

5 March 2018

Community Health and Housing Committee

Larkin's Playing Fields

Report of: *Kim Anderson, Partnership, Leisure and Funding Manager*

Wards Affected: *Pilgrims Hatch*

This report is: *Public report*

1. Executive Summary

- 1.1.** The report considers a request by Brentwood Youth AFC to provide the club with long term tenure at Larkin's Playing Fields, subject to the relevant planning permission being granted and subject to contract with Brentwood Borough Council. In order that Brentwood Youth AFC can secure external funding to improve facilities at Larkin's Plying Fields, external funders such as the Football Association require a commitment from the landowner (Brentwood Borough Council) that will support their improvement plans and provide the club with long-term tenure at Larkin's Playing Fields. It is proposed that the attached letter of intent will be sufficient evidence of the Council's commitment to support improvement to the whole site. As this relates to one of the Council's Assets it is recommended that the report is also referred to Policy, Projects and Resources Committee for their consideration.

2. Recommendations

- 2.1 That Members agree to the proposed letter of intent to Brentwood Youth AFC and;**
- 2.2 This report is referred to the Council's Policy, Projects and Resources Committee on 12 March for their consideration.**

3. Introduction and Background

- 3.1.** The Council has been approached by Brentwood Youth AFC (which is a merger of Kelvedon Hatch Football Club and Brentwood Athletic Football Club) over their proposals for improvements at Larkin's Playing Fields. In particular improvements to the existing car park, improvements to the playing pitches and the construction of a new pavilion building.

- 3.2.** Officers and the Chair of Community Health and Housing Committee met with representatives from the club to discuss their proposals in August 2017.
- 3.3.** While in principle the Council is supportive of improvement to the facilities, there were a number of considerations that also needed to be considered as there is an existing Covenant (1928) in place which sets out the restrictions for Larkin's Playing Fields as follows:
- a) 'used as a Recreational Ground or Sports, or Cricket Field for the benefit of the young persons of the Town of Brentwood, aforesaid, be called 'Larkin's Field' and for no other purpose'
 - b) 'Not ever permit to be erected upon the said property hereby conveyed or any part hereof any dwelling house or other building or erection except as may be necessary to enable the said property to be enjoyed as a recreation ground or sports or cricket field.
- 3.4.** In order that Brentwood Youth AFC can secure external funding to improve the facilities at Larkin's Playing Fields, external funders such as the Football Association require a commitment from the landowner (Brentwood Borough Council) that will support their improvement plans and provide the club with long-term tenure at Larkin's Playing Fields.
- 3.5.** As the site is also designated and maintained as public open space the Council would not be able to issue a lease for the whole site.

4. Issues, Options and Analysis of Options

- 4.1.** The key issues with the site are improvements to the playing pitches, improvements to the car parking facilities and construction of a new pavilion building which will provide changing facilities for the football teams.
- 4.2.** It is proposed to issue a letter of intent to the club which sets out the Heads of Terms for the lease for the footprint of the pavilion site, and a non-exclusive license to occupy the site. This will be subject to the relevant planning permissions being granted and also subject to any subsequent contract agreed with Brentwood Borough Council.
- a) That a lease of 25 years be granted for the pavilion building (using the existing footprint), subject to contract and the relevant planning permissions being granted. A lease cannot be granted for the whole site as it needs to be maintained as public open space.
 - b) That a non-exclusive licence to occupy the playing fields (as indicated on the attached site map) be given to Brentwood Youth AFC.

- c) Any rental income for the site is subject to negotiations with Brentwood Borough Council and if less than best consideration and for more than 7 years, it will be a requirement that any contract comes back to Policy, Projects and Resources Committee (or relevant committee) for Member consideration.
- d) It is recommended that a joint improvement plan for the entire site is also developed so that the club can work in partnership with Brentwood Borough Council and the Football Association to further improve the facilities.
- e) It is also recommended that a pre-application meeting with the Council's planning department is held to discuss the improvement plans for the site, the car park and the pavilion building.
- f) Subject to all permissions and contracts being agreed, that a separate maintenance agreement for ongoing maintenance of the site is drafted and agreed with Brentwood Borough Council and Brentwood Youth AFC.

4.3. The proposal has also been referred to the Council Corporate Landlord project board for consideration and comment.

4.4. As Larkin's Playing Fields is a council owned asset it is recommended that the report is also referred to the Policy, Projects and Resources Committee for their consideration.

5. Reasons for Recommendation

5.1 The Council's Draft Leisure Strategy is also before Members tonight and some of the key recommendations within the Strategy is the improvement to leisure facilities across the Borough and working in partnership to deliver the expected outcomes from the Strategy. Comments received from Sport England as part of the Local Development Plan consultation, stated that a Leisure Strategy is required that assesses Council owned sports and leisure facilities in order that the Council can continue to work with partners to ensure that appropriate provision is made for the residents of Brentwood. The strategy should not only consider how the Council can provide services, but also how other partners can. The strategy should also use current sports facility evidence to identify strategic priorities to then inform what will be included in the Council's Infrastructure Delivery Plan. Following this feasibility work, the Council will then be able to determine which projects will be funded by the Community Infrastructure Levy (CIL) and those funded by planning obligations.

5.2 The Council's Asset Management Strategy 2014/15 also sets out the need to obtain maximise income where possible from its asset portfolio.

6. References to Council Priorities

The Leisure Strategy sits under two main strands of the Vision for Brentwood 2016-19: Environment and Housing Management to develop a Leisure Strategy

to provide strong and sustainable leisure facilities for residents and businesses; and Community and Health - to work with community and voluntary organisations to develop the priorities for community development. There are also strong links for the priorities of the Council's Health and Wellbeing Strategy 2014-2017, the Local Development Plan, Active Brentwood/Essex and the Council's Asset Management Strategy 2014/15.

7. Implications

Financial Implications

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- 7.1 One of the key drivers for the Leisure Strategy is to reduce the Council's current revenue and capital costs on its leisure facilities and ensure that they are affordable, sustainable and fit for purpose for the future requirements.
- 7.2 Any contractual arrangements and rental income will come back to committee for consideration by Members if it is less than best consideration and longer than 7 years.

Legal Implications

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- 7.4 The proposed improvement plans to establish the viability of the planned improvement to the facilities will ultimately constitute a material consideration in any Planning Decision in the matter.
- 7.5 In respect of the procurement of contracts if required, the Council must comply with approval and selection procedures as set out in its Constitution and where relevant, procurement regulations including the Public Contracts Regulations 2015. Legal Services are available to advise and assist as the project proceeds.

8. Background documents:

Local Development Plan

National Planning Policy framework

Fields in Trust - Guidance for Outdoor sport Play: Beyond the Six Acre Standard

9. Appendices to this report.

Appendix A - Draft Letter of intent

Appendix B – Larkins Playing Fields Site Plan

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