

**Halesowen Area Committee – 11<sup>th</sup> March 2009**

**Report of the Interim 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 Interim 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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**Philip Tart**  
**Interim Director of Law and Property**

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**List of Background Papers**

See individual appendices

## Appendices

### Halesowen Area Committee

Date: 11th March 2009

### Disposal of Land

Location: Rear of Cradley Library, Colley Lane, Cradley  
(As shown on the plan attached)

### Background

A report regarding this matter was deferred from a meeting of this Committee on 22<sup>nd</sup> January 2009 to allow for further information to be presented to a future meeting of the Committee. Such information to include details as to land values and cost of car parking provision together with other issues raised by the Ward Member at the meeting.

To reiterate, at the Cabinet meeting on 12<sup>th</sup> September 2007 it was resolved that the plans for modernising the Dudley Library Service be approved and that the implementation of the plans be supported.

The Directorate of Adult, Community and Housing Services (DACHS), Libraries, Archives & Adult Learning Division wish the land to the rear of Cradley Library, fronting Maple Tree Lane, as shown marked on the plan attached, to be declared surplus to requirements and disposed of so that the capital receipt can contribute to the provision of services.

The land in question measures approx 24m by 10.5m, and will exclude the right of way and emergency egress route from the rear of the library. The land has development potential suitable for a 2 storey detached house 6m by 8.5m, with front, side and rear garden and garage to the rear. There are similar properties situated along Maple Tree Lane.

The land is under the control of DACHS and is held for garden purposes.

### Comments

The relevant Council Directorates were consulted regarding the application and no objections were received from the Directorate of Adult, Community and Housing Services, Directorate of the Urban Environment and the Directorate of Law and Property, for the site to be declared surplus to requirements, to be sold on the open market as a development plot, subject to planning consent being obtained.

The Ward Members were consulted and the following concerns raised.

The Library would benefit from a car park particularly as there are parking problems in the area. Colley Lane is notoriously difficult, as the majority of houses on that side do not have parking facilities. A car park would allow access to the rear of the Library which would increase its availability and would also benefit users of the Children's Centre, Colley Lane Primary School and the wider community. This land could also be developed by the Council as a contemplative garden and car park for users of the Library, allowing the children's groups who use the Library to use the outside area when appropriate.

The Directorate of Adult, Community and Housing Services then considered the Ward Members comments and commented as follows:

The receipt from the sale of the land is built into the Library Modernisation Capital plan which benefits residents in the whole Borough as part of a £2.6 m investment programme. The Council's priority is to improve the libraries and there are no funds available to provide and maintain a car park or a garden upon the land. The approved funding for the library service modernisation programme depends on the land sales to generate capital receipts.

Vehicular emergency access will however be retained to the rear of the library when the plot is sold.

They therefore still wish to declare the site surplus to requirements.

The Directorate of Children's Services believe that there would be some advantage of creating additional parking spaces to benefit the community, but have no funds available.

Further consultation has now been undertaken regarding the Ward Members concerns and the Directorate of Adult, Community and Housing Services state that the main point is that the sale of the land is needed as part of the modernisation programme which has already resulted in the extension of opening hours at Cradley Library to 6 days a week. Work on Cradley is not part of the current capital programme as approved by Cabinet, therefore there is no budget available for the work, the money to be realised from the sale is to support the existing capital programme.

In order for the land to be redeveloped as a public car park the building would have to be modified at a considerable cost as the only access is through what is currently the staff entrance and staff area. An estimate of just over £32k was provided in June 2007 to create a car park and this figure did not include altering the rear entrance to conform to DDA, which would involve additional expenditure.

Disabled access already exists at the front of Cradley Library, to provide assisted opening and there is on street parking outside the library.

The Directorate of the Urban Environment state that there is a Traffic Regulation Order on Colley Lane affecting the south-western side of the

highway. Additionally, a Member requested that the matter be considered by the Cradley/Windmill Hill Local Centre, however Cradley Library does not fall within the remit of the Working Group.

### **Proposal**

That the Area Committee recommends that the Cabinet Member for Adult and Community Services to either:

- a) Declares the site surplus to requirements, to be sold on the open market as a development plot on terms and conditions to be negotiated and agreed by the Director of Law and Property.
- b) Refuses the request to dispose of the land.

### **Background papers**

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

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