

## Briefing Note to the Northern Area Committee – 1 November 2010

---

### Receipt of a Petition – to retain, preserve and protect the Princess Elizabeth Playing Fields

---

#### Briefing Note of the Area Director Northern and North Carr

#### 1. Purpose of briefing note

- 1.1 This briefing note informs members of the receipt of a petition from Mrs V J Butler to retain, preserve and protect the Princess Elizabeth Playing Fields

#### 2. Introduction

2.1 A petition has been received, signed by 398 members of the public (note some have signed more than once) and submitted by Mrs V J Butler. The petition will be available for inspection at the Northern Area Committee meeting.

2.2 The petition requests:

2.2.1 To retain, preserve and protect the Princess Elizabeth Playing Fields (PEPF) as a complete and free open space, sport and recreation facility for the public to use in order to safeguard it for future generations because it is their heritage.

2.2.2 To give due recognition to the Restrictive Covenant as detailed on the conveyance dated October 1936 of this land which was developed with money raised from the citizens of Kingston Upon Hull.

2.2.3 Part of PEPF has been identified as a site for a proposed Academy as part of Building Schools for the Future program.

#### 3 **Information for the Northern Area Committee**

3.1 To assist the Committee make a decision advice has been sort from Legal Services.

3.2 Legal Services advise the following:

- 3.2.1 The petition does not relate to the planning application itself but is directed to the question of whether the PEPF should be built on at all. The question whether or not the restrictive covenant should be enforced is also not a planning matter. Accordingly it is appropriate for the petition to go to the area committee.
- 3.2.2 A restrictive covenant is a right reserved by the owner of land to restrict its future use in some way when ownership later passes to another person. It is a matter for the original owner whether the restrictive covenant is enforced against a subsequent owner. It is not a matter that the planning committee has any control over. It cannot enforce a restrictive covenant nor can it remove one.
- 3.2.3 The information received from the Royal Household appears to refer to a wish by the petitioners that the PEPF should be placed into the "Fields in Trust" scheme. This also is not a matter which the planning committee can decide quite simply because it is not a planning matter. It is also outside the powers of the area committee because the delegated powers of the area committee provide that "no decision shall be taken that would involve the disposal of or acquisition of any property."

#### **4 Recommendations**

- 4.1 That the petition is not referred to the Planning Committee for the reasons set out above in 3.2.1.
- 4.2 That the petition be either noted or referred to Cabinet for consideration.
- 4.3 That the petitioner be advised of the decision of this Committee.

**John Bracewell**  
**Area Director Northern and North Carr**

Contact Officer : Martin Bengé  
Telephone No. : 01482 331987

Officer Interests: None

Background Documents:

- (i) Petition

15<sup>th</sup> October 2010