
Brierley Hill Area Committee 6th December 2007

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.



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John Polychronakis
Director of Law and Property

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List of Background Papers

See individual appendices

Brierley Hill Area Committee

Date: 6th December 2007

Two requests relating to land in between 12 & 14 Avon Close, Pensnett

Application by tenant of 12 Avon Close to lease Council owned land & Application by owner of 14 Avon Close to purchase Council owned land and garage.

(As shown on the plan attached)

Background

An application has been received from the tenant of 12 Avon Close Pensnett to lease an area of land marked hatched on the attached plan. The applicant states that Avon Close can get very congested and visitors have nowhere to park and so cause nuisance to other residents.

The applicant therefore wishes to lease the land for parking of his and his visitor's vehicles, to keep them off the road and ease the congestion. The applicant considers that the land is untidy and can be subject to dog fouling. If successful, he would like to lay slabs and gravel on the land in order to keep it neat and tidy.

An application has also been received from the owner of 14 Avon Close, Pensnett, a former Council house purchased under the right to buy and outlined on the attached plan, to purchase all of the land in between 12 & 14 Avon Close, including the area of land that 12 Avon Close wish to lease.

The applicant states that they wish to purchase the land to allow continued use of the access gate to their garden from this land, which they say, was installed by the Council before the property was purchased.

The owner of 14 Avon Close has also asked to purchase the adjacent garage which is currently let to the owner of 11 Avon Close. The applicant states that they wish to purchase the garage as there is a window in the back wall of the garage that overlooks their back garden and they consider that this causes an intrusion to their privacy. If it is not possible to purchase the garage now, they have asked to be considered if the current tenant surrenders the tenancy in the future.

Comments

The relevant Council Directorates have been consulted regarding both applications and The Directorate of Adult, Community and Housing Services (DACHS) wish all of the land together with the garage to be retained in Council ownership.

The land is maintained by Green Care under their regular maintenance programme on behalf of DACHS and forms a green area of amenity space within the estate which should be retained as such. The tenant already has off road parking on the frontage of the property and it is therefore considered that both the application to lease and the application to purchase should be refused and the land retained as a green area in Council ownership.

There have been previous applications within this estate to purchase or lease similar amenity areas that have been refused and any disposal may therefore set an unwelcome precedent.

The garage is currently let but there is a waiting list for garages in the area should it ever become vacant and the Directorate does not want to dispose of it.

The Directorate of Law and Property state that if the application by 14 is approved, they would be in possession of sufficient land to create a further development plot.

When the site was inspected it appeared to be in good condition and free from litter.

Proposal

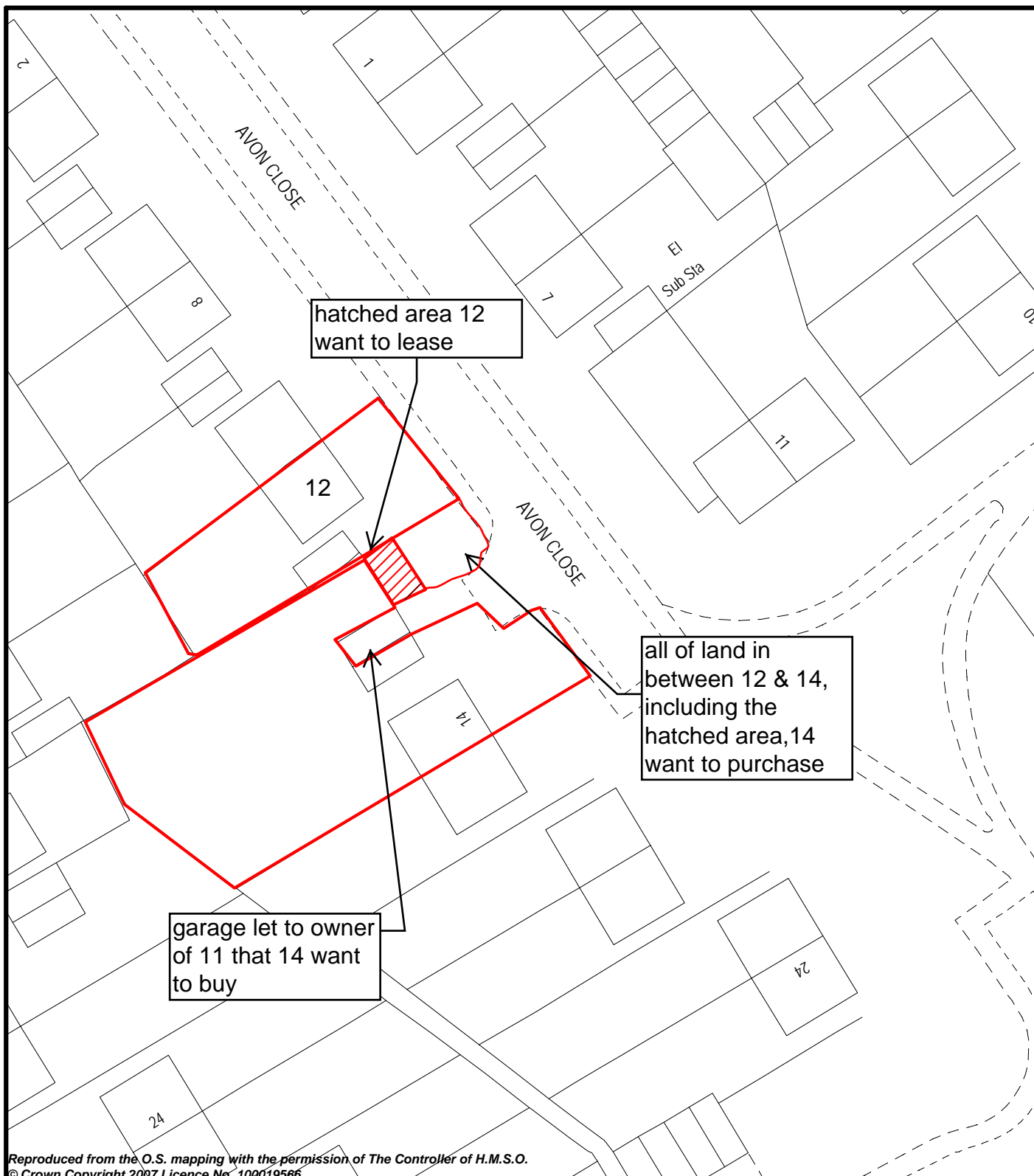
That the Area Committee advise the Cabinet Member for Housing to refuse both of the applications to lease and to purchase Council owned land.

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 in between 12 & 14 Avon Close
 Pensnett
 Application to purchase all
 Application to lease part

CREATED BY: Gill Hudson, Property Manager. Ext 5211

SCALE:
 1 : 500

DATE:
 08-JUN-2007



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



Brierley Hill Area Committee

Date: 6th December 2007

Request for an access agreement

Location: land to the rear of 32a New Street, Wordsley
(As shown on the plan attached)

Background

An application has been received from the owner of 32a New Street, Wordsley, a privately owned property, for a vehicular access agreement over Council owned land to the rear of his property as shown marked hatched on the plan attached.

The land is under the control of the Directorate of Law & Property. It is used as the car park for the Wordsley Community Centre, the Library and the Wordsley Green Health Centre.

There are existing vehicular access agreement for the owners of 37 & 38 New Street to cross the land to the rear of their properties.

Comments

The relevant Council Directorates have been consulted regarding the application and the following comments have been received.

The Directorate of the Urban Environment state that the access should avoid restricting the parking bays. Therefore, the access should be sited next to the boundary with 32 New Street. A commuted sum should be included in the cost of the licence for future maintenance of the access.

No objections to the proposal have been received.

Proposal

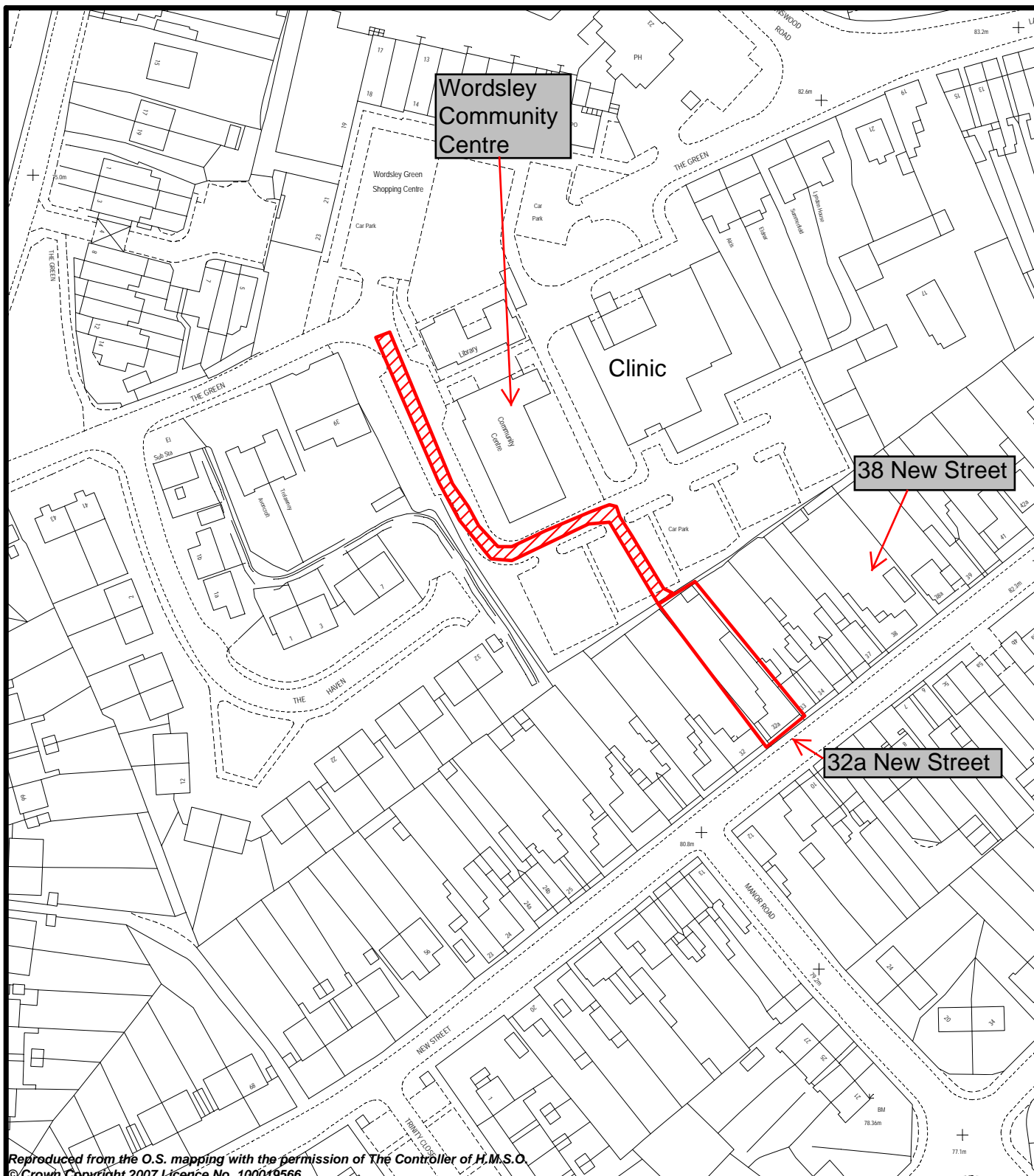
That the Area Committee advises the Cabinet Member for Personnel, Law & Property to approve the granting of a vehicular access agreement to the owner of 32a New Street on terms and conditions to be negotiated and agreed by the Director of Law & Property.

Background papers

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

Contact Officer:

Alan Nugent, Principal Property Manager, Ext. 5351



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TITLE:

Land rear of
 32a New Street
 Wordsley



SCALE:

1 : 1250

DATE:

05-JUL-2007

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

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CREATED BY:

Alan Nugent, Property Manager, ext 5351



Brierley Hill Area Committee

Date: 6th December 2007

Request to Purchase

Location: Land off Albion Street, Brierley Hill
(As shown on the plan attached)

Background

A report regarding this matter was deferred from a meeting of the Brierley Hill Area Committee on 4th October 2007, pending a site visit by Members. The site visit was held on 23rd October 2007. The view of the Members at the site visit was that they were not in favour of disposal of the land.

To reiterate, an application has been received from Longlife Buildings Limited of 1 Albion Street, Brierley Hill 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 Law and Property.

The applicant requires the land to be used as its current purpose, for storage of materials and parking. They insist that they do not intend to develop the land, but propose to build a wall with Victoria gates in order to smarten up the area itself.

Longlife Buildings have been in occupation of the land in question for a number of years without the consent of the Council and wishes to regularise the position. It appears that a panel of close-boarded fence has been cut in the middle and hinges attached to form double gates on the land. Additionally, there seems to be the long term storage of a skip stored on the land in question and the manoeuvring of a vehicle to load/unload a skip which is not conducive to highway safety along this section of Albion Street due to its alignment and adjacent road junction.

In addition, this land forms part of a larger area of land that has been declared surplus to requirements and added to the Land Disposals Programme for redevelopment.

Comments

All of the relevant Council Directorates have been consulted and objections have been received.

The Directorate of the Urban Environment state that after a site visit it appears that a panel of close-boarded fence has been cut in the middle and hinges attached to form double gates on the land. Additionally, there seems to be the long term storage of a skip stored on the land in question and the manoeuvring of a vehicle to load/unload a skip which is not conducive to highway safety along this section of Albion Street due to its alignment and adjacent road junction.

Directorate of Law and Property are of the opinion that the sale would prejudice the viability of additional Council owned land adjacent.

Proposal

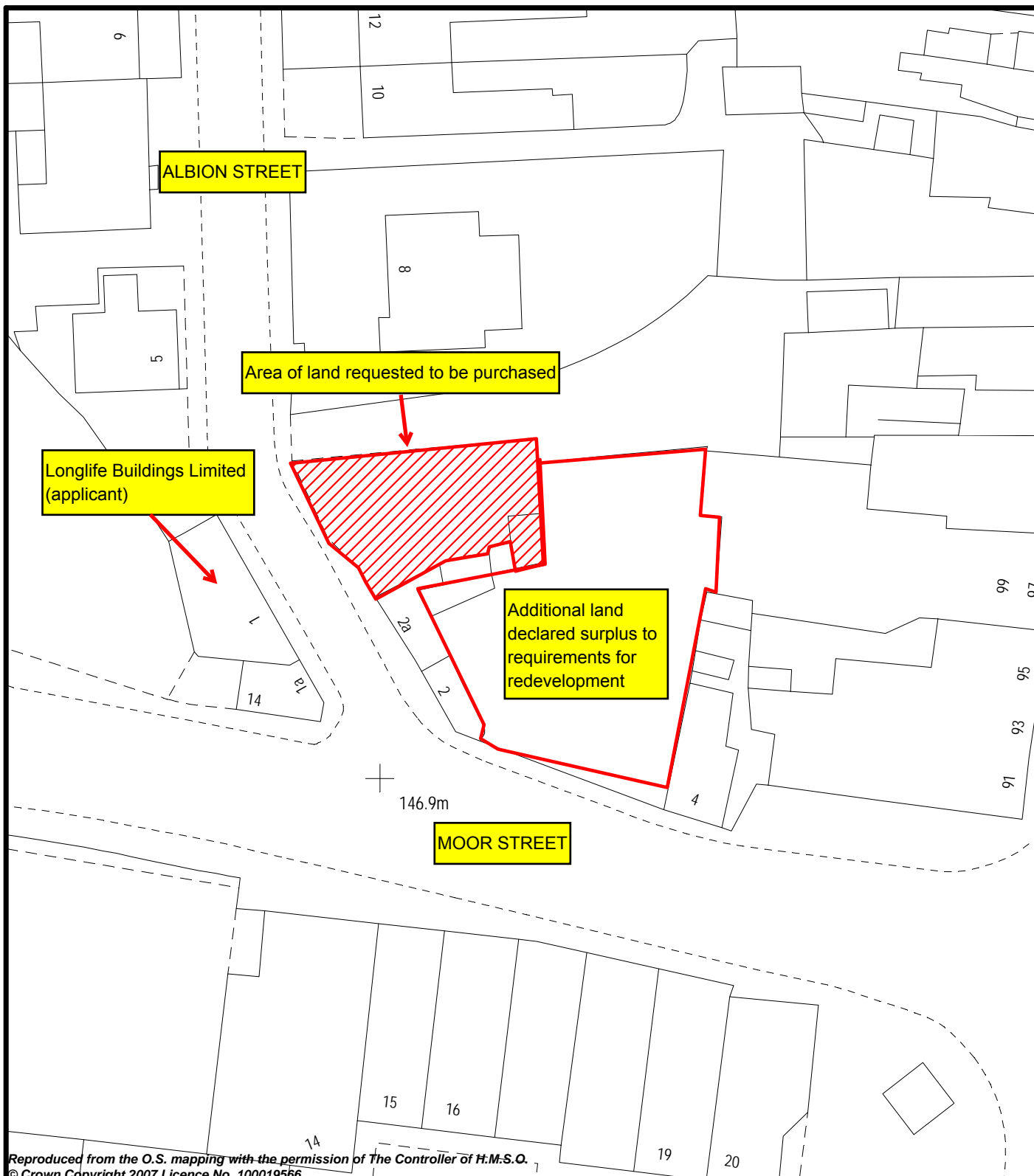
That the Area Committee advise the Cabinet Member for Personnel, Legal and Property to refuse the application for the purchase land off Albion Street, Brierley Hill.

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 off Albion Street Brierley Hill</p> <p>27042/FMSF</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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