

REPORT TO EXECUTIVE



DATE	10 th December 2013
PORTFOLIO	Housing and Environment
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The Burnley (Land and Buildings in Burnley Wood, Burnley) Compulsory Purchase Order 2014

PURPOSE

1. To seek approval for the compulsory purchase of the properties identified in the plan attached to this report; and to seek approval for the demolition of the remaining block of terraced housing within the CPO area.

RECOMMENDATION

2. That delegated authority is given to the Head of Finance and Property Management to continue to acquire properties intended to be included in the proposed Compulsory Purchase Order in advance of confirmation of the Order, and to agree terms for their acquisition.
3. That the Executive approves the making of the Compulsory Purchase Order, by the Head of People, Law and Regulation pursuant to section 226 (1) (a) of the Town and Country Planning Act 1990 in order to secure the purchase of the land and properties coloured pink on the plan at Appendix A to facilitate the proposed redevelopment of the site, including through the demolition of the remaining block of terraced housing in the plan, the Order to be known as

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4. That the Head of People, Law and Regulation be authorised to:
 - Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all Notices, the presentation of the Council's case at any Public Inquiry, and to reduce the boundary of the land to be acquired under the CPO and/or the interests in it (as necessary);
 - Acquire interests in land within the Compulsory Purchase Order either by agreement or compulsorily; and
 - Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order including, where appropriate, seeking exclusion of land

from the Order and/or making arrangements for the rehousing or relocation of occupiers.

5. That the Head of Housing and Development Control be authorised to demolish appropriate blocks in advance of the confirmation of the Compulsory Purchase Order.

REASONS FOR RECOMMENDATION

6. The acquisition of the land and clearance of terraced properties is required to facilitate the redevelopment of the site for new housing in line with the Borough's Housing Regeneration Plan. The Council has not been able to acquire all of the outstanding interests in the site. Most of the freehold ownerships are unregistered. One residential leasehold interest remains to be acquired together with some head leases. The use of the Council's compulsory purchase powers is therefore required to complete the assembly of the site.
7. The proposed redevelopment of this site will deliver a wider variety of housing in terms of size and type in order to create a more balanced housing market and help develop a more mixed, inclusive and sustainable community. All of the remaining residential properties to be included within the Order Lands are vacant and have Category 1 hazards. Vacant properties in the area have attracted anti-social behaviour, and their acquisition and clearance of the remaining properties will improve the local environment. The new housing development will increase the local population and should help to maintain the viability of local shops and schools. The approval to make a Compulsory Purchase Order will help to improve the economic, social and environmental well-being of the neighbourhood.
8. The leasehold properties that are in the Council's ownership, and the one that remains privately owned, have been the subject of anti-social behaviour, including vandalism, fly-tipping and theft. The demolition of these properties in advance of the confirmation of the Compulsory Purchase Order, where possible, will reduce the opportunity for these properties to continue to attract these problems.

SUMMARY OF KEY POINTS

9. The case for making a Compulsory Purchase Order to facilitate the redevelopment of this part of the Burnley Wood neighbourhood is underpinned by a number of existing Council and Executive decisions.
10. On 29th June 2010, the Council's Executive approved the Housing Regeneration Plan, which identifies the site for redevelopment for new housing. The redevelopment of the Order Lands will follow on from the highly successful development by Keepmoat of the first two sites elsewhere in Burnley Wood, which were also assembled through the use of compulsory purchase powers.
11. The acquisition of the proposed Order Lands will help facilitate the comprehensive and phased regeneration of the area in accordance with the Local Plan policy, and will also link into an existing planning approval for the redevelopment of the sites. The continued regeneration of this area will improve the social, economic and environmental well-being

of the neighbourhood.

12. A planning application from the Council's developer partner, Keepmoat, for the redevelopment of the Order Lands and adjacent sites to provide 117 new residential properties, was given approval on 14th November 2013 (APP/2013/0303).
13. The Council has already acquired all but one of the leasehold interests within the proposed Order Lands through previous decisions to acquire properties by agreement in advance of the making of a Compulsory Purchase Order. A number of reversionary freehold interests and head leases are also outstanding but the ownership of most of these is not registered and the Council has been unable to negotiate their acquisition. The need to acquire all the outstanding interests is the main reason for proposing the use of the Council's compulsory purchase powers.
14. The plan at Appendix A is the Location Plan that shows the proposed Order Lands shaded in pink. A draft version of the Statement of Reasons has been deposited in the Members' Room for information purposes. A finalised version of the Statement of Reasons will be attached to the formal Compulsory Purchase Order, if this is approved by the Executive.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

15. The cost of acquiring the outstanding legal interests and demolishing the remaining terraced properties contained in the Order Lands will be met from the approved acquisitions and clearance budget, part of the Housing Capital Programme. It is anticipated that these costs will be incurred in the financial years 2013/14 and 2014/15.

POLICY IMPLICATIONS

16. In terms of the Human Rights Act implications of this intervention, the advice from Government is that local authorities must strike a fair balance between the demands of the community and the need to protect the fundamental rights of individuals. In considering this balance, one of the issues that a court would look for is whether or not compensation will be available. In this case compensation would be available through the negotiation of market value compensation between the Council and the property owner's valuer. In addition individual rights are protected by the statutory objection and inquiry procedure and by referral to the Upper Tribunal (Lands Chamber) where the financial terms for acquisition cannot be agreed.

DETAILS OF CONSULTATION

17. Ward Councillors; Chair of Scrutiny; Michael Wellock, Kirkwells Town Planning Consultants.

BACKGROUND PAPERS

18. Draft Statement of Reasons to support the Compulsory Purchase of land and buildings in Burnley Wood by Burnley Borough Council.

FURTHER INFORMATION

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