

Halesowen Area Committee – 14th 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.

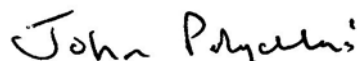
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

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

Halesowen Area Committee

Date: 14th November 2007

Request for: Variation of Restrictive Covenant

Location: Colley Lane, Cradley, Halesowen (Cradley Liberal Club)

(As shown on the plan attached)

Background

In November 1985 Council owned land was sold to the Cradley Liberal Club, Colley Lane, Cradley. The transfer contained a covenant restricting the use of the land for the purposes of a car park. The Council also reserved a right to use the car park during school term times between 8.30 a.m. and 4.00 p.m. The land in question was formerly under the control of the Education Directorate.

Planning consent was granted for the resurfacing of the car park and enlargement of the existing bowling green. Part of the land used for the Bowling Green was within the area of land containing the restrictive covenant. The work was completed giving a new layout of the site providing a greater number of car parking spaces.

In April 2000 the Cradley Liberal Club approached the Council for consent to vary this restrictive covenant and in July 2000 this approval was given under Decision Sheet ref: CEO/33/2000 dated 16th August 2000.

In 2001 the Cradley Liberal Club approached the Council again to request a further variation. They requested consent to grant licence to Dudley Beacon and Castle Primary Care Trust who own the Elms Health Centre adjoining the Liberal Club for a licence to use 10 of the car parking spaces. These car parking spaces would be for use by visitors to the Health Centre and on 22nd January 2002 approval was granted under Decision Sheet ref: DELL/23/2002 dated 4th April 2002, but the terms of the variation of covenant was not completed. The Liberal Club's solicitors acknowledged the terms of the variation, but failed to take further action to complete, the Council then assumed that they did not want to go ahead with the request until recently. In addition, the solicitor dealing with the request also left the company.

The Dudley Beacon and Castle Primary Care Trust has now approached the Cradley Liberal Club again requesting to reserve the right to use the whole car park for visitors to the Health Centre, as shown on the plan attached, in which the Cradley Liberal Club have no objections.

Comments

All of the relevant Council Directorates have been consulted regarding the proposal and no objections have been received. However, the Directorate of Law and Property state that provided that the terms for the earlier request are completed as well as the present request they have no objections to the proposal.

Proposal

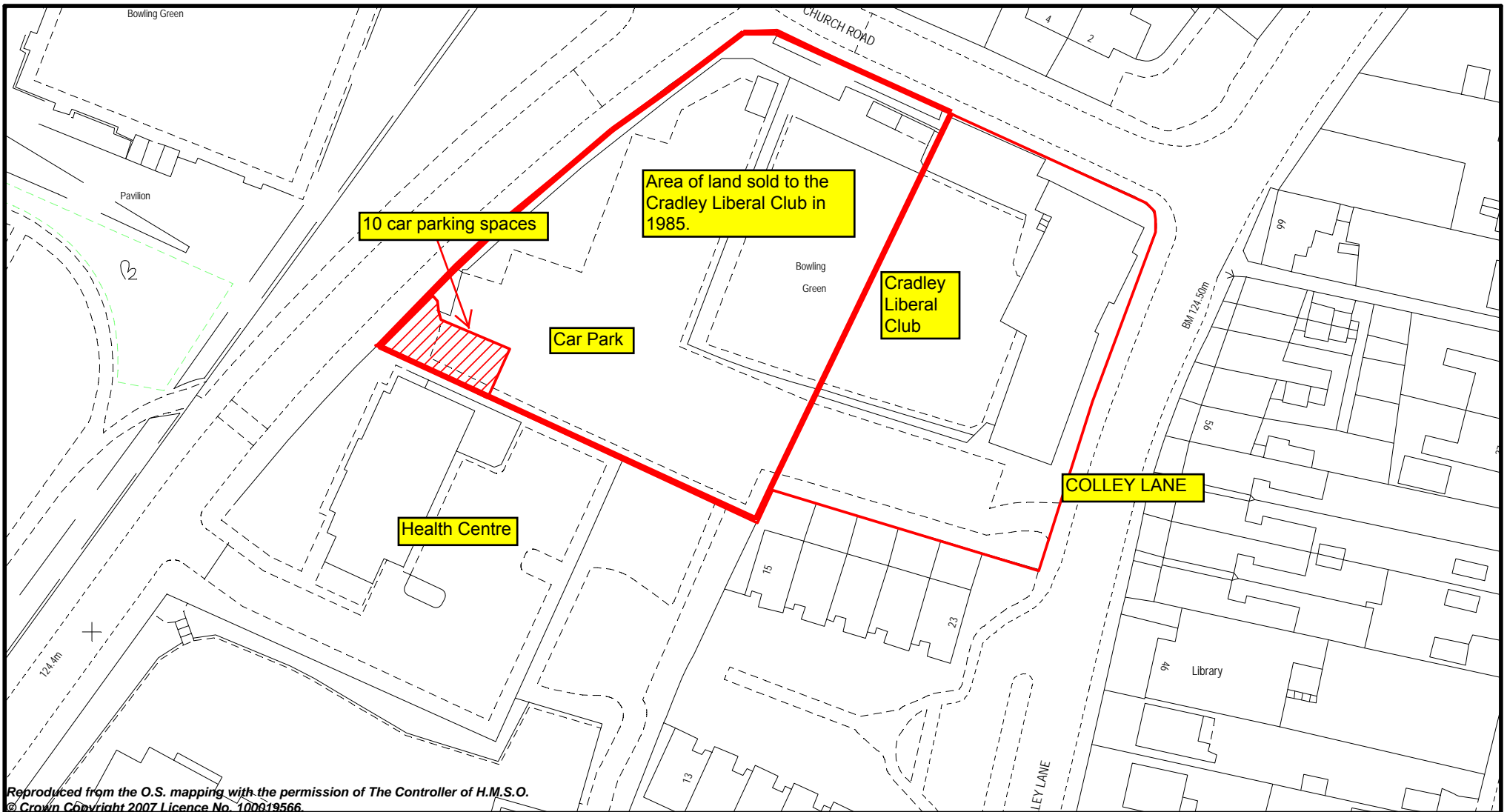
That the Area Committee advise the Cabinet Member for Adult and Community Services to approve the application to vary the restrictive covenant on land at Colley Lane, Cradley, Halesowen on terms and conditions as agreed and negotiated by the Director of Law and Property.

Background papers

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

Contact Officer:

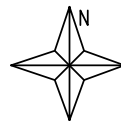
Sonia McLean, Property Manager, Ext. 5321



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TITLE:

Cradley Liberal Club
 Colley Lane, Halesowen



SCALE:

1 : 750

DATE:

11-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

Halesowen Area Committee

Date: 14th November 2007

Disposal of Surplus Land

Location: Cradley High School

(As shown on the plan attached)

Background

Cradley High School is due to close under the Directorate of Children's Services Secondary Schools review. The site of this former school will therefore be surplus to the Directorates requirements once the school has closed.

The decision has been made to close the school and this report is therefore concerned with the future of the surplus site and not the issue of the closure of the school.

Comments

The Council Directorates have therefore been consulted and no operational use for the site has been identified.

No objections have been received to the disposal of the site.

However, there will be a need for any future developer of the site to provide changing facilities for the adjacent sports pitches which will satisfy the requirement of the Councils Playing Pitch Strategy.

It is therefore proposed that the site be declared surplus to requirements and sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Proposal

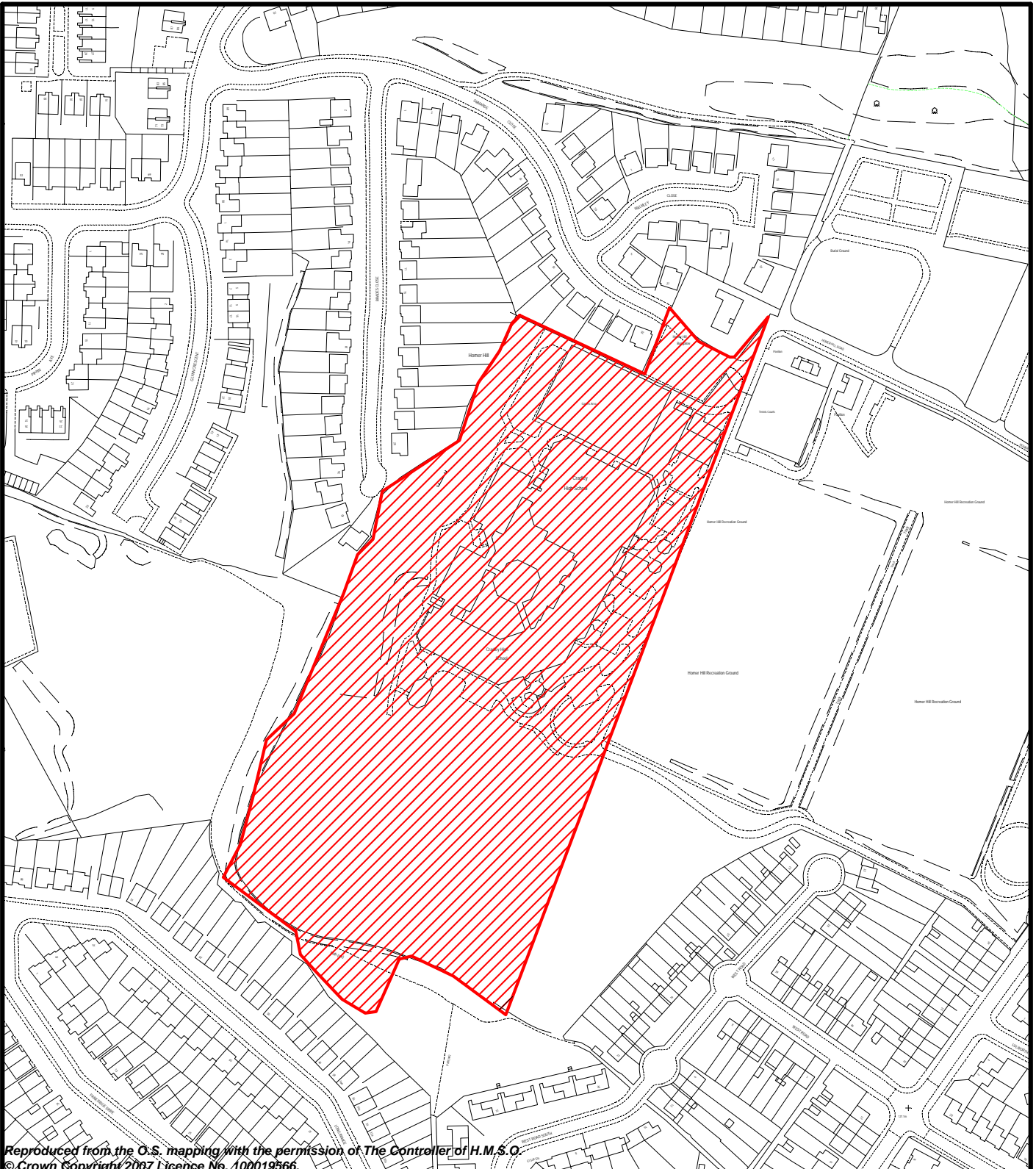
That the Halesowen Area Committee advise the Cabinet Member for Children's Services to declare the site of Cradley High School surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property

Background papers

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

Contact Officer:

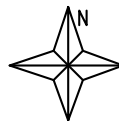
Ray Watson, Assistant Director of Resources. Ext: 4395
Gill Hudson, Principal Property Manager. Ext. 7068



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TITLE:

**Cradley High School Site
 Homer Hill Road
 Halesowen.**



SCALE:
 1 : 2500

DATE:
 24-JUL-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, Principal Property Manager. Ext: 7068**



Halesowen Area Committee

Date: 14th November 2007

Disposal of Surplus Land

Location: Holt Farm Primary School

(As shown on the plan attached)

Background

Holt Farm Primary School closed on 31 August 2006 following the Primary Schools Review. The accommodation was used by Olive Hill Primary school for the educational year 2006/07 to enable construction work on the Olive Hill site.

The site of the school is controlled by the Directorate of Children's Services and is now surplus to the Directorates requirements.

Comments

The Council Directorates have been consulted, and no operational use for the site has been identified.

No objections have been received to the disposal of the site.

It is therefore proposed that the site be declared surplus to requirements and sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Proposal

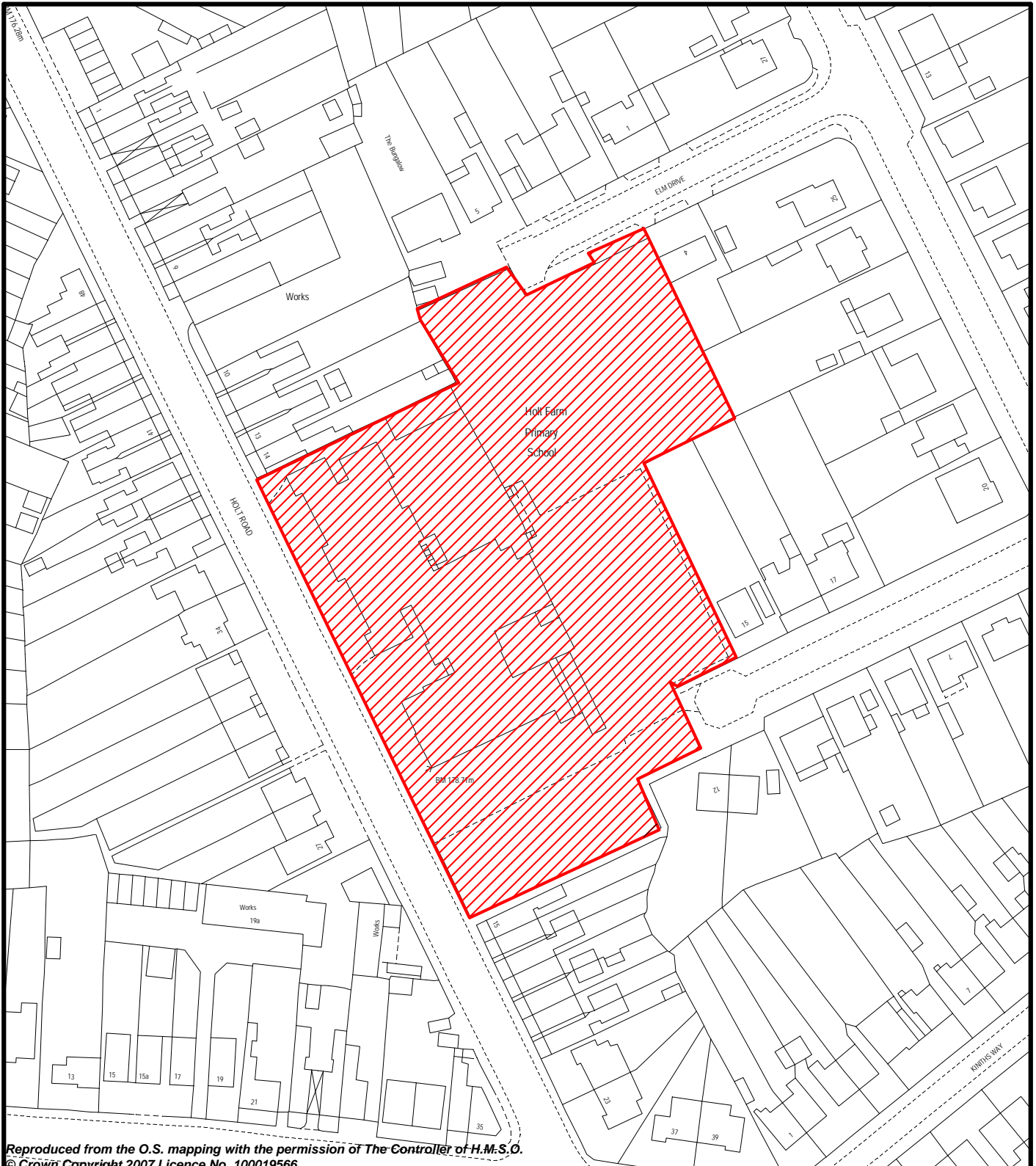
That the Halesowen Area Committee advise the Cabinet Member for Children's Services to declare the site of Holt Farm Primary School surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property

Background papers

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

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Gill Hudson, Principal Property Manager, Ext. 7068



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Holt Farm Primary School
 Holt Road
 Halesowen



SCALE:
 1 : 1100

DATE:
 24-JUL-2007

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 Directorate of Law and Property
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CREATED BY: **Gill Hudson, Principal Property Manager: Ext 7068**



Halesowen Area Committee

Date: 7th November 2007

Request to purchase land

Location: at rear of 22 Maple Tree Lane, (off Beechcroft Estate) Halesowen
(As shown hatched on the plan attached)

Background

An application to purchase an area of Council owned land in Beechcroft Estate, Halesowen, as marked on the attached plan, has been received from Solicitors acting for a builder who has acquired the site of 22 Maple Tree Lane, Halesowen.

The applicant wishes to demolish 22 Maple Tree Lane and develop the site for housing. Planning consent has been approved, planning application number P07/1256 for 3 detached dwellings with access from Maple Tree Lane and planning application number P07/1255 for 4 houses and 2 bungalows with access from Beechcroft Estate.

The land is under the control of the Directorate of Adult Community and Housing Services at the head of the cul-de-sac and is adjacent to two disabled parking bays located on the highway, that are used by residents of the adjacent bungalows.

The applicant recognises that the two disabled parking bays will have to be relocated and intends to construct replacement spaces as part of the development and to improve the highway and the entrance to the adjacent Council owned garage site. A condition of the planning consent is that no development shall commence until details of the amended traffic regulation order to relocate the disabled parking bays, with the permission of the Council as landowner, has been submitted to the local planning authority.

Comments

The relevant Council Directorates have been consulted and the Directorate of Adult, Community and Housing Services state that there are concerns from the local tenants and the Residents and Tenants forum about extra traffic using the road, as parking and access for deliveries and the refuse lorry is already a problem in the street and there are fears that traffic flow and on street parking would increase if the development was to go ahead.

The Directorate of the Urban Environment however, state that as part of the planning process the impact on traffic and parking was assessed and it is considered that the development will include adequate provision for on site parking and for access for the refuse and emergency vehicles.

There were no objections on road safety grounds and no objections were received to the relocation of the parking bays when consultation on the planning application was undertaken.

Details of the design, boundary treatment, access and the amended traffic regulation order to relocate the disabled parking spaces, with the permission of the council as landowner, will have to be submitted and approved by the Planning Authority before development can begin.

A street lighting column will need to be relocated, a gully repositioned and improved and turning facilities for the service vehicles will also have to be incorporated within the design.

On balance therefore it is considered that the application should be approved.

Proposal

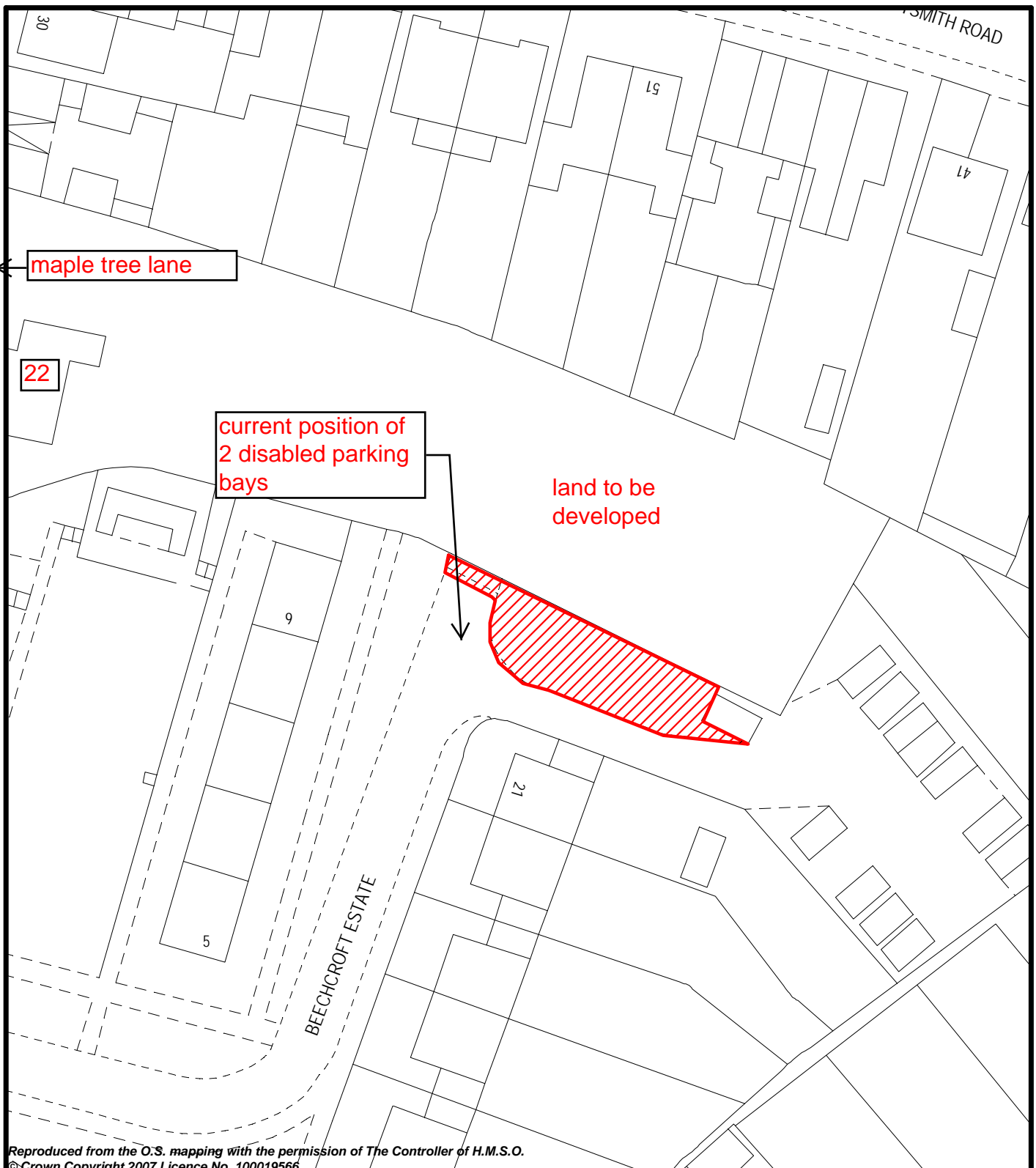
That the Area Committee advise the Cabinet Member for Housing to approve the sale of the land to the developer upon terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

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

Contact Officer:

Gill Hudson, Principal Property Manager, Ext 7068



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<p>TITLE:</p> <p>Application to purchase land at: Beechcroft Estate, Halesowen,</p> <p>land required for access to development site and to relocate existing disables parking</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>OS data reproduced with the permission of the Controller of HMSO 2007 Licence No 100019566</p> <p>CREATED BY: Gill Hudson, Principal Property Manager. ext:7068</p>	<p>SCALE: 1 : 500</p> <p>DATE: 22-MAY-2007</p>	

Halesowen Area Committee

Date: 14th November 2007

Request to purchase land

Location: Rear of Mead End, The Drive, off Drews Holloway, Halesowen
(As shown on the plan attached)

Background

An application has been received from the owner of Mead End, The Drive, Halesowen, to purchase the above mentioned Council owned land, as shown marked hatched on the attached plan.

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

The site is a landlocked area of overgrown land and the applicant states that it has lain derelict for in excess of 30 years. He therefore wishes to purchase the land to incorporate it within his garden.

There is a further area of land beyond this area which is also owned by the Council, as outlined on the attached plan, which is also overgrown. It is therefore proposed to consider this area for disposal to adjoining owner/occupiers for garden land.

Comments

The relevant Council Directorates have been consulted regarding the proposals and no objections to the disposal of all of the land have been received.

The Directorate of Adult, Community and Housing Services have no use for this landlocked area of land and consider that it should be disposed of.

The Housing Manager has consulted with their tenants and consider that the only property affected by this land sale in Drews Holloway South is No. 40. The tenant of No. 40 Drews Holloway South does not wish to purchase any of the land as his own garden is enough for him to manage.

No. 40 Parkside Road, a Council tenant, and No. 42 presently back onto this land and already have long gardens, so any work on the land should not disturb them. Other properties backing onto the site have been sold under the right to buy provision.

The Directorate, therefore, have no objections to the disposal of the land but would like any sales to include a condition that the purchaser fences the land.

The Directorate of the Urban Environments Planning Policy team state that they have no objections to the disposal of the land for garden purposes, however the site contains mature deciduous trees and if it is intended that the site is to be cleared as part of any proposals, an ecological survey may be required in order to assess the impact of vegetation clearance and tree removal upon protected species such as bats. If the land is sold the purchasers must therefore in the first instance consult the Nature

Conservation Guidance and then the Councils Nature Conservation Planning Policy Officer if clarification is required.

The Directorate of Law and Property consider that all of the land should be declared surplus to requirements and offered for sale to adjoining property owners for garden extension.

Proposal

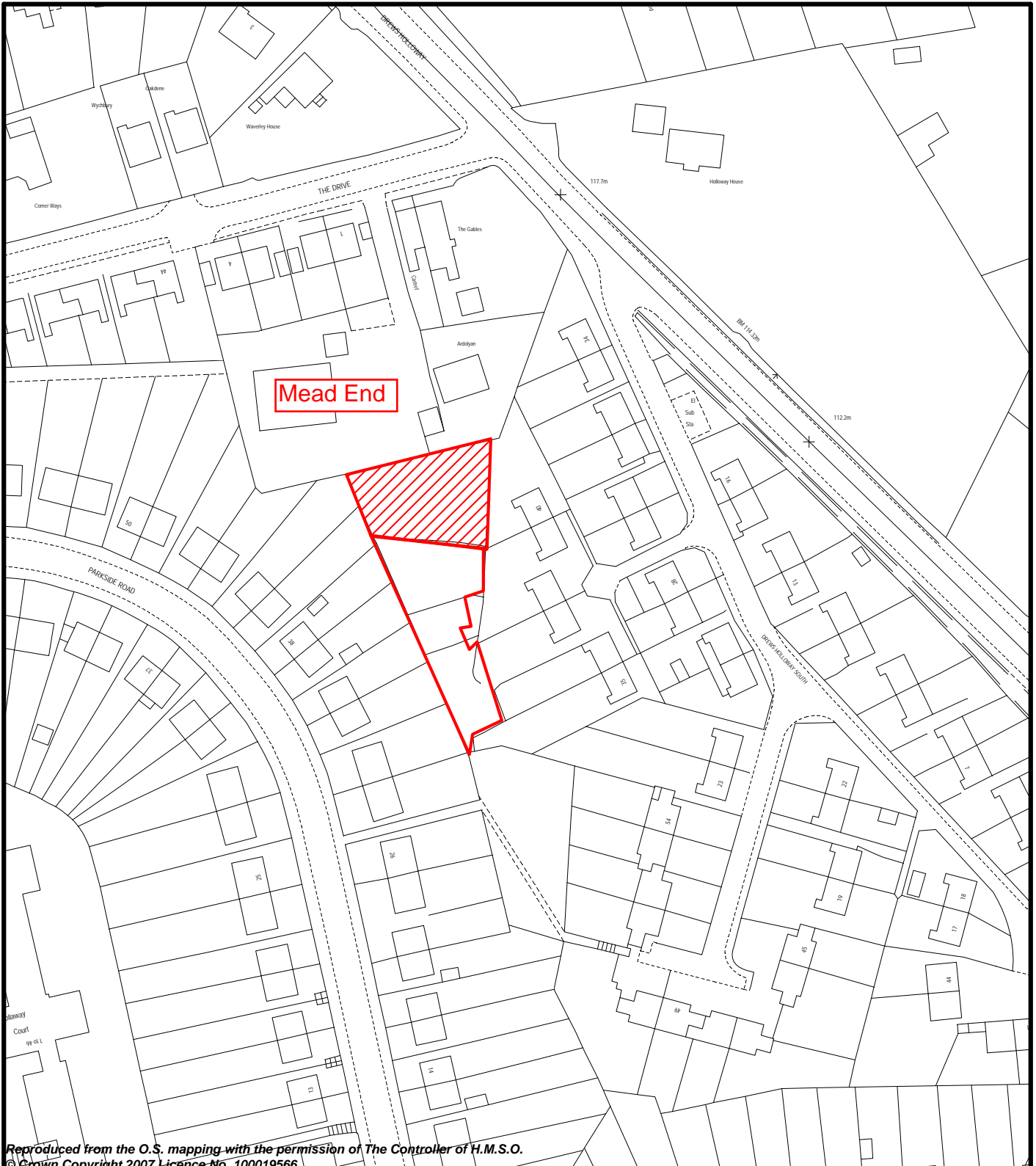
That the Area Committee advise the Cabinet Member for Housing to declare all of the Council owned land at the rear of Meade End surplus to requirements, to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

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

Contact Officer:

Gill Hudson, Principal Property Manager, Ext. 7068



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Application to purchase land adjacent to:
 Mead End
 The Drive
 Dreads Holloway
 Halesowen
 Hatched area subject of application
 outlined area additional land.

SCALE:
 1 : 1250

DATE:
 07-JUN-2007



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 Directorate of Law and Property
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