

Delegated Decision Making Form
 (Property Delegations 232 - 251 only - Executive Officer Decisions)

REF NO 1999 Constitutional Services Use Only

Decision Type	Officer
Department	Development

Subject	Release of restrictive covenant – Land at Woodborough Road NG3 4QT
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Decision	Subject to call-in: No
	If NOT subject to call-in
	Reason and who consulted: Total value of decision is less than £10,000
	Total value of decision: £5000
	Revenue or Capital: Capital

Decision taken	Council to release their covenant restricting use of the site to that of a public house for the sum of £4000 to allow the site to be redeveloped.
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Exempt Decision	Not applicable as total value of the decision is less than £10,000.
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Reason for exemption (including public interest reason)	Not Applicable.
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Other options considered (with reasons for rejecting options not favoured)	Do not release the covenant for a reasonable fee consideration and prejudice the prospects for regeneration of this site. This option was rejected as contrary to the objectives and aspirations of the council.
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Reason for Decision	To expedite development and in pursuance of good estate management practice.
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Affected Wards																												
Advice sought	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Legal</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Finance</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Human Resources</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Equality & Community Relations Team</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Voluntary and Community Sector</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Grants Team</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Procurement</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Other (please specify)</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>		Yes	No	Legal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Finance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Human Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Equality & Community Relations Team	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Voluntary and Community Sector	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Grants Team	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Procurement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>																										

	Yes	No	Name and Date
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Details of consultations undertaken

Portfolio Holder	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Ward Councillors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Area Committee	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Other Council Bodies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Corp. Directors Affected	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Trades Unions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Minority Group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Others (Specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____

Reasons for not consulting

There has been no express consultation about this decision, but regular meetings take place with the Portfolio Holder and Director of Strategic Asset and Property Management on general property matters, which may include this matter. The Decision relates to a day to day business matter where further consultation is not deemed appropriate.

Consultation outcomes

N/A

Background to the decision

See attached Appendix 1

Declared interests

None

Dispensation by Standards Committee

Date: N/A	Dispensation Reference: N/A
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Equalities

Has the equality impact of the decision been assessed?	
NO – Not required	<input checked="" type="checkbox"/>
YES – equality impact assessment attached	<input type="checkbox"/>

Social Value implications

There are no Social Value Implications that relate to this Decision.

Crime and Disorder implications


There are no Crime and Disorder Implications that relate to this Decision


Background Papers

There are no Background Papers which this Decision relies upon.

Published documents

There are no Published Documents that have been relied upon to make this Decision.

Uniform / Property Ref (if applicable)			
Contact Person	Phil Daniels, Head of Property Development – phil.daniels@nottinghamcity.gov.uk	Contact No.	Ext: 63488
Scheme of Delegation Reference Number	242		
Property Manager	 P.J. DANIELS		
Signature			Date: 11/5/15

Interim Director of Property	Kevin Shutter	Date: 11/5/15
Signature		

To be completed by Constitutional Services

Date published: 19. 5. 15.

Last date for Call-in: 27. 5. 15.

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Appendix 1

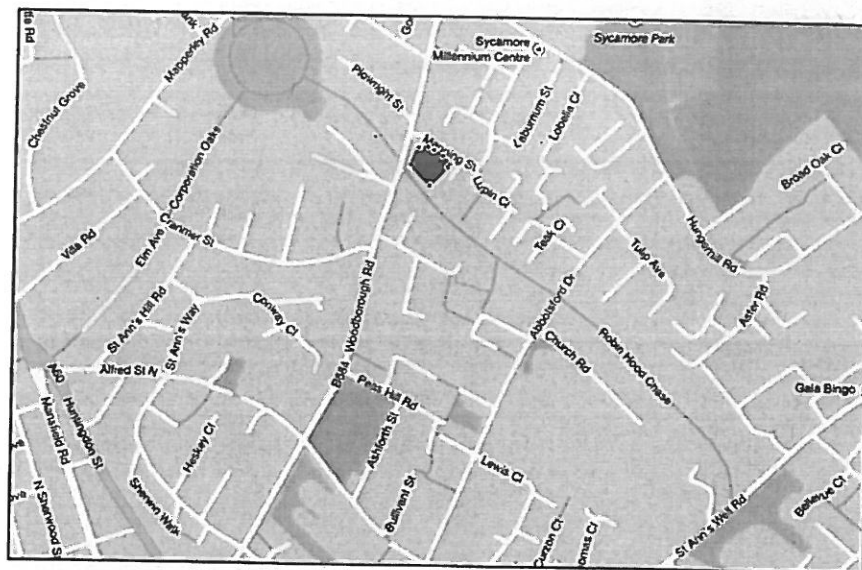
Land at Junction of Woodborough Road and Manning Street, Nottingham, NG3 4QT

Recommendation to release restrictive covenant

Introduction

There is a parcel of land at the junction of Woodborough Road and Manning Street, Nottingham, NG3 comprising approximately 0.4 acres. The site is identified on the map below. The site was previously a public house (demolished) and has been vacant for in excess of 10 years. The site is a local eyesore and sporadically attracts anti-social behaviour.

The property was previously in the ownership of Nottingham City Council. The site has a covenant in favour of Nottingham City Council restricting use to that of a public house. The site which is currently in the freehold ownership of Clowes Developments is being purchased by Wheatcroft Estates who intend to develop a scheme comprising a convenience store and residential accommodation.



Background

The restrictive covenant in favour of Nottingham City Council is currently preventing this transaction completing. The vendors, Clowes Estates, are of the view that if this transaction does not proceed they will mothball the site for a further indeterminate period. A previous proposal of a similar nature was aborted due to the developers uncertainty as to viability, in part due to Nottingham City Councils expectations as regards the fee for release of the covenant.

A review of the feasibility of the proposed development reveals a very modest profit aspiration based on a payment of £4000 (plus fees for property services and legal services) for release of the covenant. In the absence of any development proceeding the covenant has a nil value to the Council.

To the east of the subject site there is a parcel of land previously sold by Nottingham City Council to Tuntum Housing Association Ltd. This currently remains undeveloped.

There is also a largely vacant, low quality retail parade known as Fountain Dale Court having boundaries to both the development site and the land owned by Tuntum Housing. This site is in the ownership of Nottingham City Council. The future of this shop is doubtful following any redevelopment of the frontage. In the event that this site should become vacant, there is the opportunity to combine Fountain Dale Court into the future Tuntum Housing Association redevelopment thus improving the overall amenity of the area and generating income for Nottingham City Council.

In summary the proposed covenant release would enable redevelopment of an eyesore site and potentially facilitate more effective redevelopment of the Tuntum site for the benefit of the overall visual and economic amenity of the area

Recommendation

That the covenant restricting use of the site be released for a fee of £4000 plus legal and property services fees.