

Halesowen Area Committee

Date: 12th September 2006

Request for: Visibility Splay

Location: Bromsgrove Street, Halesowen
(As shown on the plan attached)

Background

A request has been received from a developer to gain rights over the Council owned land as shown marked on the plan attached to provide access.

The small triangle of land is required for a visibility splay to a new day nursery at the front of Hillside bungalow off Bromsgrove Street. The applicant is willing to purchase or acquire a long lease of the land required.

The Planning Application for the Day Nursery was approved with conditions (planning application P06/0550 and P00/51839 refer).

The land is under the control of the Director of Law & Property.

Comments

The relevant Council Directorates have been consulted regarding the application and it is considered that the land should be retained in Council ownership.

The Director of Law & Property considers a Restrictive Covenant on the land restricting the lands use in favour of the owner of the site for visibility purposes, is most appropriate.

The Director of the Urban Environment considers that any approval should be subject to the applicant complying with the planning conditions included in the planning application, including a suitable visibility splay.

Proposal

That the Area Committee advises the Cabinet Member for Personnel, Law & Property to approve the application for the Restrictive Covenant on the Council owned land at Bromsgrove Street, Halesowen subject to compliance with Planning Conditions, and on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

1. Letters from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:
Alan Nugent, Property Manager, Ext.5351

12th SEPTEMBER 2006

RESOLVED

- (1) That approval be given to a grant of £3,000 to the Hurst Green Parents and Teachers Association for seating and shelter on the new playground.
- (2) That the action of the Area Liaison Officer, in consultation with the Chairman, in approving a grant of £875 to the Beechtree and Wollescote Welfare Club, towards the cost of repairing the Club's roof, be noted.
- (3) That the Area Liaison Officer, in consultation with the Chairman and Councillor Body, be authorised, under delegated powers, to consider the request for funding for Christmas Lights received from the Halesowen Chamber of Trade and Commerce, subject to further information being provided, and that the outcome of their consideration be reported to a future meeting of this Committee.

32

APPLICATIONS IN RESPECT OF LAND AND PROPERTY OWNED BY THE COUNCIL

A report of the Director of Law and Property was submitted on requests relating to land and property controlled by the Council.

A Member commented that, as the applications had not been submitted to the Ward Councillors for consultation, they should be deferred.

The Area Liaison Officer suggested that the report regarding the sale of the Land at Maple Road, Halesowen be approved due to the implications that it would have for Agenda Item No 13 (Shell Corner Improvements), which detailed a feasibility study for the area.

RESOLVED

- (1) That the application to lease the car park adjacent to 116 Colley Gate, Halesowen, as shown on the plan attached to the report, be deferred subject to further consideration.
- (2) That the request to purchase land to the rear of 60 Whittingham Road, Halesowen, as shown on the plan attached to the report, be deferred subject to further consideration.
- (3) That the application for the Restrictive Covenant on the Council owned land at Bromsgrove Street, Halesowen, as shown on the plan attached to the report, be deferred subject to further consideration.

Halesowen Area Committee

Date: 22nd November 2006

Request for: Visibility Splay

Location: Bromsgrove Street, Halesowen
(As shown on the plan attached)

Background

A request has been received from a developer to have a visibility splay over the Council owned land as shown marked on the plan attached.

A small triangle of land is required for a visibility splay to a new day nursery at the front of Hillside bungalow off Bromsgrove Street. The Planning Application for the Day Nursery was approved with conditions (planning application P06/0550 and P00/51839 refer). One of these conditions was to provide a visibility splay at the exit on to Bromsgrove Street.

The applicant was willing to purchase or acquire a long lease of the land required for the visibility splay. However, the Directorate of Law & Property considered that granting the developer a Restrictive Covenant over the Council owned land was more appropriate.

The land is under the control of the Director of Law & Property.

Comments

The relevant Council Directorates have been consulted regarding the application.

The Directorate of Law & Property considered the application and the requirements the developer had to meet for the Planning Application. The sale or long lease of the area required for the visibility splay would place an unnecessary restriction on any possible future use or development of the Councils land. Therefore the land should be retained in Council ownership. A Restrictive Covenant on the area required, restricting its use in favour of the owner of the Day Nursery, was considered more appropriate. This way, the Council would retain the ownership of the small triangle of land required for the visibility splay whilst allowing the developer of the Day Nursery to meet the Planning Conditions.

As the Planning Application has been approved with conditions including a suitable visibility splay, it might be considered unreasonable if the Council did not now allow the granting of a Restrictive Covenant.

The Director of the Urban Environment considers that any approval should be subject to the applicant complying with the planning conditions included in the planning application, including a suitable visibility splay.

Proposal

That the Area Committee advises the Cabinet Member for Personnel, Law & Property to approve the application for the Restrictive Covenant on the Council owned land at Bromsgrove Street, Halesowen subject to compliance with Planning Conditions, and on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

1. Letters from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:
Alan Nugent, Property Manager, Ext.5351

HALESOWEN AREA COMMITTEE

22nd NOVEMBER 2006

A Member referred to the application made by Lutley Mill with regard to improving public access facilities and commented that the Mill was a grade II listed building and that the diversion was to prevent any further water damage. It was further commented that the owners of Lutley Mill welcomed children from schools, the elderly and other charitable institutes and it was requested that the application should be supported.

RESOLVED

- (1) That approval be given, in principle, to a grant of £5,000 to the Lapal Scout Group towards a replacement minibus, subject to the Group being able to fund the remaining cost of the minibus of approximately £9,000.
- (2) That approval be given, in principle, to a grant of up to £1,000 to the Over 50's Club at the Lighthouse Project, towards the cost of replacement chairs and water boiler, subject to confirmation that the items would be for the sole use of the over 50's club.
- (3) That approval be given to a grant of £1,500 to the Beeches Youth Group towards the cost of various resources in order that a variety of activities/events could be planned and implemented.
- (4) That approval be given to an allocation of £2,300 for the provision of a bench in Peckingham Street from previously earmarked funds for the Town Centre.
- (5) That the action of the Area Liaison Officer, in consultation with the Chairman and Councillor Body, in approving a grant of £2,500 to the Halesowen Chamber of Trade towards the cost of Christmas lights for the Town Centre, be noted.
- (6) That the Area Liaison Officer, in consultation with the Chairman and Councillor Body, be authorised, under delegated powers, to consider requests for funding from the owners of Lutley Mill and the Halesowen Lighthouse Project, up to a maximum of £5,000 for each application.

56

APPLICATIONS IN RESPECT OF LAND AND PROPERTY OWNED BY THE COUNCIL

A report of the Director of Law and Property was submitted on requests relating to land and property controlled by the Council.

RESOLVED

HAC/43

- (1) That the Cabinet Member for Housing be recommended to refuse the application to purchase land to the rear of 60 Whittingham Road, Halesowen, as shown on the plan attached to the report submitted, in the light of the objections as highlighted in the report submitted.
- (2) That it be noted that the request to purchase land to the rear of Belfont Trading Estate, Halesowen, had been withdrawn.
- (3) That the application for a Restrictive Covenant on Council owned land at Bromsgrove, Street, Halesowen, be deferred pending further consideration.

57 HALESOWEN TOWN CENTRE CONSULTATION EXERCISE –
PROGRESS REPORT

A report of the Director of the Urban Environment was submitted on progress of the Halesowen Town Centre Consultation Exercise.

The Head of Policy (Executive and Support) reported on the headline findings of the Halesowen Town Centre Consultation Exercise. He pointed out the high priority key issues were identified as being car parking, crime prevention, street cleanliness and road congestion leading to the Town Centre. There was also an overwhelming need for an Anchor Foodstore, concern over vacant shops and a desire for free short stay car parking provision.

In response to a query the Head of Policy (Executive and Support) confirmed that some decisions had been made but that further consultation exercises would be undertaken in relation to the Queensway and other areas.

RESOLVED

That the information contained in the report, and the verbal report, regarding the findings of the Halesowen Town Centre Consultation Exercise, be noted.

58 HALESOWEN TOWN CENTRE REGENERATION

A report of the Director of the Urban Environment was submitted on regeneration developments in Halesowen Town Centre, namely, the Compulsory Purchase Order (CPO) Inquiry, Bus Station and Vale Retail proposals.

Appendices**Halesowen Area Committee****Date: 24th January 2007****Request for: Visibility Splay****Location: Bromsgrove Street, Halesowen**
(As shown on the plan attached)**Background**

A request has been received from a developer to have a visibility splay over the Council owned land as shown marked on the plan attached.

A small triangle of land is required for a visibility splay to a new day nursery at the front of Hillside bungalow off Bromsgrove Street. The Planning Application for the Day Nursery was approved with conditions (planning application P06/0550 and P00/51839 refer). One of these conditions was to provide a visibility splay at the exit onto Bromsgrove Street.

The applicant was willing to purchase or acquire a long lease of the land required for the visibility splay. However, the Directorate of Law & Property considered that granting the developer a Restrictive Covenant over the Council owned land was more appropriate.

The land is under the control of the Director of Law & Property.

Comments

The relevant Council Directorates have been consulted regarding the application.

The Directorate of Law & Property considered the application and the requirements the developer had to meet for the Planning Application. The sale or long lease of the area required for the visibility splay would place an unnecessary restriction on any possible future use or development of the Council's land. Therefore the land should be retained in Council ownership. A Restrictive Covenant on the area required, restricting its use in favour of the owner of the Day Nursery, was considered more appropriate. This way, the Council would retain the ownership of the small triangle of land required for the visibility splay whilst allowing the developer of the Day Nursery to meet the Planning Conditions.

As the Planning Application has been approved with conditions including a suitable visibility splay, it might be considered unreasonable if the Council did not now allow the granting of a Restrictive Covenant.

The Director of the Urban Environment considers that any approval should be subject to the applicant complying with the planning conditions included in the planning application, including a suitable visibility splay.

Proposal

On two previous occasions the Area Committee has deferred this application. After further officer consideration of this application following the last meeting of the Area Committee on the 22nd November 2006, it is proposed that the Area Committee advises the Cabinet Member for Personnel, Law & Property to approve the application for the Restrictive Covenant on the Council owned land at Bromsgrove Street, Halesowen subject to compliance with Planning Conditions, and on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

1. Letters from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:
Alan Nugent, Property Manager, Ext.5351

24th JANUARY 2007

- (8) ~~That the provision of an alternative funding source to that of the Area Committee for the Halesowen Lighthouse project, reported to the last meeting of the Committee, be noted.~~

71

APPLICATIONS IN RESPECT OF LAND AND PROPERTY OWNED BY THE COUNCIL

A report of the Director of Law and Property was submitted on a request relating to land and property controlled by the Council.

Arising from the presentation of the report, Members expressed concern about trees and queried whether there were trees on the splay, if so whether there were any that were preserved and whether landscaping was required.

RESOLVED

That the application for a Restrictive Covenant on the Council owned land at Bromsgrove Street, Halesowen, as indicated on the plan attached to the report submitted, be deferred, pending further information.

72

THE EARLS HIGH SCHOOL FOUNDATION – FINAL ACCOUNTS

A report of the Director of Finance was submitted on the accounts and annual returns of the Earls High School Foundation Trust.

RESOLVED

- (1) That the accounts of the Trust be approved by this Committee, on behalf of the Council, in their capacity as Trustee.
- (2) That the Chairman of the Committee be authorised to sign the accounts and the annual returns on behalf of the Committee.

73

HALESOWEN TOWN CENTRE CONSULTATION EXERCISE

A report of the Director of the Urban Environment was submitted on progress of the Halesowen Town Centre Consultation Exercise together with a presentation on the findings.

Halesowen Area Committee

Date: 14th March 2007

Request for: Visibility Splay

Location: Bromsgrove Street, Halesowen
(As shown on the plan attached)

Background

A request has been received from a developer to have a visibility splay over the Council owned land as shown marked on the plan attached.

A small triangle of land is required for a visibility splay to a new day nursery at the front of Hillside bungalow off Bromsgrove Street. The Planning Application for the Day Nursery was approved with conditions (planning application P06/0550 and P00/51839 refer). One of these conditions was to provide a visibility splay at the exit onto Bromsgrove Street.

The applicant was willing to purchase or acquire a long lease of the land required for the visibility splay. However, the Directorate of Law & Property considered that granting the developer a Restrictive Covenant over the Council owned land was more appropriate.

The land is under the control of the Director of Law & Property.

Comments

The relevant Council Directorates have been consulted regarding the application.

The Directorate of Law & Property considered the application and the requirements the developer had to meet for the Planning Application. The sale or long lease of the area required for the visibility splay would place an unnecessary restriction on any possible future use or development of the Councils land. Therefore the land should be retained in Council ownership. A Restrictive Covenant on the area required, restricting its use in favour of the owner of the Day Nursery, was considered more appropriate. This way, the Council would retain the ownership of the small triangle of land required for the visibility splay whilst allowing the developer of the Day Nursery to meet the Planning Conditions.

As the Planning Application has been approved with conditions including a suitable visibility splay, it might be considered unreasonable if the Council did not now allow the granting of a Restrictive Covenant.

At the last meeting, Members were concerned with the loss of trees on the site. Whilst the site including the land needed for the visibility splay is covered by a blanket Tree Preservation Order, the grant for planning permission for the Day Nursery is suitably conditioned to include a landscape scheme, which would allow the development to proceed. On inspection, provision of the visibility splay would not impact on any existing trees.

The Director of the Urban Environment considers that any approval should be subject to the applicant complying with the planning conditions included in the planning application, including a suitable visibility splay.

Proposal

Following further officer consideration of this application, it is proposed that the Area Committee advises the Cabinet Member for Personnel, Law & Property to approve the application for the Restrictive Covenant on the Council owned land at Bromsgrove Street, Halesowen, subject to compliance with Planning Conditions, and on terms and conditions to be negotiated and agreed by the Director of Law and Property.

Background papers

1. Letters from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer:

Alan Nugent, Property Manager, Ext.5351

14th MARCH 2007

90

APPLICATIONS IN RESPECT OF LAND AND PROPERTY OWNED BY THE COUNCIL

A report of the Director of Law and Property was submitted on requests relating to land and property controlled by the Council.

The Chairman informed the meeting that he had, along with relevant Officers, undertaken a site visit to assess the situation regarding the visibility splay at Bromsgrove Street. A resident also spoke objecting to the application and reported that he had submitted pictures of the site to all Members of the Committee showing the extent of the number of trees that would have to be cut and the significant amount of embankment that would have to be taken out to accommodate the application. He further reported that he had been past the site and witnessed trees being taken down, including the removal of a tree that had a Tree Preservation Order placed upon it.

RESOLVED

- (1) That the Cabinet Member for Housing be recommended to approve the application to vary a right of way that crosses 57 George Road, Halesowen, as shown on the plan attached to the report submitted, subject to the applicant paying all costs involved in the matter, and subject to the approval of the owner of No 51, on terms and conditions to be negotiated and agreed by the Director of Law and Property.

- (2) That the Cabinet Member for Personnel, Law and Property be recommended to refuse the application for a Restrictive Covenant on the Council owned land at Bromsgrove Street, Halesowen, as shown on the plan attached to the report submitted.

91

TO SEEK SUPPORT FOR A BOROUGH WIDE AIR QUALITY MANAGEMENT AREA FOR DUDLEY

A report of the Director of the Urban Environment was submitted seeking support for the declaration of a whole Borough Air Quality Management Area (AQMA). The proposals for a whole borough AQMA had been supported by the Select Committee on Environment and Corporate Board who had approved consultation through the Area Committees before submitting a report to Cabinet in July 2007.

RESOLVED