

<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>Yes</b>
-------------------------------	-----------	-----------------------------	------------

## PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

5 May 2020

### A. REMOVAL OF A RESTRICTIVE COVENANT OVER LAND IN CLARKES ROAD, HARWICH

(Report prepared by Izaak Marshall)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To approve the principle for the removal of a restrictive covenant from land in Clarkes Road, Harwich

##### EXECUTIVE SUMMARY

A restrictive covenant was placed on the land when it was sold in 1981 which prevented anything else being built on the land. Tendring District Council have been approached by the current owner of the property with a request for the restrictive covenant to be removed, in order to erect a second dwelling.

##### RECOMMENDATIONS

**That the Portfolio Holder approves the principle of removing the restrictive covenant over the land in Clarkes Road, Harwich.**

#### PART 2 – IMPLICATIONS OF THE DECISION

##### DELIVERING PRIORITIES

- 

The Council has Corporate Priorities to balance the annual budget and use assets to support priorities. This decision would feed into these.

##### FINANCE, OTHER RESOURCES AND RISK

###### Finance and other resources

The removal of the restrictive covenant will provide a capital receipt to the Council

###### Risk

None identified

##### LEGAL

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land

held by it in any way it wishes so long as (section 123 (2) the land is disposed for a consideration not less than the best that can reasonably be obtained.

#### **OTHER IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of Crime and Disorder, Equality and Diversity, Health Inequalities, Consultation/Public Engagement and Wards; and any significant issues are set out below.**

Local Ward Members have been advised of this Report.

#### **Ward**

Dovercourt All Saints

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

Tendring District Council have been approached by the owners of a former Council property in Clarkes Road who have a covenant over their land imposed by the Council when the property was sold in 1981. This covenant restricts the owner from erecting any building or structure on the land.

#### **CURRENT POSITION**

An open market valuation has been carried out, details of which are in the concurrent confidential report together with proposed terms for the removal of the covenant.

#### **FURTHER HEADINGS RELEVANT TO THE REPORT**

None

#### **BACKGROUND PAPERS FOR THE DECISION**

Equality Impact Assessment – available on request.

#### **APPENDICES**

None