

**Brierley Hill Area Committee 3<sup>rd</sup> April 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.

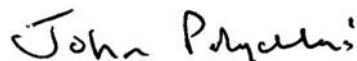
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

### **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.



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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**

**Date: 3<sup>rd</sup> April 2008**

**Request to purchase Council owned land:**

**Location: Land at High Street, Wordsley**  
**(As shown on the plan attached)**

**Background**

The land at High Street, Wordsley is the site of the former Wordsley Institute, which was demolished by the Council in 2001 pursuant to a Magistrates' Court Order. The Council has a legal charge on the property and as the mortgagee is entitled to sell or lease the land. The right to exercise the sale or lease of the land has only been available to the Council since the obtaining of a County Court Order in September 2007.

The land is not considered suitable for development owing to its position which makes it unlikely that planning permission for development would be granted.

The Council has now received an application from the adjoining landowner, the proprietor of the Rose & Crown public house, to purchase the site of the former Wordsley Institute. The applicant wishes to tarmac the land and use it as a car park for the public house.

**Comments**

All the relevant Directorates have been consulted and no objections have been received.

The Directorate of the Urban Environment have stated that the land has no designations in the adopted UDP. The sale of the land to the owner of Rose & Crown may assist in maintaining the viability of a very interesting Locally Listed pub. The landscaping of the car park could include some terracotta balls and a small collection of other architectural details salvaged from the Institute and the use of these items should be included as a condition of the disposal.

The problems with access onto the site have prevented this land from being developed in the past and the location of the access to the site would have to be subject to approval of a planning application. A two metre footpath would have to be provided by the applicant. It is also recommended that a time limit be placed on any sale of the land to ensure that it is developed and not left in its current state.

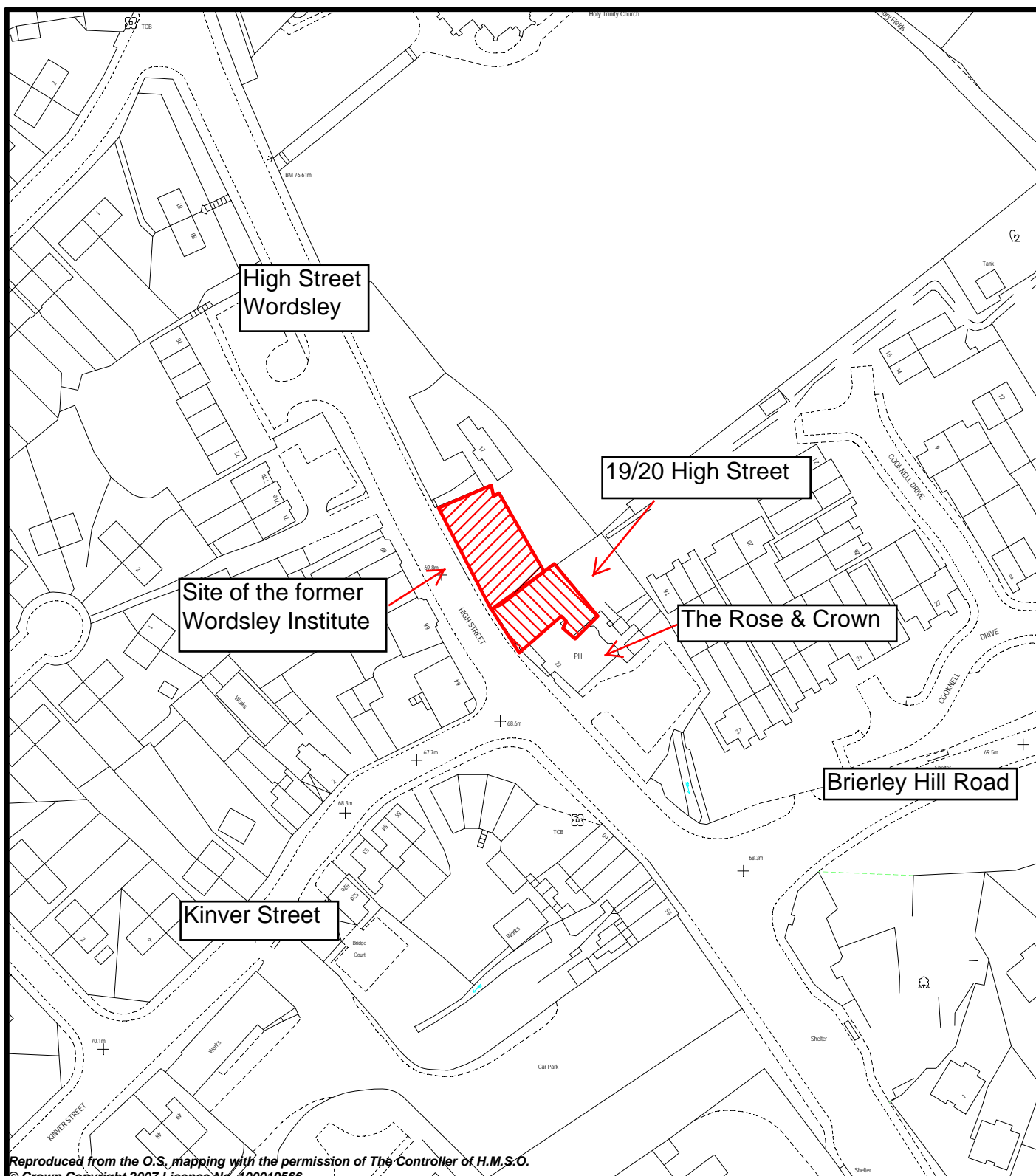
**Proposal**

That the Area Committee advises the Cabinet Member for Personnel, Law & Property to declare the site of the former Wordsley Institute, surplus to requirements and added to the Land Disposals Programme to be sold on the open market 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: Alan Nugent, Property Manager, Ext.5351



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TITLE:

Site of the former  
Wordsley Institute  
19/20 High Street  
Wordsley



SCALE:

1 : 1250

DATE:

11-DEC-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: 3<sup>rd</sup> April 2008**

**Request to purchase Council owned land:**

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

**Background**

An application has been received from the owner of 24 Redfly Lane, Pensnett to purchase the 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 Directorate of Adult, Community & Housing Services have no objection to the sale of the land subject to existing access rights of 88 Swan St. DACHS have recently refurbished 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.

However, 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.

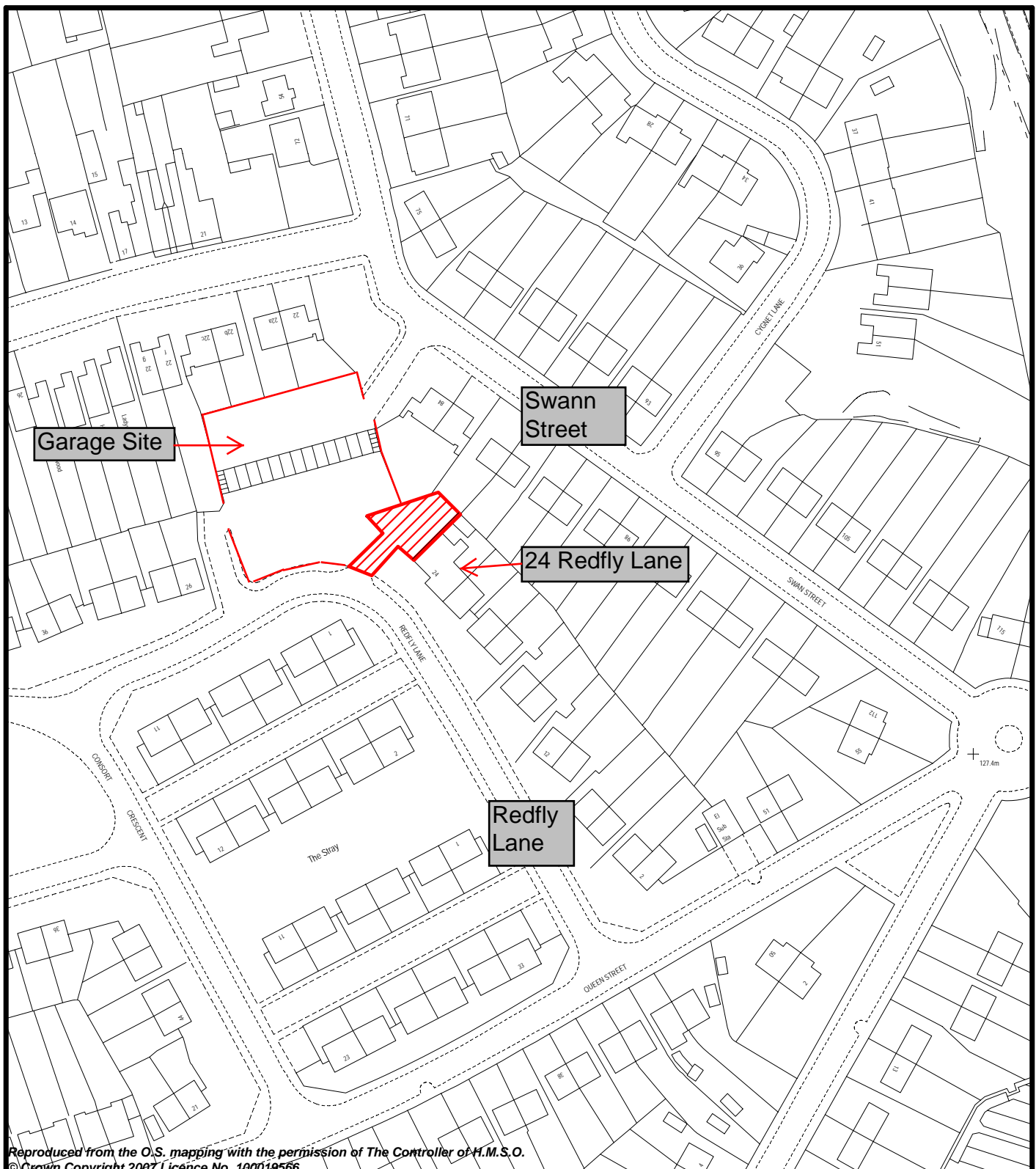
**Proposal**

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



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: 3<sup>rd</sup> April 2008**

**Request to Purchase**

**Location: Land off Albion Street, Brierley Hill**  
**(As shown on the plan attached)**

**Background**

A report regarding this matter was deferred from a meeting of the Brierley Hill Area Committee on 6th December 2007, for a further site visit by Members and so that the Managing Director of Longlife Buildings be invited to attend.

To reiterate, an application has been received from Longlife Buildings Limited of 1 Albion Street, Brierley Hill, to purchase the above mentioned Council owned land, as shown hatched on the plan attached.

The land is under the control of the Directorate of Law and Property.

The applicant requires the land to be used as its current purpose, for storage of materials and parking. They insist that they do not intend to develop the land, but propose to build a wall with Victoria gates in order to smarten up the area itself, as shown on the attached draft drawings.

Longlife Buildings have been in occupation of the land in question for a number of years without the consent of the Council and wishes to regularise the position.

In addition, this land forms part of a larger area of land that has been declared surplus to requirements and added to the Land Disposals Programme for redevelopment.

**Comments**

All of the relevant Council Directorates have been consulted and objections have been received.

The Directorate of Law and Property and the Directorate of the Urban Environment are of the same opinion that the sale would prejudice the viability of additional Council owned land adjacent.

**Proposal**

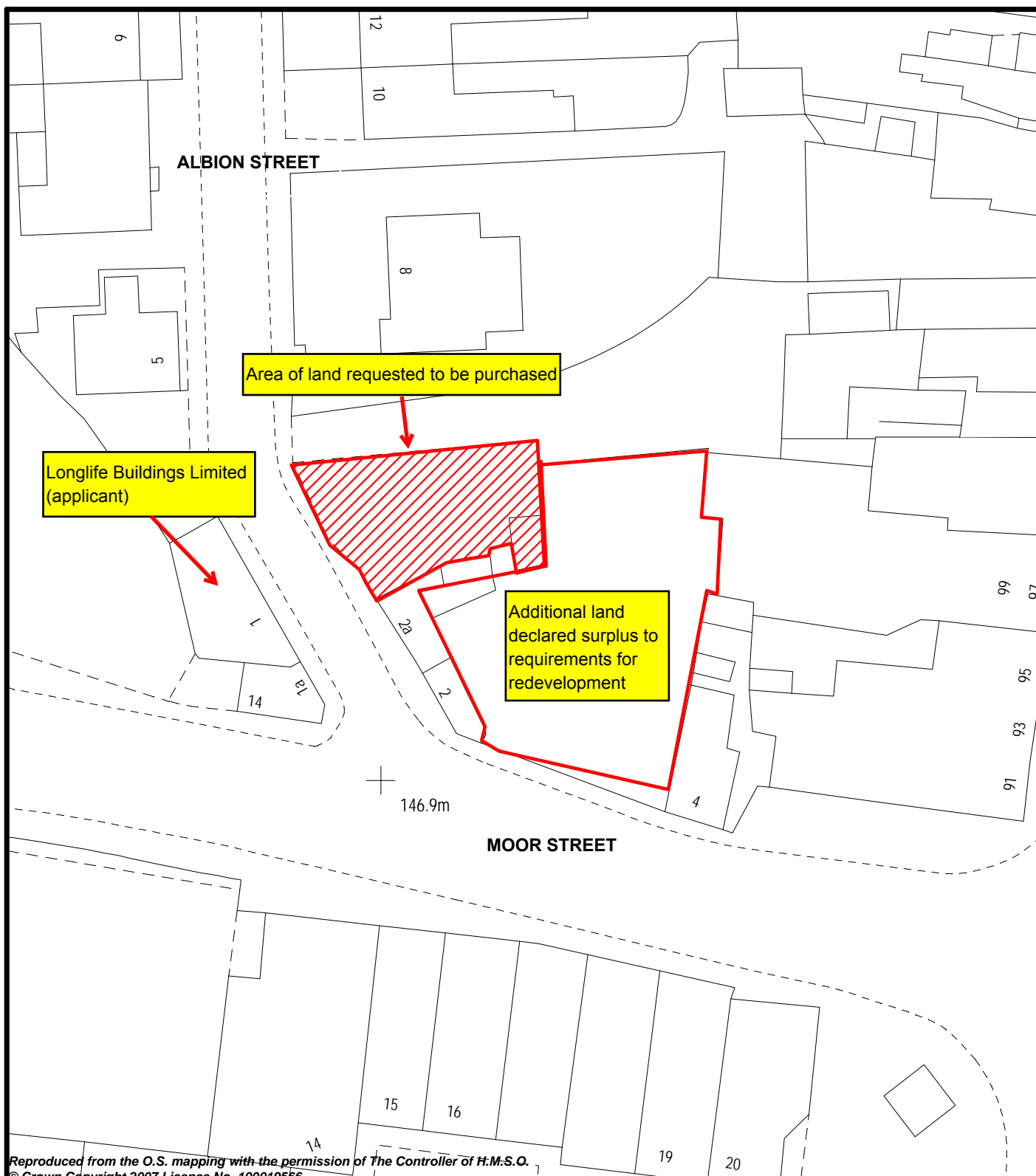
That the Area Committee advise the Cabinet Member for Personnel, Law and Property to refuse the application for the purchase of land off Albion Street, Brierley Hill.

**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 off Albion Street  
Brierley Hill

27042/FMSF



SCALE:

1 : 500

DATE:

20-FEB-2007

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



