

**North Dudley Area Committee – 9<sup>th</sup> April 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.

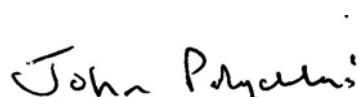
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions.

### **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**  
**Director of Law and Property**

Contact Officers: Gill Hudson, Principal Property Manager  
Telephone: 01384 817068  
Email: [gill.hudson@dudley.gov.uk](mailto:gill.hudson@dudley.gov.uk)

Sonia McLean, Property Manager  
Telephone 01384 815321  
Email: [sonia.mclean@dudley.gov.uk](mailto:sonia.mclean@dudley.gov.uk)

Alan Nugent, Property Manager  
Telephone 01384 815351  
Email: [alan.nugent@dudley.gov.uk](mailto:alan.nugent@dudley.gov.uk)

### **List of Background Papers**

See individual appendices

**North Dudley Area Committee**

**Date: 9th April 2008**

**Application to purchase**

**Land rear of 10 Norton Crescent, Coseley**

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

**Background**

An application has been received from the owner of 10 Norton Crescent, Coseley, a former Council House, purchased under the Right to Buy, to purchase the above mentioned Council owned land, as shown hatched on the plan attached.

The land is under the control of the Directorate of Adult, Community and Housing Services (DACHS) and is held for housing purposes.

Access to the site is gained between 24 & 26 Norton Crescent, Coseley. The land is currently overgrown and fenced off to prevent fly tipping. It is surrounded by Council Houses, some of which have been sold under the Right to Buy.

The land is required for garden purposes. The applicant has built a large structure in the back garden of the property and wishes to purchase additional land for garden use.

**Comments**

The relevant Council Directorates have been consulted and objections have been received to the application.

The Directorate of Adult, Community and Housing Service wish the application to be refused and would not wish to sell off parts of the site individually. However, they would consider disposal of the entire site if a suitable use could be found.

The Housing Manager states that historically the site was once used to accommodate electricity pylons and housing allotments and is currently gated and padlocked to try to prevent fly tipping. The Directorate have previously considered allocating part of the land to all residents that back onto it. However, the majority of the residents felt their current garden space was of adequate length and did not want extra garden. It is considered that it is not prudent to sell off some areas and leave irregular boundaries, as this would prejudice any future disposal of the whole site.

The Directorate of Law and property are not in favour of selling off a part of the land, as the disposal would create an irregular boundary in terms of estate management and set an unwelcome precedent. They would however, be in favour of declaring the whole site surplus, if a suitable use could be found for the site.

The Directorate of the Urban Environment object to the disposal of a small part of the site but raise no objections to the disposal of the whole site, subject to a suitable use being found and planning consent being obtained.

## **Proposal**

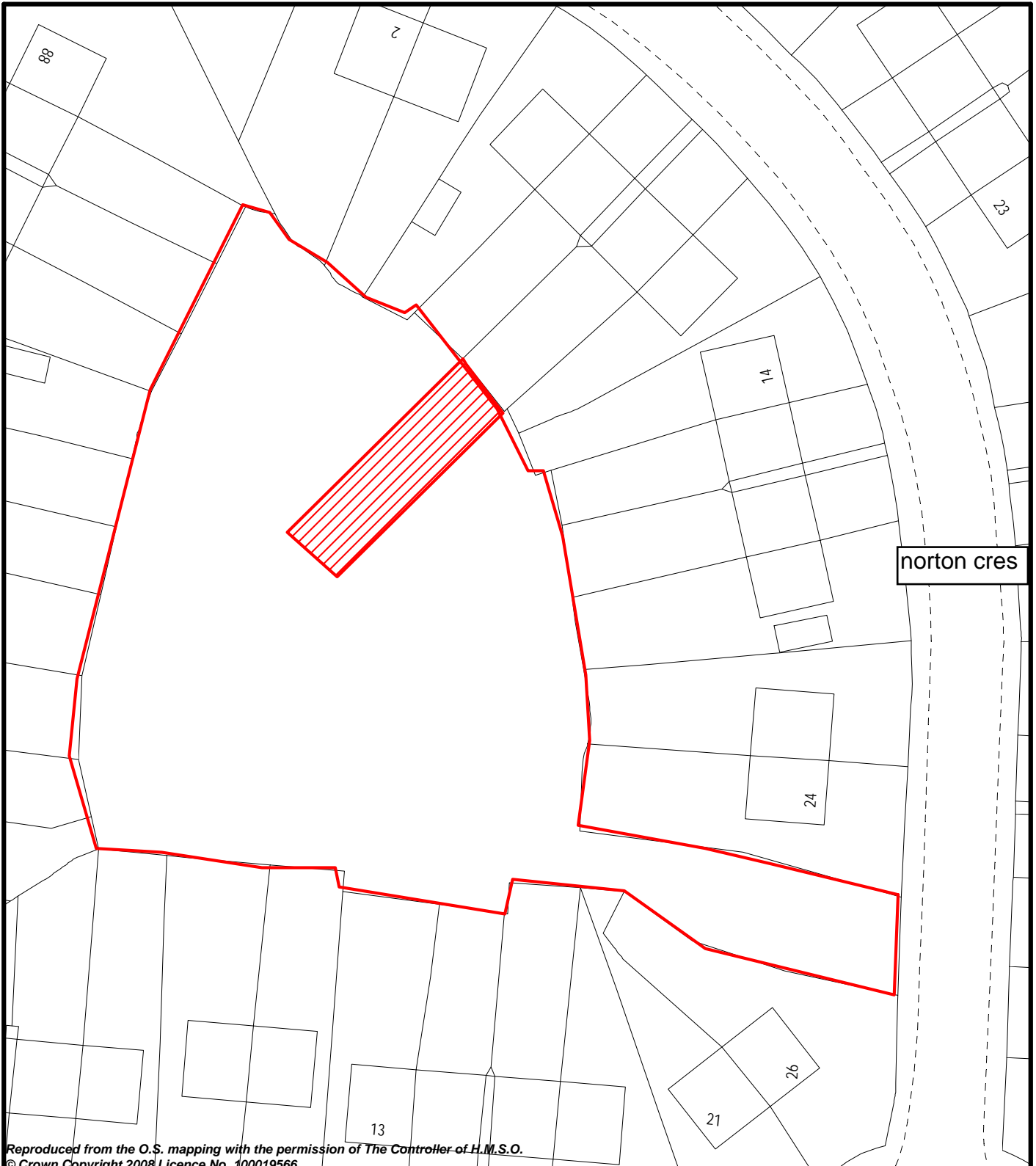
That the Area Committee advises the Cabinet member for Housing to:

- a) Refuse the application to purchase part of the site.
- b) Declare the whole site 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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TITLE:

Land at Norton Crescent,  
 Coseley



SCALE:  
 1 : 500

DATE:  
 18-FEB-2008

Corporate Estate Services  
 Directorate of Law and Property  
 3 St James's Road  
 DUDLEY  
 West Midlands  
 DY1 1HZ

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**North Dudley Area Committee**

**Date: 9<sup>th</sup> April 2008**

**North Dudley Housing Garage Plot Sites**  
**(As shown hatched on the plans attached)**

**Background**

A report regarding the housing garage plot sites was deferred from a meeting of this Committee on 19<sup>th</sup> September 2007 so that further consideration could be given to the future of the site at Bird Street, Lower Gornal.

The sites have been reconsidered by the Housing Area Panel and it has been decided to retain the Bird Street site in Council ownership.

By way of background information, the Directorate of Adult, Community and Housing Services have undertaken a review of their garage sites and garage plot sites throughout the Borough and have identified sites that are surplus to their requirements. The programme has been agreed by the Housing Area Panels.

**Comments**

The relevant Council Directorates have been consulted regarding the disposal of the sites and no objections have been received to the disposal of the following sites. It is proposed that the sites are declared surplus to requirements and sold for either residential development, garden extensions to adjoining owner/occupiers or to a private garage site company to lease out garages.

The sites now proposed for disposal:

Orchard Grove, Lower Gornal.  
Central Drive/Ash Grove, Lower Gornal.  
Hawthorne Grove, Lower Gornal.  
Higgins Ave, Coseley.  
Pickrell Road, Coseley. North site.

The site at Bird Street, Lower Gornal, is to be retained in Council ownership.

The site at Pickrell Road Coseley, Southern site, is adjacent to an area of public open space and provides important links with a footpath network. It is therefore recommended that it should be retained in Council ownership.

The site at Clee Hill Road, Lower Gornal is a small site that would not be suitable for residential development and it will therefore be retained for secure parking.

The site at Jockey fields, Upper Gornal, would be a difficult site to develop due to its location to the adjoining flats and is therefore to be retained for residents parking.

The site at Turls Hill Road, Coseley, is within Green belt and is not suitable for any kind of development. Garages are to be refurbished and the site retained.

The site adjacent to 7 Vicarage Road, Upper Gornal is to be retained for off road parking.

### **Proposal**

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

Orchard Grove, Lower Gornal.

Central Drive/Ash Grove, Lower Gornal.

Hawthorne Grove, Lower Gornal.

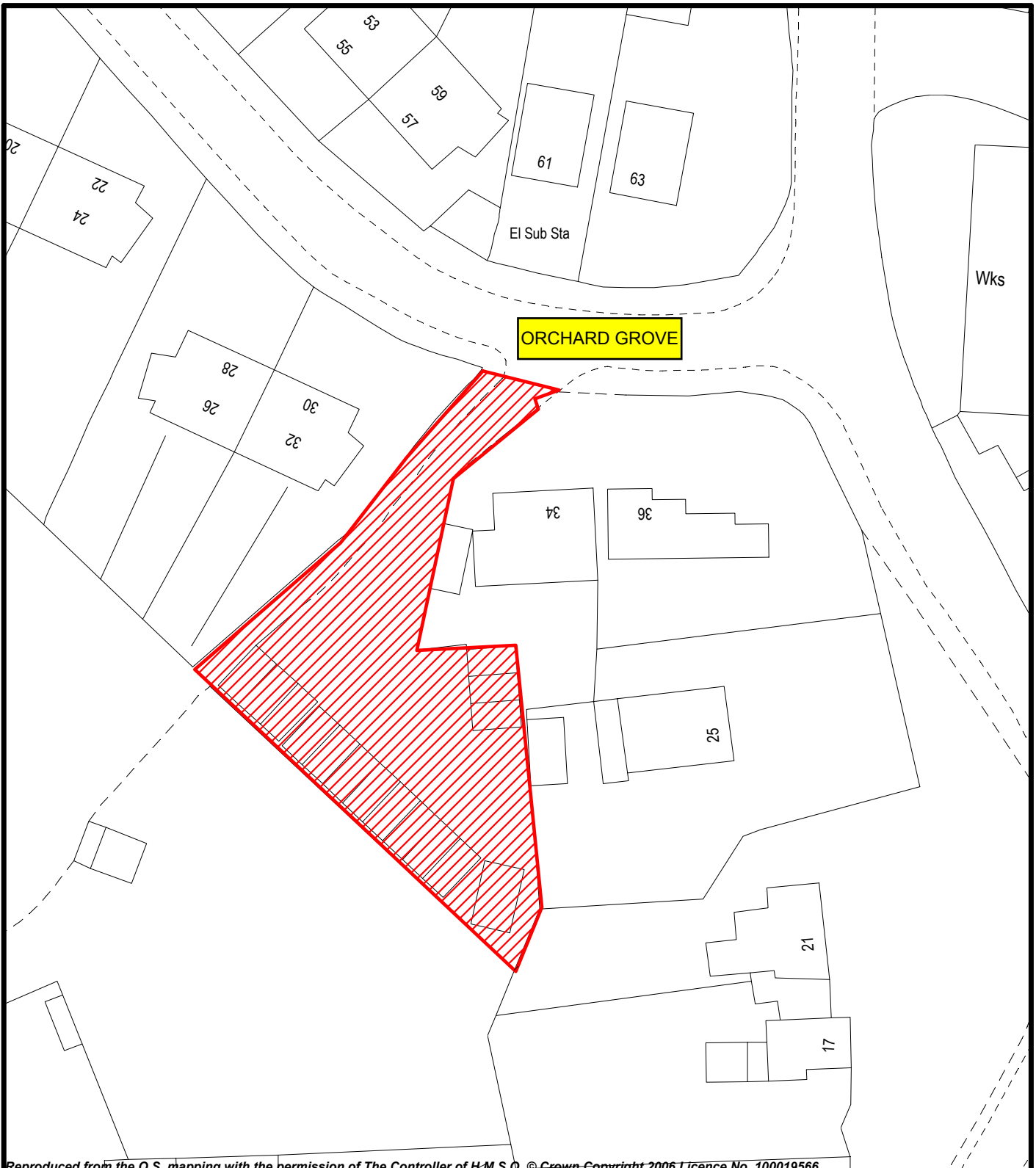
Higgins Ave, Coseley.

Pickrell Road, Coseley, North site.

### **Background papers**

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

Contact Officer: Gill Hudson, Principal Property Manager, Ext. 7068



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TITLE:

ORCHARD GROVE GARAGES  
LOWER GORNAL



SCALE:  
1 : 500

DATE:  
22-NOV-2006

**Corporate Estate Services  
Directorate of Law and Property**

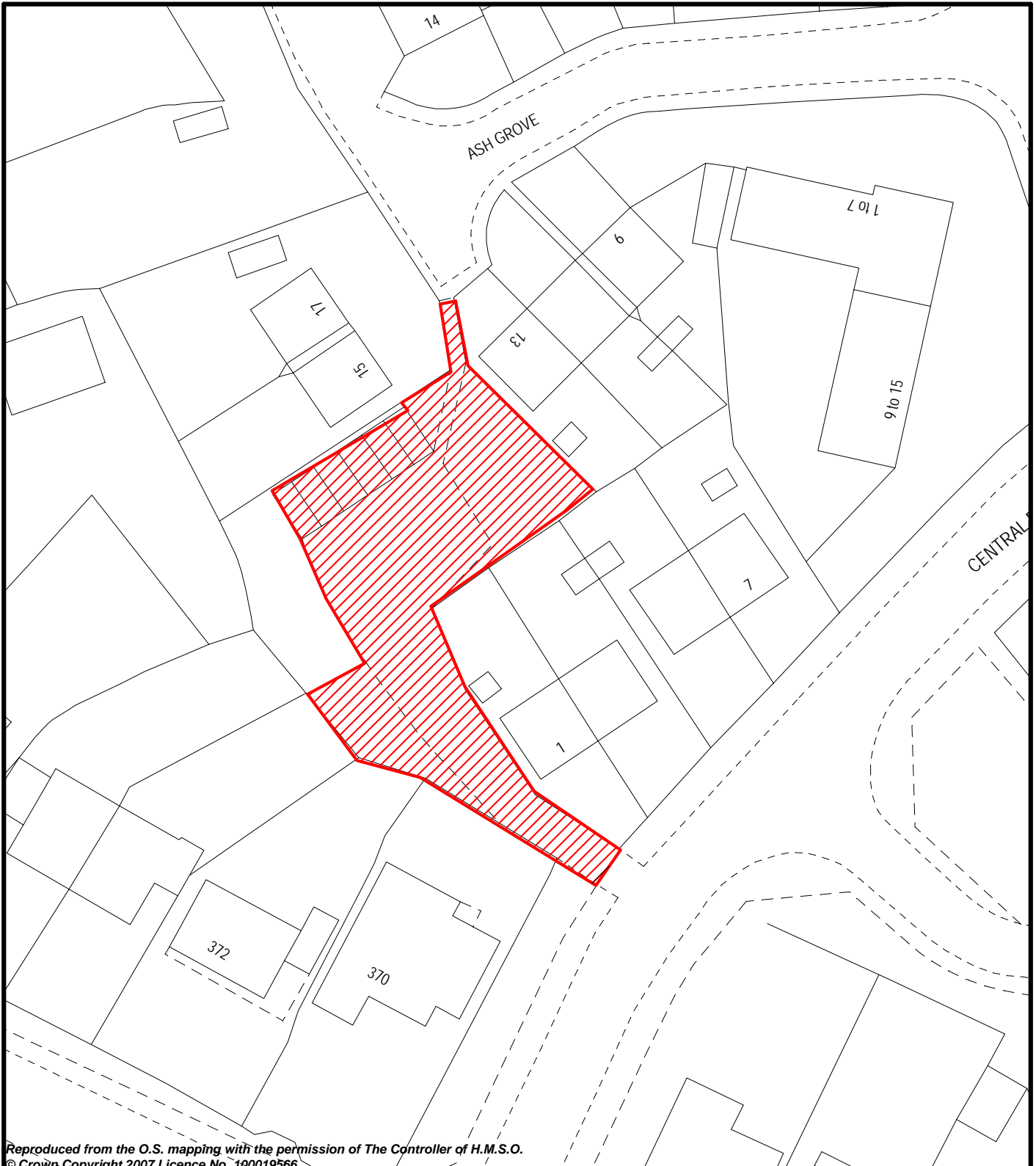
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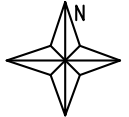

GILL HUDSON. PRINCIPAL PROPERTY MANAGER. EXT 7068



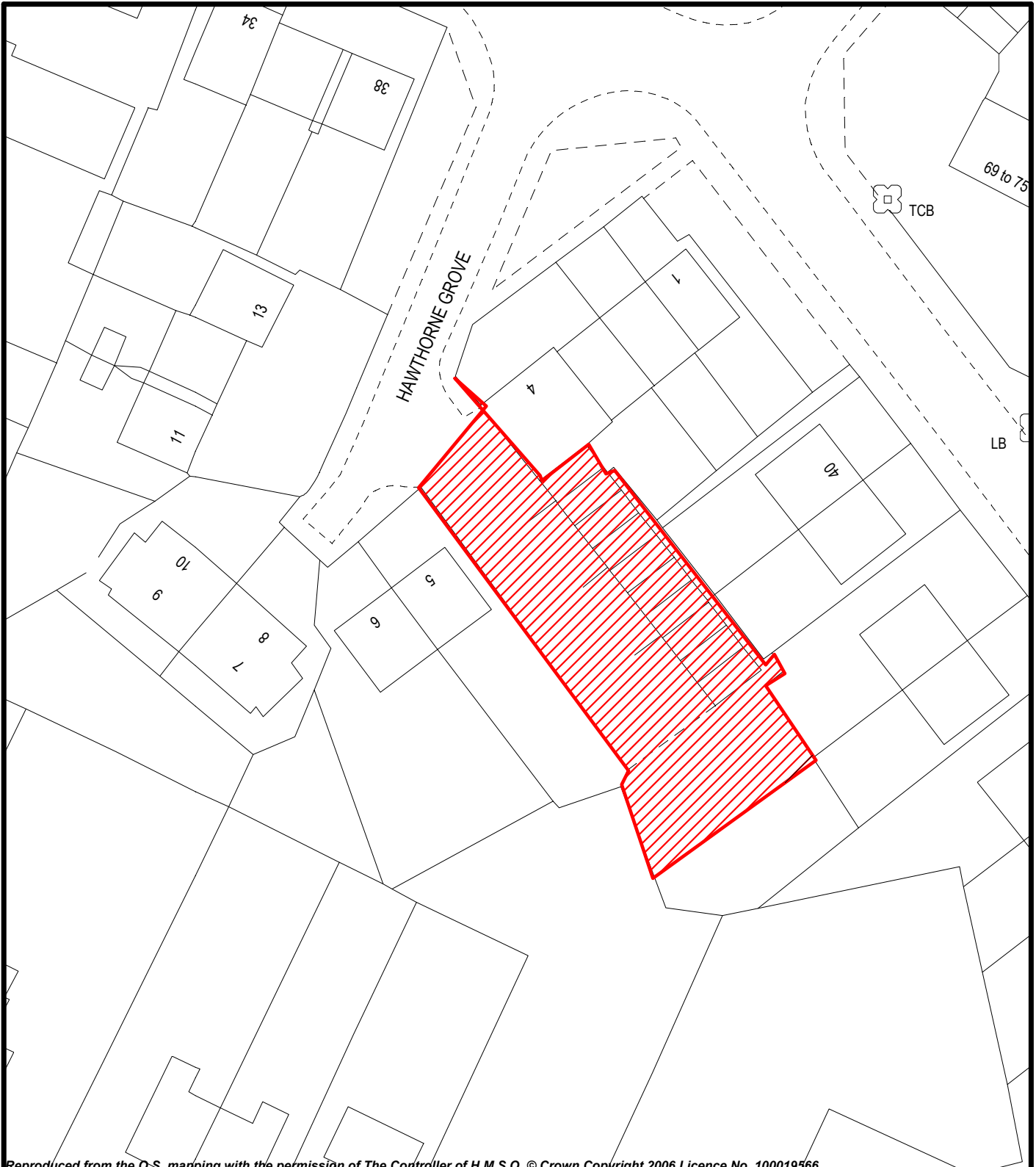




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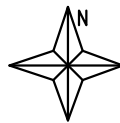
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TITLE:  
**HAWTHORNE GROVE GARAGES  
 LOWER GORNAL**



SCALE:  
**1 : 500**

DATE:  
 22-NOV-2006

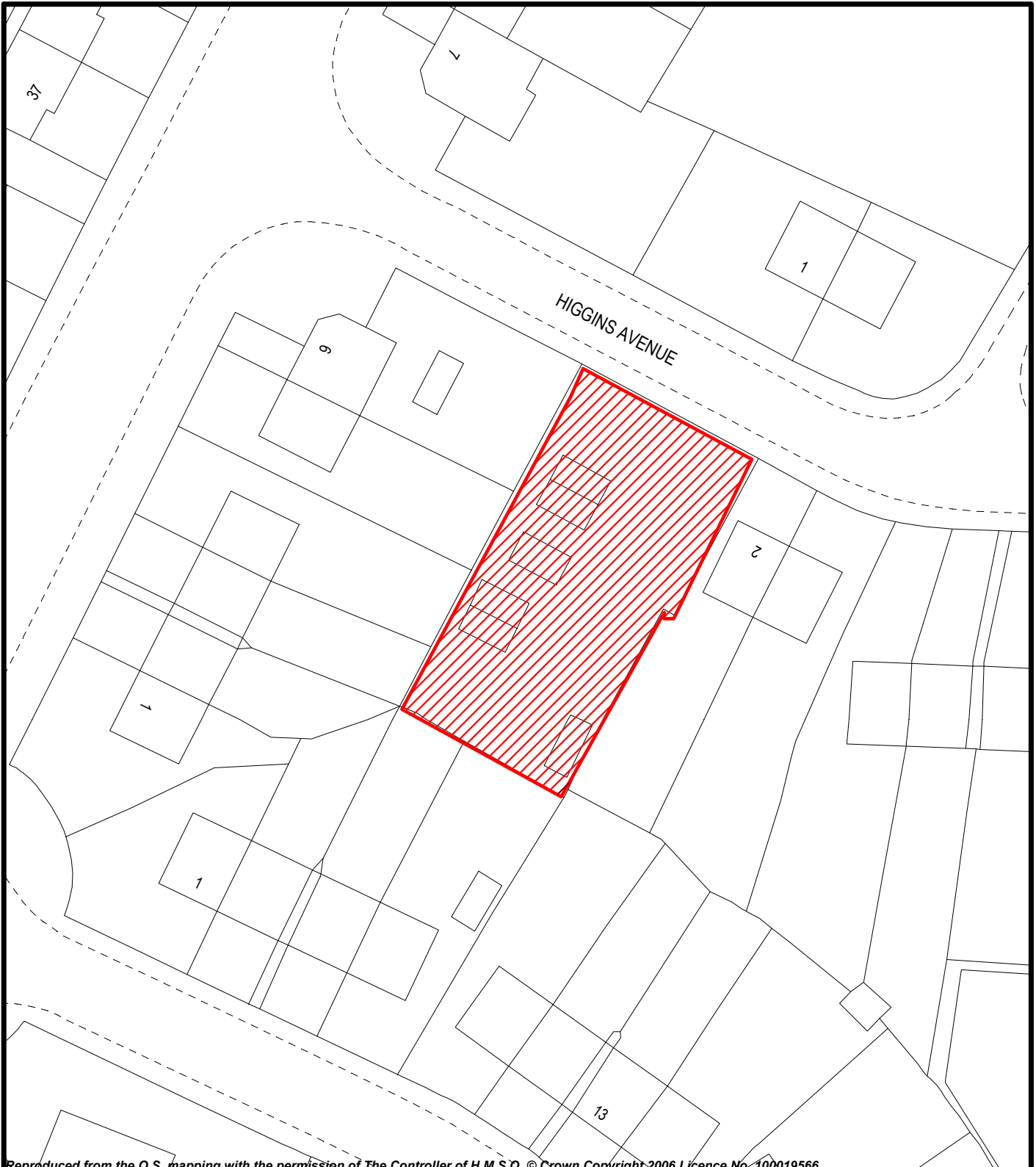
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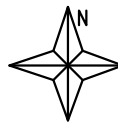




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TITLE:

HIGGINS AVE  
COSELEY



SCALE:

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DATE:

22-NOV-2006

**Corporate Estate Services  
Directorate of Law and Property**

3 St James's Road

DUDLEY

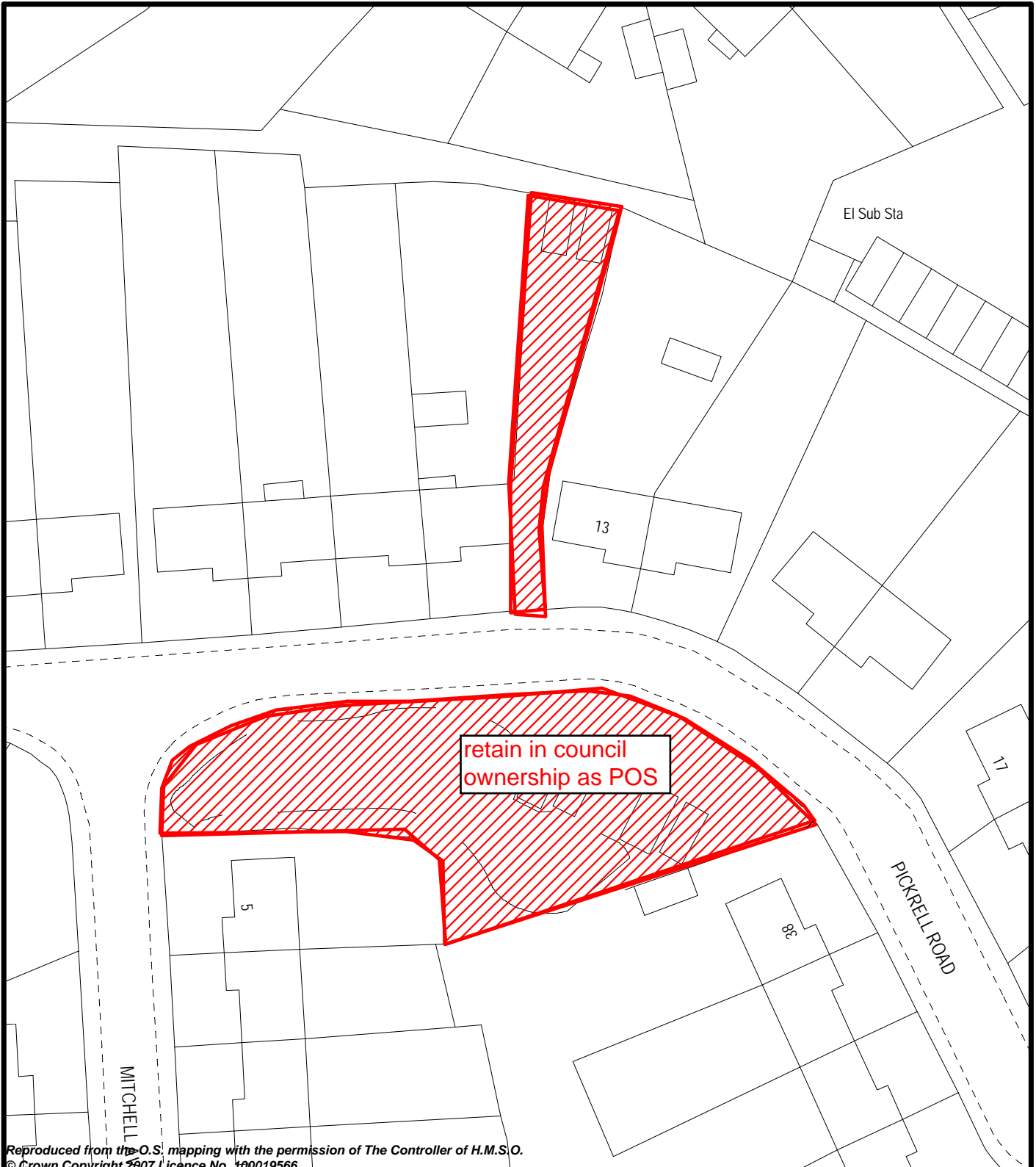
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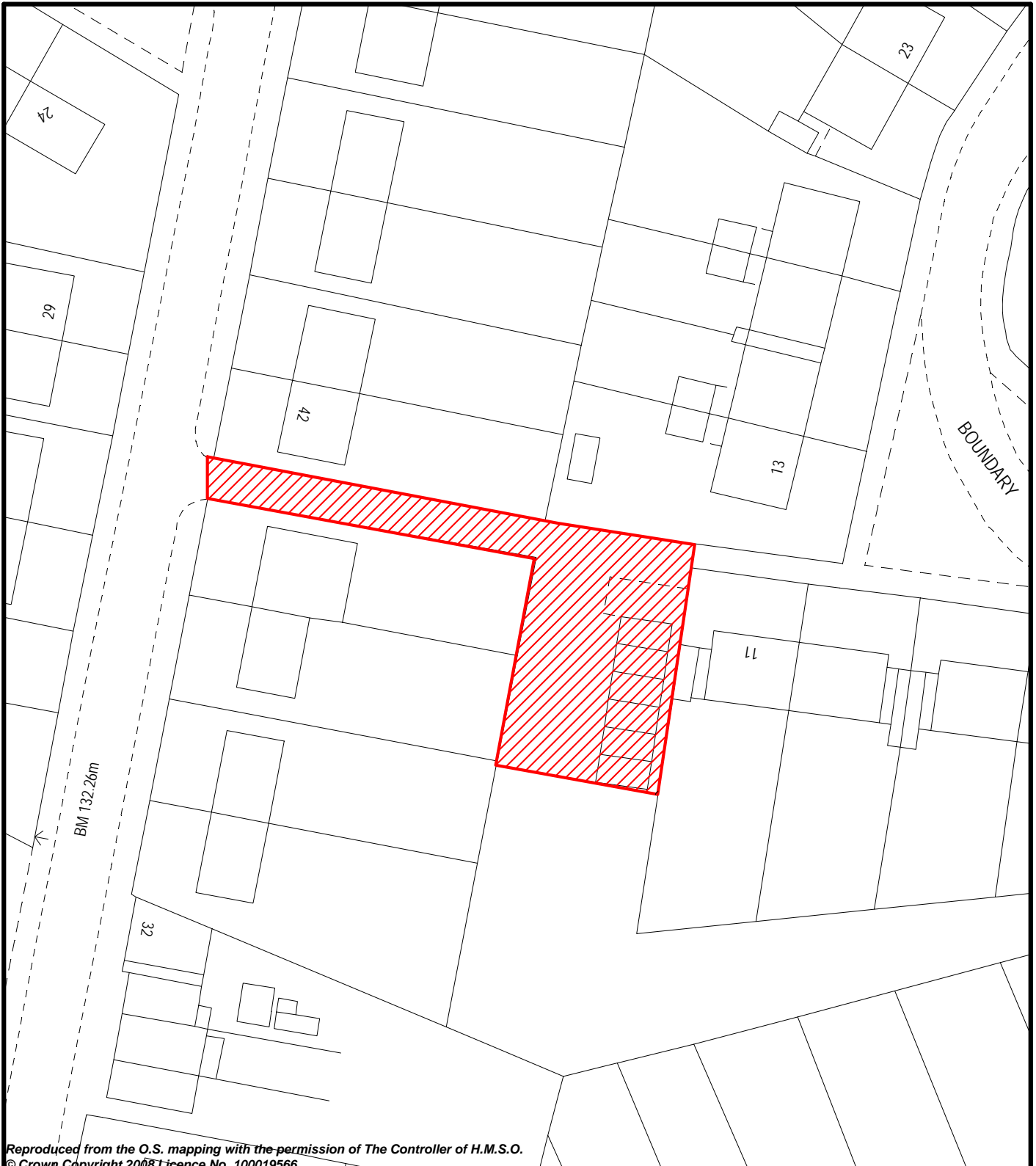
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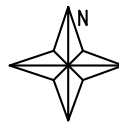
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TITLE:

**BIRD STREET GARAGE SITE  
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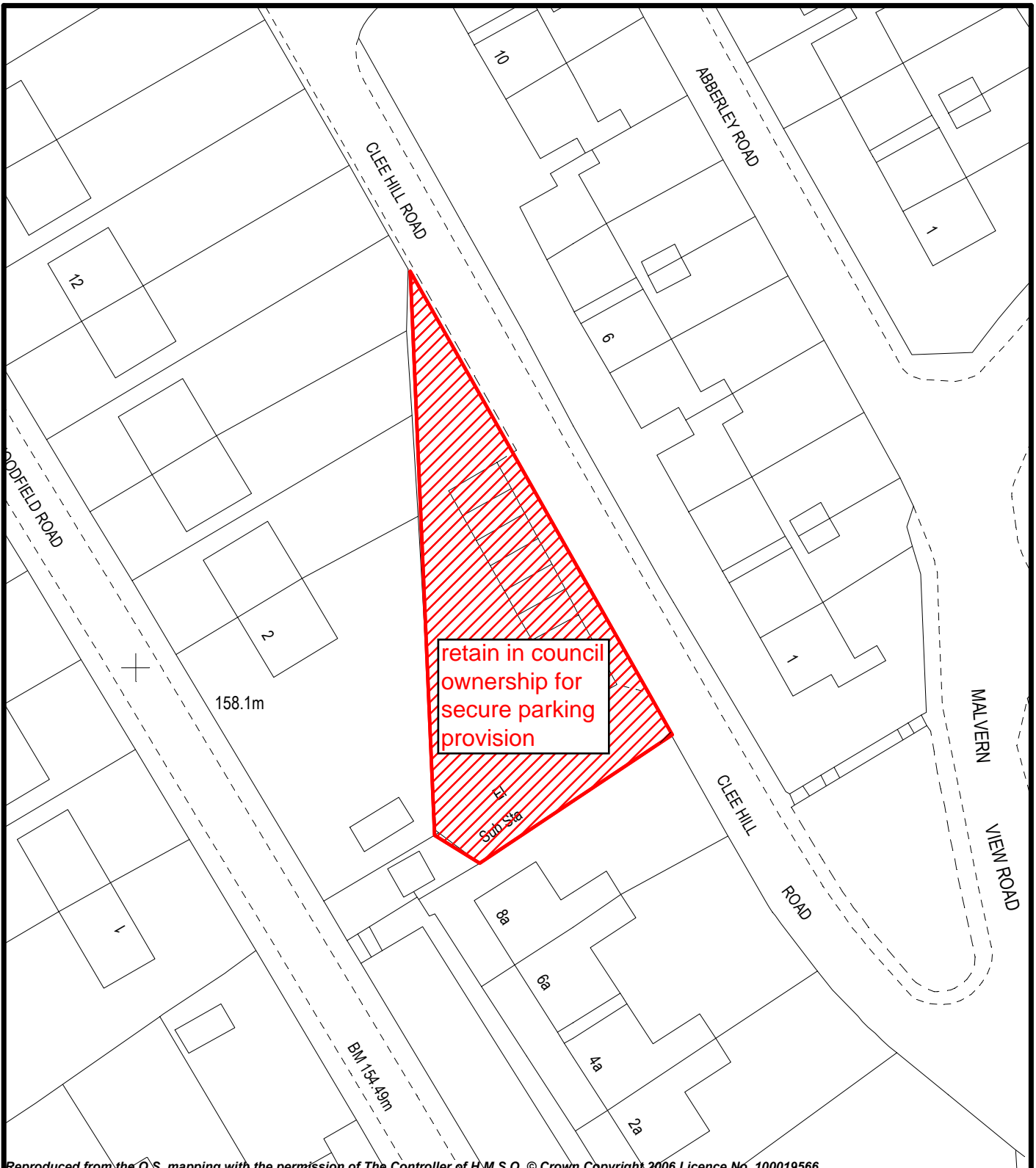
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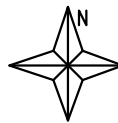




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TITLE:

CLEE HILL ROAD  
LOWER GORNAL  
REF:31760FMSF



SCALE:  
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DATE:  
25-SEP-2006

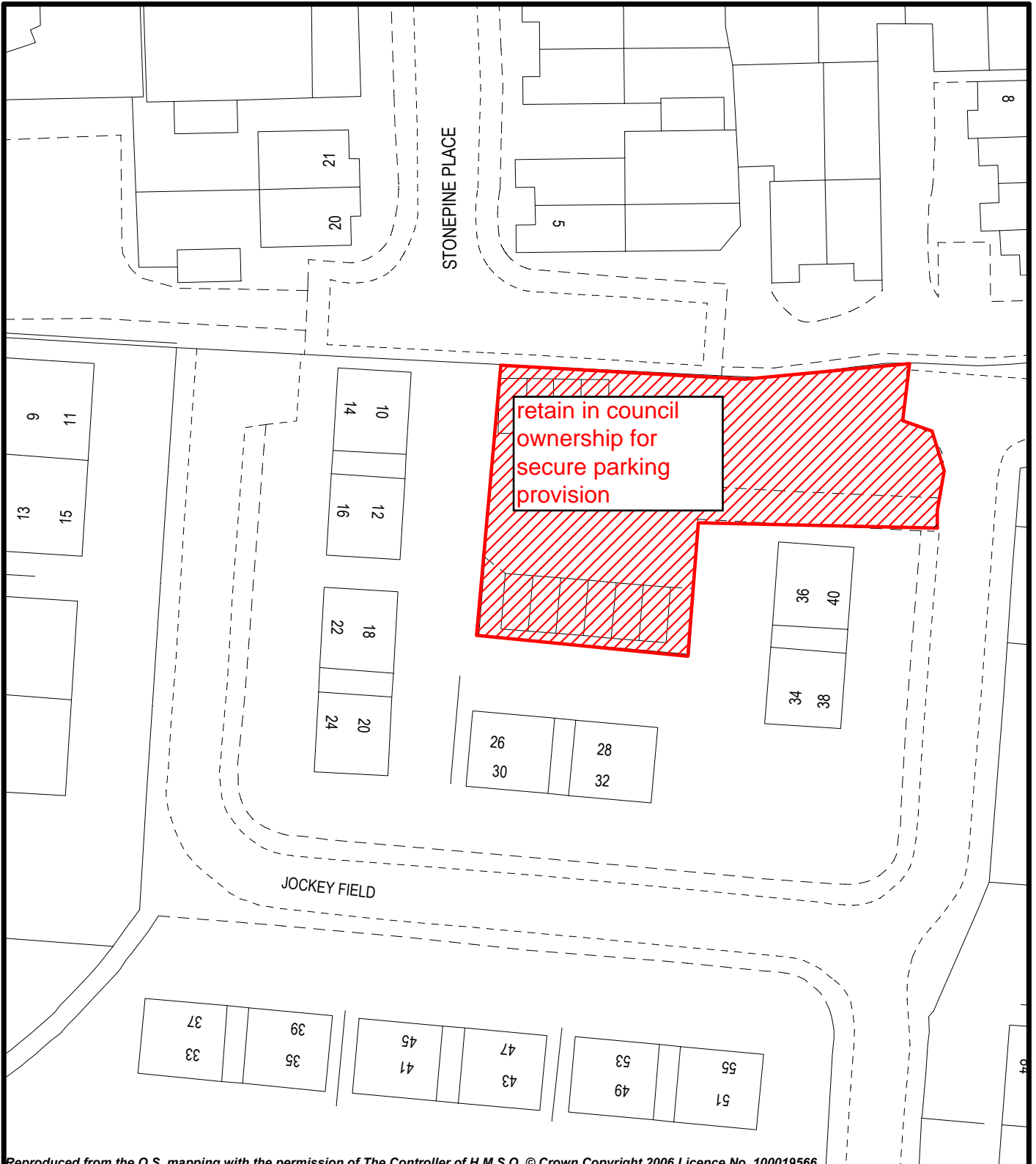
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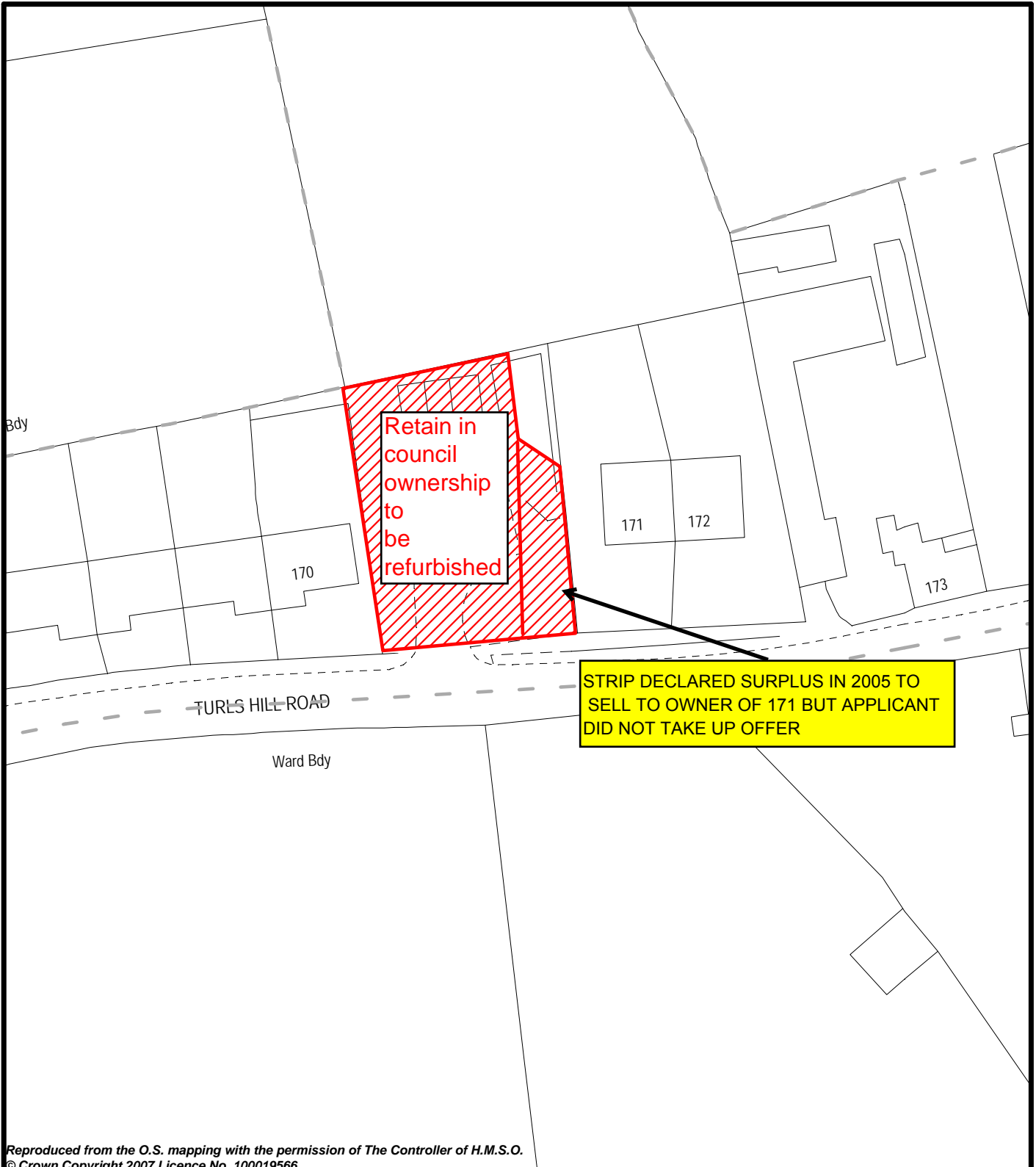
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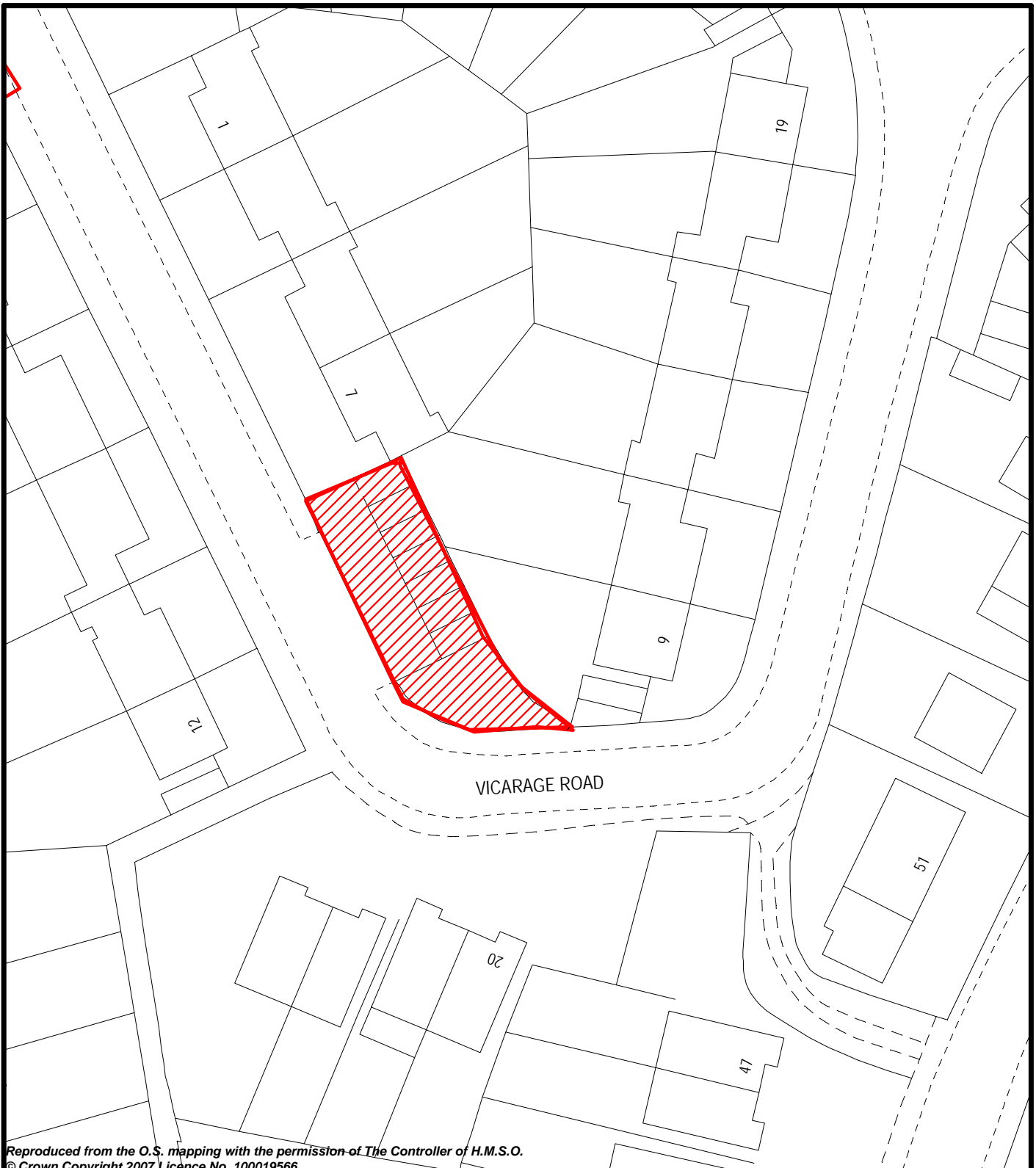


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<p>TITLE:</p> <p>TURLS HILL ROAD GARAGE PLOT SITE          HURST HILL          COSELEY</p>		<p>Corporate Estate Services          Directorate of Law and Property          3 St James's Road          DUDLEY          West Midlands          DY1 1HZ</p>
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TITLE:

FORMER GARGE PLOT SITE  
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SCALE:  
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 12-MAR-2007

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