



**Not for Publication:** Appendix 1 of this report contains confidential information under Access to Information Procedure Rule 10.4 (3), in that it contains information relating to the financial affairs of the Council.

## Report of the Director of Environment and Neighbourhoods

### Executive Board

**Date:** 13 May 2009

**Subject:** West Leeds Gateway Site – 2 Branch Road

#### Electoral Wards Affected:

Armley

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

## EXECUTIVE SUMMARY

A Grade II Listed building, the restoration and future use of 2 Branch Road is a key priority for the successful delivery of Armley Town & District Centre Scheme and Armley Townscape Heritage Initiative, as well as key to meeting the aspirations of West Leeds Gateway Area Action Plan and the Leeds Bradford Corridor Programme.

The building currently has a number of unauthorised external signs which should have received consents before being put up, but did not. Internal alteration works have also taken place without required Listing Building Consents.

Initial discussions with the owner about acquisition were unsuccessful, although dialogue is still ongoing in an attempt to secure a mutually acceptable purchase.

Options for the future use of the building are currently being explored.

This report seeks in principle approval for the pursuing of a CPO in respect of 2 Branch Road, should a negotiated acquisition not prove possible.

## **1.0 PURPOSE OF REPORT**

- 1.0 The purpose of this report is to seek Executive Board in principle approval to the Compulsory Purchase of 2 Branch Road, Armley.

## **2.0 BACKGROUND**

- 2.0 The property in question, 2 Branch Road Armley, is a former Methodist chapel, built in 1905, currently privately owned and in use as a carpet warehouse and paint shop. The building has a Grade II Listed status and falls within the recently designated Armley Conservation Area.
- 2.2 The property is a key landmark, in a prominent corner location on a main thoroughfare (Stanningley Road) providing access to the commercial centre of Armley, as well as forming part of the West Leeds Gateway, and eastern fringe of the Leeds Bradford Corridor.
- 2.3 As the building is of such prominence in the area and is currently not in a state befitting its Grade II Listed status, securing improvements to it and a future use that will contribute towards the regeneration of Armley Town Centre is a key priority for the successful delivery of both the Town & District Centre Programme and the Townscape Heritage Initiative.
- 2.4 Over a number of years the present owner has made changes to the building without required Listed Building Consents. At present there is unauthorised signage to the exterior of the building, alteration works that have taken place internally with no consent and deterioration to the fabric of the property. Other works carried out to the property include the removal of plasterworks to the first floor vaulted ceiling, the partial boarding up, rather than repair, of a large window over the property's main entrance. In addition, general maintenance of the property has fallen short of that required for such a building, resulting in a leaking roof, blocked gutters and the lightwell being filled with rubbish.
- 2.5 Enforcement notices have been served in the past on the present owner. In both 2001 and 2003 the owner was fined, following legal proceedings, for the placing of unauthorised signage to the exterior of the building.
- 2.6 Discussions with the owner about the general state and possible acquisition of the property were restarted in September 2008.
- 2.7 In December 2008 an Advertisement Discontinuance Notice, a Listed Building Enforcement Notice and a Section 215 Enforcement Notice (re: untidy land) were served on the owner. An appeal has been lodged against the Listed Building Enforcement Notice, which is anticipated will take about 6 months to resolve.
- 2.8 In December 2008, the property was re-valued by an independent agency appointed in agreement with the owner. However, following receipt of the new valuation the owner indicated that he did not accept the revised valuation figure.

## **3.0 STRATEGIC FIT**

- 3.1 The acquisition of 2 Branch Road, for the purpose of re-instating the building to meet its Grade II Listed status, securing a future use that will contribute to the regeneration of Armley, and more widely, the Council's aspirations for the West Leeds Gateway, fits with a number of local plans and initiatives:-

### a) Armley Town Centre Improvements

In order to deliver a comprehensive regeneration project to Armley Town Centre, two complementary funding streams have been brought together, the Council's Town & District Centre (T&DC) Programme and the Townscape Heritage Initiative (THI), funded by the Heritage Lottery Fund.

Using these sources of funding a scheme has been developed that will make significant improvements to the public realm and pedestrian use of the area. Resurfacing will take place on pavements using Yorkstone, existing street furniture will be replaced with new heritage style railings, seats and lighting columns, as well as some public art.

The scheme will also deliver improvements that will help support local businesses in the town by enhancing the visual appearance, thus increasing footfall and the desirability of Armley Town Centre as a shopping location.

An essential part of the holistic regeneration of the town, especially from a THI point of view is the re-instating of 2 Branch Road into a building befitting its Listed Building status. Should the property not be restored within the lifetime of the THI, the scheme for Armley will be judged, by the Heritage Lottery Fund, to have failed.

b) West Leeds Gateway Area Action Plan

West Leeds has been prioritised by the City Council as one of the first areas to be the focus of an Area Action Plan. The plan highlights 2 Branch Road as a key site within the area, detailing existing issues with the property such as the unauthorised signage and deterioration of the fabric of the building, as mentioned in paragraph 2 above. The plan cites in relation to the property that 'measures are needed to improve the appearance and find an alternative use, which would ensure a viable future for the building and create a positive entrance to Armley Town Centre. Should it prove necessary Compulsory Purchase powers could be used.'

A meeting with Government Office in January 2009 was supportive of the draft plan's direction; it is expected to be formally adopted by early 2010.

c) West Leeds Gateway Strategic Delivery & Investment Plan

This plan has been developed as an appendix to the Area Action Plan (AAP), linking in with the AAP's five strategic themes, and as such will be formalised in early 2010 when the AAP is adopted. It looks at the detail of how and when regeneration activity in the area is to take place over the first 5 years.

One of the main aims of the Strategic Delivery and Investment Plan is to 'create an inviting and prominent local 'gateway' to the area', explicitly including securing a suitable future use for 2 Branch Road.

d) Leeds Bradford Corridor

The Leeds Bradford Corridor stretches from Armley Gyratory, west through Armley, Bramley and into east Bradford. The Leeds Bradford Corridor is strategically important for both Local Authorities, in terms of housing, commercial development and employment opportunities. It is also a recognised priority within the Regional Spatial Strategy.

A delivery programme, expected to be finalised in December 2009, is currently being developed by a joint Leeds Bradford appointed Programme Manager. To date a Leeds Bradford Corridor Study has been commissioned and completed, which focuses amongst other things, on 'improving the image and appearance of the Leeds Bradford Corridor'. The improvement of 2 Branch Road would provide a significant contribution towards this objective, given its prominent position in the Leeds Bradford Corridor.

## **4.0 FUTURE USE**

4.1 In 2008, an informal planning brief was produced by Council officers for the 2 Branch Road site. The site is designated within the Town Centre boundaries of Armley, and as such the planning brief provides guidance on possible uses which would be acceptable under PPS6 – Planning for Town Centres, including:-

- Restaurant;
- Arts, culture and tourism;

- Leisure, entertainment facilities;
- Retail; and
- Residential use of part of the building may also be considered.

4.2 In addition to the above options, work is currently being undertaken to assess the feasibility of 2 Branch Road as a location for a West Leeds Enterprise Centre, to be delivered via the city's LEGI programme.

## **5.0 FINANCIAL & RESOURCE IMPLICATIONS**

5.1 At this point there are no financial or resource implications to consider. Should full approval be sought from Executive Board to progress with a CPO for the acquisition of 2 Branch Road, then a further report will be required providing a comprehensive case for the need of such action, along with full details of how costs for such proceedings, including acquisition, will be covered.

5.2 The information contained in the confidential part of this report relates to the financial or business affairs of the Council. The information provides a brief overview of the anticipated costs and identified funding associated with the proposed acquisition. It is considered not to be in the public interest to disclose this information at this point in time as it could undermine the Council's position in negotiating with the building owner. The release of this information could also prejudice the Council's interests in relation to this or other similar transactions in that the land owner of this or other similar properties would have information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of any transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4 (3) of the Access to Information Procedure Rules.

## **6.0 CONSULTATION**

6.1 Consultation has taken place with Ward Members via their involvement on the West Leeds Gateway Board and/or the Armley Forum, where support has been given to the acquisition of the property.

## **7.0 LEGAL IMPLICATIONS**

7.1 At this stage an in principle approval is being sought from Executive Board and therefore no immediate legal implications exist.

7.2 Legal advice has been sought in relation to pursuing a CPO, and will continue to be sought throughout the process of securing acquisition of the property. In the event that the Council is minded to promote a Compulsory Purchase Order in respect of these premises then relevant powers to be considered are contained in both Section 226 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and Section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In deciding which power to exercise, the Council as acquiring authority must make a compelling case in the public interest which is proportionate in the circumstances and be able to justify its proposals. A decision to promote a CPO will be the subject of a further report to Executive Board.

7.3 Should Compulsory Purchase action become necessary, regard must be had to the Human Rights Act 1998 including where applicable Articles 1, 8 and 14 of the First Protocol. In the case of each of these Articles (and indeed other provisions in the Convention) the Council in any future recommendation to authorise officers to make a CPO will be required to be conscious to strike a fair balance between the rights of the individual and the interests of the

public. Compensation would be payable to persons affected, and any compulsory acquisition would be considered to be compatible with the Human Rights Act.

## **8.0 CONCLUSION**

- 8.1 The Grade II Listed building at 2 Branch Road is a prominent and well recognised property within West Leeds.
- 8.2 The building in its current state creates a negative image, but has the potential due to its architectural merit to act as a positive and leading symbol of the transformation that this area will undergo in the next 15-20 years.
- 8.3 Restoring and securing a viable future use for the property are both essential to the successful delivery of aspirations of the West Leeds Gateway Area Action Plan, the Leeds Bradford Corridor and the Armley Town Centre Improvement Scheme.
- 8.4 All endeavours will be made to negotiate a mutually acceptable acquisition of the building, should this however not prove possible then the Council may need to exercise, as a last resort, its Compulsory Purchase powers.

## **9.0 RECOMMENDATIONS**

- 9.1 Executive Board is asked to note the contents of the report and give in principle approval to the use of Compulsory Purchase powers to achieve the acquisition of 2 Branch Road, should this be necessary, subject to a further report seeking full approval.

## **10.0 BACKGROUND PAPERS**

- October 2008 – Informal Planning brief for 2 Branch Road
- December 2008 - Property Valuation produced by Colliers CRE
- 22<sup>nd</sup> December 2008 - Councillor Carter Briefing Note
- 6<sup>th</sup> March 2009 – Town & District Centres and the Leeds Townscape Heritage Initiative Asset Management Board report
- April 2009 - Enforcement Action Plan