

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3345
Author:	John West
Department:	Development and Growth
Contact:	John West (Job Title: Estates Surveyor, Email: john.west@nottinghamcity.gov.uk, Phone: 01158763086)
Subject:	Release of Covenant on land at the east side of Cockington Road, Nottingham
Total Value:	See Exempt Appendix (Type: Capital)
Decision Being Taken:	To release a covenant that Nottingham City Council holds the benefit of, on land to the East side of Cockington Road, Bilborough in consideration of the amount disclosed in the exempt appendix. The names of the applicant are included in the exempt appendix. Legal and Surveyors costs are to be recovered.
Reasons for the Decision(s)	The freehold interest of the land was sold in 2012 with a restriction that it could only be used for garden or allotment purposes. It was enclosed within the adjacent property's rear garden. The owner of the land has now approached the City Council seeking release from this restriction, and in return for a consideration valued by the Council's Property Officers, it is recommended to do so. It is understood that the owner may seek planning permission for the development of 2 houses, and the consideration to be received reflects this future use.
Briefing notes documents:	LAND AT COCKINGTON ROAD Plan.pdf
Other Options Considered:	The option of not agreeing to the recommended decision was rejected as the consideration to be paid reflects the uplift in value from releasing the covenant, and the council has no other requirements to limit the use of the land.
Background Papers:	None

Published Works:	None
Affected Wards:	Bilborough
Colleague / Councillor Interests:	None
Any Information Exempt from publication:	Yes
Exempt Information:	
Description of what is exempt:	The consideration to be paid in exchange for the release of the covenant, plus other terms of the release.
	An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972
1 - Information relating to any individual	The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it may breach Data Protection regulations to disclose the personal name and address of the applicant.
3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).	The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it may prejudice other negotitiaons of similar deals in the future if it was made public.
Documents exempt from publication:	Exempt Appendix - Land at Cockington Road.docx
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	There are no Crime and Disorder Implications to this decision.

Equality:	EIA not required. Reasons: <p class="MsoNormal" style="text-align:justify;mso-layout-grid-align:none;text-autospace:none">This is not a new or changing policy, service or function. The decision adheres to all Council Equality policies.
Relates to Council Property Assets:	Yes
Decision Type:	Officer
Executive Decision?	Yes
£50,000 or more:	Yes
Scheme of Delegation Reference Number or Other Source of Delegation:	246
Subject to Call In:	Yes
Call In Expiry date:	21/12/2018
Advice Sought:	Property
Property Advice:	This is a Property report therefore no further comment is required Advice provided by Rodney Alan Martin (Development Manager) on 13/12/2018.
Signatures:	Kevin Shutter (Director of Strategic Assets and Property)
	SIGNED and Dated: 14/12/2018