

Stourbridge Committee – 22nd January 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.

The Directorates when formulating their view on the attached land items have considered the effects on children and young people. Any relevant issues will be reported in the individual appendices.

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

Sonia McLean, Property Manager
Telephone 01384 815321
Email: sonia.mclean@dudley.gov.uk

Alan Nugent, Property Manager
Telephone 01384 815351
Email: alan.nugent@dudley.gov.uk

List of Background Papers
See individual appendices

Appendices

Stourbridge Area Committee

Date: 22nd January 2007

Request to: Removal of Restrictive Covenant

Location: Land adjacent 14 Mamble Road, Stourbridge
(As shown on the plan attached)

Background

An application has been received from Morgan & Company, Solicitors, on behalf of the owners of 14 Mamble Road, Stourbridge (Mr & Mrs R W Carter) to remove the covenant preventing erecting any building or buildings whatsoever including those of a temporary nature on the land shown edged on the plan attached.

This land was acquired by Mr & Mrs Carter from the Council on 25th May 1984 for the purposes of garden land. Mr & Mrs Carter would like to sell their side garden, as they are finding it unmanageable and would like to retain just an area of garden at the rear. The owner of the redundant Builders Yard (Mr M Williams) intends to develop the yard area and would like to add this side garden land to be added to the Yard when the development takes place. It is understood by Mr Williams' solicitors that planning permission has been granted for 5 starter homes. Additionally, there is a 57" sewer running across Mr & Mrs Carter's land at No. 14 and also across the Yard.

The benefit of the restrictive covenant lies with the Directorate of Law and Property.

Comments

All of the relevant Council Directorates have been consulted and no objections have been received. However, the Directorate of the Urban Environment advise that no recent planning approval exists for the adjacent building yard site (post 1995) for the erection of five starter homes and therefore suggest that an application is submitted for the whole of the site prior to the release of the covenant in order to assess an appropriate release fee.

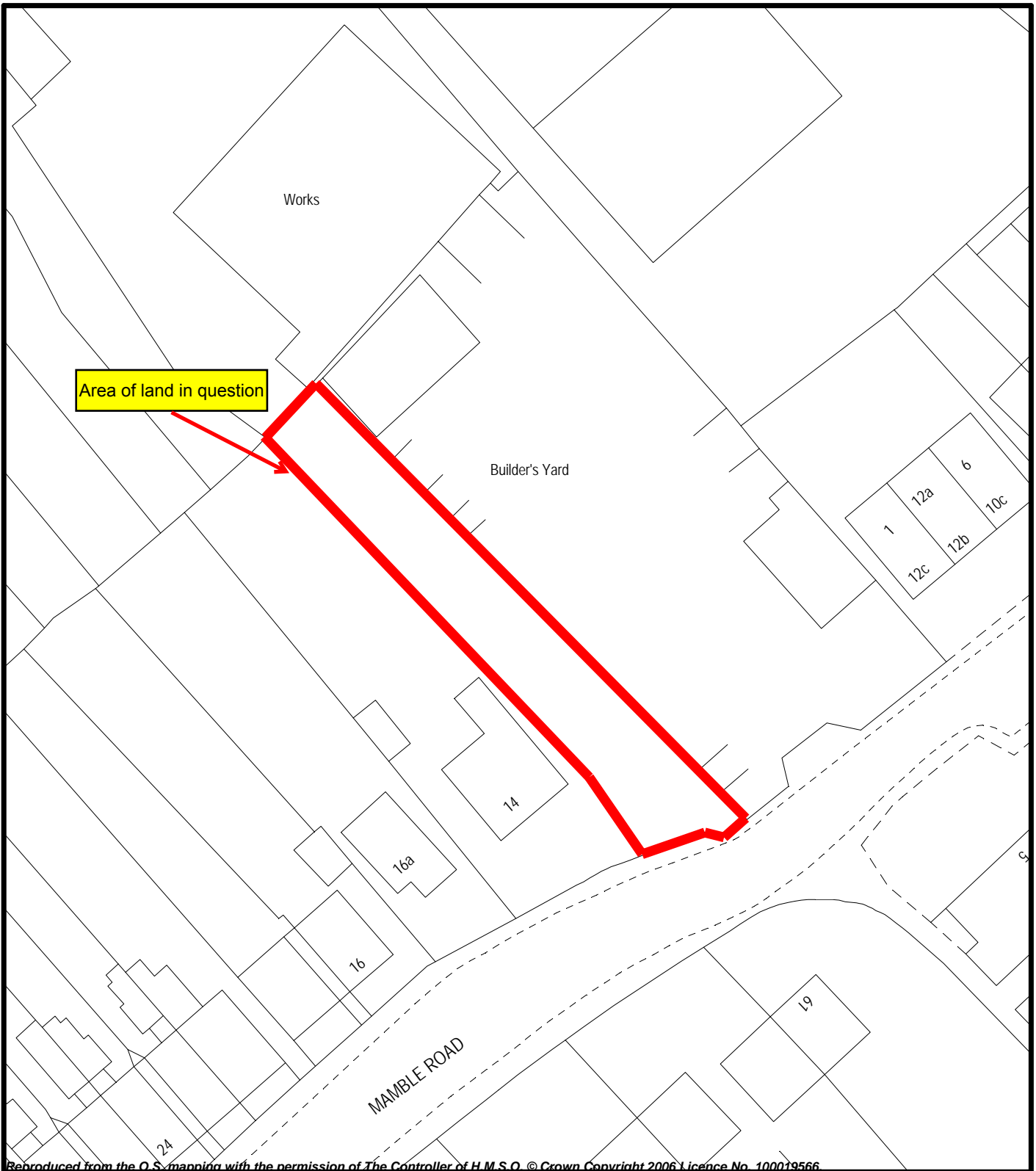
Proposal

That the Area Committee advise the Cabinet Member for Personnel, Legal and Property to approve the application for the removal of the restrictive covenant subject to the applicant obtaining any necessary consents and 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:
Sonia McLean, Property Manager, Ext. 5321

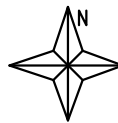


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TITLE:

Land adjacent to 14 Mamble Road
Stourbridge

31735/TPRC



SCALE:

1 : 500

DATE:

21-AUG-2006

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



Stourbridge Area Committee

Date: 22nd January 2007

Request to Purchase

Location: The Youth and Community Centre, Providence Street, Lye
(As shown on the plan attached)

Background

An application has been received from Scot Young Research Ltd. in Lye 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 Children's Services and is held for educational purposes.

The applicant is a manufacturer and distributor of cleaning products, i.e. mops, buckets, etc. and require the land for the expansion of their building to cope with the increasing turnover.

Comments

All of the relevant Council Directorates have been consulted and objections have been received. The Directorate of Children's Services state that there is a definite need for this site and it is not available for disposal. Additionally, the Directorate of Adult, Community and Housing Services state that the Youth Club is a well used facility within the Priority Neighbourhood Area and therefore wish to oppose the sale of the land.

The Chief Executive's Neighbourhood Management state that the Centre is extremely well used both as a youth club and also a meeting place for a number of organisations, clubs, etc. The car park is also used on a number of occasions for Fun Days, etc., as it is a large open space away from domestic properties, therefore reducing complaints about noise, nuisance, etc. It would be a great loss to the community if this land were sold.

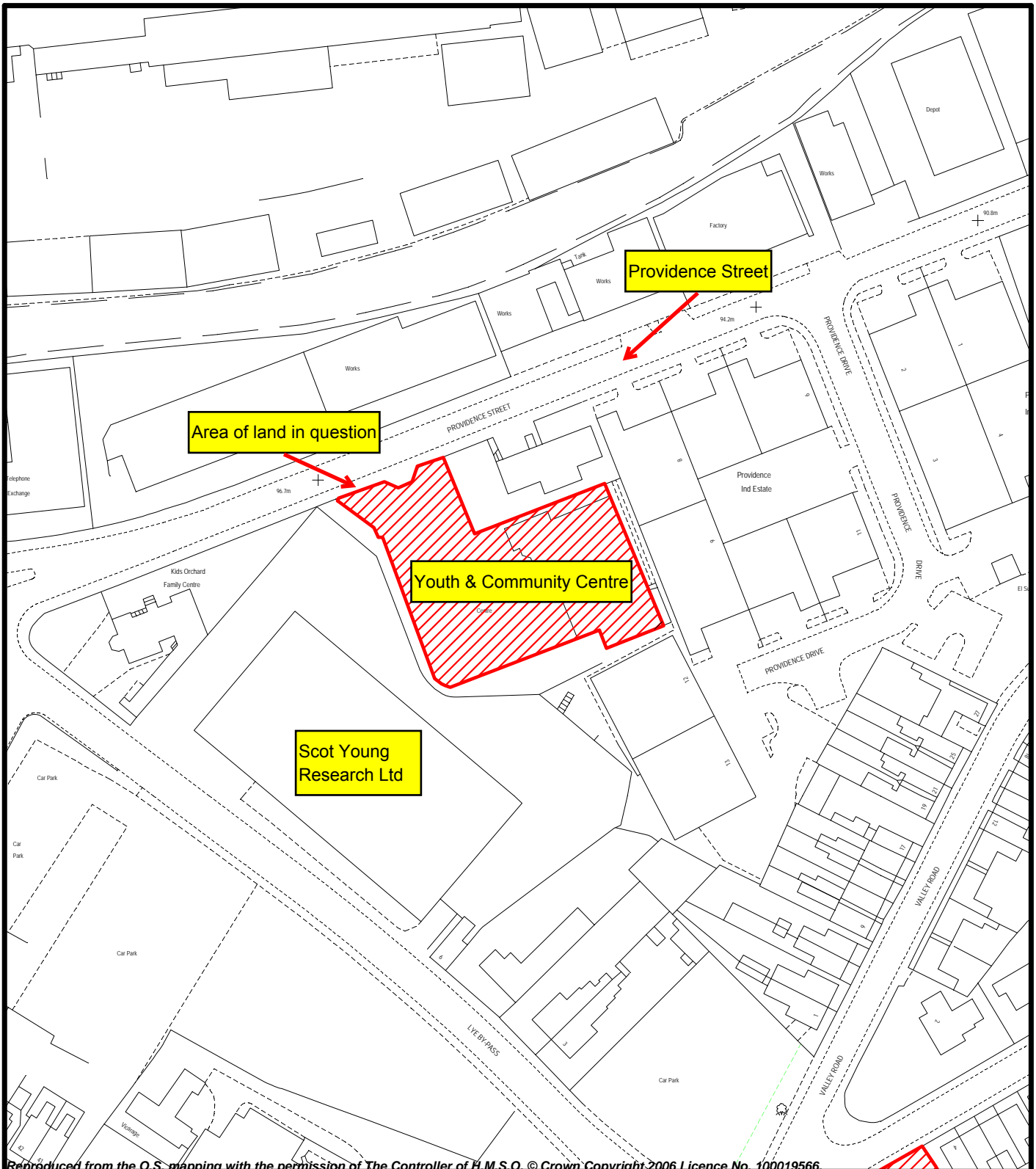
Proposal

That the Area Committee advise the Cabinet Member for Children's Services to refuse the application for the purchase of the Youth and Community Centre, Providence Street, Lye.

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

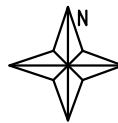


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TITLE:

Land at the Youth and Community Centre
Providence Street
Lye

31523/FMSF



SCALE:

1 : 1250

DATE:

06-SEP-2006

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

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