

18/21



# HARTLEPOOL BOROUGH COUNCIL

## OFFICER DECISION RECORD

Department: Regeneration & Neighbourhoods Directorate

Division: Asset Management Section

Date of Decision / Issue of Licence: 2<sup>nd</sup> October 2018

Officer Making Decision: Tim Wynn (Strategic Asset Manager)

Subject / Description & Reason for Decision: Property –St Mark’s Worship Centre, Clavering Road, Hartlepool

Modification of restrictive covenant affecting St Mark’s Worship Centre, Clavering Road, Hartlepool (property shown hatched on plan below).

Sale of property rights at full market value at a price less than £30,000

St Mark’s Worship Centre comprises a single storey building located at the end of a parade of shops in Clavering Road. It is being marketed by Greig Cavey Commercial Ltd who have agreed terms for a sale on behalf of the owner, St Marks Church. The property is subject to a restrictive covenant in favour of the Council restricting the use to the purposes specified in Section 5 of the Parochial Church Council Measure 1956, which effectively prevents any commercial use of the property. The agent’s sales particulars set out that the property extends to approximately 123 square metres and accommodation comprises reception area, hall, worship room, kitchen and WC’s.

Since the imposition of the covenant when the Council sold the property in 1992, the Council’s adjoining land to the north west referred to in the title register has been sold. The Council does still own a small piece of adjoining land (stated to be benefitting land) to the south east albeit this is part of the adopted highway.

## ODR No.: TO BE COMPLETED BY DST

Terms for the modification of the covenant have been agreed as set out below:

1. Property: St Mark's Worship Centre Clavering Road Hartlepool
2. Parties: The Council and The Durham Diocesan Board of Finance
3. Restrictive Covenant: The covenant will be modified to allow uses within Use Classes A1, A2, A3, A4 and A5 of the Use Classes Order 1987 as amended. These use classes cover the type businesses generally found in suburban retail parades.
4. Consideration: The Board of Finance will pay the Council £5,000
5. Legal and Surveyor's costs: The Board of Finance will be responsible for paying the Council's surveyors fees of £500 and its reasonable legal fees incurred in the release of the covenant.

The payment agreed for the modification of the restrictive covenant is considered to represent the market value of the release given the provisions of section 84 of the Law of Property Act 1925 and the unencumbered value of the freehold interest.

The sale will contribute to the Medium Term Financial Strategy.

Approval to release of the covenant.

Type of Decision: Non Key

Nature of Delegation Being Exercised: Committee Delegated Authority

The Director of Regeneration and Neighbourhoods has delegated powers for a variety of transactions within a prescribed threshold which is currently £30,000 in capital value and £12,000 in rental value. The powers are to approve land and property disposals, leases, lettings, licences, wayleaves, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters within the prescribed thresholds as approved by the Council.

Delegated Powers Authority was approved at Finance & Policy Committee on 18 July 2012

**ODR No.: TO BE COMPLETED BY DST**

Alternative Options  
Considered &  
Rejected:

Refusal to modify the covenant.

Any Declared  
Register of Interest

No

**OFFICER WITH THE DELEGATION**

**NAME** Denise Ogden



**POST TITLE** Director of Regeneration and Neighbourhoods

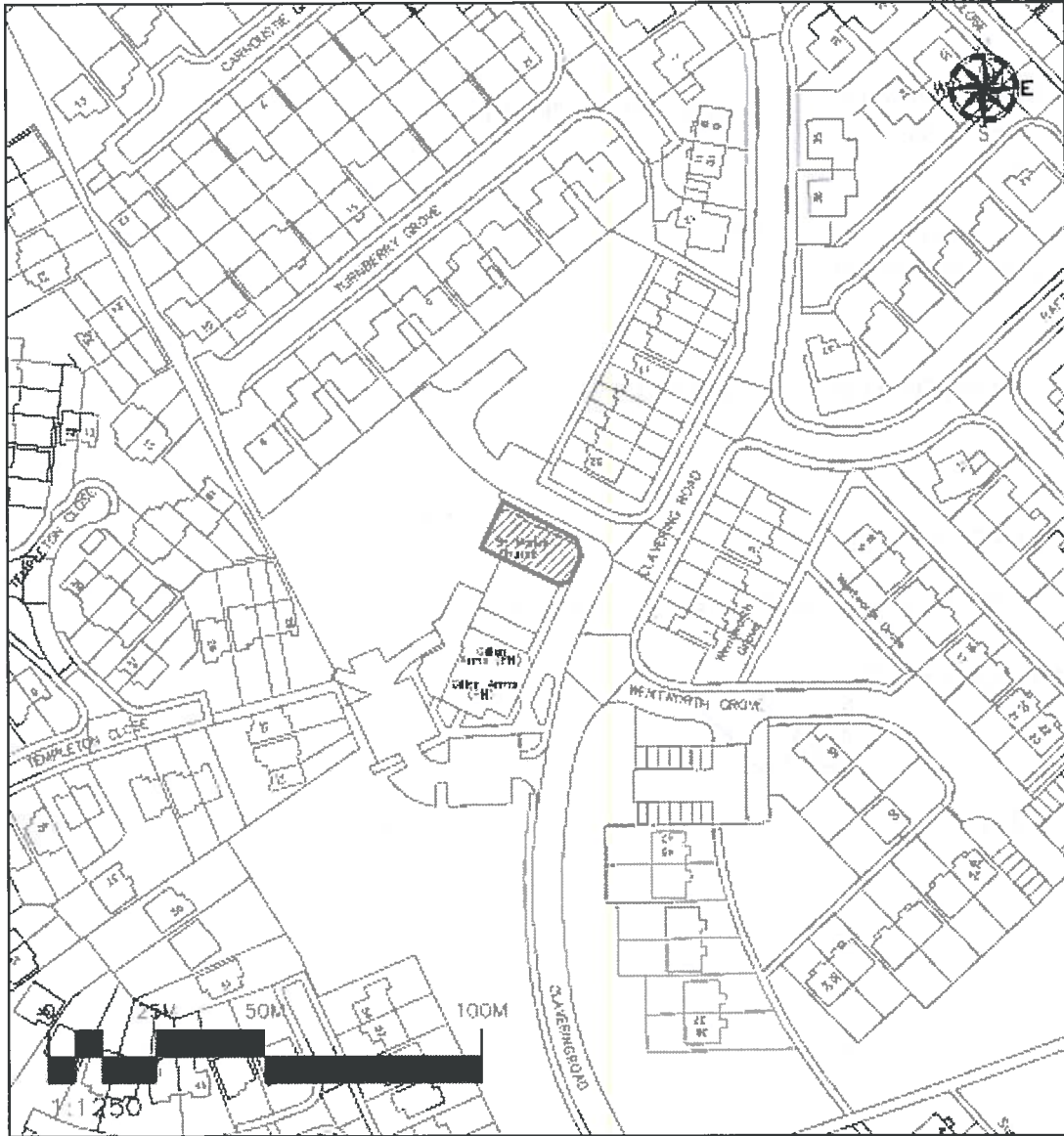
**IN CONSULTATION WITH**




**NAME** Tim Wynn  
**Plan**

**POST TITLE** Strategic Asset Manager

**ODR No.: TO BE COMPLETED BY DST**



<b>LOCATION</b> 81 Marks Church, Clavering Road, Hartlepool		<b>DRAWN BY</b> CT	<b>DATE</b> 24/09/18
		<b>SCALE</b> 1:1250	
<b>DEED PACKET</b> -	<b>OS MAP</b> NZ 4835	<b>DRWG NO</b> E/G/B74	
 <b>HARTLEPOOL BOROUGH COUNCIL</b> Regeneration & Neighbourhoods Civic Centre Victoria Road Hartlepool TS24 8AY TEL: 01429 266522 FAX: 01429 523438		This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Hartlepool B.C. LA00057L 12006.	