

Minutes of a meeting of the Regulatory and Appeals Committee (sitting as Trustees) held on Thursday 9 March 2017 at City Hall, Bradford

Commenced 11.50 am
Concluded 1.00 pm

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Brown	Abid Hussain Wainwright Warburton Watson	Griffiths

Councillor Warburton in the Chair

74. DISCLOSURES OF INTEREST

There were no disclosures of interest in matters under consideration.

75. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

76. REQUEST FOR THE SALE OF LAND AT PARKWOOD STREET, KEIGHLEY

The Strategic Director, Place submitted a report (**Document “AJ”**) in respect of a request for the sale of a parcel of land at Parkwood Street, Keighley to an adjoining business to facilitate the extension of its existing service yard.

The report explained that the land formed part of Parkwood Recreation Ground, Keighley; a registered charity of which the Council was the sole trustee. The Recreation Ground had been conveyed to the Borough of Keighley by the Duke of Devonshire and the Chatsworth Estate by virtue of a conveyance dated 27 September 1928.



The Strategic Director responded to Members' questions as follows:

- A request had been made to the Duke of Devonshire that the requirement for 66% of the sale proceeds to be paid to the Chatsworth House Trust be rescinded but it had been refused.
- If the Trustees were concerned about the potential use of the land for anything other than parking vehicles then an appropriate covenant could be imposed.
- The length of time that had passed since the Scout Hut had been located on the land was unknown. The land was now considered to be regenerated.
- The provision of screening was a condition of the related planning consent but could also be made a condition of sale.

He also reported on the substance of a further letter of objection, received since the publication of his written report. Members were advised that they should take account of the issues raised in making their decision.

A representative of the objectors made the following comments:

- The Committee had been offered two options; to agree to the sale of the land or to refuse to sell it.
- The Committee was being asked to agree to the sale for £5,000 (this being the amount that would be retained by the Charity further to the sale).
- It was questioned whether the charity would receive the money.
- What guarantees were there that the money would be spent on Parkwood?
- Would it not be preferable for the buyer to make ongoing regular payments to compensate for the loss of this land rather than a one-off payment.
- The reasons given for the sale were that the land had become overgrown, was subject to fly tipping, was unused and it was therefore unfit for recreational purposes. The Friends of Parkwood Group (FoP) could remedy this situation; they would reopen the footpaths and the stiles and run events on the site. These could include social and educational events such as bushcraft courses. Schools could become involved and local people consulted on what they would like to see on this site. Seating and signage could also be provided. The land could be rejuvenated and this would benefit the FoP, local residents and other users of the Recreation Ground.
- If permission for the sale was refused the FoP could put the land to good use.

The Strategic Director explained that any proceeds from a sale, if approved, would be kept in a dedicated bank account and only used for Parkwood Recreation Ground. Any expenditure of the funds would be submitted to the Committee for approval. Officers could work with the FoP to spend the monies in the most appropriate manner.

In response to a question from a Member of the Committee, he said that access to the land at the present time was limited; the two stiles and the footpaths were overgrown.

The objector's representative also responded to questions from Members as



follows:

- No work had been undertaken in this area by the FoP in the past as this was a controversial issue and they had not wished to provoke the potential purchaser.
- The FoP group had been in existence for approximately four years. Even in its current state it was considered that the land was valuable; it provided sanctuary for wildlife.
- He personally guaranteed that the work would be undertaken if permission for the sale was refused.
- The FoP Group undertook conservation activities throughout the wood but just had not done so in this particular location.

In response to a question about the potential for the removal of parked HGVs from Parkwood Street, the Independent Legal Adviser to the Trustees said that the position in respect of matters outside the boundary of the Recreation Ground was not relevant except for insofar as they had a direct impact on the park.

The applicant spoke briefly in support of the application. He said that:

- This was a small strip of land that was currently inaccessible, waterlogged, overgrown and unused.
- A significant financial offer had been put forward to provide improvements to the Recreation Ground.
- The acquisition of this piece of land would not affect the profit made by the Company but would help prevent on street parking and improve safety.
- The area would act as an off road waiting area for vehicles awaiting MOT tests.
- The company had the capacity to undertake more work but nowhere to park vehicles.
- Any repairs were undertaken in the two vehicle workshops.

Further to an additional question, the Strategic Director said that the archive had been checked and there was no record of a sale of land in 1996 (as referred to in the objections) but, in any case, he did not consider this to be relevant in terms of this application.

Members made the following comments:

- Although minded to support sale of the land it was important to protect amenity. The Trust had to decide on what was best for Parkwood and this should not rely on conditions attached to a planning consent. No activities should be permitted on this land that would be detrimental to the use of the Recreation Ground and the remainder of the park should be protected.
- There was an active 'Friends' group and any work should be undertaken in consultation with this organisation.
- If the money was used to improve other areas of the park the sale, as proposed, was supported.



Further to which it was

Resolved –

That the sale of the parcel of land at Parkwood Street, Keighley, as indicated in Document “AJ”, be approved subject to:

- (i) the implementation of an approved tree planting scheme to screen the parking area and the provision of a new entrance into the woodland from Parkwood Street, at the expense of the purchaser,**
- (ii) the imposition of a restrictive covenant that the land is not to be used for any activities that may cause nuisance or be detrimental to the use of the Recreation Ground,**

and that the net proceeds be reinvested in the Parkwood Recreation Ground in consultation with the ‘Friends of Parkwood’.

ACTION: Strategic Director, Place

77. ROYD HOUSE TRUST, WILSDEN - DISTRIBUTION OF CAPITAL INTEREST

Previous reference: Minute 59 (2014/15)

The Strategic Director, Place presented a report (**Document “AK”**) which requested the approval of the Committee to applications for the distribution of capital interest from the Royd House Trust, Wilsden from Wilsden Scout Group and Wilsden Village Hall.

The report reminded Members that the purpose of the Trust was to ‘apply the income of the Charity for improvements (other than maintenance) of the property belonging to the charity as the trustees consider appropriate to meet the objectives of the charity and thereafter for the charitable purposes for the benefit of the inhabitants of Wilsden’.

Resolved –

That the applications for funding from the Royd House Trust, Wilsden, as set out in Document “AK”, be approved and that the Strategic Director, Place distribute the funds accordingly.

ACTION: Strategic Director, Place

78. PRIESTHORPE ANNEXE, MORNINGTON ROAD, BINGLEY

A report was submitted by the Strategic Director, Corporate Services in relation to Priesthorpe Annexe, Mornington Road, Bingley which was held by the Council as Trustee of the former Bingley Science Arts and Technical School (**Document “AL”**).



The report explained that the building had been empty since 2002 and was in a poor state of repair. The Council had been unable to find a use for the building that would promote the objectives of the Trust (for the educational benefit of the people (children and adults) of Bingley) or to provide a revenue budget to maintain it. Approval was therefore sought to sell the property and for the proceeds of the sale, after costs and grant repayment, to be used to further the educational objectives of the Trust.

The City Solicitor responded to Members' questions:

- The issue of retention and re-use had been considered but the building was no longer needed and there was no educational use for it at this time.
- The proceeds of any sale would be banked separately and the Trustees would then make decisions on how these funds were allocated.

A Town Councillor addressed the Committee with the following points:

- There was a clear will to progress with this site.
- The Town Council would consider the issue at its next meeting.
- The degeneration and present state of this key unlisted building was a source of anger and frustration for local people.
- The recommendation that representations be sought in respect of the future of the building was welcomed.
- It could not be assumed that if sold the building would be developed; there were numerous examples of empty or derelict buildings in the locality which caused a blight on the town. There was a risk that it could be allowed to degenerate further. The building was already in a very poor state and had a negative impact on the neighbourhood.
- There was a primary school located opposite and it was surrounded by footpaths.
- It was requested that the Trustees consider the 'disposal' of the building rather than its definite sale as this term could also include other options such as its potential lease or transfer. If it was sold it was suggested that it may be possible to include conditions to ensure that it was developed in a sympathetic and timely manner.
- A early and clear steer from the Conservation Officer would assist in the prompt and appropriate development of the site and it was requested that they be consulted now and asked to report on the potential ways forward.
- It was considered that there was a need for clarity in respect of the definition of 'educational benefit' and how this could be delivered.
- The report stated that there was a risk of criticism of the Council for the failure to maintain the property but this also applied if the Trustees failed to dispose of the property in a thoughtful and careful way.
- The process of disposal needed to be carefully managed or the building could continue to be a problem for Bingley.



- The Trustees were asked to consider how they could use the opportunity to ensure that the site was brought back into productive use and could serve the people of Bingley as intended.

The Independent Legal Adviser to the Trustees and the City Solicitor answered further questions from Members:

- The sale of the building for the best possible price was a straightforward process that would clearly benefit the Charity. Other options could be considered but the Charity Commission would have to be consulted.
- The building had last been used for educational purposes in 2002.
- The situation in this case whereby the Council acted as Trustee meant that it was more complex in terms of whether the building could be considered to be an asset or a liability than if it was just owned by a charity. The Charity had no funds that could be spent on the property, the building was its only asset.

The Strategic Director explained that:

- The property was held by the Council as Trustee.
- The Trust had no financial means to maintain the property.
- Attempts had been made to identify another operational use but had failed. The building had continued to deteriorate in the meantime and the Trustees approval was needed in order that action might be taken.
- It was considered that the only realistic means to fulfil the terms of the Trust was to dispose of the property and reinvest the funds.
- Regular discussions were undertaken with the Education Funding Agency in respect of potential sites for free schools, this could be discussed with them during the consultation process.

Members expressed the following views:

- The points raised by the Town Council were compelling and additional time should be permitted to consider other options.
- At the present moment the Charity was achieving no educational benefit from the property so any move forward would be an improvement.
- It was not believed that the building would be suitable for a new school.
- If the site was bought for a free school this would mean that there was a double benefit in education terms.
- There was a risk of further deterioration in the future but the Trustees had to use the property to achieve the best possible benefit for the Trust's aims and disposal seemed to be the only way to do this.

Resolved –

- (1) That the Strategic Director, Corporate Services seek representations from the public in respect of the proposed disposal of Priesthorpe Annexe, Mornington Road, Bingley.**
- (2) That, having given due consideration to the representations received,**



the Strategic Director, Corporate Services refer the matter back to this Committee for further consideration or, if no objections are received, progress the disposal of the property and, subject to further legal advice, use the net sale proceeds for the educational benefit of the people of Bingley.

ACTION: Strategic Director, Corporate Services

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

