

**Stourbridge Area Committee –19<sup>th</sup> 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

**Stourbridge Area Committee**

**Date: 19<sup>th</sup> November 2007**

**Request for: Application to Purchase & for an Easement over Council owned land**

**Location: Land adjacent to Peters Hill School, Amblecote**  
**(As shown on the plan attached)**

**Background**

Dudley MBC's Dudley Property Consultancy, Capital Projects Section, have now installed air conditioning in Peters Hill Primary School, Amblecote, as part of a self funded improvement to the school. The air conditioning is needed, as parts of the school reach very high temperatures in excess of 30°C. The new equipment will result in an increase in the electricity requirement and Central Networks (the Statutory Undertaker) have advised that, as a result, a new electricity sub-station will be required.

Central Networks have therefore requested to purchase a small area of land for the sub-station and they are also requesting the granting of an easement to allow the electricity cable to run from the main high voltage cable in the road, to the new sub-station and then to the school. The cable will be buried and its route re-instated.

The sub-station could be located on the site of the Primary School though the school considered this not acceptable. Therefore, Central Networks have suggested that the sub-station is located on Public Open Space adjacent to Hillfields Road, opposite the junction with Brompton Drive as shown marked on the plan attached.

The sub-station will be a green box type structure and will require an area measuring approximately 4 metres by 4 metres. It is housed in a secure casing that does not require fencing. This type of sub-station is now widely used and minimises maintenance requirements and the need to litter pick with a fenced compound.

An easement will also be required from the sub station cabling across Public Open Space to the School and the route is shown on the plan attached.

The land is under the control of the Directorate of the Urban Environment and is held as Public Open Space.

**Comments**

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

The Directorate of the Urban Environment would have preferred the sub-station to be nearer the school, but otherwise have no objections. There is an existing high voltage cable which runs along Hillfields Road servicing the local area. The proposed site for the sub-station allows for easy access to this cable. To locate the sub-station nearer to or on the school site, would necessitate a high voltage cable running from Hillfields Road and through the open space to the new sub-station, which would greatly increase the cost of the project. Dudley Property Consultancy had considered alternative options and on balance it was considered unrealistic to site the sub station elsewhere. Siting the

sub-station at the proposed location would be the cheapest and safest option and would minimise the length of high voltage cabling to the sub-station.

The Directorate of Law & Property have advised that if the small area of land required for the sub station is sold, then it will be subject to Section 123 (2a) of the Local Government Act 1972. This requires that the Council, prior to any disposal of Public Open Space, advertise notice of its intention to do so for two consecutive weeks in a newspaper circulating in the area in which the land is situated. The Council then has to consider any objections which may be made. The applicant is required to bear the cost of advertising. Any development would be subject to planning permission, for which a separate application would need to be made.

### **Proposal**

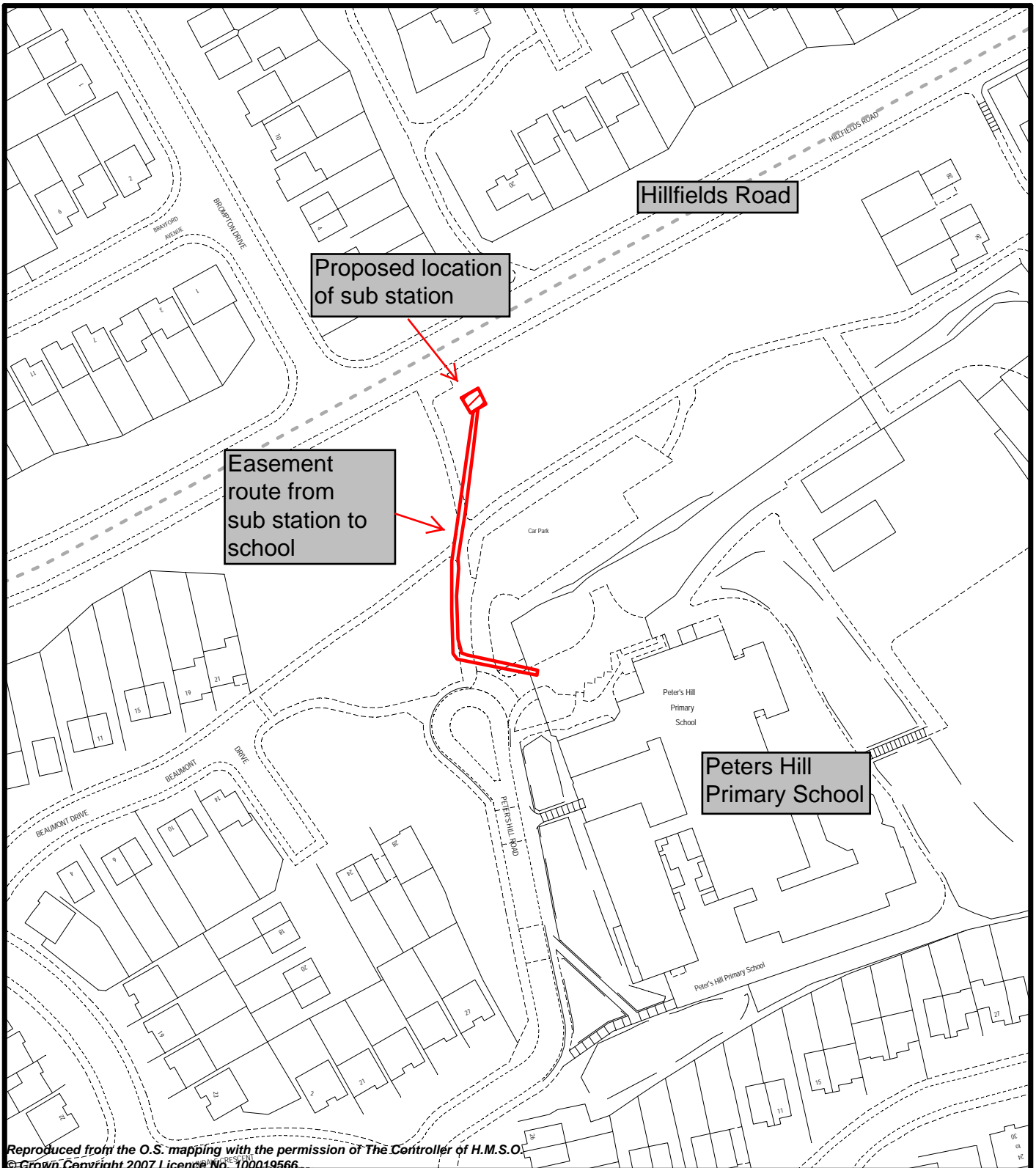
That the Area Committee advises the Cabinet Member for Leisure to approve the sale of the small area of land required for the sub-station and the easement across Council owned land subject to terms and conditions to be negotiated and agreed by the Director of Law & Property.

### **Background papers**

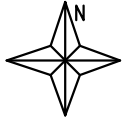

1. Letters from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Alan Nugent, Property Manager, Ext.5351



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<p>TITLE:</p> <p><b>Central Networks proposed sub station and easement to Peters Hill School</b>  <b>Peters Hill Road</b>  <b>Amblecote</b></p>		<p>Corporate Estate Services          Directorate of Law and Property          3 St James's Road          DUDLEY          West Midlands          DY1 1HZ</p>
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**Stourbridge Area Committee**

**Date: 19<sup>th</sup> November 2007**

**Request for: Application to Purchase land**

**Location: Land adjoining 90 Trinity Road, Amblecote, Stourbridge**  
**(As shown on the plan attached)**

**Background**

An application has been received from the owners of 90 Trinity Road, Amblecote, 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 and was purchased in 1982. It is held for amenity space purposes.

The applicants state that they have lived at 90 Trinity Road, Amblecote, for the last fifteen years and in that time they have had to endure the disadvantage of having an overgrown strip of land next to their property that attracts children and youths congregating, and anti-social behaviour, which prevents them enjoying their garden in a peaceful way. In the fifteen years they have lived there they have not been able to sit in their garden without the noise of something being smashed or hearing bad language etc.

As the trees give cover, the applicants state that youths drink alcohol both in the evening and during the day, and children make camps next to their fence with old furniture, etc. that is discarded from the adjacent Council owned flats. What is dragged under the trees is not collected and the applicant then removes it themselves. They have made contact with the Council many times warning them that one day they fear that somebody would set fire to the trees and discarded rubbish used to make the camps. Unfortunately, this has now happened. On the 5th May 2007 a fire was started under the trees next to their fence. An old mattress was set on fire and the flames spread to the trees then on to the fence which in turn caused extensive damage to their conservatory that now needs a complete replacement. As they were away for the weekend it was only the quick thinking of neighbours that stopped the fire spreading to the main house.

The applicants would like something done to stop this happening again and feel the only way to guarantee this will not happen again is to have the strip of land fenced off to stop access to this hideaway for the children. They are desperate to resolve this long standing nightmare that they are willing to buy this land and fence it off at their own expense.

At a meeting of the former Legal and Property Committee on 29<sup>th</sup> October 1997 authority was granted for the sale of a reduced area of land, as shown on the attached plan, to the applicants, but the sale was not completed.

## **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 have no objections to the sale of a reduced area of land to the owner of 90 Trinity Road, Amblecote for gardening purposes only. The reduction in area is to maintain a 1 metre strip on the southern boundary. If the sale is approved, no planting or fencing is to be erected greater than 600mm in height and within 2 metres of the site frontage to the back of footway in Trinity Road.

## **Proposal**

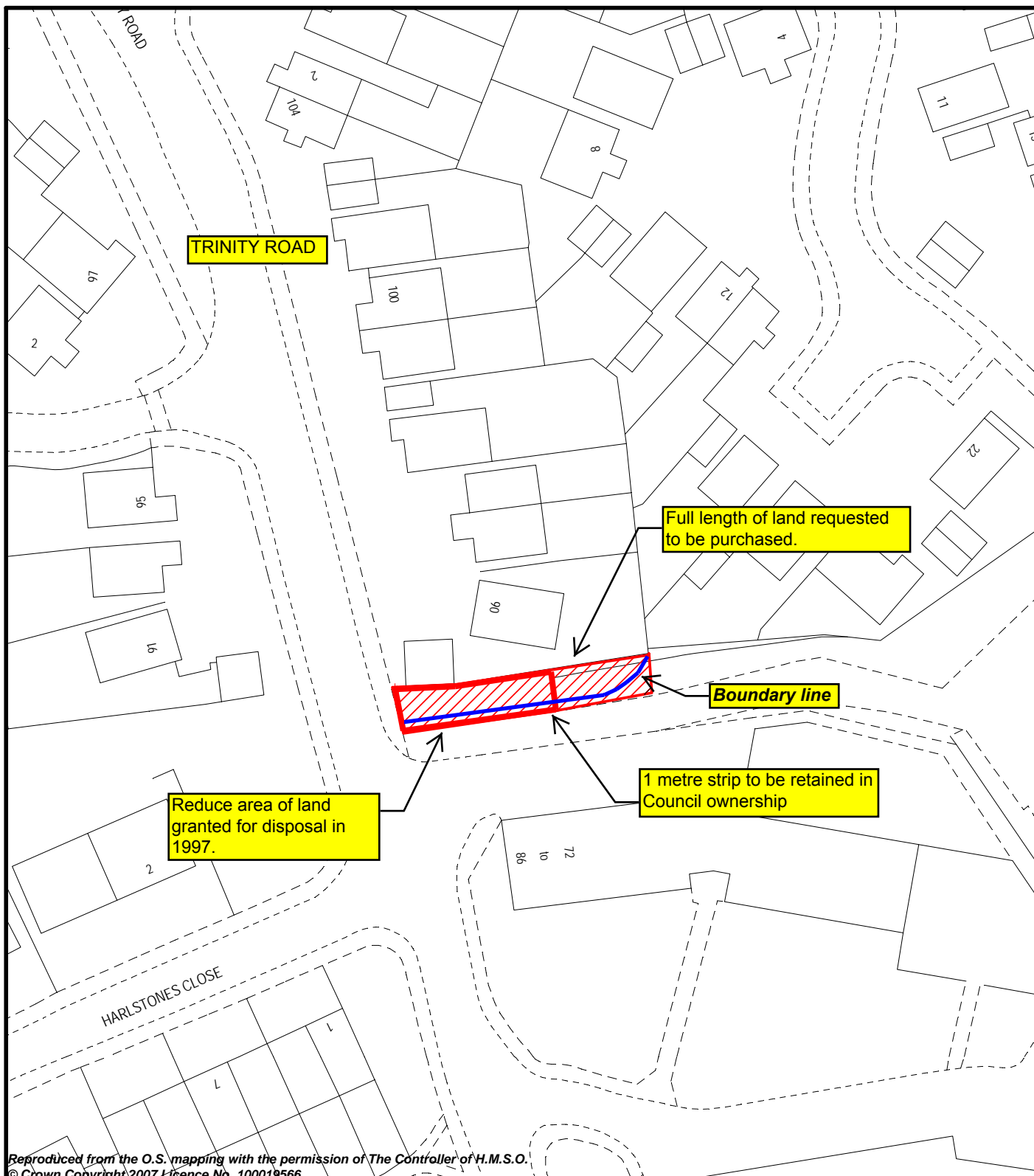
That the Area Committee advise the Cabinet Member for Personnel, Legal and Property to approve the application to purchase a reduced area of land adjacent 90 Trinity Road, Amblecote, Stourbridge on terms and conditions to be negotiated and agreed by the Director of Law and Property.

## **Background papers**

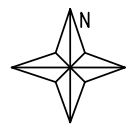
1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Sonia McLean, Property Manager, Ext. 5321



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<p>TITLE:</p> <p>Land adjoining          90 Trinity Road          Amblecote          Stourbridge</p> <p>24843/FMSF</p>		<p>Corporate Estate Services          Directorate of Law and Property          3 St James's Road          DUDLEY          West Midlands          DY1 1HZ</p>
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