

DUDLEY METROPOLITAN BOROUGH

NORTH DUDLEY AREA COMMITTEE

23RD MARCH 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 of 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.

3. PROPOSAL

- 3.1 The proposal is set out at the end of the 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 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.

5.3 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.

DIRECTOR OF LAW AND PROPERTY

Contact Officers:

Alan Nugent, Property Manager, Ext.5351

DATE: 23RD MARCH 2005

DISPOSAL OF LAND

LOCATION: LAND R/O 34 – 36 BIRD STREET, LOWER GORNAL

(As shown on the plan attached)

BACKGROUND

There is an area of land to the rear of 34-36 Bird Street, Lower Gornal that is controlled by the directorate of Housing and forms a land locked area of waste land to the rear of properties in Boundary Crescent, Brookdale and Bird Street.

It has been suggested by the District Housing Office that the land could be disposed of as it is of no beneficial use to the Directorate.

The land is to the rear of a well used Housing garage site and it is proposed that the land be offered for sale to adjoining owner/occupiers for garden extensions. Land to the rear of tenanted properties could also be offered to the tenants for garden extensions.

COMMENTS

The relevant Council Directorates have been consulted regarding the proposal and no objections have been received.

The Directorate of Law and Property asked if the area directly to the rear of the garages could be developed for a residential building plot with access through the garage site. However, following further consultation, the Directorate of Housing consider that the garage site is valuable and fully let. The site is also well used for off road parking and they would wish to retain this facility at the site. It would therefore not be possible to develop the land to the rear whilst retaining the garaging and off road parking facilities currently enjoyed and wish the land disposed of to adjoining properties.

The Directorate of the Urban Environment state that there are no sewers crossing the site.

No objections were received to the land being sold to adjoining residents for garden extension.

PROPOSAL

That the area Committee advises the Cabinet Member for Housing to declare the land surplus to requirements and that the Director of Law and Property offer the land to adjoining properties for garden extensions.

BACKGROUND PAPERS

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

Contact Officer:

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