

**Brotherton House, Westgate, Leeds, LS1 2RS**

Date: 10<sup>th</sup> December 2021

Report of: Land and Property

Report to: Director of City Development

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

### **What is this report about?**

#### **Including how it contributes to the city's and council's ambitions**

- This report is seeking approval to
  - a) grant rights of access, and
  - b) grant a licence for works to temporarily erect scaffolding

The subject sites are outlined in bold on plan 20391/G and are surrounding Brotherton House. They collectively measure approximately 0.14 ha (0.35 ac) and enable the developer to implement their planning permission [20/01412/FU].

- The land surrounding Brotherton House has little or no development potential when considered in isolation. However, the subject sites can be brought forward for enhanced development when included in the scheme designed by the developer. Together, the development which includes the Council's land will help deliver better outcomes by supporting communities and promoting sustainable and inclusive economic growth as set out in the Best Council Plan.

### **Recommendations**

- It is recommended that approval is given to the granting of access rights for landscaping works and maintenance and a licence for works to temporarily erect scaffolding over and on the subject sites.

### **Why is the proposal being put forward?**

- 1 The developer and owner of Brotherton House (named in the confidential appendix) has successfully obtained planning permission to bring forward the development and operation of new student accommodation at the property. This will include the refurbishment of Brotherton House itself and the development of a new tower block of student accommodation on the southern portion of the site, that is currently laid out as car parking and landscaping.
- 2 The small and unusually shaped parcels of land that are currently owned by Leeds City Council are unlikely to accommodate development in isolation. The developer requires the Council's sites to implement its planning permission. The subject sites therefore have worth to the consented scheme.

### **What impact will this proposal have?**

#### **Wards Affected: Little London & Woodhouse**

Have ward members been consulted? Yes No

- 3 This transaction will facilitate the delivery of an improved student accommodation through the refurbishment of Brotherton House and the construction of a new tower block, which have the benefit of a planning permission. The transaction will also generate revenue to support the Best Council Plan and provide for an enhanced setting for the neighbourhood which will be maintained by the owners of the proposed development

**What consultation and engagement has taken place?**

- 4 Ward Members were consulted by e-mail on 8<sup>th</sup> October 2021. No comments were received.

**What are the resource implications?**

- 5 The transaction will generate revenue to support the Council's revenue budgets.
- 6 The developer is going to be responsible for ongoing maintenance of land thus removing the Council's current maintenance liability for the grassed areas and the trees.

**What are the legal implications?**

- 7 Under Part 3, Section 3E (g) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of the Executive in relation to Asset Management.
- 8 The Chief Officer Asset Management and Regeneration, Head of Asset Management and Deputy Head of Land and Property have authority to take decisions in relation to Asset Management as delegated in the Director of City Development's sub delegation scheme.
- 9 The proposal constitutes a Significant Operational Decision and is not subject to call in.
- 10 The Chief Officer Asset Management and Regeneration confirms that the proposed transaction set out above is the method most likely to result in the Council achieving the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).

**What are the key risks and how are they being managed?**

- 11 There is a risk that the developer could submit a revised application that doesn't require the Council's land. However, advice given by Planning Services is that a scheme which did not include the Council's land would be unlikely to receive planning consent. The planning advice effectively mitigates this risk.

**Does this proposal support the council's 3 Key Pillars?**

Inclusive Growth

Health and Wellbeing

Climate Emergency

- 12 The transaction will result in revenue to the Council that will contribute to the Best Council Plan by supporting communities and promoting sustainable and inclusive economic growth by providing student housing and jobs for the local community.
- 13 The developer will be bound by the planning authority and will have to refurbish Brotherton House and construct the new tower block to current standards which will be much more energy efficient than what's already in situ.
- 14 The developer is going to make improvements to the surrounding Council owned land including resurfacing, widening footpaths and cycle ways as well as landscaping works which will make the immediate environment safer for pedestrians and improve connectivity through and around the site.

**Options, timescales and measuring success**

**a) What other options were considered?**

- 15 The Council could decide not grant access rights over the subject sites or a licence to carry out works, but in doing so the Council could potentially inhibit the refurbishment of Brotherton House and prevent the wider regeneration benefits that the development would bring in the short and long term.

**b) How will success be measured?**

16 Success will be measured by the completion of the legal documents between the Council and the developer and completion of the payment to the Council.

**c) What is the timetable for implementation?**

17 The transaction is expected to complete this financial year, before April 2022.

**Appendices**

18 None.

**Background papers**

19 None.