



REPORT FROM: HOUSING, HEALTH AND ENGINEERING SERVICES
MANAGER

TO: POLICY AND RESOURCES COMMITTEE

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**THE BOROUGH OF PENDLE (65-71 ELIZABETH STREET,
(ODD NUMBERS) NELSON)
COMPULSORY PURCHASE ORDER 2019**

PURPOSE OF REPORT

The purpose of this report is to request the Policy and Resources Committee to pass a resolution that would allow the Council to promote a compulsory purchase order to acquire ownership of a vacant dwelling house (and associated curtilage) known as 65 Elizabeth Street Nelson and to acquire the freehold interests in the adjoining properties (67-71 Elizabeth Street) to allow for the improvement of the land by way of clearance.

RECOMMENDATIONS

It is hereby recommended that the Policy and Resources Committee pass the following resolution:

- (1) To Make THE BOROUGH OF PENDLE (65-71 ELIZABETH STREET, (ODD NUMBERS) NELSON) COMPULSORY PURCHASE ORDER 2019 under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) together with 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 with a thick black line on the Map in Appendix 1 to this report in order to acquire ownership of the dwelling houses known as 65-71 Elizabeth Street, Nelson, and upon acquisition to secure clearance of the site.
- (2) To approve the draft Statement of Reasons annexed to this Report and to authorise appropriate officers to make any amendments they consider reasonably necessary before submission of the Order to the Secretary of State.
- (3) To authorise the Head of Legal Services to take any necessary steps to prepare the documentation required to make The Borough of Pendle (65-71 Elizabeth Street, (Odd

Numbers), Nelson) Compulsory Purchase Order 2019 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).

(4) To authorise the Head of Legal Services 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 the Ministry of Housing Communities and Local Government in seeking to obtain confirmation of the Order.
- 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).
- the presentation of the Council's case at any public inquiry or through written representations if this is appropriate.
- 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).

REASON FOR RECOMMENDATIONS

To make a Compulsory Purchase Order to be known as 'THE BOROUGH OF PENDLE (65-71 ELIZABETH STREET, (ODD NUMBERS) NELSON) COMPULSORY PURCHASE ORDER 2019'. This shall enable the acquisition of four unoccupied and derelict properties, so as to facilitate the improvement of the Order Land by way of clearance.

Background

1. The Borough of Pendle (65-71 Elizabeth Street, (Odd Numbers), Nelson) Compulsory Purchase Order 2019 ('the Order') relates to the proposed acquisition of four unoccupied dwelling houses (together with associated curtilages) known as 65-71 Elizabeth Street, Nelson ('the Order Land').
2. The Order Land comprises four plots. One plot (65 Elizabeth Street) is within the private ownership of Norman Lyons (who holds a long term underlease). Although the other plots (67-71 Elizabeth Street) are already in Council ownership, by way of a long underlease interest, the identity of the freeholders and head leaseholders of all the properties (including 65 Elizabeth Street) remain unknown. These land ownership details are set out in the schedule to the Order. The Order Land has been vacant for at least six years, since there was a roof collapse at all four properties comprising the block in April 2013.
3. The Order Land consists of a block of four unoccupied terraced dwellings, two of which (67-69 Elizabeth Street) are presently bricked up. 69 Elizabeth Street has in fact been partially demolished, whilst 71 Elizabeth Street has been totally demolished. These demolitions have taken place in the interests of safety.

4. The purpose of the proposed acquisition is to improve the Order Land by way of clearance in accordance with section 226(1)(a) of the Town and Country Planning Act 1990 (as amended). It is contended that such improvement shall deliver an immediate gain to the area in terms of environmental wellbeing in the locality.
5. The cleared site would then be suitable for a variety of commercial or residential uses, in accordance with the Strategic Planning Framework, as set out in the National Planning Policy Framework (July 2018) and the Borough of Pendle Core Strategy (Part 1) 2011-2030.
6. The Council has approached all known owners of the Order Land in an attempt to acquire ownership of the Order Land by voluntary means. To date this has not proved to be possible, although it is proposed to continue such contact/negotiations until such a time as the proposed Order may be confirmed by the Secretary of State.
7. The Council can meet the costs of acquisition and clearance of the Order Land from within existing budgets.

The Compulsory Purchase Order and Draft 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 improvement of the site by way of clearance, facilitating an immediate improvement in the environmental wellbeing of the Order Land and the local area, whilst providing future development opportunities for any cleared site. 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. The Draft Statement of Reasons has been prepared in accordance with the latest Guidance from the Ministry for Housing Communities and Local Government published in February 2018.
11. The justification for the Order is that it would allow acquisition of the site to facilitate improvement by way of clearance. Whilst this of itself would facilitate an immediate improvement in the environmental wellbeing of the Order Land and the locality, it would also provide development opportunities for the cleared site to be used for either residential or commercial purposes in accordance with the Strategic Planning Framework. The proposal would therefore support the Council's corporate objectives of creating a strong economy and building strong communities as set out in the Pendle Strategic Plan 2018-2020.
12. On the basis of the above, the Policy and Resources Committee is recommended to pass the appropriate resolution enabling a Compulsory Purchase Order to be promoted by the Council, as set out in the recommendation herein.

IMPLICATIONS

Policy: The proposals are in accordance with the Strategic Planning Framework (in terms of national and local planning policy) and in accordance with the objectives of the Council's Strategic Plan 2018-2020.

Financial: The Council estimates that the acquisition cost of the Order Land is in the region of £15,000 and that this together with clearance costs can be met from within existing budgets.

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

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

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

Sustainability: The Order will facilitate the improvement of housing stock in the borough, which is regarded as an important driver of economic growth.

Community Safety: None as a result of this report.

Equality and Diversity: The Council has considered the obligations on it under section 149 of the Equality Act 2010 and is satisfied that no individuals or groups with protected characteristics (or otherwise) will be disadvantaged by the proposals.

APPENDICES

Appendix 1 - Map for the Compulsory Purchase Order

Appendix 2 - Draft Statement of Reasons

LIST OF BACKGROUND PAPERS

National Planning Policy Framework (July 2018)

Borough of Pendle Core Strategy Part 1: 2011-2030

Pendle Strategic Plan 2018-2020