

**Halesowen Area Committee – 12<sup>th</sup> March 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.

*John Polychronakis*

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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: 12<sup>th</sup> March 2008**

**Request for: Gifting of Land**

**Location: Lyde Green, Halesowen**  
**(As shown on the plan attached)**

**Background**

An application has been received from the owner of land at Lyde Green who would like to offer to the Council as a gift, a piece of land as shown hatched on the plan attached. The piece of land runs to the rear of a site, which is the subject of a planning application.

The applicant states that from ecological reports it appears that they cannot develop this part of the site and therefore wish to gift this piece of land to the Council as public open space.

The applicant wishes to develop the site for residential development purposes. Planning permission has been determined and approved under Planning Application number P07/1889 for 18 No. 1 and 2 bedroom apartments and 20 No. 2 and 3 bedroom houses.

This consent was granted subject to a S106 Agreement be entered into between the Council and the applicant to guarantee the provision, maintenance and enhancement of off site public open space and play provision and affordable housing. In addition, conditions are subject to the applicant enhancing this River Stour corridor as a walkway and enhance the nature conservation value of the area.

Please note that there is an encroachment of Japanese Knotweed on the land in question.

**Comments**

All of the relevant Council Directorates have been consulted regarding this matter and comments have been received.

The Directorate of the Urban Environment and the Directorate of Law and Property are of the same opinion and state that there is no reason for the Council to accept this gift as there are concerns regarding the stability of the slope and Japanese Knotweed. However, the conditions of the above planning consent will require the applicant to enhance this land prior to the development commencing, therefore there is no reason for the Council to accept this land.

**Proposal**

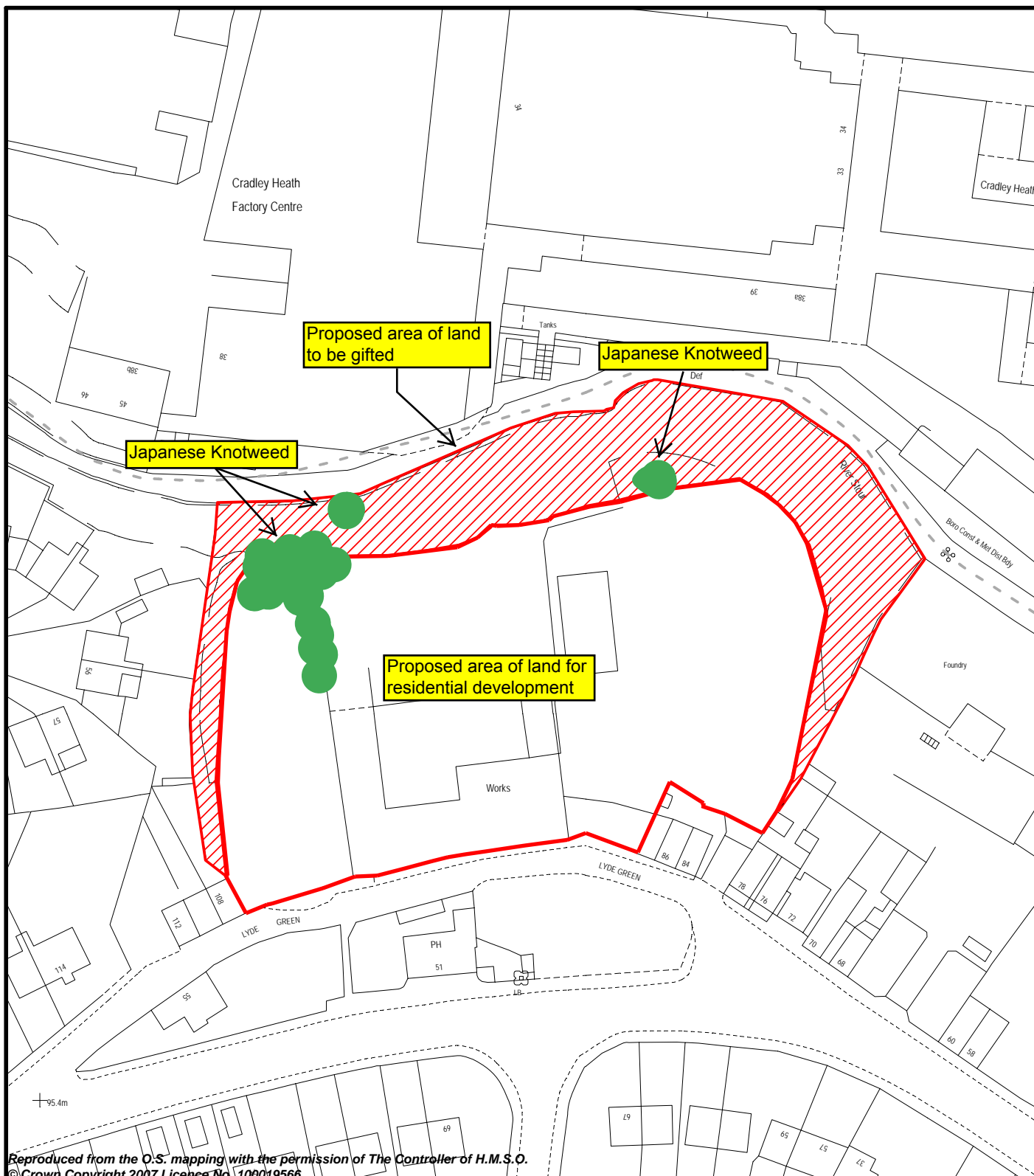
That the Area Committee advises the Cabinet Member for Transportation to refuse the offer for the gifting of land.

**Background papers**



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

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<p>TITLE:</p> <p>Lyde Green          Cradley          Halesowen</p> <p>● - Areas of Japanese Knotweed</p> <p>OS data reproduced with the permission of the Controller of HMSO 2007 Licence No 100019566</p> <p>CREATED BY: Sonia McLean - Property Manager, Ext. 5321</p>	<p style="text-align: center;">N</p>  <p>SCALE:          1 : 1000</p> <p>DATE:          02-NOV-2007</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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