

HALESOWEN AREA COMMITTEE

DATE: 17TH SEPTEMBER 2003

REQUEST TO: LIFT RESTRICTIVE COVENANT

LOCATION: 36 AND 37 OLIVE LANE, HALESOWEN

(As shown on the plan attached)

BACKGROUND

An application has been received from the owners of 36 and 37 Olive Lane, Halesowen, to lift a covenant preventing a building of any fence or wall or the planting of any hedging or trees or shrubs to the front of their property, as they wish to construct a small boundary wall no less than 500mm and not greater than 1m in height in front of their property.

The land in Olive Lane was appropriated to the purposes of the Housing Act 1954 in 1977. The existing buildings at that time were demolished and 36 and 37 Olive Lane were built as part of a "build for sale" programme. The benefit of the restrictive Covenant lies with the Directorate of Housing Services.

COMMENTS

All of the relevant Council Directorates have been consulted and no objections to the lifting of the restrictive covenant were received. The Directorate of the Urban Environment have however advised that the original planning approval for these dwellings (ref CC/77/2587) did specify that any fences, walls or other means of enclosure fronting to the adjoining the public highway may require the approval of the local planning authority. Under the circumstances, the applicants are advised to confirm the exact design and position of the boundary wall to the planning authority for approval before any work is commenced.

PROPOSAL

That the Halesowen Area Committee advise the Lead Member for Housing to approve the request for the lifting of the restrictive Covenant, subject to the owners obtaining local planning authority approval before any work is commenced to erect the boundary wall, and upon terms and conditions to be negotiated and agreed by the Director of Law and Property.

BACKGROUND PAPERS

1. Letter from applicant dated 20th March 2003.
2. E-mails and memos from the Directorate of Law and Property 12th June 2003 and 23rd June 1003.
3. E-mails and memos from the Directorate of Urban Environment dated 29th May 2003, 30th May 2003 and 4th June 2003.
5. E-mails and memos from the Directorate of Housing 28th May 2003.

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