

REPORT TO: Executive Board

DATE: 23 May 2013

REPORTING OFFICER: Chief Executive

PORTFOLIO: Resources

SUBJECT: Release of restrictive covenant on part of Brentfield St Marie's

WARDS: Broadheath and Hough Green

1.0 PURPOSE OF THE REPORT

1.1 To seek Board approval for the recommended variation to the restrictive covenant on Brentfield St Marie's.

2.0 RECOMMENDATION: That Council be recommended to approve the variation to the restrictive covenant on Brentfield St Marie's subject to the following conditions:

- (1) The release of the covenant shall apply only to the frontage land formerly used as clubhouse, car park, etc and identified on plan at Appendix 1. The Operational Director, Legal to ensure that the release is only implemented when the following conditions have been satisfied;**
- (2) The land released from the covenant shall be used for the development of social housing only;**
- (3) The restrictive covenant shall continue for the remaining two rugby pitches at Brentfield; and**
- (4) A new restrictive covenant in favour of the Council shall be applied to the land shown at Appendix 2 at Prescott Road playing fields for the land to be used for playing pitches and leisure only.**

3.0 SUPPORTING INFORMATION

3.1 St Marie's club had been struggling to survive as a private members club for a number of years. It was purchased by Steppingstones who have approached the Council with a proposition to develop part of the land for social housing and secure the future use of playing pitches.

- 3.2 Plans at Appendix 1 show the frontage land where it is proposed to sell the land to HHT for social housing, subject to planning permission, and the remaining two playing pitches to be transferred to the Wids. The removal of the restrictive covenant will apply to the frontage land only.
- 3.3 The other land forming part of Steppingstone's purchase of St Marie's is part of the Prescott road playing fields and is shown edged red on the plan at Appendix 2. A new restrictive covenant to limit the land for playing pitches and leisure uses in favour of the Council shall be applied to this land.
- 3.4 The alternatives for the Council are to refuse to release the covenant or seek a financial consideration for the release. Refusal to release the covenant would run the risk that sustainability of use of the rugby pitches could be undermined and the land would become overgrown, derelict and a nuisance. The Council would also be denied the new social housing on the frontage land. Financial consideration for the release of the covenant presents a challenge to the viability of Steppingstone's investments in buying St Marie's and seeking a sustainable future for the rugby teams. These alternatives were rejected in favour of securing a restriction over the land at Prescott Rd which is a much larger area of land than the area being released from restriction and also secures the much needed new social housing.

4.0 POLICY IMPLICATIONS

- 4.1 The proposal supports the Borough's Housing and Leisure objectives and is in line with the UDP and upcoming Core Strategy.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 A Healthy Halton

The development will support the sustainability the town's sporting offer for families

5.2 A Safer Halton

One of our key corporate aims is to make Halton a great place to live with an attractive quality of life and excellent local environment. In safer Halton terms, the condition of their local environment is often of most concern to residents. Therefore, this development will aim to increase the confidence of communities in their neighbourhoods. This development supports the principle of improving local conditions and encouraging people to get involved in helping to shape what happens in their local area.

5.3 Halton's Urban Renewal

The development will contribute to the Council's objective of supporting and sustaining thriving neighbourhoods and open spaces that meet people's expectations and add to their enjoyment of life.

6.0 RISK ANALYSIS

6.1 In section 3.4 of the report, reference is made to the risks associated with the non-release of the covenant. This is potentially a complex scheme, the success of which will be reliant on the deployment of adequate staff resources to oversee the respective permissions, transfers and approvals for the scheme. The Economy, Enterprise and Property department is setting aside resources to achieve this

7.0 EQUALITY AND DIVERSITY ISSUES

The land released from the covenant will provide social housing, and therefore, will also be more accessible to our less affluent residents.

8.0 REASON(S) FOR DECISION

To ensure a sustainable use of playing pitches and provide new social housing.

9.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The 'do nothing' option has been considered but this will impact on the long-term viability of the rugby pitches.

10.0 IMPLEMENTATION DATE

10.1 Once approval is received recommendations will immediately be acted upon.

11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Appendix 1 and 2	5 th Floor, Municipal Building	Wesley Rourke