

**REPORT TITLE: BUXTON HOUSE HIGH-RISE BLOCK - SITE ASSEMBLY**

<b>Cabinet</b>	12 March 2024
<b>Cabinet Member</b>	Councillor Moses Crook Housing and Highways
<b>Key Decision</b>	Yes
<b>Eligible for Call In</b>	Yes
<b>Purpose of Report</b> <ul style="list-style-type: none"> <li>This report updates Cabinet as to progress with the scheme to remodel Buxton House high-rise block, Huddersfield. It seeks authority from Cabinet to acquire key interests including the headlease and sublease interests relating to a property at Buxton House, Buxton Way, and Albion Street to facilitate the remodelling scheme.</li> <li>In addition, Cabinet authority is sought to begin the process leading to the Council making a Compulsory Purchase Order ("CPO"), in tandem with negotiating the acquisition of land interests, as a contingency measure.</li> </ul>	
<b>Recommendations</b> <ul style="list-style-type: none"> <li>That authority be delegated to the Strategic Director Growth and Regeneration to negotiate and agree terms to acquire the interests and rights identified in paragraph 2.10 of this report, within the terms outlined in the Private Appendix attached.</li> <li>That authority be delegated to the Strategic Director Growth and Regeneration to negotiate and agree terms to acquire any further interests or rights subsequently identified which are required to deliver the remodel of Buxton House, provided that the values are within those contained in the Scheme of Delegation for Corporate Landlord &amp; Capital, and the cost of such can be met within the allocated project budget.</li> <li>That authority be delegated to the Strategic Director of Growth and Regeneration to take the necessary preliminary steps required for the Council to make a Compulsory Purchase Order ("CPO") including:             <ol style="list-style-type: none"> <li>The service of statutory requisitions for information from owners/occupiers of land within the proposed CPO area.</li> <li>Instructing land referencing agents to begin liaising with affected landowners/occupiers and to identify the full extent of the land required (either to be acquired permanently or temporarily) and any rights to be acquired as part of the CPO (e.g. rights of way, light, support, easement, or restrictive covenants over the land required as required).</li> </ol> </li> <li>That authority be delegated to the Service Director Legal Governance and Commissioning to finalise and enter into all appropriate contracts, deeds and documents required for the reasons identified in this report.</li> </ul>	

- That Cabinet note that a further report will be brought to them should it prove necessary to make a CPO.
- That Cabinet note that the acquisition of required land interests, and any potential CPO process will be funded from the high-rise budget approved by Cabinet on the 27<sup>th</sup> July 2021.

**Reasons for Recommendations**

- The acquisition of the land interests and rights over land outlined in this report are necessary to support and de-risk the scheme to allow the remodelling of the Buxton House residential high-rise block, which will address critical fire safety issues and create accommodation that meets future tenant requirements, including the creation of a safer, inclusive entrance to the building. Whilst efforts to acquire these interests by agreement are ongoing, the project is time sensitive and needs to progress in accordance with the proposed timescales to ensure that it can be completed within the allocated budget and that the provision of social housing is reinstated as soon as possible. Therefore, it is necessary that these steps are taken now, including taking preparatory steps for the purposes of the Council making a CPO.

**Resource Implications**

- The acquisition of these land interests will be funded from the £16 million budget envelope for the Buxton House project that forms part of the overall £57 million High-Rise Programme approved by Cabinet on the 27<sup>th</sup> July 2021.
- The project is being managed by existing resources within the Homes and Neighbourhoods Development Team.

**Date signed off by Strategic Director & name.**

David Shepherd  
17 January 2024

**Is it also signed off by the Service Director for Finance?**

Isabel Brittain  
Yes: 29<sup>th</sup> February 2024.

**Is it also signed off by the Service Director for Legal Governance and Commissioning?**

Julie Muscroft  
Yes. 26<sup>th</sup> February 2024

**Electoral wards affected:** Newsome

**Ward councillors consulted:** Yes, up to the current position.

**Public or private:** Public report with private appendix

**Has GDPR been considered?** Yes

## **1. Executive Summary**

- 1.1 This report seeks Cabinet approval to acquire various third-party interests that are required to facilitate the remodelling of the Buxton House high-rise block in Huddersfield town centre, including granting authority to the Service Director, Legal Governance and Commissioning to enter into appropriate legal documents.
- 1.2 Whilst every effort is being made to acquire these interests by negotiation, Cabinet is requested to authorise the Strategic Director of Growth and Regeneration to take the necessary preliminary steps required for the Council to make a Compulsory Purchase Order.

## **2. Information required to take a decision.**

### **Background**

- 2.1 Buxton House is a high-rise residential block in the town centre of Huddersfield. It currently comprises of 19 one-bedroom flats and 38 bedsits. The Council holds it on a lease and sublets the flats therein as social housing.
- 2.2 On the 27<sup>th</sup> July 2021 Cabinet resolved to remodel Buxton House as part of a £57 million high-rise programme. This programme was instigated by fire safety concerns and requirements. Please refer to the earlier report for full details.
- 2.3 Since the 2021 Cabinet report the Council has engaged architects and finalised the design proposals for Buxton House. The proposed scheme will result in the provision of 46 flats (19 two bedroom, 22 one bedroom and 5 studio) replacing the 19 one-bedroom flats and 38 bedsits in the current building. The remodelled building will have a new, larger entrance from Albion Street, a new electric scooter/bike storage facility, wider corridors, and larger communal areas.
- 2.4 A detailed planning application for the proposed scheme was submitted on the 12<sup>th</sup> January 2024, which is due to be determined in May/June 2024.
- 2.5 The process of rehousing tenants from the existing building commenced in the autumn of 2023 and 24 of the 55 flats are now void (45%).
- 2.6 Subject to planning approval and securing vacant possession of the building, it intends commencing work on the new scheme in September 2025, with an anticipated 24-month contract period.
- 2.7 As outlined above, to facilitate the remodelling of the Buxton House high-rise block it is necessary for the Council to acquire several units within or underneath the Tower which are not currently in the Council's ownership or control. It is also necessary for the Council to seek rights over the Car Park Deck for the duration of the works to ensure safety and provide a works compound to support construction.

### **Proposed Acquisitions**

- 2.8 The Council owns the freehold to Buxton House and the associated shopping centre and car park. However, this is subject to a lease ("the Headlease") granted by the Council on

15 June 2012 for a term of 175 years. This Interest is currently owned by ALB Kirklees Limited ("ALB").

- 2.9 The Council has 2 underleases from ALB one in relation to Buxton House Tower ("the Buxton House Tower Underlease") and one for the Albion Street carpark ("the Carpark Underlease"). Both underleases have a term of 45 years remaining.
- 2.10 The acquisition by the Council of part of the ALB Headlease would give the Council full control to create a fire safety compliant building. This is the objective of the scheme. The acquisition of the interests and rights shown in the table below are required to facilitate the development of a comprehensive scheme that will give the Council full control to comply with fire safety requirements and deliver the remodelling of Buxton House both on time and on budget. Any delays in delivery could put the project at risk due to increased costs and inflationary consequences which are particularly acute at present.

	<b>Property</b>	<b>Interest Sought</b>
<b>Interests to be Acquired</b>		
	<b><i>Headlease Interests</i></b>	
1	Flats 1-57, Buxton House 1-3 Buxton Way* 2 Buxton Way* 6 Buxton Way* 4 Buxton Way* 7 Buxton Way* 9 Albion Street* 11/11A Albion Street/5 Buxton Way*	Headlease Interest– YY6883
	<b><i>Retail Units</i></b>	
2	11/11A Albion Street/5 Buxton Way (all indicated by a number 11 on the attached plans) *	Sublease – YWE72978
	<b><i>Right to Buy Flats</i></b>	
3	Flat 49	Sublease – YY110368
4	Flat 13	Sublease – WYK436051
5	Flat 53	Sublease – WYK428883
<b>Rights to be Acquired</b>		
6	Albion Street deck car park**	Right to use the land as a temporary site compound sought.  Any rights of access over the Albion Street Car Park Deck under Headlease – YY6883 to be suspended. (Will be accommodated if possible)

\* Please note that the numbers detailed correspond with the numbers in grey circles shown on the AHR plans at Appendix 2.

\*\* Shown coloured blue on the Car Park plan at Appendix 2.

Members may note that there are more headlease interests to be acquired than Sublease interests. This is because some of the units are vacant and therefore there is no sublease interest in relation to those units.

## **Reasons for the Proposed Acquisitions**

### **The Headlease Interests (ALB's interest)**

- 2.11 As matters presently stand, if the Council wishes to remodel Buxton House, then it must do so in compliance with its current lease from ALB and consents will be required from ALB as its immediate landlord. This puts the scheme at risk if those consents cannot be obtained, in a timely manner, or at all and will lead to additional costs. Additionally, the Council's Underleases have only 45 years of their term remaining. Therefore, the investment the Council is proposing to make in the structure of the building and its compliance with modern fire safety standards will only benefit the Council for 45 years. The current fragmented ownership also creates complexity as to where fire safety responsibility lies under the new Building Safety Act 2022. Whilst mechanisms are in place to attribute responsibility and enforce action from relevant parties, in reality this can prove difficult, costly and be protracted.

### **Retail Units below the Residential Tower Block**

- 2.12 It is necessary to acquire the retail units beneath Buxton House as:
- additional accommodation is required to site plant and machinery such as the new sprinkler system and the construction of cost-effective service runs that will serve the remodelled Buxton House Scheme.
  - additional space is required to create a new, more prominent, accessible, and safer entrance to Buxton House and a new refuse storage facility/space for electric bikes and mobility scooters.
  - it is important to gain control of these spaces to mitigate fire risk, by allowing the installation of fire safety measures and effective management of these areas going forward.
- 2.13 If the Council is unable to acquire these interests, the approval of the main scheme by the fire regulator would be seriously jeopardised. Once the modifications for fire safety are completed:
- 4 and 5 Buxton Way will be converted into two further residential social housing flats.
  - 1-3 and 2 Buxton way will continue as retail units, with the Council as landlord. This will generate rental income.

### **The Right to Buy Flats**

- 2.14 Flats 13, 49 and 53 Buxton House – the remodelling scheme will require the whole building to be stripped back to its frame to enable the flats to be reconfigured and improvements made to communal areas and circulation space to comply with updated fire regulations. It will not be possible for the existing leasehold flats to remain in situ due to the extensive nature of the works. The footprints of some of the flats will be different post remodel.

## **Rights to be Acquired.**

- 2.15 It is necessary for the duration of the works to close the Car Park deck accessed from Albion Street for safety reasons and to provide an area for a site compound. The Council currently leases this area from ALB and delivers the car parking provision (under the terms of the Car Park Underlease). An agreement has been reached with Parking Services to suspend the car park for the duration of the works. The Council will also have to negotiate with the ALB for a change of use from car parking to site compound, and the suspension of any rights ALB or its tenants may have over this area for the duration of the works, if these cannot be accommodated or alternative access agreed.

## **Telecoms Lease**

- 2.16 It should be noted that there is a telecoms mast on the top of Buxton Tower under a lease from the Council to the operator. Options are being explored as to whether this can remain in situ during the remodel. Negotiations are ongoing with the tenant in relation to this lease in the course of normal estate management under delegated powers.

## **3 Implications for the Council**

### **3.1 Working with People**

- 3.1.1 Putting tenants at the heart of the decisions affecting them remains central to this project. The remodelling of Buxton House will improve safety by bringing the building up to the standards required by the current Fire Safety regulations, provide a much better living environment including wider corridors, larger communal areas, and a new entrance, and provide more efficient energy use and insulation. The proposals have been shaped by the opinions of the tenants who currently reside in the building.
- 3.1.2 Due consideration has also been given to the way proposals will contribute to the council's strategic priorities and the anticipated impact the outcomes arising from the implementation of this report will have in the following areas:

### **3.2 Working with Partners**

- 3.2.1 A collaborative approach has informed the response to building safety issues and the design of the proposed scheme and this will continue as the proposals are progressed. The head leaseholder and sub leaseholders have been engaged in the design process and informed of progress.

### **3.3 Place Based Working**

- 3.3.1 The engagement of tenants and residents has been informed by intelligence and evidence gathered from previous successful place-based engagement programmes delivered by Homes and Neighbourhoods and other partner services. This has been informed by practice learned and used at the high-rise block at Harold Wilson Court to inform regeneration and fire safety improvement programmes, working with ward members, tailored to the requirements of legislation and the needs of tenants.

### **3.4 Climate Change and Air Quality**

- 3.4.1 Remodelling Buxton House will result in a more energy efficient building that is intended to be linked to the Council's extended combined heat and power network.
- 3.4.2 The design team will be utilising the SAP assessment (Standard Assessment Procedure) to baseline the performance of the existing building and then performing a BIM model-based assessment (Building Information Modelling) following the completion of the new design to RIBA stage 3. This tool allows the design team to monitor the overall thermal performance of the building during each stage of the design process and make relevant tweaks to elements such as insulation and window specifications etc to ensure the thermal performance of the building is exceeding the minimum standards set out in the Building Regulations.
- 3.4.3 The potential linking of the district heating system into the scheme, combined with the potential siting of solar panels on the roof of the building will result in a significant benefit to operational energy usage. MVHR units (Mechanical Ventilation with Heat Recovery) will be used at the Ground and First floor apartments which will include carbon capture filtration.

### **3.5 Improving outcomes for children.**

- 3.5.1 The opportunity to increase the council's supply of family homes has been carefully considered, but the siting and configuration of Buxton House means that it will be unlikely to provide suitable accommodation for children.

### **3.6 Financial Implications**

- 3.6.1 The acquisition of the interests outlined in this report will be funded from the £16 million budget envelope for the Buxton House project that forms part of the Council's £57 million high-rise programme approved by Cabinet in July 2021.
- 3.6.2 The remodelled scheme will result in revenue savings due to the heating and maintenance of the building being upgraded and more efficient, 100% occupation of the flats and the 24-hour waking watch service no longer being required.
- 3.6.3 The additional commercial floorspace will be added to the existing Homes and Neighbourhoods asset-management portfolio of properties, which will not result in additional expenditure as they will be tenanted and generating an income.
- 3.6.4 For the current position with the Buxton House budget Please see the private appendix.

### **3.7 Legal Implications**

- 3.7.1 The Council's in-house legal team will provide the necessary support to acquire the interests identified in this report. Freeths LLP have been engaged from an existing framework to support the Council in progressing the Compulsory Purchase Order process should this be required. Subject to Cabinet approval, it is anticipated that the acquisition of the various interests will be completed by October 2024. The Compulsory Purchase Order process could take 12 to 18 months to complete and is a risk to the anticipated start date for the remodelling contract.

### **3.8 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)**

3.8.1 The project is being managed by an experienced multi-disciplinary team, which maintains and monitors an extensive risk register monthly. An Integrated Impact Assessment of the project to remodel Buxton House was prepared for the Cabinet on 21 July 2021.

## **4 Consultation**

4.1 Tenants and Ward Members have been informed of progress on the scheme through regular newsletters. A detailed programme of consultation on the first draft scheme was undertaken in July/August 2023 involving delivering letters/leaflets outlining the scheme to every tenant and three 'drop-in' sessions in Buxton House.

4.2 A newsletter was also delivered to tenants in December 2023 advising them that the planning application for the proposed scheme was to be submitted and a subsequent drop-in session will be held in March 2024 to enable tenants to discuss the planning application process with the Project/Design team.

## **5 Engagement**

5.1 External stakeholders, including leaseholders, the fire service, and police representatives have been fully engaged as part of the design process.

## **6 Homes & Neighbourhoods Improvement Board Feedback/Recommendations**

6.1 The Homes and Neighbourhoods Improvement Board endorsed the recommendations that are being presented to Cabinet on the 13<sup>th</sup> February.

## **7 Options**

### **Options considered.**

### **7.1 Option 1: Do nothing.**

7.1.1 The legislation and guidance that has been established since the Grenfell disaster requires owners of high-rise buildings put into place very specific and stringent measures to improve fire safety in high-rise buildings (over 18m high). Buxton House fits into this category and although several temporary measures have been put into place to safeguard the safety of tenants (replacement fire doors and a 24 hour 'fire-watch' regime) the building does not fully comply with the requirements of the updated legislation and will need to be completely remodelled in accordance with the July 2021 cabinet approval.

7.1.2 It is not feasible for this remodelling to be undertaken within the confines of the existing footprint of the building as a new sprinkler system, ventilation shaft and services will need to be incorporated and the internal layout of the flats and communal spaces redesigned.

7.1.3 The Council must make very significant fire safety improvements to the building and this option therefore cannot be considered.

### **7.2 Option 2: Utilise the existing Buxton House footprint only within the confines of the existing Underlease.**

7.2.1 Buxton House sits on a podium deck beneath which are several commercial units, many of which are vacant. The interrelationship between these various units is complex. There



are shared services/access, and the sub-leaseholder of the bar is in dispute with the Council regarding alleged water penetration into his premises.

- 7.2.2 This configuration results in a significant fire risk (for example the unit immediately below Buxton House was previously used as a restaurant) which complicates the design of the scheme and the ability to secure approval from the Regulator.
- 7.2.3 The Underlease (with ALB as head leaseholder) has only 45 years remaining and would need to be re-negotiated prior to the commencement of the Buxton House remodelling scheme to ensure that the Council benefits from its investment in the longer term. Under the terms of the Underlease, ALB's permission is required to make any alterations to Buxton House, which is a major risk.
- 7.2.4 The remodelling scheme will involve the building being stripped back to its shell to enable the internal space to be completely reconfigured. Surveys by the Council's Architects have uncovered issues with the structure of the building which need to be addressed. These are mainly associated with the widening of corridors, the creation of larger, fire protected communal areas, the introduction of a ventilation/service shaft and the cladding of the building with Grade A materials.  
It is not feasible to work around the three flats that have been sold to leaseholders.
- 7.2.5 As a result of the above considerations, this option has been discounted.

### **7.3 Option 3: The Council purchased leasehold interests associated with the units beneath Buxton House, to enable the Council to construct a comprehensive, fully integrated scheme for the building and gain control of this associated floorspace. (Preferred option.)**

- 7.3.1 As outlined above the control of the commercial units beneath Buxton House by third party interests presents a very significant fire safety risk for the building, and the major remodelling works required to enable Buxton House to comply with updated building safety legislation could not be implemented without utilising the majority of this floorspace.
- 7.3.2 The Council's preferred option is therefore to acquire these interests by negotiation and prepare a CPO case in tandem to allow the timescales for the project to be met, should negotiations fail.

### **7.4 Reasons for recommended option**

- 7.4.1 As things stand, the Council is in a vulnerable position. It is compelled by law to make very significant improvements to Buxton House to improve fire safety, but under the terms of the Underlease with ALB, their permission is required to undertake any improvement works. There are ongoing revenue implications associated with the 'waking watch' regime that has been put into place to safeguard tenant's safety until the building is improved. The Underlease itself only has 45 years remaining and would need to be renegotiated to make the scheme financially viable.
- 7.4.2 The control of the commercial units beneath Buxton House by third parties is also a major issue in terms of addressing fire safety issues and the ability of the Council to construct a comprehensive, integrated scheme that meets tenants' requirements and a longer-term asset management strategy.

- 7.4.3 The scale and extent of the improvements required to upgrade Buxton House cannot be implemented with the three leasehold flats remaining in situ.
- 7.4.4 The preferred option will result in the Council gaining the unincumbered freehold of Buxton House and the commercial properties beneath it. This will not only enable a fully comprehensive and integrated scheme to be constructed for Buxton House and maintained by the Council going forward, but also gives control of a large sector of the town centre which could contribute towards longer-term Blueprint plans.

## 8 Next steps and timelines

- 8.1 The next stage of the project will be:

Determination of planning application	May 2024
Invitation of tenders to construct the approved scheme	July 2024
Appointment of preferred contractor	November/December 2024
Target for achieving vacant possession of the building	February 2025
Anticipated start on site	September 2025
Anticipated completion date	September 2027

## 9 Contact officer

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[Chris.kwasniewski@kirklees.gov.uk](mailto:Chris.kwasniewski@kirklees.gov.uk)  
 01484 221000 Ext: 78114

## 10 Background Papers and History of Decisions

- 10.1 N/A

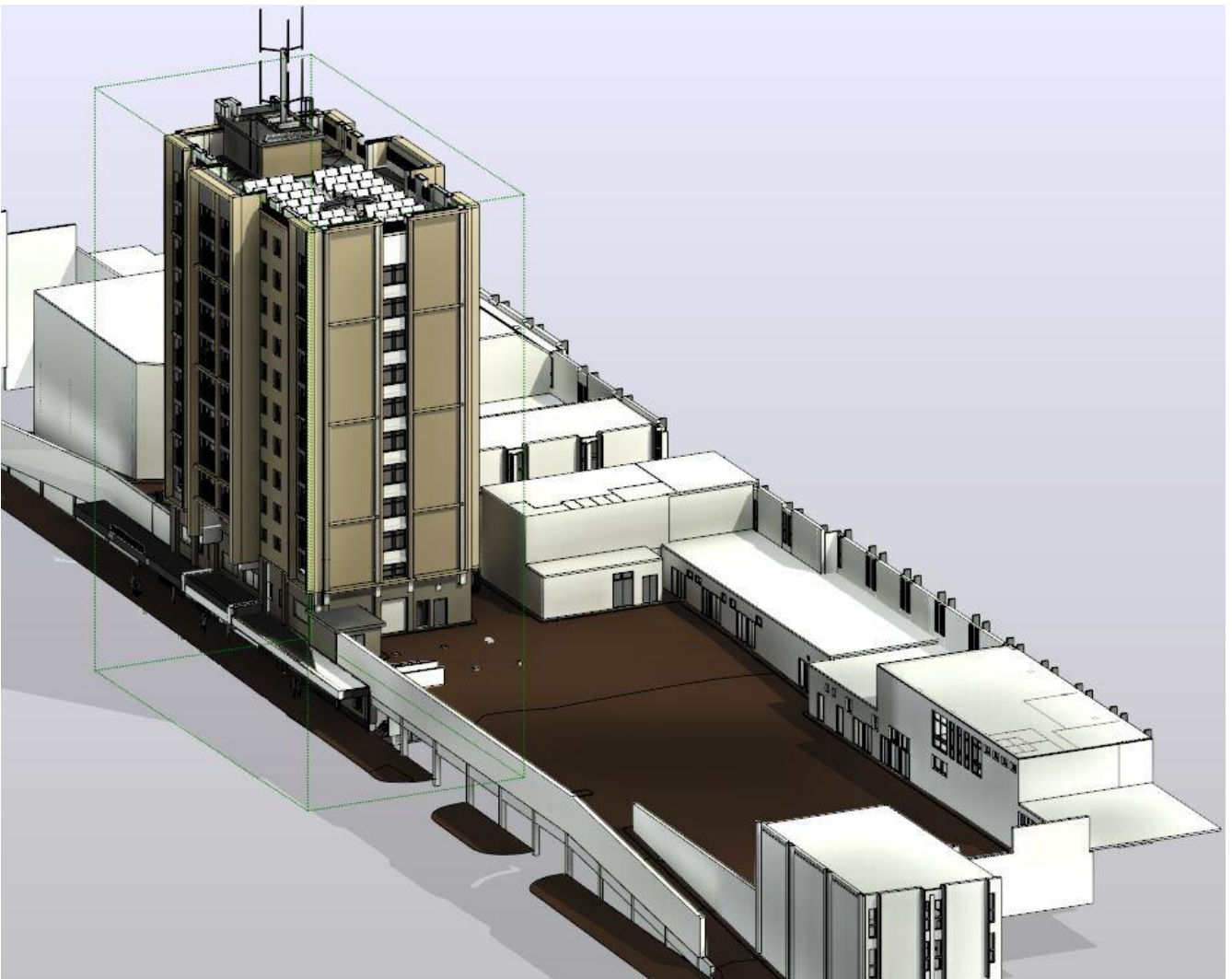
## 11 Appendices

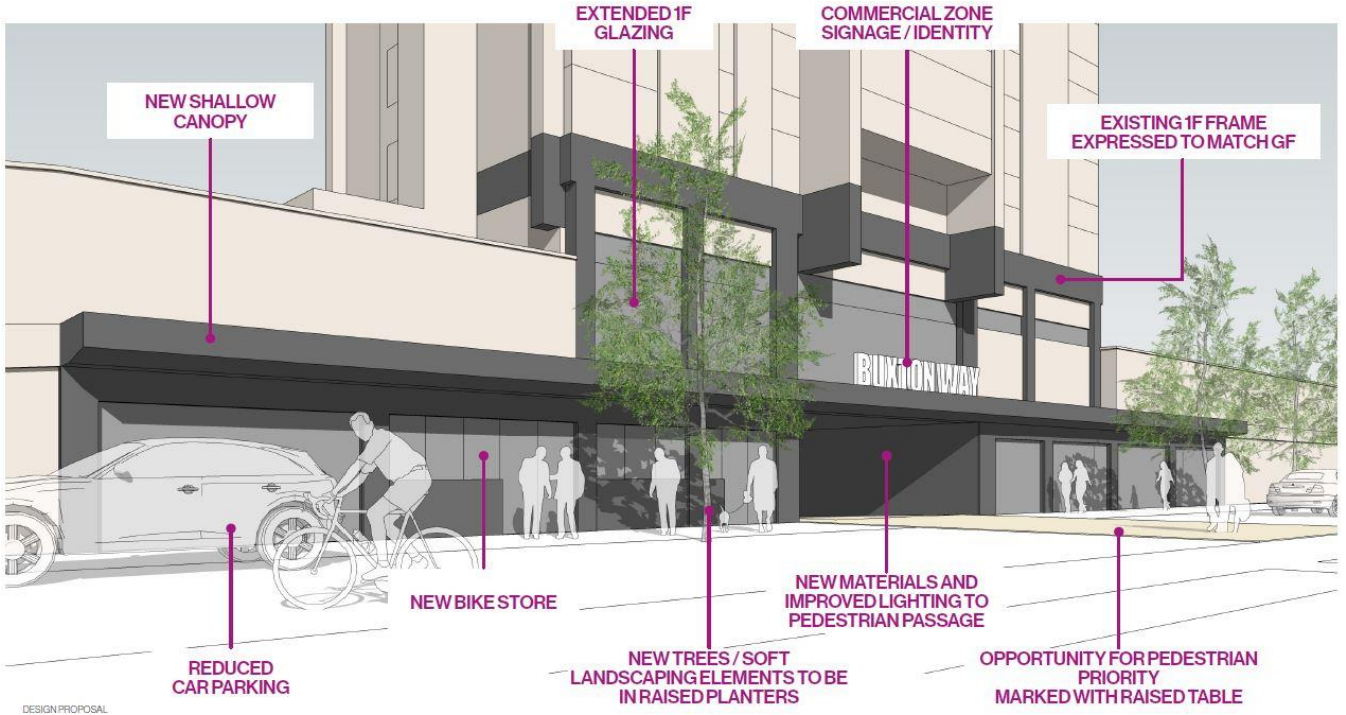
- 11.1 Appendix 1: indicative scheme images.  
 Appendix 2: Plans showing the interests to be acquired.  
 Private appendix

## 12 Service Director responsible

Naz Parkar for Homes and Neighbourhoods  
[naz.parkar@kirklees.gov.uk](mailto:naz.parkar@kirklees.gov.uk)  
 01484 221000 ext. 75312

## Appendix 1: Concept designs for the remodelled Buxton House scheme



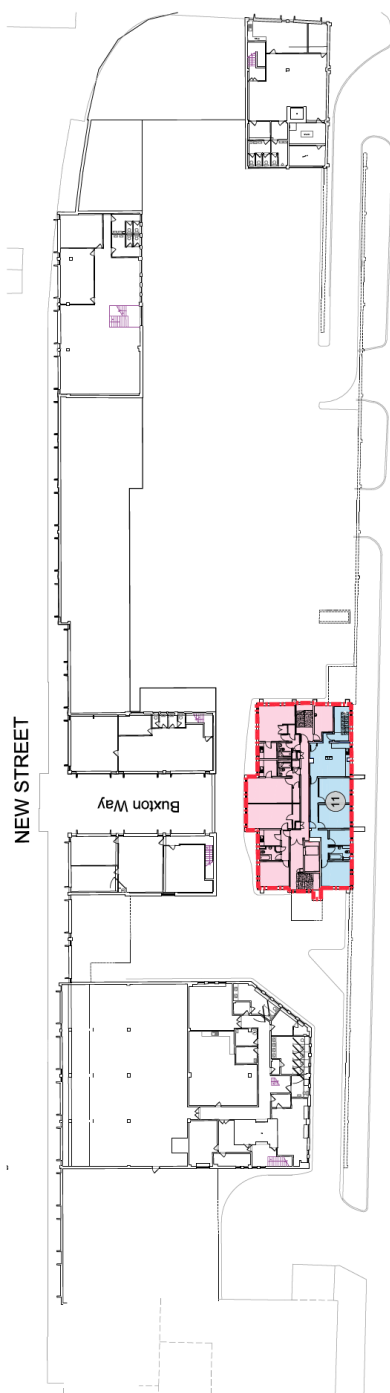


# Appendix 2 – Plans of proposed property acquisitions

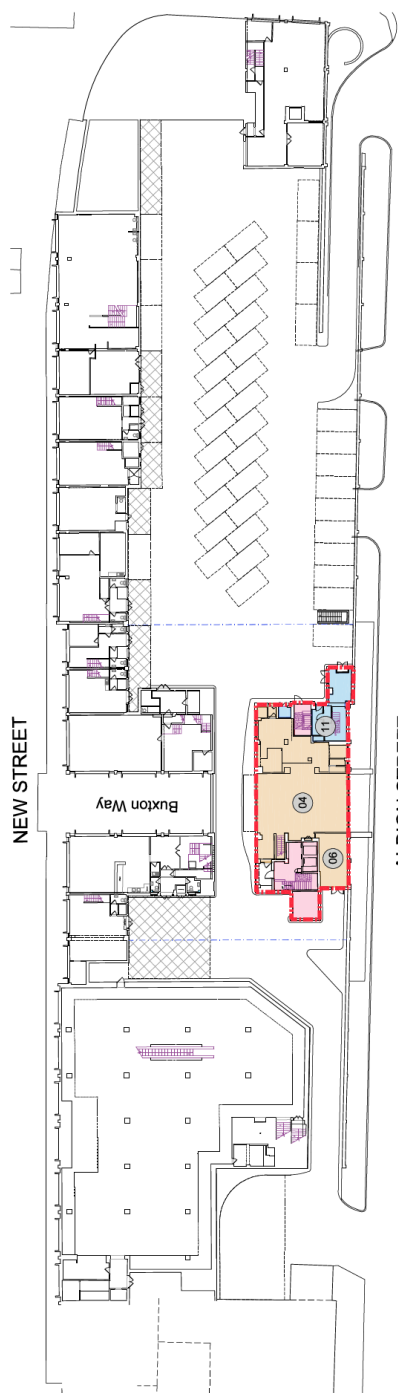
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Areas defined as being of "interest" to Kirklees in respect of securing Lease and/or Head Leases.
- Current KC Lease Areas**  
Areas that are leased by KC under ALB (Head Leaseholders)
- Current Pub Landlords Lease Areas**  
Areas that are leased by the Pub Landlord under ALB (Head Leaseholders).
- Retail Lease Areas**



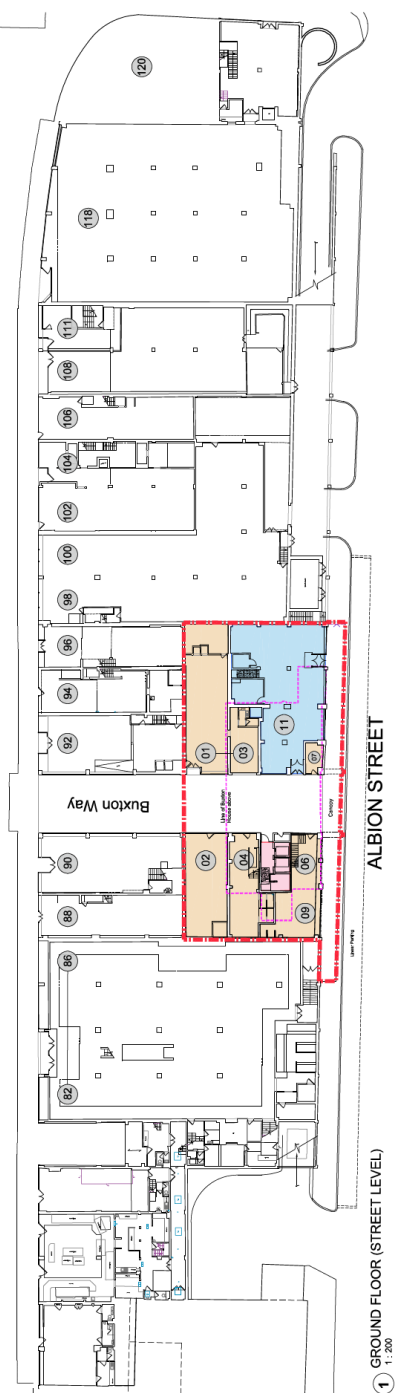
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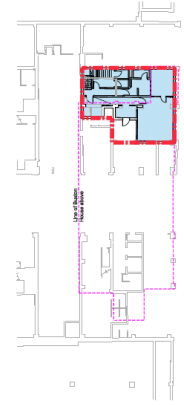
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**2 FIRST FLOOR (PARKING DECK LEVEL)**  
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**1 GROUND FLOOR (STREET LEVEL)**  
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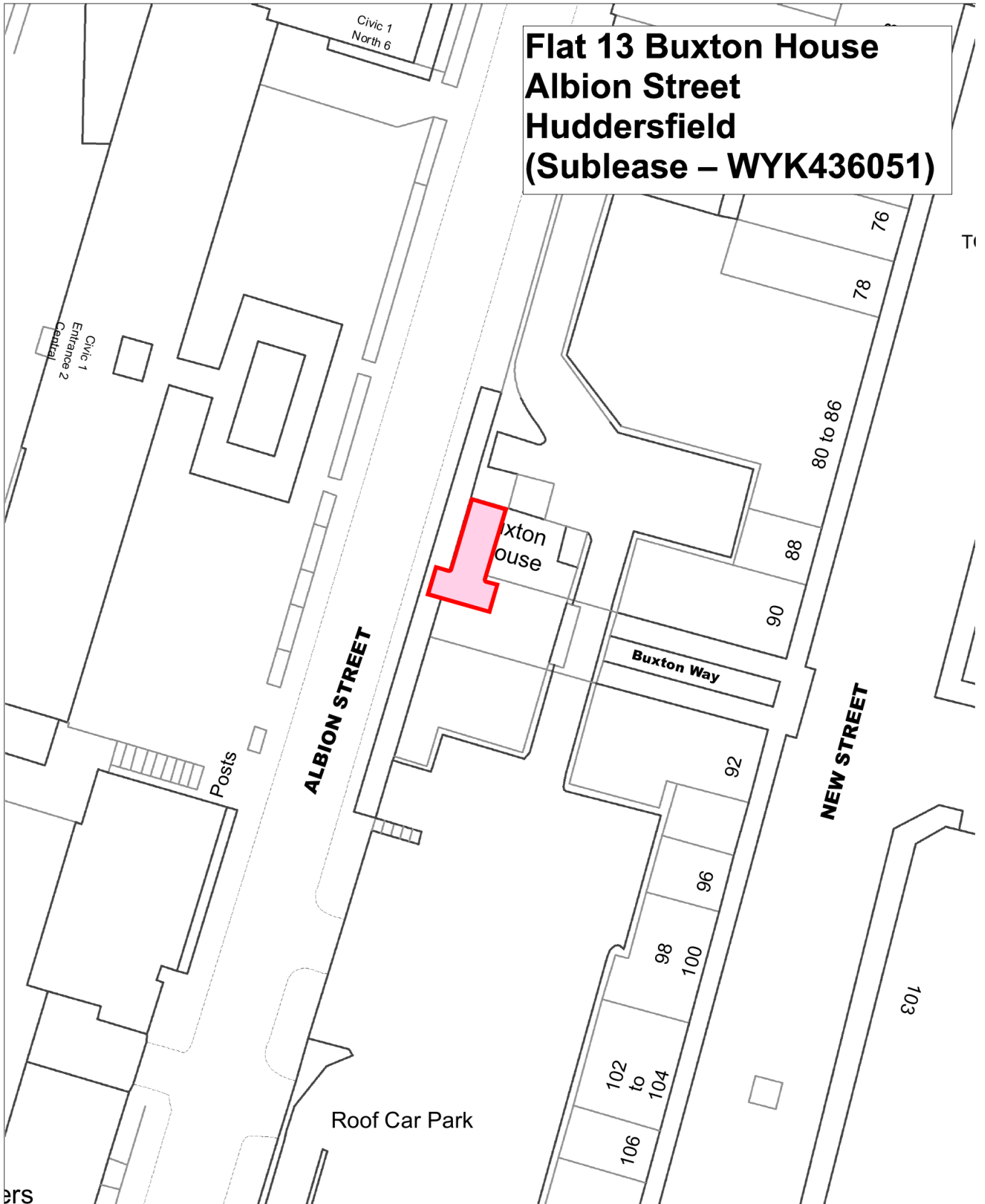
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10	10/08/23			



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Client		Buxton House Management	
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Drawing No.		03/27/23	
Drawing Date		11/08/2023	
Drawing Scale		1:200	
Drawing Title		APP'N FOR LEASES	
Drawing Status		REVISED	
Drawing Author		J. B. J.	
Drawing Checker		J. B. J.	
Drawing Approver		J. B. J.	
Drawing Date		11/08/2023	
Drawing Scale		1:200	
Drawing Title		APP'N FOR LEASES	
Drawing Status		REVISED	
Drawing Author		J. B. J.	
Drawing Checker		J. B. J.	
Drawing Approver		J. B. J.	

**Flat 13 Buxton House  
Albion Street  
Huddersfield  
(Sublease – WYK436051)**



**Assets  
& Estates**

**Plan No:24-0047**

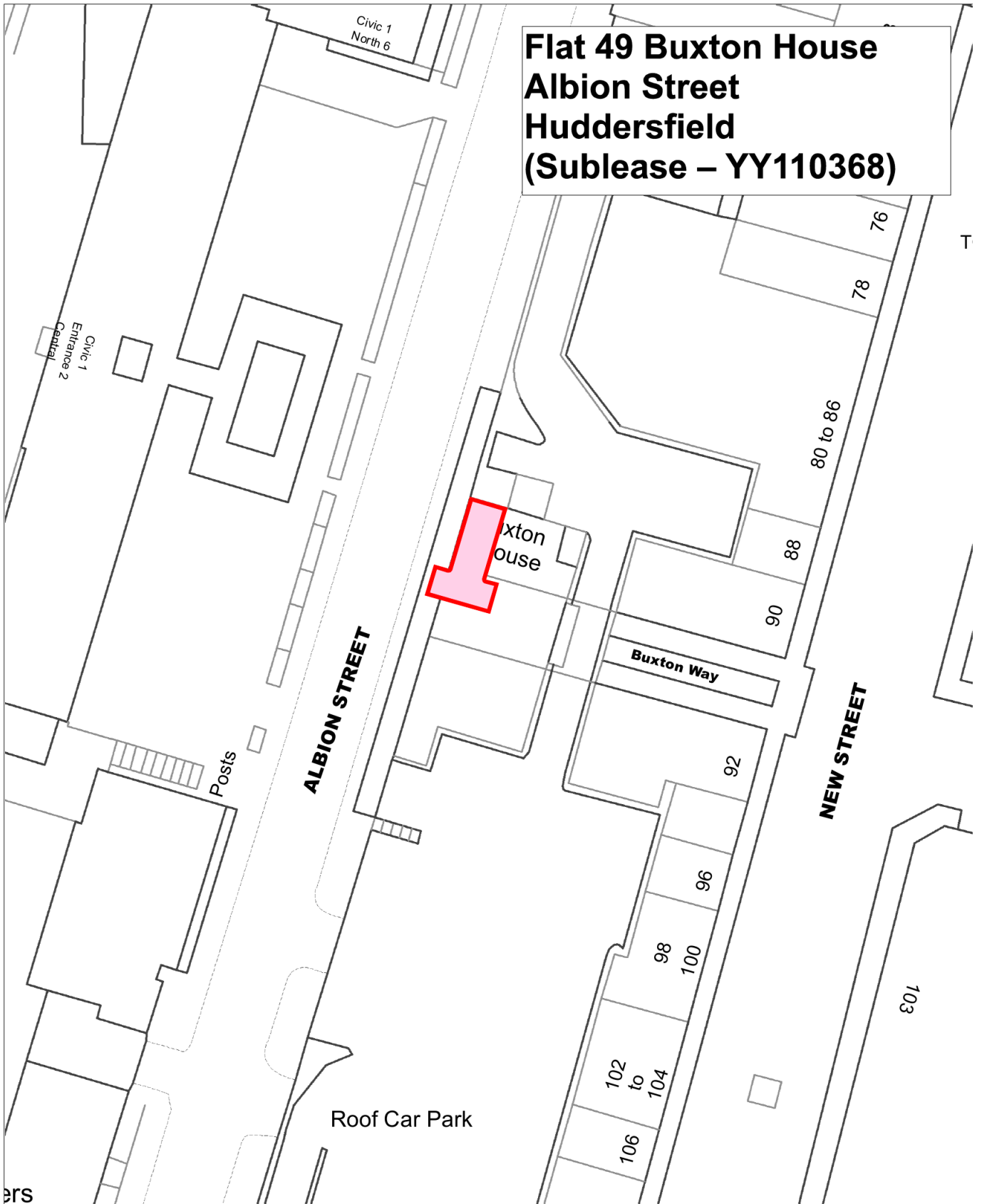
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**Flat 49 Buxton House  
Albion Street  
Huddersfield  
(Sublease – YY110368)**



**Assets  
& Estates**

**Plan No:24-0048**

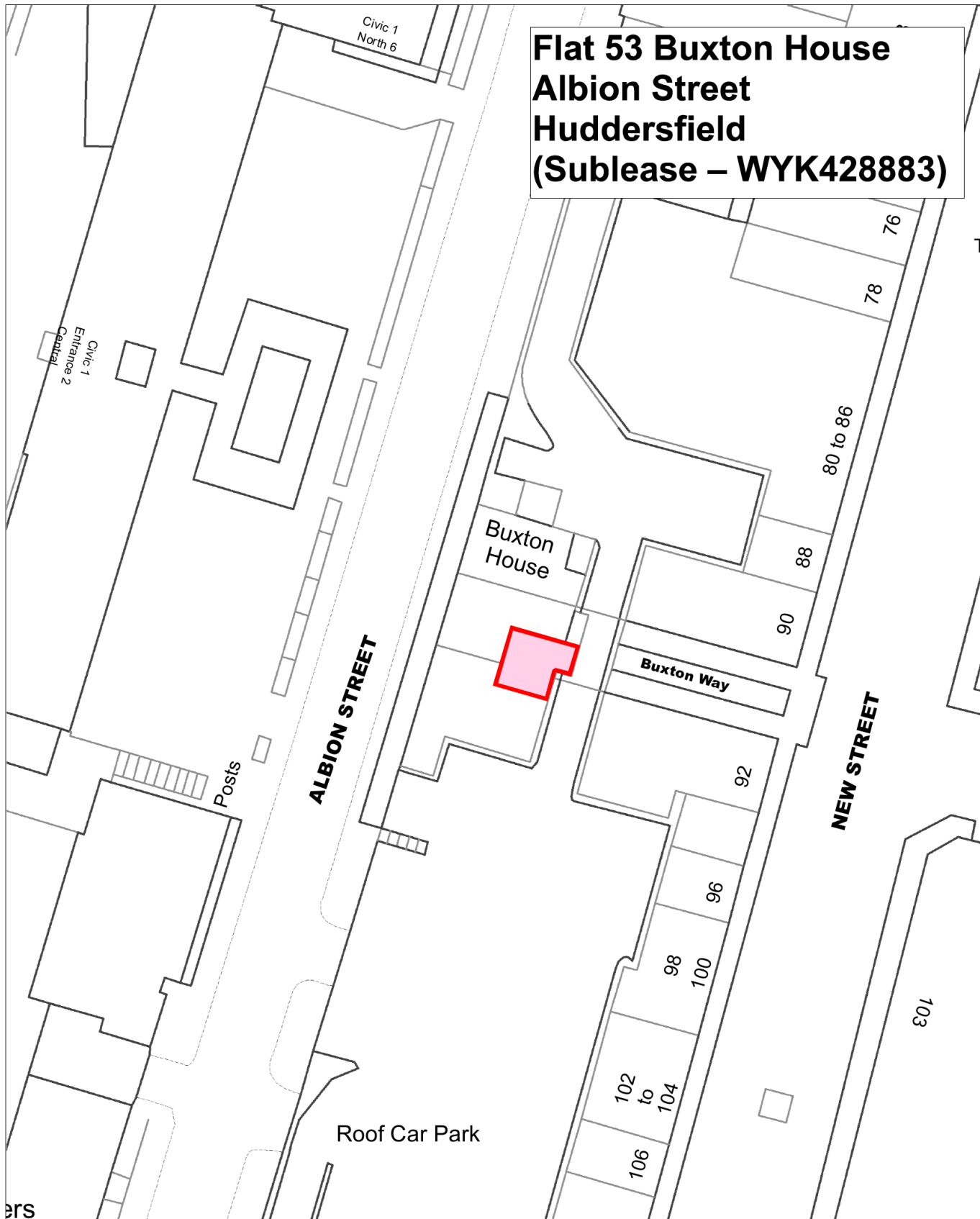
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**Flat 53 Buxton House  
Albion Street  
Huddersfield  
(Sublease – WYK428883)**



**Assets  
& Estates**

**Plan No:24-0049**

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# 1:500 - CAR PARK

