

Subject:	Partial demolition of Waterside Mill, Bacup	Status:	For Publication
Report to:	Full Council	Date:	23 rd September 2020
Report of:	Head of Planning & Building Control	Portfolio Holder:	Environment
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input checked="" type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	Members approve an addition to the Capital Programme of up to £100k for the partial demolition of Waterside Mill or full demolition if required, to be funded by borrowing or capital receipts.
1.2	All future minor amendments to the strategy to be delegated to the Head of Planning & Building Control in consultation with the Portfolio Holder.

2. PURPOSE OF REPORT

- 2.1 To inform Members of the background leading to the partial demolition of the building and also to ratify the funding for the costs of demolition.

3. BACKGROUND

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
 - **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
 - **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

No specific consultation has been carried out but there has been a regular dialogue with Historic England in order to keep them informed of the condition of the building and the actions undertaken.

- 3.2 Since 2002, due to the inability to make contact with any person(s) with responsibility for the Mill it has fallen to the Council to keep the mill secure, at considerable cost.
- 3.3 In May 2003, a serious fire damaged the main roof structure, without compromising the remaining building.
- 3.4 In 2005, RBC appointed MPA (Michael Pooler Associates) to produce the first of a number of Condition Reports, with associated actions thought necessary. At that time, it

was deteriorating, but making the building weather tight could help preserve its condition. However, the cost associated to execute these works were considered unacceptable at that time, (also RBC had no Liability).

- 3.5 A further report was commissioned in 2010 with a view to try and get the Mill delisted, but whilst its condition had further deteriorated, it was not considered to pose a danger at that time, but was probably beyond economic repair. However, HE (Historic England) would not accept its delisting.
- 3.6 In 2015, after a partial failure of a section of the roof supported by the gable to the Alder Street elevation, it was necessary to remove a section of the main roof timbers and reduce the height of the now unsupported gable. The remaining part of the gable, presently supported by scaffolding and remains fenced off. HE, at the time accepted that “the Council had followed due process” in making the building safe. A further report produced after the collapse and subsequent demolition, again highlighted the deterioration due to water ingress throughout the Mill.
- 3.7 More recently starting in November 2019, other sections of the roof structure collapsed into the building, impacting on the floors below and collapsing those areas. These sectional collapses continued in December 2019, March 2020, and finally in July 2020 the remaining area of roof to the main mill failed. After this latest collapse, the Council was able to obtain some Aerial Drone footage of the buildings present condition, as it is now considered unsafe to enter the building.
- 3.8 Once the footage was viewed, it became apparent that the whole of the building was now in a compromised state and must be considered dangerous. The Drone footage was forwarded to both MPA and HE for their comments. The HE Surveyor (who has personal knowledge of the mill) gave his response that Partial Demolition was now necessary at this time to ensure a safe situation, and that LBC, (Listed Building Consent) was not required to make the structure safe. HE is still of the opinion that what is left, after any demolition should be maintained, but accept that this will need to be assessed after the building is made safe.
- 3.9 An up to date report was requested from MPA to identify the extent of the works required to make the building safe, and consider full demolition. The findings of their report align with the levels of reduction considered appropriate by HE, but with the proviso that this will need to be monitored as the elements are exposed, to identify if they are suitable to remain or additional reduction is required. On this basis, the part demolition of the Mill commenced in September 2020.
- 3.10 Initial estimates for the Partial Demolition are £39,500.00, plus a contingency of £10,000.00. However, funding should be sought for £100,000.00, to reflect the total costs should full demolition be required.

4. RISK

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations

as set out below:

There is risk of the partial collapse of the building into Burnley Road, causing damage to people and property and also blocking the main arterial route between Bacup and Burnley, and associated traffic problems, affecting the local economy.

A BT Hub box sited in front of the building could also be damaged causing loss of multiple connections having similar effect.

5. FINANCE

- 5.1 Due to the dangerous state of the building the Council is required to make the building safe, as the owner can't be contacted the Council will be required to fund the works and reclaim at a later date through the charge on the property.
- 5.2 If partial demolition is sufficient to make the building safe the cost will be £49,500, including contingency, however if full demolition is required the cost will be up to £100,000.
- 5.3 This project will be a new capital scheme and officers will give consideration as to the optimum funding arrangements, which may include: use of capital receipts, internal borrowing and any other requirements for PWLB borrowing. As at 31st March 2020 the council had £2.082m of unallocated capital receipts.

6. LEGAL

- 6.1 The Council received sufficient evidence from MPA to satisfy itself that emergency measures need to be taken to remove the danger this building was posing. As a result, a notice under s78 Building Act 1984 was served in accordance with the legislation. The Council must only take steps in compliance with s78 and not step outside the realm of this provision, particularly as this is a listed building and to do otherwise would put the Council at risk of challenge from Historic England.

The lack of contact with the owners over the last 20 years has not been easy and attempts to trace them have been numerous over the time frame. The remaining trustee has never responded and the likelihood of them coming forward is minimal.

All work undertaken under section 78 is subject to cost recovery. The Council will seek to recover all of those reasonable expenses it incurs in the exercise of its powers under s78 from the building owner/trustee. Failure to pay would normally result in the amount being pursued in the courts. This would be difficult here due to the trustee's absence but as from the date of completion of works until recovery the debt remains as a charge on the premises. Consideration as to the future of the building will continue once the same has been made safe.

7. POLICY AND EQUALITIES IMPLICATIONS

- 7.1 Not applicable.

8. CONCLUSION

- 8.1 The partial demolition of the building has begun following the continued structural deterioration of the building. It is recommended that Members ratify the funding to enable

the necessary demolition works.

Background Papers	
Document	Place of Inspection
Michael Pooler Associates Structural Engineers Report 2020	Planning Department, Futures Park