

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	2011
<b>Author:</b>	Bevis Robert Andrew Mackie
<b>Department:</b>	Development
<b>Contact:</b>	Bevis Robert Andrew Mackie (Job Title: Estates Surveyor, Email: bevis.mackie@nottinghamcity.gov.uk, Phone: 0115 876 3635)
<b>Subject:</b>	Wollaton Vale Service Station, NG8 2GR - Variation of User Clause
<b>Total Value:</b>	Exempt (Type: Revenue)
<b>Decision Being Taken:</b>	To vary the user covenant under the lease allowing for the development of a larger scale shop unit at Wollaton Vale Service Station, NG8 2GR. (1,745sq/yds or thereabouts). Presently the lease prohibits use of this property for anything other than as petrol filling station with greasing and washing bays and toilet accommodation and nineteen private lock-up garages.
<b>Reasons for the Decision(s)</b>	The Lessee has applied to the Council to carryout alterations at the property including the erection of larger shop unit to service the filling station, for which landlord's consent is required. Presently the user clause prohibits use of this property for anything other than as petrol filling station with greasing and washing bays and toilet accommodation and nineteen private lock-up garages. As this is deemed to comprise an intensification of the retail use beyond that originally intended under the lease, a premium payment is to be made by the lessee.
<b>Other Options Considered:</b>	To refuse granting consent to vary the user clause - This was rejected as the lessee is prepared to provide a premium payment for the right to vary the user clause.
<b>Background Papers:</b>	None
<b>Published Works:</b>	None

<b>Affected Wards:</b>	<b>Wollaton West</b>
<b>Colleague / Councillor Interests:</b>	<b>None</b>
<b>Exempt Information:</b>	
<b>Description of what is exempt:</b>	<b>Financial information</b>
	<b>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</b>
<b>3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>	<b>The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the value of the premium payment is commercially sensitive.</b>
<b>Documents exempt from publication:</b>	<b>2015.04.21.Exempt Appendix Accompanying Decision.doc</b>
<b>Consultations:</b>	<b>Date: 24/04/2015</b>
	<b>Ward Councillors: Georgina Culley, Eileen Morley, Steve Battlemuch</b>
	<b>All Councillors consulted. No comments have been provided.</b>
	<b>Those not consulted are not directly affected by the decision.</b>
<b>Crime and Disorder Implications:</b>	<b>N/a</b>
<b>Equality:</b>	<b>EIA not required. Reasons: Does not include new or changing Council policies</b>
<b>Decision Type:</b>	<b>Portfolio Holder</b>
<b>Subject to Call In:</b>	<b>Yes</b>

<b>Call In Expiry date:</b>	<b>04/06/2015</b>
<b>Advice Sought:</b>	<b>Legal, Finance</b>
<b>Legal Advice:</b>	<b>The proposals contained within the report and exempt appendix raise no significant legal issues and, in the circumstances outlined, are supported.  Advice provided by Malcolm Townroe (Legal Services Manager) on 21/05/2015.</b>
<b>Finance Advice:</b>	<b>The premium payment will be a revenue receipt to the Property Trading Account.  Advice provided by Georgina Lewis (Finance Analyst) on 30/04/2015.</b>
<b>Signatures</b>	<b>Graham Chapman (PH for Resources and Neighbourhood Regeneration)</b>
	<b>SIGNED and Dated: 27/05/2015</b>
	<b>David Bishop (Deputy CE, CD for Development and Growth)</b>
	<b>SIGNED and Dated: 22/05/2015</b>