

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER**

TO: POLICY AND RESOURCES COMMITTEE

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**TO CONSIDER THE COMPULSORY PURCHASE OF
45 MARKET STREET, COLNE
(FORMER BLOCKBUSTER STORE)**

PURPOSE OF REPORT

1. To inform Committee of the requirements of a CPO in the context of 45 Market Street, Colne.
2. For Committee to determine if Pendle should pursue a CPO of the property.

RECOMMENDATIONS

- (1) That Committee note the advice in the report.
- (2) That other avenues are pursued prior to consideration of whether a CPO should be sought.

REASON FOR RECOMMENDATIONS

In order to secure the improvement of 45 Market Street.

ISSUE

- 1 45 Market Street used to be occupied by Blockbuster Videos which formed part of an international chain of stores. With changes in consumer choices these stores closed across the UK including the one in Colne. The building has stood empty for circa 8 years now and has gradually deteriorated with that process accelerating in the last 2 years or so.

- 2 Vacant properties need to be attended to and to be maintained in order to both keep them weather tight but also to deter vandalism. We have been discussing the condition of the property with the owners since 2014 as it had been unoccupied for some time and no maintenance was being undertaken. Initially the property remained in a condition that did not require any formal intervention. However this altered with the gradual, but accelerating, deterioration of the property. That culminated with the service of a Section 215 Notice as the condition of the building was affecting the amenity of the area.
- 3 There have been two successful prosecutions for non-compliance with the S215 Notice. A third prosecution is now proceeding. The owner's agent has indicated that they are going to appoint local agents to see the building re-occupied. However previous indications of action on the building have not resulted in any tangible improvements so there is a good deal of scepticism whether the latest indications of action will lead anywhere.
- 4 There are options for the Council to pursue other than prosecution. Section 219 of the Town & Country Planning Act 1990 allows the LPA to enter land and take those steps set out in a notice and thereafter recover the costs. No estimates of costs have been prepared but the work involves renovating every window and replacing the broken shop window.

Compulsory Purchase

- 5 There are a number of CPO powers that are available to deal with an unsightly building. The National Parks and Access to the Countryside Act 1949 allows land to be acquired where it appears it is derelict, neglected or unsightly.
- 6 The planning system allows, in certain circumstances, for Compulsory Purchase Orders ("CPO") to be sought to acquire properties. Section 226 of the Town & Country Planning Act 1990 allows for CPOs to be pursued if the LPA thinks the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. The land must be required for a purpose which it is necessary in the interests of the proper planning of the area. That power must not be exercised unless the re-development or improvement would achieve one or more of the following:
 - the promotion or improvement of the economic well-being of their area;
 - the promotion or improvement of the social well-being of their area;
 - the promotion or improvement of the environmental well-being of their area.
- 7 There are a number of issues that need to be considered whatever powers are used to compulsorily purchase and. CPO powers result in privately owned properties being forcibly taken away from owners. The powers can only successfully be pursued when there is a compelling case in the public interest to do so.
- 8 There must also be a number of other factors that are satisfied in order to pursue a successful CPO.
- 9 The first consideration is what public benefits would accrue from the compulsory action. Fundamental to this is whether the interference with the private rights of the owners would be outweighed by the public benefits. Here essentially there would be an improvement to the public street scene and amenity of an area.

- 10** The interference must be proportionate in the circumstances to the Human Rights of those with an interest in the land. This brings into the equation whether there are other powers that could be used that would result in the same outcome but without depriving the interested parties of their land.
- 11** Funding must be in place for the acquisition on redevelopment of the land. In this case that would require funding for the purchase and the improvement costs.

Conclusions

- 12** The compulsory purchase of the premises would deprive the owner of the building. It would result in the improvement of the area but that could also be achieved through carrying out works to the building and recharging the owners for doing so. There is a case in the public interest to do this but with the other avenues open to deal with it currently it is not considered that there is currently a compelling case. There is also no finance in place to fund the purchase or redevelopment.
- 13** The prudent option would be to re-prosecute the owners and see if that persuaded them to improve the building and if that fails to carry out the work in default and recharge the owners for it.

IMPLICATIONS

Policy:	None
Financial:	None
Legal:	None
Risk Management:	None
Health and Safety:	None
Sustainability:	None
Community Safety:	None
Equality and Diversity:	None