

REPORT TO THE EXECUTIVE



DATE	28th April 2009
PORTFOLIO	Regeneration and Economic Development
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Proposed Clearance Area for properties in Burnley Wood

PURPOSE

1. To seek approval in principle to the clearance of properties within both a possible Clearance Area and also Compulsory Purchase Order to enable all preparatory work and formal consultation to take place ahead of any formal decision both to declare a Clearance Area and also to make a Compulsory Purchase Order.

RECOMMENDATION

2. That the Executive approves
 1. In principle, the possible clearance of the properties:

129 -181 Oxford Road, Burnley

and inclusion of them in a possible Clearance Area and Compulsory Purchase Order to enable all preparatory work and consultation with all interested parties.
 2. That the Head of Housing is authorised to undertake all necessary preparatory work ahead of the declaration of any Clearance Area and the making of any Compulsory Purchase Order.
 3. That the Head of Property Consultancy continues to have authority to acquire properties by agreement ahead of the declaration of any Clearance Area and the making of any Compulsory Purchase Order, under all relevant statutory powers.

REASONS FOR RECOMMENDATION

3. To enable the Council to continue to deliver the regeneration of Burnley Wood.
4. To deal with the housing conditions evident in the properties in line with the Council's Housing Renewal Strategy.

SUMMARY OF KEY POINTS

5. The plan attached outlines the boundary for the proposed clearance area.
6. The Executive approved at its meeting of the 8th November 2005 the declaration of The Oxford Road Burnley Nos.1-5 Clearance Areas and the making of The Burnley (Oxford Road Burnley Nos.1-5 Clearance Areas) Compulsory Purchase Order 2005. Minute No 111.
7. The Order was subsequently made on the 29th December 2005.
8. In January 2006 the Secretary of State did not confirm the making of The Burnley (Hampden Street Clearance Areas) Compulsory Purchase Order following a Public Inquiry. When this decision was published it became apparent to officers that some of the issues that influenced that decision also applied to The Burnley (Oxford Road Burnley Nos.1-5 Clearance Areas) Compulsory Purchase Order 2005. In order to ensure the success of The Burnley (Oxford Road Burnley Nos.1-5 Clearance Areas) Compulsory Purchase Order 2005 and to avoid it failing on those same grounds the Order was withdrawn on the 21st April 2006. At that point The Oxford Road Burnley Nos.1-5 Clearance Areas ceased to exist.
9. The Council proceeded to acquire the properties by agreement. It was the intention of Officers to either resubmit a Clearance Area Compulsory Purchase Order or to look at including the properties in a wider Planning Act Compulsory Purchase Order following the development and approval of the Area Action Plan for Burnley Wood.
10. The Council has acquired all of the properties by agreement. However, there remain other legal interests in the land that have not been acquired.
11. All of the properties are vacant and are in a very poor and deteriorating state of repair. The Council has surveyed the properties and has found that all of them suffer from a number of Category 1 and Category 2 hazards as outlined within the Housing Health and Safety Rating System. The Council has a duty under the Housing Act 2004 to take enforcement action in relation to the hazards identified. The most suitable powers would be section 289 of the Housing Act 1985 (as amended) by the declaration of clearance areas.
12. Officers require approval to include these properties within a clearance area to consult all legal interests in the land under section 289 of the Housing Act 1985 (as amended). Consultation is required before the Council can proceed to declare the Clearance Areas and make a Compulsory Purchase Order.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

13. To date the total expenditure relating to this area is £1,574,627. It is estimated that a further cost of £75,500, for acquisition, demolition and site treatment will be required. It is proposed that the scheme would be delivered during the financial years 2009/10 and 2010/11, through the use of Housing Market Renewal Grant from Elevate East Lancashire.

POLICY IMPLICATIONS

14. The approval of the recommendations in this report will allow the Council to continue to revitalise the housing market in Burnley in order to make it a place of choice for new and existing communities.

DETAILS OF CONSULTATION

15. Under the relevant legislation, all persons with a legal interest in the properties affected by the proposed clearance area have the right to be consulted on the proposals. This includes any and all remaining leasehold and freehold interests. All persons with legal interests in the properties displayed on the plan will be informed and formally consulted on the council's proposals following approval of the recommendations in this report. Ward Councillors have been consulted.

BACKGROUND PAPERS

16. None.

FURTHER INFORMATION

PLEASE CONTACT:

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ALSO:

Mike Cook, Director of Regeneration and Housing