

**Brierley Hill Area Committee - 6<sup>th</sup> July 2006**

**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, easements and access agreements each generate an income 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.

**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 provisions to any land it sells restricting its future use, provided the relevant sections of the Act are specifically referred to in the transfer document and are registered as a local land charge.

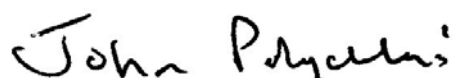
Section 111 of the Local Government Act, 1972 empowers the Council to do anything calculated to facilitate or which is conducive to or incidental to the discharge of any of its functions

### **Equality Impact**

7. The proposals take into account the Council's equal opportunities policies

### **Recommendation**

8. It is recommended that the proposal contained in the attached appendix be approved.



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**John Polychronakis**  
**Director of Law and Property**

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**List of Background Papers**  
See individual appendices

## Appendix

### Brierley Hill Area Committee

Date: 6<sup>th</sup> July 2006

### Request to purchase land

Location: Adjacent to 11 Church Street, Brierley Hill  
(As shown on the plan attached)

### Background

An application has been received from the owner of 11 Church Street, Brierley Hill, to purchase 3 areas of Council owned land as marked on the attached plan.

11 Church Street is a privately owned listed residential property and outline planning consent has recently been granted for the renovation of the building.

The property has a side garden fronting Church Street and rear vehicular access from Derry Street. The property is currently in a bad state of repair and requires extensive renovation.

There is an area of land to the rear of the property that is marked B on the attached plan. The owner of 11 Church Street has requested to purchase this area of land for amenity land in relation to the property.

The applicant has also requested to purchase two other adjacent areas of land marked A & C on the attached plan, for residential development purposes.

*All of these areas of land were originally purchased for Housing purposes and are controlled by the Directorate of Adult, Community and Housing Services.*

### Comments

The relevant Council Directorates have been consulted regarding the application to purchase these 3 areas of land. Objections have been received to the sale of the two larger areas of land to marked A & C, as these two parcels of land constitute open space under the current UDP and therefore would not gain consent for residential development. Part of the land is also the subject of a deed of dedication for an Urban Forest and cannot be disposed of.

No objections have been received however to the disposal of the land to the rear of the property marked B on the attached plan, for garden purposes only, providing a covenant can be included to ensure that the land remains in garden use only and that built development is not be allowed on this land in future.

## **Proposal**

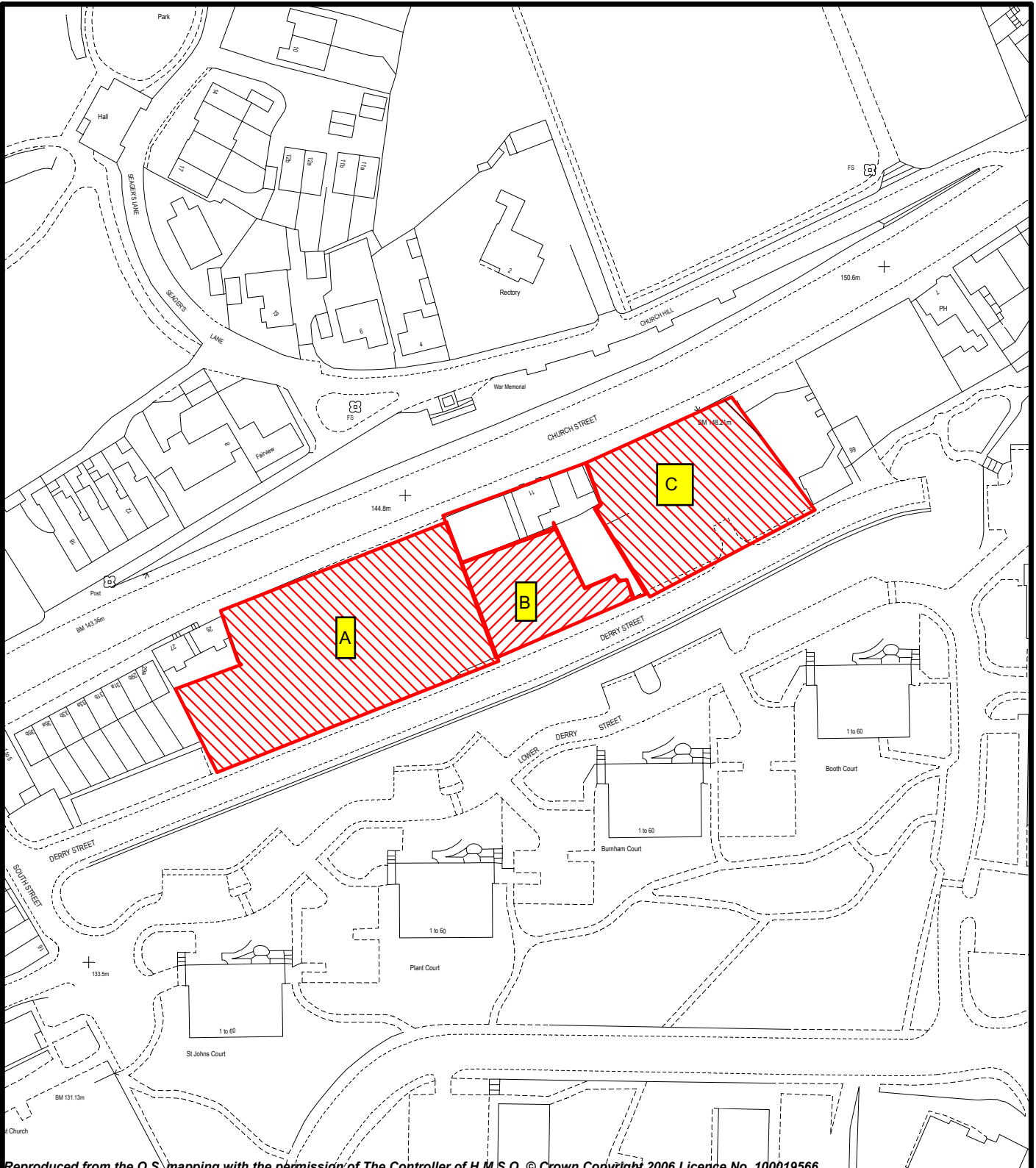
That the Area Committee advise the Cabinet Member for Housing to refuse the application to purchase the land marked A & C and to approve the sale of the land marked B on the attached plan, for garden purposes only, on terms and conditions to be negotiated and agreed by the Director of Law and Property.

## **Background papers**

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

Contact Officer:

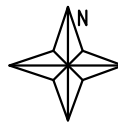
Gill Hudson, Property Manager, Ext. 5311



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TITLE:

LAND REAR OF AND ADJACENT TO:  
11 CHURCH STREET  
BRIERLEY HILL



SCALE:

1 : 1250

DATE:

05-MAY-2006

**Corporate Estate Services  
Directorate of Law and Property**

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