

Brierley Hill Area Committee 1st July 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.

John Polychronakis

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John Polychronakis
Director of Law and Property

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Alan Nugent, Property Manager
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List of Background Papers
See individual appendices

Brierley Hill Area Committee

Date:1st July 2008

Request to purchase Council owned land:

Location: adjacent to 24 Redfly Lane, Pensnett
(As shown on the plan attached)

Background

This report was considered at the Brierley Hill Area Committee on the 3rd April 2008 and was deferred pending a site visit.

The site visit was held on Wednesday, 23rd April 2008 at 2.30 p.m. and was attended by Ward Members and relevant officers. After discussion it was decided to approve the proposal to refuse the application.

To reiterate, an application has been received from the owner of 24 Redfly Lane, Pensnett to purchase Council owned land adjacent to the property, as shown hatched on the plan attached. The land is under the control of the Directorate of Adult, Community and Housing Services and is held for housing purposes.

The applicant states that he wants to purchase the land in order to stop the nuisance caused by youths who park on the land late at night causing noise and leaving litter on the land. He also believes drugs are being used and states that in the past cars have been burnt out on the site.

24 Redfly Lane was originally a Council owned shop which was purchased by the tenant and has now been converted to residential use. Access rights across the land were conveyed to the owner of 24 Redfly Lane and the owner of 88 Swann Lane also has access rights.

Comments

All the relevant Directorates have been consulted and the following comments have been received.

The Directorate of Adult, Community & Housing Services have recently refurbished the garages on its adjacent garage site as shown outlined on the attached plan. They are unaware of any incidents of anti-social behaviour on the site.

The Directorate of the Urban Environment and the Directorate of Law & Property consider that the application should be refused and the site retained in Council ownership as any disposal of land at this location would prejudice future development of the remaining Council land holding. The Council's Community Safety Officer has not received any reports of Anti-Social Behaviour in this area.

Proposal

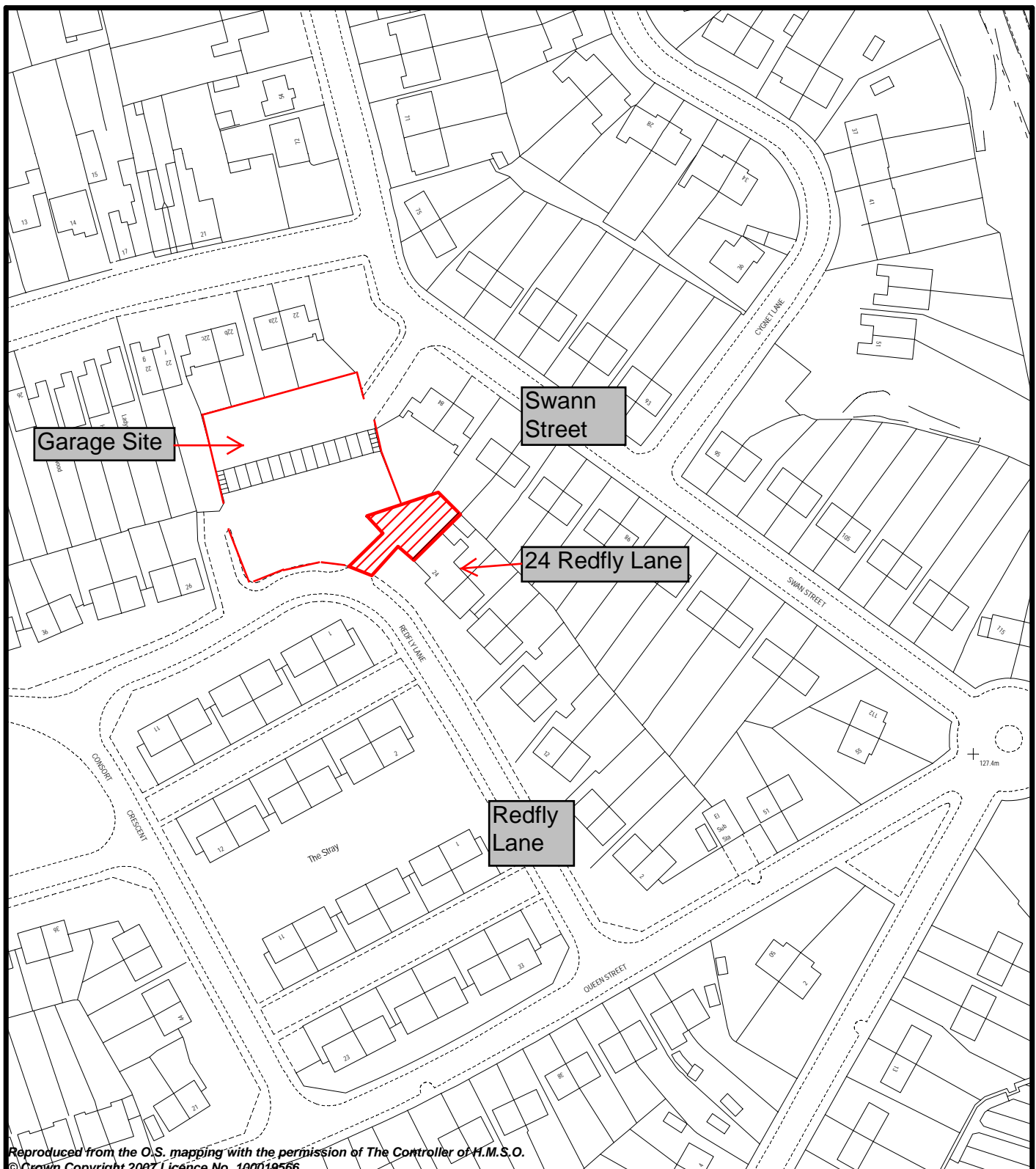
That the Area Committee advises the Cabinet Member for Housing to refuse the application for the reasons stated above.

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:

Land adjacent
 24 Redfly Lane
 Pensnett



SCALE:

1 : 1250

DATE:

08-NOV-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:

Alan Nugent, Property Manager, ext 5351



Brierley Hill Area Committee

Date 1st July 2008

Brierley Hill Housing Garage Plot Sites
(As shown hatched on the plans attached)

Background

This report is concerning the surplus housing garage plot sites controlled by the Directorate of Adult, Community and Housing Services (DACHS) and are shown marked on the attached plans. These sites are divided into plots that are let to individual tenants who erect their own garage on the plots.

By way of background information, the Directorate of Adult, Community and Housing Services have undertaken a review of their garage sites and garage plot sites throughout the Borough and have identified sites that are now surplus to their requirements. The programme has been agreed by the Housing Area Panels.

DACHS also have housing garage sites, which differ from plot sites in that they are sites that have garages built upon them by DACHS and the garages are let to tenants. A report regarding the surplus Garage sites identified by the Housing Area Panels, was considered by the Executive at its meeting on 8th September 2004 and the Garage sites were declared surplus to requirements at that time. In the Brierley Hill area only two garage sites were declared surplus to requirements and the Councils Surveyor has been instructed to dispose of them.

The Garage plot sites within the Brierley Hill area that have been identified by the Housing Area Panel as sites that they would wish to be declared surplus to requirements are the subject of this report and are identified on the plans attached to this report. These plot sites are at:

32-34 Marley Road,
15 -17 Marley Road,
38 Nanaimo Way.
17-25 Sandfield Road
1 Pine Close, Kingswinford.
1 Wrens Ave Kingswinford.
143-149 Bells Lane
108-116 Blewitt St, Pensnett
78-88 Tack Farm Road,
24 Fairfield Road Wordsley
Kinver Street, Wordsley
35-55 Standhills Road, Kingswinford.
76 Harrison Road, Wordsley
12 Blackthorn Road
52 Fisher Street
16 Lower Valley Road
116 Wells Road
27 Norwood Road
77-80 Station Road

Orchard Street – 2 sites
Dingle Road/Bromley Lane

Comments

The relevant Council Directorates have been consulted regarding the disposal of all of these plot site and no objections have been received to their disposal.

Each site has been considered in relation to its development potential and possible uses of the sites include residential development, garden extensions to adjoining owner/occupiers or sale to private garage site companies who lease out garages, subject to planning consent being obtained. The Director of Law and Property will assess the possible uses for each site to enable them to be disposed of, once they have been declared surplus.

Proposal

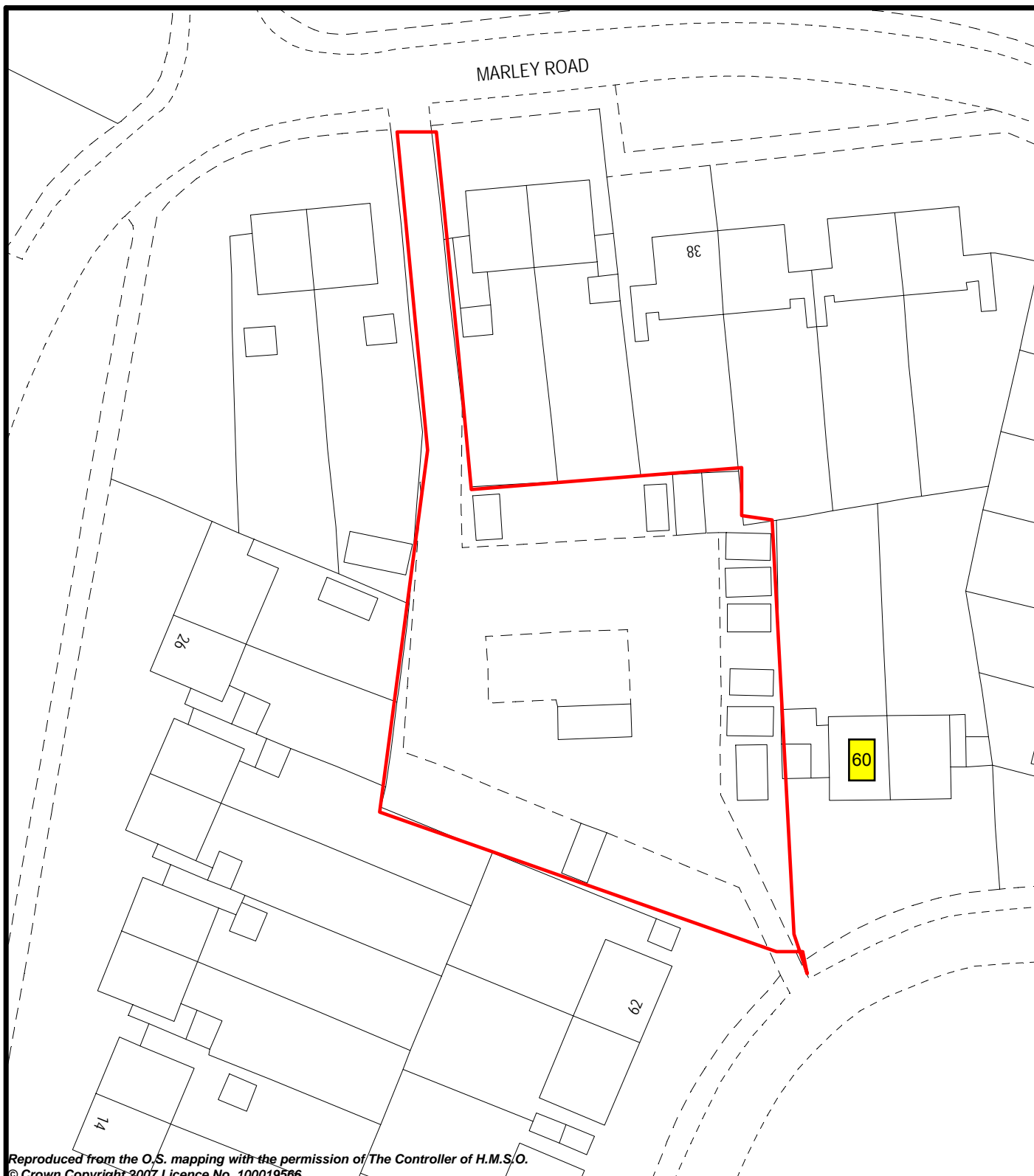
That the Area Committee advise the Cabinet Member for Housing to declare the above Housing garage plot sites surplus to requirements, to be sold upon terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

1. E-mails and memos from the Council Directorates.

Contact Officer:

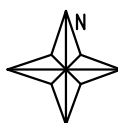
Gill Hudson, Principal Property Manager, Ext. 7068



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TITLE:

Marley Rd adj 60
Kingswinford



SCALE:

1 : 500

DATE:

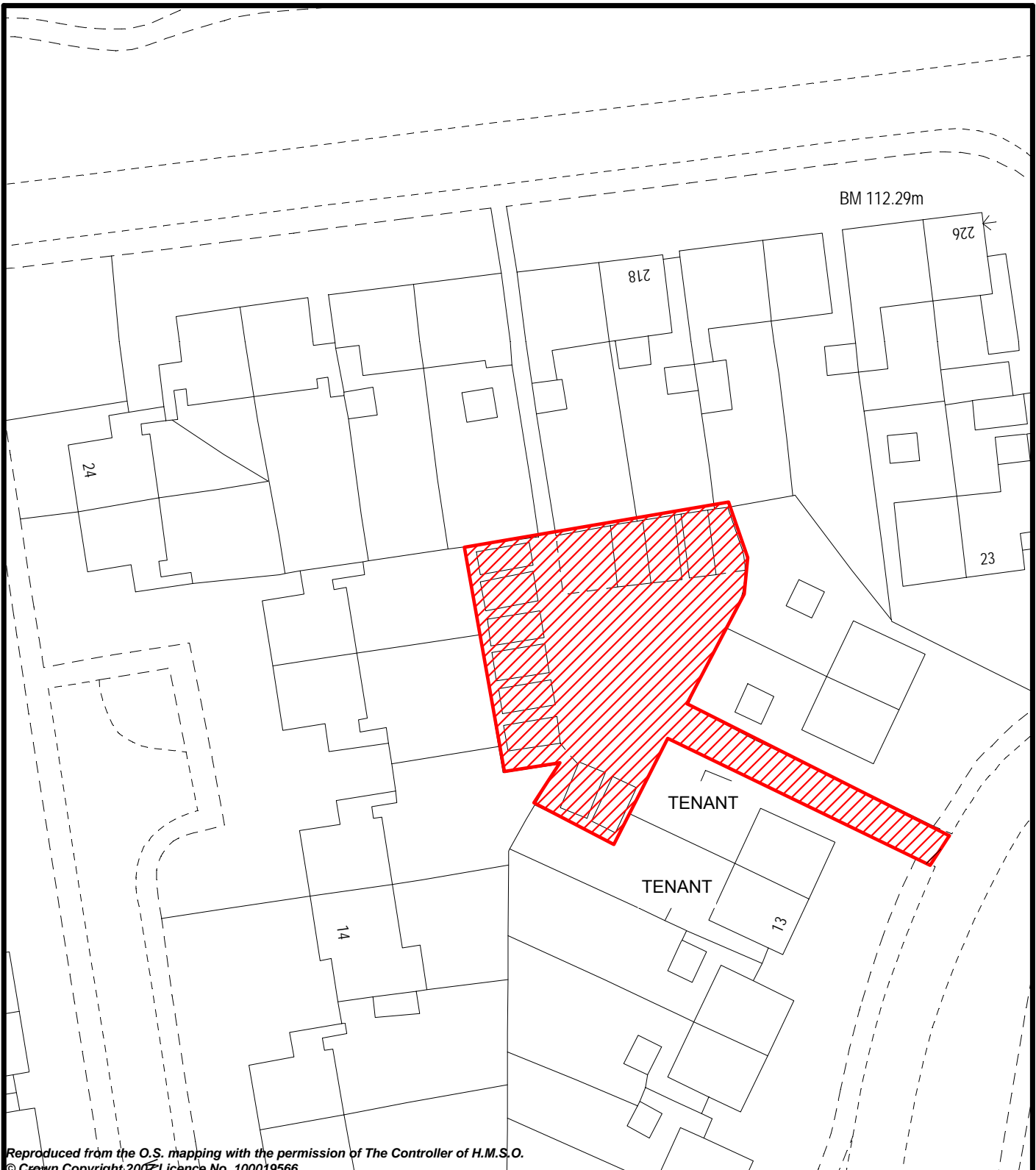
31-JAN-2007

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TITLE:

LAND ADJ TO 15 MARLEY ROAD
KINGSWINFORD



SCALE:

1 : 500

DATE:

15-MAR-2007

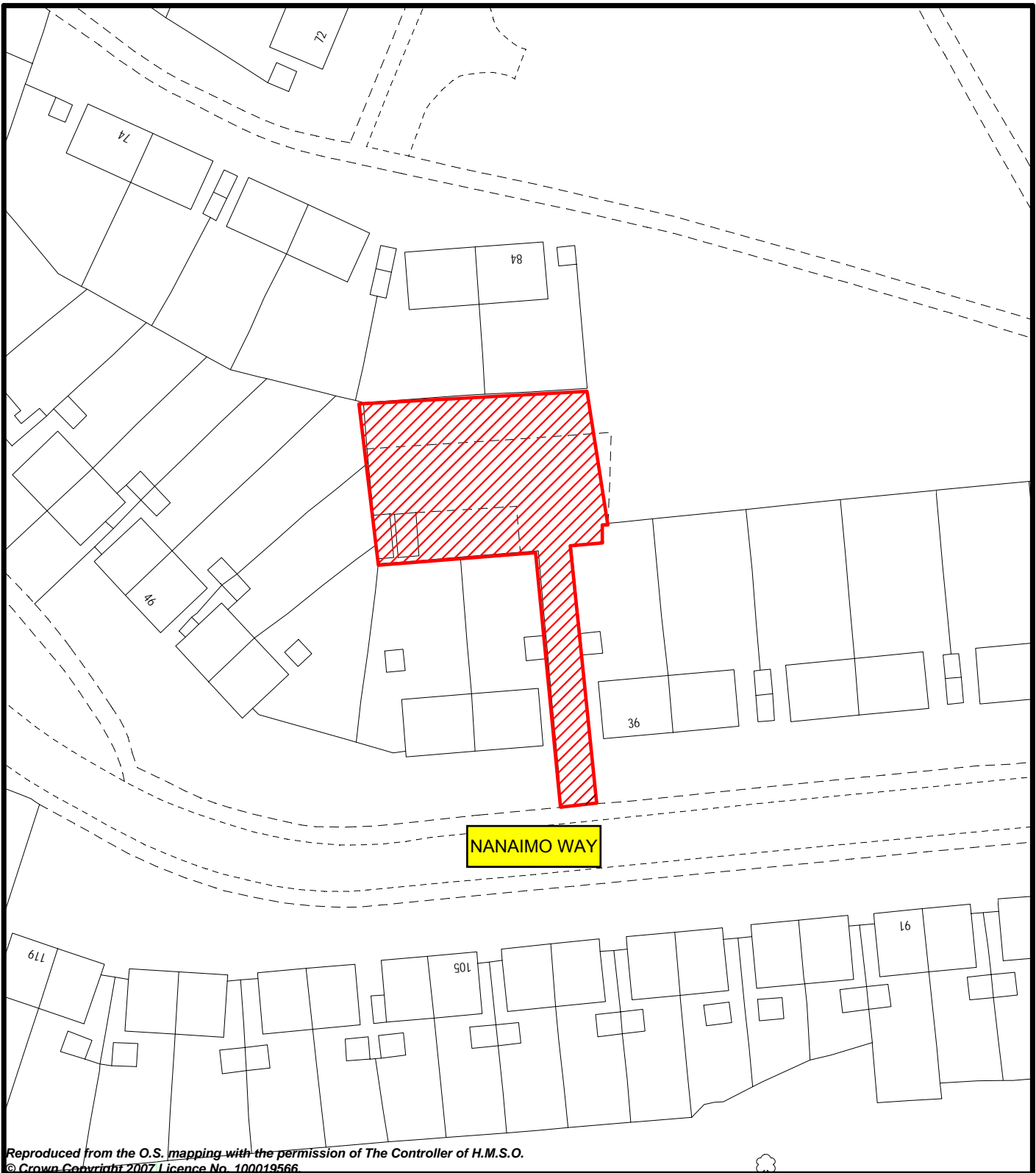
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TITLE:

LAND OFF NANAIMO WAY
 KINGSWINFORM



SCALE:

1 : 625

DATE:

16-MAR-2007

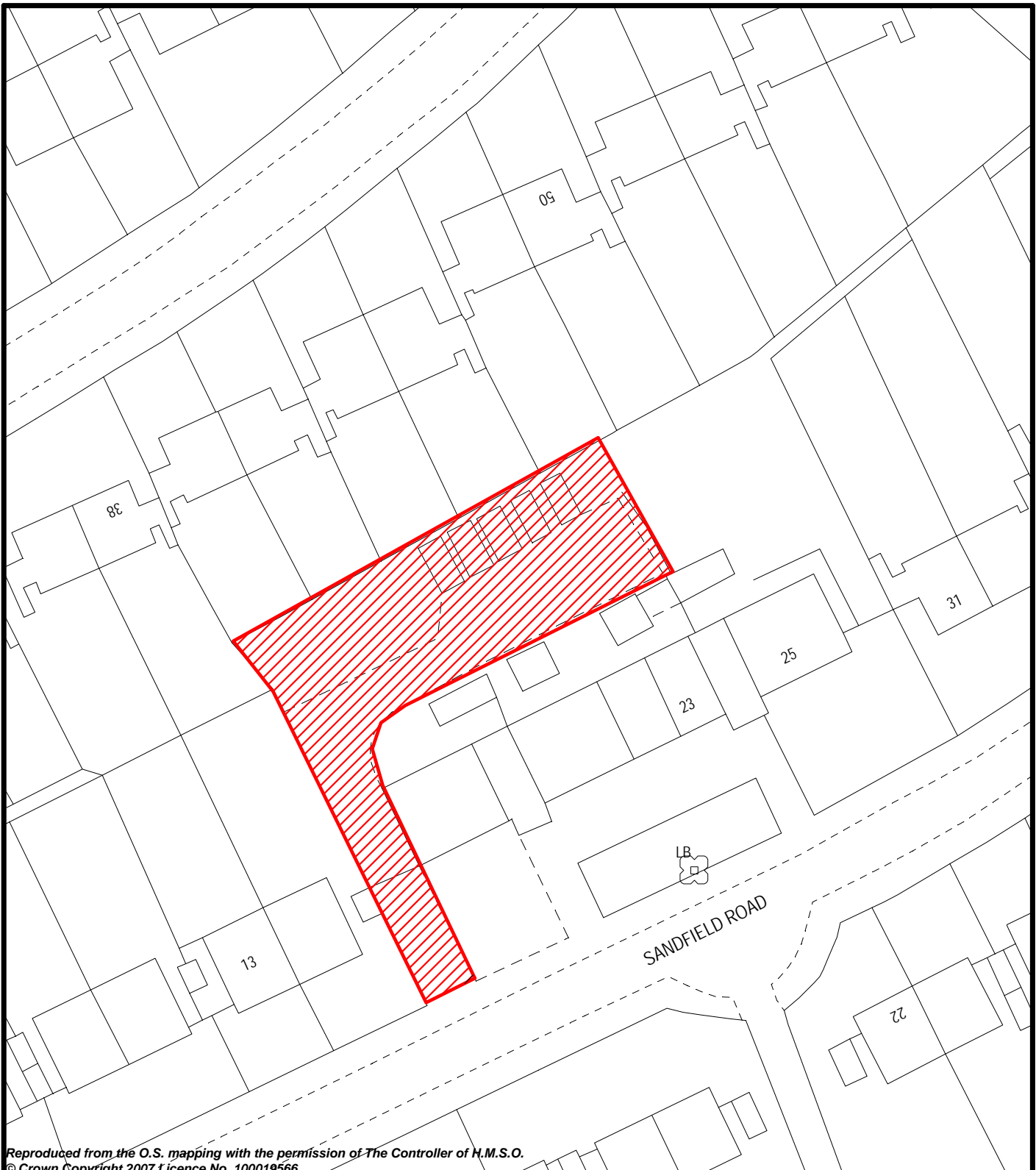
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TITLE:

LAND BEHIND SHOPS 19 - 23 SANDFIELD
ROAD.
WORDSLEY



SCALE:

1 : 500

DATE:

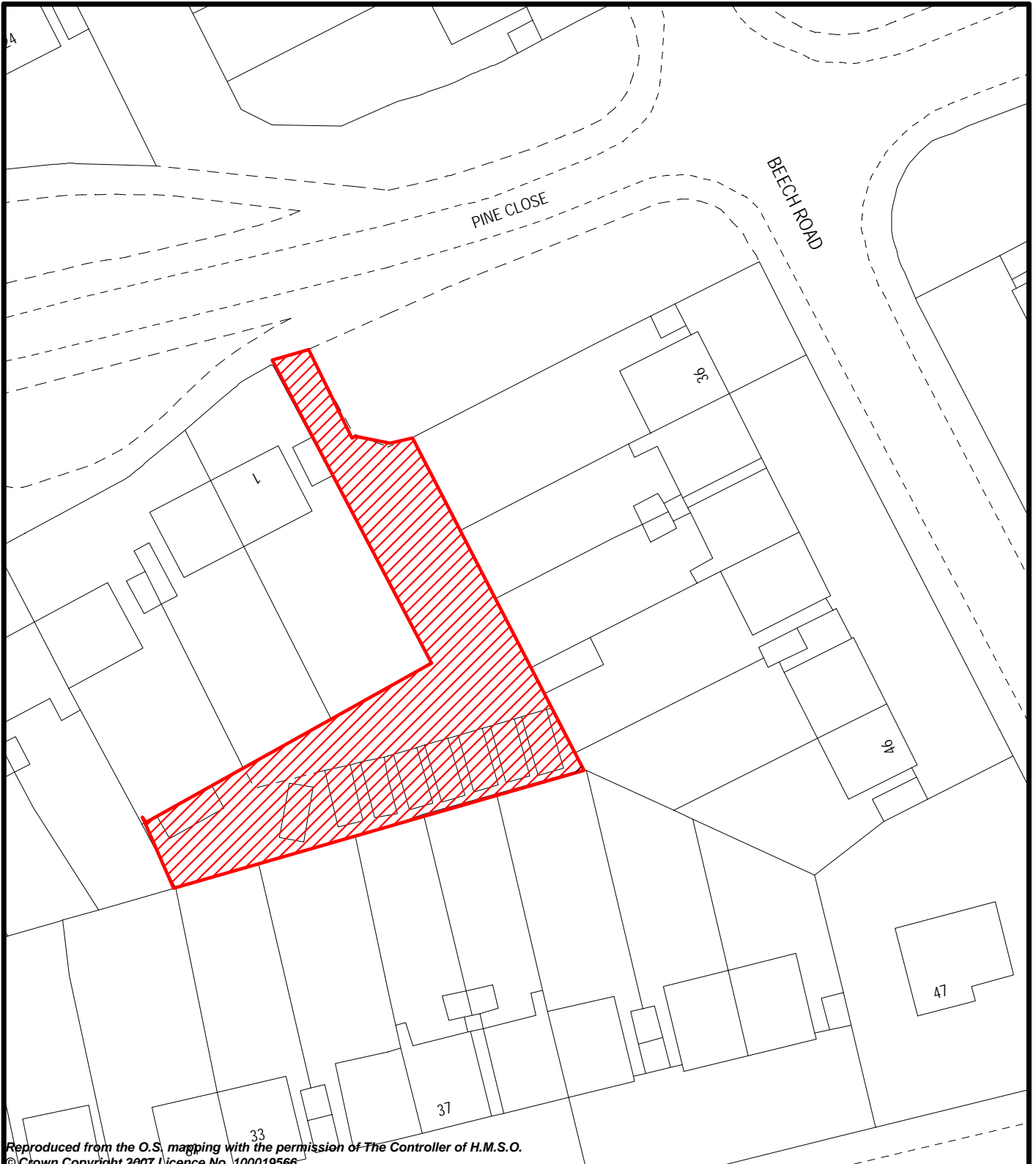
15-MAR-2007

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TITLE:

LAND AT PINE CLOSE, KINGSWINFORD



SCALE:

1 : 500

DATE:

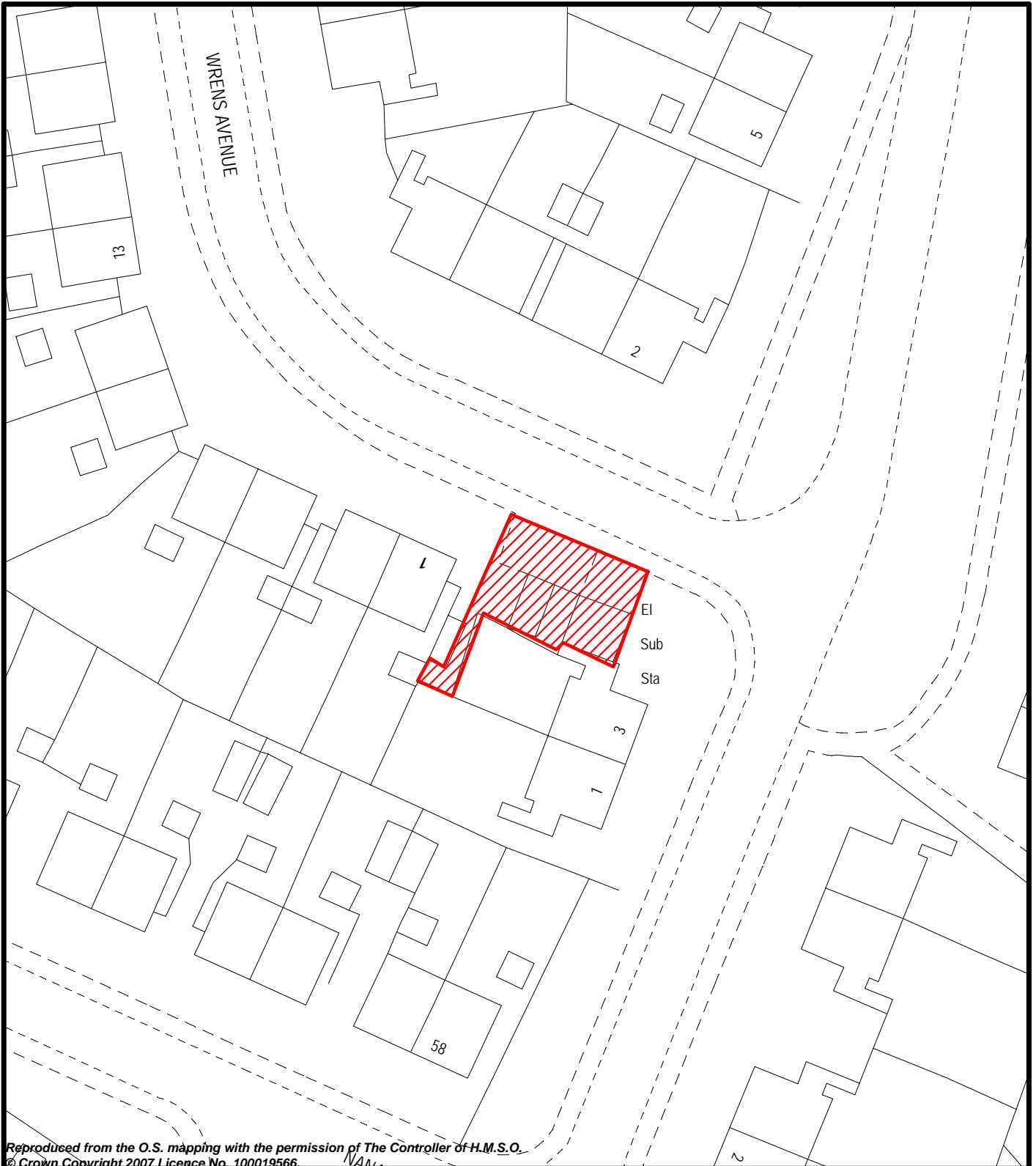
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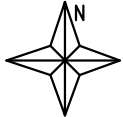

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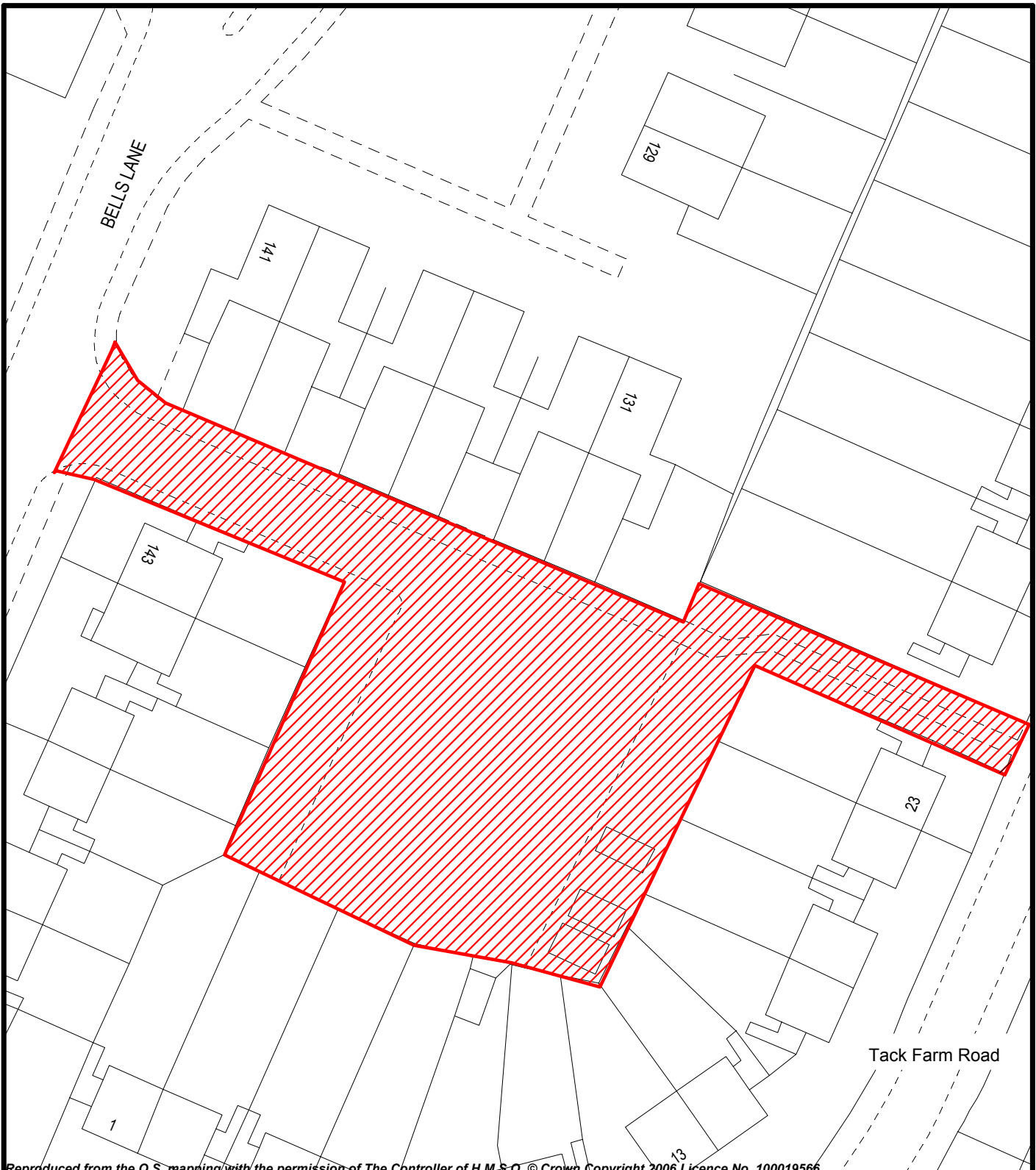
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TITLE:

Land Adjacent to 143 Bells Lane,
Wordsley.



SCALE:

1 : 500

DATE:

08-NOV-2006

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Directorate of Law and Property**

3 St James's Road

DUDLEY

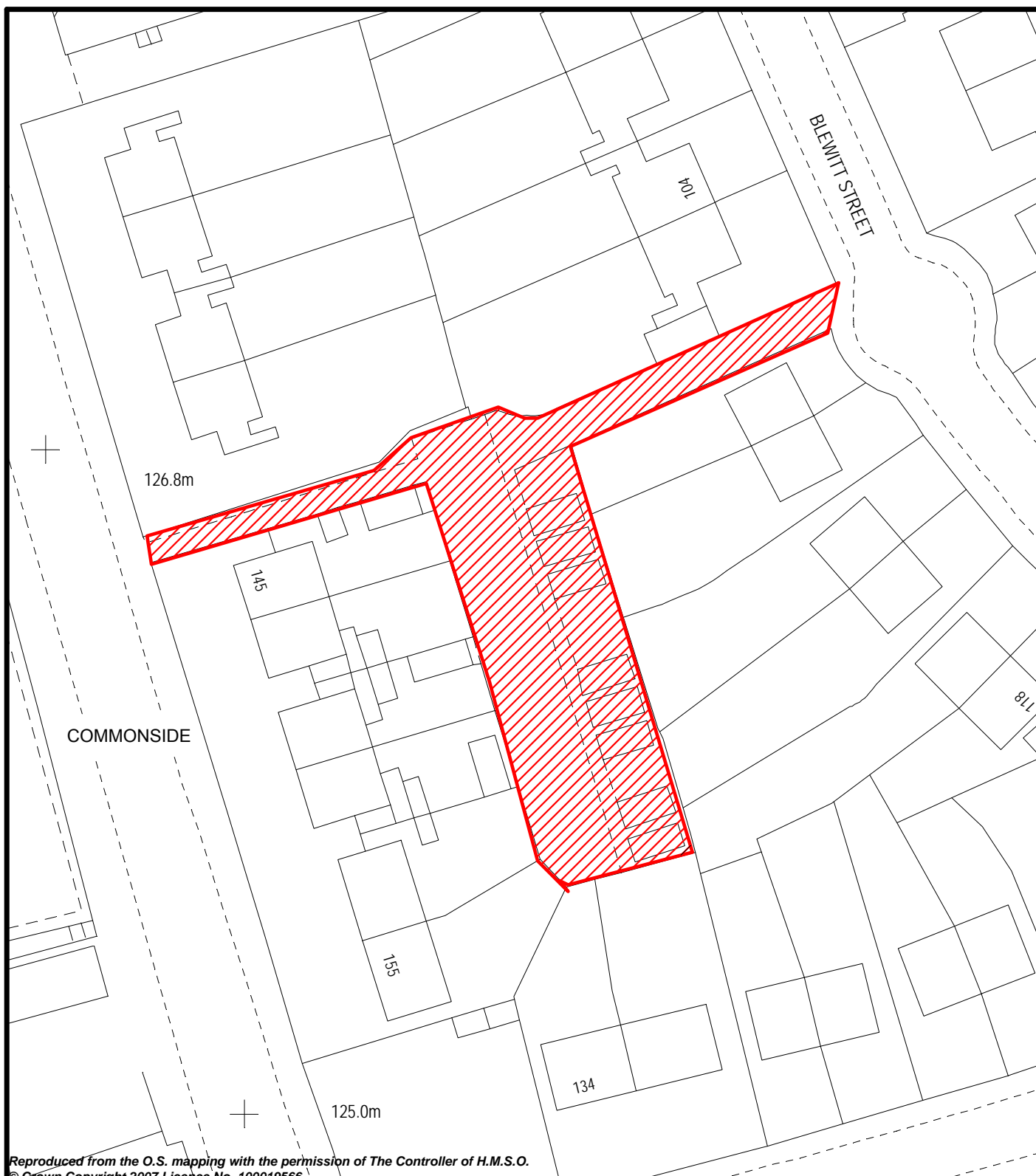
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TITLE:

LAND AT BLEWITT ST, BRIELEY HILL



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DATE:

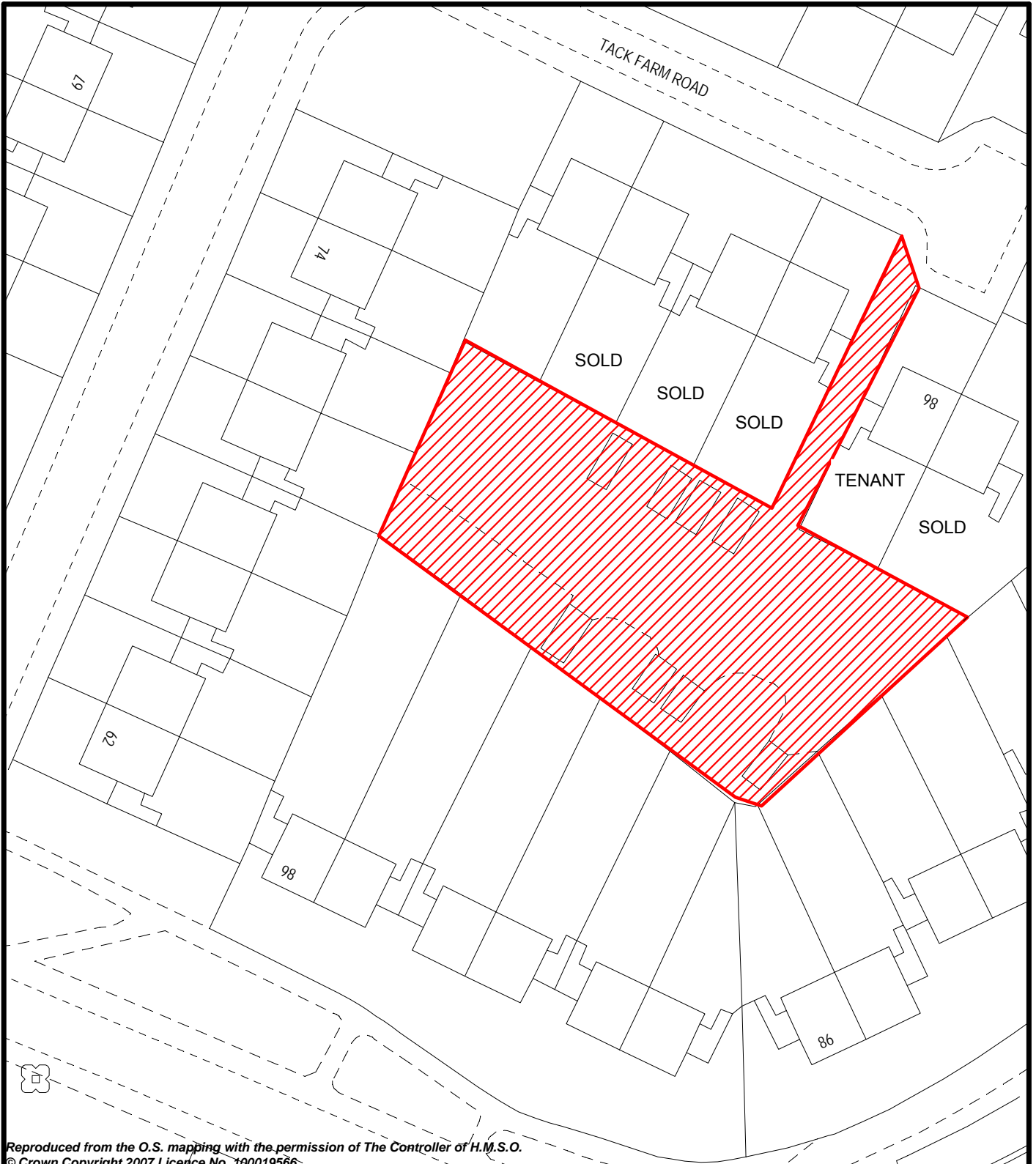
14-MAR-2007

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TITLE:

TACK FARM ROAD
WORDSLEY



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1 : 500

DATE:

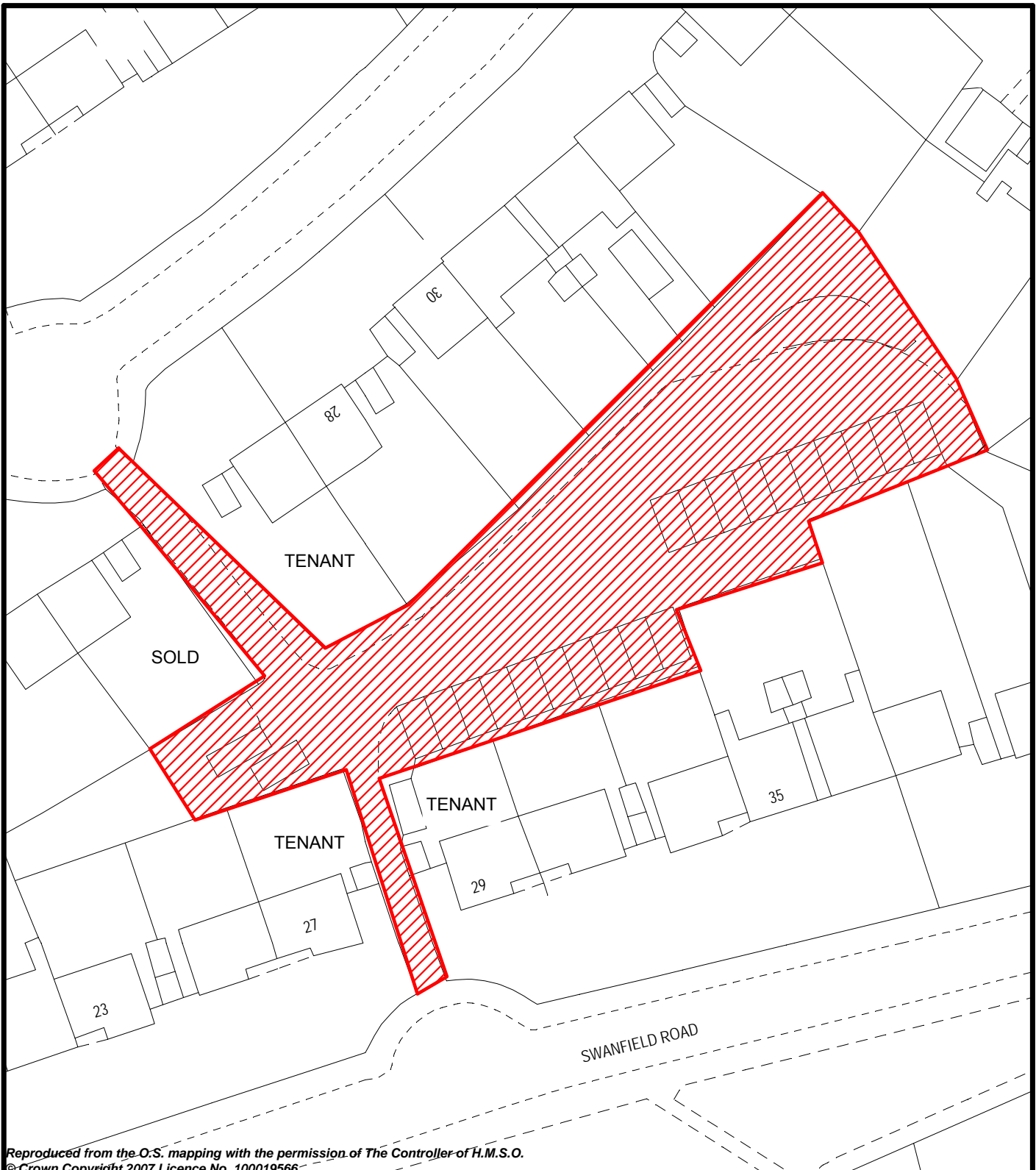
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TITLE:
 LAND REAR OF 24 FAIRFIELD ROAD
 WORDSLEY



SCALE:
 1 : 500

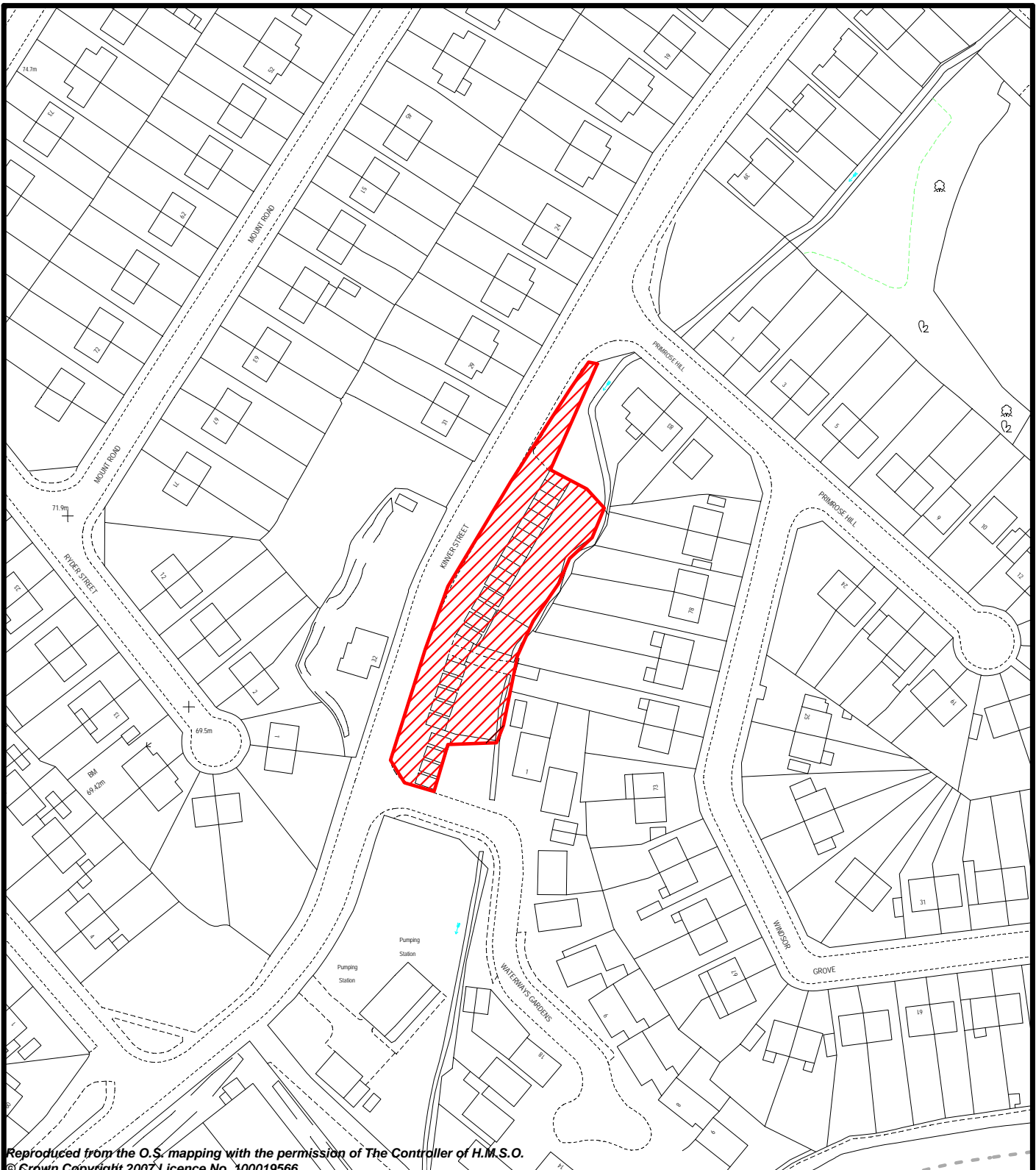
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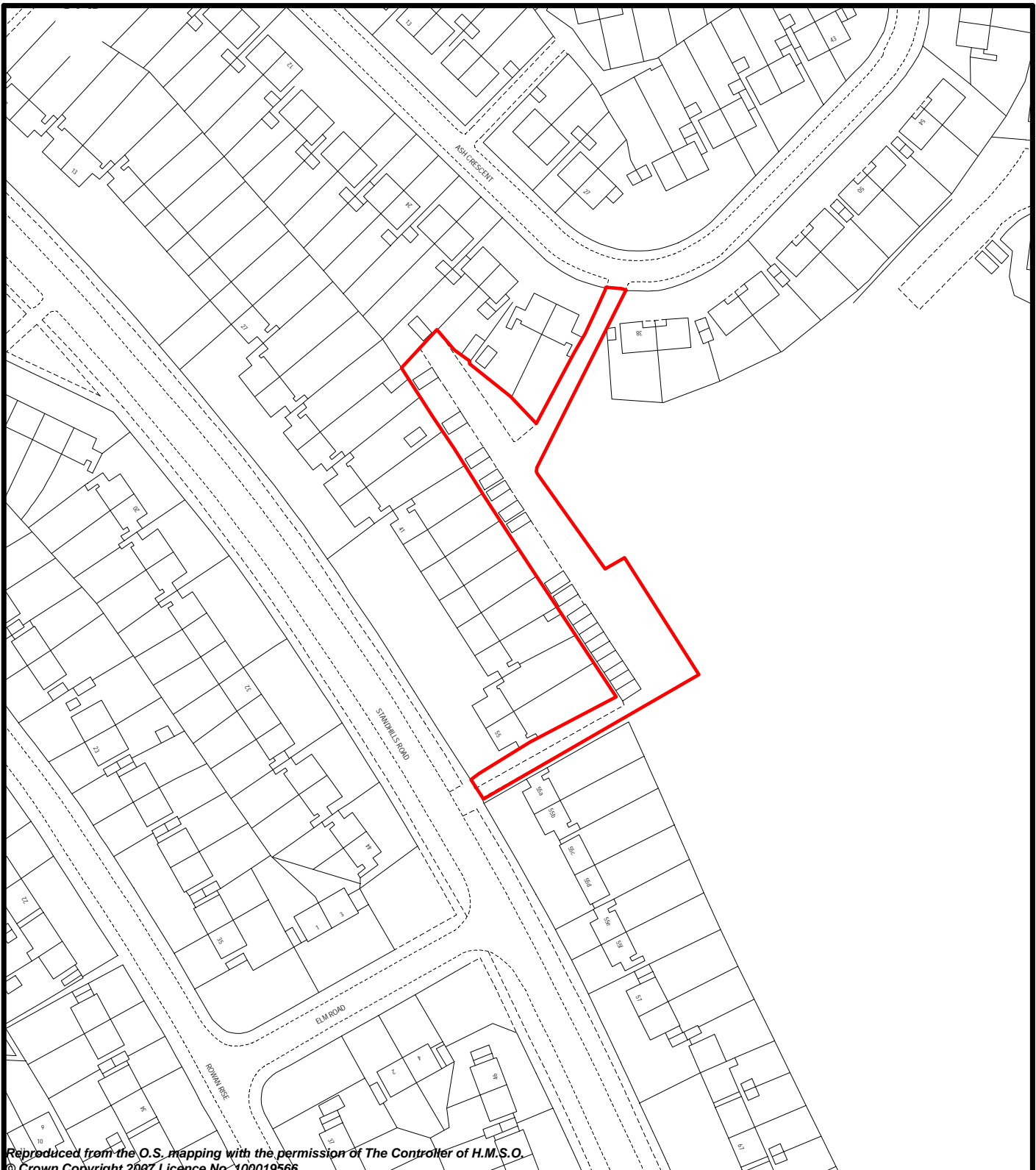
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TITLE:

LAND REAR OF 35 - 55 STANDHILLS ROAD
KINGSWINGORD



SCALE:

1 : 1250

DATE:

15-MAR-2007

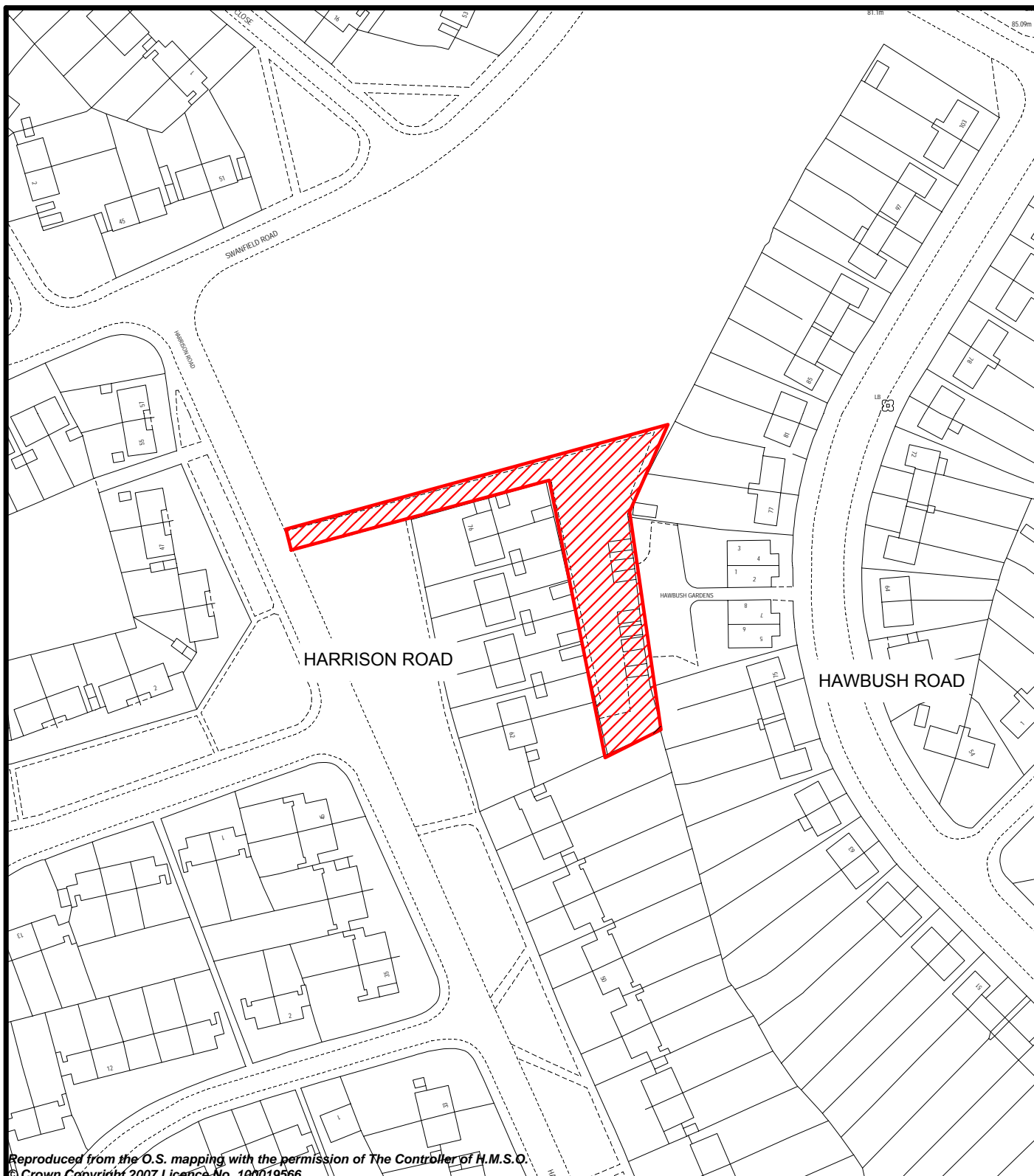
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TITLE:

LAND R/O 76 HARRISON ROAD,
 WORDSLEY



SCALE:

1 : 1250

DATE:

15-MAR-2007

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TITLE:

land at blackthorn road ☐
wordsley ☐

☐
☐
☐
☐
☐
☐
☐

CREATED BY:

☐
gill hudson



SCALE:

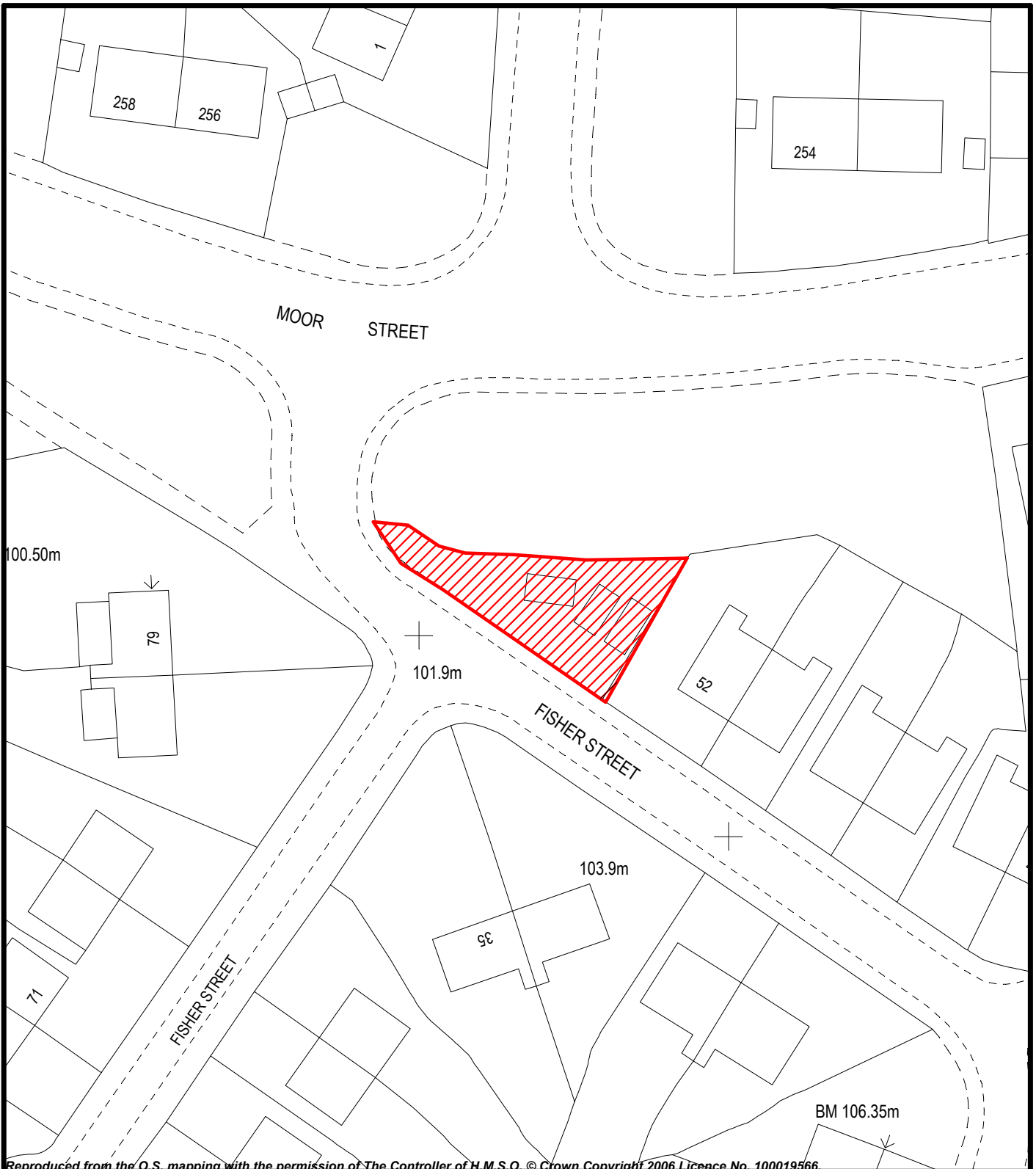
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DATE:

19-MAY-2004

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





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TITLE:

Fisher Street
Brierley Hill



SCALE:

1 : 500

DATE:

07-NOV-2006

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

3 St James's Road

DUDLEY

West Midlands

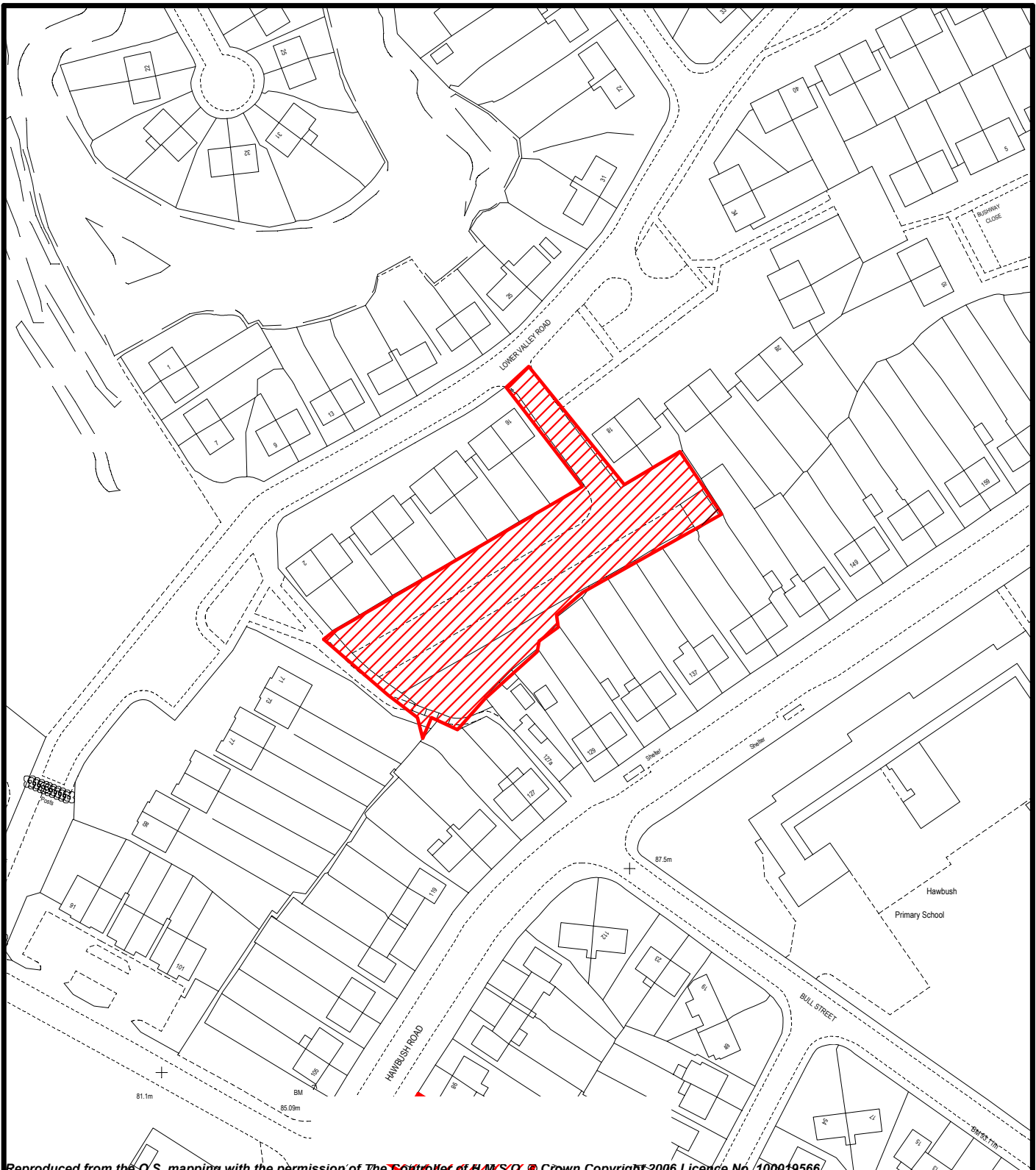
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Dudley
Metropolitan Borough Council



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TITLE:

Lower Valley Road
Brierley Hill



SCALE:

1 : 1250

DATE:

07-NOV-2006

Corporate Estate Services

Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

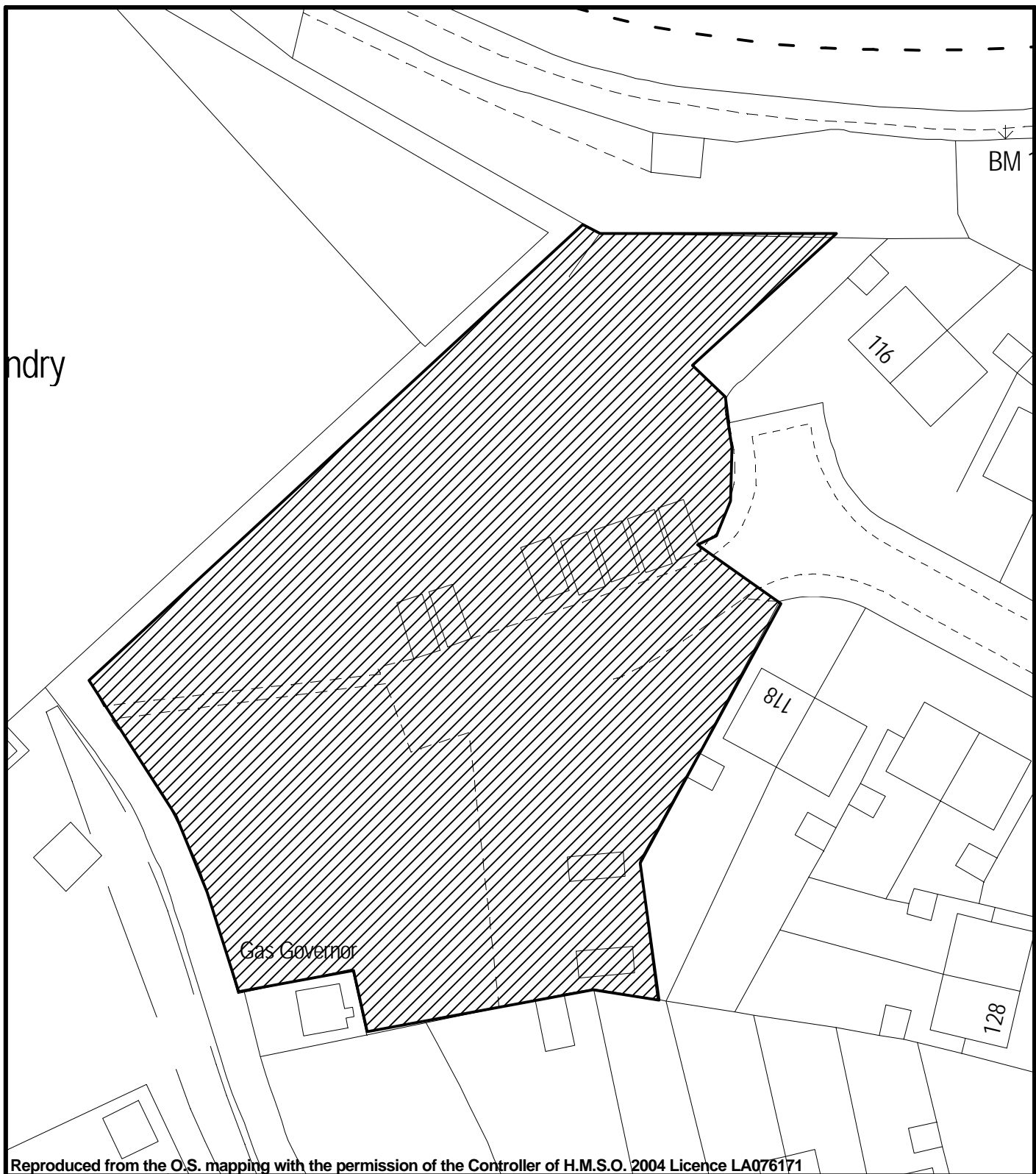
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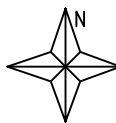
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Metropolitan Borough Council



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TITLE:

land at wells road
brierley hill



SCALE:

1 : 500

DATE:

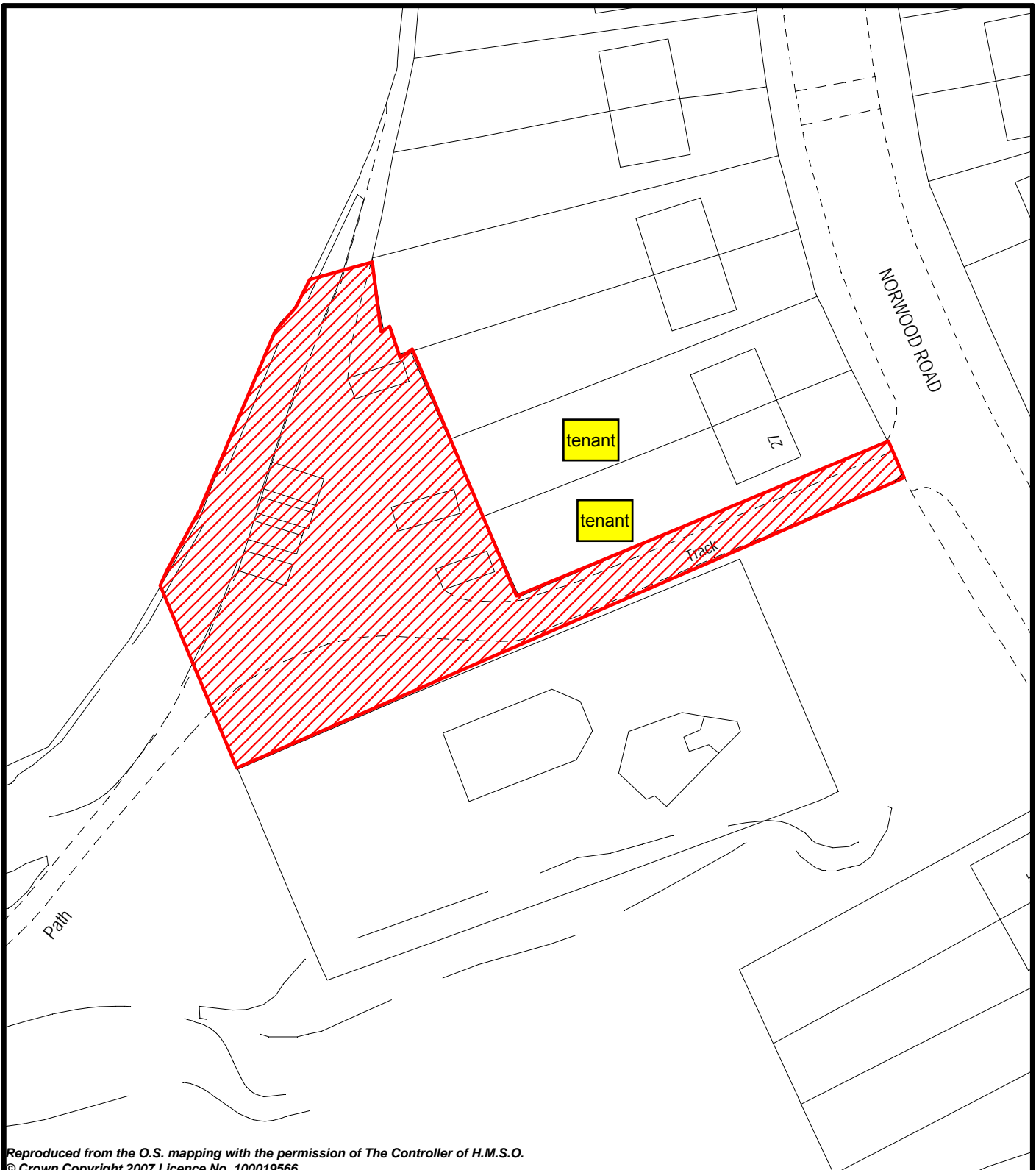
19-MAY-2004

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GILL HUDSON, PROPERTY MANAGER EXT 5311





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TITLE:
 LAND AT NORWOOD ROAD
 BROCKMOOR



SCALE:
 1 : 500

DATE:
 16-MAR-2007

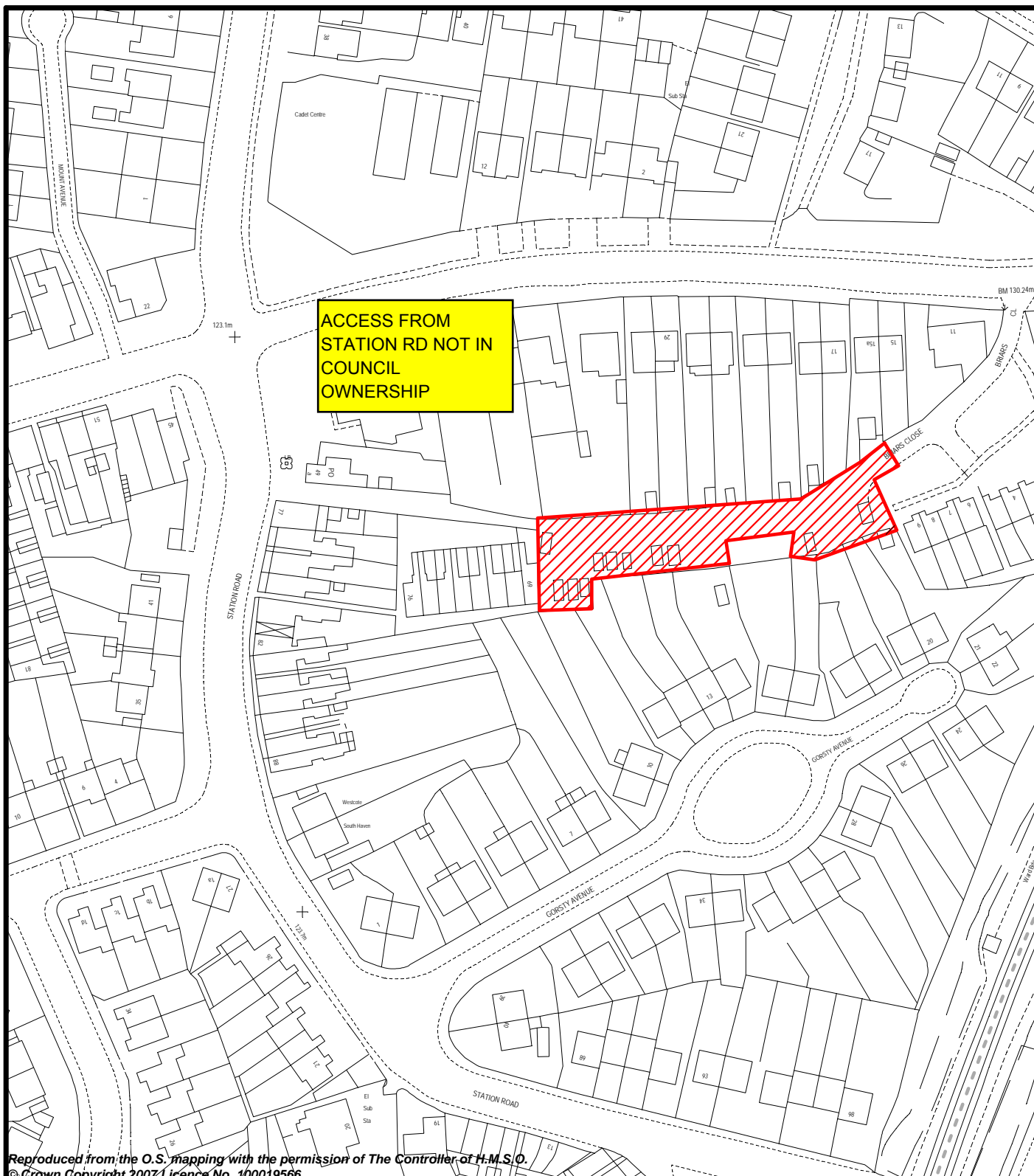
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TITLE:

LAND OFF STATION ROAD/ BRIARS CLOSE.
BRCKMOOR



SCALE:

1 : 1250

DATE:

15-MAR-2007

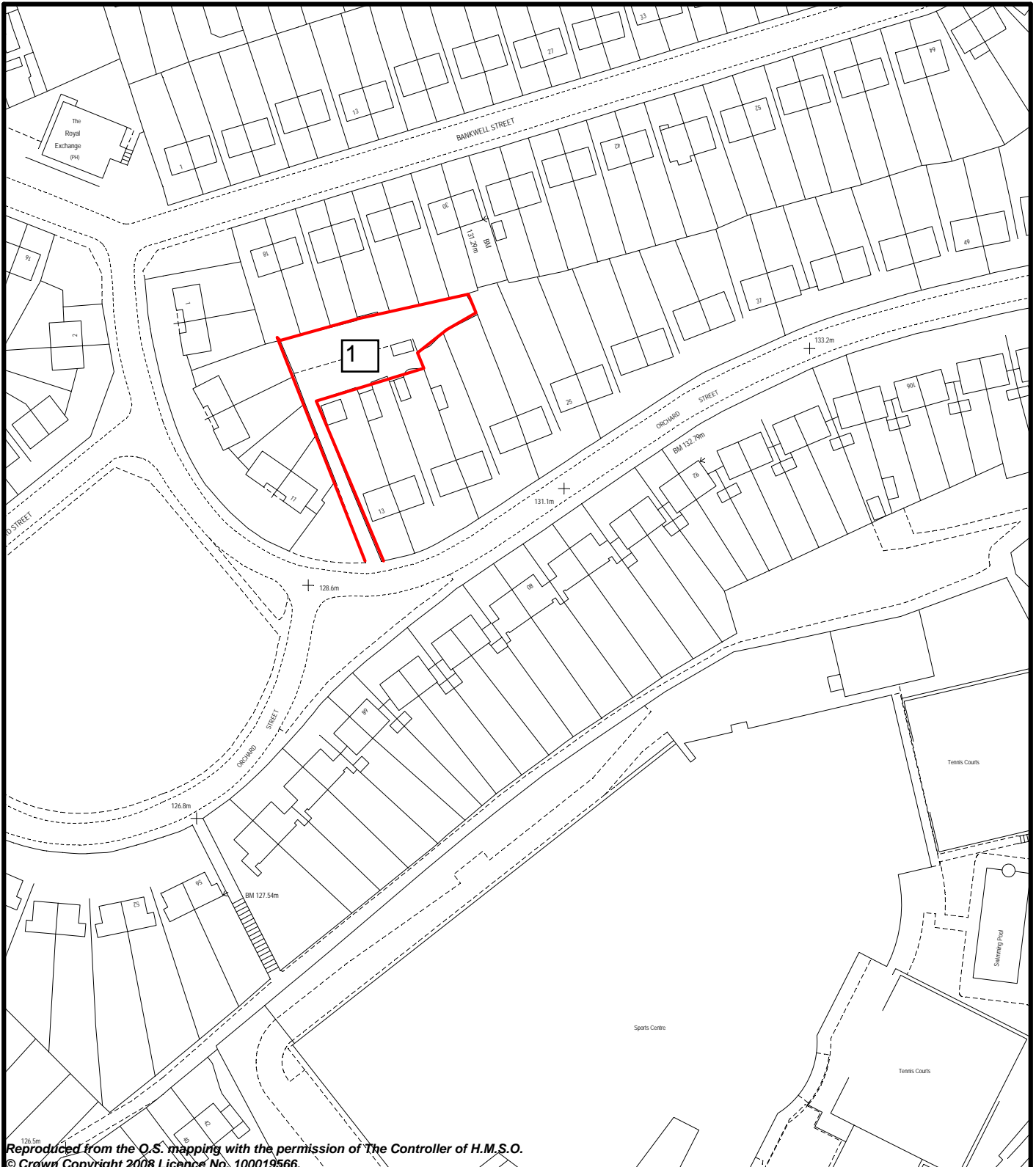
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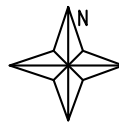
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TITLE:

Garage site at:
 Orchard Street



SCALE:

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DATE:

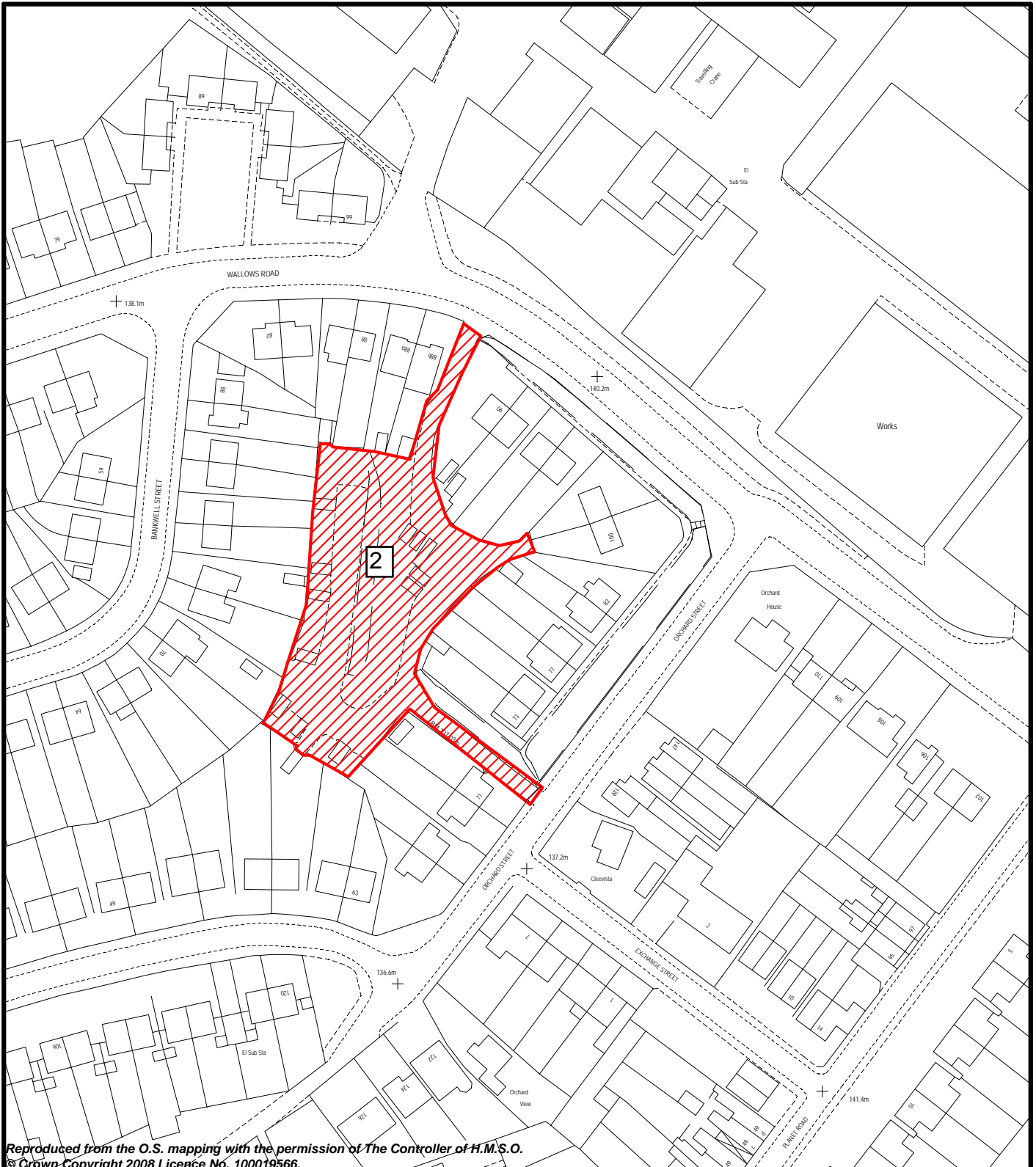
05-FEB-2008

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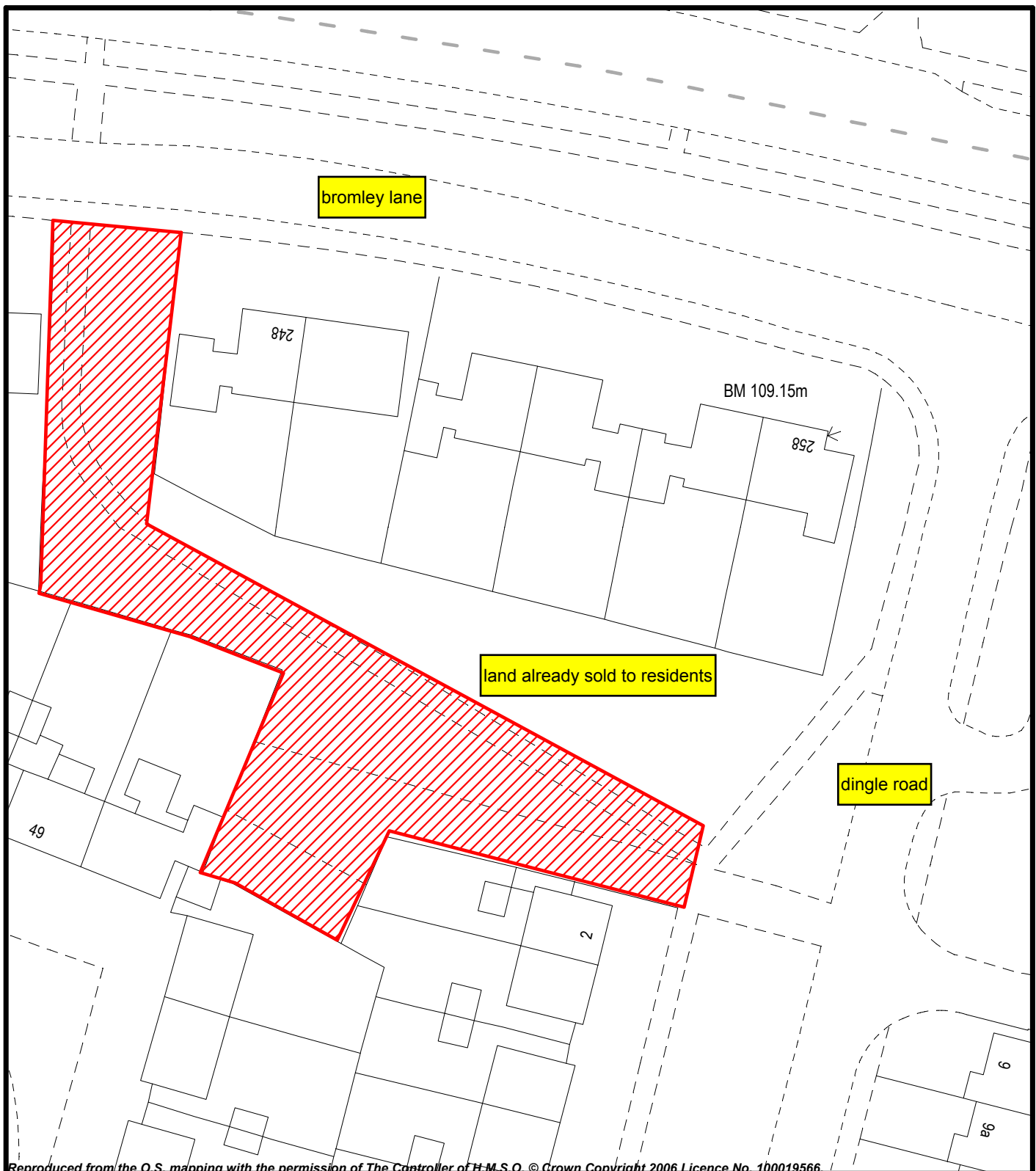
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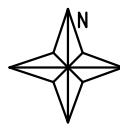
<p>TITLE:</p> <p>garage site at orchard street</p> <p>OS data reproduced with the permission of the Controller of HMSO 2008 Licence No 100019566</p>	<div data-bbox="874 1760 995 1881"></div> <div data-bbox="847 1917 963 1980">SCALE: 1 : 1250</div> <div data-bbox="847 1995 963 2058">DATE: 05-FEB-2008</div>	<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p> <div data-bbox="1209 1989 1442 2107"></div>
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TITLE:

Garage Plot Site
Dingle Road
Dudley



SCALE:

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DATE:

16-NOV-2006

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