
Stourbridge Area Committee –10th March 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

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John Polychronakis
Director of Law and Property

Contact Officers: Gill Hudson, Principal Property Manager
Telephone: 01384 817068
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

Stourbridge Area Committee

Date: 10th March 2008

Request for: Disposal of Land

Location: Adjoining 81 High Street, Lye – Prospect Coaches

(As shown on the plan attached)

Background

Subsequent to the completion of the Lye Gyatory Compulsory Purchase Order 1997 Scheme, the Council took possession of part of the site owned by Prospect Coaches. Prolonged negotiations have led the Council to proceed with a land exchange adjacent to 81 High Street, Lye with Prospect Coaches Ltd, as shown on the plan attached. The Council owned land is held for highway purposes and is controlled by the Directorate of the Urban Environment.

This land exchange will complete the CPO compensation deal, subsequently regularising the situation and the Council is therefore seeking authority to dispose of the Council owned land.

Comments

All of the relevant Council Directorates have been consulted regarding this matter and no objections have been received.

Proposal

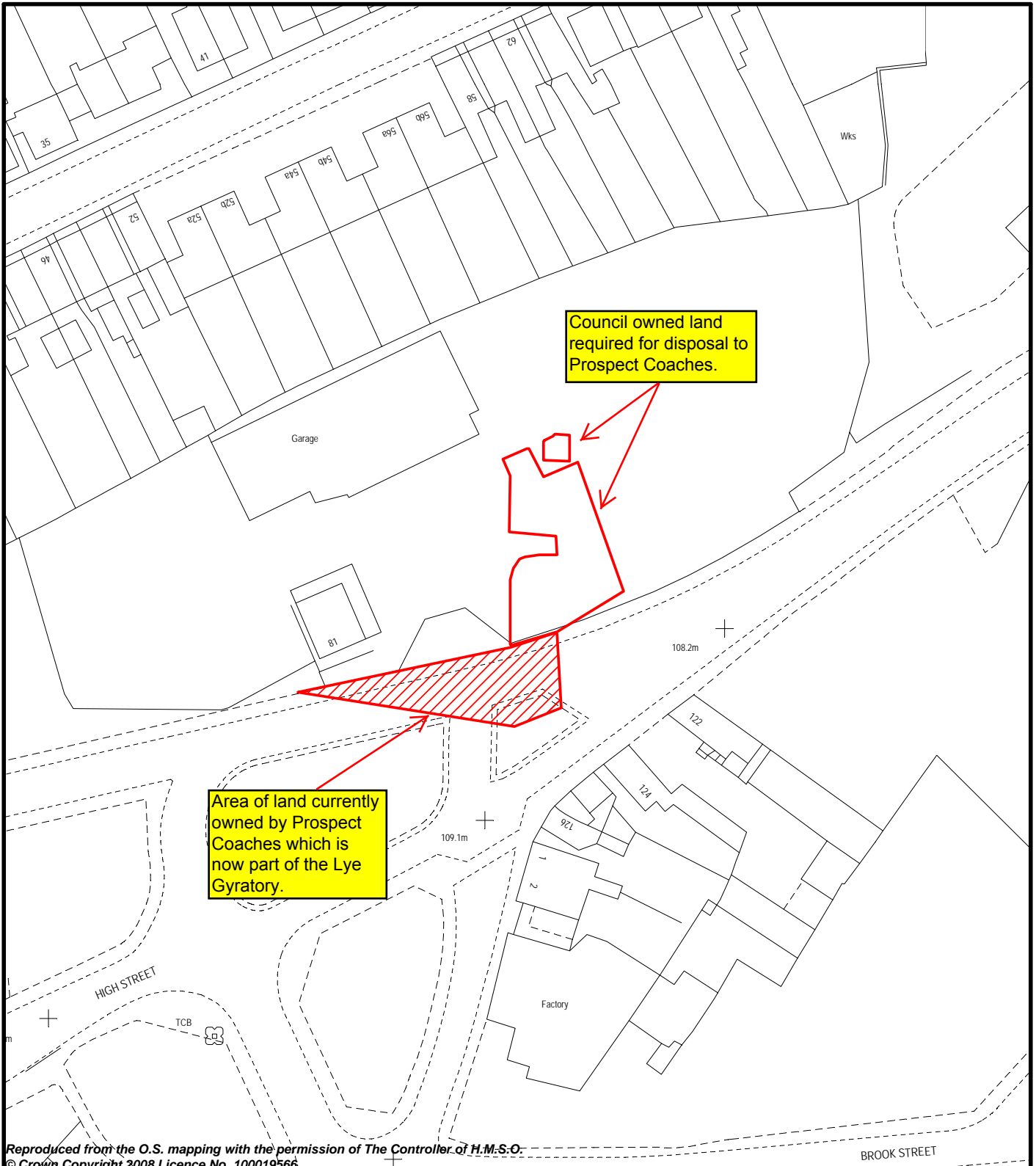
That the Area Committee advise the Cabinet Member for Transportation to approve the disposal of land adjoining 81 High Street, Lye on terms and conditions to be negotiated and agreed by the Director of Law and Property.

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 adjoining
 81 High Street (Lye By-Pass)
 Lye
 24081/FMEX

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SCALE:
 1 : 800
 DATE:
 03-JAN-2008

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

CREATED BY:
 Sonia McLean - Property Manager, Ext. 5321



Stourbridge Area Committee

Date: 10th March 2008

Request for: Application to Purchase

Location: Land Adjacent to 62 Dennis Hall Road, Amblecote

(As shown on the plan attached)

Background

An application has been received from the owner of 62 Dennis Hall Road, Amblecote to purchase the above mentioned Council owned land, as shown marked on the plan attached.

The land is under the control of the Directorate of Adult, Community and Housing Services.

This area of land has been occupied continuously and exclusively since 1986 by the owners of 62 Dennis Hall Road as part of the property and it is considered that there is sufficient evidence to claim possessory title. However, the applicant is in the process of selling his property and the Solicitors representing him have recommended that a freehold title to the land should be sought, as this will enable the property to be sold without complications. A buyer for the property has now been found and they are keen for the matter to be resolved as quickly as possible.

Comments

All of the relevant Council Directorates have been consulted regarding this matter and no objections have been received.

The Directorate of the Urban Environment's Planning Policy team state that they have no objections to the purchase of land. Although the land is adjacent to a designated Local Park (Policy SO6) and Site of Local Importance for Nature Conservation (SLINC, Policy NC5), the application site itself is undesignated in the Council's Adopted 2005 UDP.

Proposal

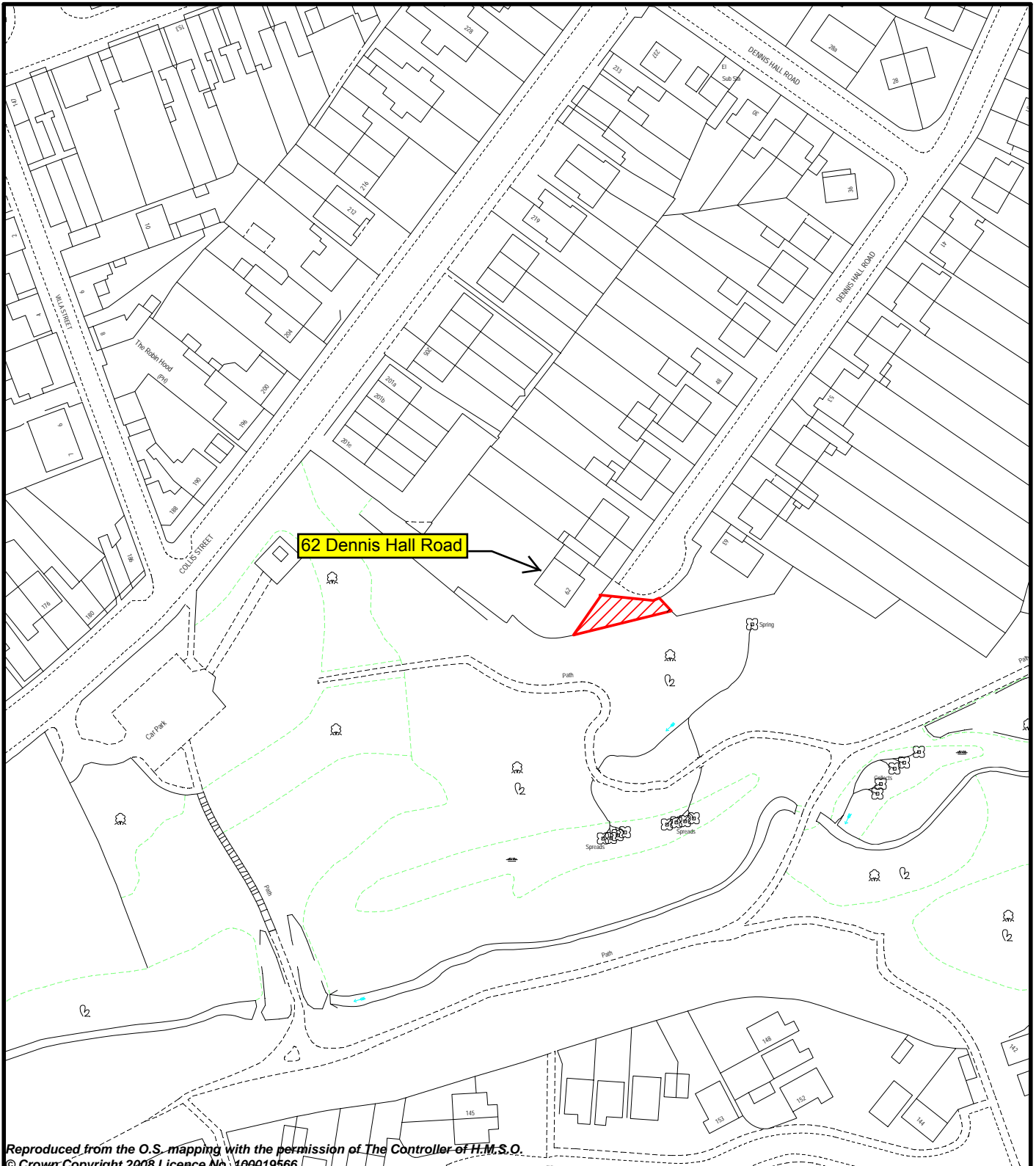
That the Area Committee advise the Cabinet Member for Housing to approve the application to purchase land adjacent to 62 Dennis Hall Road, Amblecote on terms and conditions to be negotiated and agreed by the Director of Law and Property.

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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<p>TITLE:</p> <p>Land adjacent to 62 Dennis Hall Road Amblecote</p> <p>31338/FMSF1</p> <p>OS data reproduced with the permission of the Controller of HMSO 2008 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: Sonia McLean - Property Manager, Ext. 5321</p>	<p>SCALE: 1 : 1250</p> <p>DATE: 08-JAN-2008</p>	