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**Central Dudley Area Committee – 8 November 2005**

**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.

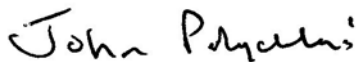
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

### **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**

Contact Officers: Gill Hudson, Property Manager  
Telephone: 01384 815311  
Email: [gill.hudson@dudley.gov.uk](mailto:gill.hudson@dudley.gov.uk)

### **List of Background Papers**

See individual appendices

## **APPENDICES**

### **CENTRAL DUDLEY AREA COMMITTEE**

**DATE: 8 NOVEMBER 2005**

### **DISPOSAL OF LAND**

#### **LOCATION: PEDMORE ROAD, DUDLEY**

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

### **BACKGROUND**

At a meeting of the Central Dudley Area Committee on 6<sup>th</sup> September, 2005 a report was presented recommending that the site of 141/142 Pedmore Road, Dudley, be declared surplus to requirements. The Area Committee however, decided to recommend that the site be retained in Council ownership as they considered that it might be needed for future road improvement.

This is an area of land at the corner of Pedmore Road and Hurst Lane that was purchased by the Council under the Housing Act 1936 in 1950 and forms the site of two derelict cottages that were let as part of agricultural tenancies. The Site is marked hatched on the attached

The Site is in the control of the Directorate of Housing.

The Council has recently successfully defended a claim for adverse possession on the part of the site known as 141 Pedmore Road. The remainder of the site known as 142 Pedmore Road was subject to a tenancy that came to an end on 28<sup>th</sup> September 2005. The site was mainly used for storage in connection with the former tenants daughters horse.

The Buildings on the site are in a very bad state of repair having been condemned unfit for human habitation many years ago. The vegetation on the site is very overgrown and causing a problem both to the neighbouring industrial units and to pedestrians passing along the adjoining pavement.

The site is unsuitable for residential development due to its access however it would be a valuable warehouse/commercial site in a prime location.

Several road improvements have been undertaken at the adjacent road junction and land has been taken from the site to accommodate the new road layouts in the past. The last road improvement at the junction was undertaken last year.

The site is ripe for anti-social behaviour and there has already been one fire at the premises. The Directorate of Adult, Community and Housing Services have therefore not got funds available for the security or maintenance of this site and are depending on the capital receipt from the sale to offset the cost of defending the recent possessory title claim.

## **COMMENTS**

The relevant Council Directorates were consulted regarding the future of the sites and no objections were received from the Directorates to the disposal of the site of 141 & 142 Pedmore Road on the open market.

The Cabinet Member for Housing has been consulted regarding the future of the site and he recommends that an area of land is retained in Council ownership as Highway verge, so that the junction of Pedmore Road and Hurst Lane can be improved at such time in the future as it is deemed necessary and that the remainder of the site is declared surplus to requirements and sold on the open market as soon as possible, to minimise the burden on the Housing Revenue Account.

The Relevant Directorates agree with this proposal.

## **PROPOSAL**

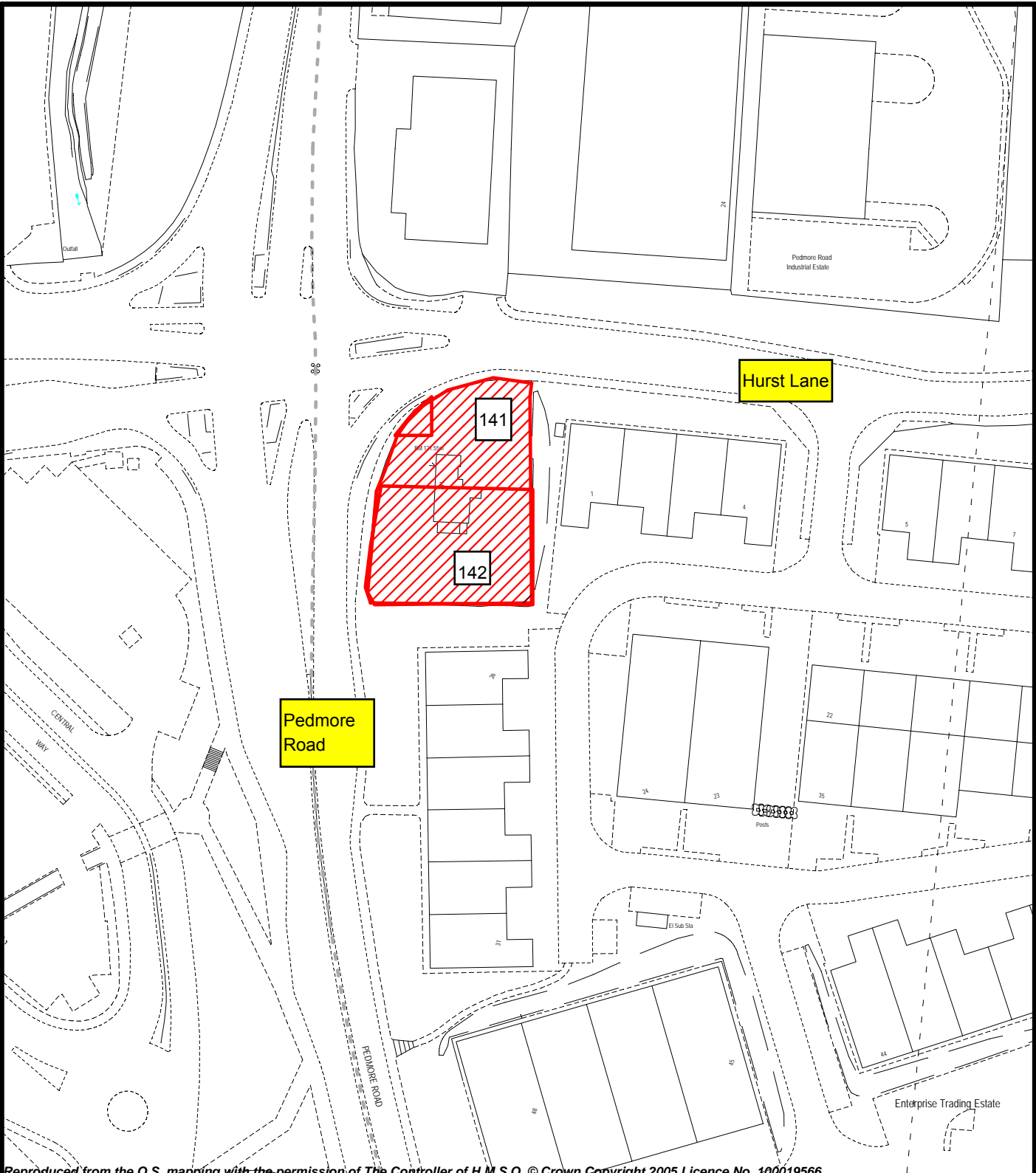
That the Area Committee advise the Cabinet Member for Housing to approve the retention of an area of land to be determined by the Director of Urban Environment, for future road improvement as highway verge and that the remainder of the site be declared surplus to requirements to be added to the land disposals programme and sold on the open market for the best price reasonably obtainable.

## **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>site of 141/142 Pedmore Road Briery Hill</p>		<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p>
<p>OS data reproduced with the permission of the Controller of HMSO 2004 Licence No 100019566</p> <p>CREATED BY:</p>	<p>SCALE: 1 : 1250</p> <p>DATE: 12-JAN-2005</p>	

## **Appendices**

### **Central Dudley Area Committee**

**Date: 8<sup>th</sup> November 2005**

**Request for: Application to Purchase Council owned land**

**Location: Adjoining 46 St. Thomas Street, Netherton**  
**(As shown on the plan attached)**

### **Background**

A request has been received from the owners of 46 St. Thomas Street, Netherton to purchase the Council owned land adjoining to the right of their property as shown hatched black on the plan attached. The land is required for the erection of a garage and garden area.

An application was submitted to purchase land to the left of 46 St. Thomas Street in August 2000 for garaging and garden purposes and was taken to the Central Dudley Area Committee in January 2001. It was proposed that a reduced area of land be sold in order for the applicant to erect a garage and was approved on 3<sup>rd</sup> July 2001 and authorised by the Directorate of Housing by Decision Sheet dated 20<sup>th</sup> August 2001. The applicants submitted a further application to purchase an additional area of land, adjoining the reduced area of land already purchased and was refused.

The applicants state that they are experiencing break-ins and the theft of their car.

The land is under the control of the Directorate of the Urban Environment (Economic Regeneration Division).

### **Comments**

All of the relevant Directorates have been consulted.

The Directorate of Law and Property objected to the sale of the land as it is a corner site which has been landscaped and acts as a visibility splay at the road junction.

The Directorate of Adult, Community and Housing Services stated that they have no objections to the proposal, however the area has trees and shrubs with a seated bench, which is often used by elderly residents. The land requested for the purpose of erecting a garage seems to far exceed that for a standard garage. If the garden area was to be up to the pavement and is going to be fenced in, it would look unsightly to have a 1.8m fence surrounding it may also cause some visibility problems for vehicles pulling out of St. Thomas Street. There are also some anti-social behaviour in this area.

The Directorate of the Urban Environment have no objections to this proposal although there is a 4.5 metre x 45 metre junction visibility splay which affects the land and no construction planting above 600 mm will be permitted within the splay area.

### **Proposal**

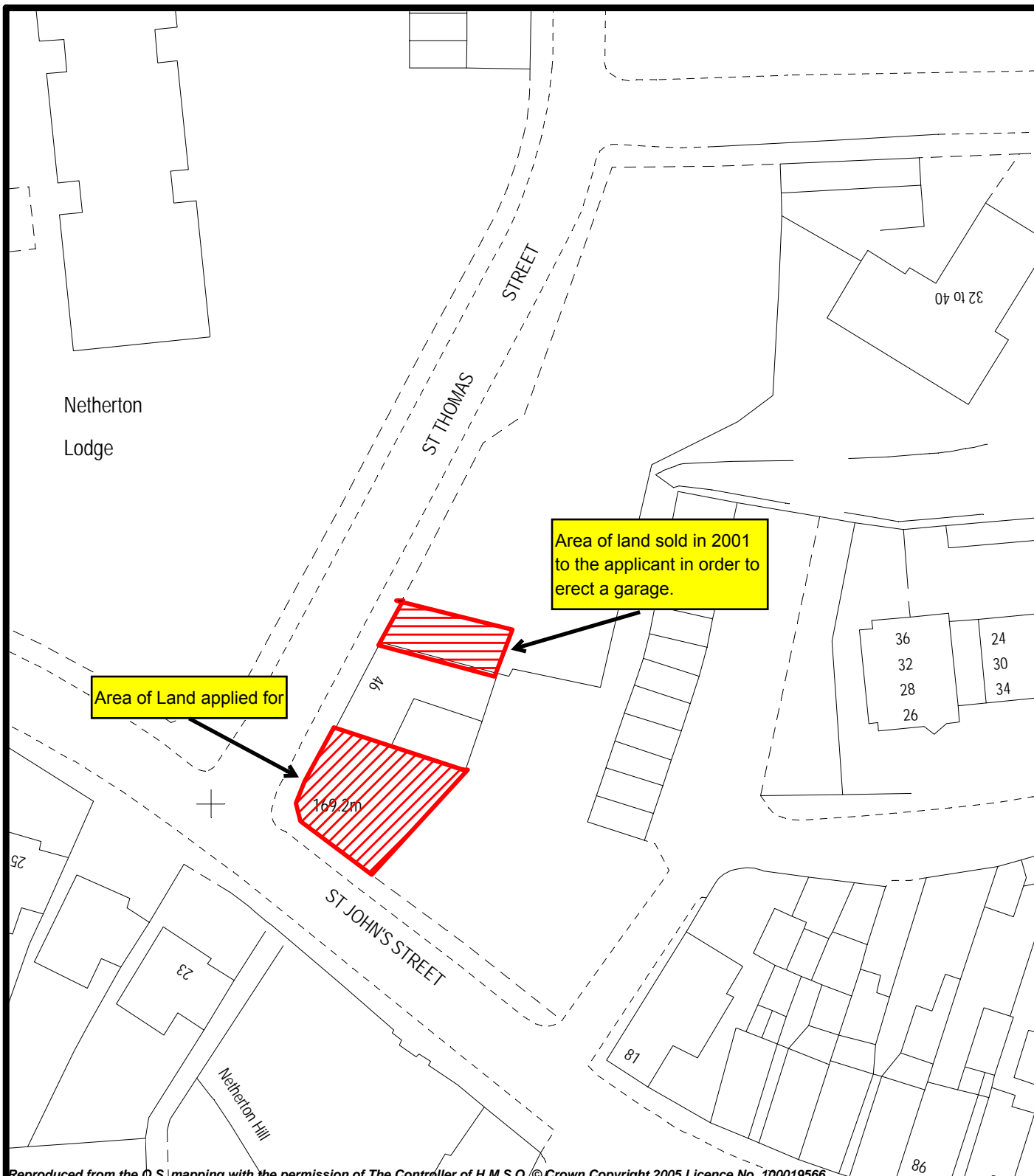
That the Central Dudley Area Committee advises the Cabinet Member for Transportation to refuse the request to purchase land adjoining 46 St. Thomas Street, Netherton, Dudley.

### **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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TITLE:

Land adjoining 46 St. Thomas Street

Netherton

Dudley



SCALE:

1 : 500

DATE:

27-SEP-2005

Corporate Estate Services  
Directorate of Law and Property

3 St James's Road

DUDLEY

West Midlands

DY1 1HZ

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CREATED BY:

Sonia McLean - Property Manager, Ext. 5321





## Appendices

### Central Dudley Area Committee

Date: 8 November 2005

### Request to purchase land

Location: rear of 82 Warrens Hall Road, Dudley  
(As shown on the plan attached)

### Background

An application has been received from the owner of 80 Warrens Hall Road, Dudley, a former Council house purchased under the right to buy, to purchase the site of a garage plot to the rear of his property on Four Winds Road.

The garage plot is controlled by the Directorate of Housing and is the first in a row of plots on Four Winds Road.

The plot is to the rear of 82 Warrens Hall Road and the applicant has rented the garage plot for 20 years. He now wishes to purchase the freehold of the plot.

In 1982 the applicant purchased 110 square metres of land at the rear of his property with frontage to Four Winds Road. This land is adjacent to the garage plot that he currently rents.

### Comments

The relevant Council directorates have been consulted regarding this application and the Directorate to Law and Property and the Directorate of Adult Community and Housing Services wish the application refused.

The Directorate of Adult, Community and Housing Services consider that this garage site is popular and any vacant plots will be used to relocate garages from other sites that are being cleared for disposal. They therefore consider that the land should be retained in Council ownership as they would not consider selling other plots on this site. The sale would also set an unwelcome precedent.

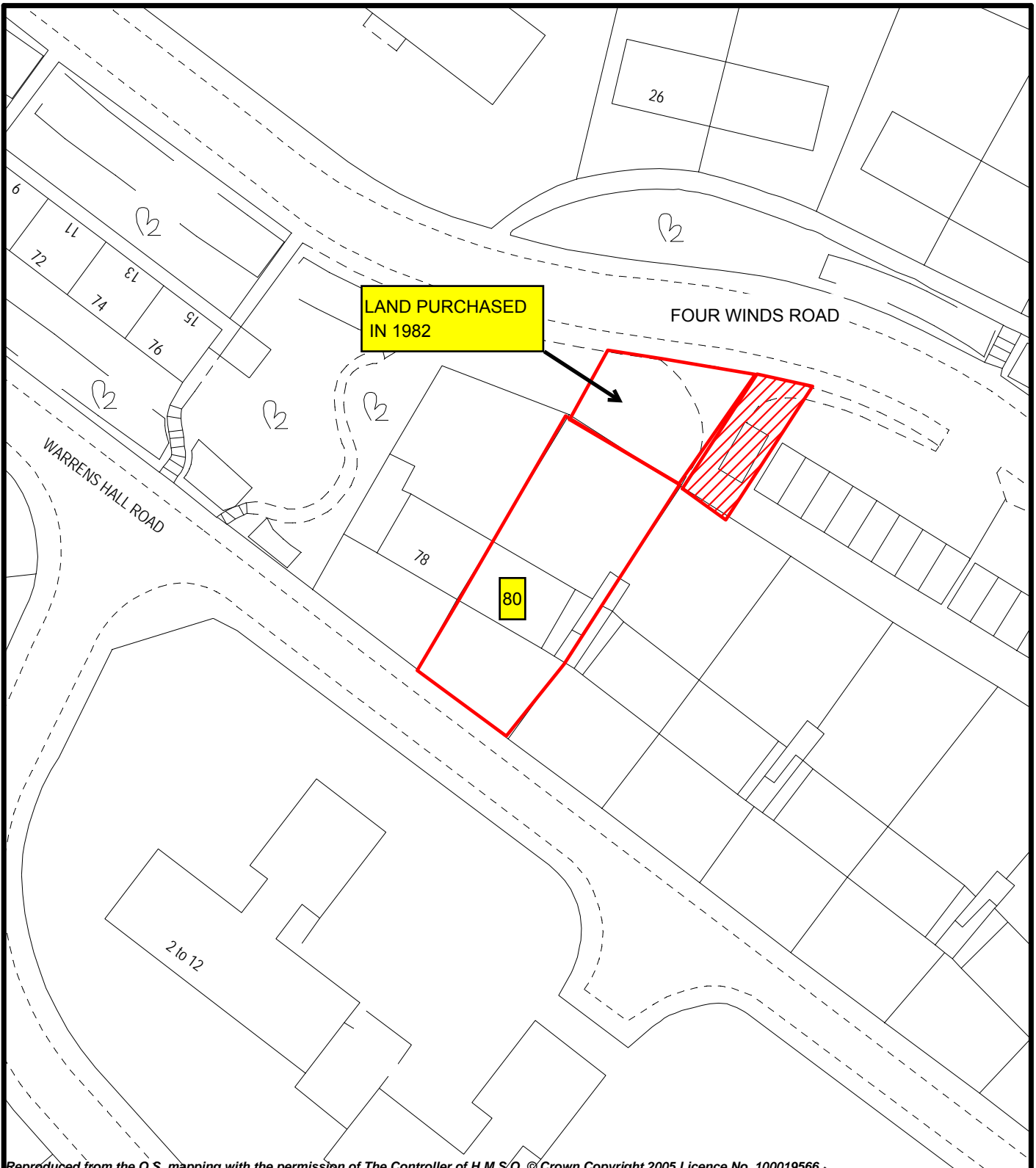
### Proposal

That the Area Committee recommends that the Cabinet Member for Housing refuse the application.

### 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 80 WARRENS HALL ROAD DUDLEY</b></p> <p><b>HATCHED AREA=GARAGE PLOT RENTED BY APPLICANT IS THE SUBJECT OF THIS APPLICATION TO PURCHASE.</b></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>SCALE: <b>1 : 500</b></p> <p>DATE: <b>04-AUG-2005</b></p>	