

## Agenda for a meeting of the Regulatory and Appeals Committee (sitting as Trustees) to be held on Thursday, 13 September 2018 at 12.00 pm or on the rising of the earlier meeting of the Committee whichever is the later, in the Banqueting Hall, City Hall, Bradford

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Brown Cooke	Amran Wainwright Warburton Watson	Griffiths

### Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis M Pollard	Azam Godwin S Hussain Lal	R Ahmed

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0915 in the Banqueting Hall on the day of the meeting.**
- Interested parties are asked to note that speaking at the meeting is only with the permission and at the absolute discretion of the Chair..

### From:

Parveen Akhtar  
City Solicitor  
Agenda Contact: Sheila Farnhill  
Phone: 01274 432268  
E-Mail: sheila.farnhill@bradford.gov.uk

### To:

## **A. PROCEDURAL ITEMS**

### **1. ALTERNATE MEMBERS (Standing Order 34)**

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

### **2. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

*Notes:*

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

## **B. BUSINESS ITEMS**

### **4. PRIESTHORPE ANNEXE, MORNINGTON ROAD, BINGLEY** **Bingley**

1 - 32

Previous references: Minutes 78 (2016/17), 29 and 85 (2017/18) and 21/6/18

The City Solicitor will present a report (**Document "X"**) in relation to the Priesthorpe Annexe, Mornington Road, Bingley which is held by the Council as Trustee of the former Bingley Science, Arts and Technical School.

This property has been considered at a number of previous meetings of the Trustees including, most recently, on 21 June 2018 when it was resolved, amongst other things:

*"That, having sought expressions of interest, the Interim City Solicitor, in consultation with the Assistant Director – Estates and Property, be authorised to dispose of the Priesthorpe Annexe, Mornington Road, Bingley to Party "D", this party having made the highest unconditional offer."*

The report explains that it had come to light that Party D has instructed its solicitors that the sale should be to a connected company (referred to as 'Party I'). The Trustees are therefore asked to consider a further report from the independent chartered surveyor and to decide on what basis the sale should proceed.

**Recommended –**

**That the sale of the Priesthorpe Annexe, Mornington Road, Bingley proceed to Party "I".**

(Richard Winter – 01274 434292)

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## **Report of the City Solicitor to the meeting of the Regulatory & Appeals Committee (sitting as Trustees) to be held on 13 September 2018**

# X

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**Subject: Priesthorpe Annexe, Mornington Road, Bingley**

### **Summary**

**Priesthorpe Annexe, Bingley is held by the Council as Trustees of the former Bingley Science Art & Technical School. The Committee's (the Trustee's) review of the current position sitting as Trustees is required and consideration of the options and recommendations set out below.**

**On the 21<sup>st</sup> June the Trustees resolved –**

- (1) That, having sought expressions of interest, the Interim City Solicitor, in consultation with the Assistant Director – Estates and Property, be authorised to dispose of the Priesthorpe Annexe, Mornington Road, Bingley to Party “D”, this party having made the highest unconditional offer.**
- (2) That the Interim City Solicitor (acting on behalf of the Trustees) be authorised to give a valid receipt for the proceeds of sale when the sale completes.**
- (3) That the Interim City Solicitor notifies the Trustees once the sale has completed.**
- (4) That the Interim City Solicitor be requested to seek views from relevant parties, including the Ward Councillors and the Town Council, in respect of the use of the funds arising from the sale, in accordance with the terms of the Trust, and to submit a further report to the Trustees in due course.**

Parveen Akhtar  
City Solicitor  
Report Contact: Richard Winter  
Acting as Solicitor for the Trustees  
Deputy Team Leader Property Commercial  
and Development Law Team  
Phone: (01274 434292)  
E-mail: richard.winter@bradford.gov.uk

## **1. SUMMARY**

- 1.1 The building now known as the Priestthorpe Annexe, Bingley is held by the Council as Trustee of the former Bingley Science Arts and Technical School (the Trust School).
- 1.2 The Trustees resolved to dispose of the Trust School to 'Party D' in June 2018.
- 1.3 However in the course of the proposed sale it has been brought to the notice of the City Solicitor acting for the Trustees that Party D has instructed its solicitors that the sale should be to its connected company ( later referred to as Party "I").
- 1.4 The Trustees need to consider an additional report from their independent chartered surveyor in respect of the status of this proposed purchaser Party I and whether or not the sale should proceed to Party I.

## **2. BACKGROUND HISTORY**

- 2.1 The terms of the Trust are set out in a conveyance dated the 23<sup>rd</sup> October 1889 between Alfred Sharp Esquire and the trustees of the will of James Sharp Esquire who conveyed the land to the " Trustees of 'the former Bingley Technical School'. The conveyance sets out various educational objectives of the trust which benefit both children and adults of Bingley.
- 2.2 A conveyance of a second parcel of land (blue land ) forming part of the current premises (see plan at Appendix 1) is dated 29 September 1896 and made between (1) Elizabeth Sharp and Others and (2) The Trustees of 'the Bingley Technical School'. This conveyance also contains terms relating to the operation of the Trust.
- 2.3 The Charitable Trust is not registered with the Charity Commissioners (the Commissioners). The Commissioners however offered advice to the Council's City Solicitor acting for the Trust on the interpretation of the Trust documents some 6 years ago and more recently in December 2017 on the matter of the grant from HM Treasury to build the school made, presumably, sometime around or between 1889 and 1896.
- 2.4 Following the conveyance to the Trustees in 1889 and 1896 of the land upon which 'the Trust School' was built the land and school building many years later vested in Bingley Urban District Council as the former education authority. Subsequently the property vested in the West Riding County Council under the Education Acts.
- 2.5. Ultimately the property became vested in the Council as Trustees on 1<sup>st</sup> April 1974 by virtue of the Local Government Act 1972. The Council's ownership of the land and former school as Trustees is as shown in its registered title and plan (see Appendix 1 for the plan)
- 2.6 Broadly speaking the 1889 conveyance implies that 'the Trust School' was to be used for the educational benefit of the people (children and adults) of Bingley. Until 2002 the building was used for the provision of education and vocational training.
- 2.7 The building's main use ceased in 2002 but was occupied at least in part until 2006. Since 2006 the building has gotten into a poor state of repair and has no longer been used for the educational purposes of the trust. It is however in a Conservation Area and is thus worthy of protection if at all possible.

- 2.8 The Council after considerable efforts through its Estates and Property Service was unable to find a use for the building that would promote the educational objectives of the Trust or a revenue budget to maintain it.
- 2.9 Following the meeting of the Trustees in March 2017 two public consultation exercises were made in connection with the disposal of the Trust School in accordance with the Trustees Act 2000 and Charities Act 2011 and no public objections were received to the proposed disposal.
- 2.10 No further consultation is required at the present time given the current circumstances.
- 2.11 As has been stated above the building was partly occupied between 2002 and 2006 when it finally closed for use. This was due to the Council being unable to identify a use for the property which complied with educational aims and objectives. The Council has insufficient funds to repair and maintain the building and the Trust has no income or other assets. Consequently, the property has fallen into significant disrepair and is now believed to be perhaps beyond economic and physical repair.
- 2.12 A number of complaints were received since 2002 about the condition and deterioration of the former school and officers are concerned that given the lack of resources the building will continue to deteriorate. The deterioration of the building is due to a number of factors amongst others that the building has stood unoccupied since 2006. Also in April 2009, it is believed in anticipation of the proposed demolition of the building, the roof tiles/slates were removed by the Council's Estates service. Notwithstanding that a temporary roof covering was arranged this has proved insufficient to avoid further deterioration by the ingress of water since 2009.
- 2.13 It is believed that the property was to appear in an Eddison's auction in April 2014. The guide price was £350,000. However on the advice of the City Solicitor the property was removed from the auction amid concerns that the Council had not complied with process presumably under the Charities Act 2011.
- 2.14 In September 2014 in anticipation of the proposed sale of the building the Council's Estates Service instructed Mark Brearley and Co Chartered Surveyors to prepare a valuation report on behalf of the trustees. The report (see Appendix 2) is dated 10<sup>th</sup> November 2014 and valued the building as it stood at nil. The report comments in the event that planning permission was granted and the building demolished to permit residential development, the value of the land for development purposes would be in the region of £175,000/£225,000.

### **3. OTHER CONSIDERATIONS - REPORTS FOR THE TRUSTEES FROM INDEPENDENT CHARTERED SURVEYORS**

- 3.1 A 'Not for Publication' report dated 6<sup>th</sup> March 2018 from Mark Brearley and Co as the Trust's Chartered Surveyors was presented to the Trustees at a meeting on the 5<sup>th</sup> April and the resolution was to seek additional information relating to funding and time scales of interested parties "A" and "D"

- 3.2 In April and May 2018 Mark Brearley and Co on behalf of the Trustees obtained further information from those parties and attached are additional reports dated 24<sup>th</sup> April and 18<sup>th</sup> May as Appendix 3 and 4 (not for publication ) respectively.
- 3.3 On 21<sup>st</sup> June the Trustees accepted the recommendations of the independent chartered surveyor reports i.e. that the Trustees authorise disposal of the property to interested party “D” which is the highest unconditional offer.
- 3.4 The proceeds of sale can then be applied by way of a future decision of the Trustees to further the aims of the educational trust created for the benefit of the Bingley populous.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 Following the August 2017 meeting of the Trustees the City Solicitor, as requested, made an outline application on behalf of the Trustees to the Council’s Project Appraisal Group (PAG) requesting a grant to the Trust. Complications relating to funding require PAG to make further considerations of this request and thus an additional report will be presented to the Trustees following the final disposal of the land and buildings.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 The Committee resolved in August 2017 that the Council’s City Solicitor acting for the Trustees should seek advice from central government as to repayment of a grant made in the late 1800’s from HM Treasury to build the school as mentioned in the trust deed.
- 5.2 The City Solicitor wrote to HM Treasury, the Home Office, the Department of Education and the Charity Commissioners in August, September and October 2017.
- 5.3 In December 2017 lawyers of Charity Commissioners advised as follows “we have considered the matter. This is a matter for the Trustees of the Charity to decide upon ....the Trustees will have to undertake a risk based analysis. They will need to look at all the options which are available to them, and this may include withholding a reasonable proportion of the sale proceeds or purchasing indemnity insurance.”
- 5.4 Further advice will be provided to the Trustees following the disposal of the building and site.

#### **6. LEGAL APPRAISAL**

- 6.1 Given the 1889 and 1896 conveyances sets out Trust objectives any net proceeds of sale must be applied to promote those educational objectives of the Trust for the benefit of Bingley folk.
- 6.2 There is reference in the 1889 conveyance to a grant from the then “Her Majesties Treasury’ (made around the golden jubilee of Queen Victoria celebrated on 20 June 1887) being repaid if the property is sold.( see above)

6.3 Before Trustees can dispose of trust property they must obtain and consider the written reports on the proposed disposition from a qualified surveyor instructed by the Trustees and acting exclusively for the Charity (see section 119 of the Charities Act 2011) and by giving notice of at least one month seeking representations from the public. The public consultation has been concluded.

6.4 The two most recent reports of the Independent Chartered Surveyor dated the 24<sup>th</sup> April and 18<sup>th</sup> May 2018 are attached as Not for Publication Appendices 3 and 4 and a further report (also Not for Publication) is attached as Appendix 5.

## **7. OTHER IMPLICATIONS**

None

### **7.1 EQUALITY & DIVERSITY**

In applying the proceeds of sale to the objectives of the Trust consideration will be given to equality and diversity.

### **7.2 SUSTAINABILITY IMPLICATIONS**

There are no such issues on the sale of the building. However when the building is sold the planning process relating to any proposed development of the site will address sustainability issues alongside planning issues.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no such issues on the sale of the building however when the building is sold then the planning process relating to any proposed development of the site will address greenhouse gas emission impacts alongside planning issues.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

The disposal of the property would facilitate the building being brought back into use thereby resolving the on-going issues and dangers associated with a building in disrepair.

### **7.5 HUMAN RIGHTS ACT**

There are no human rights act implications on the sale of the building which affect the proposed sale. However when the proceeds of sales are allocated by the Trustees in accordance with the objectives of the Trust then human rights is of relevance

### **7.6 TRADE UNION**

None

## **7.7 WARD IMPLICATIONS**

The disposal of the property will facilitate the site being brought back into use which will benefit the amenity of the immediate area. In addition, net sale proceeds will be used for the benefit of the residents of Bingley in accordance with the educational objectives of the Trust.

## **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (For reports to Area Committees only)**

Not relevant.

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

There are no implications for corporate parenting.

## **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

A Privacy Impact Assessment has not been undertaken. In any event data protection and information security matters arising from the proposal/decision have been taken into account given the two not for publication documents.

## **8. NOT FOR PUBLICATION DOCUMENTS**

The following documents are not for publication (NFP) as they contain information relating to the financial or business affairs of any particular person (Paragraph 3 of the Local Government Act 1972)

Appendix 3 The Trustees Independent Chartered Surveyors report dated 24<sup>th</sup> April 2018

Appendix 4. The Trusts Independent Chartered Surveyors report dated 18<sup>th</sup> May 2018.

Appendix 5 The Trusts Independent Chartered Surveyors report dated September 2018.

## **9. OPTIONS (SEE APPENDIX 5 to be tabled at the meeting)**

9.1 Given the content of the Not for Publication reports dated 24<sup>th</sup> April and 18<sup>th</sup> May (Appendices 3 and 4) the Trustees have options to continue to offer the property for sale to Party D or the connected company 'Party I'.

## **10. RECOMMENDATIONS**

10.1 It is recommended that the Trustees authorise disposal of the property to either Party "I" or Party D who is referred to in the resolutions dated 21<sup>st</sup> June 2018.

## **11. APPENDICES**

Appendix 1 HMLR plan of the premises.

Appendix 2 The Trusts Chartered Surveyors report dated 10<sup>th</sup> November 2014

Appendix 3 NFP the Trusts Independent Chartered Surveyors report 24<sup>th</sup> April 2018

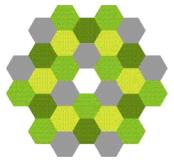
Appendix 4. NFP the Trusts Independent Chartered Surveyors report 18<sup>th</sup> May 2018.

Appendix 5 NFP the Trusts Independent Chartered Surveyors report September 2018

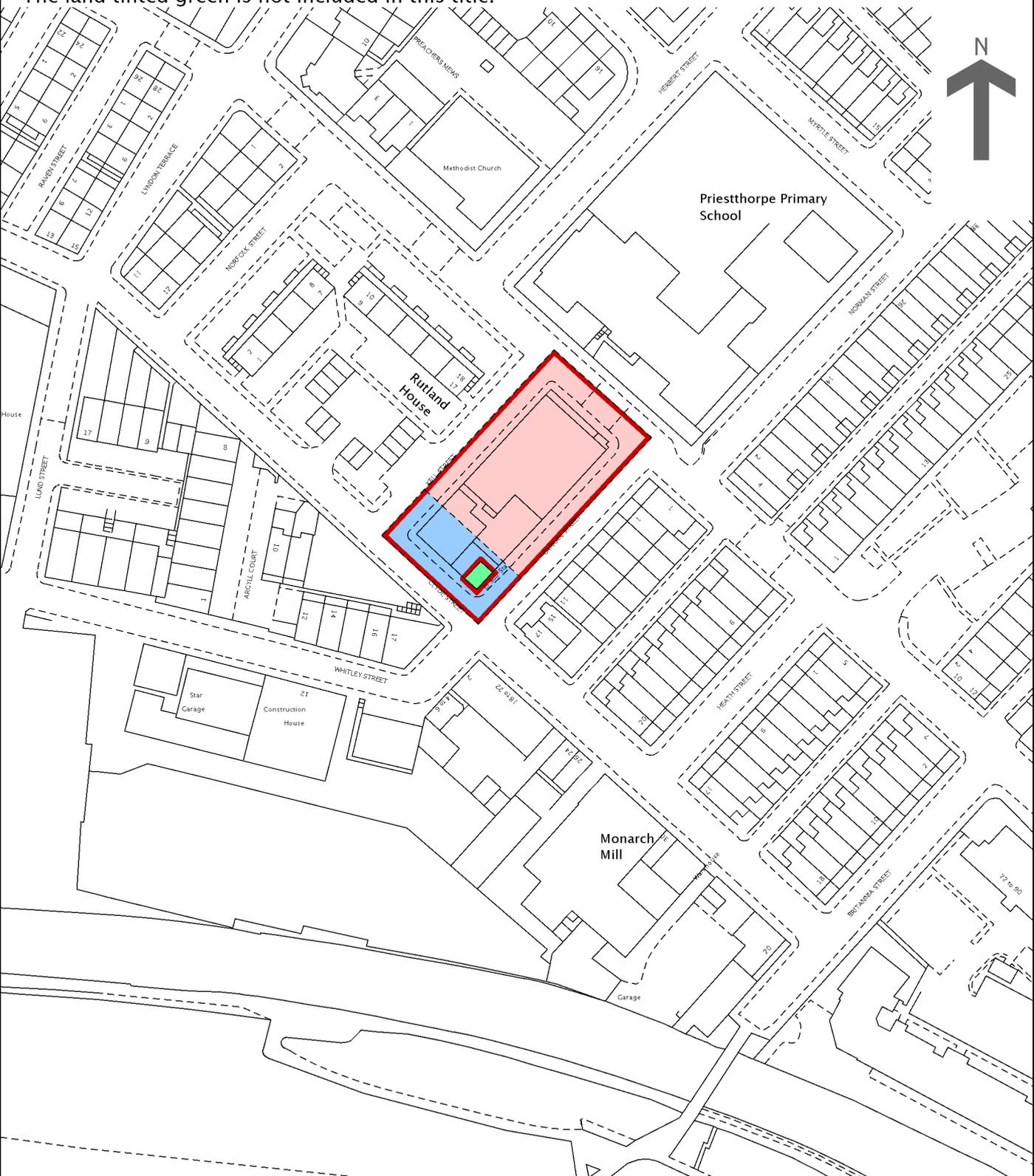
## **12. BACKGROUND DOCUMENTS**

- 12.1 Report dated 9<sup>th</sup> March 2017.
- 12.2 Report dated 10<sup>th</sup> August 2017.
- 12.3 Report dated 5<sup>th</sup> April 2018.
- 12.4 Report dated 21<sup>st</sup> June 2018

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The land tinted green is not included in this title.



This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 20 October 2016 at 13:25:10. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

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CHARTERED SURVEYORS &  
COMMERCIAL PROPERTY CONSULTANTS

PROPERTY, COMMERCIAL  
& DEVELOPMENT LAW  
31 JAN 2018

**PRIESTTHORPE ANNEX**  
**MORNINGTON ROAD**  
**BINGLEY, BD16 4JS**

**REPORT & MARKETING PROPOSALS**  
**10<sup>TH</sup> NOVEMBER 2014**



*Prepared For:*

**Trustees of the Bingley Technical School**  
**C/O City of Bradford Metropolitan District Council**  
**Department of Regeneration & Culture**  
**Economic Development & Property**  
**Estate Management**  
**7<sup>th</sup> Floor – Jacobs Well**  
**Bradford**  
**BD1 5RW**

**For the Attention of Philip Inman Esq.**

13 Parkview Court, Shipley BD18 3DZ Tel: (01274) 595999 Fax: (01274) 592303



Mark A.J. Brearley *BSc MRICS*  
Stuart Illingworth *MRICS*

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in association with  
**Woodheads**

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2. Instructions
3. Marketing Recommendations
4. Marketing Proposals
5. Timescale
6. Summary/Conclusion

## **APPENDICES**

A – Letters of Instruction

B – Site Plan

## **1. EXECUTIVE SUMMARY**

### **1. Instructions**

Written instructions were received by Mark Brearley & Company on 3 September 2014, a copy of which are attached at Appendix A, to prepare appropriate marketing recommendation advice in accordance with the letter of 31 July 2014 and our instruction confirmation of 21 August 2014 (both attached at Appendix A).

### **2. Address**

Priestthorpe Annex  
Mornington Road  
Bingley  
BD16 4JS

### **3. Marketing Proposal**

- a) Obtain planning permission for residential development, together with demolition.
- b) Seek and obtain quotations and arrange demolition.
- c) Offer property for sale by private treaty with the benefit of planning consent for redevelopment.

### **4. Description**

Former school building occupying a virtual island site bordered by Mornington Road, Clyde Street, Barran Street and Kell Street in an established residential area, close to Bingley Town Centre. The property is in extremely poor condition but apparently has an approximate gross internal floor area of 1,395.95 square metres (15,026 square feet).

### **5. Tenure**

Freehold.

### **6. Customer**

Trustees of the Bingley Technical School

This is an Executive Summary and must be read in conjunction with the remainder of the report.

## 2. INSTRUCTIONS

Instructions were received in September 2014, to undertake an inspection and provide marketing advice in relation to the above property. A copy of your instruction letter together with our fee quotation and previous correspondence is attached at Appendix A.

### Conflict of Interest / Previous Material Involvement

We are not aware of any conflict of interest preventing us from undertaking this work on your behalf.

To the best of our knowledge we have had no previous material involvement in the subject property.

### Date and Extent of Inspection

The property was inspected on 19 September 2014 during which the weather was fine and dry. Access to the building was unavailable at the time of our inspection, due to the very poor condition of the property and, its dangerous state. We therefore undertook external measurements and a predominantly external inspection. We would further advise the property was vacant.

General internal and external photographs of the property as taken during our inspection are shown below.



### 3. MARKETING RECOMMENDATIONS

The property comprises a former Church building, which we understand to be listed and, is in extremely poor, derelict condition which has reached a state beyond either economical or physical return. We therefore believe that, the site has a current negative valuation if indeed a purchase could be found who would be prepared to take it on and, the costs of using the existing buildings for some alternative use far outweigh their end value.

We would therefore recommend that in the first instance, a planning application be sought, for redevelopment of the site and, demolition of the existing buildings. We believe that residential development is realistically, the only and highest value use for the site, and whilst multi-storey (apartment) development in the Bingley area, has been undertaken to a great extent, we believe that this site should be subject to a more normal residential development to provide high density terraced properties, possibly three storey, with appropriate car parking and garages. We would therefore recommend the appointment of architectural advisors to look at the site and come forward with a proposal.

The site extends to approximately 0.079 hectares (0.94 acres). Our experience suggest that depending upon car parking and garaging requirements, between 6 and 10 residential units could realistically be developed on the site, with appropriate external, garden and other car parking spaces. This would be low cost two bedroom or three bedroom units (depending upon the architect) which we would anticipate would retail at prices in the region of £110,000 - £125,000. We believe that there would be reasonable demand for this type of end product and, take into account current values and believe that a price of between £175,000 and £225,000 would realistically be achieved. We believe that quoting a guide price of offers in the region of £250,000 would be the most appropriate route forward taking into account current market conditions.

#### 4. MARKETING PROPOSALS

In terms of marketing proposals, we would suggest that the following estimated budgets would be required:-

- |    |                                |                   |
|----|--------------------------------|-------------------|
| 1. | Brochure                       | £2,000 (plus VAT) |
| 2. | Local and Regional Advertising | £1,500 (plus VAT) |
| 3. | Boards                         | £750 (plus VAT)   |

The estimated total budget therefore would be in the region of £4,250 (plus VAT)

## 5. **TIMESCALE**

Given the nature of the building and its listed scenario, we believe that obtaining planning consent could take between eight months and a year. We believe that it is imperative that this be undertaken before marketing is commenced to achieve the best possible disposal price and thereafter, that the site be cleared in order that the demolition costs are clarified and recovery of the value of materials on site is retained by The Trustees. We would recommend that at least three competitive quotations/prices for demolition be obtained.

Thereafter, we believe that a marketing period of approximately three months would be appropriate after which, we would adopt a "best offers/closing date" for disposal, dependent upon demand etc. Thereafter an offer would hopefully be accepted and, solicitors would be instructed to conclude a transaction within say 6-8 weeks.

## 6. SUMMARY/CONCLUSION

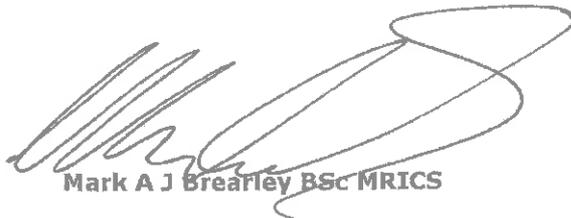
The property is now beyond economic repair and physical repair. The only alternative is demolition and, the current value should be considered to be nil.

Upon obtaining of planning permission, clearance of the site etc, we believe that a realistic value in the region of £175,000 - £225,000 could be achievable under current market conditions.

We have provided our recommendations with regard to the process, marketing etc, which we appreciate will include an element of cost however, we believe that this would be in the best interest of the Charity, to ensure that the maximum realistic value/disposal price can be obtained through this marketing proposal.

I trust this is of assistance.

Yours faithfully



Mark A J Breatley BSc MRICS

**APPENDIX A**

Department of Regeneration & Culture

Economic Development & Property

Estate Management

7<sup>th</sup> Floor

Jacobs Well

Bradford, BD1 5RW

Tel: (01274) 434590

Fax: (01274) 431461

Email: philip.inman@bradford.gov.uk

Our Ref: EM/PI/01419/001

Contact: Philip Inman

Date: 31 July 2014

Mark Brearley & Co  
13 Park View Court  
St Paul's Road  
Shipley  
BD18 3DZ

T:/correspondence/255BPI12.DOC

Dear Sir

**PRIESTTHORPE ANNEXE, MORNINGTON ROAD, BINGLEY, BD16 4JS**

I am preparing a report to the Trustees of the Bingley Technical School regarding the future of the above property which is shown on the attached plan.

I will be recommending that a Chartered Surveyor act for the Trustees in accordance with the attached regulations.

A key can be obtained from Kath Scoines by telephone 01274 434906 but I would advise that the property is in an extremely poor condition, it is heavily infested by pigeons with a large amount of their droppings throughout and some floors have collapsed due to dry and wet rot. Internal inspection should be carried out with extreme care.

Would you please confirm whether you would be prepared to act on the Trustees behalf and indicate the estimated cost of providing a report on any disposal.

I intend to report to the Trustees on the 1<sup>st</sup> September 2014 so I would be pleased if you could have the quotes with me by 26 August 2014.

Although I cannot prejudice your report I anticipate a sale of the property and one alternative could be to demolish the building and erect houses. Estate Management would have the facility to prepare plans for submission for pre application advice from the Planning Department. However I attach advice from the Conservation Officer regarding the property.

If you want to discuss this in any way please ring me on 01274 434590.

Yours faithfully

  
Philip Inman FRICS  
Estate Surveyor





City of Bradford Metropolitan District Council  
**Estate Management**

[www.bradford.gov.uk](http://www.bradford.gov.uk)

7th Floor, Jacob's Well, Bradford, Yorkshire, BD1 5RW

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#### Section 351 Connected person: controlled institution

For the purposes of sections 118(2)(g), 157(1)(a), 188(1)(d), 200(1)(d) and 249(2)(d), a person controls an institution if the person is able to secure that the affairs of the institution are conducted in accordance with the person's wishes.

#### Section 352 Connected person: substantial interest in body corporate

- (1) For the purposes of sections 118(2)(h), 157(1)(b), 188(1)(e), 200(1)(e) and 249(2)(e), any such connected person as is there mentioned has a substantial interest in a body corporate if the person or institution in question –
  - (a) is interested in shares comprised in the equity share capital of that body of a nominal value of more than one-fifth of that share capital, or
  - (b) is entitled to exercise, or control the exercise of, more than one-fifth of the voting power at any general meeting of that body.
- (2) The rules set out in Schedule 1 to the Companies Act 2006 (rules for interpretation of certain provisions of that Act) shall apply for the purposes of subsection (1) as they apply for the purposes of section 254 of that Act ("connected persons" etc).
- (3) In this section "equity share capital" and "share" have the same meaning as in that Act.

## K2. Extract from Statutory Instrument 1992 No. 2980

### **The Charities (Qualified Surveyors' Reports) Regulations 1992**

#### SCHEDULE

#### INFORMATION TO BE CONTAINED IN, AND MATTERS TO BE DEALT WITH BY, QUALIFIED SURVEYORS' REPORTS

1. (1) A description of the relevant land and its location, to include-
  - (a) the measurements of the relevant land;
  - (b) its current use;
  - (c) the number of buildings (if any) included in the relevant land;
  - (d) the measurements of any such buildings; and
  - (e) the number of rooms in any such buildings and the measurements of those rooms.
- (2) Where any information required by sub-paragraph (1) above may be clearly given by means of a plan, it may be so given and any such plan need not be drawn to scale.
2. Whether the relevant land, or any part of it, is leased by or from the charity trustees and, if it is, details of-
  - (a) the length of the lease and the period of it which is outstanding;
  - (b) the rent payable under the lease;
  - (c) any service charge which is so payable;
  - (d) the provisions in the lease for any review of the rent payable under it or any service charge so payable.

- (e) the liability under the lease for repairs and dilapidations; and
  - (f) any other provision in the lease which, in the opinion of the surveyor, affects the value of the relevant land.
3. Whether the relevant land is subject to the burden of, or enjoys the benefit of, any easement or restrictive covenant or is subject to any annual or other periodic sum charged on or issuing out of the land except rent reserved by a lease or tenancy.
  4. Whether any buildings included in the relevant land are in good repair and, if not, the surveyor's advice-
    - (a) as to whether or not it would be in the best interests of the charity for repairs to be carried out prior to the proposed disposition;
    - (b) as to what those repairs, if any, should be; and
    - (c) as to the estimated cost of any repairs he advises.
  5. Where, in the opinion of the surveyor, it would be in the best interests of the charity to alter any buildings included in the relevant land prior to disposition (because, for example, adaptations to the buildings for their current use are not such as to command the best market price on the proposed disposition), that opinion and an estimate of the outlay required for any alterations which he suggests.
  6. Advice as to the manner of disposing of the relevant land so that the terms on which it is disposed of are the best that can reasonably be obtained for the charity, including-
    - (a) where appropriate, a recommendation that the land should be divided for the purposes of the disposition;
    - (b) unless the surveyor's advice is that it would not be in the best interests of the charity to advertise the proposed disposition, the period for which and the manner in which the proposed disposition should be advertised;
    - (c) where the surveyor's advice is that it would not be in the best interests of the charity to advertise the proposed disposition, his reasons for that advice (for example, that the proposed disposition is the renewal of a lease to someone who enjoys statutory protection or that he believes someone with a special interest in acquiring the relevant land will pay considerably more than the market price for it); and
    - (d) any view the surveyor may have on the desirability or otherwise of delaying the proposed disposition and, if he believes such delay is desirable, what the period of that delay should be.
  7. (1) Where the surveyor feels able to give such advice and where such advice is relevant, advice as to the chargeability or otherwise of value added tax on the proposed disposition and the effect of such advice on the valuations given under paragraph 8 below.
  - (2) Where either the surveyor does not feel able to give such advice or such advice is not in his opinion relevant, a statement to that effect.

Our inspection of the building last week was informative and more than a little depressing.

Referring back to past emails on the matter it is illuminating that it took the Council 9 months after prematurely stripping the roof to arrange a temporary roof. That is very telling. However we must now look to the present day.

The building stands in a conservation area and the Council's adopted Conservation Area Character Assessment identifies the principal building as a key unlisted building, that is one which makes a exceptional contribution to conservation area character.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires Planning Authorities to have special regard when making any planning decision to the preservation of the character of conservation areas. It has been past tested in court that this special regard must indeed be exceptional, and not just another consideration within the multitude factors affecting a planning decision.

The now superseded Planning Policy Guidance note 5 (PPS5) at policy HE9 advised that there should be a presumption in favour of the conservation of designated heritage assets, and that loss affecting any designated asset should require clear and convincing justification. Policy HE9.2 specifically noted that where substantial harm or total loss of significance would ensue, the local planning authority should refuse consent unless it can be demonstrated that:

- i) The substantial harm or total loss is necessary to deliver substantial public benefit which outweighs that harm or loss, or;
- ii) a) the nature of the heritage asset is such that it prevents all reasonable uses of the site and  
b) no viable use of the heritage asset can be found in the medium term that will enable its conservation, and  
c) conservation through grant funding or some form of charitable or public ownership is not possible, and  
d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

Policy HE9.3 adds that to be confident that no appropriate or viable use for a heritage asset can be found, the planning authority should require the applicant to demonstrate that other potential owners or developers of the site have been sought through appropriate marketing and that reasonable endeavours have been made to identify funding or ownership which could secure the future of the heritage asset.

Whilst PPS5 has been superseded by the National Planning Policy Framework (NPPF) the Practice Guide to PPS5 remains in force. This reiterates that loss of a designated heritage asset must be the last resort after

every option to secure a viable future for the asset has been exhausted. The fact that a particular applicant or organisation cannot conceive of a viable use does not mean that there is no such use, and it must be demonstrated that all options have been explored and discounted.

The NPPF in essence perpetuates these requirements for demolition. The onus is thus very much that demolition is seen as exceptional and a compelling case must be presented. Any such application would have to be accompanied by proposals for replacement development, which are expected to make an equivalent or better contribution to the character of the area. In architectural terms, a building making an equal contribution to that which presently stands would be a tall order.

The application would also be assessed by English Heritage as it involves demolition in a conservation area. I can imagine this would result in some probing questions of the custodianship of the building, and rigorous scrutiny of any case for demolition.

The case should be presented as a heritage statement. Guidelines for such are available within The NPPF and the Practice Guide to PPS5. The Council also has guidance notes on its website. Clearly for a heritage officer employed by the Council to prepare such a statement would result in a conflict of interests.

I hope this is of assistance in conveying the magnitude of what is involved. I do not want to be seen as presenting barriers to progression of the matter, but if the proper process is not followed, any application will fail before it is even considered.

Happy to advise further as required, and please keep me apprised of progress, more effectively than has occurred in the past.

Regards.

**Jon Ackroyd PGDip (Htge Mgmt) IHBC**  
Senior Conservation & Design Officer  
Landscape, Design and Conservation Team

Department of Regeneration & Culture

Climate, Housing & Property

Estate Management

7<sup>th</sup> Floor

Jacobs Well

Bradford, BD1 5RW

Tel: (01274) 434590

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Email: philip.inman@bradford.gov.uk

Your Ref: MAJB/SAC/5143

Our Ref: EM/PI/01419/001

Contact: Philip Inman

Date: 3 September 2014

Mark Brearley & Company  
13 Park View Court  
St Paul's Road  
SHIPLEY  
BD18 3DZ

T:/correspondence./323BPI1.DOC

Dear Mr Brearley

**PRIESTHORPE ANNEXE, MORNINGTON ROAD, BINGLEY, BRADFORD, BD16 6JS**

Thank you for the letter of the 21 August 2014 setting out your proposals and I would like to confirm that we wish to proceed with you on that basis.

Would you please confirm your standard conditions of engagement and we will then write with an order form which will provide you with a number for invoicing.

We confirm the key is available at this office for your inspection.

I would like to be in a position to submit your report to the Trustees in the next three weeks.

Yours sincerely



Philip Inman  
Estate Surveyor



Philip Inman Esq – FRICS  
Estates Surveyor  
City of Bradford Metropolitan District Council  
Department of Regeneration and Culture  
7<sup>th</sup> Floor  
Jacobs Well  
Bradford  
BD1 5RW

BY E-MAIL & BY POST – [philipinman@bradford.gov.uk](mailto:philipinman@bradford.gov.uk)

Our Ref: MAJB/SAC/5143

21 August 2014

Dear Sirs

**Priestthorpe Annex, Mornington Road, Bingley, BD16 4JS**

We refer to your letter of the 31<sup>st</sup> July 2014 and, write to thank you for the opportunity to put forward our proposal in this case.

We have undertaken an external inspection of the subject property and note that this is an island site, excluding the electricity sub-station, bordered by Clyde Street, Barran Street, Kell Street and Mornington Road in Bingley. The location is on the periphery of the residential part of Bingley, linking into the commercial element adjacent to the canal, railway and Bingley by-pass etc.

We have given consideration to the requirements of the reports that are to be required and, of course, to undertake such a report we would wish to undertake an internal inspection of the property to satisfy requirements of RICS and our insurers.

First of all, we can confirm that we carry Professional Indemnity Insurance to the total sum of £6 Million each and every claim and a copy of our Indemnity Insurance is attached.

Secondly, we can confirm that we would undertake an appropriate red book valuation as an "external valuer" as required and, are able to comply with the requirements of "The Charities (Qualified Surveyors) Reports Regulations 1992".

We note the brief report by John Ackroyd – Senior Conservation & Design Officer and, also note the facility to prepare plans for submission for pre-application advice from the Planning Department.

On the basis that this would be a standard RICS red book valuation, to satisfy appropriate regulations, we can confirm that our single one-off fee would be £750 (Plus VAT). We would of course need to confirm by way of standard Conditions of Engagement your instructions in the event that we were successful with our proposal.

In the event that we are instructed on a later date (within say 12 months) to dispose of the freehold interest of the property, then, we would be prepared to make an allowance against an ultimate sale fee of a proportion of our valuation fee – to be agreed.

We trust this is of assistance.

Yours Faithfully

Mark A J Brearley  
E-Mail: [mark@markbrearley.co.uk](mailto:mark@markbrearley.co.uk)

**APPENDIX B**



SPACE



Methodist Church

Priestthorpe Primary School

Rutland House

Construction House

Monarch Mill

Garage

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