

Report to Portfolio Holder for Resources and Reputation

Subject: Deed of Release of Restrictive Covenant on Land at Bewcastle Road and the potential sale of land adjacent 11 Pennine Close, Bestwood

Date: 7 December 2017

Author: Property Surveyor

Wards Affected

1 Bestwood St Albans

Purpose

2 (a) To seek approval to request that Nottingham City Council release the covenant on four plots of open space at Bestwood (the Land) shown hatched blue on the plan (Appendix 1).

(b) Following this, to seek approval for the sale of one of these plots of open space (the Site) adjoining 11 Pennine Close, Bestwood shown hatched pink on the plan (Appendix 2).

Key Decision

3 This is not a Key Decision

Background

4 The Land consists of 4 plots of open space and was purchased by Gedling Borough Council from Nottingham City Council (the City) in 1993. The City placed a covenant on the Land stating it can only be used for Public Open Space.

5 The owner of 11 Pennine Close (the Purchaser) has expressed an interest in purchasing one plot, which adjoins his garden (the Site) and is shown hatched pink on the plan in Appendix 2. The Site is confirmed to be surplus by the Council's Parks and Street Care department. The Council's Service Manager, Property assesses the value of the Site, as garden land, to be in the region of £2,000.

6 The sale of the Site would lead to a loss of a small area of incidental public open space. However, this would not have a harmful impact on the character of the area due to its steep gradient and the small area of the Site which means that it is of limited public benefit. It is also considered that the increase of residential curtilage to 11 Pennine Close would cause no harm to the character of the locality or be unduly detrimental to the visual amenity of the wider area. This has been confirmed by the Gedling Borough Council planning department.

7 Without the Council obtaining a deed of release from the City, in respect of the covenant referred to in paragraph 4, the Purchaser has no certainty about being able

to use the Site as garden land and is unlikely to want to proceed with the purchase. The Purchaser has therefore requested release of the covenant and has agreed to pay the Council's costs in this respect.

- 8 It is in the Council's interest to obtain a release for all of the Land to allow greater control for future use. As the cost for enabling this will be no more than for releasing the covenant on the Site (and as previously stated these costs will be borne by the Purchaser) release in respect of all of the Land will be sought.

- 9 Council Standing Orders for dealings with land state that

The executive shall consult with the Chairman of the Overview and Scrutiny Committee and ward members before making any decision to dispose of any land or property other than the sale of council houses to sitting tenants pursuant to the right to buy.

- 10 As this is a proposed sale of land and property other than a council house pursuant to the right to buy, the Chairman of the Overview and Scrutiny Committee and ward members have been consulted in accordance with the above and have made no comment.

- 11 Council Standing Orders for dealings with land also state that

In the case of the disposal of real property other than a house or houses and where the Corporate Director assesses the value of such property to be less than £20,000 he shall adopt such method of disposal as appears to him to be appropriate in the circumstances.

- 12 Any disposal of open space requires a process of advertisement and statutory consultation which the Council is undertaking.

Proposal

- 13 (a) That permission is granted to apply to the City to release the covenant on the Land hatched blue at Appendix 1.

(b) Approval is given to sell the Site, as shown hatched pink in Appendix 2, to the Purchaser for £2,000 for use as garden land with the Purchaser being responsible for all of the Council's costs in relation to this matter.

Alternative Options

- 14 One alternative is not to sell the Site however this would mean that the Council would not receive a capital receipt.

- 15 Another alternative is to let the Site out as garden land. However, this would only generate a minimal income. Furthermore, the resource required to administer this could render this option unviable. Sale of the Site would therefore appear to be the better option.

Financial Implications

- 16 The Site currently produces no income. Sale of the Site will bring in a capital receipt of £2,000 for the Council.
- 17 The Council's costs associated with the sale, including paying all costs associated with obtaining the deed of release from the City, will be borne by the Purchaser.

Appendices

- 18 Appendix 1 – Plan showing the Land to be released under the deed of release hatched blue.
- 19 Appendix 2 – Plan showing the Site hatched pink.

Background Papers

- 20 None identified.

Recommendation

- 21 **THAT:**
 - (a) That permission is granted to apply to the City to release the covenant on the Land hatched blue at Appendix 1.
 - (b) Approval is given to sell the Site, as shown hatched pink in Appendix 2, to the Purchaser for £2,000 for use as garden land with the Purchaser being responsible for all of the Council's costs in relation to this matter.

Reasons for Recommendations

- 22 The reasons for these recommendations are as follows:
 - (a) The Council would have difficulty selling the Site if the covenant was not released.
 - (a) Sale of the Site would ensure that the Council does not have any ongoing liability for the Site.
 - (b) Sale of the Site may allow it to be used more effectively in the future.
 - (c) Sale of the Site will give the Council a capital receipt.