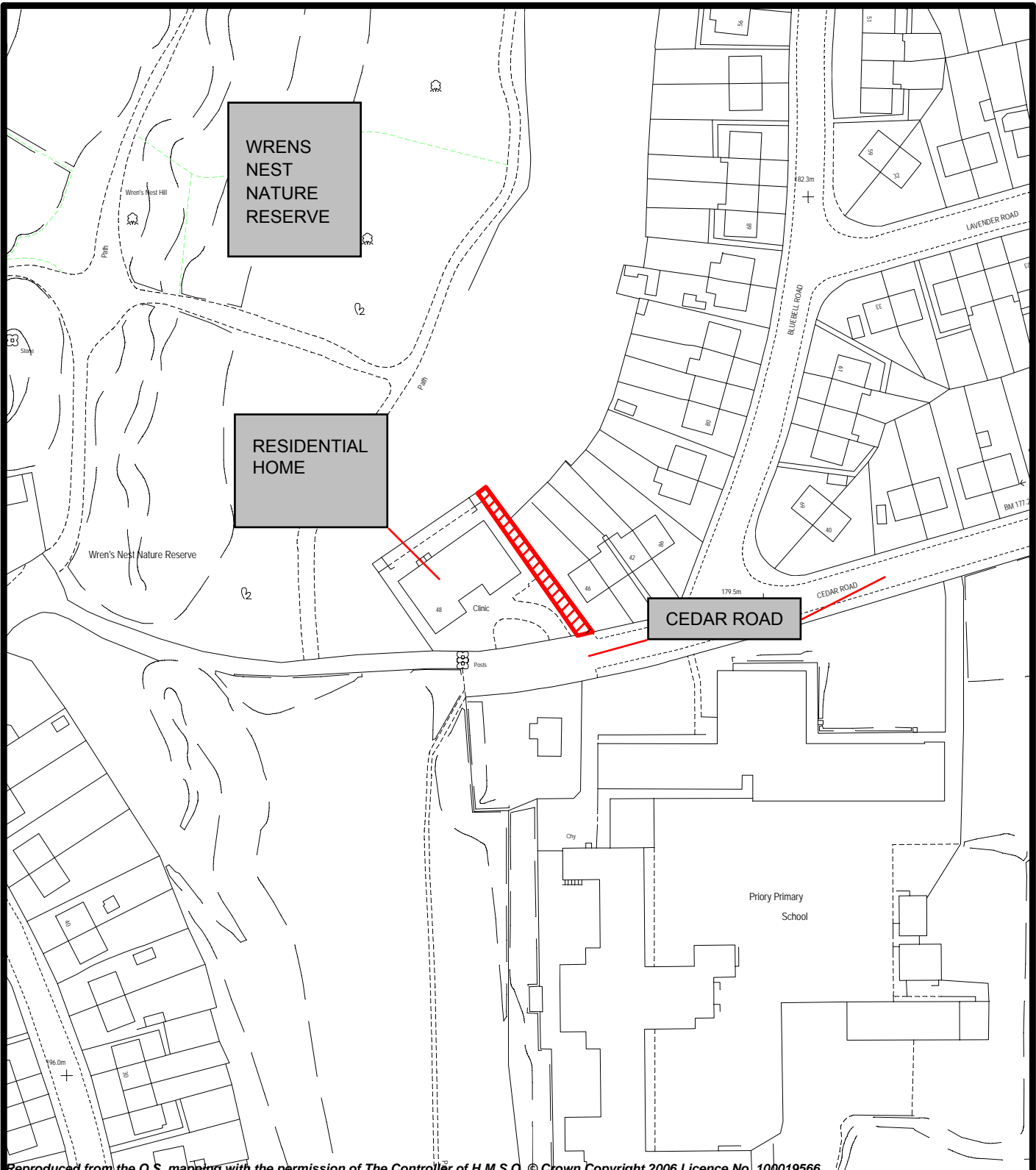
That the Area Committee advises the Cabinet Member for Housing to declare the land forming the alleyway between numbers 46 and 48 Cedar Road surplus to requirements, to be sold upon terms and conditions to be negotiated and agreed by the Director of Law & Property.

Background papers

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

Contact Officer:

Alan Nugent, Property Manager, Ext.5351



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TITLE:

FOOTPATH BETWEEN
46 & 48 CEDAR ROAD
DUDLEY



SCALE:

1 : 1250

DATE:

13-SEP-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



Appendices

Central Dudley Area Committee

Date: 7th November 2007

Request for: Application to Purchase land

Location: Adjacent 117 Dudley Wood Road, Netherton
(As shown on the plan attached)

Background

An application has been received from the owner of 117 Dudley Wood Road, Netherton to purchase 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 was purchased in 1965 for the purposes of the Highways Act 1959.

The applicant requires the land in order to enlarge the garden and for the erection of a garage.

Comments

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

The Directorate of the Urban Environment and the Directorate of Law and Property are of the same opinion to refuse the proposal as the sale may prejudice any future junction improvements. Any development on this land would affect the visibility splay and traffic turning in and out of Dudley Wood Road/Quarry Road, it is therefore considered that the land should be retained in Council ownership.

Proposal

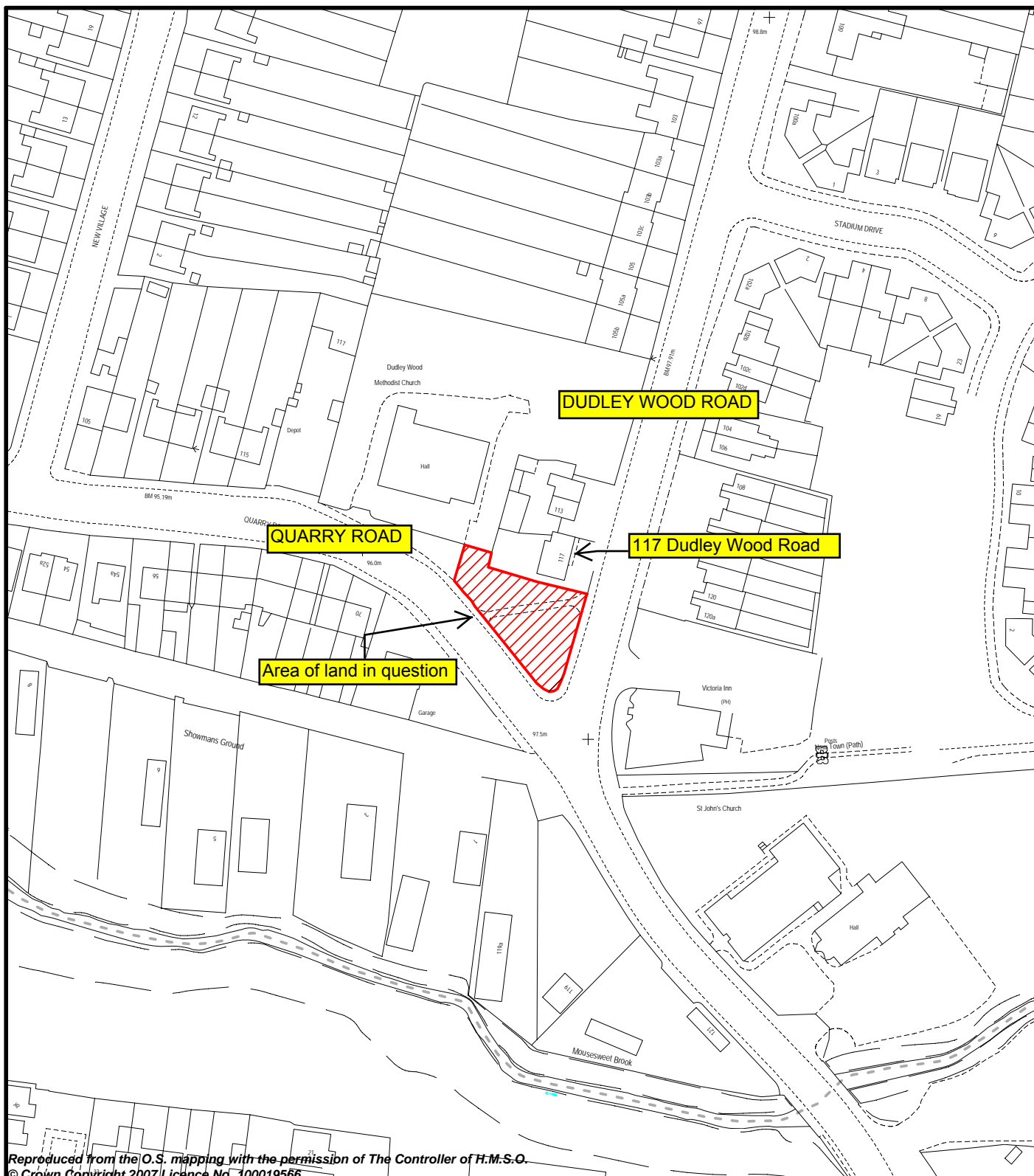
That the Area Committee advise the Cabinet Member for Transportation to refuse the application to purchase land adjacent to 117 Dudley Wood Road, Netherton for the reason set out above.

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

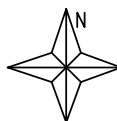


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TITLE:

Land Adjacent to
 117 Dudley Wood Road
 Netherton

31230/FMSF



SCALE:

1 : 1250

DATE:

18-JUN-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



Appendices

Central Dudley Area Committee

Date: 7th November 2007

Request for: Application to Purchase Car Park

Location: Land opposite 43 Halesowen Road, Netherton
(As shown on the plan attached)

Background

An application has been received from Dr P D Gupta of Netherton Surgery, 84 Halesowen Road, Netherton to purchase 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. Access to the car park is gained from St Giles Street.

The applicant requires the land in order to build a new doctor's surgery.

The applicant wishes to move the current surgery at 84 Halesowen Road, Halesowen to a purpose-built surgery on this piece of land in order to help the local community of Netherton.

Comments

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

The Directorate of the Urban Environment oppose the sale of this public car park as it is well used both in the daytime and in the evenings. Recent counts show that whilst this car park is not constantly full during the day, if this site is removed, the remaining 2 public car parks in Netherton do not have the spare capacity to accommodate the displaced vehicles and there is insufficient on road parking available to serve the community.

This car park off St Giles Street has recently been upgraded and although the provision of a new doctors surgery is important to Netherton and is supported by the Directorate of Urban Environment and the Council, it is considered that this public car park should be retained within a district centre as it has recently been improve and is well used.

2 surveys of usage of the 3 car parks in the area have been undertaken.

	No. Of Spaces Available	Spaces Used On 1 st Visit	Spaces Used on 2 nd Visit
Church Rd	39	35	33
Rayboulds Fold	17	16	16
St Giles St	18	12	18

In addition, in April 2008 the Authority will be taking over enforcement of on street waiting restrictions from the police. The impact of this is predicted to increase patronage of all the Councils car parks across the Borough as people realise that they are more likely to receive a parking ticket for illegal on street parking.

With the refurbishment of this car park, a grassed bank was formed which can be seen from the Halesowen Road. The Council, on request from the Netherton Friends of the Park Group have run a competition to design a piece of public art which will be installed in this location.

There may be further areas of Council owned land nearby and it is suggested that further investigations are undertaken by the Directorate of Law and Property to try and identify a suitable site for the relocation of the Doctors Surgery.

The Directorate of Adult, Community and Housing Services and the Directorate of Law and Property also object to the application, as the car park is well used by residents of Rayboulds Fold and the surrounding area. The adjacent roads are very narrow and there are limited garages available in the area. The loss of this car park would therefore lead to an increase in on street parking and cause a nuisance to local residents and Council tenants. Also the car park is well used by visitors to the nearby Library, Art Centre, Park and Nursery.

Proposal

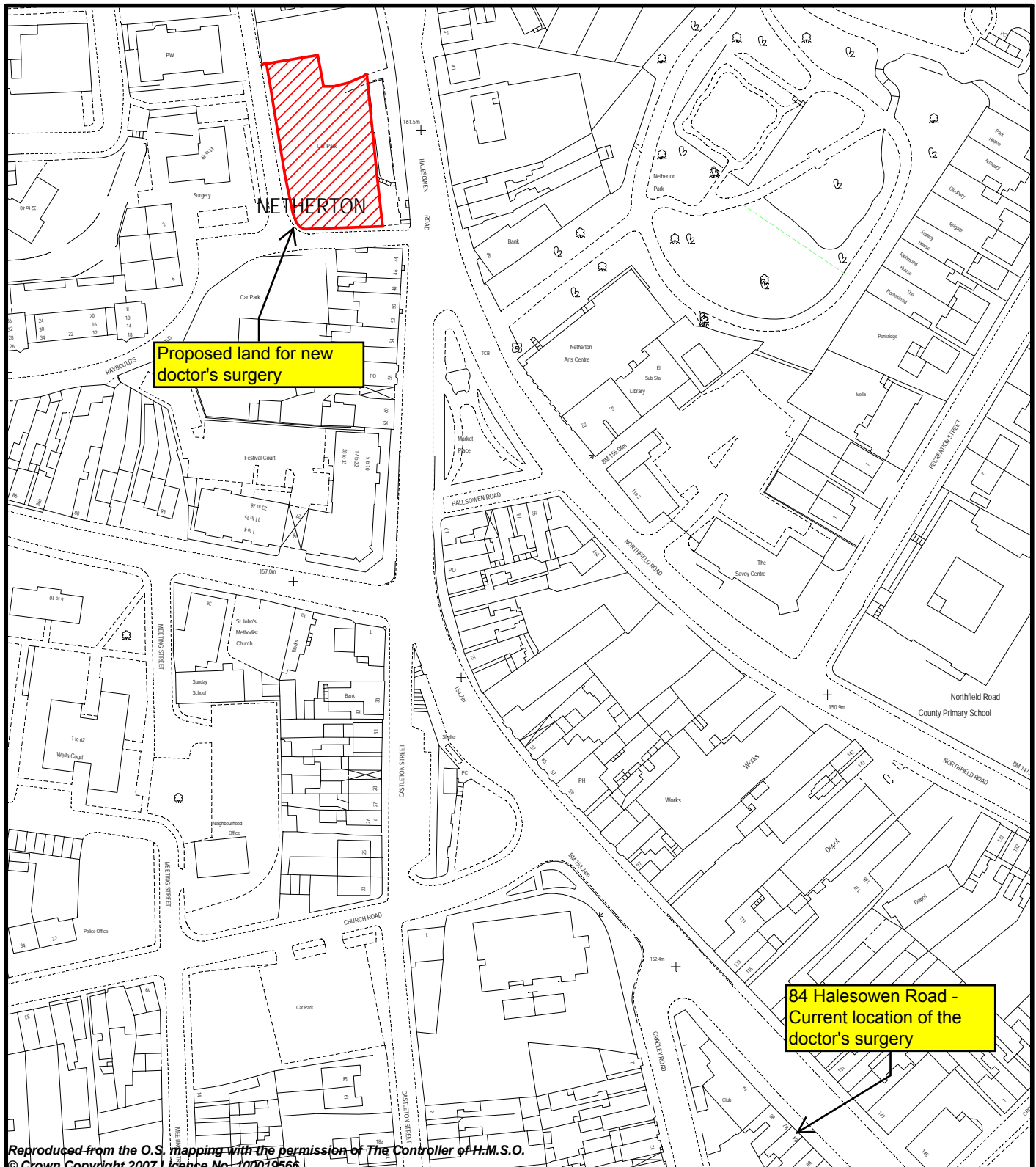
That the Area Committee advise the Cabinet Member for Transportation to refuse the application to purchase land opposite 43 Halesowen Road, Netherton, for the reasons set out above and that the Director of Law and Property investigate other suitable locations for the proposed doctors surgery.

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

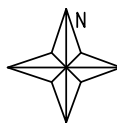


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TITLE:

Car Park opposite
 43 Halesowen Road
 Netherton

31935/FMSF



SCALE:

1 : 1500

DATE:

11-SEP-2007

Corporate Estate Services
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 3 St James's Road
 DUDLEY
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