



Cabinet (Resources) Panel

11 September 2013

Report Title	Empty property strategy – acquisition/compulsory purchase of 56 Church St, Bilston, WV14 0AH	
Classification	Public	
Cabinet Member with Lead Responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Key Decision	No	
In Forward Plan	No	
Wards Affected	Bilston East	
Accountable Strategic Director	Tim Johnson, Education and Enterprise	
Originating service	Directorate/service area	
Accountable officer(s)	Jane Trethewey Tel E-mail	Section Leader, Education & enterprise. 01902 555583 Jane.Trethewey@wolverhampton.gov.uk
	Richard Long Tel Email	Housing Improvement Officer 01902 555705 Richard.long@wolverhampton.gov.uk

Recommendation(s) for action or decision:

Cabinet (Resources) Panel is recommended to:

- i) Make the following Compulsory Purchase Order under Section 17 of Part 2 of the Housing Act 1985 and/or Section 226 Part 9 of the Town and Country Planning Act 1990:

The Wolverhampton City Council (56 Church Street, Bilston WV14 0AH) Compulsory Purchase Order 2012 as shown on the plan attached.

- ii) To authorise the Strategic Director for Education and Enterprise on behalf of the Council to:
 - a) Acquire interests in the land within the Order either compulsorily or by agreement before or after making the Order.
 - b) Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the Order including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - c) Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, and/or making arrangements for re-housing or relocation of any occupiers.
 - d) Approve the making of a General Vesting Declaration.
 - e) Approve the disposal of the whole and/ or parts of the property under lease by auction, tender or private treaty

1. Purpose

- 1.1 The purpose of this report is to request the Panel to authorise the making of a Compulsory Purchase Order under Section 17 of Part 2 of the Housing Act 1985 and/or Section 226 Part 9 of the Town and Country Planning Act 1990 in respect of 56 Church Street, Bilston and for negotiations to continue with the owner to purchase in advance of confirmation of the Order.
- 1.2 Following confirmation of the Order, approval is sought for the making of a General Vesting Declaration.
- 1.3 This decision is in support of Wolverhampton City Council's Empty Properties Strategy 2010-2015.

2. Background

- 2.1 The property, highlighted on the attached map is a 3 Storey end terraced commercial premises with the potential for 2 flats above. Records show that the property was taken out of the business rates/ council tax banding by the District Valuer in 1992 and has remained empty since that time.
- 2.2 The property occupies a prominent position on the main shopping thoroughfare in Bilston and is adjacent to Bilston Central Metro station. It is boarded up and in a state of dilapidation.
- 2.3 The building is within the Bilston Town Centre Conservation Area and since 2004, the council in conjunction with Heantun Housing Association have made a number of attempts to work with the owner of the property. A substantial grant was available to the owner in 2004 under the Bilston Townscape Heritage Initiative (THI) to bring the property back into use. However, the owner was not prepared to enter into an agreement in order to secure funding for the project.
- 2.4 Planning Enforcement served Notice action under Section 215 (Town and Country Planning Act 1990) in February 2012. The owner has not responded to the Notice to tidy the site and the property remains detrimental to the amenity of the area. Consideration has been given to prosecution/ carrying out of work in default of the Notice.
- 2.5 The cost of the works required under this Notice are considered to be high, most specifically because of the Conservation Area requirements which will require a high level of specification and standard of work. Undertaking these as Works in Default is not considered viable as the Council may have difficulty in recovering all of its costs. Due to the high costs associated in progressing this course of action, the Council will not be undertaking the work in default in pursuit of this notice and it is considered that the progression of a CPO is the most expedient option in these particular circumstances.

- 2.6 The property is not considered suitable for an Empty Dwelling Management Order because of its poor condition/ costs of refurbishment. Acquisition either voluntarily or via compulsory purchase is considered the most appropriate option to achieve a solution.
- 2.7 Heantun Housing Association has successfully secured funding from the Homes and Communities Agency (HCA) in both Empty Property Fund bidding rounds. Heantun has carried out a considerable amount of background work on 56 Church Street and are a major stakeholder in the regeneration of Bilston. Heantun HA are committed to this project in principle and have provisionally allocated £50k of this HCA funding to delivering the improvement and occupation of this property. Given these circumstances, it is proposed to work in partnership with Heantun in order to deliver this particular property back into use.

3. Financial implications

- 3.1 The Housing Capital Programme approved by Council on 11 July 2012 includes provision over the medium term for the Empty Property Strategy. In the event of a Compulsory Purchase Order being made resulting in the Council acquiring the property, the costs will be met from this provision.
- 3.2 There are no exceptional circumstances in the case of 56 Church Street. The owner has failed to comply with a Notice under Section 215 of the Town and Country Planning Act 1990 to tidy the land/ buildings. It will therefore not be necessary to pay the additional statutory 7.5% compensation payment should the Order be confirmed.
- 3.3 At present the funding arrangements for the proposed scheme with Heantun Housing Association have not been finalised. If the CPO takes place a subsequent report will be presented for approval when the details of the scheme have been confirmed.

[CF/22082013/I]

4. Legal implications

- 4.1 Section 17 of the Housing Act 1985 empowers local housing authorities to compulsorily acquire land houses or other properties for the provision of housing accommodation. However the acquisition must achieve a qualitative or quantitative housing gain. Section 226 Part 9 of the Town and Country Planning Act 1990 empowers local authorities to acquire land houses and other properties for the promotion or improvement of the economic, social and environmental well-being of their area. In order to make a Compulsory Purchase Order under these powers and achieve successful confirmation, the Council will need to show compliance with the requirements of the relevant statutory provision and circular 06/2004 Compulsory Purchase and the Crichel Down Rules. Where there are objections to a Compulsory Purchase Order the matter may go forward to a public inquiry and specialist Counsel may need to be engaged to present the Council's case.

- 4.2 Article 1 of Protocol 1 of the Human Rights Act 1988 guarantees peaceful enjoyment of possessions and would be engaged by the making of a CPO. However, the contents of this report and the actions recommended are considered to be proportional and compatible with the Human Rights Act 1988, particularly bearing in mind the above checks and balances on the Local Authority's power.

[EB/27082013/X]

5. Equalities implications

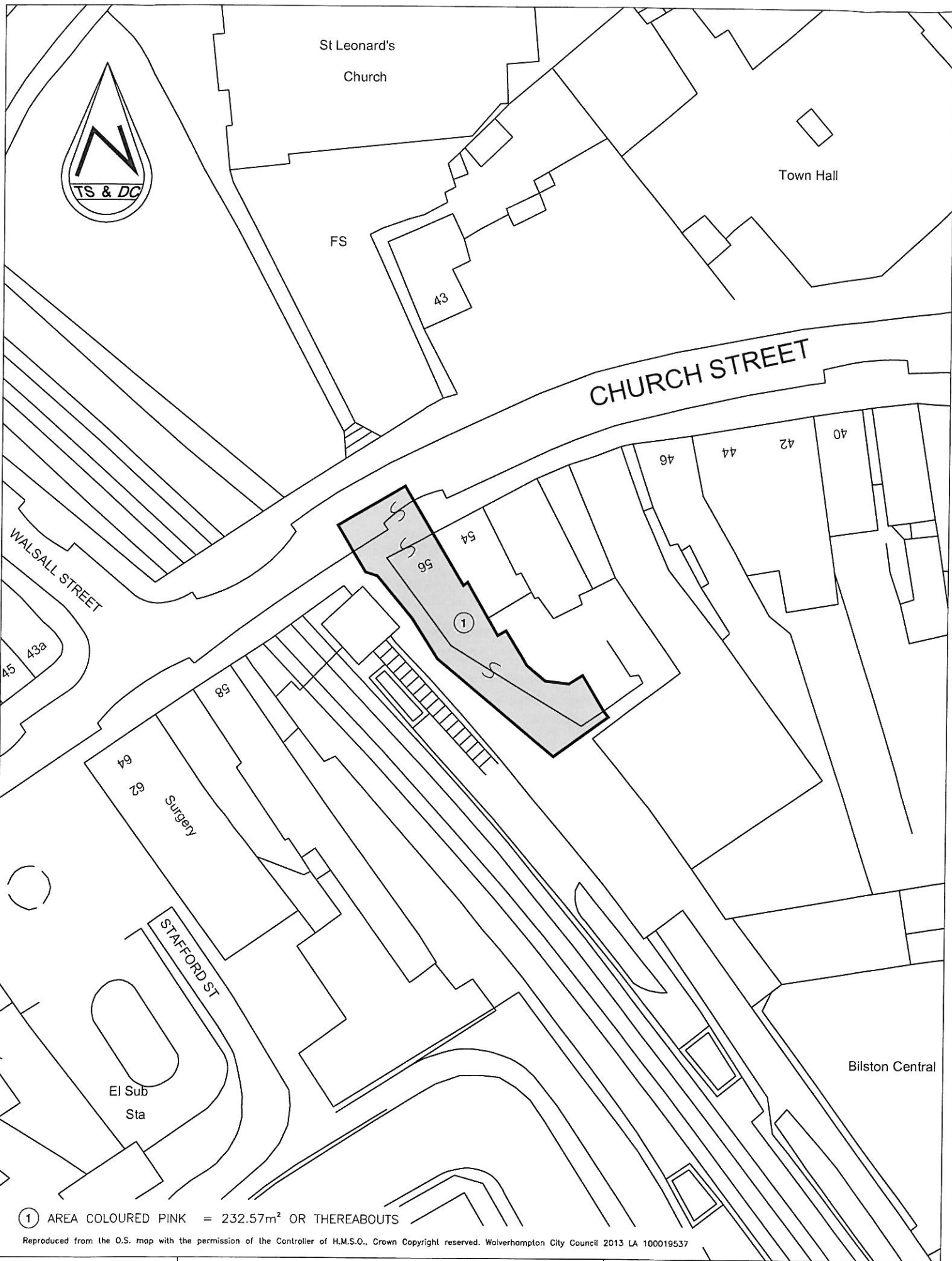
- 5.1 Equalities implications have been considered throughout the process and in assessing the outcome. An Equality Analysis has been completed and this does not indicate any adverse implications. Bringing an empty property back into use will improve the visual amenity of the area and can make the area more welcoming to some groups covered by the Equality Act 2010, in doing so this will promote participation in public life.

6. Environmental implications

- 6.1 This report has evidenced the neighbourhood sustainability impact and environmental blight that a long term dilapidated empty property can have in a locality. It will allow a long term empty property to be refurbished providing much needed sustainable accommodation as highlighted in the Housing Needs Survey (2007) and remove a potential magnet for anti-social behaviour and environmental blight. This will improve the appearance of the Bilston Town Centre Conservation Area, enhancing property conditions and contribute to the regeneration of the area.

7. Schedule of background papers

- An Action Plan to Deliver the Empty Property Strategy 11/01/06;
- Private Sector Empty Property Strategy 2010-2015;
- Wolverhampton Housing Needs Survey 2007;



① AREA COLOURED PINK = 232.57m² OR THEREABOUTS

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date	August 2013
scales	1:500
drawn by	AJP
dwg. no.	Church Street 56.dwg

THE MAP REFERRED TO IN
 THE WOLVERHAMPTON CITY COUNCIL
 (56 CHURCH STREET, BILSTON)
 COMPULSORY PURCHASE ORDER 2013

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56 CHURCH STREET
BILSTON



HEATHS

HEATHS
THE QUALITY
FISH • FRUIT • POULTRY
MARKET

Bils