

STATEMENT OF REASONS

Relating to:

Kirklees Council (Buxton House, Huddersfield)

(Buxton House, Albion Street, Huddersfield)

Compulsory Purchase Order 2024

The Council of the
Borough of Kirklees

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1. INTRODUCTION

- 1.1. This document is the Statement of Reasons of The Council of the Borough of Kirklees (“**Acquiring Authority**” or “**the Council**”) for the making of a compulsory purchase order entitled the Kirklees Council (Buxton House, Albion Street Huddersfield) Compulsory Purchase Order 2024 (“**the Order**”). In this Statement of Reasons, the land included in the Order is referred to as “**the Order Land**”.
- 1.2. This Statement of Reasons has been prepared in compliance with Tier 2 - Section 14 of the Guidance on compulsory purchase process and the Crichel Down Rules by the Department for Levelling Up, Housing and Communities (October 2024) (“**the Guidance**”).
- 1.3. The Acquiring Authority has made the Order pursuant to section 226(1)(a) of the Town and Country Planning Act 1990.
- 1.4. The purpose of the Order is to facilitate alterations and refurbishments to levels 3-11 of Buxton House along with a change of use of takeaway and public house and alterations to convert ground floor to 2 flats, entrance lobby, bike and bin storage; change of use of restaurant and alterations to convert level 1 to 2 flats and bin storage; alterations to level 2 to form one additional flat and installation of photovoltaics to roof (“**the Scheme**”). The Scheme is proposed to be implemented by means of the redevelopment proposals which were granted planning permission on 15 July 2024 under reference number 2024/90109 (“**the Planning Permission**”).
- 1.5. If confirmed by the Secretary of State for Housing, Communities and Local Government the Order will enable the Acquiring Authority to acquire compulsorily the Order Land to facilitate the Scheme.
- 1.6. The Council recognises that a compulsory purchase order may only be made if there is a compelling case in the public interest to acquire land (see - paragraphs 2 and 12 of the Guidance). The Council considers that a compelling case in the public interest exists for making the Order, as described in the following sections of this Statement of Reasons set out below.
- 1.7. This Statement of Reasons is a non-statutory statement provided in compliance with paragraph 215 of the Guidance.

2. DESCRIPTION OF THE ORDER LAND AND WIDER SITE

- 2.1. Buxton House is situated between Albion Street and New Street in Huddersfield town centre. This is in an area predominantly comprising retail and municipal buildings. Buxton House was built in the 1960s and is a high-rise tower block typical of the time in which it was built. It comprises a pedestrian underpass and retail units at ground floor level, further retail and hospitality units at first floor level and residential accommodation in the form of flats and bedsits from floors 2-11. The majority of the retail units are vacant. At first floor level it is surrounded to the north, east and south by a 39-space public car park. This car park is accessed by an up and down ramp at either end of Albion Street. To the north-east and south-east of Buxton House is a 1960s shopping precinct fronting on to New Street. The retail units within the precinct are physically joined to Buxton House and form part of a complex which was constructed as a single development. The retail units on New Street are accessible at the rear via the first-floor car park. The majority of the units to the south-east extend all the way back to Albion Street at ground floor level underneath the car park. Please see the pictures on pages 6-10.
- 2.2. Although the Council owns the freehold interest of the Order Land, implementation of the Scheme requires the acquisition of leasehold interests. The Council has endeavoured to acquire the necessary interests by negotiation, but it has not been possible to reach agreement with one affected party.
- 2.3. The map that accompanies the order ("**the Order Map**") identifies the interest to be acquired shown edged red and coloured pink. The Order Map is provided at Appendix 1.
- 2.4. The Order Map identifies 1 plot which comprises the Order Land.
- 2.5. Plot 1 – Flat 49 Buxton House, New Street, Huddersfield, HD1 2PJ is situated on the third floor and is held in single leasehold ownership. Under the Scheme it will accommodate a fire compliant service shaft and resized residential accommodation.
- 2.6. Flat 49 Buxton House incorporates an overhang section of Buxton House which is not mapped on the building outline on the Ordnance Survey map, but is shown on the Order Map. This overhang can be seen on the photograph below. The location of Flat 49 is indicated by a red arrow.



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4.10 PERSPECTIVE VIEWS - EXISTING EXTERNAL VIEW LOOKING NORTH



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Buxton House looking South with access roadway to the East



Buxton House and first floor car park looking North



Buxton House and the car park ramp from Albion Street looking North



Buxton House with Retail shops on New Street and the Buxton Way underpass looking West

DESIGN PROPOSAL

4.10 PERSPECTIVE VIEWS - EXISTING EXTERNAL VIEW LOOKING NORTH WEST



BUXTON HOUSE, HUDDERSFIELD - DESIGN ACCESS STATEMENT, OCTOBER 2023

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3. ENABLING POWERS

- 3.1. The Council has the power under Section 226(1)(a) of the Town and Country Planning Act 1990 (“the Act”) to make a compulsory purchase order to acquire land in its area if it thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement (including regeneration) on or in relation to the land.
- 3.2. Section 226(1a) of the Act provides that the Council may not exercise this power unless it thinks that such development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area.
- 3.3. The Government has prepared the Guidance. The Council has had regard to and followed the Guidance in relation to the Order. Paragraph 1 of the Guidance provides that,
“Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life”
- 3.4. Paragraph 2 of the Guidance provides that a compulsory purchase order should only be made *“where there is a compelling case in the public interest”*
- 3.5. The Guidance provides general guidance on the use of compulsory purchase powers by acquiring authorities whilst Section 1 of Tier 2 provides specific guidance for local authorities on the use of their powers under section 226 of the Act. Paragraph 98.1 of the Guidance provides that the power is,
“intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement the proposals in their local plan or where strong planning justifications for the use of the powers exist”.
- 3.6. The promotion of the Order is in accordance with the Guidance.

4. PURPOSE OF THE ORDER AND THE SCHEME

- 4.1 The purpose of the Order is to secure the assembly of land not within the Council's ownership or control that is required for the Scheme.
- 4.2 The Council currently operates Buxton House Tower as social housing accommodation. The Council is the freehold owner of the site.
- 4.3 Due to the Buxton House being identified as a High-Risk Residential Block under fire safety guidance issued by the Hackitt Review surveys were undertaken and a Building Safety Case was developed in 2020. The condition of the structure and remaining useful life of Buxton House was also assessed. The Fire Risk Assessment for the building advised major fire safety improvements were required. The building does not currently meet modern standards of fire safety. In particular, there is a lack of available smoke control, a refuse chute installation in the escape stair, issues with both vertical and horizontal compartmentalisation and a deficient Part 1 fire system. The surveys also identified building defects. The Scheme was therefore devised to address these issues and deliver better quality more environmentally friendly housing for the Council's social tenants, as well as bringing regenerative benefits to Huddersfield Town Centre.
- 4.4 The Scheme will deliver a modern, thermally efficient residential building for Huddersfield which will significantly improve the quality, safety and choice of social rented accommodation on offer in the town centre as well as addressing the blight arising from the presence of long term vacant commercial units that will achieve economic, social and environmental well-being benefits for the Council's area and the residents of the remodelled Buxton House. The approved proposals for the remodelling are outlined in Section 5 Planning.
- 4.5 The fire safety improvements will bring the building up to current safety standards for high-risk buildings and will improve safety for residents, members of the public and the staff and customers of the businesses in the wider area as well as giving residents peace of mind.
- 4.6 The feeling of safety for residents – one of the areas of concern raised through the consultation process – will also be enhanced by the addition of a larger, more prominent, well-lit and welcoming entrance lobby and new CCTV recording facilities. Internally, the dark, narrow corridors will be widened to improve the look and feel of the building and make it somewhere people can feel proud to live.
- 4.7 The introduction of photovoltaic panels on the roof will contribute to the cost of lighting the communal areas, helping to reduce the amount of service charge that residents pay. It is well documented that poor quality, hard to heat and damp homes are a major cause of ill-health for residents.

- 4.8 This project will provide well-insulated homes that will be affordable for residents, even those on low incomes, to heat. This will provide a healthier living environment as well as an enhanced feeling of wellbeing which in turn will contribute to better mental health. Adequately heated homes will also reduce the occurrence of damp, mould and condensation resulting in lower maintenance costs for the Council with the savings able to be diverted into further improvements in existing stock or the creation of more new affordable homes to alleviate the pressure on the housing waiting list. The Scheme will introduce dedicated cycle storage facilities for residents. This, along with the fact that the Scheme is within easy walking distance of all the facilities of a large town centre as well as a range of public transport options, will discourage car use amongst residents, encourage cycling which will contribute to better health and wellbeing as well as having a small positive impact on air quality, town centre traffic congestion and the availability of parking by reducing reliance on the private car.
- 4.9 By introducing some 2-bedroom apartments and reducing the number of bedsits, the Scheme addresses one of the concerns voiced by residents through the consultation process which was the high number of bedsits. The proposed mix – reducing the number of bedsits from 38 to just 5, increasing the number of 1 bed flats from 19 to 22 and introducing 19 2-bedroom apartments - will improve the town centre accommodation offer and help build a more balanced community than presently exists. This will help to reduce some of the social issues that can be associated with large concentrations of single person accommodation.
- 4.10 The Order Land required for the Scheme is a single leasehold flat situated on the 3rd floor of Buxton House. Whilst the Scheme retains as much of the existing structure as is possible, to aid in maintaining structural stability, the internal layout, as existing, does not meet the requirements established by current housing technical standards and did not work from an architectural perspective while allowing the installation of the necessary equipment, internal fixtures and fittings required for modern living. The Scheme therefore requires the building to be stripped back to its structural shell and reconfigured. There will be no walls or windows during the works and the flat will be uninhabitable. As part of the renovation the layout of Buxton House is changing and Flat 49, as currently demised will no longer exist. The Order Land is a small part of the overall Scheme but is required to allow the implementation of the Planning Permission for the Scheme.

5. PLANNING

5.1. As described above, it is proposed to deliver the Scheme by means of redevelopment proposals comprised in the Planning Permission as follows:

Alterations and refurbishments to levels 3-11 of Buxton House along with a change of use of takeaway and public house and alterations to convert ground floor to 2 flats, entrance lobby, bike and bin storage; change of use of restaurant and alterations to convert level 1 to 2 flats and bin storage; alterations to level 2 to form one additional flat and installation of photovoltaics to roof

5.2. The Scheme is intended to provide affordable rented housing for applicants on the Council's housing waiting list.

5.3. As noted above, the Planning Permission was granted on 15 July 2024. In determining to grant planning permission, the local planning authority concluded that the proposals were in accordance with the Development Plan and that other material considerations also supported the granting of consent.

5.4. It follows from the above that:

- there are no planning impediments to the Order; and
- that the Scheme is in accordance with the up-to-date planning framework for the area.

5.5. The relevant local and national planning policies are referred below.

5.6. Town Centre Regeneration

5.6.1. The National Planning Policy Framework, 2021 (NPPF), chapter 7, sets out that town centres need to grow and diversify. The Policy framework sets out that growth and diversification should respond to recent rapid changes in the retail and leisure industries, allow for a suitable mix of uses in town centres, including housing, and reflect the distinctive characters of individual places.

5.6.2. The principal aim of the Scheme is to remodel the residential accommodation that comprises floors 2 -11 of Buxton House to meet current fire and safety regulations as well as improving space standards of the individual apartments, as far as possible within the existing constraints of the block envelope and enhance the variety of accommodation types on offer.

5.6.3. The conversion of long term vacant commercial property units into housing also fits the diversification agenda and aligns with the vision in Council's "Huddersfield Blueprint" which aims to make the town centre a great place to live.

5.6.4. The Scheme will make a significant positive contribution to the vitality and enhancement of Huddersfield town centre by improving the residential

accommodation offer through the introduction of more 2-bedroom apartments and reduce the number of bedsits over the current design as well as providing improved refuse and cycle storage facilities – issues that residents, taking part in the pre-planning consultation process, stated were important to them.

- 5.6.5. Bedsits are often hard to let and for many modern households (such as single parents with shared custody of children) are simply not an appropriate form of accommodation. The reduction in the number of bedsits will not exclude potential applicants from the affordable housing market as they would still be eligible for a 1-bedroom property; it does, however, given them access to better quality accommodation with sleeping areas separate from the main living areas. The number of bedsits will be reduced from 38 down to just 5, with the number of 1-bedroom flats increasing from 19 to 22. Providing 19 2-bedroom apartments will encourage a more mixed community with a more diverse range of household types and will help to reduce the possibility of the social problems that can be experienced with large concentrations of single person accommodation.
- 5.6.6. The remodelling of the entrance to provide a more welcoming approach will also improve the feeling of safety in this part of the town centre both for residents and users of the Buxton Way pedestrian underpass. The Scheme represents a substantial investment, on a brownfield site, in a highly sustainable location in compliance with the requirements of the NPPF and the Planning Policy Guidance on Town Centres and Retail (2020).
- 5.6.7. The Kirklees Local Plan Core Strategy adopted in 2019 highlights Huddersfield town centre as a principal town centre in the Borough. Policy LP17 seeks to provide opportunities for town centre living in Huddersfield. The Scheme meets the objectives of this policy by improving the accommodation offer and repurposing four vacant retail units on the ground floor as affordable housing.
- 5.6.8. Proposals for residential uses within the defined town centres in the Kirklees Local Plan will be supported subject to criteria set out in local plan Policy LP15. This policy seeks to retain secondary shopping frontages, however the Plan offers flexibility on the policy allowing for beneficial changes in use which would see long term vacant units being replaced with improved residential facilities which will also bring wider benefits to the street scene through the development as a whole. The proposal therefore complies with this policy.
- 5.6.9. Residential uses within town centres play an important role in creating vibrancy and activity within centres, especially outside of the core operating times. They can increase footfall rates throughout the day and into the evening. Buxton

House, in its current form, needs significant investment and works for occupation to continue. The Scheme will secure continued residential occupation and is the most efficient and effective means to address the existing issues. The Scheme to create high quality affordable homes within the town centre is an efficient use of existing space which achieves a good density rate and provides a range of accommodation which is desirable to those wanting to live within the town centre where there is good access to services and public transport.

5.6.10. The NPPF acknowledges that town centres can support a broader mix of uses due to their changing roles and function, with paragraph 86 recognising, “*that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.*”

5.6.11. A total of 46 residential units are proposed within the Scheme, which is in compliance with the national policy view on the appropriateness of residential development in towns and city centres. This is a net reduction of 11 homes overall and is necessary to :

- Improve the standard and quality of the accommodation in terms of the variety of homes on offer (inclusion of 2-bed flats to create a mixed community).
- Improve the standard and quality of the homes so that they as a minimum compliant with the formerly accepted Design & Quality Standards published by Homes England (formerly The Housing Corporation), and over half are compliant with the Nationally Described Space Standards. (It is not possible, because of the constraints of the structure of the building, to increase the footprint of all apartments to this standard).
- Accommodate modern plant to serve the development.
- Improve the attractiveness and feel of the communal areas and entrance,
- Introduce improved facilities for cycle storage, refuse storage and disposal.

5.6.12. Whilst there is a reduction in the number of units the 2-bedroom flats to be created will house more residents than the current bedsits and 1-bedroom units. The Council has determined that the small reduction in the current number of units is necessary and justified to create quality safe homes and a mixed tenure. Additionally, several of the current units are no longer of a lettable standard due to damp and water ingress. It has not been possible to address

these defects by piecemeal repairs. The Scheme will address this and bring them back into use.

- 5.6.13. The Scheme therefore fully complies with the objectives of Chapter 7 of the NPPF with regards to town centre regeneration.

5.7. Placemaking

- 5.7.1. Chapter 12 of the NPPF identifies good design as: “*a key aspect of sustainable development*”.
- 5.7.2. Paragraph 128 advises developments must function well over their lifetimes, be visually attractive with good architecture and layout, effective landscaping, sympathetic to local character whilst not discouraging appropriate innovation or change such as increased densities and providing a high standard of amenity.
- 5.7.3. Paragraph 131 states that great weight should be given to innovative designs which raise the standard of design more generally in an area, as long as they fit in with the overall form and layout of their surroundings.
- 5.7.4. Kirklees Local Plan Policy LP24 states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. The proposal improves the external appearance of the building through the use of façade cladding, increasing the size of upper floor windows and introducing Juliet balconies. This increase in glazing will add depth to the rather austere 1960s elevations of the existing building. The shop fronts to the east will be removed and replaced with three openings. These provide resident access to an entrance lobby with lift access to the flats and a separate access to a refuse store. The residents’ access will create an active frontage, activity and natural surveillance which will increase the feeling of safety – something that existing residents identified as a shortcoming of the current building layout.

5.8. Impact on highway safety

- 5.8.1. The NPPF states that all new development should be assessed in terms of its impact on the existing transport infrastructure, impacts on the safety of users and the impact of encouraging sustainable transport modes. Kirklees Local Plan policy LP21 sets out the matters against which new development will be assessed in terms of highway safety.
- 5.8.2. The Scheme is located within the Huddersfield town centre commercial and retail area and as such is in a very sustainable location with many shops and

services within a short walk and bus and rail stations within 400m and 700m respectively. The removal of a former takeaway, public house and restaurant and the reduction of residential units from 56 to 46 together with there being no on-site parking provision is expected to reduce trip generation. The Scheme includes cycle parking facilities to further encourage the use of sustainable means of transport.

5.9. Residential amenity

- 5.9.1. A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide a high standard of amenity for future and neighbouring occupiers.
- 5.9.2. Due to its age, the existing building is suffering from maintenance issues such as leaks to the roof, the condition of windows, damp and water penetration and poor thermal performance. In addition, resident consultation identified a dislike of the entrances to the building which are dark, unappealing and feel unsafe and the internal communal areas on the grounds of noise and general appearance and the number of bedsits in the block. The internal circulation is cold and tired, spaces feel unwelcoming, and the colour palette reflects an institutional environment. The hard exposed surfaces reverberate noise throughout the development, making it unpleasant for residents within their apartments. The current lifts are extremely small, making it hard for residents to transport large items and have unreliability issues. The lifts also only access alternative floors so half of the residents must climb at least one additional flight of stairs to reach their homes.
- 5.9.3. The existing homes are small and cramped, unsuitable for modern day living. The bedsits are particularly small and unappealing. The homes do not meet current building regulation standards and suffer with poor thermal efficiency.
- 5.9.4. The proposal introduces a new, appropriately sized ground floor entrance lobby directly from Albion Street, rather than from the pedestrian underpass, Buxton Way. The new entrance will ensure compliance with Part M of the Building Regulations (Access to and use of buildings). The unsatisfactory lift arrangement will be replaced with a fire and evacuation lift serving all floors. The existing narrow corridors will be widened and opportunities for enhanced finishes explored which will help to create an environment that residents can

feel proud of and make it easier to bring larger items such as furniture into the apartments.

5.10. *Heritage, Conservation and the Historic Environment*

- 5.10.1. There are no listed buildings within the boundary of the Scheme, however the site is adjacent to the Huddersfield Town Centre Conservation Area and is visible from several listed buildings. As such the proposal has had to demonstrate that it will have no adverse impact on the Conservation Area. Underneath Buxton House, above the entrance to Buxton Way is a mosaic “Systematic Sequence in Line and Shade”, a 1969 work by Richard Fletcher. The mosaic is considered by the 20th Century Society and the Modernist Society as a work of significance. The work will be protected during construction and retained in its existing position.
- 5.10.2. Overall, it is considered that the Scheme complies with the requirements of the NPPF and the Kirklees Council Local Plan policies LP15, LP17, LP21, LP24 and LP35.

6. CONSULTATION

- 6.1. The Council has sought to engage existing residents of Buxton House in shaping the future of the building following a detailed intrusive investigation of the block to establish recommendations for fire safety improvement and investment work. This process began well in advance of the conception of the approved planning proposals.
- 6.2. Between February and April 2021 residents and leaseholders in the residential accommodation were sent consultation packs containing information about the current state of the block, details of the two options for improving fire safety (refurbishment and remodelling of the block, or demolition and rebuilding) and information on how they could share their views.
- 6.3. The results showed that 66% of respondents were in favour of remodelling and refurbishing the building to bring it up to modern standards as opposed to demolition and rebuilding of low-rise flats.
- 6.4. Residents and leaseholders also commented that they wanted to be safe and to feel safe, to live in a modern home, to remain close to the town centre, to live in a more mixed community (not just single people) and a solution that demonstrates value for money.
- 6.5. Residents and leaseholders were consulted again on their views on the initial designs for the remodelling project in August 2023. The event took the format a series of three drop-in sessions held in a vacant flat with representatives in Buxton House in August 2023.
- 6.6. Representatives from the fire safety engagement, resident involvement and high -rise project teams were present as well as the Council's appointed architect, AHR.
- 6.7. Prior to the events, officers conducted flat to flat calls to remind residents and leaseholders on the proposed remodelling programme and engage with Council tenants about the need to find them alternative accommodation.to ensure participation was maximised.
- 6.8. Of the 38 properties occupied at the time of the events, 31 residents (82%) completed an opinion survey either at or after the event. This is a high percentage response showing that residents were engaged with the process and that the opinions expressed can be considered representative.
- 6.9. The consultation was also used as an opportunity to update residents and leaseholders on the proposed remodelling programme and engage with Council tenants about the need to find them alternative accommodation.
- 6.10. The survey showed that residents valued the central location and proximity to amenities. A common theme was a dislike of the access to Buxton House via Buxton Way. The current entrance is via a pedestrian underpass which although short, straight and lit, has

no active overlooking outside normal shopping hours. This is compounded by a recessed main entrance which creates a hiding place and residents stated that they did not feel safe entering and leaving the building. Residents also stated the noise from the bar on Albion Street as a negative aspect of the accommodation. The bar has a licence for live music and the serving of alcohol until 0300. It also has bifold doors which, when opened, provide no protection for residents against noise. A pattern emerged on the importance residents attach to the quality and the management of the communal spaces in the block which has resulted in the proposed widening of corridors and creation of a more welcoming and accessible entrance lobby from Albion Street. Internally, responses showed a strong desire for better quality windows, improvements to ventilation and the removal of bedsits from the block. Many residents also asked that a launderette be provided as part of the remodelling project. The majority of residents were pleased with the proposed remodelling plans with 55% of respondents expressing a desire to return to Buxton House following completion of the project.

- 6.11. A further engagement exercise was carried out in April 2024 to showcase the planning submission and answer any queries from residents. The session again was held in a vacant flat in Buxton House with residents receiving a hand-delivered invitation in advance. Again, the majority of residents responded positively to the plans. Residents welcomed the proposal to provide secure clothes drying space and a centralised mailbox system in the entrance lobby.
- 6.12. Following the submission of the planning application in January 2024, a statutory planning consultation process took place. Members of the public had an appropriate opportunity to express support for the Scheme or raise concerns by way of objection to the planning application. No representations were received from any members of the public in response to the statutory consultation.

7. NEGOTIATIONS FOR THE ACQUISITION OF INTERESTS

- 7.1. The Acquiring Authority has secured the agreement to terminate or surrender 4 of the original 5 occupied interests that are required for the Scheme.
- 7.2. The negotiation with the reputed owners of Plot 1 (the remaining interest) and known as 49 Buxton House, New Street, Huddersfield, HD1 2PJ are set out below

Date	Type	From	To	Description
28.05.2021	Email	[REDACTED]	[REDACTED]	[REDACTED]
04.11.2022	Phone Call	[REDACTED]	[REDACTED]	[REDACTED]
04.11.2022	E-mail	[REDACTED]	[REDACTED]	[REDACTED]
07.11.2022	E-mail	[REDACTED]	[REDACTED]	[REDACTED]
08.11.2022	E-mail	[REDACTED]	[REDACTED]	[REDACTED]
15.12.2022	E-mail	[REDACTED]	[REDACTED]	[REDACTED]
13.10.2023	E-mail	[REDACTED]	[REDACTED]	[REDACTED]

				[REDACTED]
13.10.2023	E-mail	[REDACTED]	[REDACTED]	[REDACTED]
03.11.2023	E-mail	[REDACTED]	[REDACTED]	[REDACTED]
16.11.2023	E-mail	[REDACTED]	[REDACTED]	[REDACTED]
09.05.2024	E-mail	[REDACTED]	[REDACTED]	[REDACTED]
09.05.2024	E-mail	[REDACTED]	[REDACTED]	[REDACTED]
06.06.2024	E-mail	[REDACTED]	[REDACTED]	[REDACTED]
19.07.2024	Phone Call	[REDACTED]	[REDACTED]	[REDACTED]
16.08.2024	E-mail	[REDACTED]	[REDACTED]	[REDACTED]

16.08.2024	Hand Delivered Letter	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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8. JUSTIFICATION FOR THE USE OF CPO POWERS

- 8.1. The Guidance requires the Council to be satisfied and further demonstrate that there is a compelling case in the public interest to first make and then seek confirmation of the Order. The Guidance requires that the various tests set out therein are met.
- 8.2. The key matters demonstrating a compelling case in the public interest for the Order (having regard to the Guidance) are set out below.
- 8.3. Paragraph 106 of the Guidance – What factors will the Minister take into account *in deciding whether to confirm an order under section 226(1)(a)? Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits but the factors which the Minister can be expected to consider include:*
- *whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework.*
 - *the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area.*
 - *whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.*
 - *The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Minister that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position.*
- 8.4. These factors are considered in turn in detail as follows:-
- Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework***
- 8.5. The Order will enable the Scheme to be fully realised in accordance with the Planning Permission.

- 8.6. As explained in Section 5 above, the Scheme was granted Planning Permission on 15 July 2024. The Scheme is in accordance with the Council's development plan and other material considerations.
- 8.7. The Council is therefore satisfied that the Scheme is in accordance with the strategic objectives of the adopted planning framework. The acquisition of Plot 1, for the purposes of unlocking the full redevelopment, is in accordance with local and national adopted planning policy.
- 8.8. ***The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area***
- 8.9. The Council is satisfied that the Scheme will make a material contribution to all of the wellbeing objectives. The basis for this conclusion is outlined below.
- 8.10. **Economic well-being**
- 8.10.1. The Scheme will promote and improve the economic well-being of the area by:
- 8.10.2. Injection £16m of investment into the town centre.
- 8.10.3. complimenting the Our Cultural Heart element of the Huddersfield Blueprint by creating great places to live in the town centre and breathing new life into a prominent but tired looking building;
- 8.10.4. repurposing vacant retail space in a part of the town centre that has struggled to attract a quality retail offer in recent years to much needed high quality affordable housing.
- 8.10.5. creating a more desirable housing offer encouraging people to live in the town centre, generating more evening footfall and benefitting town centre cultural and leisure opportunities. developing at a suitable yet impactful scale to create a more commercially viable investment destination to deliver a step change in property values; the generation of new employment opportunities and social value contributions through the construction phase; the increased economic activity by reasons of increased employment and expenditure during the construction phase of the Scheme; and Replacing poorly built housing with thermally efficient homes which will have lower running costs for occupants alleviating fuel poverty.
- 8.11. **Social well-being**
- 8.11.1. The Scheme will promote and improve the social well-being of the area by:- providing a mix of high-quality homes of different types and sizes to improve the opportunity to create a mixed and vibrant community.
- 8.11.2. Providing homes that are affordable for residents to live in, that are warm, well-insulated and easy to heat and where they can feel safe.

8.11.3. Providing an opportunity to comply with the social value frameworks criteria set in the TOM's Matrix. The TOMS Matrix stands for Themes, Output and Measurements and is a standard set by national government. It is used by a number of Local Authorities to measure social value outcomes in the procurement and delivery of large -scale regeneration schemes.

8.12. Environmental well-being

8.12.1. The Scheme will promote and improve the environmental well-being of the area by:-

- Providing a safe building for tenants to occupy through the implementation of a full programme of fire safety measures.
- taking advantage of unused roof space to install photovoltaic solar panels.
- utilising passive building design measures, including good levels of natural daylight and ventilation plus energy efficiency technologies throughout.
- designing out the unappealing elements which are contributing to the site's lack of success, including the underpass entrance, narrow corridors and poor lighting.
- Securing future town centre living in Buxton House which will allow occupants to easily access amenities and public transport reducing car dependence.

8.12.2. For the reasons set out above, the Council believes that the Scheme will contribute significantly to the improvement of the economic, social and environmental well-being of the Council's area.

8.13. Alternatives to using Order making powers

8.13.1. Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.

8.14. Alternative options

8.14.1. Given the Council's statutory obligations under the Building Safety Act 2022 there is a need to carry out the proposed works and it is not possible to leave Flat 49 as it is because of the physical changes that need to be made to the building.

8.15. Compelling case in the public interest

8.15.1. Paragraph 13 of the Guidance – How will the confirming minister consider the acquiring authority's justification for a compulsory purchase order?

"The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be."

However, the confirming minister will consider each case on its own merits and this guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time".

- *If an acquiring authority does not:*
- *have a clear idea of how it intends to use the land which it is proposing to acquire; and*
- *cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable timescale*
- *it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making."*

8.15.2. The Council considers it has demonstrated in this Statement of Reasons that there are sufficiently compelling reasons for the powers to be sought at this time to enable the Scheme and the benefits it will bring to be delivered see paragraphs 8.1.1-8.1.6

8.15.3. The Council has the necessary resources to deliver the Scheme.

9. FUNDING

9.1. Paragraph 106 of the Guidance provides that,

“The potential financial viability of the Scheme for which the land is being acquired, a general indication of funding intentions and of any commitment from third parties, will usually suffice to reassure the Minister that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position.”

9.2. Paragraph 14 of the Guidance addresses the information that an acquiring authority needs to provide in respect of the resource implications of a scheme. It states:

“In preparing its justification, the acquiring authority should address:

a) sources of funding - the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. If the scheme is not intended to be independently financially viable, or that the details cannot be finalised until there is certainty that the necessary land will be required, the acquiring authority should provide an indication of how any potential shortfalls are intended to be met. This should include:

- The degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme;*
- And the basis on which the contributions or underwriting is to be made*

b) timing of that funding - funding should generally be available now or early in the process. Failing that, the confirming minister would expect funding to be available to complete the compulsory acquisition within the statutory period (see section 4 of the Compulsory Purchase Act 1965) following the operative date, and only in exceptional circumstances, would it be reasonable to acquire land with little prospect of the scheme being implemented for a number of years.

Evidence should also be provided to show that sufficient funding could be made available immediately to cope with any acquisition resulting from a blight notice.”

9.3. The Council proposes to fund both the acquisition and implementation of the Scheme from the housing revenue account. Approval to the estimated budget of £16m of Housing

Revenue Account funding was given by the Council's Cabinet at its meeting on 21 July 2021 and has been included within the Authority's Capital Plan 2024-31. A potential source of funding for additional improvements to the lighting and public realm in Buxton Way is being investigated, however this funding is not critical to the scheme. No other sources of funding are required for the delivery of the Scheme.

9.4. A budget for the full cost of acquiring and implementing the Scheme has been included in the Council's approved Capital Plan. Costs to date have already been funded.

9.5. Funding for the Order

9.5.1. The compensation payable as a result of the Order will be met by the Council. The Council, having obtained independent professional advice from a chartered valuation surveyor at CBRE about the estimated liability for the compensation that may be payable, is satisfied that it has the resources to meet all compensation payments arising from the implementation of a confirmed Order. The resources are committed in the Council's approved Capital Programme and are immediately available.

9.6. Funding for Scheme delivery

9.6.1. The anticipated cost of acquiring all the land interests necessary to enable the Scheme to be implemented in accordance with the planning consent is £1.75m to include third party and legal fees. The construction value of the Scheme is anticipated to be circa £12.1m. The scheme costs are to be met by Council Capital funding.

9.6.2. The Council has approved £1.4 m of capital funding through its Capital Programme to support delivery of the Scheme to date and a further £14.6m from the Capital Programme has been approved to complete the acquisition of the various leasehold interests and to implement the Scheme. The Council is therefore a key investor in the Scheme with funding secured for delivery.

9.6.3. Having regard to the above, the Council is confident that sufficient funding will be available for the Scheme, the Council is committed to the delivery of the Scheme and is satisfied that there are no financial impediments to the Scheme proceeding

10. IMPEDIMENTS TO DELIVERY

10.1. Paragraph 15, of the Guidance deals with the question of impediments to the Scheme.

It states:

“The acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include:

- *the programming of any infrastructure accommodation works or remedial work which may be required; and*
- *any need for planning permission or other consent or licence*

Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld. Irrespective of the legislative powers under which the actual acquisition is being proposed, if planning permission is required for the scheme, then, under section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning application will be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Such material considerations might include, for example, a local authority’s supplementary planning documents and national planning policy, including the National Planning Policy Framework.”

10.2. Planning Permission has been secured as described above. There are no unusual or onerous pre-commencement conditions to be complied with; other conditions can be discharged within the timetable described below.

10.3. The Council is therefore satisfied that there are no physical or legal impediments to the Scheme proceeding.

11. DELIVERY

- 11.1. The Council has commissioned AHR Building Consultancy as the lead of a multidiscipline team to remodel Buxton House residential high-rise block, from inception to completion based on RIBA work stages 1-7.
- 11.2. In order to procure a contractor to carry out the works, expressions were issued in April 2024 and 3 prospective contractors have expressed interest in being appointed.
- 11.3. As part of the design development process, the Council require that contractors use a professional design team. AHR is the Council's appointed consultant, and their design team will remain client side in Project Management/Employer's Agent/Quantity Surveyor and full team technical assistance roles.
- 11.4. The Council will, initially, further to a Pre-construction Services Agreement, be appointing the successful contractor to undertake the lead designer and Principal Designer Building Regulations (PDBR) role, as defined under the Building Safety Act 2022 and the Building (Higher Risk Building Procedures) (England) 2023. In due course the contractor will be appointed to deliver the works against an agreed costing for the works involved.
- 11.5. Due to the nature of the works to be carried out, Buxton House will be required to be vacated prior to the carrying out of any works. The process of rehousing residents commenced in September 2023 and is due to be completed by the end of January 2025. Tenants have been given enhanced priority status when bidding for alternative Council accommodation and where required, are receiving support from housing management staff. This means that they higher priority for properties they have made a bid on than applicants who do not need to relocate and will help their chances of securing a suitable home to move to. All tenants have been offered the option to return to one of the remodelled properties when the Scheme is complete provided that it is appropriate for the needs and size of their household.

12. PUBLIC SECTOR EQUALITY DUTY AND HUMAN RIGHTS

12.1. Public Sector Equality Duty

12.1.1. Paragraph 6, CPO Guidance addresses how the Public Sector Equality should be considered in compulsory purchase regime. It states:

"All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. Throughout the compulsory purchase process acquiring authorities must have due regard to the need to: (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In performing their public functions, acquiring authorities must have due regard to the need to meet these three aims of the Equality Act 2010.

For example, an important use of compulsory purchase powers is to help regenerate run-down areas. Although low income is not a protected characteristic, it is not uncommon for people from ethnic minorities, the elderly or people with a disability to be over-represented in low -income groups. As part of the Public Sector Equality Duty, acquiring authorities must have due regard to the need to promote equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This might mean that the acquiring authority devises as process which promotes equality of opportunity by addressing particular problems that people with certain protected characteristic might have (e.g., making sure that documents are accessible for people with sight problems or learning difficulties and that people have access to advocates or advice)."

12.1.2. An Equality Impact Assessment for the redevelopment of the site has been carried out to ensure that the proposals accord with the law and Council policy on such matters. This will be monitored and reviewed throughout the promotion and implementation of the Order to ensure that any impact can be measured and mitigated against as necessary.

12.2. Human Rights

12.2.1. Article 1 of the First Protocol to the Convention states that

"Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and

subject to the conditions provided for by the law and by the general principles of international law...".

- 12.2.2. Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed and the powers are exercised, this will be carried out in accordance with the law, in this case the Act. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Scheme are set out earlier in this Statement of Reasons. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the proposals and those private rights which will be affected by the Order.
- 12.2.3. Article 6 of the Convention provides that:
"In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".
- 12.2.4. The regeneration proposals, including those associated with the Order Land, have been extensively publicised and consultation has taken place with the communities and parties that may be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, and objecting parties will have the right to be heard at a public inquiry. It has been held that the statutory processes are compliant with Article 6 of the Convention.
- 12.2.5. Article 8 of the Convention states that:
"Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others."
- 12.2.6. The Council considers that any interference with this right that would result from the exercise of the powers conferred by the Order will be in accordance with the law (namely the Act), give effect to a legitimate aim (namely securing a qualitative improvement in the housing available in Huddersfield), and will be proportionate having regard to the public benefits to be secured.
- 12.2.7. Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the compulsory purchase Compensation Code, assessed on the basis of the market value of the property interest acquired, disturbance (i.e., reasonable moving costs and costs/losses

directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 1 of the First Protocol to the Convention. The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that

“regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”.

- 12.2.8. Both public and private interests are to be considered in the exercise of the Council's powers and duties.
- 12.2.9. In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention Rights is considered by the Council to be justified here in Order to ensure that Buxton House is compliant with the Building Safety Act 2022 and provides safe homes for Council tenants in addition to the economic regeneration, environmental and public benefits which the proposals will bring.
- 12.2.10. The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully considered. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate.
- 12.2.11. The proposal to remodel Buxton House was made public through the Council's democratic decision-making process when the Cabinet reports from July 2021 and March 2024 were published on the Council's website. The opportunity for the public to view the plans in detail has been given through the consideration of the planning applications to make representations on the proposals. No representations from members of the public were received through the statutory planning consultation process. If objections are received to the confirmation of the Order, a local public inquiry will be held into the Order, and those, whose interests are acquired under the Order, if it is confirmed, will be entitled to compensation as provided for by law.

13. SPECIAL CONSIDERATIONS

13.1. There are no special considerations that the Council wishes to be taken into account.

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14. SPECIAL CATEGORIES OF LAND

14.1. None

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15. EXTENT OF THE SCHEME

- 15.1. Section 6a (1) of the Land Compensation Act 1961 provides that *“The no-scheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for the compulsory acquisition of the land (see rule 2A in section 5)”*.
- 15.2. For the purposes of section 6A, the “scheme” means the scheme of development underlying the acquisition.
- 15.3. Section 6 explains that the underlying scheme is to be the scheme provided for by the Order unless it is shown that the underlying scheme is a scheme larger than, but incorporating, the scheme provided for by that instrument.
- 15.4. The Order authorises the compulsory acquisition of land for the purposes of Order.
- 15.5. The extent of the Scheme to be disregarded for the purposes of assessing compensation is shown in the Scheme Plan which has been supplied as Appendix 2.

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16. ADDITIONAL INFORMATION

16.1. Contacts for any enquiries related to the CPO the first point of contact at the Acquiring Authority are: -

Kate Gothard, Legal Services

kate.gothard@kirklees.gov.uk

4th Floor South, Civic Centre 1, Huddersfield HD1 2NF Telephone 01484 221000

Owners and tenants of properties affected by the CPO who wish to negotiate a sale or discuss matters of compensation should contact:-

Matthew Garbutt, Assets and Estates,

matthew.garbutt@kirklees.gov.uk

Civic Centre 1, Huddersfield HD1 2NF Telephone 01484 221000

This Statement of Reasons is not intended to be a statement required under Rule 7 of the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990.

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17. DOCUMENTS

17.1. Documents: in connection with the Order have been deposited at the Acquiring Authority's offices at

Huddersfield Library, Civic Centre 3 Market Street, Huddersfield, HD1 2EY

The opening hours of which are:

Monday	9am-7pm
Tuesday	9am-5pm
Wednesday	9am-5pm
Thursday	10am-7pm
Friday	9am-5pm
Saturday	9am-4:30pm
Sunday	Closed

The following is a list of documents the Acquiring Authority intends to refer to should there be a public inquiry albeit this list is not exhaustive and should there be a public inquiry the Acquiring Authority may put forward further documents:-

No.	Document Name
1	CPO (including CPO Schedule).
2	CPO maps.
3	Relevant reports to and resolutions/decisions of the Cabinet and Council
4	Planning Application, supporting documents and related committee reports
5	Kirklees Local Plan Strategy and Policies 27 February 2019
6	National Planning Policy Framework
7	Equality Impact Assessment for the redevelopment
8	The Scheme Plan

All planning application documents can be found at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f48%2f90109%2fW>

Application Number 2024/48/90109/W

Appendix 1 - Order Map

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Appendix 2 – Scheme Plan

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