



# EXECUTIVE

## BURNLEY TOWN HALL

Wednesday, 20th March, 2019 at 6.30 pm

### PRESENT

### MEMBERS

Councillors M Townsend (Chair), J Harbour (Vice-Chair), S Graham, L Pate and A Raja

### OFFICERS

Mick Cartledge	– Chief Executive
Paul Gatrell	– Head of Housing & Development Control
Andrew Leah	– Property Services Manager
Imelda Grady	– Democracy Officer

### 95. Minutes

The Minutes of the last meeting held on the 11<sup>th</sup> February 2019 were approved as a correct record.

### 96. Right To Speak

Mr John Rowe addressed the meeting in the public part of the meeting on item 9 on the agenda Woodtop School and land adjacent at Cog Lane, Burnley.

Councillor Andy Fewings, as Ward Councillor, addressed the meeting in the private part of the meeting on item 9 on the agenda Woodtop School and land adjacent at Cog Lane, Burnley.

### 97. Scrutiny Review-Dementia Services

#### Purpose

To consider a report of the Scrutiny Committee into Dementia Services which looked at whether there were any additional practical ways in which Burnley Council could support the provision of dementia services.

#### Reason for Decision

The Herbert Protocol is a risk reduction tool to be used in the search for a missing person – a large number of whom are people living with dementia. The document is used by search teams to pinpoint likely areas for investigation, and maximise the chances of finding the missing person quickly and alive.

#### Decision

That the Council continues to support the roll out of the Herbert Protocol through the Policy & Engagement Team, developing further opportunities for partnership working to maximise take up across the Borough.

### **98. Exclusion of the Public**

#### Purpose

To consider when it may be relevant to exclude the public from the meeting and clarify the order of the agenda.

#### Reason for Decision

Minutes 99, 100, 101, 102, 103 and 104 contain information relating to the financial or business affairs of any particular person (including the Authority holding that information) and Minute 103 contains information which is likely to reveal the identity of an individual.

#### Decision

That the public be excluded from the meeting before discussion takes place on the items relating to Minutes 99, 100, 101, 102, 103 and 104 in view of the nature of the business to be transacted, if the public were present there would be a disclosure to them of exempt information, within the meaning of Part VA of the Local Government Act 1972.

### **99. Woodtop School and Land adjacent at Cog Lane**

#### Purpose

To dispose of Council owned land and property for development of good quality housing.

#### Reason for Decision

The Government's policy is to boost the supply of homes in response to growing demand. Disposal of the land and property and its subsequent development, enabled through inward investment from government through Homes England, will help achieve this objective.

The proposed development will make a significant contribution to the ongoing regeneration of the South West Burnley area. In particular, development of the derelict Woodtop School building for good quality homes will address its current negative impact on the community.

As part of the overall scheme, the vacant adjacent land, west of Cog Lane, will also be developed.

Enabling development through the release of these property assets meets the Council's policy of "creating flourishing, healthy and confident communities" and "making the Borough

a place of choice” by assisting with the provision of a range of high-quality housing stock, of different designs and tenure.

It was noted that the Scrutiny Committee on the 13<sup>th</sup> March 2019 had endorsed the report and its recommendations.

#### Decision

- (1) That approval be given to the disposal of the Council’s freehold interest in land and property at Woodtop School and land adjacent at Cog Lane, shown on the attached plan, to Calico Homes Ltd on the terms set out this report;
- (2) That the Head of Finance & Property, in consultation with the Chief Operating Officer and Executive Member for Resources & Performance Management, be authorised to negotiate and agree terms of the relevant agreements; and
- (3) That the Head of Legal & Democratic Services be authorised to complete all legal documents necessary to give effect to this decision

### **100. Yorkshire Street and Croft Street Lease**

#### Purpose

To approve terms for the surrender of the existing lease and the grant of a new lease of land on Yorkshire Street and Croft Street

#### Reasons for Decision

To update the existing arrangements and enable the Headlessee to secure finance to undertake improvements to the buildings.

#### Decision

- (1) That approval be given for the surrender of the existing lease and grant of a new lease of the Land shown edged red on the attached plan on the outline terms set out in the report;
- (2) That the Head of Property and Finance be authorised to agree detailed terms; and
- (3) That the Head of Legal and Democratic Services be authorised to complete the legal formalities to give effect to this decision.

### **101. Town Hall Car Park/Footbridge & Car Park Off Hammerton Street adjacent to Lava Ignite**

#### Purpose

To approve the surrender of the existing leases of land used for car parking and the siting of a pedestrian bridge and the grant of a new extended lease of land for parking.

#### Reasons for Decision

To assist in the redevelopment of Proctors Mill.

## Decision

- (1) That approval be given to the surrender of the existing leases as shown edged red on the plan set out in the report and the grant of a new lease of land for parking on the outline terms set out in the report.
- (2) That the Head of Finance and Property be authorised to agree detailed terms; and
- (3) That the Head of Legal and Democratic Services be authorised to complete the legal formalities necessary to give effect to this decision.

### **102. Disabled Facilities Grant Additional Funding 2018/19**

#### Purpose

To seek approval to commit and spend the additional allocation of Disabled Facilities Grant funding for 2018/19.

#### Reasons for Decision

To allow the Council to commit and spend the additional DFG funding received in 2018/19.

#### Decision

1. That approval be given for the use of the additional DFG funding received in 2018/19 for the projects listed in this report at paragraph 8.
2. That delegated authority be given to the Head of Housing and Development Control to approve the final cost for each project and award the grant accordingly.

### **103. Padiham Townscape Heritage Exemplar Project-Burnley Road CPO**

#### Purpose

To seek approval to make a Compulsory Purchase Order of the properties and land identified in the plan attached to this report.

To acquire, redevelop and bring into use two long term vacant properties located within the Padiham TH (Townscape Heritage) area.

#### Reasons for Decision

It should be noted that at a meeting of the Executive on 3<sup>rd</sup> July 2018, the Executive gave approval for the Council to purchase the CPO land by agreement; however this has not been possible. The Council therefore wishes to exercise powers to acquire compulsorily the CPO land as appropriate to facilitate the repair and restoration of two dilapidated buildings, which is a key priority under the Padiham TH (Townscape Heritage) programme.

The Council will continue to make all efforts to communicate with all interested parties concerned, and where possible purchase by agreement. However, even if the Council does manage to acquire part or all of the CPO land by agreement, it is likely we will wish to

proceed with a CPO to resolve any title issues and ensure that all land and property can be fully restored to the original proportions and brought back into use.

The properties included within the CPO land are long term vacant: No 33 since Dec-2002 and No 35 since Oct-2007. Without intervention by the Council the properties will most likely remain vacant, continue to deteriorate, attract anti-social behaviour, fly-tipping and arson, all of which cause fear and distress in local residents, and will undermine the efforts of the TH programme.

Where possible, all interested parties of the CPO land have been contacted and have either not responded or have given no reasonable proposals for renovating the properties or bring them back into use.

The proposed action will help to achieve the Council's strategic plan of 'People Places Prosperity and Performance'. The acquisition and renovation of the vacant properties within the CPO land will enable the Council to bring them back into use, which will improve the environment for businesses and residents in the vicinity and reduce the potential for crime and anti-social behaviour.

## Decision

- (1) That authorisation be given to the making of a Compulsory Purchase Order (CPO), to be known as The Burnley (33-35 Burnley Road, Padiham, Burnley) Compulsory Purchase Order 2019, under Section 226(1)(a) of the Town and Country Planning Act 1990 for the purpose of renovation/redevelopment. The CPO land is shown in pink on the location plan attached to the report and comprises of:
  - 33-35 Burnley Road, Padiham, Burnley
  - A small area of unregistered land to the rear of 33-35 Burnley Rd, Padiham, Burnley
- (2) That the Head of Legal and Democratic Services be authorised to make minor amendments, modifications or deletions to the CPO schedule of interests and map, should this be necessary, and to finalise the making and submission of the CPO.
- (3) That the Head of Legal and Democratic Services be authorised to publicise and serve notice of making of the CPO on the holders of all the property interests identified.
- (4) That the Head of Legal and Democratic Services and other relevant officers be authorised to secure confirmation of the CPO, including promoting the Council's case at a public inquiry, if necessary.
- (5) That subject to confirmation by the Secretary of State the Head of Legal and Democratic Services be authorised to secure full title to and possession of the CPO land as appropriate by:
  - Serving notice of confirmation of the CPO on all interested parties
  - Serving notice of intention to execute a General Vesting Declaration
  - Executing the General Vesting Declaration
  - Serving Notices to Treat and/or Entry as appropriate
- (6) That the Head of Economy and Growth be authorised to tender any renovation works and be given delegated power to accept the tender.
- (7) That the Head of Economy and Growth, in consultation with the Head of Housing and Development Control, be authorised to coordinate a programme of planned

repair/restoration works including gaining any statutory consents and to manage the end use of the properties.

- (8) That the Head of Economy and Growth, in consultation with the Head of Finance and Property, be authorised to agree terms for any disposals and for the Head of Legal and Democratic Services to undertake completion of any legal agreements.

#### **104. Sale of Land at Princess Way, Burnley**

##### **Purpose**

To seek authority to dispose of 620 sq m of land at Princess Way, Burnley, shown edged red on the plan contained in Appendix 1, to Burnley College, to facilitate the development of additional college facilities

##### **Reasons for Decision**

The disposal will facilitate the development of additional college facilities on a prominent town centre gateway.

##### **Decision**

That delegated authority be given to the Head of Legal & Democratic Services to complete the disposal of 620 sq m of land at Princess Way, Burnley by granting Burnley College a supplementary lease on similar terms to its lease of the site of the main Burnley College/University of Central Lancashire campus.