

## **APPENDICES**

### **BRIERLEY HILL AREA COMMITTEE**

**DATE: 9<sup>TH</sup> NOVEMBER 2004**

**REQUEST TO: PURCHASE LAND**

**LOCATION: LAND ADJOINING 137 THE PORTWAY, KINGSWINFORD**  
**(As shown on the plan attached)**

### **BACKGROUND**

A report regarding this application was presented to the Brierley Hill Area Committee at its meeting on the 14<sup>th</sup> September 2004. It was resolved have a site visit which took place on the 20<sup>th</sup> October 2004. At the site meeting it was resolved to approve the recommendation.

To reiterate, an application has been received from the prospective purchaser of 137 The Portway, Kingswinford for a release of a restrictive covenant on the land adjoining the property. The current owner of 137 The Portway bought the adjoining land from the Council in 1977 with the restriction that the land should be used for an extension to their garden and for no other purpose whatsoever.

The land was under the control of the Directorate of Housing prior to the sale.

### **COMMENTS**

All of the relevant Council Directorates have been consulted and no objections have been received.

The Director of Law & Property has no objection to the release of the covenant provided planning permission is granted for a single dwelling house. The site does appear to be rather small for a development plot.

The Director of the Urban Environment has no objection to the release of the restrictive covenant as the principle of residential development has been established on the site. Outline planning permission was granted for the erection of a one bedroom detached dwelling with detached garage was approved with conditions on 18th December 2003. In 1980, outline planning permission had been approved, with conditions, for the erection of a detached dwelling.

## **PROPOSAL**

That the Area Committee advises the Lead Member for Housing to approve the application for a release of the restrictive covenant on terms and conditions to be negotiated and agreed by the Director of Law and Property.

## **BACKGROUND PAPERS**

1. Letter(s) from the applicant.
  2. E-mails and memos from the Council Directorates.
- Contact Officer: Alan Nugent, Property Manager, Ext. 5351.