

HALESOWEN AREA COMMITTEE

DATE: 2nd FEBRUARY 2005

REQUEST FOR: VEHICULAR ACCESS

LOCATION: TO THE REAR OF 23 BRANDON ROAD HALESOWEN

(As shown on the plan attached)

BACKGROUND

A request has been received from the owner of 23 Brandon Road for vehicular access across Council land to the property as shown with a heavy broken line on the plan attached. The applicant has been renting a garage from the Council on Brandon Road garage site, but has recently been served with a notice to quit as the Council is selling the garage site. The applicant is planning to build a garage to the rear of the property and requires access across the land as shown. The applicant has stated that he has disabilities and the approval of this application would provide much needed assistance.

Should the proposed access route not be acceptable, the applicant is willing to consider any other alternatives the Council may suggest.

The land is under the control of the both the Housing Directorate and the Directorate of Urban Environment.

COMMENTS

All of the relevant Directorates have been consulted and no objections were also received from Directorate of the Urban Environment, although concerns were raised that if this proposal is permitted, there may be potential future conflict in terms of the ability to redevelop the former garage site. The new proposed access point serving the rear of residential property number 23 Brandon Road may create a site constraint, restricting the sites full redevelopment potential. This aspect would need to be carefully considered.

However, further concerns to the vehicular access were raised that there are other properties, which may request the same facility and this could set a precedent. If there are numerous key holders to the barrier there could be an increase in misuse or failure to secure the site. The access at present is secured by a steel barrier; this barrier was installed approximately 3 years ago to prevent fly tipping of tyres, therefore security of the site is paramount. Also there is a high level of anti social behaviour on this site, and again site security is important as if the car park area is not secured this will lead to further problems on the site. Arrangements would have to be made for the applicant to have a key and to ensure it is locked.

Also a commuted sum would be required for the maintenance of the access.

No objections were received from Directorate of Law and Property, as it is possible to gain physical vehicular access to the rear garden from Moat Drive by crossing a tarmac area within the Council's land. This is provided that the applicant is allowed to remove the trees/bushes screening the rear of the garden.

The Directorate of Housing have no objection to the land being used to gain access to the rear of the property.

At the Council meeting on 19th July 2004 it was resolved to approve changes to the constitution in relation to how some land matters are handled. It was agreed that certain matters can be circulated to Ward Members instead of referral to Area Committee and if they are in agreement, a decision sheet can be signed by the relevant Lead Member. If there are any objections or complications the matter should then be referred to the appropriate Area Committee meeting for consideration. This case falls into one of the categories that could be dealt with in this manner, being permission to create a domestic vehicular access.

The Ward Members were consulted, two were in agreement to refuse the application and being mindful that the applicant has disabilities, suggested that a suitable alternative to be sought due to possible problems regarding the sale of the Brandon Road Garage site, which has been suffering extreme anti-social behaviour in recent years. The possibility of other similar requests and potential for misuse of the barrier does also cause great concern. The other Ward Member had no objections to the application.

PROPOSAL

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

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