

**NORTH SOMERSET COUNCIL
DECISION**

DECISION OF THE EXECUTIVE MEMBER FOR HR, ASSET MANAGEMENT, CAPITAL PROGRAMME & TRANSFORMATION PROGRAMME WITH ADVICE FROM THE SECTION 151 OFFICER OF THE COUNCIL, CORPORATE SERVICES DIRECTORATE

**DECISION NO: CSD39**

**SUBJECT: RELAXATION OF RESTRICTIVE COVENANT FROM LAND
ADJACENT TO THE PAVILION PUB/PREMIER INN AT HUTTON
MOOR, WESTON SUPER MARE**

BACKGROUND:

The Council sold the land shown edged red on the attached plan in March 1991 to Whitbread Plc upon which Whitbread constructed The Pavilion Pub/Restaurant and a Premier Inn Hotel.

The 1991 transfer to Whitbread was subject to a restrictive covenant preventing use of the parcel of land shown shaded red for any purpose other than for open space or landscaping except as might be agreed by the Council in its role as original land owner.

Whitbread have been granted planning consent for the extension of the hotel by a further 38 bedrooms bringing the total number of bedrooms to 126. The actual extension of the hotel will be constructed on land that is not subject to any restriction in the transfer and which, therefore, does not require the Council's approval as original landowner. However, as the extension will remove existing car parking spaces and in order to accommodate the increased demand for car parking from the larger hotel, Whitbread needs to create new car parking provision on the open space/landscaping land shown shaded red on the plan.

Terms have been provisionally agreed with Whitbread for the relaxing of the restrictive covenant to enable new car parking to be installed on the red shaded land in order to enable the construction of the additional bedrooms to expand the hotel. In return for the relaxation of the restrictive covenant agreement has been reached for the payment to the Council of a one-off sum as consideration plus the Council's legal and professional fees. The one-off payment figure is commercially confidential and, therefore, cannot be included within this decision sheet but it has been shared with the Executive member for Asset Management. The figure has also been authenticated by external advisors as being best consideration.

DECISION:

That the Council consents to relax the existing restrictive covenant as reported above in return for the payment of a one-off capital sum

Reasons:

To maximise the Council's return from this asset

Other Alternatives Considered:

None

Financial Implications:

The Council will receive a one-off capital payment for the release of the restrictive covenant

Implications for Future Years:

None

Signed:

Councillor David Pasley
Executive Member for HR, Asset Management, Capital
Programme & Transformation Programme

Dated:

Signed:

Malcolm Coe
Section 151 Officer, North Somerset Council

Dated:

Exempt Background Papers:

Valuation Report and Heads of Terms