
Stourbridge Area Committee – 30th January 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

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

Appendices

Stourbridge Area Committee

30th January 2006

Request for: Application to Purchase Council Owned Land

Location: Land off Stourbridge Road, Lye, Stourbridge

(As shown on the plan attached)

Background

A request has been received from a J D R Westwood on behalf of David Cartwright to purchase Council owned land as shown hatched black on the plan attached.

Mr Cartwright, the applicant, purchased the area of land edged black on the plan in 2000 for a car park for the sale of motor vehicles, but apparently the strip of land was excluded from the sale of the freehold. The applicant now wishes to acquire the freehold of this additional strip of land for additional car parking.

By way of background information, Mr Cartwright is permitted to use this strip of land under a Tenancy At Will Agreement for his car sales business.

The land is under the control of the Directorate of the Urban Environment (Highways Section).

Comments

The relevant Council directorates have been consulted regarding this application and the Directorate to Law and Property and the Directorate of the Urban Environment wish the application to be refused.

The Directorate of Law and Property and the Directorate of the Urban Environment are of the same opinion and confirm that the land is not highway verge. It is also the view that this portion of land was excluded from the original sale because its acquisition would be essential for any future re-development of the area.

Proposal

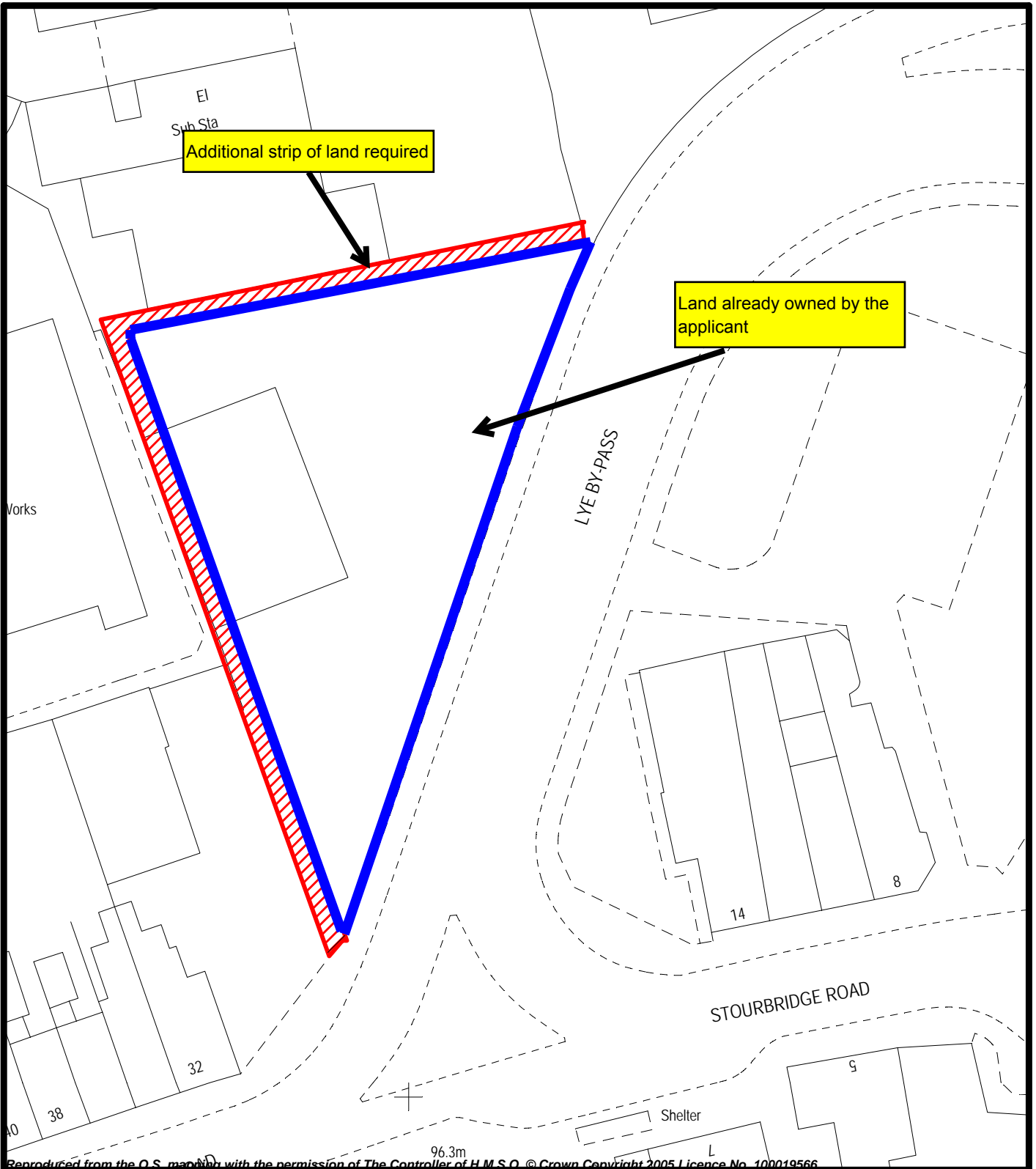
That the Area Committee advise the Cabinet Member for Transportation to refuse the application to purchase land off Stourbridge Road, Lye, Stourbridge.

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



<p>TITLE:</p> <p>Land off Stourbridge Road</p> <p>Lye</p> <p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No 100019566</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>CREATED BY:</p> <p>Sonia McLean - Property Manager, Ext. 5321</p>	<p>SCALE: 1 : 500</p> <p>DATE: 09-SEP-2005</p>	

Appendices

Stourbridge Area Committee

30th January 2006

Request for: Application to Purchase Council Owned Land

Location: Land Adjacent to 23 Rye Croft, Wollescote

(As shown on the plan attached)

Background

A request has been received from the owners of 23 Rye Croft, Wollescote to purchase the Council owned land as shown hatched black on the plan attached. The land is required for the extension of their garden area.

The applicants have concerns regarding the security of themselves, their neighbours and also Hob Green Primary School. It appears that they have witnessed groups of people climbing over the gates from both sides, along with young people hanging around the gates in the school holidays. The applicants feel that closing off the top entrance by the school field will eliminate any problems of anyone entering into the school playgrounds without proper authority. This would also cut down on the numerous amount of house and shed break-ins that have been happening.

They also consider that over the last ten years they have looked after and cared for the front of the property with weeding, planting shrubs, sweeping and general maintenance of the front area to keep it in good order.

The land is under the control of the Directorate of Children's Services.

Comments

The relevant Council directorates have been consulted regarding this matter.

The Directorate of Law and Property stated that if the land is no longer required by the school, then the land can be declared surplus to requirements and offered to the neighbouring householders.

The Directorate of Children's Services are concerned that this strip of land may constitute an access for the school and therefore cannot support the sale of the land.

The Head of Hob Green Primary School states that the entrance adjacent to 23 Rye Croft is an entrance for emergency services and therefore would not support the proposed sale of the land.

The Directorate of the Urban Environment confirm that the land is used as an alternative entrance to the school playing fields for maintenance purposes and access is gained by others from the school side. Therefore the purchase will not make any difference to the alleged break-ins and would recommend that the request to purchase is refused.

Proposal

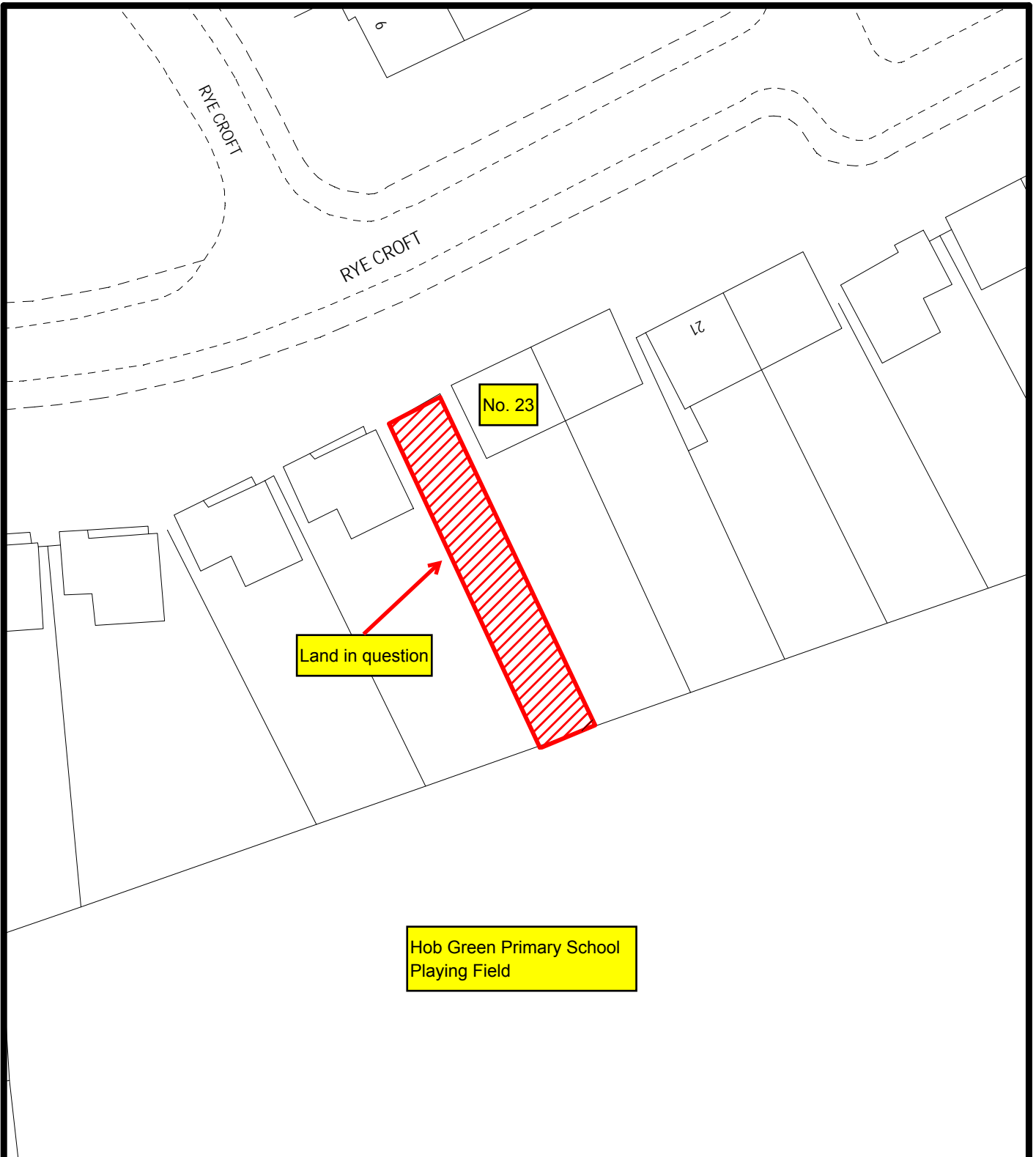
That the Area Committee advise the Cabinet Member for Lifelong Learning to refuse the application to purchase land adjacent 23 Rye Croft, Wollescote, Stourbridge.

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 adjacent 23 Rye Croft</p> <p>Wollescote</p> <p>Stourbridge</p> <p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No 100019566</p>	<p></p> <p>SCALE: 1 : 500</p> <p>DATE: 31-OCT-2005</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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