

**Brierley Hill Area Committee – 28 September 2006**

**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**

1. 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.
2. 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.
3. 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**

4. 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.

The Directorates when formulating their view on the attached land items have considered the effects on children and young people. Any relevant issues will be reported in the individual appendices.

## **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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**List of Background Papers**

See individual appendices

## **Appendix**

### **Brierley Hill Area Committee**

**Date: 28<sup>th</sup> September 2006**

### **Request to purchase land**

**Location: Adjacent to 11 Church Street, Brierley Hill**

**(As shown on the plan attached)**

### **Background**

A report regarding this application was deferred from the meeting of this Committee on 6<sup>th</sup> July 2006 for a Members site visit. The results of the site visit will be reported verbally to this meeting.

An application has been received from the owner of 11 Church Street, Brierley Hill, to purchase 3 areas of Council owned land as marked on the attached plan.

11 Church Street is a privately owned listed residential property and outline planning consent has recently been granted for the renovation of the building.

The property has a side garden fronting Church Street and rear vehicular access from Derry Street. The property is currently in a bad state of repair and requires extensive renovation.

There is an area of land to the rear of the property that is marked B on the attached plan. The owner of 11 Church Street has requested to purchase this area of land for amenity land in relation to the property.

The applicant has also requested to purchase two other adjacent areas of land marked A & C on the attached plan, for residential development purposes.

All of these areas of land were originally purchased for Housing purposes and are controlled by the Directorate of Adult, Community and Housing Services.

### **Comments**

The relevant Council Directorates have been consulted regarding the application to purchase these 3 areas of land. Objections have been received to the sale of the two larger areas of land to marked A & C, as these two parcels of land constitute open space under the current Unitary Development Plan (UDP) and therefore would not gain consent for residential development. Part of the land is also the subject of a deed of dedication for an Urban Forest and cannot be disposed of.

No objections have been received however to the disposal of the land to the rear of the property marked B on the attached plan, for garden purposes only, providing a covenant can be included to ensure that the land remains in garden use only and that built development is not be allowed on this land in future.

### **Proposal**

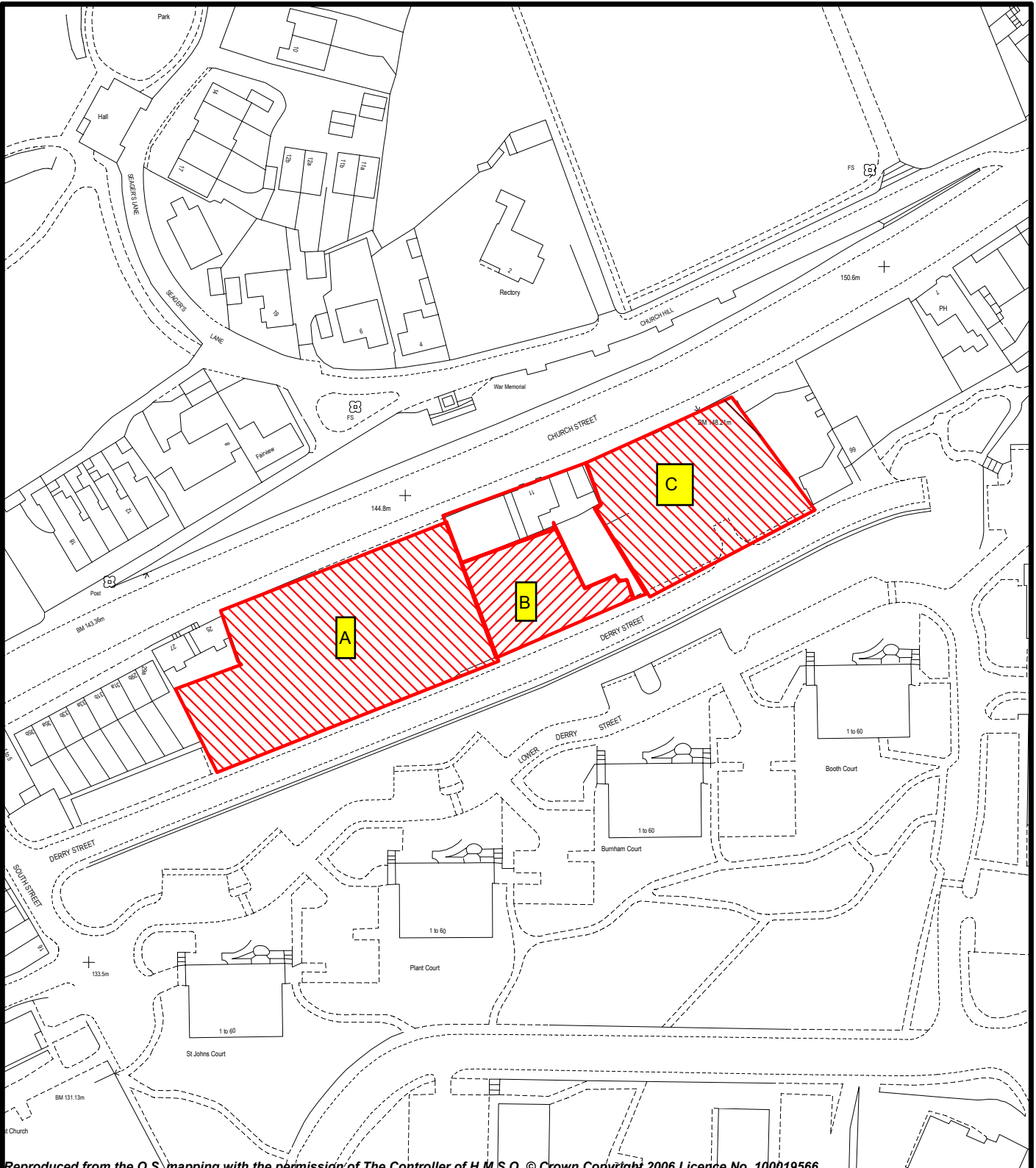
That the Area Committee advise the Cabinet Member for Housing to refuse the application to purchase the land marked A & C and to approve the sale of the land marked B on the attached plan, for garden purposes only, on terms and conditions to be negotiated and agreed by the Director of Law and Property.

### **Background papers**



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

Contact Officer:

Gill Hudson, Property Manager, Ext. 5311



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<p>TITLE:</p> <p><b>LAND REAR OF AND ADJACENT TO: 11 CHURCH STREET BRIERLEY HILL</b></p> <p>OS data reproduced with the permission of the Controller of HMSO 2006 Licence No 100019566</p> <p>CREATED BY: <b>GILL HUDSON, PROPERTY MANAGER. EXT 5311</b></p>	<p style="text-align: center;">  </p> <p>SCALE: <b>1 : 1250</b></p> <p>DATE: <b>05-MAY-2006</b></p>	<p><b>Corporate Estate Services Directorate of Law and Property</b></p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p> <p style="text-align: right;">  </p>
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## Appendices

### Brierley Hill Area Committee

Date: 28<sup>th</sup> September 2006

### Request to purchase land

Location: Adjacent to 186 Tiled House Lane, Pensnett.

(As shown on the plan attached)

### Background

A request has been received from Solicitors acting on behalf of the owner of 186 Tiled House Lane, Pensnett, to purchase an area of Council owned land as shown closely hatched on the plan attached. The land is required to add into the garden of the adjacent property as the owner complains that the land is overgrown and attracts rubbish and vermin.

The land is controlled by the Directorate of the Urban Environment and forms part of the public footpath that runs from Tiled House Lane to Derwent Close. The land is currently overgrown.

By way of decision sheet DOH/163/2003, an exchange of land was agreed with the owner of 31 Derwent Close, which would have resulted in the irregular boundary of the footpath being ironed out. However, to date, the Councils Surveyor has not been able to agree terms for the exchange. The areas for exchange are shown on the attached plan.

At the time the exchange was agreed, it was thought that the land was controlled by the Directorate of adult, Community and Housing Services (DACHS), but further investigations now show that the length of the footpath and surrounding area was acquired by the Council for the public footpath and it is therefore controlled by the Directorate of the Urban Environment and not DACHS.

186 Tiled House Lane was a former Police house purchased by Staffordshire County Council and sold by the former West Midlands County Council.

### Comments

The relevant Council Directorates have been consulted regarding the future of this area of land and no objections have been received to the disposal of the areas of land marked hatched on the attached plan, providing a 4 metre width around the footpath is retained for safety reasons.

If an exchange of land can be agreed with the owner of 31 Derwent Close, it would iron out a sharp bend in the footpath. It is therefore considered preferable to approach the owner of 31 Derwent Close once again to try to agree an exchange of land. Should the exchange not go ahead, all of the

land hatched on the attached plan could be sold to the owner of 186 Tiled House Lane.

Should the exchange not proceed, then the area of land marked hatched on the attached plan should be sold to the owner of 186 Tiled House Lane.

The sale of land would relieve the Council of maintenance liability for this overgrown area of land and remove the blind corner in the footpath.

### **Proposal**

That the Area Committee advise the Cabinet Member for Transportation to declare the areas of land marked hatched on the plan attached to this report surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property and to authorise the Director of Law and Property to pursue the exchange of land with the owner of 31 Derwent Close.

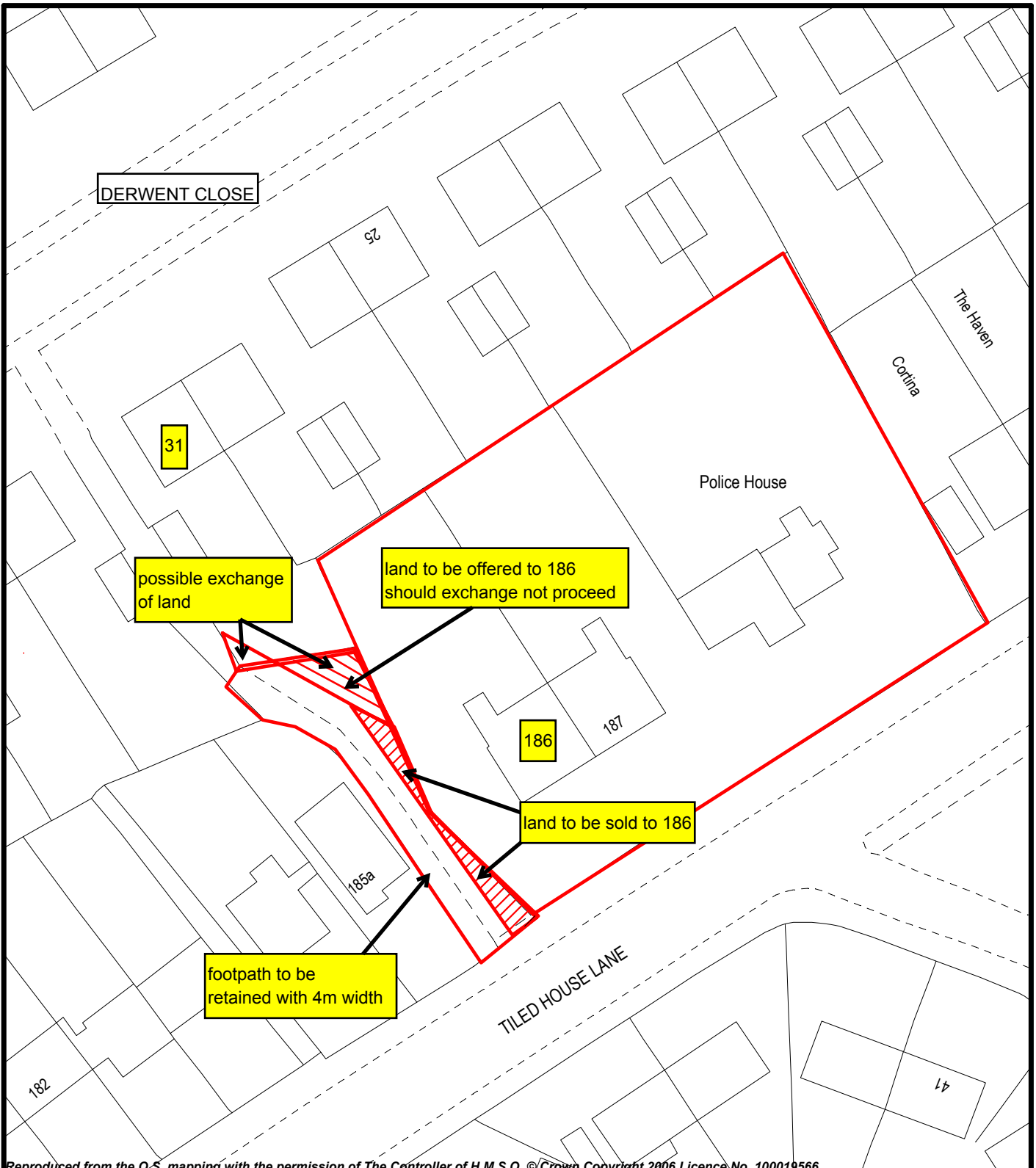
### **Background papers**

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

Contact Officer:

Gill Hudson, Property Manager, Ext. 5311





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<p>TITLE:</p> <p><b>LAND ADJACENT TO 186 TILED HOUSE LANE PENSNETT</b></p> <p>OS data reproduced with the permission of the Controller of HMSO 2006 Licence No 100019566</p> <p>CREATED BY: <b>GILL HUDSON - PROPERTY MANAGER EXT:5311</b></p>	<p style="text-align: center;">             N            S            E            W         </p> <p>SCALE: <b>1 : 500</b></p> <p>DATE: <b>06-FEB-2006</b></p>	<p><b>Corporate Estate Services</b> <b>Directorate of Law and Property</b></p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p> <p style="text-align: right;">   <b>Dudley</b>            Metropolitan Borough Council         </p>
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## Appendices

### Brierley Hill Area Committee

Date: 28<sup>th</sup> September 2006

### Disposal of 2 Derwent Close, Pensnett (As shown on the plan attached)

#### Background

2 Derwent Close is a long term void Council house controlled by the Directorate of Adult Community and Housing Services.

4 Derwent Close was a former Council house sold under the Right to Buy several years ago and has recently changed hands. The current owner has a tenant in the property.

Due to poor ground conditions, both properties are suffering from structural problems. No.2 has been the subject of previous short life remedial works but it is now well beyond economic repair. There are no immediate concerns regarding the structural physical condition of No.4. However, No.4 is effectively dragging on No.2, which is resulting in further structural damage. Both properties will therefore in the future need underpinning to make them safe of demolition.

By a Decision sheet CHO/170/1999, it was agreed that No.4 should be repurchased by the Council, but agreement was not reached with the previous owner of the property and it was sold on.

Council Officers have been in discussion with the new owner of No.4 who has expressed an interest in purchasing No.2. The new owner is proposing to purchase No. 2 and to undertake underpinning work on both properties so that they can both be brought back into use.

It may also be possible to sell the site on the open market for redevelopment by way of a joint sale with the owner of No.4. subject to the purchaser undertaking either demolition or remedial works on the existing buildings.

It is therefore proposed that in order to resolve the matter, No. 2 is declared surplus to requirements.

#### Comments

The relevant Council Directorates have been consulted regarding this matter and are all in agreement with the proposal.

## **Proposal**

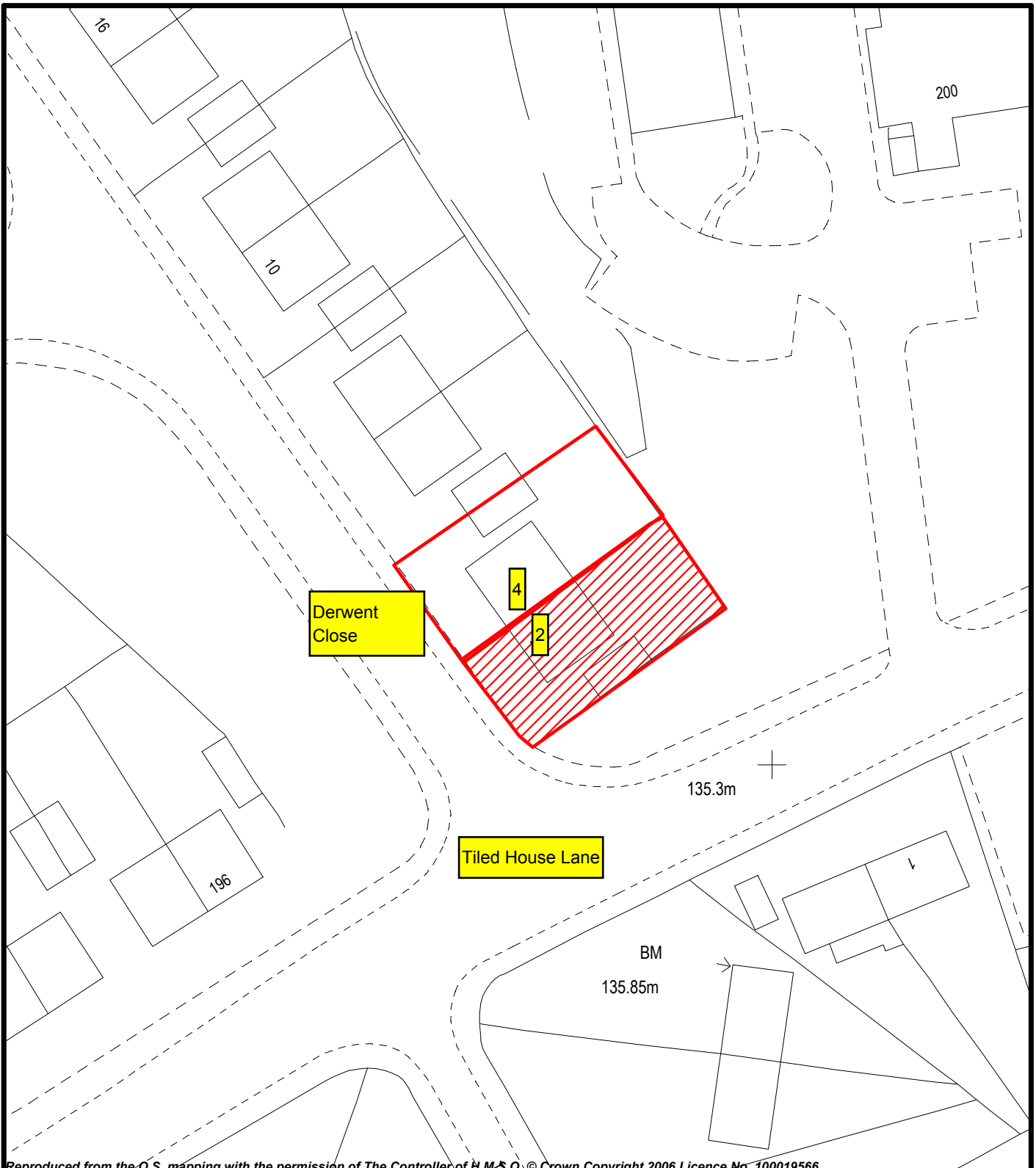
That the Area Committee advise the Cabinet Member for Housing to declare 2 Derwent Close surplus to requirements to be sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.

## **Background papers**

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

Contact Officer:

Gill Hudson, Property Manager, Ext. 5311



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<p>TITLE:</p> <p><b>2 &amp; 4 DERWENT CLOSE PENSNETT</b></p> <p>REF: 23288FMSF</p>		<p><b>Corporate Estate Services Directorate of Law and Property</b></p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
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