



Name of meeting: Cabinet
Date: 22nd September 2015
Title of report: Proposed Demolition of Nos 172 – 184
 Wakefield Road, Moldgreen and in Principle
 Approval for a Compulsory Purchase Order for
 No. 184

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the <u>Council's Forward Plan</u>?	No
Is it eligible for "call in" by <u>Scrutiny</u>?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman - 01/09/15
Is it signed off by the Director of Resources?	David Smith - 01/09/15
Is it signed off by the Assistant Director – Legal, Governance & Monitoring?	Julie Muscroft - 10/09/15
Cabinet member <u>portfolio</u>	Cllr Cathy Scott – portfolio holder for Housing and the Relief of Poverty

Electoral wards affected: Newsome

Ward councillors consulted: Cllr Karen Allison, Cllr Andrew Cooper and Cllr Julie Stewart -Turner

Public or private: Public with Private Appendix (Appendix 2)

1. Purpose of report

- To inform Members of the current position regarding seven empty residential properties on Wakefield Road, Moldgreen (Nos 172 to 184). Six of the properties are owned by the Council and one property (No. 184) is privately owned.
- To seek approval for the demolition of the properties.

- To seek in principle approval to acquire No. 184 Wakefield Road by Compulsory Purchase Order (CPO) prior to the demolition works if it isn't possible to make contact with the owner and acquire the property by negotiation.

2. Key points

2.1 Background

Nos 172 to 184 Wakefield Road are part of a terrace of residential properties on Wakefield Road/Smithy Lane, Moldgreen. Nos 172 to 182 are owned by the Council and are managed by Kirklees Neighbourhood Housing (KNH). No 184 is privately owned. All seven properties have been vacant for several years. The Council owned properties are in poor condition and are unsightly. No. 184 is derelict. The remaining four properties in the terrace (No. 170 Wakefield Road and Nos 1,3 and 5 Smithy Lane) are occupied and are not owned by the Council. These properties are not considered in this report. A plan showing the location of Nos 172 to 184 Wakefield Road and a photograph taken from Wakefield Road are included in Appendix 1 of this report.

The properties are located approximately 1.5 miles from Huddersfield town centre and are in a prominent road frontage position on a key route into the town centre. They are located adjacent to the former Poplar Gelder estate which was developed by Yorkshire Housing, a registered social landlord, in two phases of development which were completed in 2011 and 2013. The properties on Wakefield Road were included in early plans for the redevelopment of the Poplar Gelder estate but were excluded from Yorkshire Housing's final plans for the site. The reasons for Yorkshire Housing no longer wishing to pursue the redevelopment of the properties on Wakefield Road included cost and ownership issues and uncertainty about a potential proposed bus lane on the road frontage.

Various reports on the plans for the Poplar Gelder estate were considered by Cabinet between 2006 and 2010. During this period, Cabinet authorised the demolition of the estate, redevelopment of the site, tenant decanting and transfer of the site to Yorkshire Housing.

Cabinet have previously given in principle approval to acquire property by Compulsory Purchase Order (CPO) to facilitate the redevelopment of the Poplar Gelder estate and have authorised the demolition of the estate. However, there are no previous approvals which are relevant to the current position.

2.2 Current Position

Nos 172 to 184 Wakefield Road are in a poor and deteriorating condition (see section 2.2.1 of this report for details of the surveyor's report). The properties are unsightly and are having a negative impact on the appearance and image of Wakefield Road (see comments in the

last paragraph of this section 2.2). The properties are also detracting from the adjacent Yorkshire Housing development and are affecting the amenity and outlook of the residents of the development.

The properties are located in an area of Wakefield Road where significant investment and regeneration is taking place and the condition of the properties is also detracting from this. Recent investment in the immediate area includes new student accommodation, a new health and fitness club and a new coffee shop.

Councillor complaints have been received regarding the condition and safety of the properties. The Council also received a complaint from a member of the public via the local M.P.s office about the properties in April 2015. The comments made are that the buildings are an eyesore, they harm the character of the area, discourage investment and promote anti-social behaviour.

2.2.1 Council Owned Properties (Nos 172 – 182 Wakefield Road)

KNH undertook repairs to make the Council owned properties safe in April 2014. KNH are continuing to monitor the condition of the properties on a weekly basis and are addressing any issues.

A survey of the Council owned properties was undertaken by the Council in August 2014. The survey confirmed that the properties are in an advanced state of dilapidation with large parts of the roof missing or collapsed in areas. Only major repairs will bring the properties back into use.

Following a health and safety inspection of the buildings in April 2015 KNH raised concerns about their deteriorating condition and the potential for considerable costs if they continue to deteriorate. KNH's Health and Safety advisor has recommended that remedial works to make the properties safe and secure or demolition are considered. The condition of the roof is a key concern.

2.2.2 No 184 (Privately Owned)

The Council inspected No 184, the privately owned property, in June 2014 and April 2015. On both occasions officers were satisfied that the condition of the property does not pose an immediate danger. The Council does not therefore have any grounds to take action under dangerous structures powers.

The Council used its powers in June 2014 to make No 184 safe and secure from unauthorised access.

The Council will undertake further inspections of No 184 if there are any concerns about the safety of the property.

The Council has not been able to enter into any dialogue with the owner of No 184. The ownership issues relating to No 184 are addressed in more detail later in this report.

2.3 Options for the Future of the Buildings

Officers have considered a range of options for the future of the buildings. The options considered have included demolition and refurbishment.

Due to the expected high costs of refurbishment works which would be in the region of £760,000 for the six council owned properties (based on estimates obtained by the Council) as well as concerns about the suitability of the properties for future housing use, the demolition of all seven properties is considered to be the best option. The estimated cost of the project if the properties are demolished is expected to be approximately £205,000.

Land to the rear of the properties would be graded down to prevent damaging the covered watercourse to the rear of the site.

The Council will consider options for the development of the cleared site including disposal.

The Council would be responsible for the maintenance of the land in the interim period between the demolition works and disposal of the site.

2.4 Acquisition of No 184 Wakefield Road

The Council would need to acquire No 184 before demolition works can take place, ideally by negotiation. However, despite numerous attempts, the Council has not yet been able to make contact with the owner of No 184 to enter into any discussions or negotiations regarding the purchase of the property.

The Council will continue with its efforts to contact the owner of No 184. However, if it isn't possible to purchase the property by agreement it may be necessary to compulsorily purchase the property.

The Council's Legal officers have advised that the general power to purchase property by CPO under Section 226 of the Town and Country Planning Act 1990 would be the appropriate power in this case. This gives powers to acquire land for the proper planning or improvement of an area. Section 226 enables a Council to exercise its compulsory purchase powers if:

- (a) it considers that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired; and
- (b) it considers that exercising the powers for development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area.

In the event that it is necessary for officers to seek Cabinet approval for a CPO, members will have to consider the rights of the owner of the property under the Human Rights Act. In the meantime officers have had regard to Article 1 of the First Protocol (right to peaceful enjoyment of property) and Article 8 (right to a private and family life, home and correspondence). Members will also have to consider Equalities legislation.

If a CPO is necessary it is likely to be a lengthy process. A typical CPO can take 12 to 18 months to complete. The potential timescales for the CPO will be taken into account in the overall timescales for the project.

Cabinet are asked to agree to the principle of a CPO for No 184 Wakefield Road at this stage. A detailed report on the proposed CPO would be brought to Cabinet at a later stage if a CPO is required.

The Council does have powers under Section 215 of the Planning Act to serve notice on owners of property if the condition of land or buildings adversely affects the amenity of an area. The possibility of issuing a Section 215 notice requiring the demolition of No 184 has been considered but is not the preferred option as the land would still be in private ownership following demolition works. This would mean that there would be uncertainty about the future use and maintenance of the land. This would also impact on the potential to dispose of the site.

3. Implications for the Council

The proposed demolition works would achieve the following benefits:-

- Vacant unsightly buildings would be removed from a key gateway into Huddersfield town centre contributing to the regeneration of the area and no longer detracting from the adjacent Yorkshire Housing scheme.
- Maintenance liabilities and costs will be significantly reduced.
- Safety concerns relating to the condition of the buildings will be removed.

The risks associated with the project are:-

- Potential concerns about the visual impact following the demolition works although the local planning authority has indicated that the proposals are acceptable in principle.
- Failure to acquire No. 184 by negotiation or CPO in which case the Council would consider other enforcement options including action under Section 215 of the Planning Act.

3.1 Financial

A budget of £205,000 is required for the project to include demolition works and the acquisition of No 184 Wakefield Road. Officers in Finance have confirmed that the project can be funded from the Council's Capital Allowance budget. A breakdown of the costs is provided in Appendix 2 which is to be considered in private.

3.2 Future Maintenance

The Council will be responsible for the future maintenance of the cleared site in the interim period between the demolition of the properties and disposal of the site.

Maintenance costs will be significantly lower than the ongoing costs for the maintenance of the Council owned buildings.

4. Consultees and their opinions

The Capital Delivery Board has been consulted and supports the proposed demolition of the properties.

Ward Councillors have been consulted and also support the proposals.

5. Next steps

- A planning application will be submitted for the demolition of Nos 172 to 184 Wakefield Road.
- Attempts to make contact with the owner of No 184 to enter into negotiations to purchase the property will continue.
- Preparatory work for the acquisition of No 184 by CPO will commence and a detailed report seeking formal approval to proceed with the CPO will be brought to Cabinet at a future date if a CPO is required.

If a CPO is required the overall process for the acquisition of No 184 and the demolition of Nos 172 -184 is likely to be a lengthy process and could take up 2 years.

The estimated timescales for the project if a CPO is required are outlined below:

- Planning approval to be obtained December 2015.
- Cabinet resolution to commence CPO of No 184 early 2016.
- CPO process to be completed by summer 2017 assuming CPO process will take between 12 and 18 months.
- Demolition works to be completed by late 2017 assuming completion of CPO process in summer 2017.

The timescales for completing the demolition works will be reduced considerably if No 184 can be acquired by negotiation. In this case

following the acquisition of No 184 and approval of planning permission, demolition works could be completed during 2016.

6. Officer recommendations and reasons

Cabinet are asked to:

- Note the content of this report regarding the current condition of the properties.
- Approve the proposed demolition of Nos 172 to 184 Wakefield Road.
- Authorise the Assistant Director Physical Resources and Procurement to negotiate the acquisition of No 184 Wakefield Road if it is possible to make contact with the owner.
- Approve the principle of acquiring No 184 Wakefield Road by CPO should it not be possible to acquire the property by negotiation.
- Authorise the Assistant Director Physical Resources and Procurement to proceed with site disposal following completion of the project.

For the reasons outlined in this report relating to:

- The improvement and regeneration of the Wakefield Road area.
- The safety and condition of the properties.
- Future maintenance issues.

7. Cabinet portfolio holder recommendation

The Portfolio Holder, Cllr Cathy Scott, supports the proposals in this report and for the report to proceed to Cabinet.

8. Contact officer and relevant papers

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Relevant papers

Appendix 1 (public)
Appendix 2 (private)

9. Assistant Director responsible

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Appendix 1

