

CENTRAL DUDLEY AREA COMMITTEE

DATE: 4th NOVEMBER 2004

APPLICATION FOR RELEASE OF RESTRICTIVE COVENANT

LOCATION: LAND ADJACENT TO 37 YEW TREE ROAD, NETHERTON
(As shown on the plan attached)

BACKGROUND

An application has been received from the owner of 37 Yew Tree Road, Netherton, a former Council house purchase under the right to buy, for the release of a covenants relating to the site.

Contained within the conveyance of the property are 2 covenants. The first states that the owner is not to erect on the said premises or any part thereof any other structure of any kind. The second states that the owner is not to make any structural alterations or additions to the premises without the prior written consent of the Council. These covenants favour the Directorate of Housing.

The applicant wishes to sell off part of the site for residential development to build a 3 or 4 bed roomed house and use the proceeds to fund improvements on their existing property. They have therefore requested that the covenants be lifted in order for them to progress their plans.

COMMENTS

The relevant Council Directorates have been consulted regarding the application and no objections have been received, subject to planning consent being obtained for residential development of the land.

The Legal division of the Directorate of Law and Property state that the release of covenant to allow a second property to be built on the site can be dealt with by way of a variation deed. Regarding the second covenant, when improvements or alterations are to be undertaken on a former Council house, the applicant should submit plans to the Conveyance section at 5 Ednam Road, who will then circulate the proposals to the Local District Housing Office and Ward Members for comments, before agreeing the alterations under delegated authority. A standard fee of £30. plus vat is charged. These consents are in addition to any other necessary consents required such as building regulations and planning permission etc.

PROPOSAL

That the Area Committee advise the Lead Member for Housing to approve the release of restrictive covenant, subject to the applicant obtaining planning consent, 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: Gill Hudson, Property Manager, Ext. 5311

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