

**REPORT FROM:** Housing, Health and Economic Development Manager

**TO:** Brierfield and Reedley Committee

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**Report Author:** Julie Palmer  
**Tel. No:** 01282 661039  
**E-mail:** julie.palmer@pendle.gov.uk

**THE BOROUGH OF PENDLE (CLITHEROE ROAD/GLEN WAY, BRIERFIELD)  
COMPULSORY PURCHASE ORDER 2016**

**PURPOSE OF REPORT**

The purpose of this report is to seek a request from the Brierfield and Reedley Committee that the Executive pass a resolution that would allow the Council to promote a compulsory purchase order to acquire land at Clitheroe Road/Glen Way to enable comprehensive regeneration of the Brierfield Mills ('Northlight') to take place.

**RECOMMENDATIONS**

It is hereby recommended that the Committee RESOLVES to request that the Executive pass the following resolution:

- (1) To Make THE BOROUGH OF PENDLE (CLITHEROE ROAD/GLEN WAY, BRIERFIELD) COMPULSORY PURCHASE ORDER 2016 under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended)) for the acquisition of all interests in land and premises described in this report and on the site shown edged red on the Map in Appendix 1 to this report, for the purpose of securing the development, redevelopment and improvement of the Brierfield Mills complex through a heritage based mixed use scheme, in the expectation that such action will improve the social, economic and environmental wellbeing of the area.
- (2) Authorise appropriate officers of the Council to take any necessary steps to prepare the documentation required to make The Borough of Pendle (Clitheroe Road/Glen Way, Brierfield) Compulsory Purchase Order 2016 under Section 226(1) (a) of the Town and Country Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 004 and the Acquisition of Land Act 1981 (as amended)).
- (3) Authorise officers of the Council to take any such steps as may be required to promote with a view to securing the confirmation and subsequent implementation of the above aforementioned Order, such steps are to include but not be exclusive to the following:-

- Affixing the Common Seal of the Council to the Compulsory Purchase Order and Map
- the issue and service of all statutory notices
- the submission of all necessary documentation to the Secretary of State for Communities and Local Government in seeking to obtain confirmation of the Orders,
- continuing negotiations and approving agreements with land owners setting out the terms for the acquisition of their interests, as if a confirmed Compulsory Purchase Order had been in place
- agreeing in advance the withdrawal of objections to the Compulsory Purchase Order (where appropriate)
- assisting with relocation and re-settlement of the existing businesses that wish to relocate
- the presentation of the Council's case at any public inquiry or through written representations if this is appropriate
- representation of the Council's case at Parliament should Special Parliamentary Procedure be invoked as part of the confirmation process
- to make and affix the Common Seal of the Council to a General Vesting Declaration in respect of any part of the Order Land and to issue and serve any statutory notices relating thereto
- representation of the Council's case on compensation matters connected with this Compulsory Purchase Order to the Upper Tribunal (Lands Chamber)
- making the appropriate application(s) to the Secretary of State for orders under section 247 or otherwise progress orders under section 257 of the Town and Country Planning Act 1990 for stopping up of the highways shown cross hatched on the Map in Appendix 3 of this Report and known as:
  - Adopted Highway known as Pendle Road from its junction with Glen Way to its junction with Dale Street
  - Adopted Highway known as Thomas Street from its junction with Pendle Street to its junction with Clitheroe Road
  - Unadopted Highway known as Exton Street from Pendle Street to its junction with Clitheroe Road

## **REASONS FOR RECOMMENDATIONS**

To make a Compulsory Purchase Order for THE BOROUGH OF PENDLE (CLITHEROE ROAD/GLEN WAY, BRIERFIELD) COMPULSORY PURCHASE ORDER 2016 in order to facilitate the comprehensive regeneration of the Brierfield Mills site for the provision of a heritage based mixed use scheme and to allow Officers to take all necessary steps to promote and seek confirmation of the compulsory purchase order and any orders necessary to secure the required highway closures.

## **ISSUE**

1. The above Order relates to land and buildings located within the ward of Brierfield. The Order Land is bounded by Clitheroe Road, Glen Way, Pendle Road, and Dale Street and extends to 0.33 hectares (See Appendix 1).
2. The Order Land contains the site of a used car sales, a tyre sales garage and a vacant public house known as The Railway Tavern, together with adjacent land used for car parking and storage. The Council has acquired the freehold interest of part of the Order

Land together with Brierfield Mills and granted a lease of the same to Pendle Enterprise and Regeneration (Brierfield Mill) Limited (PEARL (Brierfield Mill)). Some of this land is the subject to encroachment by the adjoining businesses. There remain outstanding freehold and leasehold interests in the Order Land which the Council is seeking to acquire to complete the site assembly.

3. The scheme is being promoted by PEARL (Brierfield Mill). This is a subsidiary of Pendle Enterprise and Regeneration Limited which is the Council's joint venture company with Barnfield Investment Properties. Pendle Enterprise and Regeneration Limited has a proven track record of delivering complex economic, commercial, leisure and housing development schemes within the Borough of Pendle.
4. The Order Land forms part of a larger area of land (the "Brierfield Mill Masterplan Site"), which is to undergo a multi million pound mixed use regeneration and development by PEARL (Brierfield Mill). The satisfactory implementation of the comprehensive development of this Grade II listed mill complex will not be possible without the acquisition of the Order Land. Upon successful acquisition of the land via voluntary agreement or via successful confirmation of the CPO vesting process, the Order Land will be disposed of to PEARL (Brierfield Mill) to allow the development to take place.
5. It was agreed by the Executive Committee in September 2014 that negotiations with the owners of the adjoining car sales, tyre sales garage and the public house commence (subject to funding) and to pay compensation as if a Compulsory Purchase Order (CPO) was in place. It was also agreed that initial steps to prepare a CPO be made. The Report taken to the Executive Committee in September 2014 indicated that the public house would remain in situ. This has been superseded by the revised planning application by PEARL (Brierfield Mill) which shows the public house being demolished.
6. The Council has been actively pursuing the acquisition of outstanding interests within the site. Negotiations are progressing with the owners but some outstanding interests may prove difficult to acquire and will impede development if not acquired within realistic timescales. The owners who are affected are being offered compensation at open market value under the statutory code for their interest in land, and being offered compensation, as if a CPO is in place, which includes legal and disturbance payments. Negotiations will continue with the owners throughout the process to acquire outstanding interests by agreement.
7. In the event of a failure to acquire the Order Land, the Brierfield Mills Masterplan would be compromised to the extent that full implementation of the planning application Ref No 13/15/0603P, if approved by this Committee, would not be possible. The recommendation would enable the Council to promote a CPO in respect of all legal interests in the Order Land.

### **Compulsory Purchase Order and Statement of Reasons**

8. A strict statutory process must be followed to promote a compulsory purchase order, involving public notice and submission to the Secretary of State for confirmation. Before an order is confirmed, any interested party may make representations and the Secretary of State is likely to order that any objections are heard at a public inquiry, in the event that objections are made and not withdrawn.
9. For an order to be confirmed by the Secretary of State, the Council must make a compelling case in the public interest. Officers consider that the promotion of the Order makes such a case because it would enable comprehensive regeneration, development and

redevelopment of the Brierfield Mills site to be progressed. The Council's case is more specifically set out in the Draft Statement of Reasons (Appendix 2) annexed hereto, but a brief outline is set out below.

10. Brierfield Mills is a vacant Grade II listed Mill, with over 380,000sq ft. of floor space and extends to over 7 acres. It is a landmark Mill and has been vacant since 2006. It occupies a canal side location and has a direct access link to junction 12 of the M65, offering immediate access to the national motorway network. The Mill was acquired in March 2012 by the Council and was subsequently leased to PEARL (Brierfield Mill).
11. The Brierfield Mills project, now known as 'Northlight' is one of the Council's flagship economic growth projects. The mill's re-use supports the Council's Jobs and Growth Strategy (2013) and its regeneration forms part of the M65 Corridor spatial area identified in Pendle's Core Strategy (adopted 17 December 2015), where the Council's strategic objectives are focused. The Mill site is located within a priority growth area for investment ('the Pendle Gateway') as identified in the Pennine Lancashire Investment Plan and its development as a growth hub is aligned with the Lancashire Strategic Economic Plan's 'Arc of Prosperity'.
12. In order to support PEARL (Brierfield Mill) vision for the site to create a new leisure, residential, employment quarter and a new destination in the region, a Masterplan for the site by David Morley Architects was produced. It was launched at a mill open day/exhibition in November 2013, for public viewing and comment. The masterplan report was completed in January 2014.
13. The Masterplan has evolved and been refined as prospective end users/occupiers and investors have been identified and secured. A revised Masterplan (February 2016) has been produced. The Masterplan proposes a variety of uses, including a leisure box facility, a hotel, apartments, training and educational facility, a microbrewery, café/restaurants, managed offices, a canal marina, together with car parking, public realm, infrastructure and landscaping works. The Masterplan has been costed at circa £31.8m and is being funded through a combination of public sector funding, private sector investment, and funds from Pendle Enterprise and Regeneration Limited
14. The comprehensive scheme being taken forward is embodied in the revised Masterplan and encapsulated by various past planning consents and current planning applications.
15. In February 2015, full planning permission was granted for a change of use of a number of key buildings on the site for a hotel, leisure use, 4 small retail units, a car park with landscaping, infrastructure and demolition works (ref no. 13/15/0019P). This was coupled with a listed building consent (ref no. 13/15/0020P) for external alterations to the Mill buildings and partial demolition of a north light roof.
16. Two new planning applications (ref no. 13/15/0600P) and (ref no. 13/15/0603P) together with listed building consent applications were submitted in December 2015 and are to be the subject of consideration by the Area Committee. The latter planning application is of particular relevance to the Order Land, as it seeks consent for conversion and change of use of a key building on the site (Shed 2 and 3/ Annex Offices) for offices, training/ education, microbrewery with retail, bar restaurant/ café, car parking, together with demolition of the public house, garage and car sales buildings to form car parking and landscaping. The Order Land is located in the Brierfield Mills Conservation Area and therefore the planning application seeks consent for demolition of the buildings on the Order Land.

17. The revised Masterplan identifies the Order Land for car parking to serve the development and landscaping to create a high quality setting at this important arrival point to the site. The car parking will serve as car parking for the hotel and the cyber security/ training / managed office facilities. It is expected that the new scheme would be built and designed to a specification that meets high quality design standards.
18. The Council believes that the proposed scheme for comprehensively regenerating this site and delivering a development, which provides much needed job opportunities, training/ skills facilities, hotel and residential accommodation, as well as leisure and visitor attractions, will taken as a whole, bring substantial economic, environmental and social benefits to Brierfield, Pendle, the sub region and beyond.
19. It will also address this prominent gateway site on the edge of the mill complex which is visually poor and of low townscape value. It will positively enhance the appearance of the site; transform the local street scene and the attractiveness of the built environment on this key route into the town. It will also improve the setting of the mill and this key arrival point to the mill complex.
20. It will also complement the substantial regeneration and housing development activity that has taken place and is continuing in the wider Brierfield Canal Corridor Area and Railway Street neighbourhood ( both Housing Regeneration Priority Areas), which began under the discontinued Housing Market Renewal Initiative. It will also serve as a major catalyst for further improvements to nearby rundown areas, providing confidence to encourage further private investment in the town.
21. Officers consider that there are no planning impediments to the Order Land development for car parking and landscaping, subject to Conservation Area consent being granted. The proposed redevelopment is in line with Pearl's revised Masterplan, as well as being in accordance with the Strategic Planning Framework, Pendle's adopted Core Strategy and other local plan policies, and the corporate priorities of the Council, such as Pendle's Sustainability Community Strategy and it is intended that it will build upon previous successful regeneration efforts to further deliver social, economic and environmental benefits in the local area.
22. In order for a comprehensive redevelopment of the site to be effective, it will be necessary to 'stop up' on a permanent basis several highways (Appendix 3). A Stopping Up Order under section 247 or otherwise under section 257 of the Town and Country Planning Act 1990 is proposed and formal authority is also sought to progress these Orders.
23. On the basis of the above, the Committee is invited to request that the Executive pass the appropriate resolution enabling a Compulsory Purchase Order, including a highway stopping up order, to be promoted by the Council, as set out in the recommendation herein.

## **IMPLICATIONS**

**Policy:** The proposals are in accordance with the current regeneration, economic growth, housing and planning policies adopted by the Council.

**Financial:** The financial risk to the Council will be controlled through existing policy and procedures. Provision has been made in the Council's Capital programme 2015/16 to meet the costs of buying the outstanding interests in the Order Land.

**Legal:** The CPO will be managed and processed in accordance with Compulsory Purchase legislation

**Risk Management:** Risk management would be controlled through the Council's existing procedures.

**Health and Safety:** All health and safety requirements will be observed through the scheme.

**Sustainability:** The Order will allow the Brierfield Mills complex site to be comprehensively developed, which will support economic growth and the long term sustainability of Brierfield.

**Community Safety:** The proposed development will remove a visually poor site on the gateway into the town and physically improve it to create a more attractive, livelier and safer street scene.

**Equality and Diversity:** The Northlight scheme will provide much needed jobs, as well as provide new community leisure facilities and training/educational opportunities particularly for young people and young adults.

## **APPENDICES**

Appendix 1 - Map for the Compulsory Purchase Order

Appendix 2 - Draft Statement of Reasons

Appendix 3 - Map showing highways to be stopped up

## **LIST OF BACKGROUND PAPERS**

Report to Executive: 18th September 2014 - Acquisition of land adjoining Brierfield Mills ('Northlight')

**Planning applications: ref no. 13/15/0600P and ref no. 13/15/0603P**

Listed Building Consent applications: **Ref No 13/15/0601P** and Ref Number: **13/15/0604P**