

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4318
Author:	Jeremy Bryce
Department:	Development and Growth
Contact:	Jeremy Bryce (Job Title: Surveyor, Email: jeremy.bryce@nottinghamcity.gov.uk, Phone: 01158763082)
Subject:	Land at Occupation Road, Bulwell
Total Value:	Exempt (Type: Capital)
Decision Being Taken:	To agree the Overage payment due as a result of the development of the subject land on terms as set out in the exempt appendix. To agree a variation to the route of a Right of Way reserved across the land. To agree to a variation of the user clause referred to in the initial sale of the land to include Planning use class B8. To agree to the sale of two small parcels of land on terms as set out in the exempt appendix.
Reasons for the Decision(s)	On 7 June 2013 the Council sold the subject land identified edged red on the attached plan. The Transfer document included an Overage provision entitling the Council to an additional payment if Planning Permission was granted resulting in a change of use of the land from open space. Planning Permission 8/01656/PFUL3 has given a change of use of the land and an Overage payment has fallen due. This has been agreed with the land owner as set out in the exempt appendix. A Right of Way was reserved across the land in the original sale to enable the Council to access its remaining land adjacent to the subject land. To facilitate the proposed development it is necessary to vary the route of this Right of Way The original sale was complex involving the transfer of land within a number of different Titles. Two small parcels of land, identified on the attached plan, were inadvertently missed from the original transfer, terms have therefore been agreed for these parcels of land to be transferred at this time to facilitate the proposed development. An adjoining parcel of land identified edged blue on the attached plan was transferred on 6th November 2012. The use of that land was restricted to Planning Use Classes B1 and B8, however the planning permission granted includes Planning Use Class B2. Terms have therefore been agreed that the use of this land can be varied in accordance with the planning permission that has been granted to facilitate the proposed development

Briefing notes documents: Land adjacent to 4 Anford Close.pdf, 21.07.2021 revised ROW for Occupation Road.pdf

Other Options Considered: Not to agree the Overage payment and the variations set out in this report. This option was rejected as suitable terms have been agreed with the land owner that will facilitate the redevelopment of this vacant site.

Background Papers: None

Published Works: Planning consent 8/01656/PFUL3

Affected Wards: Bulwell

Colleague / Councillor Interests: None

Any Information Exempt from publication: Yes

Exempt Information:

Description of what is exempt: Financial information and agreed terms.

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

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 contains commercially sensitive information which, if made public could prejudice the position of the parties.

Documents exempt from publication: Exempt Finance Comments - Land at Occupation Road Bulwell.docx, Occupation Road 2021 overage Exempt Appendix.docx

Consultations: **Date: 04/06/2021**
Ward Councillors: Maria Joannau, Jane Lakey, Ethan Radford
consulted 26 May 2021 email received 10 June 21 from Cllr Lakey supports the recommendations within the report

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: **The proposed development of this vacant site facilitated by this decision will bring an end to fly tipping, crime and anti-social behaviour linked to the land.**

Equality: **EIA not required. Reasons: This decision does not relate to new or changing policies, services or functions.**

Relates to Council Property Assets: **Yes**

Decision Type: **Officer**

Executive Decision? **Yes**

Scheme of Delegation Reference Number or Other Source of Delegation: **241**

Subject to Call In: **No**
The call-in procedure does not apply to the decision because the value of the decision is below the call in threshold.

Advice Sought: **Legal, Finance, Property**

Legal Advice: **From the information provided in the report and following discussion with the author of the report, the proposed transaction and work does not raise any substantive legal issues of concern. The matter will be subject to normal property legal due diligence and the drafting, agreement and completion of formal legal documentation between the parties. Advice provided by Mick Suggett (Team leader: Conveyancing) on 23/07/2021.**

Finance Advice: **This advice is exempt from publication and is contained within an exempt appendix Advice provided by Sohaib Chaudhry (Senior Commercial Business Partner) on 02/06/2021.**

Property Advice:

This decision is supported by Property Services. The historic sale of the site included an overage provision which has now becomes payable. Terms have been agreed for the payment of overage, the amended rights of access and agreement over the payment of costs has been reached. Advice provided by Beverley Gouveia (Estates Surveyor) on 17/06/2021.

Signatures:

Nicki Jenkins (Director of Economic Development and Property)
SIGNED and Dated: 02/08/2021