

REPORT ON TITLE

Relating to land at Boleyn Road, Frankley, B45 0NX

1. Introduction

The purpose of the report is to assess whether the above site is capable of being developed for residential development. The report consists of:

1.1 The Plan of the Property as described in 2 of this report comprising the plan attached to the Instruction for a BMHT Title Check; and

1.2 The searches and enquiries described in entries 3 to 15 of this report.

2. Property

The Property is known as Boleyn Road, Frankley, B45 0NX and is shown edged red on the attached plan (**Appendix 1**).

Holding Directorate: Housing Revenue Account

3. Title

The Council's title to the Property is absolute freehold unregistered land.

The title includes land in addition to the Property – No

The Property is held by BCC as Charity Trustee – No

Subject to the Conclusion at the end of this Report the Council has a good and marketable title to the Property.

4. Matters affecting the property

The Property was procured by the Council on 22nd January 1948, as part of a large c.2,000 acre site acquired across Frankley. The plan showing the extent of the property conveyed is attached as **Appendix 2**, the land being shown shaded green, yellow, blue and pink, with the Property forming part of the land coloured green and numbered "250" on the southern part of such land.

The Property adjoins Balaam Wood School (shown edged red on the plan attached at **Appendix 3, the "School"**) who occupy their land under the terms of a 125 year lease granted by the Council to King Edward VI Academy Trust on 30th August 2019 (the "School Lease").

Under the terms of the School Lease the following rights were reserved over the School for the benefit of the Property. These rights are:

- a. A right of way over the School for the purposes of access to and egress from the Property;

- b. A right to connect into and pass amenities to and from the Property through conduits now or at any time laid in, under or upon the School; and
- c. A right, upon giving reasonable notice, to enter the School for the purposes of inspecting carrying out any repairs or alterations to the Property.

A joint/single site visit remains to be carried out to establish that there are no apparent rights which the Property enjoys over any neighbouring or adjoining properties that would benefit the Property.

5. Matters burdening the property – if matters only benefit part of the Property clearly identify the relevant part by colour on the Plan

Under the terms of the School Lease, certain rights were granted for the benefit of the School over the Property as “Adjoining Land”. They are:

- a. A right of way over the Property for the purposes of access to and egress from the School;
- b. A right to connect into and pass amenities to and from the School through conduits now or at any time laid in, under or upon the Property;
- c. A right, upon giving reasonable notice, to enter the Property for the purposes of inspecting carrying out any repairs or alterations to the School; and
- d. A right of support and protection from the Property for the benefit of the School.

6. Financial charges

There are none.

7. Land Registry SIM search

The search confirms the entirety of the Property is unregistered land.

8. Local Land search

A copy of the search is annexed at **Appendix 4**. Nothing untoward is revealed save for mention of a planning permission (ref: 2008/02920/PA) having been granted for the construction of two 25m metre high wind turbines at Frankley Community High School (now Balaam Wood Academy), immediately south east of the Property. It is unclear from our desktop search whether they have been constructed and, if so, what the impact on the Property may be so we advise that this be considered at the site inspection.

9. Common land and village green registration search

This has revealed no entries that are registered against the Property.

10. Drain and Water Enquiry

A copy of the search is attached as **Appendix 5** and gives particulars of service routes. It does not appear that there is any infrastructure on the Property, and the

nearest routes run along Kent Road serving the housing estate immediately to the south west of the Property.

11. Highway search

A screen shot of PMS Local View recording highways is attached as **Appendix 6**.

The Property adjoins Boleyn Road, which is an adopted highway, along its north and western boundaries.

12. Environmental search

The Groundsure Review is annexed as **Appendix 7**.

It is confirmed as likely that the Property would represent acceptable banking security from a contaminated land prospective and it is said to be unlikely that the property value may be impacted due to any contaminated land liability issues.

The following issues arise in relation to the Property:

- a. There is a low to moderate contaminated land risk associated with the Property.
- b. There is a negligible flood risk associated with the Property.
- c. The Property is in a general area that could be affected by infilled land, so a further physical inspection should be carried out.
- d. The report mentions that there are existing or proposed wind installations within 5km. This could be limited to the possible wind turbines at Balaam Wood Academy, but a site inspection could reveal any other possible issues.
- e. The report makes reference to a drain having been observed in the centre of the Property in 1966 but that this may have been infilled in 1982. Our other searches have not revealed any reference to extant drainage infrastructure but a physical inspection is advised given this entry in the report.

13. Open Reach search

Attached as **Appendix 8** and giving particulars of service routes. There does not appear to be any such infrastructure on the Property.

14. Western Power Report

Attached as **Appendix 9** and giving particulars of service routes. The search also includes details of other providers including National Grid but whose media do not affect the Property.

The search does not show any infrastructure on the Property itself, but does reveal cabling running along the boundary of the Property to Boleyn Road.

15 Other site specific searches as requested in the instruction for BMHT title check.

Gas – We carried out a gas search which is attached as **Appendix 10**. It revealed that there is no existing infrastructure on the Property, but there is an LP main running along Boleyn Road.

16 Conclusion

This title report is based only upon the information disclosed by inspection of the Council's title and the searches/reports attached to this report as described in entry 1 above. Except as set out in this Title Report or as may be revealed by the Site Visit to be arranged there are no known issues which would preclude the use of the Property for the Development. It is recommended that liaisons take place between the statutory undertakers and the developer over the location and position of the various services that will be required for the Development.

Date: 4th August 2020

Officer: