

Brierley hill Area Committee – 9th 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.

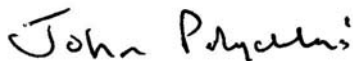
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

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

Appendices

Brierley Hill Area Committee

Date: 9th March 2006

Request to purchase land

Location: Hawbush Road, Brierley Hill:
(As shown on the plan attached)

Background

An application has been received from the owner of a shop premises at 57 Addison Road Brierley Hill, to purchase and area of Council owned land for investment purposes. The applicant has also requested to purchase several other areas of land in the Borough.

The land is controlled by the Directorate of Adult, Community and Housing Services and is a Housing controlled garage site with an electricity sub station located upon it.

Comments

The Relevant Council Directorates have been consulted regarding the application and objections have been received from the Directorate of the Urban Environment, the Directorate of Housing and the Directorate of Law and Property.

The land is affected by several sewers crossing the site that will prevent any development of the land. There is a 300 mm diameter cast iron foul water sewer, a 225 mm diameter foul water sewer and a 400 mm diameter surface water sewer. The sewer easements required by Severn Trent Water would therefore totally eliminate any possible development on this land. There is also a Public right of way that crosses the site from Yorke Avenue and a 4m wide strip of land will have to be protected to comply with Council policy on paths which requires a 2m path with 1m clear of obstruction either side of the path.

It is therefore recommended that this site is retained in Council ownership and used to relocate garages from other sites in the area that may have been earmarked for disposal.

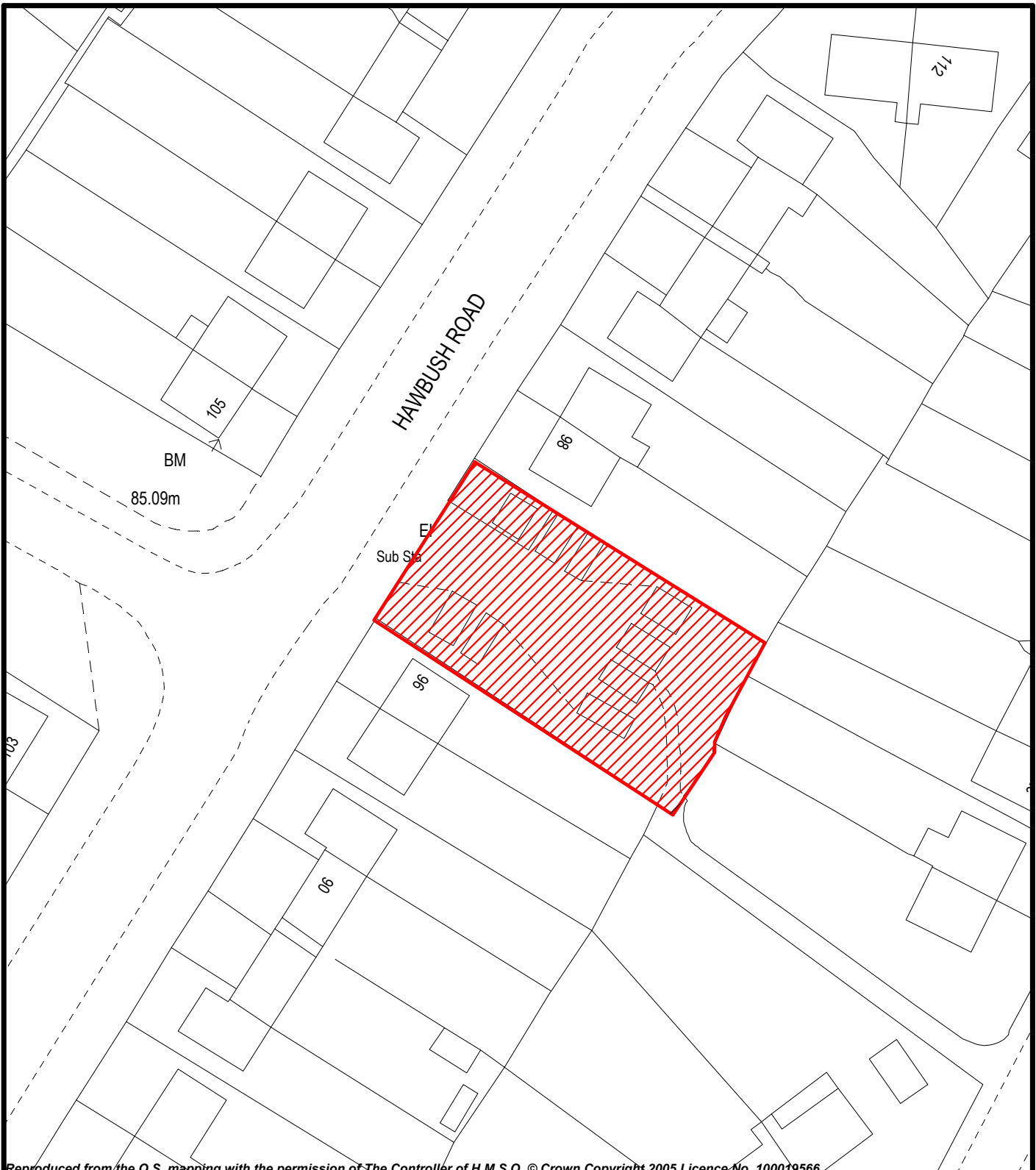
Proposal

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

Background papers

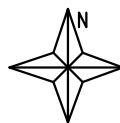
1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Gill Hudson, Property Manager, Ext. 5311



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TITLE:
LAND AT HAWBUSH ROAD
BRIERLEY HILL



SCALE:
1 : 500

DATE:
09-DEC-2005

Corporate Estate Services
Directorate of Law and Property

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

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GILL HUDSON. PROPERTY MANAGER. EXT 5311



Brierley Hill Area Committee

Date: 9th March 2006

Request to purchase land

Location: Rear of 25 & 27 Greenfields Road Kingswinford

(As shown on the plan attached)

Background

An application has been received from the owner of 27 Greenfields Road, a former Council house purchased under the right to buy, to purchase some or all of two areas of land at the rear of 25 and 27 Greenfields Road. Both areas of land are controlled by the Directorate of Adult, Community and Housing Services

25 Greenfields Road is a Council House, let through the Housing list and the applicant states that the tenant has difficulty maintaining her garden and currently employs a gardener.

The applicant is a keen gardener and wishes to purchase part or all of an area of land marked on the attached plan, that forms part of the rear garden of No. 25 Greenfields Road. The applicant states that as the tenant has difficulty maintaining the garden she would be happy to dispose of it. The applicant also states that should the property become available to the waiting list in future, there would be sufficient garden left once this area was disposed of.

The applicant has also requested to purchase all or part of a further area of land marked on the attached plan to the rear of 25 and 27 Greenfields Road. This area is overgrown and unkept but was once part of the rear access route to 25 Greenfields Road where the late husband of the tenant kept his car in a garage.

Comments

The Relevant Council Directorates have been consulted regarding this application and The Directorate of Adult, Community and Housing Services and the Directorate of Law and Property Consider that the land should be retained in Council Ownership.

The Directorates considers that although the current tenant does not use the rear vehicular access to park in the rear garden of 25 Greenfields Road, the facility should be retained for use by any future tenant of the property. The Directorate have a policy of not normally selling off parts of tenancies to adjacent owner/occupiers and in this case the policy should be upheld. They therefore consider that all of the land should be retained.

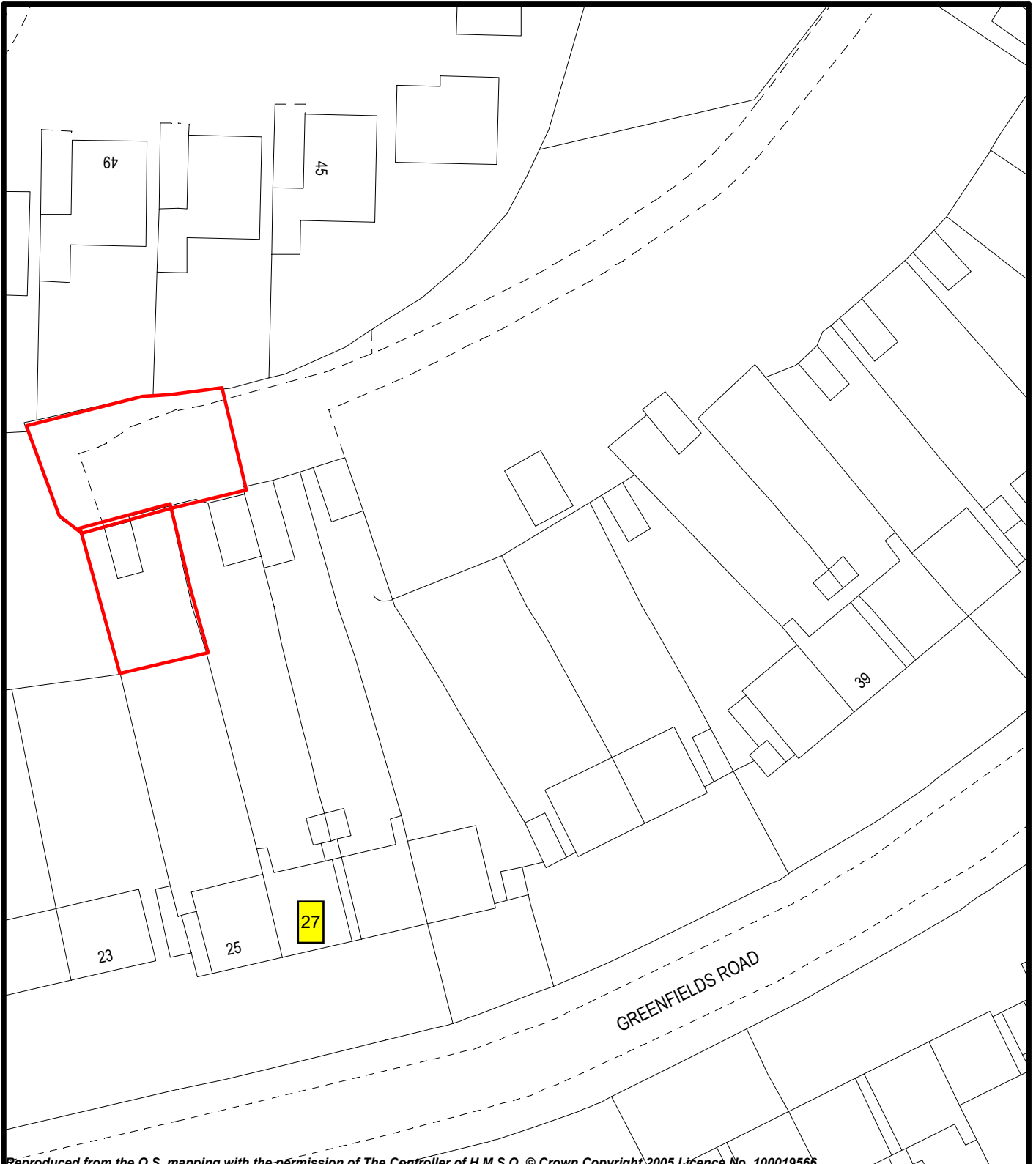
Proposal

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.

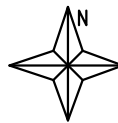
Contact Officer: Gill Hudson, Property Manager, Ext. 5311



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TITLE:

APPLICATION TO PURCHASE LAND REAR OF
27 & 27 GREENFIELDS ROAD
KINGSWINFORD



SCALE:

1 : 500

DATE:

27-SEP-2005

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

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

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GILL HUDSON. PROPERTY MANAGER EXT: 5311



Appendices

Brierley Hill Area Committee

Date: 9th March 2006

Request for: Surrender of lease

Location: Knott Welfare Hall, Seagers Lane, Brierley Hill
(As shown on the plan attached)

Background

A request has been received from the Brierley Hill & Brockmoor Old People's Welfare Committee to surrender the lease they hold of the land on which Knott Welfare Hall is situated. The site is shown edged red on the plan attached. A surrender of a lease requires a Decision Sheet signed by the appropriate Cabinet Member. There are only five remaining trustees and they are all elderly. They have maintained the building in good condition and it has recently been re-wired. The use of the building has declined considerably over recent years and it is now used very infrequently.

The lease of the land was for 75 years from 1955 and so has 25 years still to run. The building is owned by the Brierley Hill & Brockmoor Old People's Welfare Committee. There is a Restrictive Covenant limiting the use of the site for the purposes of a pavilion or club house for the recreation, entertainment and benefit of the aged people of the district and for no other purposes whatsoever.

The property is situated on Marsh Park and is under the control of the Director of the Urban Environment.

Comments

All the Council Directorates have been contacted and no objections have been received.

The Directorate of Law & Property recommends that a decision is taken to accept a surrender of the lease.

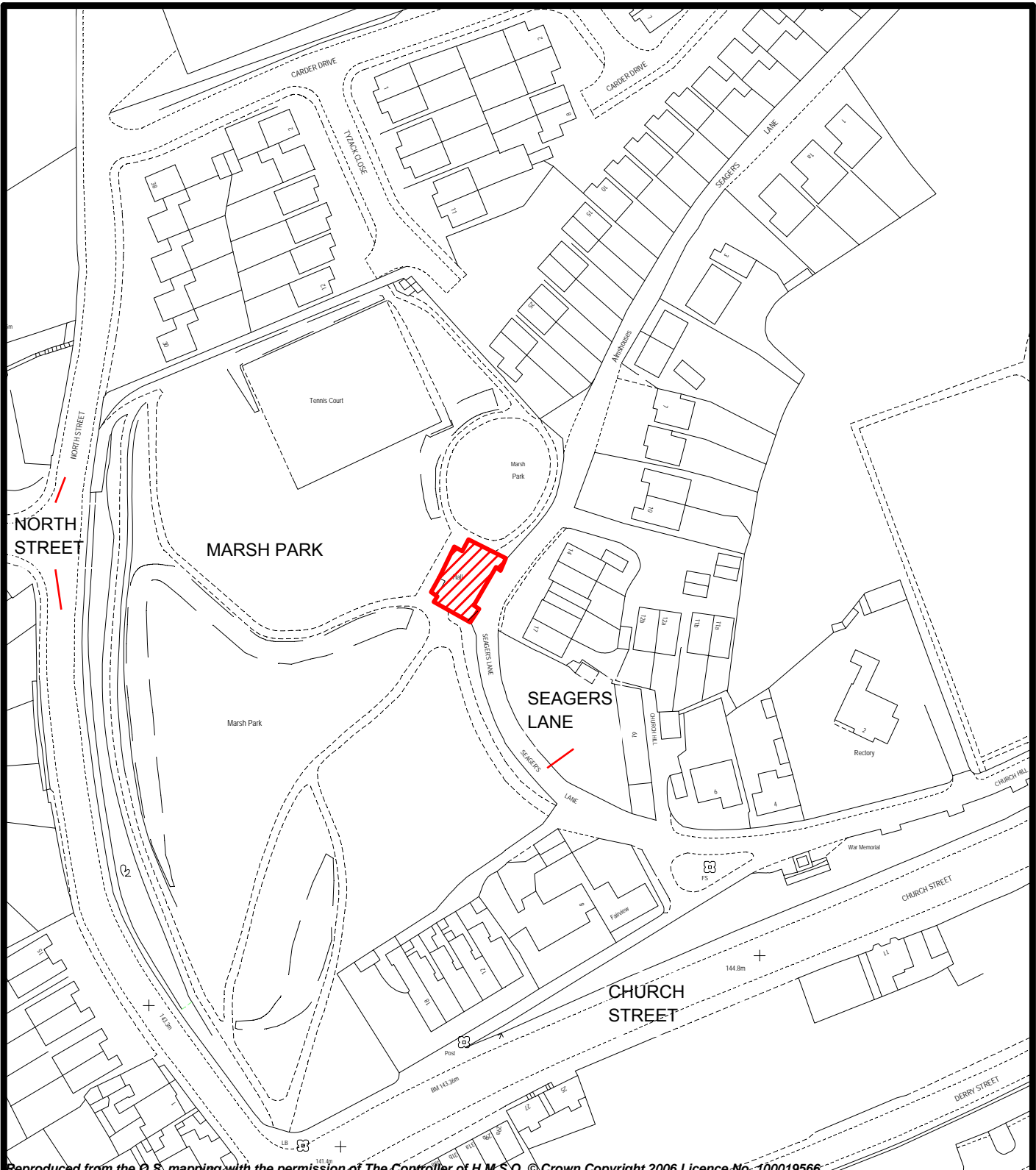
Proposal

That the Brierley Hill Area Committee advises the Cabinet Member for Leisure to accept the surrender of the lease 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: Alan Nugent, Property Manager, Ext. 5351



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TITLE:

**KNOTT WELFARE HALL
SEAGERS LANE
BRIERLEY HILL**



SCALE:

1 : 1250

DATE:

18-JAN-2006

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

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