

# REDDITCH BOROUGH COUNCIL

## Executive Committee

11<sup>th</sup> January 2022

### Release of Covenant

Relevant Portfolio Holder	Councillor Dormer
Portfolio Holder Consulted	
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Report Author	Clare Flanagan Job Title: Principal Solicitor Contact email: clare.flanagan@bromsgroveandredditch.gov.uk Contact Tel: 01527 64252 Extn 3173
Wards Affected	Astwood Bank and Feckenham Ward
Ward Councillor(s) consulted	No
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	
This report contains exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, as amended	

## 1. RECOMMENDATIONS

### That the Executive Committee RESOLVES:-

- 1) **Authority be delegated to the Head of Legal, Democratic and Property Services to negotiate and finalise terms for the release of covenants attached to LR Title No WR121916 in return for the capital sum as described in Appendix 2; and**

### RECOMMENDS that:-

- 2) **The Council's budget is augmented by the capital receipt as described in Appendix 2**

## 2. BACKGROUND

- 2.1 The Council sold land adjacent to No 7 Overdale in Astwood Bank to the owner of No 7 back in 2009 (Shown edged Red on Appendix 1).
- 2.2 The sale was subject to restrictive covenants, one of which required the land not to be used other than as domestic garden land for the benefit of an incidental to No 7 Overdale. (Shown edged Blue on Appendix 1), and another which prohibits the owner from dealing in the land independently from No 7.

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- 2.3 The owner of No 7 Overdale has applied to the Council to have the covenants removed so they can build on the edged red land.
- 2.4 The land adjoins Overdale Park (Shown edged Green on Appendix 1).
- 2.5 The Council's Land & Building Asset Group has considered and supports the request.
- 2.6 The capital sum referred to in Appendix 2 is supported by the Council's Valuer.
- 2.7 Any development of the site will be subject to the owner having to comply with Planning.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 The sum set out in Appendix 2 represents a capital receipt for the Council in that amount.

### **4. LEGAL IMPLICATIONS**

- 4.1 The releasing of the covenant would give the owner the right to build on the land subject to planning.

### **5. STRATEGIC PURPOSES - IMPLICATIONS**

#### **Relevant Strategic Purpose**

- 5.1 Supporting Housing Provision within the Borough.

#### **Climate Change Implications**

- 5.2 None as a direct result of this report.

### **6. OTHER IMPLICATIONS**

#### **Equalities and Diversity Implications**

- 6.1 None

#### **Operational Implications**

- 6.2 None

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**7. RISK MANAGEMENT**

7.1 Whilst there is no cost to the Council in entering into an Agreement, as the Council's costs are to be met by the landowner, the capital receipt will be subject to the granting of planning consent.

**8. APPENDICES and BACKGROUND PAPERS**

Appendix 1 : Plan

Appendix 2: Exempt information

**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Portfolio Holder	Cllr M. Dormer	December 2021
Lead Director / Head of Service	Claire Felton	December 2021
Financial Services	Chris Forrester	December 2021
Legal Services	Clare Flanagan	December 2021