

Report of : Head of Property Services

Report to : Chief Asset Management and Regeneration Officer

Date: 4 June 2014

Subject: Land to the rear of 53-63 Leadwell Lane, Rothwell, Leeds, LS26

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

Summary of main issues

1. The subject site, as identified on the attached plan, is privately owned and located to the rear of a row of terraced houses at Leadwell Lane Rothwell LS26. The site is allocated as Green Belt within the adopted Unitary Development Plan.
2. The site has been unlawfully used by travellers in the past which resulted in the issue of a Planning Enforcement Notice in July 2009 and the threat of legal action being taken by Planning Compliance in May 2012 to stop this use and clear the land.
3. The land is not currently being used by travellers but the works of clearance and restitution required by Planning Compliance have not been carried out by the landowner and the site was therefore included on the Derelict and Nuisance Property Programme (DNPP) in June 2013 and referred to officers in Asset Management and Regeneration who are responsible for the DNPP.
4. It is proposed that the site be acquired by the Council in order to prevent any future unlawful use. Discussions will be held with local residents over the long term use of the land which may involve those residents in dealing with the restitution of the land and its future use as community or individual gardens maintained by them. If no agreement is reached with residents the Council will carry out works to clear it, reseed with grass and maintain it in the future in conjunction with the adjacent Council owned play area.

Recommendations

5. It is recommended that approval is given to enter into negotiations with the owner of the site with a view of agreeing terms to purchase the land with any agreed terms to be reported back for consideration by the Chief Asset Management and Regeneration Officer.
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1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to enter into negotiations to acquire land to the rear of 53-63 Leadwell Lane Rothwell Leeds LS26 by way of agreement.

2 Background information

- 2.1 The subject site, as shown on the attached plan, measures approximately 0.09 Ha (0.22 acres). It is located to the rear of a row of terraced houses at 53-63 Leadwell Lane Rothwell and is accessed by a narrow gap between 51 and 53 Leadwell Lane. There is an unmade footpath which passes between the subject site and an adjacent Council owned play area and provides pedestrian access to open farmland to the rear.
- 2.2 The land is privately owned and was, according to searches at Land Registry, acquired by the current owner Mr Martin Connors in April 2009. The site has been laid with hard-core and used to site travellers' caravans without consent. A Planning Enforcement Notice was issued in July 2009 to cease this use but not complied with until in May 2012 Planning Compliance served notice of its intention to apply for an injunction to stop this use and with a requirement to carry out restitution works to the land.
- 2.3 The site has been vacated of caravans but the required restitution works to the land have not been undertaken.

3 Main issues

- 3.1 The land is an eyesore and is of concern to local residents and has attracted some anti-social behaviour. Representations have been made by the Executive Member for Health and Wellbeing, who is a councillor in the Ardsley and Robin Hood ward, to acquire the land.
- 3.2 The site has been referred to officers in Asset Management and Regeneration who administer the Derelict and Nuisance Property Programme (DNPP).
- 3.3 Officers from Asset Management and Regeneration have requested that Property Services approach the owner to negotiate the purchase of the property.
- 3.4 Funding to acquire the land and carry out the restitution works will come from the DNPP and officers are investigating other sources of finance to provide a commuted sum to Parks and Countryside to maintain the land in the future. Confirmation of this funding will be detailed in any subsequent report detailing the terms provisionally agreed to purchase the land.
- 3.5 At the same time that negotiations are being undertaken to purchase the land, discussions will be held with local residents over its long term use which may reduce the financial contribution required from the DNPP by involving residents in

undertaking the restitution of the land in exchange for a future use as community or individual gardens maintained by residents.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Ward Members from Ardsley and Robin Hood and the adjoining ward of Rothwell have been consulted by officers from Asset Management and Regeneration and the local Area Support Team regarding the proposal to acquire the subject land and carry out works to bring it back into beneficial use. All Ardsley and Robin Hood councillors have responded supporting the proposal and requesting that residents are consulted on the future use of the land. One councillor has suggested that the Council could raise some income from the land by letting it to residents.

4.1.2 The Executive Member for Transport and the Economy and the Executive Member for Neighbourhoods Planning and Personnel were consulted on 9 April 2014 regarding the purchase of the land and are supportive of this arrangement.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The proposal has no specific implications for equality, diversity, cohesion and integration.

4.3 Council Policies and City Priorities

4.3.1 The purchase of the subject land to allow its restitution to a beneficial use supports the corporate priority for creating better neighbourhoods and confident communities.

4.4 Resources and Value for Money

4.4.1 The cost of acquiring the subject land and carrying out restitution works will be met from the Derelict and Nuisance Property Programme. Confirmation of this and the source of funding for a commuted sum to allow Parks and Countryside to maintain the land will be detailed in a subsequent report detailing the provisionally agreed terms for a purchase.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including valuation, acquisition, appropriation, disposal and any other dealings with land or any interest in land) and Asset Management.

4.5.2 The Chief Asset Management and Regeneration Officer has authority to take the decisions requested in this report under Executive functions 1 and 10 (specific to the Director of City Development) of the Director of City Development's sub delegation scheme.

4.5.3 The proposal constitutes a significant operational decision and is therefore not subject to call in.

4.6 Risk Management

- 4.6.1 There is a risk that the Council will be unable to reach agreement to purchase the property as the owner has proved difficult to contact in the past. Should this happen discussions will be held with Legal Services to investigate the possibility of acquiring the land by other means and a further approval may be sought in this case.

5 Conclusions

- 5.1 It can be concluded that acquiring the subject land will allow its restitution and bring it back into beneficial use thus preventing any future unlawful or anti-social uses on it.

6 Recommendations

- 6.1 It is recommended that approval is given to open negotiations with the owner of land to the rear of 53-63 Leadwell Lane Rothwell Leeds LS26 to purchase the land by agreement with any provisionally agreed terms and confirmation of funding to be reported back to the Chief Asset Management and Regeneration Officer for consideration.

7 Background documents¹

- 7.1 None

¹ 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.