

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3139
Author:	Jeremy Bryce
Department:	Development and Growth
Contact:	Jeremy Bryce (Job Title: Surveyor, Email: jeremy.bryce@nottinghamcity.gov.uk, Phone: 01158763082)
Subject:	Release of Covenant The Old Rectory, 1 Village Road, Clifton Village, Nottingham NG11 8NP
Total Value:	see exempt appendix (Type: Capital)
Decision Being Taken:	To release the covenant restricting the use of the rectory grounds only as a garden.
Reasons for the Decision(s)	The Old Rectory was sold freehold at auction in 2004. The usual restrictive covenants were put in place to ensure the use of the land as the grounds extend to approximately an acre. This covenant prevents the land owner from building on the land unless we are compensated for the uplift in the land value.
Briefing notes documents:	The Old Rectory Clifton Village.pdf, 8.3.2018 Briefing note for PHD Clifton Rectory release of covenant.docx
Other Options Considered:	Continue to negotiate. This option has been rejected as acceptable terms have been agreed with the applicant.
Background Papers:	There are no Background Papers which this Decision relies upon.
Published Works:	There are no Published Documents that have been relied upon to make this decision.
Affected Wards:	Clifton South

**Colleague / Councillor
Interests:**

**Any Information Exempt
from publication:**

Yes

Exempt Information:

**Description of what is
exempt:**

The value of the receipt for releasing the covenant.

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 information relating to the financial or business affairs of a particular person (including the authority holding the information).

**Documents exempt from
publication:**

Exempt Appendix Old Rectory Clifton.docx

Consultations:

**Date: 01/03/2018
Ward Councillors: Chris Gibson, Corall Jenkins, Steve Young
consulted 21.2.2018 no objections received**

Those not consulted are not directly affected by the decision.

**Crime and Disorder
Implications:**

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

Equality:

EIA not required. Reasons: There are no changes to Council policy or services.

Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	04/05/2018
Advice Sought:	Legal, Finance, Other: Thomas Street(Thomas.Street@nottinghamcity.gov.uk)
Legal Advice:	The proposals set out in the report raise no significant legal issues and, on the basis of the rationale outlined, are supported. Advice provided by Malcolm Townroe (Director of Legal and Governance) on 08/03/2018.
Finance Advice:	On the basis that the figure negotiated for the release of the covenant represents a reasonable settlement whilst enabling a viable scheme. This decision will result in a capital receipt being received by the Council and this would be used to fund the corporate capital programme. Advice provided by Mandy Bryce (Finance Analyst) on 08/03/2018.
Other Advice:	Given the precarious state of this listed building and the blight on the Clifton Village Conservation Area there is a pressing need for timely and decisive action. The sum of money offered is considered realistic and represents a good compromise between the developer's need to achieve a viable scheme and out expectations of the site. The staged nature of the deed of release provides sufficient reassurance that the Rectory will be conserved to an appropriate level prior to the sale of each new property. For these reasons I wish to endorse the proposed course of action and look forward to working closely with the Tomlinson Group to achieve a successful outcome for all. Advice Provided by Thomas Street (Conservation Officer) on 09/03/2018
Signatures	Jon Collins (Leader & PH Strategic Infrastructure & Comms)
	SIGNED and Dated: 27/04/2018
	David Bishop (Deputy CE, CD for Development and Growth)
	SIGNED and Dated: 16/04/2018