

Brierley Hill Area Committee -1 September 2005

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.



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John Polychronakis
Director of Law and Property

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List of Background Papers

See individual appendices

APPENDICES

BRIERLEY HILL AREA COMMITTEE

DATE: 1ST SEPTEMBER 2005

APPLICATION TO PURCHASE LAND

LOCATION: REAR OF THE BULLS HEAD, BULL STREET, BRIERLEY HILL

(As shown on the plan attached)

BACKGROUND

An application has been received from Black Country Traditional Inns Ltd., the owners of the Bulls Head Pub at Bull Street, Brierley Hill, to purchase an area of land to the rear of the property to extend the beer garden.

Part of the land is controlled by the Directorate of the Urban Environment and part is controlled by the Directorate of Housing. The site is a triangular area of land that is overgrown with weeds and is used for illegal fly tipping.

In approximately 1999 an application to purchase the land by the previous owner of the Public House was agreed under delegated authority but the applicant withdrew from the sale.

The new owners of the Pub now wish to take up the offer of sale of the land to extend the beer garden.

COMMENTS

The relevant Directorates have been consulted and no objections to the disposal of the land for the purposes of extending the beer garden at the adjacent Public House have been received, subject to any planning consents necessary, being obtained.

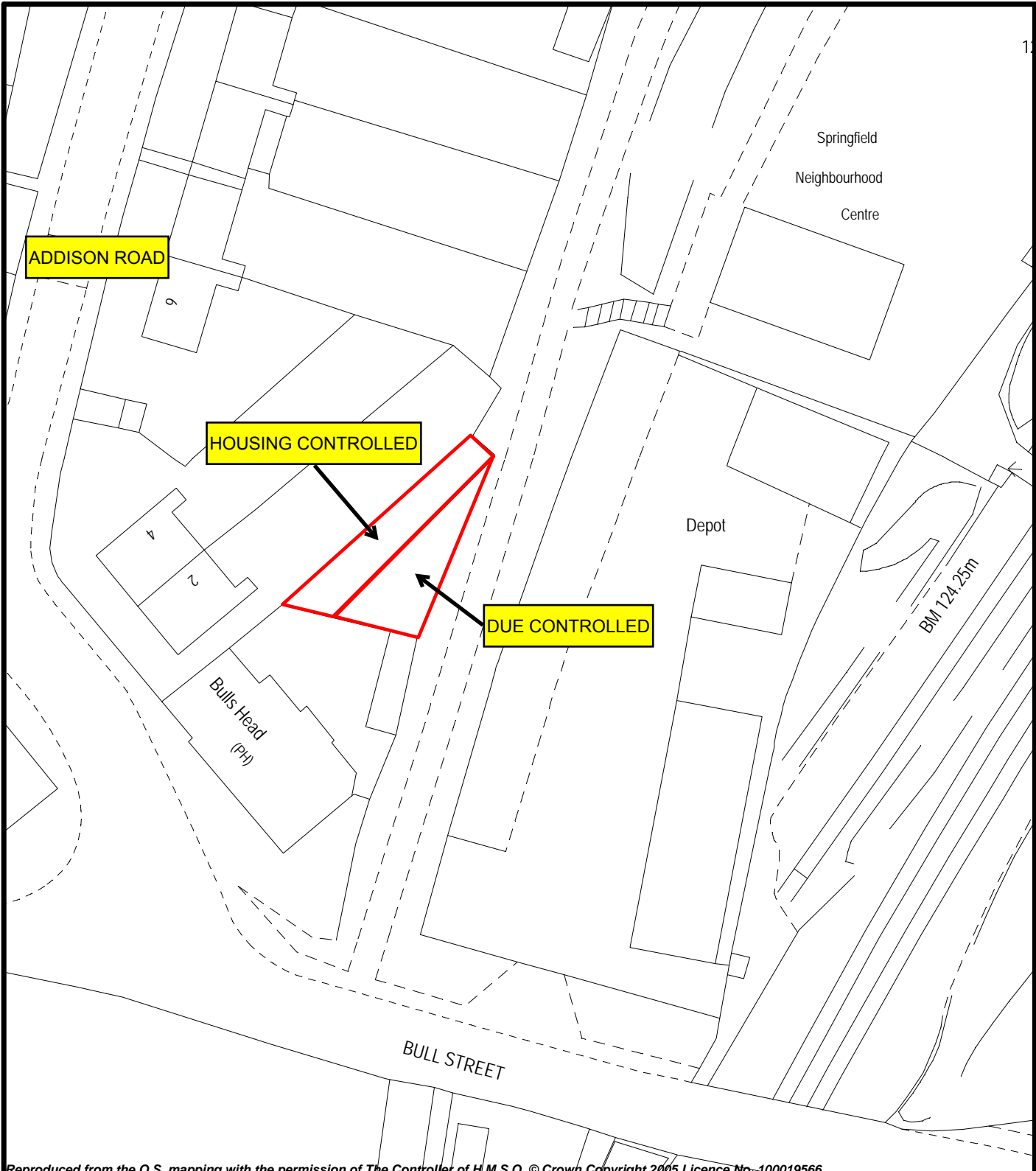
PROPOSAL

That the Area Committee advise the Cabinet Member for Housing and the Cabinet Member for Leisure to approve the sale of the land to the applicant 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.

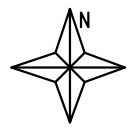
Contact Officer:
Gill Hudson, Property Manager, Ext. 5311



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TITLE:
**LAND REAR OF THE BULLS HEAD
 BULL STREET
 BRIERLEY HILL**

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SCALE:
1 : 500

DATE:
19-MAY-2005

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

CREATED BY:



APPENDICES

BRIERLEY HILL AREA COMMITTEE

DATE: 1ST SEPTEMBER 2005

APPLICATION TO PURCHASE LAND

LOCATION: ADJACENT TO 64 HAZEL ROAD, KINGSWINFORD

(As shown on the plan attached)

BACKGROUND

An application has been received from the current owner of 64 Hazel Road, Kingswinford, a former Council house purchased under the right to buy by a previous owner, to purchase an area of land adjacent to the property, as marked on the attached plan.

The land is required to incorporate within the garden of the property and the applicant states this would prevent litter etc. being thrown on the land and would also release the Council from maintenance tasks such as grass cutting, clearing up litter etc.

An application by a previous owner of 64 Hazel Road to purchase the same area of land was refused in October 1999 as it was considered that the land formed a valuable open area and its disposal would be contrary to the Directorate of Housing's policy of retaining such plots in public ownership as open areas.

Due to the time lapse and the persistent problems with the land the applicant has asked for the sale of the land to again be considered.

COMMENTS

The relevant Council Directorates have been consulted regarding this application and objections have been received from the Directorate of Housing, as the land forms a corner plot within a Council estate and its disposal would be contrary to the corner plots policy of not normally selling such corner plots. Also, all four corners in this area are intact and the disposal of the land would set an unwelcome precedent. Its disposal could also affect vehicular visibility at the junction of Sycamore Road and Hazel Road.

There were no further objections to the disposal.

Under the constitution, the refusal of corner plots within housing estates can be referred to the Ward Members and if they are in agreement with the proposal, a decision sheet can be signed authorising the refusal. If the Ward Members do not agree with the proposal or there are differing views, the matter should be put forward for Area Committee consideration.

The Ward Members were therefore consulted recommending refusal to the application. However, they responded by stating that they support the disposal of the land, subject to covenants being imposed within the conveyance that will restrict the use of the land to that of garden land only and will prevent future building, extensions or development of the site.

They consider that as there have been instances of anti social behaviour on this land, its disposal for garden extension would resolve these issues.

PROPOSAL

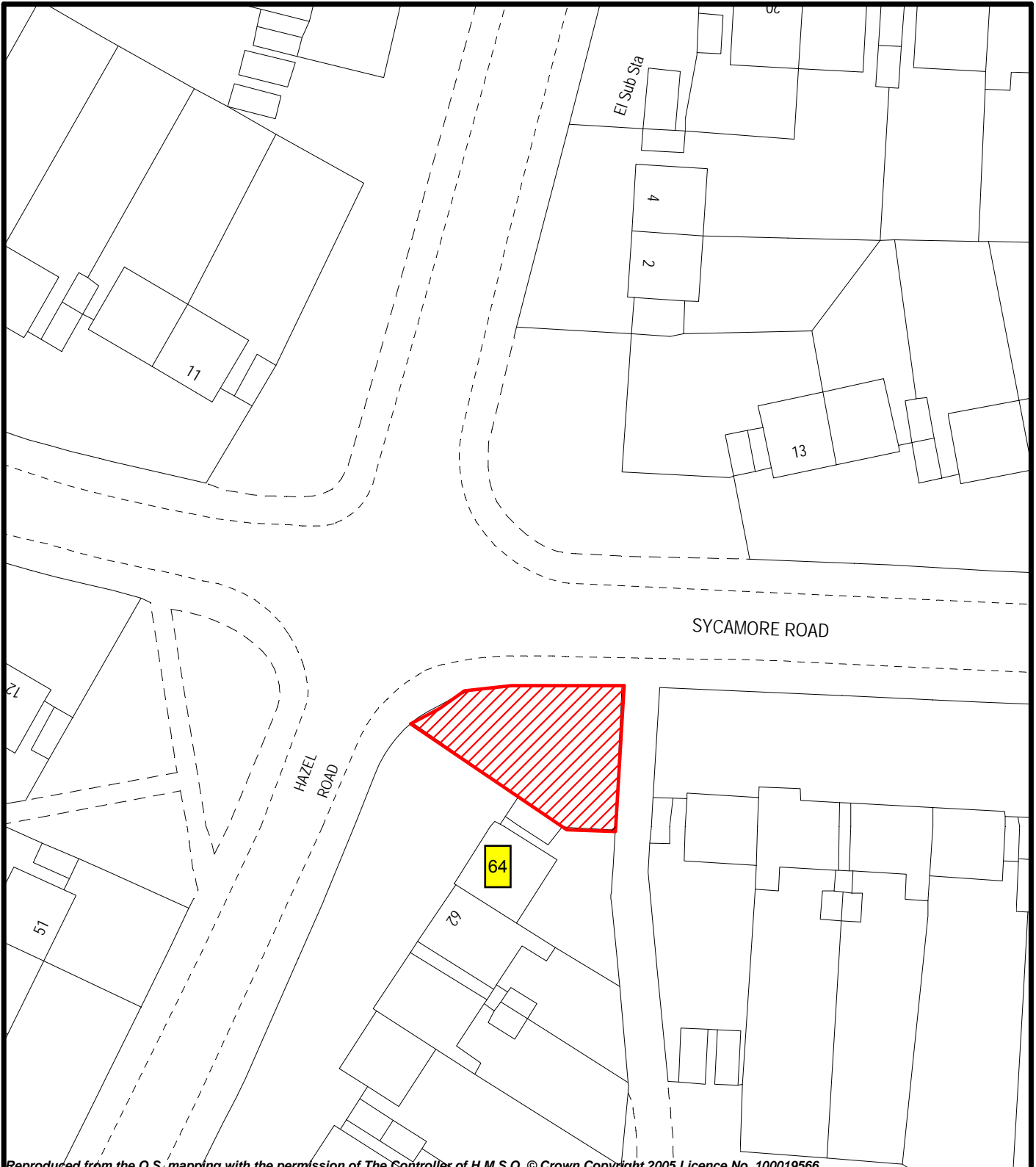
That the Area Committee consider the contents of this report and make a recommendation to the Cabinet Member for Housing to determine the application.

BACKGROUND PAPERS

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

Contact Officer:

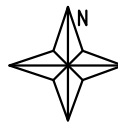
Gill Hudson, Property Manager, Ext. 5311



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TITLE:

LAND ADJACENT TO:
64 HAZEL ROAD
KINGSWINFORD



SCALE:
1 : 500

DATE:
20-JUL-2005

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

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BRIERLEY HILL AREA COMMITTEE

DATE: 1ST SEPTEMBER 2005

REQUEST FOR: APPLICATION TO PURCHASE LAND

LOCATION: ADJACENT BANK STREET, BRIERLEY HILL

(As shown on the plan attached)

BACKGROUND

A request has been received from the owners of 39 Bank Street, Brierley Hill to purchase the Council owned land as shown hatched black on the plan attached. The land is required for personal car parking for their property.

The land is under the control of the Directorate of Law and Property.

COMMENTS

The relevant Council Directorates have been consulted. The Directorate of the Urban Environment have no objections to the sale of the land, however, the area of land appears to be excessive in order to provide car parking for this property. The Directorate of Law and Property is not in favour of the disposal, as the land serves as amenity land adjacent to a main car park entrance.

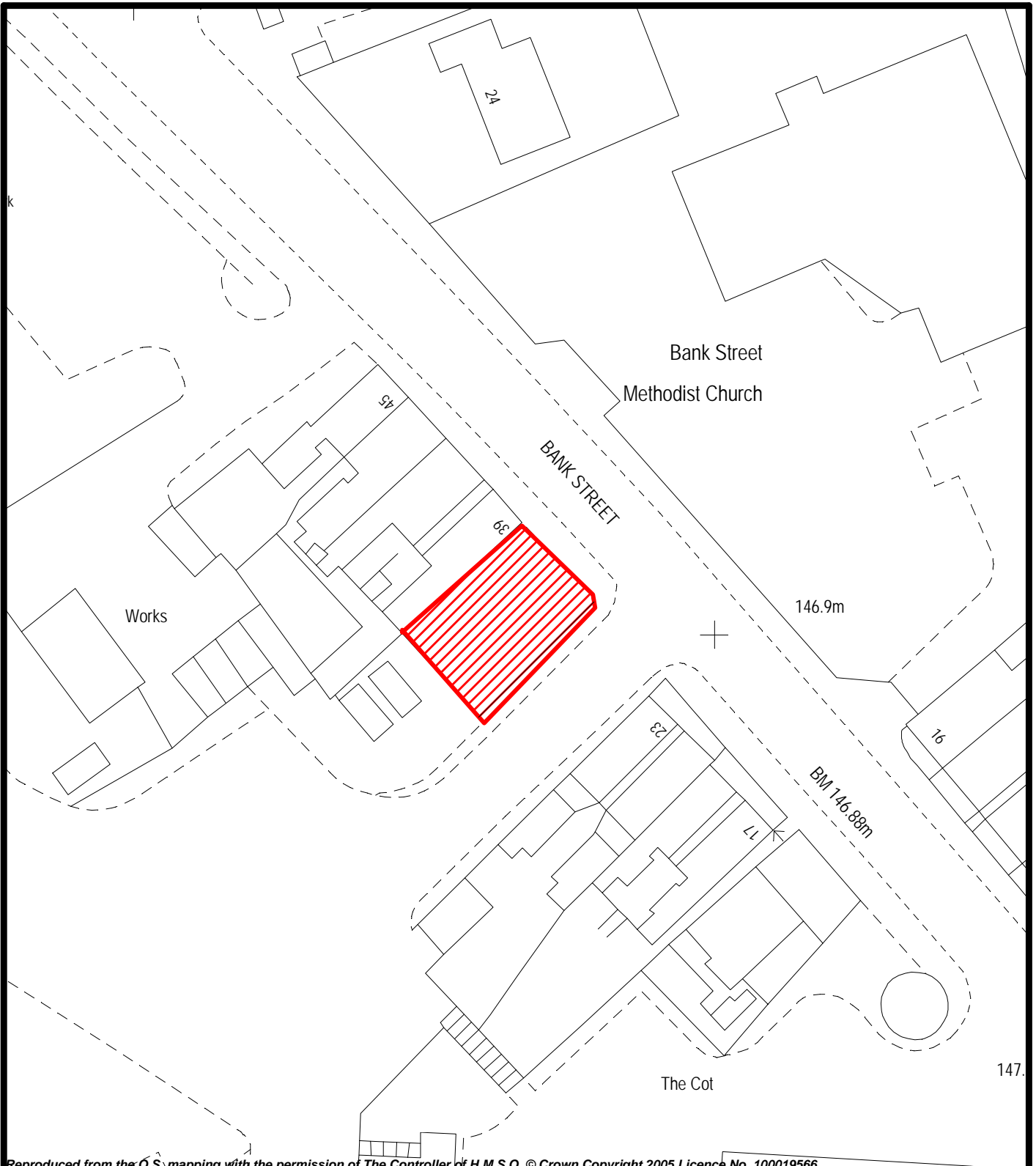
PROPOSAL

That the Area Committee advises the Cabinet Member for Personnel, Legal and Property to refuse the application to purchase land adjacent 39 Bank Street, Brierley Hill 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 adjacent 39 Bank Street
Brierley Hill*



SCALE:

1 : 500

DATE:

22-MAR-2005

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

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CREATED BY:

Sonia McLean



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BRIERLEY HILL AREA COMMITTEE

DATE: 1ST SEPTEMBER 2005

REQUEST FOR: APPLICATION TO PURCHASE LAND

LOCATION: CORNER OF BULL STREET/GOLDENCROSS WAY, BRIERLEY HILL

(As shown on the plan attached)

BACKGROUND

A request has been received from the HVC Supplies Ltd. to purchase the Council owned land as shown hatched black on the plan attached. HVC Supplies Ltd. have owned their property since March 1988 and since February are now renting the property to Brightstar Industries, who in turn want to erect a security fencing around the front of the building, so as to keep the property more secure and stop fly tipping.

The land is under the control of the Directorate of Law and Property.

COMMENTS

The relevant Council Directorates have been consulted. The Directorate of the Urban Environment have no objections to the sale of a reduced area of land to the owner of HVC Supplies Ltd. for security purposes. The reduction in area is to provide a highway improvement to retain 4.5m x 60m junction visibility splay and 2m wide footway, whichever is greater. The necessary works including an industrial footway crossing will be at the applicant's expense.

The Directorate of Law and Property has no objection to a reduced area of land be sold in order to provide sufficient width of pavement for the public.

PROPOSAL

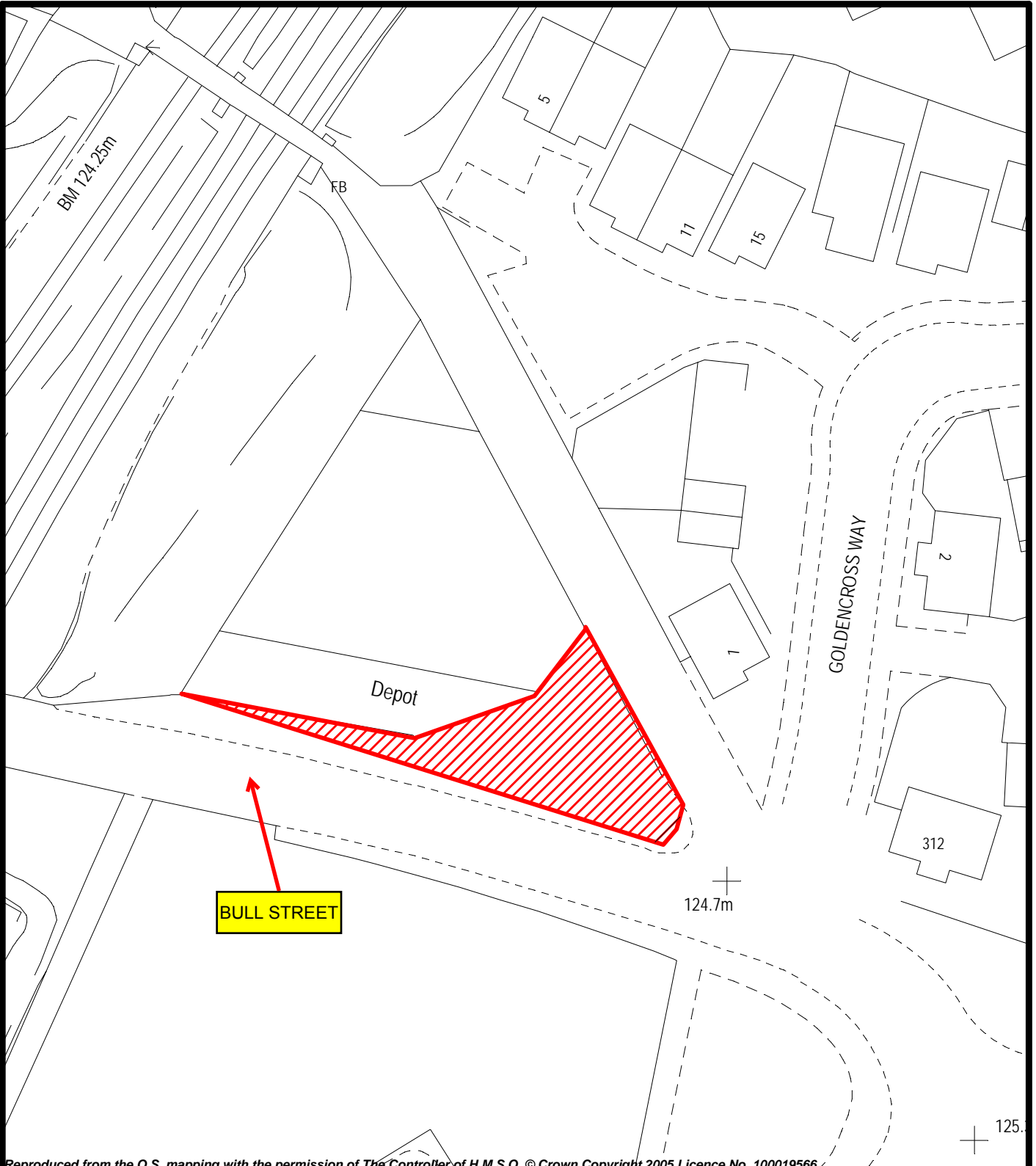
That the Area Committee advises the Cabinet Member for Personnel, Legal and Property to approve the purchase of a reduced area of land to HVC Supplies Ltd. on the corner of Bull Street/Goldencross Way, Brierley Hill on terms and conditions to be negotiated and agreed by the Director of Law and Property.

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><i>Land corner of Bull Street/Goldencross Way, Brierley Hill</i></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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BRIERLEY HILL AREA COMMITTEE

DATE: 1ST SEPTEMBER 2005

REQUEST FOR: APPLICATION FOR PERMISSION TO SITE A MOBILE SNACK BAR

LOCATION: TWO WOODS TRADING ESTATE, QUARRY BANK

(As shown on the plan attached)

BACKGROUND

A request has been received for permission to site a mobile snack bar on Council owned land as shown hatched black on the plan attached. The applicant bought the business on 22nd June 2003, not realising at the time that the previous owner had not applied for permission to trade on this car park, and has recently discovered that this is the situation.

The land is under the control of the Directorate of Law and Property.

COMMENTS

The relevant Council Directorates have been consulted and no objections have been received. However, the Directorate of the Urban Environment (Highways Section) stated that three parking bays will need to be reserved, one for each towing vehicle, snack bar and sales area. In addition, if approved, a separate licence application will need to be considered by the Licensing Committee.

PROPOSAL

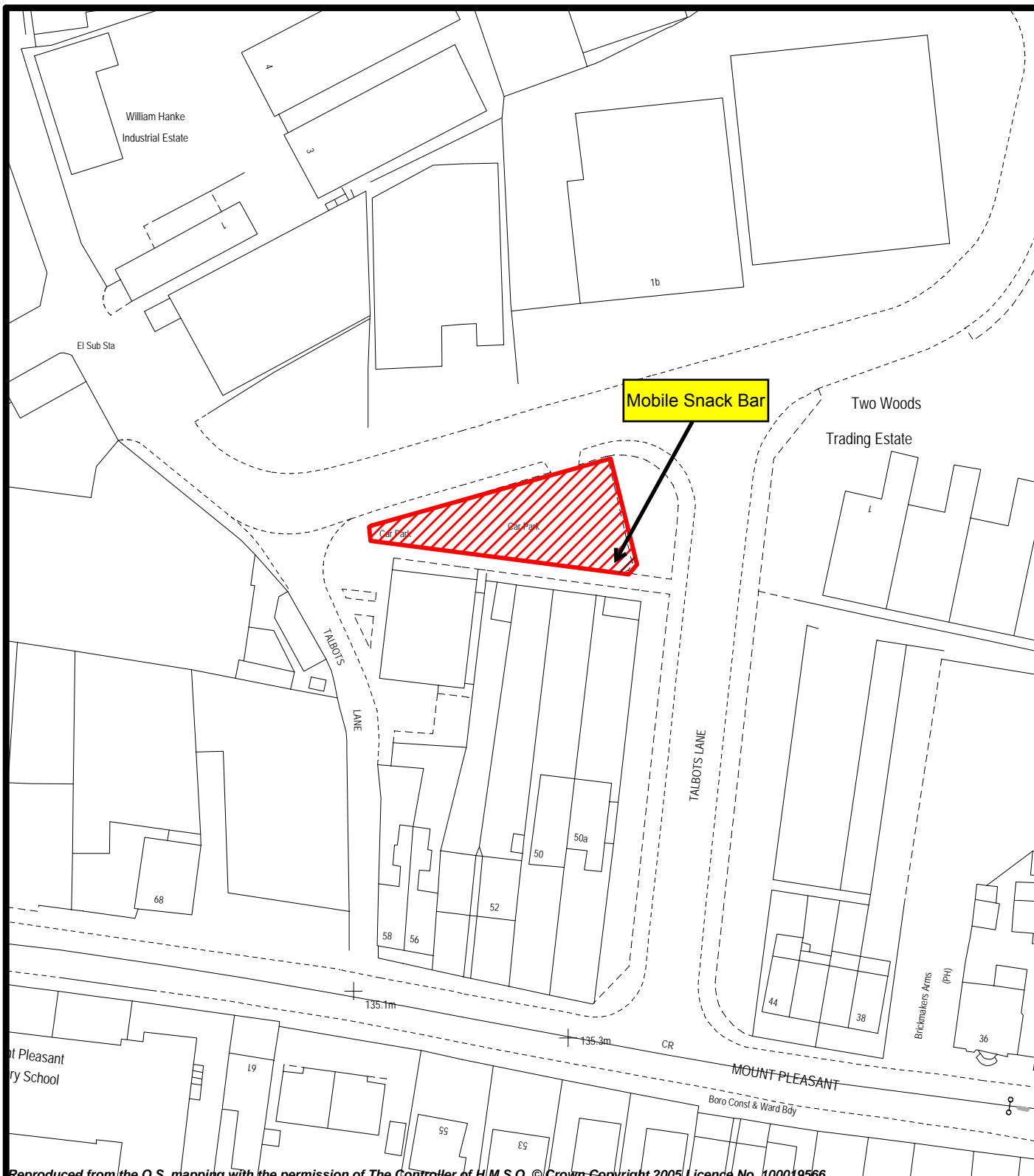
That the Area Committee advises the Cabinet Member for Personnel, Legal and Property to approve the permission to site a mobile snack bar on Two Woods Trading Estate, subject to the applicant obtaining any necessary consents or licences appropriate.

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>Two Woods Trading Estate</p> <p>Talbots Lane</p> <p>Quarry Bank</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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APPENDICES

BRIERLEY HILL AREA COMMITTEE

DATE: 1ST SEPTEMBER 2005

REQUEST FOR: APPLICATION TO AMEND THE TERMS OF A LEASE

LOCATION: OAK LANE RESERVE LANDFILL SITE, OAK LANE, HIMLEY

(As shown on the plan attached)

BACKGROUND

An application has been received to amend the terms of the lease of Oak Lane Reserve Landfill site. The lessees were originally granted a 15 year lease plus a 5 year extension for aftercare. They are now requesting that the lease be amended to have an eleven year extension. This variation is to guarantee enough time for the lessee to grant an underlease to a specialist company to manage landfill gas and other substances. This specialist company will only invest capital and do these activities if they have a minimum of 22 years and hence the need to further extend the original lease.

The land is under the control of the Directorate of Law & Property and is used for the storage, handling and processing of minerals and waste.

COMMENTS

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

PROPOSAL

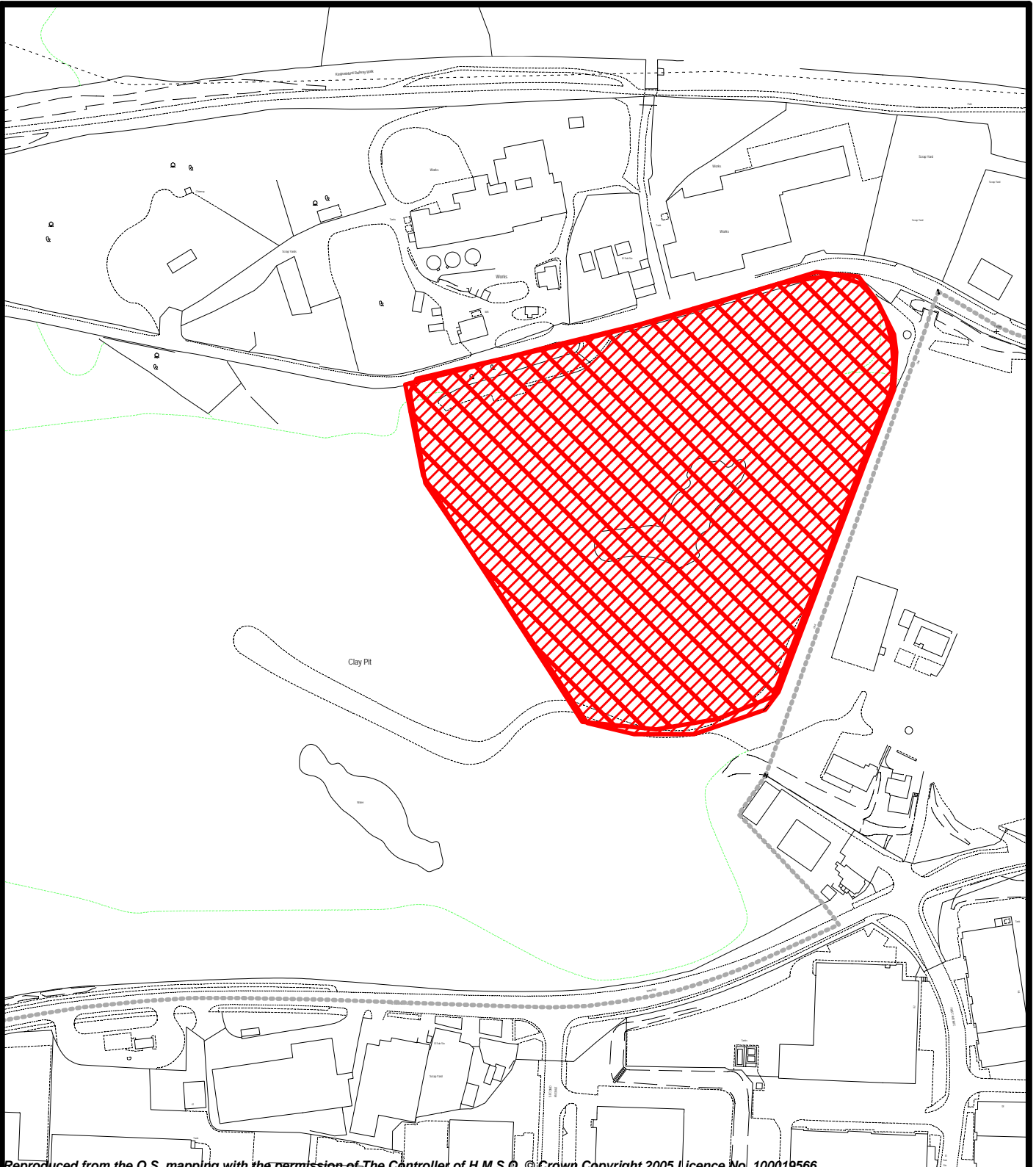
That the Area Committee advises the Cabinet Member for Law & Property to approve the amendment to the lease on terms and conditions to be negotiated and agreed by the Director of Law & Property.

BACKGROUND PAPERS

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

Contact Officer:

Alan Nugent, Property Manager, Ext. 5351



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TITLE:

OAK LANE RESERVE LANDFILL SITE
OAK LANE
HIMLEY



SCALE:

1 : 3000

DATE:

12-JUL-2005

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

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