
Halesowen Area Committee – 22nd January 2009

Report of the Interim 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 Interim 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.



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Philip Tart
Interim Director of Law and Property

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List of Background Papers

See individual appendices

Appendices

Halesowen Area Committee

Date: 22nd January 2009

Disposal of Land

Location: Rear of Cradley Library, Colley Lane, Cradley
(As shown on the plan attached)

Background

The Cabinet meeting on 12th September 2007 resolved that the plans for modernising the Dudley Library Service be approved and that the implementation of the plans be supported.

The Directorate of Adult, Community and Housing Services (DACHS), Libraries, Archives & Adult Learning Division wish the land to the rear of Cradley Library, fronting Maple Tree Lane, as shown marked on the plan attached, to be declared surplus to requirements and disposed of so that the capital receipt can contribute to the provision of services.

The land in question measures approx 24m by 10.5m, and will exclude the right of way and emergency egress route from the rear of the library. The land has development potential suitable for a 2 storey detached house 6m by 8.5m, with front, side and rear garden and garage to the rear. There are similar properties situated along Maple Tree Lane.

The land is under the control of DACHS and is held for garden purposes.

Comments

The relevant Council Directorates have been consulted regarding the application and no objections have been received from the Directorate of Adult, Community and Housing Services, Directorate of the Urban Environment and the Directorate of Law and Property, for the site to be declared surplus to requirements, to be sold on the open market as a development plot, subject to planning consent being obtained.

The Ward Members have been consulted and the following concerns have been raised.

The Library would benefit from a car park particularly as there are parking problems in the area. Colley Lane is notoriously difficult, as the majority of houses on that side do not have parking facilities. A car park would allow access to the rear of the Library which would increase its availability and would also benefit users of the Children's Centre, Colley Lane Primary School and the wider community. This land could also be developed by the Council as a contemplative garden and car park for users of the Library, allowing the children's groups who use the Library to use the outside area when appropriate.

The Directorate of Adult, Community and Housing Services have considered the Ward Members comments, but are unable to redevelop the land as they request for the following reasons:

The receipt from the sale of the land is built into the Library Modernisation Capital plan which benefits residents in the whole Borough as part of a £2.6 m investment programme. The Council's priority is to improve the libraries and there are no funds available to provide and maintain a car park or a garden upon the land.

Vehicular emergency access will however be retained to the rear of the library when the plot is sold.

The approved funding for the library service modernisation programme depends on the land sales to generate capital receipts.

They therefore still wish to declare the site surplus to requirements.

The Directorate of Children's Services believe that there would be some advantage of creating additional parking spaces to benefit the community, but have no funds available.

Proposal

That the Area Committee recommends that the Cabinet Member for Adult and Community Services to either:

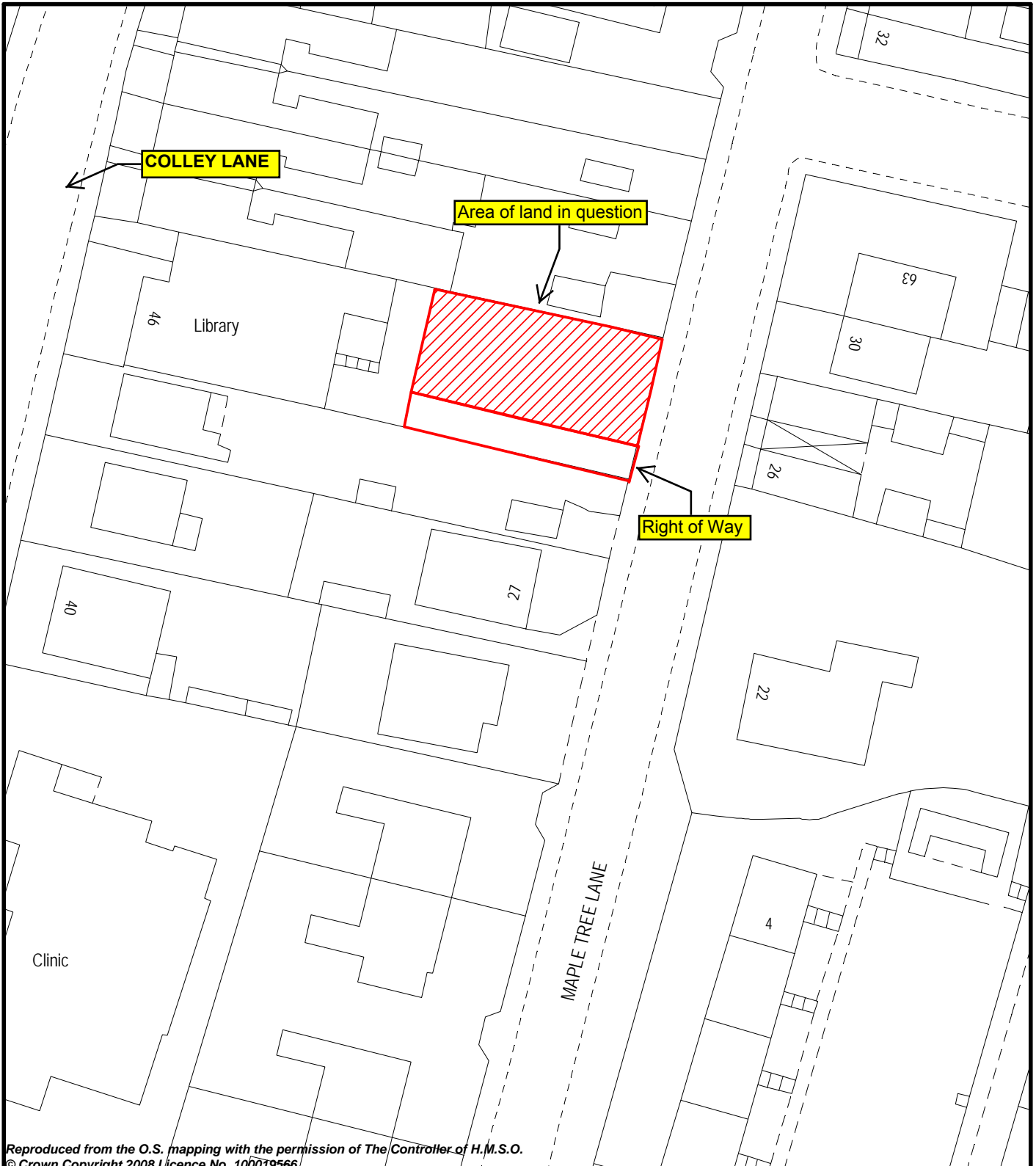
- a) Declares the site surplus to requirements, to be sold on the open market as a development plot on terms and conditions to be negotiated and agreed by the Director of Law and Property.
- b) Refuses the request to dispose of the land.

Background papers



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

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<p>TITLE:</p> <p>Land to the rear of Cradley Library Colley Lane Cradley</p> <p>32032/FMSF</p> <p>OS data reproduced with the permission of the Controller of HMSO 2008 Licence No 100019566</p>	 <p>SCALE: 1 : 500</p> <p>DATE: 22-MAY-2008</p>	<p>Corporate Estate Services Directorate of Law and Property 3 St James's Road DUDLEY West Midlands DY1 1HZ</p> 
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