

DUDLEY METROPOLITAN BOROUGH

HALESOWEN AREA COMMITTEE

22 JUNE 2005

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

APPLICATIONS IN RESPECT OF LAND AND PROPERTY OWNED BY THE COUNCIL

1. PURPOSE

- 1.1 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.

2. BACKGROUND

- 2.1 The Council has interests in a substantial amount of land and property across the Borough, those interests being controlled by the Council's various departments.
- 2.2 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 departments before preparing a report for Committee to consider.
- 2.3 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.

3. PROPOSAL

- 3.1 The proposal is set out at the end of each report in the appendices.

4. FINANCE

- 4.1 In general terms, easement and access agreements each generate a capital receipt for the Council. The sale of the land generates a capital receipt for 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.

5. LAW

- 5.1 Section 123 of the Local Government Act, 1972 enables the Council to dispose of its interests in land at the best price reasonably obtainable.
- 5.2 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.

- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 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.
6. EQUAL OPPORTUNITIES
- 6.1 The proposals take into account the Council's equal opportunities policies.
7. RECOMMENDATION
- 7.1 That the proposals contained in each of the attached appendices be approved.
8. BACKGROUND PAPERS
- 8.1 See individual appendices.

John Pym

DIRECTOR OF LAW AND PROPERTY

Contact Officers:

Gill Hudson, Property Manager, Ext. 5311
Sonia McLean, Property Manager, Ext. 5321
Alan Nugent, Property Manager, Ext.5351

APPENDICES

HALESOWEN AREA COMMITTEE

DATE: 22ND JUNE 2005

REQUEST FOR: VARIATION OF RESTRICTIVE COVENANT

LOCATION: LAND AT THE REAR OF 39 QUARRY LANE, HALESOWEN

(As shown on the plan attached)

BACKGROUND

A request has been received from Solicitors acting on behalf of the owners of 39 Quarry Lane Halesowen to vary a restrictive covenant affecting some of the land they own. The restrictive covenant provide that the land or any part of the land is not to be used other than for the purposes of a garden area ancillary to the dwelling house known as No. 39 Quarry Lane (shown edged black and hatched black on the attached plan).

The land at the rear of 39 Quarry Lane was purchased from the Council on 26th May 1993. The owners of 39 Quarry Lane have been approached from the owners of 133 Blakedown Road, Halesowen who are interested in purchasing that part of the land shown hatched black on the plan attached and who would continue to use the land for garden purposes.

The land was formally under the control of the Directorate of the Urban Environment.

COMMENTS

All of the relevant Council Directorates have been consulted regarding the proposal. No objections have been received on the basis that the land will still be used as garden land.

PROPOSAL

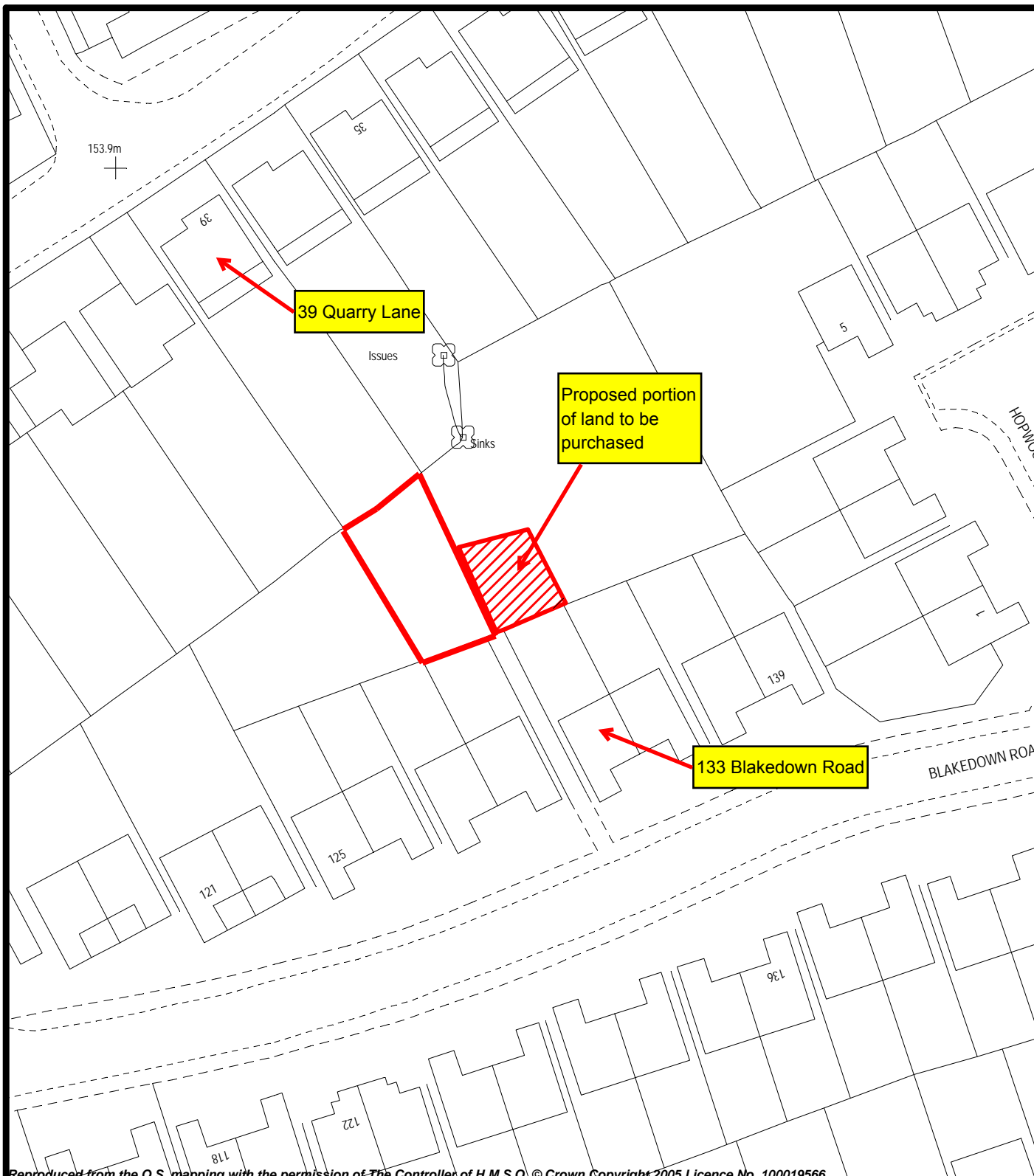
That the Area Committee therefore recommend to approve the application to vary the restrictive covenant on the basis that the land is still used for garden purposes only, on terms and conditions to be negotiated and agreed by the Director of Law and Property.

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:

*Vary of Restrictive Covenant
Land to rear of 39 Quarry Lane
Halesowen*



Corporate Estate Services
Directorate of Law and Property
3 St James's Road
DUDLEY
West Midlands
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SCALE:
1 : 625

DATE:
03-FEB-2005

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