

APPENDICES

HALESOWEN AREA COMMITTEE

DATE: 3 DECEMBER 2003

REQUEST TO: PURCHASE LAND

LOCATION: LAND TO THE REAR OF 65-85 KENT ROAD HALESOWEN
(shown hatched on the plan attached)

BACKGROUND

A report regarding this application was submitted to the Halesowen Area Committee at its meeting on 17 September 2003, but was deferred in order that further information regarding reference to an earlier sale of land adjoining the land in question could be obtained.

From investigation, it appears that in June 1982 the former Recreation & Amenities Committee agreed to dispose of the land at 65 – 93 Kent Road. However, at that time, not all of the owner occupiers were interested in purchasing the land and a further report was submitted to the Committee in June 1983, when it was resolved that in order to prevent a fragmented boundary, the Council should withdraw their offer to dispose of the land to the rear of 65-85 Kent Road. As the owners of 87-93 Kent Road (as shown outlined in black on the plan attached) all wished to purchase the land to the rear of their properties, this land was subsequently sold and the sale formalities were completed between March – May 1983.

Consequently, following the Decision of the former Recreation and Amenities Committee in June 1982, the owners of the properties 65-85 Kent Road entered into an agreement with the Council to rent individual plots of land to the rear of their properties for garden land (shown hatched on the plan attached) This land forms part of the Leasowes Park.

In 1998 a request was received from the majority of the owners of 65-85 Kent Road to purchase their individual plots for use as garden land. A report was submitted to the Leisure and Development Committee in February 1999, with a proposal that the application to purchase the land be approved. Subsequently, the land was declared surplus by the Legal & Property Committee on 17 March 1999. However, the sale of land was conditional upon every individual plot of land being purchased. Unfortunately, agreement with all of the residents could not be obtained. Additionally, there was the possibility that planning permission for change of use of the land to garden land may not be given, as Development Control Department advised that the land was designated under the Unitary Deposit Plan as green belt/historic park land, and as a result, the Policy Team would recommend refusal. Consequently, the sale of land did not proceed.

An application was subsequently received from the owner of 85 Kent Road to purchase the land to the rear of his property. As a considerable amount of time has elapsed since the original decision to declare the land surplus to requirements, a new consultation exercise was undertaken to ascertain the present position. The opportunity was also taken to contact the owners of 65-83 Kent Road to ascertain whether they would be interested in purchasing the land to the rear of their properties, should it be available for purchase. The responses received show that seven owners have indicated that they would like to purchase the land, one resident has indicated that he doesn't wish to purchase the land, and two residents did not respond.

The land is under the control of the Directorate of the Urban Environment (Cultural & Community Services).

COMMENTS

All of the relevant Directorates have been consulted and the Directorate of the Urban Environment have objected to the sale of the land as the land applied for falls within an area designated under the emerging Revised Deposit Unitary Deposit Plan as Green Belt Land, a designated Historic Park, a Landscape Heritage Area, and a designated Site of Local Importance for Nature Conservation. The site forms an area of important public open space which has informal recreational value and enhances the visual amenity and setting of the surrounding historic park. Therefore in open space planning policy terms, support for the application would not be given and the application should therefore be refused.

If after consideration of the report, the Area Committee should resolve to recommend the sale of the land, then Officers advise that any sale should be conditional upon every single plot of land being purchased, and planning consent for change of use to garden land being obtained prior to any sale being completed (the application for planning consent should be submitted by all occupiers together forming one large planning application rather than 11 individual applications), and upon terms and conditions to be negotiated and agreed by the Director of Law & Property.

PROPOSAL

1. That the Halesowen Area Committee considers whether the land to the rear of 65-85 Kent Road be sold, subject to every single plot of land being purchased, planning consent for change of use to garden land being obtained before any sale being completed (the planning application to be submitted as one large planning application), and upon terms and conditions to be negotiated and agreed by the Director of Law & Property.
2. That the Halesowen Area Committee considers its recommendation to the Lead Member for Leisure.

BACKGROUND PAPERS

Correspondence with applicants
Emails & Memos from Council Directorates

Contact Officer: Janice Rogers, Property Manager Ext 5321