

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	<b>3410</b>
<b>Author:</b>	<b>Philip Le Couteur</b>
<b>Department:</b>	<b>Development and Growth</b>
<b>Contact:</b>	<b>Philip Le Couteur</b> <b>(Job Title: Estates Surveyor, Email: phil.lecouteur@nottinghamcity.gov.uk, Phone: 01158762494)</b>
<b>Subject:</b>	<b>Approval to the Settlement of the Right to Light affecting the property of 106 Derby Road, Nottingham, NG1 5FB</b>
<b>Total Value:</b>	<b>See Exempt Appendix (Type: Capital)</b>
<b>Decision Being Taken:</b>	<b>To approve the negotiated settlement for the right to light and air in respect of 106 Derby Road which will be adversely affected by the construction of a new development at 100-104 Derby Road.</b>
<b>Reasons for the Decision(s)</b>	<b>Due to the construction of the scheme at 100-104 Derby Road, the Council is due compensation for the loss of light and air in relation to 106 Derby Road. A settlement figure has been negotiated with the developer to remove the right to the properties to enable the development to happen.</b>
<b>Other Options Considered:</b>	<b>Not agree a settlement figure for the right to light and air being taken. This option was rejected as an agreed figure has been negotiated for the property of 106 Derby Road which will be adversely affected by the proposed development of 100-104 Derby Road.</b>
<b>Background Papers:</b>	<b>None</b>
<b>Published Works:</b>	<b>None</b>
<b>Affected Wards:</b>	<b>Arboretum</b>

<b>Colleague / Councillor Interests:</b>	None
<b>Any Information Exempt from publication:</b>	Yes
<b>Exempt Information:</b>	
<b>Description of what is exempt:</b>	Negotiation for the property and the value.
	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>3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>	The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it reveals business sensitive negotiations for the settlement of the right to light.
<b>Documents exempt from publication:</b>	2019.01.31 Exempt Appendix.pdf
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	There are no Crime or disorder implications included in this decision.
<b>Equality:</b>	EIA not required. Reasons: EIA not required. Reasons: This is not a new or changing policy, service or function. The decision adheres to all Council Equality policies.
<b>Relates to Council Property Assets:</b>	Yes
<b>Decision Type:</b>	Officer

<b>Executive Decision?</b>	<b>Yes</b>
<b>Scheme of Delegation Reference Number or Other Source of Delegation:</b>	<b>235 - Council Owned Land and Property &amp; Licences, Wayleaves and Easements, and 241 - Council Owned Land and Property &amp; Variations of Covenants</b>
<b>Subject to Call In:</b>	<b>No</b> <b>The call-in procedure does not apply to the decision because the value of the decision is below the call in threshold.</b>
<b>Advice Sought:</b>	<b>Legal, Finance, Property</b>
<b>Legal Advice:</b>	<b>From the information provided in the report, and following discussion with the author of the report, the proposed agreement does not appear to raise any substantive legal issues of concern. The agreement will be subject to the drafting, negotiation and completion of formal legal documentation between the parties. Advice provided by Mick Suggett (Team leader: Conveyancing) on 13/02/2019.</b>
<b>Finance Advice:</b>	<b>The capital income as result of releasing the rights will support either future investment purchases or will be used to improve the standard of other traded properties to generate more income. Advice provided by Mandy Bryce (Finance Analyst) on 08/02/2019.</b>
<b>Property Advice:</b>	<b>This decision will result in a capital receipt for the Council. Specialist advice was sought and a negotiated settlement agreed. Advice provided by Pippa Hall (Portfolio and Investment Manager) on 06/02/2019.</b>
<b>Signatures:</b>	<b>Peter Carroll (Head of Portfolio, Investment and Development)</b> <b>SIGNED and Dated: 17/02/2019</b>