

**Report of Director City Development**

**Report to Executive Board**

**Date: 2 April 2014**

**Subject: Kippax Village Centre Improvements - 25 – 37 High Street, Kippax**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):Kippax and Methley	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. This report provides an overview of proposed improvements to Kippax village centre and seeks Executive Board agreement to progress work in relation to a property at 25-37 High Street, Kippax.
2. A variety of improvements have been delivered in Kippax including a £230,000 scheme as part of the Town and District Centre Regeneration Scheme which was completed in 2008 and delivered public realm and shop front improvements. Since this time, the Parish Council and Traders have worked hard to further improve the offer and attractiveness of the centre to shoppers.
3. Despite this productive work, land at 25-29 High Street and Grade II Listed buildings at 31-37 High Street continue to impact upon the attractiveness of the centre (see attached plan).
4. This property is included as part of the Councils Derelict and Nuisance Property Programme. Enforcement action has been taken in an attempt to make the listed buildings weather tight, but no works have been progressed by the owner. The Council has considered undertaking works in default, but this is likely to provide only a short term improvement which would not be sustained.
5. A broader redevelopment and refurbishment scheme is now being explored and the Council has undertaken market research to understand the principles of a deliverable scheme. This will contribute to the delivery of the Best Council Plan

2013-17 objective 'Promoting sustainable and inclusive economic growth' through the delivery of new housing and bringing empty properties back into use.

6. It is now proposed to commence a process of securing a developer to take forward the scheme. This will be supported by the preparation of a Planning Brief and emerging Neighbourhood Plan which is being progressed by the Parish Council
7. Attempts to negotiate with the owner will be made, although the Council will consider the use of its compulsory purchase powers should these prove unsuccessful. Section 226 (1)(a) of the Town and Country Planning Act 1990 is an appropriate power in these circumstances.
8. The potential to ring fence receipts from the disposal of other land or property in Kippax has been identified as a potential mechanism to support the delivery of a scheme.
9. A further report will be presented to Executive Board in due course which will provide more detail about the developer selection process and will seek support for the draft Development Brief.

## **Recommendations**

Executive Board is asked to:

- i) Approve the principle of further development within Kippax village centre;
- ii) Approve the preparation of a Development Brief for 25-37 High Street, Kippax by the Director of City Development which will be presented to Executive Board for approval in the autumn and will support the procurement of a developer and set out the basis for redevelopment;
- iii) Approve the continuation of negotiations by the Director of City Development with the owner; and
- iv) Note the potential for the use of Compulsory Purchase powers in relation to 25-37 High Street, Kippax.

## **1 Purpose of this report**

- 1.1 This report provides a context and proposes an approach to deliver improvements to land and buildings at 25-37 High Street following discussions with ward members, Kippax Parish Council and Kippax Traders Association.
- 1.2 The report seeks Executive Board approval to progress the preparation of a development brief for the site and to negotiate with the owner. It also raises the possibility of using compulsory purchase powers to underpin the delivery of a suitable scheme.

## **2 Background information**

- 2.1 Leeds City Council has for some time recognised the challenges facing town, district and village centres due to the emergence of internet shopping, out of town shopping centres and the economic downturn. In 2005, it established a programme called the Town and District Centre Regeneration Scheme to strengthen these centres using its capital resources and where possible attracting external investment.
- 2.2 Through this programme, the Council invested £10.3m which attracted a further £6.36m of external funding to deliver 54 separate projects in 16 town, district and village centres as set out below:
- Armley Town Street
  - Chapeltown Road
  - Cross Gates
  - Farsley Town Centre
  - Garforth Main Street
  - Guiseley Clock
  - Halton Village
  - Horsforth Town Street and Library
  - Kippax Village
  - Morley Bottoms
  - Oakwood Village
  - Otley Market Place
  - Pudsey Town Centre
  - Rothwell Marsh Street
  - Wetherby Town Centre
  - Yeadon High Street.
- 2.3 In Kippax, the programme invested £230,000 into the village centre in 2007/8 which delivered a range of improvements including:
- a community square at Cross Hills;
  - new signage, benches, bins and cycle racks;
  - improvement to shop fronts;
  - access improvements to shops;
  - 'viewpoint' landscaping and access to nearby woodlands.

2.4 These works led to a reduction in anti-social behaviour and improved pedestrian flows along High Street. This has contributed to a reduction in the number of vacant shop units and acted as a catalyst for further initiatives progressed by the Parish Council and Traders Association including shop front competitions and other shop window competitions and shop front improvements delivered by the businesses. The village also won a Gold Award and was joint winners of the Urban Community category in the 2012 Britain in Bloom competition. In addition, other improvements are being delivered through new development and conversion of the former Royal Oak pub.

2.4 In 2012, the Council established a Derelict and Nuisance Property Programme with the remit of tackling eyesore properties in town and district centres and neighbourhoods across Leeds. The programme aims to make more efficient use of Council resources to secure improvements to properties, reducing their impact upon the surrounding area while also encouraging the delivery of long term viable solutions.

### **3 Main issues**

3.1 25-29 High Street is an area of land which significantly detracts from the improvements delivered to date and creates a negative impression of Kippax village centre. This has been raised as a concern by ward members, the Parish Council and Kippax Traders Association for some time. The site which is c. 1 acre, includes four small businesses and is generally untidy detracting from the overall vitality and amenity of the village.

3.2 Immediately adjacent to this site is a Grade II listed building known as 'The Hermitage' at 31-37 High Street. The Council has been concerned for many years about the condition of this property which is not weather tight and requires works to its roof, windows, doors, guttering and stonework to provide long term protection to the building fabric. The property historically housed a number of shops, but is now only occupied by the owner who also owns the adjacent land. The land and building is included within the Derelict and Nuisance Property Programme and is a high priority for action due to its prominent location and condition.

3.3 Given the condition of the building, the Council has attempted to pursue enforcement action as a means of delivering the required improvements. However, the owner has failed to undertake the required works. The Council has considered the option of undertaking the works in default funded through the Derelict and Nuisance Property Programme. Whilst the Council could undertake the necessary works to comply with the enforcement notice, the likelihood is that taking such action will only deliver a short term improvement to the building, which is likely to fall back into a poor state of repair if a longer term sustainable solution is not implemented. Therefore, alternative options for the site are being explored working with ward members, the Parish Council and Kippax Traders Association.

3.4 The site has potential to contribute to an improved Kippax village centre by connecting it better to the High Street, with pedestrian routes through the site to the Church. Market research has been undertaken to identify development potential of the site which has indicated that the most viable and deliverable

solution may be a residential scheme with the potential for an area of public realm fronting onto the High Street and refurbishment of The Hermitage building to bring the retail units at the front of the building back into use. Such a scheme will support the regeneration and sustainability of the district centre which has already seen several improvements which have been brought forward by the Parish Council and Kippax Traders Association.

- 3.5 Kippax is a Neighbourhood Planning Pilot area and the Parish Council is coordinating the preparation of a plan. The proposals articulated above are expected to be consistent with the plan which will help to guide future development in the area. However, a development brief will also be produced for Executive Board approval. The intention is then to secure a developer through a formal process.
- 3.6 Subject to market conditions and the nature of proposals which emerge, it may be necessary for the Council to provide additional support to the scheme. The scope for ringfencing receipts from the disposal of other properties in Kippax has been raised as an option, including those which may be sold as a result of the asset review process. This will be considered on a case by case basis.
- 3.7 Repeated attempts have been made to progress discussions with the owner about both enforcement activity and a long term solution for the premises. Such efforts have proved unsuccessful. Further attempts will be made but there is every prospect that these will not result in a voluntary agreement with the landowner to deliver a scheme. Such a scheme may therefore only be implemented following the use of powers of compulsory acquisition. An appropriate power of compulsory acquisition given these circumstances is contained in Section 226(1)(a) Town and Country Planning Act 1990. This power enables acquiring authorities with planning powers to exercise their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development. The powers in section 226 Town and Country Planning Act 1990 are intended to provide a positive tool to help acquiring authorities with planning powers to assemble land. The powers are expressed in wide terms and can therefore be used by such authorities to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate. If there is a need to resort to such powers, this will be the subject of a further report to Executive Board.
- 3.8 The Council is mindful of the businesses which currently operate from the site and how such a scheme would impact on them. Initial discussions have taken place with the businesses to outline the Council's current position and to explore relocation potential as part of any scheme.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The Kippax and Methley Ward members, Kippax Parish Council and Kippax Traders Association have all been involved in delivering improvements to Kippax.

They have instigated the emerging ideas for the High Street and are keen to work with Council to secure further improvements.

4.1.2 Initial discussions have taken place with the businesses at 25-29 High Street to provide an overview of the proposed approach. Efforts have previously been made to speak with the owner of the site and building, but these have not been successful. Further approaches will continue to be made throughout the process.

4.1.3 As specific proposals emerge, there will be further discussions with those directly affected along with wider public consultation and engagement.

## **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 An Equality, Diversity, Integration and Cohesion screening has been undertaken to accompany this report. This concludes that proposals take equality issues sufficiently into account and notes (see item 4.5.1) the need to proceed with sensitivity so as to balance the rights of the individual with the rights and freedom of others.

## **4.3 Council policies and City Priorities**

4.3.1 The various initiatives contained within this report contribute to the delivery of the Best Council Plan 2013-17, specifically the objective 'Promoting Sustainable and Inclusive Economic Growth'. The achievement of the outcomes set out in this report also contributes to the Best City agenda, in particular Best City to Live; Best City for Communities and Best City for business.

## **4.4 Resources and value for money**

4.4.1 The approaches set out in this paper at 25-37 High Street are currently being supported by existing staff resources predominantly within City Development. Subject to market conditions and the proposals which emerge, the Council may be required to provide additional support secured through the ringfencing of receipts from property transactions. This will be considered on a case by case basis and approval will be sought from Executive Board should the proposal be to ringfence any receipts.

## **4.5 Legal Implications, Access to Information and Call In**

4.5.1 Article 8 and Article 1 of the first protocol to the Convention on Human Rights provide that a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedom of others. In arriving at this recommended course of action the human rights of the owner and the businesses have been considered and the action is considered to be proportionate. In the event that the use of compulsory purchase powers is contemplated then the impact that this would have both on the human rights of the owner and the businesses which operate from the site will need to be carefully considered to ensure that a proportionate balance is struck between the rights of the individual and the public interest that will result from the delivery of the scheme.

## **4.6 Risk Management**

- 4.6.1 There are a variety of risks which impact upon the various initiatives set out in this paper. In particular the performance of the economy is a key factor in the delivery of refurbishment and development schemes.
- 4.6.2 The main risk to the scheme at 25-37 High Street is the ability of the Council or developer to acquire the land and building to progress a scheme. Negotiations will continue and in the event that these do not prove successful there is the possibility of using powers of compulsory acquisition to deliver the scheme.

## **5 Conclusions**

- 5.1 25-37 High Street, Kippax is a high priority for the Councils Derelict and Nuisance Property programme and includes both land and a Grade II Listed building. The property detracts from the productive work undertaken in Kippax by ward members, the Parish Council and Traders Association including the delivery of a variety of public realm improvements through the Council's Town and District Centre Regeneration Scheme.
- 5.2 To secure improvements to the land and building, the proposal is to prepare a development brief for the site, secure a developer who will deliver the scheme, and acquire the property utilising compulsory purchase powers contained in S226 of the Town and Country Planning Act 1990.
- 5.3 Delivery of improvements to this property contributes to the Best Council Plan and will secure the continued regeneration of Kippax village centre.

## **6 Recommendations**

- 6.1 Executive Board is asked to:
- i) Approve the principle of further development within Kippax village centre;
  - ii) Approve the preparation of a Development Brief for 25-37 High Street Kippax, by the Director of City Development which will be presented to Executive Board for approval in the autumn and will support the procurement of a developer and outline the basis for redevelopment;
  - iii) Approve the continuation of negotiations by the Director of City Development with the owner; and
  - iv) Note the potential for the use of Compulsory Purchase powers in relation to 25-37 High Street, Kippax.

## **7 Background documents<sup>1</sup>**

- 7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.