
Brierley Hill Area Committee – 2nd April 2009

Report of the Interim Director of Law and Property

Application in respect of land and property owned by the Council

Purpose of Report

1. To bring to the Committee's attention a request relating to land and property controlled by the Council and to seek the Committee's recommendations on the request.

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 and Ward Members before the Interim Director of Law and Property makes a decision by way of his delegated authority. The Interim Director of Law and Property has the option of referring any matter he wishes on for consideration by Area Committee.
4. The report for this Committee is attached as an appendix and the proposal resulting from the consultation is set out at the end. A plan is also provided.

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 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.

Equality Impact

7. The proposal takes into account the Council's equal opportunities policies.

Recommendation

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

A handwritten signature in black ink, appearing to read 'P. Tart', with a large circular flourish above the name.

.....
Philip Tart
Interim Director of Law and Property

Contact Officers: Alan Nugent, Property Manager
Telephone 01384 815351
Email: alan.nugent@dudley.gov.uk

List of Background Papers
See appendix

Appendices

Brierley Hill Area Committee

Date: 2nd April 2009

Request for: Application to purchase Council owned land

Location: Land rear of 28 Oak Street and 2 – 6 Cross Street, Kingswinford
(As shown on the plan attached)

Background

An application has been received from the Kingswinford Conservative Club to purchase the above mentioned Council owned land, as shown outlined on the plan attached.

The land is under the control of the Directorate of Adult, Community & Housing Services and is held for Housing purposes. It forms part of the Housing land containing the bungalows of 2 - 6 Cross Street and 28 Oak Street, Kingswinford. It is used as the communal garden area for the tenants and is maintained by Greencare.

The applicant requires the land to create a parking area to the west of the Bowling Green and to the rear of 2 – 6 Cross Street. Kingswinford Conservative Club purchased a strip of land in 1973, as marked hatched on the attached plan, which currently forms part of the bowling green. The applicant has advised that there is an excessive amount of parking along the full length of Oak Street and the proposal would help to alleviate the parking problems.

Comments

All the relevant Council Directorates have been consulted.

The Directorate of Law & Property are not in favour of disposing of this land as it will reduce the amenity area enjoyed by the residential properties. The disposal would not be consistent with good estate management as it would leave the land in Council ownership with an irregular shaped boundary.

The Directorate of Adult, Community & Housing are not in favour of disposing of this land as it will reduce the amenity area and would effect the enjoyment of the residents. The land at the rear of the bungalows is a communal garden area and tenants have a seating there. The residents have been consulted and strongly object to the proposal.

The Directorate of the Urban Environment consider that the proposed car park, which would support spaces for nine cars, would be very close to the rear of the bungalows. Occupiers are likely to object due to possible noise, fumes and disturbance. DUE would have to consider these issues if a planning application for change of use from residential amenity to car park use was submitted. It is appreciated that the two roads, Oak Street & Cross Street, are heavily used for parking although it is considered that it is shopper's cars causing the congestion rather than users of the club.

If the car park was built, Environmental Protection have advised that it would be necessary to provide a substantial barrier between the new car park area and the gardens surrounding the bungalows. It would require a minimum 2m high close boarded fence which would have to be maintained for the life of the car park. In addition there should be a restriction on the hours of access to and use of the proposed car park. This is likely to be problematic because the club will want to be able to use the car park for the hours that the club is licensed to open. However, the movement of vehicles and associated people noise late at night is likely to cause disturbance to the residents of the adjacent bungalows because of the very close proximity, even with a substantial barrier separating the bungalows and the car park. Therefore should the car park be approved, Environmental Protection would recommend that access to and use of the proposed car parking area is time limited to prevent noise disturbance to adjacent residents.

The Ward members have been consulted regarding the application.

Two of the Councillors strongly object to the sale of the land. They wish to safeguard the privacy of those residents of 28 Oak Street & 2 – 6 Cross Street and their small rear communal garden, especially in view of the fact that all the residents are elderly.

One of the Councillors has been contacted by local residents who are concerned about the general lack of parking in the area. The Councillor has suggested that the matter be referred to the Brierley Hill Area Committee for proper discussion and consultation with all the residents regarding the lack of parking in the area.

The Interim Director of Law & Property has considered the application and has referred it to the Brierley Hill Area Committee so that a recommendation can be made to the Cabinet Member for Housing.

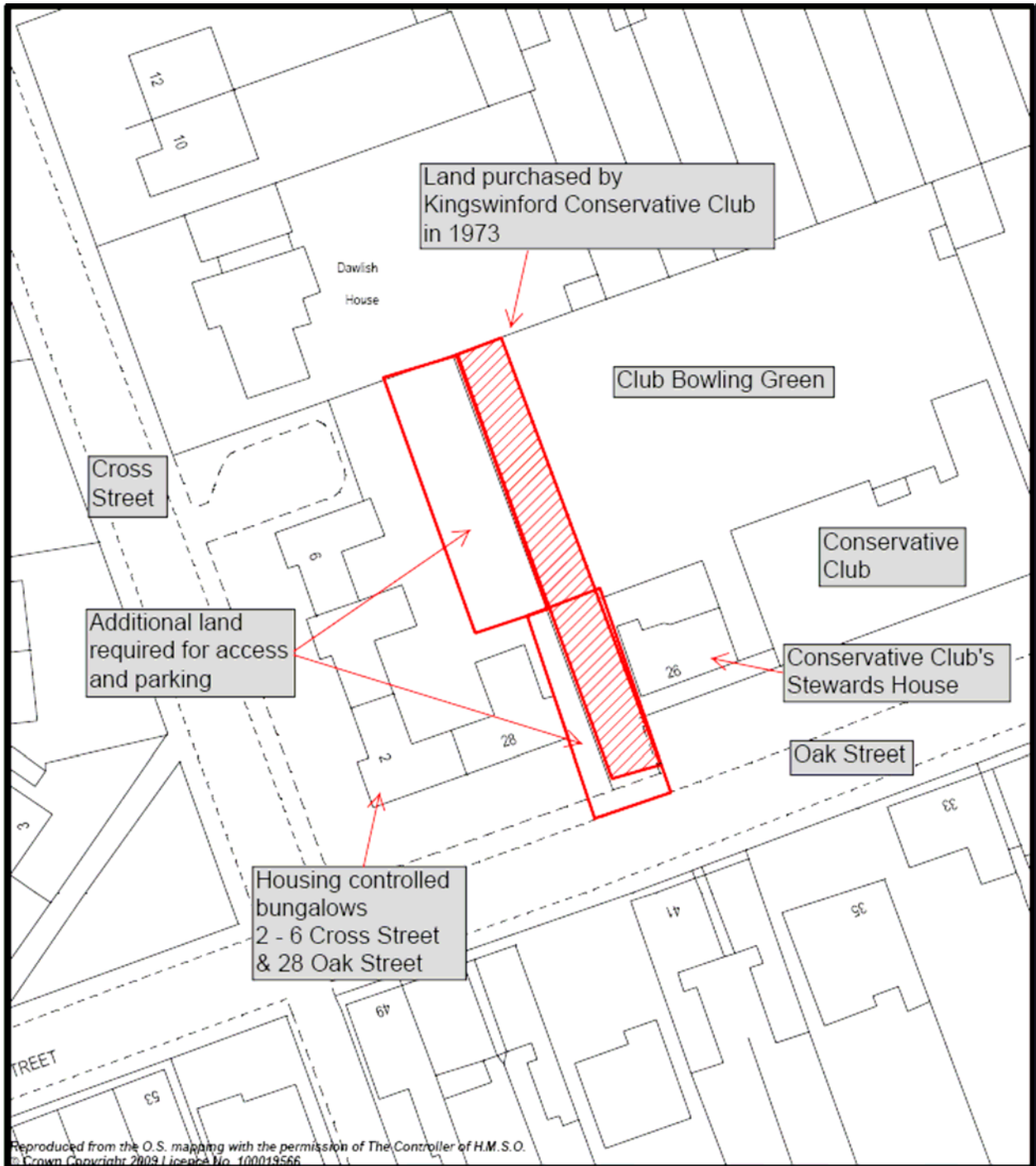
Proposal

That the Area Committee advise the Cabinet Member for Housing to refuse the application for the reasons stated above.

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



<p>TITLE</p> <p>Land at Oak Street rear of 2 - 6 Cross Street Kingswinford</p> <p>OG data reproduced with the permission of the Controller of H.M.S.O. 2004 Licence No. 100019556</p>	 <p>SCALE: 1 : 500</p> <p>DATE: 08-JAN-2009</p>	<p>Corporate Estate Services Directorate of Law and Property</p> <p>3 St James's Road DUDLEY West Midlands DY1 1HZ</p> 
<p>CREATED BY: Alan Nugent, Property Manager, ext 5351</p>		