

Cabinet Meeting on the 18th of March 2008

Report Title: Empty Property Compulsory Purchase Orders : (1) 207/209 Mount Pleasant Road N17 6JH, (2) 87 Carlingford Road N15 (Left hand side) and (3) 92 Moselle Avenue N22.

Forward Plan reference number (if applicable): **[add reference]**

Report of: **Director of Urban Environment**

Wards affected: Bruce Grove, West Green and Noel Park.

Report for: Key

1. Purpose

1.1 This report sets out proposals to make Compulsory Purchase Orders at 207/209 Mount Pleasant Road, Haringey, London N17 6JH, LHS (left hand side) 87 Carlingford Road, Haringey, London N15 3EJ and 92 Moselle Avenue, Haringey, London N22 6ET. The use of Compulsory Purchase powers forms part of Haringey's Empty Properties Strategy, Housing Strategy, and Sub-Regional strategy to bring back into use residential premises that have been long term vacant and where no other course of action is appropriate or can be pursued. It is also in pursuance of achieving a year-on-year increase in the number of privately owned empty properties brought back into use through advice or intervention (Best Value Performance Indicator 64).

1.2 This report describes the condition of the properties and the work which has been undertaken to date by officers in the Strategic and Community Housing Services of the Urban Environment Directorate and of the North London Private Sector Housing Sub-region, to bring the properties back into use.

2. Introduction by Cabinet Member (if necessary)

2.1 The council has adopted an Empty Properties strategy, which includes provision for using CPO powers to help bring back into use privately owned housing units that have been left empty for excessive amounts of time. The council has also made an appropriate capital provision within the budget for this purpose.

2.2 The process is used as a last resort in the cases where the owners have failed to respond to the council's efforts to encourage and enable the owners to restore and

bring back into use their properties themselves.

2.3 The strategy envisages bringing forward proposals for suitable properties in small batches at regular intervals and the council has already authorised action on similar properties in the last few months. These 3 properties are the latest addition to the list.

3. Recommendations

That the Cabinet resolve:-

- 3.1 To use its Compulsory Purchase powers to acquire the properties known as (1) 207/209 Mount Pleasant Road , Haringey, London N17 6JH , (2) LHS (left hand side) 87 Carlingford Road, Haringey, London N15 3EJ and (3) 92 Moselle Avenue, Haringey, London N22 6ET. (each shown edged red on the attached plans) compulsorily under section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981.
- 3.2 To authorise the Head of Legal Services to make and seal the Orders for submission to the Secretary of State for Communities and Local Government for consideration and approval; further, to authorise the Head of Legal Services to confirm the said Compulsory Purchase Order in the event of the Secretary of State returning the Order and upon confirmation of the Compulsory Purchase Order to proceed with the acquisition. In the event that any of the owners undertakes in the form of a legally enforceable undertaking to bring the relevant property back into residential occupation use within a reasonable timetable, to authorise the Head of Legal Services in consultation with the Director of Urban Environment to accept and enforce such an undertaking instead of proceeding with the CPO for the property in question.
- 3.3 Subject to the confirmation of the Compulsory Purchase Orders by the Secretary of State for Communities and Local Government or the Council, to approve the disposal of the property to a Registered Social Landlord (RSL) in the first instance, or to a Private Developer (in which case the sale would be by way of auction with covenants applied to bring the property back into use as soon as possible.
- 3.4 To approve the re-cycling of the receipt from the disposal back to the capital programme budget for the continued private sector housing CPO programme.
- 3.5 To meet the financial costs of the Compulsory Purchase orders through the capital programme.

Contact Officers:

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4 Director of Finance Comments

- 4.1 The pursuance of a CPO policy will have both capital and revenue implications for the Council. This will take the form of a payment to the current owner based on an independent valuation of the property in its existing state. (The estimated purchase price is yet to be determined.) Generally this outlay should be recoverable when the property is sold. The DOF notes that the recommendation is to try to sell to a Registered Social Landlord, failing that it is to be sold on the open market by way of auction.
- 4.2 It should be noted that there is a risk that the Council may not recover the acquisition costs particularly if the property market is stagnant or falling. Conversely, in a buoyant market, it may be possible to generate additional funds.
- 4.3 The revenue costs associated with the policy (e.g. legal fees, surveyors fees & stamp duty) will generally be non recoverable. These could amount to about £15k for this property. However an agreement with
- 4.4 If members decide to proceed with this CPO, it will be funded from the 2008-09 capital programme for CPO (£500k)
- 4.5 When the property is resold the sale proceeds will be put back into the corporate funds, where the agreed policy on allocation of receipts for spending is that all receipts go into a corporate pot and bids are made against this as part of the Council's capital programme process.

5 Head of Legal Services Comments

- 5.1 The Head of Legal Services comments that the key purpose of the use of the available statutory powers is to bring long-term empty properties back into permanent residential use. Compulsory purchase is a means of last resort to achieve this objective.
- 5.2 The recommendations allow for owners to undertake themselves to carry out works by means of a legally enforceable undertaking where the timetable is reasonable.

6 Local Government (Access to Information) Act 1985

Empty Homes Strategy
Detailed Plans identifying all properties have been made available to scale through property services and are attached as an appendices to this report.

7 Housing Strategy

7.1 Haringey suffers acute housing pressures and the private housing sector plays a major role in meeting housing need in the borough. The private sector currently provides to over 7,000 households, at the end of January 2008 Haringey had the second highest number of households in temporary accommodation in Britain. The borough currently has 5426 homeless households in temporary accommodation which we are committed to reduce by 50% by 2010.

7.2 The borough has around 2,000 empty properties, of which 1961 have been empty for more than 12 months (1/4/2007). This is both a wasted resource for the owner and our community. Haringey's population is forecasted to grow faster than that of the capital, with growth estimating 16% in comparison to the rest of London which is likely to increase by 11% (an increase of 810,000 people).

7.3 The Council's policy is to develop initiatives to encourage owners to bring long term vacant properties back into use. As well as being a wasted resource, long term vacant properties become a nuisance to their surrounding neighbourhood. Empty properties often become neglected, blighting residential areas and providing a haven for illegal activity as well as posing a health and safety risk.

7.4 Bringing empty properties back into use is a significant contribution towards Haringey's development of a safe, sustainable community as well as supporting and addressing our community's housing need.

8 Financial risk for making the CPO

8.1 If the Compulsory Purchase Orders are confirmed by the Secretary of State for the Department of Communities & Local Government Haringey will proceed if necessary with the acquisition of the property. Compensation will be payable to the owners based on the valuation on the date of possession, which could be higher or lower than the council's valuation.

8.2 The Council will be liable for the owner's reasonable surveyors' costs and legal fees associated with the conveyance. The council will also be liable for Stamp duty and costs to secure the property. However, an agreement with the North London Private Sector Housing Sub-regional Group have agreed to provide funds to cover ancillary costs incurred through CPO action.

8.3 Following the confirmation of the order The Director of Urban Environment will approve the disposal of the property to a Registered Social Landlord in the first instance. If a Registered Social Landlord cannot be identified the property will be sold to a private sector developer in which case the sale would be by way of auction with covenants applied to bring the property back into use as soon as possible.

9 Human Rights Act 1998

- 9.1 Officers have considered this proposed Compulsory Purchase Order in the light of the relevant provisions of Article 1 (no one should be deprived of his possessions except in the public interest), Article 6 (right to a fair trial – the owners have the right to appeal to secretary of state and then also to the high court) and Article 8 (right to respect for private and family life, home and correspondence – the right to full and proper compensation) of the Human Rights Act 1998. The properties which are the subject of this report are vacant and the public interest and relevant policies require that properties should not be left vacant and in disrepair. The interests of the owners will not normally be incompatible with the public policy objectives.
- 9.2 In view of the factors set out in this report officers consider that the exercise of compulsory purchase powers is justified by reason that it is in the public interest, authorised by law and necessary and proportionate towards meeting the objectives of the Council's Housing Strategy. Every effort to encourage the owners to bring back the property back into use has been exhausted and compulsory purchase is the last resort left available to the council

10 Equalities Implications

- 10.1 There are no equalities implications for this report, however, many of the boroughs empty properties are situated within the east of the borough. It is our commitment to narrow the gap between the east and the west and to create safer neighbourhoods, stronger communities and a better place to live and work. This programme meets these aims and provides encouragement to those residents living with the problems that long term empty properties bring to an area. The CPO process also supports the provision of varying types and sizes of properties which are now required to meet the needs of Haringey's diverse communities.

11 Consultation

- 11.1. The use of CPO process as an enforcement tool was included in the Empty Property Strategy 2005-8. This Strategy was formed following consultations with Council officers and partners at an event on 14th January 2005. There has been continued regular consultation with Local Authority members of the North London Sub Region.

12 Conclusion

- 12.1 Compulsory Purchase of the properties by the Council as a last resort is justified and officers are of the opinion that Compulsory Purchase is now the most effective solution. Acquisition of the property by the Council and the subsequent sale to and refurbishment by a Housing Association or private sector developer will achieve a quantitative and qualitative housing gain and also improve the

aesthetics of the local area. With careful monitoring from the Council, they will be re-instated into use to high standards thus greatly adding to the local community.



Haringey Council

Appendix A

207/209 Mount Pleasant Road N17

1 Background

1.1 207/209 Mount Pleasant Road N17 6JH are two, three storey Edwardian houses. The Properties have been empty since 1993. Land registry indicates that both properties are in the same ownership.

1.2 The properties were first reported to the Council in 2000. Complaints by local residents have continued regarding the lack of progress being made in bringing both the properties back into use and the effect the property has on blighting the surrounding neighbourhood.

1.3 Haringey's Empty Property Officer and Senior Environmental Health Officer dealing with this case have carried out both written correspondence and meetings with the owner of this property offering assistance, both practical and financial including empty property grants, to help them bring the property back into use voluntarily. The owner has stated that she and her partner are renovating the houses themselves on a part time basis as they both have full time jobs. They have opened up the interior to make the two houses one (Planning have stated that until the work is completed without their involvement they cannot take action) and intend to run a foster home once work is complete.

2 Property Condition

2.1 The properties are an eye sore. Both the existing roof and windows have been removed from the property. Scaffolding has been erected around the houses for the last seven years (licence confirmed) which supports a temporary roof. All internal walls, kitchen and bathrooms have been gutted leaving the property uninhabitable.

2.2 The progress made renovating the property is slow adding to potential health and safety risks. The property remains an eyesore and poses problems in relation to public nuisance offences and illicit activity. Please see photographs attached in Appendix to this document.

Appendix B

LHS 87 Carlingford Road N15

1 Background

1.1 87 Carlingford Road N15 is a two storey, mid-terrace Edwardian property. It is situated to the left hand side of 87 Carlingford Road and came to the attention of the Council in 2004. (please see maps in appendix to this document). Investigations by the Empty Property Officer in 2005 established that the property has been vacant for 15 years. The Empty Property Officer has written a number of letters to the freeholder of this property offering assistance, both practical and financial including empty property

grants, to help them bring the property back into use voluntarily. There has been no response from the owner to any of these correspondence.

2 Property Condition

2.1 The house is in poor condition with rotting casement windows. The tile hung bay wall between the ground and first floor is missing exposing rotten wooden batons. The cladding to the ground floor wall is in poor condition and unsightly. Some of the rendering to the garden wall is loose and large areas are missing.

2.2 The property remains an eyesore and poses problems in relation to public nuisance offences and illicit activity. Please see photographs attached in Appendix to this document.

Appendix C

92 Moselle Avenue N22

1 Background

1.1 92 Moselle Avenue N22 is in the Noel Park Conservation area. It has been empty since 2003. EPO visited 14 July 2005 and was confirmed vacant. It first came to the attention of the Council in 2005 when the owner contacted the Empty Property Officer about the empty property grants. This was not pursued by the owner who has continued to leave the house empty.

2 Property Condition

2.1 This is a two storey, mid terraced, brick build property. The house is in poor condition and is obviously empty. The ground floor window is boarded up and the privet hedge outside is very overgrown. There are rubble bags full of builders waste in the front garden. The property remains an eyesore and poses problems in relation to public nuisance offences and illicit activity. Please see photographs attached in Appendix to this document.