

**Dated.....17<sup>th</sup> February .....2022**

**The City of Bradford Metropolitan District Council  
(The Old Manor House, Rosebery Road, Manningham, Bradford)  
(Listed Building Renovation Scheme)  
Compulsory Purchase Order 2022**

**STATEMENT OF REASONS**

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**(The Old Manor House, Rosebery Road, Manningham Bradford)**  
**(Listed Building Renovation Scheme)**  
**Compulsory Purchase Order 2022**

**Statement of Reasons**

**INDEX**

1. Preliminary Matters
2. Introduction
3. Location and History of Order Land
4. Ownership of Order Land
5. Condition of Building and Alternative Options
6. Scheme Programme and Implementation
7. Scheme Noise and Ancillary Factors
8. Planning Statement
9. Scheme Justification
10. Scheme Funding
11. Compulsory Purchase Order
12. Order Land Negotiations
13. Mining Code
14. Papers in support of the Order
15. Special Considerations
16. Associated Orders
17. Human Rights
18. Public Sector Equality Rights Statement
19. Status of Statement of Reasons
20. Conclusion

Appendices -

Location Plan - Appendix A

CPO Order Map - Appendix B

## 1. Preliminary Matters

1.1 This Statement of Reasons (the "**Statement**") has been prepared in accordance with Government Guidance (dated October 2019) relating to the compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by or under the threat of compulsion. It is to be distributed to all those persons as suggested by Government guidance and will be available for public inspection.

1.2 The purpose of the Statement is to explain the reasons why the City of Bradford Metropolitan District Council (the "**Council**") being the relevant "Acquiring Authority" on 15<sup>th</sup> February 2022 made and submitted to the Secretary of State for Digital, Culture, Media and Sport (the "**Secretary of State**") the following -

The City of Bradford Metropolitan District Council (The Old Manor House, Rosebery Road, Manningham, Bradford) (Listed Building Renovation Scheme) Compulsory Purchase Order 2022 (the "**Order**") pursuant to Section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 1 of the Localism Act 2011 and the Acquisition of Land Act 1981 and all other relevant and enabling powers to secure the compulsory acquisition of the building situate and known as "The Old Manor House", No.23 Rosebery Road, Manningham, Bradford BD8 7QB (the "**Building**") and an area of garden land (the "**Garden Land**") lying to the north east and abutting the Building at the corner of the junction of Oak Lane and Rosebery Road, Manningham, Bradford.

1.3 The Order, if confirmed by the Secretary of State will enable works to be carried out to the Building (the "**Scheme**") to bring the Building back into a condition whereby it is once again fit for beneficial use and to preserve the status of the Building as a Grade II listed building.

1.4 The Garden Land is needed to facilitate access to the Building and enable the Council to more properly control, manage and preserve the Building.

1.5 Both the Building and Garden Land are shown shaded pink on the copy of the CPO Order Map annexed hereto as Appendix B and numbered 1 and 2, respectively.

1.6 The date for the expiry of objections to the Order to be sent to the Secretary of State is Friday, 18<sup>th</sup> March 2022.

1.7 The Order has been made and submitted to the Secretary of State for confirmation. In the event that the Order is confirmed, it will authorise the exercise of compulsory purchase powers, to enable the compulsory purchase of the Building and Garden Land to facilitate the Scheme and to ensure that all the land needed for the Scheme is acquired, should this not prove possible through voluntary means.

1.8 Throughout the Statement mention is made of the Building and the Garden Land and any other interests included in the Order and is referred to hereinafter as the "**Order Land**". For ease of identification the Building and Garden Land are identified where appropriate by reference to Plot numbers in relationship to their position in the Order Schedule and are so marked on the CPO Order Map.

1.9 The "**Order Schedule**" refers to the schedule to the Order.

1.10 The "**CPO Order Map**" is that bearing the title as in the Order.

1.11 The Council considers that there is a compelling case in the public interest for the making and confirmation of the Order to secure the Order Land required for the purpose of implementing and completing the Scheme and described in the Order Schedule and shown on the Order Map.

1.12 Furthermore the Council will take advantage wherever possible of the alternative dispute resolution techniques introduced by the Planning and Compensation Act 2004 for trying at the earliest opportunity to help to clarify areas of uncertainty with those with a vested interest in the Order Land as the Council recognises the stress that the compulsory purchase process inevitably places on those whose interests are affected by the Scheme.

1.13 The Council has and continues to engage in negotiations with all parties for the voluntary acquisition of the Order Land. Despite endeavours to agree a voluntary settlement to acquire the Order Land, it has so far not proved possible and the Council has been left with no alternative other than to rely on its statutory compulsory purchase powers to acquire the Order Land.

1.14 This Statement is not intended to discharge the Council's obligation under the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Council reserves the right to produce additional documents to those listed at Section 14 and to call further evidence to support the justification of the use of compulsory purchase powers should it be considered necessary in the event that objections are made to the Secretary of State during the confirmation process.

## **2 Introduction**

2.1 The Scheme seeks to ensure the proper preservation and assurance of the future existence of the Building, which is currently critically at risk, with structural issues particularly to the timber frame components and roof structure which threaten its fundamental stability and immediate survival.

2.2 Extensive and careful repair of the Building will be necessary. This will require the professional instructions of a conservation architect and structural engineer. A complete survey of all components comprising the internal timber structure will require undertaking. This will identify all defects and necessary repairs to the timbers, which will then be undertaken using matching timber, implemented using good conservation practice with minimal loss of historic fabric and employing traditional carpentry techniques. With continued reference to the Council's conservation architects and structural engineers, any necessary structural repairs to all parts of the elevations and chimneys will be undertaken. The whole of the Building will be re-pointed using lime mortar. The roofs will be stripped of all remaining slates and fully re-slatted incorporating where possible insulation to current requirements. The slating will be with reclaimed natural stone slate and use appropriate metal flashings to all valleys and verges. Stone copings of the correct profiles, stone ridge pieces and finials shall be reinstated. Rainwater goods shall be installed using traditional materials, with drains checked as operational or replaced with new to connect to public sewers. Windows and doors shall be replaced to the patterns and details which previously existed. All external woodwork shall be thoroughly decorated. Internally, all timbers shall be treated against rot or infestation. Ceilings and walls will be re-finished using traditional compatible materials. Floors will be reinstated using traditional timber boards.

2.3 The works of repair and reinstatement to restore and preserve the Building are contained in a number of Repair Notices that have been served on the Building owner pursuant to Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, none of the works specified in the schedule to the Repairs Notice have been undertaken nor completed. It is therefore concluded that to secure the proper preservation of the Building, the Council is left with no alternative but to use its compulsory purchase powers.

2.4 The Council expects to repair and reinstate the fabric of the Building itself. It has the financial resources to do so. It will also investigate contributions from the Architectural Heritage Fund and Historic England who have expressed a willingness to assist.

2.5 The necessary reinstatement works to the Building will be undertaken by building contractors experienced in historic building work, procured by the Council and according to specifications prepared by a conservation architect and structural engineer. It is anticipated that the repair and reinstatement will be project managed by the Council.

2.6 It is considered that the Building is unlikely to be used for residential purposes once repaired. Interest has been expressed in its use as a support hub for a local educational academy trust which has five primary schools in the locality. The Council expects to retain ownership and lease the Building and the Garden Land to a subsequent user.

### **3. Location and History of Order Land**

3.1 The Order Land is located in the Manningham District of Bradford on the edge of Bradford City Centre. The Building comprises a 2-storey property, previously used as a dwelling, and situated close to other detached and terraced dwellings. Abutting the Building is an overgrown parcel of land (i.e. the Garden Land), which was until recently in the same ownership as the Building and previously served as its enclosed garden.

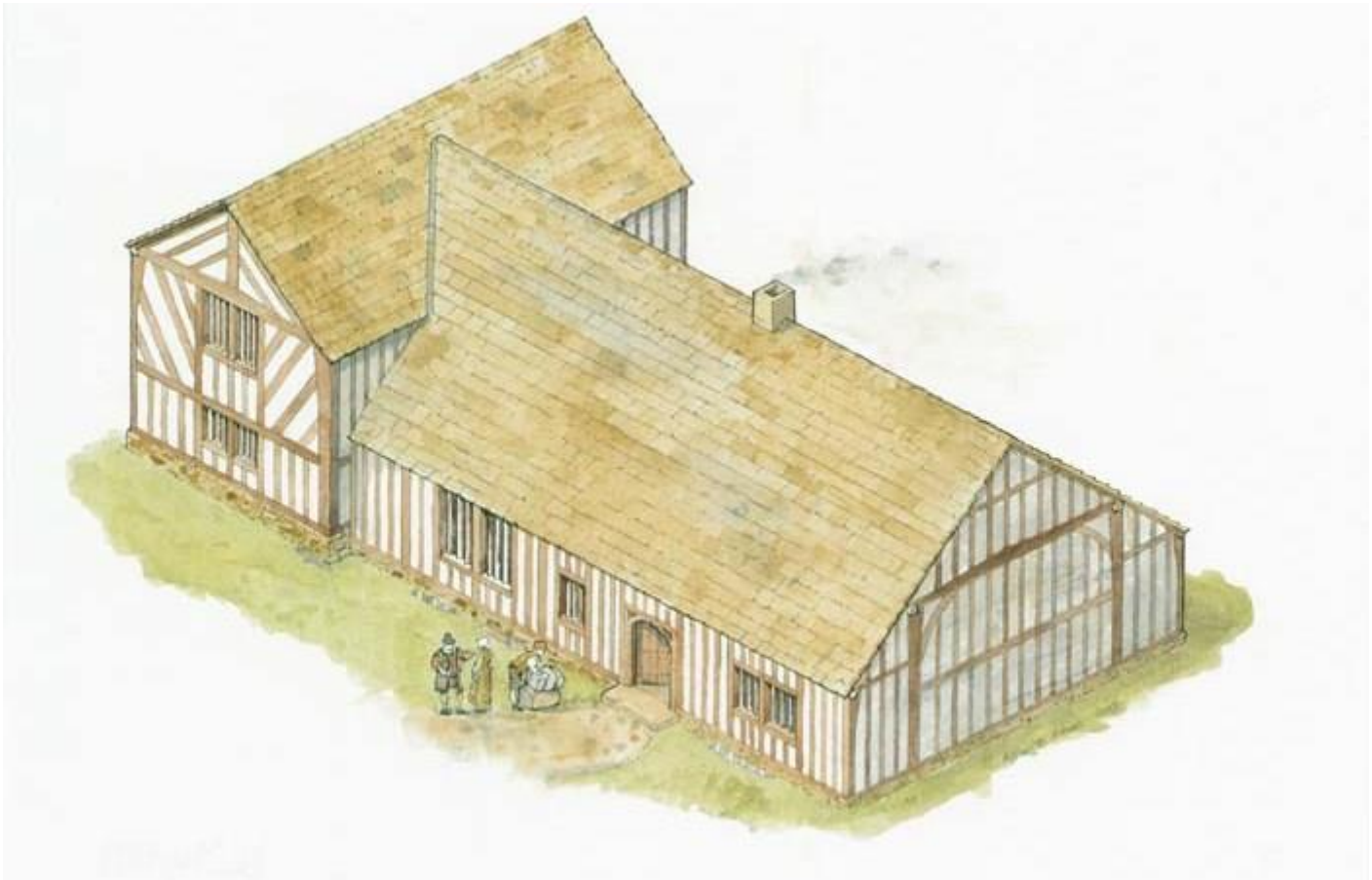
3.2 A location plan is appended to this Statement as **Appendix A**, showing the position of the Order Land in relation to the wider area of the District Council.

3.3 The Building is a Grade II listed building under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended due to its special architectural and historic interest and is within the St. Paul's Conservation Area.

3.4 Rosebery Road is a quiet residential street with both terraced and detached domestic buildings to the west side. To the east is a vacant site previously occupied by a former Victorian Church demolished after a fire in the 1970s, and the former St Catherine's Nurses' Home, now converted to apartments. The mixed age and architectural styles of the flanking buildings add considerable interest to this part of the Conservation Area.

3.5 As indicated, the Building itself is 2-storey structure with origins as a timber framed T-plan house of the 16th Century and was probably the home of a wealthy yeoman clothier in the 16th Century. It was timber framed and contained a double aisled hall. The Building was rebuilt in stone in the 1620's.

3.6 An illustration drawing is set out below showing an oblique view of “The Old Manor House” as it may have appeared from the south-east in the early 16th Century when fully timber-framed,



3.7 In the 17th Century the Building was re-modelled and clad in coursed stone, whilst in the 19th Century the Building was truncated by a road widening scheme. It is the oldest building in Manningham by some margin and constitutes the origins of the pre-Victorian village of Manningham, which developed around nearby St. Paul’s Church. The Building was previously occupied as a dwelling until around 2000 but has stood empty since. The Building is uninhabitable and visually blights a desirable residential area. Externally the Building is derelict, with absent and insecure doors and windows, mostly lacking any effective roof covering and with resultant structural damage to the timber roof members, internal structural supporting timbers and rubble filled stone walls.

3.8 The Building sits in a potentially useful 0.14-acre plot which could provide space for off road parking. The Building is located approximately one-mile north of Bradford City Centre and has good road links with Shipley and Keighley, as well as Bradford itself. There are also good local and regional rail links with Frizinghall Railway Station being less than three quarters of a mile away.

3.9 The area surrounding the Building is well served with primary and secondary schools and has a good number of local shops and other amenities and a well-established public transport system.

3.10 The Building is within easy walking distance of Lister Park, Cartwright Hall Art Gallery and Museum and is close to Northcliffe Golf Course. Bradford Royal Infirmary is also nearby.

3.11 The most recent use of the Building was as a single dwelling in around 2000. After a change in ownership, the new owner commenced some work without consent towards a commercial use, removing internal partition walls and floors and installing joinery partitions to the first floor. The work was of an inferior standard and soon halted. Theft of the roof slates began in 2003 and by 2004 and as a result, much of the roof covering was missing. The Council served an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Notice was complied with, resulting in temporary felting applied to the roof and the door and window openings boarded. However, by late 2005, the felting was beginning to deteriorate and the roof has steadily deteriorated since and is now mainly missing.

3.12 The Building has been left vacant for at least 20 years and has become derelict and the Council has needed to take steps to try to secure and weather tight the Building against inclement weather conditions. The Building continues to require urgent action to ensure the survival of historic fabric and its significance and has the potential to make a positive contribution to its locality and to enhance its local area.

3.13 The current owner purchased the Building and the Garden Land as one parcel in November 2004. When questioned about the intentions for the Building in July 2005, the owner advised that he intended to refurbish the Building and Garden Land as a dwelling.

3.14 When acquired by the present owner, the Building was already in a poor state of repair, with the roof temporarily protected and windows boarded.

3.15 In September 2005, an agent acting for the owner commenced negotiations with the Council's planning service seeking a block of 3 retail units on the Oak Lane frontage of the adjacent Garden Land. In June 2006 planning permission was granted for one retail unit over 2 floors on the Garden Land and for renovation of the listed building as a dwelling.

3.16 Following an initial warning of the powers available under Sections 47-48 of The Planning (Listed Buildings and Conservation Areas) Act 1990, whereby the Council was prepared to serve a Repairs Notice and if necessary to resort to enabling compulsory purchase powers, the owner sought to start works in February 2007. However, the Building contractor soon identified structural deficiencies with the timber roof structure. A methodology for the repair of this was eventually prepared by July 2007.

3.17 As of the end of 2007, work had not resumed. The owner had failed to finalise estimates for the work and suggested that stone slate was being ordered from abroad and work would resume once this arrived. It was noted that potential buyers were interested in the Building, although the Council's planning service considered that a sale was undesirable as this would bring further delay the essential repair works. It became apparent at the end of the year that the Building and Garden Land was for sale.

3.18 At the start of 2008, the owner was again warned of the provisions of Sections 47-48 of the Act. It was suggested by the owner that a potential purchaser was interested, but was presently abroad. The objection of the Council to a further change of ownership was made clear and at the end of February 2008 a letter from the owner advised that he no longer intended to sell the Building and Garden Land and that a full repair would commence at the start of April 2008. Notwithstanding this, the Council served a Notice on the owner on 20th March 2008, pursuant to Sections 47 and 48 of the Act requiring the owner to carry out an appropriate level of repair within an expedient timeframe.

3.19 In June 2008, the owner and his solicitor were advised that the Council did not consider that adequate steps had been taken in the 2-month period afforded by the Repairs Notice and steps were taken to obtain valuations and a quantity surveyor costing for the necessary works, as a prelude to initiating compulsory purchase proceedings. It was noted on internal inspection of the Building that it was not watertight, contrary to assurances from the owner.

3.20 Time elapsed whilst funding was coordinated to enable an approach by the Council to acquire the Building by agreement. However, by February 2009 the Building was still not watertight or secure against intruders and unauthorised access, despite assurances from the owner. By the time funding commitments were in place the owner advised that a supply of suitable second-hand stone slate had been procured and he was intended to start work. In October 2009, a full written method statement and schedule of works together with timetable to start the works required by the 2008 Repairs Notice to full completion was requested from the owner's solicitor. The planning consents granted in 2006 as referred to in paragraph 3.15, above, for a new-build retail unit on the Garden Land and the renovation of the Building had by this time lapsed and would also require renewal. After considerable delays on the part of the owner indication was given that basic services would be installed at the Building by February 2010 to allow on-site security and the roof would be completed by the end of April 2010.

3.21 By the end of April 2010, no progress was apparent on site. The owner's solicitor suggested work had been undertaken inside the Building but a comprehensive inspection proved this not to be the case. Once more the suggestion of sale of the Building was raised, this time to an intended builder. A request for further abstention from action was made by the solicitor, but in view of previous broken assurances, it was felt that formal action was now essential in the interest of the preservation of the Building.

3.22 In August 2010, an approach was received from a new party who stated they were interested in developing the Building. Listed Building and Planning consents were secured for renovation and extension of the property in March 2011. Activity on site commenced in Summer 2011 with underpinning, construction of the shell of the extension and some structural works taking place sporadically until the end of 2012. Works then stopped and the party who initiated these disclosed that he was not the owner, but acting to help the owner avoid legal actions by the Council. Work had ceased as the two parties were in dispute over financial payments.

3.23 Since that time no further work has taken place and the Building continues to deteriorate. The owner has been reluctant to engage with the Council with still no prospect of any resolution.

3.24 In mid-2016, it became apparent that ownership of the Building and the Garden Land had been split into 2, with the Garden Land in the ownership of the current registered owner. In the interests of providing the Building with some amenity and preventing harm to its setting through adverse impact from the neighbouring site, the Council continues to be of the view that both the Building and Garden Land need to be acquired.

3.25 In November 2018 a detailed internal inspection of the Building was made possible. This was undertaken by the Council's Senior Conservation Officer and an architect employed in the Council's Conservation Team. This inspection revealed that prolonged water ingress was causing rot outbreaks and degradation of many of the principal historic structural timbers. One beam supporting the first floor was found to be semi-collapsed and in immediate danger of complete collapse.



3.26 Having regard to the continuing deterioration of the Building, the Council on 30<sup>th</sup> September 2019 served on the Building owner an Urgent Repairs Notice under Section 54 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

3.27 The owner of the Building failed to undertake any of the required works specified in the Urgent Repairs Notice referred to above in paragraph 3.26 or to communicate with the Council. The Council therefore undertook the necessary works as prescribed by the schedule to the Notice. During preparations for protection of the Building roof, health & safety considerations prevented direct installation of temporary flexible protection and instead a free-standing scaffold with sheet metal covering proved to be the only safe and secure way of achieving protection of the Building within the financial constraints. This also obviated the need for temporary rainwater goods and provided security from unauthorised entry.

3.28 The Building has now been vacant for at least 20 years and is in an advanced state of disrepair and forms a blight and visual eyesore on the local area and is the subject of significant local concern.

3.29 Given the close proximity of residential properties and size of the Building, it is envisaged that difficulties would be encountered in achieving additional sympathetic extensions, although domestic or office/commercial use could be acceptable with the relevant consents.

3.30 The Council firmly believes that the owner will not manage the renovation and re-occupation of the Building in the foreseeable future. Indeed, since 2011 there has been absolutely no evidence of any attempt made by the owner to carry out remedial work at the Building and the damage done by people gaining unauthorised access, the weather and the growth of unwanted vegetation has resulted in the Building becoming more and more derelict. If the Council is not successful with this action and the Order is not confirmed, there seems little prospect of any permanent effective repairs and this historic Building will continue to deteriorate in condition, making its renovation less and less viable.

#### **4. Ownership of Order Land -**

4.1 The purported ownership of the CPO Order Land is described and set out in the CPO Order Schedule. The CPO Order Land consists of land in third party ownership and occupation comprising a building situate and known as “The Old Manor House” No 23 Rosebery Road, Manningham, Bradford BD8 7QB.

4.2 The Plots in the Order are -

**Plot 1** - The Building is registered at HM Land Registry under Title No: WYK673462.

The Building is empty and unoccupied.

**Plot 2** - The Garden Land is registered at HM Land Registry under Title No: YY50990.

The Garden Land is empty and unoccupied.

4.3 The Order seeks authority to use compulsory purchase powers to acquire –

4.3.1 the Building to secure its immediate repair and future preservation; and

4.3.2 the Garden Land to secure its future maintenance and preservation and the amenity of the Building, which is currently land-locked and to provide much needed space to facilitate servicing of the Building and the provision of car parking for the Building.

4.4 There is no land in the Order in the ownership or control of the Council.

4.5 A copy of the Order Map is appended to this statement as **Appendix B** and shows shaded pink the land to be acquired to carry out the Scheme.

4.6 The Order contains all the land that is needed to implement and complete the Scheme.

4.7 The Building is served by a shared drive with the neighbouring property situate at No 21 Rosebery Road. It thus has no dedicated off-street parking and very limited amenity space in respect of its main south aspect and front doorway. The land to the north served as private garden land until it was separated from the ownership of the Building in 2016. The boundary to the north leaves solely a walkway to the rear doorway with no amenity land. It is considered imperative that the Building has the benefit of amenity land to benefit from private garden space or break-out space and without this, it would be land-locked and opportunities for its effective re-use will be diminished. The Garden Land could provide off-street parking which would assist in ensuring the viable re-use of the Building. The Garden Land will serve as an appropriate setting for the Building, allowing protection of suitable space around the Building and ensuring this is kept in a sympathetic manner.

## **5. Condition of the Building**

5.1 The Building was last inspected internally on 12<sup>th</sup> March 2020, when the works required by the last Urgent Works Notice in September 2019 (see paragraph 5.4.4. below) and carried out by the Council in default were confirmed as completed.

5.2 Internal inspection of the Building is not readily possible without the cooperation of the owner or forced entry. External inspection was undertaken on 25<sup>th</sup> August 2021, when the general security of the Building and the temporary protective coverings were found to be intact.

5.3 The Building was further inspected externally on 20<sup>th</sup> December 2021 when the general security of the Building remained intact. However, one section of the temporary protective coverings was partly detached and the repair of this was arranged. The Building was again inspected externally on 13<sup>th</sup> January 2022, when the general security of the Building remained intact. A detached section of protective sheeting had been reinstated by the Council.

5.4 Prior to the last and most recent inspections, the following action was taken by the Council to request the Building owner to repair and preserve the Building –

5.4.1 An Urgent Works Notice served June 2004 on the previous owners, required temporary protection of the roof to all areas where the stone slate had been removed or was absent, together with temporary rainwater goods and security measures. The owners complied when the Council commenced mobilization to undertake works in default.

5.4.2. A Repairs Notice served on 19<sup>th</sup> March 2008 on the present owner of the Building. The Notice required –

- repairs to the structural timbers and to any necessary parts of the elevations and chimneys;

- The roofs were to be fully re-slatted. The slating would use reclaimed natural stone slate, with lead flashings to all valleys and verges;
- Stone copings, ridges and finials were to be reinstated;
- Rainwater goods would be installed using traditional materials, with drains checked as operational to connect to public sewers;
- Windows and doors were to be replaced to the patterns and details which previously existed. Internally, all timbers shall be treated against rot or infestation; and
- Floors will be reinstated using traditional timber boards.

Despite undertakings by the owner and his representatives that the works would commence, no work materialised. This played out through 2009 and 2010, with the Council threatening commencement of compulsory purchase proceedings. In August 2010 works did commence at the Building. However, these eventually stalled in 2013, with the Building still not being properly protected.

The 2008 Repairs Notice above was later re-served on 20<sup>th</sup> March 2015. Whilst there was a repeat of the repair requirements above in paragraph 5.4.2, no works were undertaken by the owner in response.

5.4.3 Throughout 2016 and 2017, Council departments liaised to identify solutions for the Building and Historic England also provided advice. Progress was intermittent due to resource issues and conflicting priorities. In November 2018, a detailed internal inspection of the Building was made possible. This was undertaken by the Council's Senior Conservation Officer and an architect employed in the Council's Conservation Team. This inspection revealed that prolonged water ingress was causing rot outbreaks and degradation of some of the principle historic structural timbers. One beam supporting the first floor was found to be semi-collapsed and in immediate danger of complete collapse.

5.4.4 Having regard to the continuing deterioration of the Building and as indicated in paragraph 3.26, the Council on 30<sup>th</sup> September 2019 served on the Building owner an Urgent Repairs Notice under Section 54 of the Planning (Listed Buildings & Conservation Areas) Act 1990. The Urgent Works Notice schedule required -

- removal of undergrowth and debris from around the Building;
- removal of vegetation rooting into the fabric of the Building;
- temporary support of all collapsing and degraded internal structural timbers;
- temporary repairs to the areas of the roof which retained slate coverings;
- temporary protection of roof areas without covering or with degraded felt covering;
- temporary rainwater goods; and
- measures to secure the building from unauthorised access.

The owner of the Building failed to undertake any of the required works in the September 2019 Urgent Works Notice or to communicate with the Council. The Council therefore undertook the necessary works as prescribed by the Schedule to the Notice. A free-standing scaffold with sheet metal covering was erected to provide temporary protection of the Building. This also obviated the need for temporary rainwater goods and provided security from unauthorised entry.

5.4.5 The temporary measures in the September 2019 Urgent Works Notice referred to at 5.4.4 above, secured a halt in the immediate decline of the Building, but not a permanent solution for its proper preservation. Throughout the service of the Urgent Works Notice and resultant works, the

owner did not engage in any communication with the Council. It was therefore determined that the longer term preservation of the Building would require further action and a Repairs Notice, with potential recourse to compulsory purchase proceedings was necessary. The requirements of this Repairs Notice were prepared by the Council's Senior Conservation Officer and an architect employed in the Council's Conservation Team based on the inspection of November 2018, subsequent external inspections, as well as overall comprehensive knowledge of the Building. The Notice under S.48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 was served on 15<sup>th</sup> September 2020. No acknowledgement has been received from the owner towards the September 2020 Repairs Notice and no works contained in the Repairs Notice set out below have been undertaken -

- Structural repairs as necessary to walls
- Specialist structural repairs to timber framing and roof timbers
- Re-slating roof, provision of insulation and rainwater goods
- Damp-proofing and repairs to floor structures
- Creation of internal walls to form defined rooms within the building
- Installation of kitchen, bathroom, heating and all associated services
- Installation of electrical services
- Repointing stonework
- Replacement of all windows and doors to approved designs
- Improvement of landscaping and boundary treatments

**5.5 Alternative Options** - the Council has exhaustively sought to work with the owner of the Building and to engage with the owner of the Garden Land, but without success. The proper preservation of this statutorily protected listed Building is an appropriate priority of the Council to support the regeneration objectives for the wider Manningham district area. Without formal measures of intervention, the Council does not perceive there to be any viable alternative options available which would ensure securing the future protection and preservation of the Building.

## **6. Scheme Programme and Implementation**

6.1 The precise arrangements for the delivery of the Scheme are not yet concluded but it is expected that the implementation of restoration and repair of the Building will be undertaken by private contractors under the project management of the Council. The works of restoration and repair of the Building will commence within 12 months from the date the Building and Garden Land is acquired and are expected to take 12 months to be completed.

6.2 The Council expects to secure the repair and reinstatement of the fabric of the Building itself. It has the financial resources to do so. It will also investigate contributions from the Architectural Heritage Fund and Historic England who have expressed a willingness to assist. The necessary reinstatement works to the Building will be undertaken by building contractors experienced in historic building work, procured by the Council and applying specifications prepared by a conservation architect and structural engineer. It is anticipated that the repair and reinstatement of the Building will be project managed by the Council. It is considered that the Building is unlikely to be used for residential purposes once repaired. A commercial or community use is considered to be more compatible with the Building, having regard for the demographic and social characteristics of the area. Interest has been expressed in its use as a support hub for a local educational academy trust. The Council expects to retain ownership and lease the Building and Garden Land to a subsequent user.

## **7. Scheme Noise and Ancillary Factors**

Renovation activities and noise limits will be agreed with any external contractors appointed to carry out the works and method statements prepared prior to commencement of the works where the impact of noise is likely to be severe and steps taken to minimise any possible nuisance, inconvenience and disturbance to nearby property occupiers, pedestrians and road users.

## **8. Planning Statement –**

8.1 The site of the Building and the Garden Land is located within the St Paul's Conservation Area, designated as a Conservation Area on 8<sup>th</sup> September 1975.

8.2 The site is not allocated for any specific land use in the Council's Replacement Unitary Development Plan but it is included in a "Community Priority Area". Any future development would be subject to policies relevant to these designations.

8.3 The last active use of the Order Land was that of a single residential dwelling house (i.e. Use Class C3A). However, it may be that the Building would not be used for residential purposes once repaired. A commercial or community use may prove compatible with the Building given its size and the local demographic conditions. It is therefore suggested that the eventual use of the Building would either be confirmed as residential or subject to a planning change of use with this decision provided by the Council, in its separate capacity as local Planning Authority.

8.4 The Building being currently vacant and in a state of progressing dereliction, the re-use of this sustainably located Building for residential or community purposes would be welcomed in principle and in terms of visual amenity, protection of a statutorily protected building, contribution to the character of the Conservation Area and of the general amenities of local residents.

8.5 Demolition of the Building is not a feasible option due to its situation in a Conservation Area and its statutory protection as a building of historic and architectural significance.

8.6 Listed building consent will be required for the reinstatement of the Building as this will include installation of replacement doors and window frames which are items which will materially affect the architectural and historic significance of the Building. Any other material changes to the Building which do not constitute repairs will also require consent. Subsequent to reinstatement of the fabric of the Building, any changes to its internal layout, or to the Garden Land as its curtilage which are found to be required in association with eventual new uses, will require the appropriate applications for listed building and planning consents.

8.7 The Council is satisfied that the Scheme meets all relevant planning standards and that there are no planning impediments to the implementation of the Scheme and that the Scheme accords with relevant local, regional and national planning and listed building policies

## **9. Scheme Justification**

9.1 The Garden Land has been included in the Order as it is considered that the Garden Land is required to help preserve the Building and its amenities and for affording proper access to the Building to facilitate the proper control and management of the Building.

9.2 The Garden Land abuts the Building and previously formed the garden to the Building and

was part of the curtilage to the Building at the time of listing and prior to its disposal in November 2016 had formed the garden to the Building and throughout the history of the Building would have been regarded as being part of the amenity and enjoyment of the Building and vital in providing some amenity space or indeed, an opportunity for servicing, parking etc. for new uses.

9.3 Without the Garden Land, the Building is entirely land-locked thus reducing the ability of the Building to be preserved and maintained in good repair and therefore the inclusion of the Garden Land in the Order is considered to be necessary to preserve the Building, its amenities and to afford access to the Building to enable the Building to be properly controlled and managed.

9.4 In making the Order, the Council has exercised due diligence and probity and has been open and transparent in formulating its Scheme proposals and in contacting and opening negotiations with interested parties to acquire the Building and Garden Land.

9.5 In particular, the Council is satisfied that the following requirements have or are reasonably likely to be met -

9.5.1 That it is apparent from negotiations already undertaken, that there is little or no prospect of the Order Land needed being acquired by voluntary means;

9.5.2 That there are no planning obstacles;

9.5.3 That there are sufficient financial resources available to implement and complete the Scheme within a reasonable timeframe;

9.5.4 That the compulsory purchase process is open and transparent;

9.5.5 That due regard has and is being given during the compulsory purchase process to the rights of the individual under human rights and equality impact legislation; and

9.5.6 That there is a compelling case for the scheme in the public interest.

## **10. Scheme Funding**

10.1 The Council has the necessary resources available to repair and reinstate the fabric of the Building. It will also investigate contributions from the Architectural Heritage Fund and Historic England who have expressed willingness to assist.

10.2 Two professional assessments of the cost of restoration estimate the provisional costs to be in the region of between £350,000.00 and £400,000.00, in order to bring the Building back to a standard capable of beneficial use.

10.3 The Council does not intend to make a direction for the payment of “minimum compensation” to the Building owner, although the Council is firmly of the view that the Building owner has allowed the building to deteriorate to the extent that the use of compulsory purchase powers to restore and preserve the Building is fully justified.

## **11. Compulsory Purchase Order**

### **Introduction**

11.1. The Scheme requires the acquisition of the Order Land for which the Order has been made.

11.2 The Council has been and is continuing to engage in negotiations with the landowners to purchase the Order Land by voluntary agreement to ensure that all the Order Land required for the Scheme is available at the appropriate time.

11.3 The Order has been made, and is about to be submitted to the Secretary of State for Digital, Culture, Media and Sport for confirmation, pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Acquisition of Land Act 1981.

### **Powers under which the Order is made**

11.4 Section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990 enables an acquiring authority with planning powers to acquire buildings and ancillary land to safeguard, protect and preserve listed buildings that are considered to be in poor repair and condition and where despite statutory intervention by the acquiring authority, those persons having control of such listed buildings have failed to comply with directions to repair sub-standard buildings to prevent a listed building from continuing to deteriorate and where the acquiring authority is not certain that the authority will be able to protect the listed building by voluntary means and to do so by agreement.

11.5. The Order does not include any rights to be created or acquired to facilitate the renovation of the Building as none are needed.

11.6 The Order can only be made if there is a compelling case in the public interest. The Council after careful consideration considers that a compelling case exists.

11.7 Confirmation and the subsequent operation of the Order will enable acquisition of all interests in the Order Land (except mining interests and others specifically excluded) as stated in the Order Schedule and within the area shown coloured pink on the Order Map for the purpose of facilitating the Scheme.

11.8 The Council will continue to ensure that all reasonable attempts are made to acquire the Order Land by agreement in parallel with the compulsory purchase process. This approach of making the Order and conducting negotiations to acquire land by agreement is designed to facilitate delivery of the Scheme and is in accordance with Government guidance.

### **The Order Land Requirements**

11.9 The Order Land covers a total area of 579.6 square metres, consisting of the Garden Land comprising 324.5 square metres and the Building sits on an area of 255.1 square metres. The boundaries of the Order Land include all the land required to enable the Scheme to be implemented.

11.10 It is intended to start the proposed renovation works within 12 months of the date the Building and Garden Land are acquired. The owners of the Order Land have been approached to ask if they would be prepared to enter into negotiations with the Council for the purchase of their interests.

Endeavours are continuing to see if a voluntary settlement to purchase the Building and Garden Land can be reached without resort to the exercise of compulsory purchase powers. Nevertheless, the Council has concluded that acquisition by agreement is unlikely to occur in all cases within sufficient time to ensure that the programme for the renovation of the Building is met.

11.11 To ensure the Scheme is delivered, it is necessary for the Council to rely on the use of compulsory purchase powers as a last resort.

11.12 Full details of the Order Land appear in the Order Schedule. Details of known interests to be acquired are recorded in the Order Schedule.

11.13 The Order Schedule includes the last known and present occupiers of interests within the Order Land and has been prepared after diligent enquiry and upon information gained through Land Registry title documents and site inspection. The Order Map shows the individual parcels of land and the extent of the Order Land

11.14 Interests set out in Table 2 of the Order Schedule comprise persons who do not have an interest in the Order Land itself. Inclusion of an interest in the Order Schedule does not constitute any admission by the Council of liability to pay compensation and any party seeking to make a claim under Section 10: Compulsory Purchase Act 1965 will be required to prove their claim, with each case being dealt with on the particular merits.

### **The need for compulsory purchase**

11.15 The Council has given very careful consideration to the need to include each parcel of land shown on the Order Map.

11.16 In particular, the Council is satisfied that the Order is required for the purposes of site assembly to facilitate delivery of the Scheme.

11.17 The Council will continue to ensure that all reasonable attempts are made to acquire the Order Land by agreement in parallel with the compulsory purchase process. This approach of making the Order and in parallel, conducting negotiations to acquire land by agreement is designed to facilitate delivery of the Scheme and is in accordance with Government guidance.

11.18 Moreover, the Council considers that the Order, if confirmed, would strike an appropriate balance between public and private interests. The rights of owners of interests in the Order Land under the Human Rights Act 1998 (including the rights contained in Article 8 and Article 1 of the First Protocol) have been taken into account along with the rights of individuals under the Equality Act 2010 when considering whether to make the Order and when considering the extent of the interests to be comprised in the Order. In addition, having regard to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government guidance, the Council considers that the acquisition of the Order Land will facilitate the carrying out of the Scheme and will bring about and achieve the desired objectives of the Scheme and as such, the Council considers that there is a compelling case in the public interest for confirmation of the Order.



## 12. Order Land Negotiations

12.1 Set out below is a description of the Order Land and the status of negotiations -

**Plot 1** – The property described in Plot 1 comprises the Building known as “The Old Manor House”, No 23 Rosebery Road, Manningham, Bradford BD8 7QB. The Building is in third party ownership and is required to enable the Council to facilitate the urgent repair and restoration of the Building in order to preserve its long term future and protect its status as an important heritage asset. The Council (in its capacity of local planning authority) has endeavoured over a number of years to agree a scope of restoration works with the owner, and encourage the owner to undertake the required works to preserve the asset. In June 2020, the Council wrote to the owner (now in the capacity of a willing buyer), to express its desire to purchase the Building. An initial response was received, which indicated that the owner was willing to discuss the future of the Building. The owner was encouraged to obtain independent advice, but dialogue with the owner subsequently went quiet. The Council then appointed its own consultants, Axis Property Consultancy LLP (**‘Axis’**) in July 2020 and Axis wrote and emailed the owner periodically. No response has been forthcoming. As a result, it has not been possible to engage with the owner or to commence any meaningful discussion or negotiation in relation to the purchase of the Building.

**Plot 2** – The Garden Land comprises land adjacent to No. 23 Rosebery Road, Manningham, Bradford, BD8 7QB, which once formed a garden of the Building. The Garden Land is also in third party ownership and is required to enable the Council to merge it back with the Building in order to provide an amenity space, which is considered to be an essential part of preserving the setting of the Building, whilst also improving its functionality and viability as a residential/community use property. The Garden Land will also prevent potential future harm, caused by inappropriate uses or development of the Garden Land. The Council wrote to the owner of the Garden Land in June 2020, to express its desire to purchase the Garden Land. However, no response was received. The Council subsequently appointed its own consultants, Axis Property Consultancy LLP (**‘Axis’**) in July 2020 and Axis wrote to the owner periodically, but no response has been forthcoming. As a result, it has not been possible to engage with the owner or to commence any meaningful discussion or negotiation in relation to the purchase of the Garden Land.

12.2 The Council is of the opinion that reasonable attempts have been made to purchase the Order Land by agreement. However, in the absence of any responses or engagement, it now has no other option but to acquire the Order Land through its powers of compulsory purchase. The Council will continue to ensure that all reasonable attempts are made to acquire the Order Land by agreement in parallel with the compulsory purchase process. This approach of making the Order and in parallel, conducting negotiations to acquire land by agreement is designed to facilitate delivery of the Scheme and is in accordance with Government Guidance.

12.3 Every effort has been made and will continue to be made to acquire the Order Land by agreement, whilst the Order is being promoted.

12.4 The Council and any appointed works contractor will ensure that a communication strategy is in place before and during the renovation works. This will name specific people who will be responsible for liaising with residents and businesses throughout the period of the Scheme.

12.5 Matters of compensation are governed by the national compensation code as applied to the Order and set out in a series of enactments including in particular, the Land Compensation Act 1961, the Land Compensation Act 1973, the Compulsory Purchase Act 1965, the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004 and as amended by the Housing and Planning Act 2016 and the Neighbourhood Planning Act 2017. Disputes as to the level of compensation may be referred to the Upper Tribunal (Lands Chamber) or other arbitration body for determination.

12.6 Representations can be made in the context of any local public Inquiry, which the Secretary of State may decide to hold in connection with the Order.

12.7 The Order contains all the land needed to facilitate the implementation and completion of the Scheme.

### **13. The “Mining Code”**

It is not proposed in the Order to reserve powers to acquire any minerals or mineral rights and therefore the Order incorporates Parts II and III of Schedule 2 to the Acquisition of Land Act 1981, subject to a modification that references in that said Parts II and II to the undertaking are to be construed as a reference to the works to be constructed on the land authorised to be purchased.

### **14 Papers in support of the Compulsory Purchase Order**

14.1 The following is a list of documents that have been relied upon as reference papers in the preparation of this Statement and which the Council may refer to or put in evidence at any local public Inquiry held to consider the Order and which are available for inspection by contacting:

Jon Ackroyd, Senior Conservation & Design Officer, The City of Bradford Metropolitan District Council, Department of Place, Britannia House, Hall Ings, Bradford BD1 1HX

on Tel. No: 01274 434551/07890 063448 and by e-mail: jon.ackroyd@bradford.gov.uk

14.2 The Council reserves right to add to the list of documents being relied upon.

14.3 The following is a list of documents that have been relied upon as reference papers in the preparation of this Statement and which the Council may refer to or put in evidence at any local public Inquiry held to consider the Order –

- The City of Bradford Metropolitan District Council Executive authority dated 7<sup>th</sup> July 2020
- Director of Place delegated authority decision dated 9<sup>th</sup> December 2020
- 2004 Section 54 Urgent Works Notice dated 18<sup>th</sup> June 2004
- 2008 Section 48 Repairs Notice dated 19<sup>th</sup> March 2008
- 2015 Section 48 Repairs Notice dated 30<sup>th</sup> April 2015
- 2019 Section 54 Urgent Works Notice 30<sup>th</sup> September 2019
- 2020 Section 48 Repairs Notice dated 15<sup>th</sup> September 2020

14.4 A copy of the Order, Order Map and this Statement of Reasons and the documents referred to in the list of supporting documents can be inspected during normal office hours at The City of Bradford Metropolitan District Council, City Hall, Centenary Square, Bradford, BD1 1HY at all reasonable hours.

14.5 The documents can also be viewed on the Council's Scheme Website at -:

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

(Note: The aforementioned documents are identified on the Council's Scheme Website by the corresponding paragraph numbers of the documents listed).

14.6 The Council reserves right to add to the list of documents being relied upon.

14.7 Interested parties affected by the Order who wish to discuss matters with the Council should contact Jon Ackroyd, Senior Conservation and Design Officer.

by email to: [jon.ackroyd@bradford.gov.uk](mailto:jon.ackroyd@bradford.gov.uk)

or by post to the Strategic Director: Place. (for Jon Ackroyd, Senior Conservation and Design Officer), The City of Bradford Metropolitan District Council, Department of Place, Britannia House, Hall Ings, Bradford BD1 1HX

## **15. Special Considerations**

15.1 The CPO Land is located within the St. Paul's Conservation Area.

15.2 The Building is vacant and therefore there are no re-housing implications in pursuing its compulsory acquisition.

15.3 There are no special considerations affecting the Order Land, such as ancient monuments.

## **16. Associated Orders**

There are no other statutory orders associated with the promotion of this Order.

## **17. Human Rights**

17.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ('the Convention'). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

17.2 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way that is incompatible with the European Convention of Human Rights and Fundamental Freedoms 1950 ('the Convention').

17.3 Various Convention rights may be affected by the process of making and considering the Order including those under Articles 6, 8 and 14 of the Convention and Article 1 of the First Protocol. Each of these rights are qualified rights and may be interfered with provided such interference is prescribed by law, is pursuant to a legitimate aim, is necessary in a democratic

society and is proportionate. The Council is conscious of the need to strike a balance between the right of the individual and the interests of the public.

17.4 The Order has the potential to infringe the human rights of persons who own the Building and Garden Land. However, such an infringement is authorised by law provided –

- the statutory procedures for obtaining the Order are followed and there is a compelling case in the public interest for the Order to be confirmed and brought into operation; and
- any intervention with the Convention right is proportionate to the legitimate aim served.

17.5 In coming to the conclusion that there is a compelling case in the public interest to make the Order the Council has had due regard to Article 1 of the First Protocol (the right to peaceful enjoyment of possessions including property, and prevents persons from being deprived of their possessions except in the public interest and subject to relevant national and international laws), Article 8 (protection of private and family life), Article 6 (entitlement to a fair and public hearing by an independent and impartial tribunal) and Article 14 (the right to enjoy rights and freedoms free from discrimination).

17.6 The following Articles of the Convention are relevant to the determination as to whether the Order should be confirmed –

Article 1 of the First Protocol - protects the right to peaceful enjoyment of possessions, including property. This protection does not diminish the right of the Council to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The European Court of Human Rights has recognised, in the context of Article 1 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.” The Council recognises that powers of compulsory purchase must be exercised proportionately. Both public and private interests must be taken into account in the exercise of the Council's powers and duties as a local authority and no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. As with Article 8 below, any interference with possessions must be proportionate and in determining whether a particular measure is proportionate a fair balance must be struck between the public benefit sought and the interference with the rights in question.

Article 6 - protects a person's entitlement to a fair and public hearing in the determination of the civil and political rights. The Council is of the view that the statutory procedures relating to the making of the Order taken with the right to object to the Order and the opportunity to seek judicial review of a confirmed Order satisfies the requirement of Article 6.

Article 8 - similarly, any interference with Article 8 rights (the right to respect for private and family life and home) must be "necessary in a democratic society" and should also be exercised proportionately. In promoting the Order, the Council has considered carefully the balance to be struck between individual rights and the wider public interest and is satisfied that such interferences as may occur as a result of the Order are in accordance with the law, pursue a legitimate aim and are proportionate, having regard to the public interest and to the public benefit which will be achieved by the implementation of the Scheme.

Article 14 - prohibits discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, in relation to the enjoyment of all of the rights and freedoms protected by the Convention. In exercising its statutory powers in relation to the Order the council has had due regard for Article 14.

17.7 In processing the Order, the Council has complied with all relevant legislation and regulations which provide an opportunity for those affected to object to the Order and have their representations considered at a public Inquiry. The Building and Garden Land needed to be acquired to facilitate the Scheme, including interference with private property rights has been kept to the minimum necessary to carry out the Scheme. The public interest can only be safeguarded by the acquisition of the Order Land and other ancillary measures but will not place a disproportionate burden on affected neighbouring landowners.

17.8 The Council believes that the Scheme is in the public interest and that this outweighs the harm caused by the use of compulsory purchase powers to acquire and interfere with any third party land and rights needed for the Scheme and that any interference with rights protected by the Convention is considered to be justifiable in order to secure the public benefits that the Scheme will bring to the community.

17.9 The Council therefore affirms that in the preparation and submission of the Order to the Secretary of State for Digital, Culture, Media and Sport for confirmation, the Council has taken into account the rights of the individual and property of the individual as contained in Human Rights legislation and is satisfied that any interference with private rights of the individual is outweighed by the public benefits which the Scheme will generate.

## **18. Public Sector Equality Impact Statement**

18.1 In addition to the human rights legislation and requirements, project Scheme officers in formulating and promoting the Order have so far and at this stage, also had regard to the Council's statutory duties and obligations under the Equality Act 2010 and in particular, to the Council's obligations under Sections 149 and 150 of the said Act, by taking into account the differential impact the Order might have on various groups of persons with protected characteristics.

18.2 As a result, project officers are satisfied that no negative impact upon any protected social groups has been identified.

## **19. Status of Statement of Reasons**

This Statement of Reasons has been prepared for the purposes of making the Order associated with the Scheme. It is not intended to discharge the Council's requirement to produce a "Statement of Case" in response to any objections that may be made to the Order in the event that the Secretary of State should call a public local Inquiry to be held to consider any objections received to the Order. The Council will produce a "Statement of Case", as may be required under the appropriate rules and at the appropriate time indicated under The Compulsory Purchase (Inquiries Procedure) Rules 2007 (S.I. 2007 No.3617).

## **20. Conclusion**

20.1 The Council is promoting the –

The City of Bradford Metropolitan District Council (The Old Manor House, Rosebery Road, Manningham, Bradford) (Listed Building Renovation Scheme) Compulsory Purchase Order 2022, so as to secure a much needed renovation of the listed Building situate at No 23 Rosebery Road, Manningham, Bradford BD8 7QB and an area of disused land abutting the Building to help facilitate the proper management and control of the Building and its future preservation.

20.2 The Scheme is vital to the enhancement and future preservation of the Building.

20.3 The submission of the Order for confirmation is a last resort, as all previous attempts to work with the owner of the Building to repair the Building have not progressed. The Council is therefore of the view that the Building will only be repaired and preserved if there is a change of ownership.

20.4 The Building has also been assessed as high risk compared to all the other long term empty problematic properties in the Bradford district, using a process which quantifies the risk. It is strongly believed that this action is proportionate.

20.5 On the 15<sup>th</sup> September 2020 the Council served a further Repairs Notice, pursuant to Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring the owner of the Building to undertake a specified number of repairs designed to preserve the Building but there is still no evidence or anything to suggest that any of the essential and necessary works to preserve the Building have been or intend to be started.

20.6 In the event that the Order is confirmed by the Secretary of State for Digital, Culture, Media and Sport it should be noted -

- that there are no barriers to the implementation of the Scheme;
- funding for the Scheme is in place; and
- there are no planning obstacles to prevent the Scheme being implemented.

20.7 If however, this opportunity to secure the much needed Scheme is not realised, the funding to acquire the Order Land and to implement the Scheme may well be lost and the Council would not in such circumstances be in a position to achieve the desired objectives to renovate and preserve the Building to the detriment of the Building and surrounding amenity of the immediate area.

20.8 It will be evident from this Statement that the Council considers that it has advanced a compelling case in the public interest for the compulsory acquisition of all of the Order Land to support the Scheme.

20.9 Negotiations have taken place and will continue with landowners to achieve the maximum possible permissions and land take by way of voluntary agreement.

20.10 The Council is satisfied that the Order has been promoted in the public interest and that it is fully compliant with the National and local strategic planning and corporate policy planning and listed building frameworks and advice and guidance of “Historic England”.

20.11 Accordingly, the Council contends that it has advanced a compelling case in the public interest in promoting the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests.

20.12 The Secretary of State for Digital, Culture, Media and Sport is therefore respectfully invited to confirm the Order.

Dated this 17<sup>th</sup> February 2022



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