

REPORT FROM: CHIEF EXECUTIVE
TO: COLNE AND DISTRICT COMMITTEE
DATE: 4th July 2019

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LAND AT LENCHES ROAD, COLNE

PURPOSE OF REPORT

To consider a request via solicitors from the owner of land at Lenches Road, Colne that the Council remove the various restrictive and positive covenants which they have the benefit of, as the land owner wishes to develop the site subject to planning. A plan is attached with the site edged black for identification purposes.

RECOMMENDATIONS

That this Committee recommends the Policy and Resources Committee to remove the restrictive covenant subject to satisfactory negotiations with the owner and grant delegated approval to the Chief Executive for removal of the covenant.

The Council sold the 4 plots fronting Lenches Road in 1989 and 1990.
Covenant: 'at all times to keep left open and unbuilt upon the land coloured yellow on the said plan and to maintain the same in a clean and tidy condition' (Section 33 of The Local Government (Miscellaneous Provisions) Act 1982 shall be deemed to apply).

'Not at any time without the Council's written consent use the land for any purpose other than as a private garden and the site of a garage for a private motor vehicle'.

Also Covenant for the larger plot (LAN174439) sold in 2011 to the rear;
'not to use for any purpose other than grazing and landscaping'.

REASON FOR RECOMMENDATION

That with Council approval the restrictive covenant could be lifted and could provide a capital receipt. Any development would also require planning permission before any proposed development takes place.

BACKGROUND

Members are advised that the request covers five parcels of land fronting and to the rear of Lenches Road, Colne.

ISSUE

The Council currently has the benefit of various covenants relating to the various parcels and is asked to consider if the covenants are still required or could be removed in order for redevelopment to take place.

IMPLICATIONS

Policy: The Council following previous disposals has the benefit of Covenants included in the transfer at the time and may wish to consider if it requires them to continue or if the Covenant can be removed.

Financial: The removal of the Covenants would bring in a small capital receipt.

Legal: No legal implications are considered to arise other than as stated in the report.

Risk Management: N/a

Health and Safety: No implications are considered to arise directly from this report.

Sustainability: N/a

Community Safety: See risk management.

Equality and Diversity: No implications are considered to arise directly from this report.

APPENDICES

Location Plan – Identification of proposed development site.

LIST OF BACKGROUND PAPERS