

HOUSING OVERVIEW AND SCRUTINY COMMITTEE – 15TH NOVEMBER 2007

CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE - 21ST  
NOVEMBER 2007

EXECUTIVE – 26TH NOVEMBER 2007

Report by the Head of Environmental Services and Community Safety on 19  
Lavender Hill SW11 (Shaftesbury).

SUMMARY

This report considers the options available to the Council to deal with a long-term vacant property at 19 Lavender Hill SW11 5QW. The report traces the history of the property and actions by the Council to try and secure re-occupation. The property is a considerable eyesore which has understandably given rise to many complaints from residents in the road. The report explains that the owner has failed to come forward with any firm proposals for renovating and returning the property back to use. The property represents a loss of potentially valuable housing accommodation at a time when housing needs are high.

In view of the history of delay and failure by the owner to take any positive steps, the Executive is asked to consider the options open for renovating the property and bringing it back into residential use.

The recommendation is that the Council should make a Compulsory Purchase Order (CPO) on the property. The Executive is also asked to confirm that the onward sale of the property should be on the open market.

GLOSSARY

CPO: Compulsory Purchase Order

RECOMMENDATIONS

1. The Housing Overview and Scrutiny Committee are recommended to support the recommendations in paragraph 3 (a) , (b) and (c) and the Corporate Resources Overview and Scrutiny Committee are recommended to support the recommendation in paragraph 3 (b), (c) and (d).
2. If the Overview and Scrutiny Committees approve any views, comments or recommendations on the report, these will be reported to the Executive for consideration.

## 19 Lavender Hill, SW11: Compulsory Purchase Order

3. The Executive are recommended to:-
  - (a) approve the making of a CPO under Section 17 of the Housing Act 1985 (as amended) on the land and buildings at 19 Lavender Hill London SW11 registered at HM Land Registry under the freehold Title Number LN785 and shown on the plan attached in Appendix B, and its submission to the Department of Communities and Local Government for confirmation;
  - (b) approve, if the CPO is confirmed, that the Council proceed with acquisition of the property by use of a General Vesting Declaration;
  - (c) approve, if the CPO is confirmed, the Borough Valuer and Estate Surveyor being authorised to settle the compensation payable in acquiring the property and land; and
  - (d) approve the Borough Valuer and Estates Surveyor being authorised to dispose of the property on the open market including by auction, with the sale documentation to include conditions, in a form approved by the Borough Solicitor, requiring the new owner to renovate the property to the satisfaction of the Head of Environmental Services and Community Safety so that it meets the Decent Homes Standard and is ready for occupation within a specified time.

### **INTRODUCTION**

4. 19 Lavender Hill is a three -storey, end terraced property with a pitched roof and a back addition built in the early 1900s; there is, what appears to be, a vacant commercial unit on the ground floor with residential accommodation above. According to information obtained from local residents, it has been empty for an estimated period of 10years and has fallen into a derelict condition. Council Tax records show two units with the ground floor unit registered as residential and classed as occupied since being registered in 1999. The upper maisonette was registered on 1st May 1997 and has been recorded as having been void since. The owner of the premises is elderly and his affairs have been managed by his son. My officers have made a number of informal approaches to the owner over an extended period of time but, despite offers of potential grant aid and indications of possible CPO action, he has taken no effective steps to bring the property back into use.
5. The Land Registry entry has shown that the owner has a freehold interest and purchased the property on 21st October 1980. This report considers the conditions which exist at the property and the options available to the Council to ensure that it is brought back into full use.

### **BACKGROUND**

6. Complaints relating to this property date back to November 2000 since when there have been a total of 14 complaints about its condition, the majority of which have been received since 2004. In both January and November 2005 letters were sent to the owner and his son explaining the possibility of grant assistance and requesting a response. Neither of these letters produced a

positive response and in January 2006 a report (Paper No.06-81) was brought to the Housing Overview and Scrutiny/Executive Committees setting out the circumstances of a number of empty properties where potential CPO action was considered to be an option. It was agreed that the then Head of Environmental Services should write to the owner and request a timetable for bringing it back into use and that if no positive response was obtained, the matter would be considered again for formal CPO proceedings. That letter was sent on 31st January 2006 but no response was received and a further letter was sent in April 2006. Having failed to obtain a response, officers commenced the process of gathering the necessary evidence to present to the Committee so that a decision on possible CPO action could be taken. In June 2006 a letter was sent requesting access to the property and a further request was made in October 2006. Access was not provided on either of the suggested dates and on 28th November 2006 a Warrant of Entry was obtained from the Court. The owner was provided with a copy of the Warrant and an inspection of the property was carried out with the owner's son in February 2007.

7. The outcome of that inspection is detailed below but the Council's Planning Service had taken enforcement action by serving a notice under Section 215 of the Town and Country Planning Act 1990 in November 2006. This required the owner to improve the appearance of the building. The owner did not respond to the notice and a report was taken to the Planning Applications Committee on 12th April 2007 recommending that the necessary works be undertaken in default of the owner. However, the owner did finally erect scaffolding and undertaken some external works and as a result no further action was taken by the Planning Enforcement Service. The appearance of the building remains very poor but it is considered by the Planning officers that, should CPO be agreed, this would ultimately provide a more satisfactory solution than further pursuit of Section 215 action.

### **CONDITION OF THE PREMISES**

8. An inspection of the premises was made on the 13th February 2007. However, this was limited because of the property's poor condition which gave rise to safety concerns and it was not possible to undertake a detailed internal survey. From what could be observed, the property was found to be in a very dilapidated condition suffering from a badly leaking roof, dampness, lack of heating, lack of kitchen facilities, lack of adequate bathroom facilities, poor repair to windows and window frames, defective electrical wiring installation, and structural failure to floor and staircase.
9. An assessment under the Housing Health and Safety Rating System revealed the existence of many Category 1 hazards for which the Council has a mandatory duty to act.

### **THE OWNER'S PROPOSALS**

10. My officers have attempted on a number of occasions to provide the owner with an opportunity to explain his intentions for the property. He has been provided with information on grant aid and made aware of the potential

enforcement action which could be taken. During the inspection of the premises in February 2007, the owner's son stated that it was his intention to develop the property into a number of flats and he gave assurances that plans would be submitted to the Council's Development Control Service for approval. A firm of architects was purportedly engaged and my officers maintained regular contact with them; they continued to indicate that a full planning application would be submitted in the summer of 2007. It was because of those assurances that no further action was taken in respect of CPO action. In addition, the owner had responded to the Section 215 enforcement action and erected scaffolding. However, no plans have been forthcoming and the scaffolding has now been removed following completion of some exterior works. Therefore, I have concluded that without enforcement intervention by the Council the property will not be renovated and brought back into use in the foreseeable future.

### **OPTIONS**

11. After due consideration to the approaches already made by the Council to the owner to date, three options have been considered as follows:-

**(a) Continue to approach owner informally:**– I have already set out the owner's lack of response to my requests for his proposals to bring the property back into use. It must also be recognised that he has permitted this house to remain empty for approximately 10 years. In my view, there can be little prospect that further informal contact will yield results. He has been made aware of the potential for grant aid but this has not produced any positive response.

**(b) Take enforcement action:** –In order to remove or reduce hazards, a statutory notice could be served under the Housing Act 2004. If the owner failed to comply with the notice then the Council would be able to prosecute and/or undertake the works in default. However, there would still be no guarantee that the residential unit would be occupied because ownership would be unchanged. Enforcement action would be limited to removing hazards and would fall short of a comprehensive scheme which left the property ready for immediate occupation. Additionally, the Council could only undertake work to renovate the residential accommodation as it exists and would not necessarily lead to the full development potential of the building being exploited. The commercial unit would remain in disrepair and vacant which would result in an incomplete solution and an ongoing eyesore. However, it would be open to the Council to pursue an order for possession in the event of the works being undertaken in default and the invoice being unpaid, but the process would be both time consuming and carry some financial risks to the Council. On the previous occasion when some works in default were undertaken by this Service, the invoice was paid by the owner.

**(c) Commence CPO action:** – In recent correspondence between the Council and the owner it was made clear that a CPO and would be an option for consideration. The Council has the power to make a CPO under Section 17 of the Housing Act 1985 to acquire land, houses or other properties for the purpose of providing housing accommodation. Acquisition must ensure the

achievement of a qualitative or quantitative housing gain. Given the neglect by the owner and his continued failure to produce some proposals for renovating and returning the property to use, the case for a CPO is very strong. It also has the advantage that, even if the owner does sell, the Council will be able to extract a commitment from any new owner to achieve a housing gain within a reasonable time-scale. I am therefore recommending that the Executive should agree to this option.

### **THE CASE FOR THE CPO**

12. Section 17 of the Housing Act 1985 gives powers to the Council to acquire houses, or buildings which may be made suitable as houses, together with any land occupied with the houses or buildings, for housing purposes.
13. Government policy on CPOs has remained largely unchanged for many years. The main thrust of the policy is that a CPO should not be made unless there is a compelling case in the public interest and should only be used as a last resort. Before a CPO is made an owner should have been given every opportunity to carry out improvements and bring the property into residential use. Circular 06/04 also states that:-

“Compulsory purchase of empty properties may be justified as a last resort in situations where there appears to be no other prospect of a suitable property being brought into residential use. Authorities will first wish to encourage the owner to restore the property to full occupation”.

The Circular further states that:-

“Compulsory purchase of substandard properties may also be justified as a last resort where a clear housing gain will be obtained; the owner of the property has failed to maintain it or bring it to an acceptable standard; and other statutory measures, such as the service of statutory notices, have not achieved the authority’s objective of securing the provision of acceptable housing accommodation”.

14. The reasons for recommending that a CPO should be made in this case are:-
  - (a) 19 Lavender Hill suffers from a number of Category 1 hazards namely damp and mould growth, excess cold, entry by intruders, domestic hygiene, pests and refuse, food safety, personal hygiene, sanitation and drainage, water supply, falls associated with baths etc, falls on the level, falls associated with stairs and steps, electrical hazards and finally collapse and failing elements;
  - (b) there is evidence that it has been vacant for approximately 10 years representing a waste of potential housing accommodation. The house is suffering from serious neglect and the owner has neither planned nor implemented any scheme for returning it to effective use;
  - (c) there is a clear housing gain to be made as well as an improvement in the quality of the accommodation that exists. Renovation and re-

occupation will also prevent the property causing nuisance to the neighbours. The owner has had adequate opportunity to bring the property back into use but has instead failed to act during a protracted period which has seen a steady decline in its condition.

### **THE PROPOSALS FOR THE PROPERTY**

15. The Executive are also asked to agree that, in the event of the CPO being confirmed, the property should be sold on the open market. The sale documentation should impose a covenant, right of pre-emption or other condition, so that the new owner is required to take steps to renovate the property and return it to occupation within a specified timetable.
16. Sale of the property on the open market will ensure that the Council does not limit the onward sale to any particular ownership group. The property would lend itself to renovation by a property developer and/or a builder.
17. The Borough Valuer and Estates Surveyor has prepared a separate report (Paper No. 07-1008A) on the valuations for the property. That report constitutes exempt information and is included elsewhere on the agenda.

### **THE CPO PROCEDURE**

18. Once the CPO has been made, various formalities must be completed before submitting it for confirmation by the Government Office for London. The provisional statement of reasons is attached as Appendix A to this report. The Council is obliged to advertise the making of the CPO in the local press. Any person with an interest in the property may make an objection and, if any are received, there is a requirement to hold a Public Local Inquiry. If the Inspector confirms the Order there is an opportunity for aggrieved persons to appeal against that decision but only on grounds that there is no power to make an Order or that there has been a procedural defect. Once the Order is confirmed the Council may proceed by making a General Vesting Declaration and under these procedures it is likely that ownership and possession would be transferred to the Council within approximately 3 to 4 months of confirmation. Once the General Vesting Declaration has been made, the arrangements for disposal on the open market can be implemented.

### **COMMENTS BY THE DIRECTOR OF FINANCE**

19. The Director of Finance comments that the statutory powers used to purchase property under a CPO require that the property be accounted for within the Housing Revenue Account (HRA). The cost of purchasing the property and any holding costs will have to be met from existing HRA resources. Under current capital finance regulations, any capital receipts from subsequent sale of the property will be fully useable for the provision of affordable housing within the HRA.

### **COMMENTS BY THE DIRECTOR OF HOUSING ON HOUSING NEED**

20. The Director of Housing comments that there were 102,099 private dwellings sector plus 9,108 Registered Social Landlord homes in the Borough on 1st April 2007. Approximately three-quarters of the private stock is owner occupied with the remainder being privately rented. The total number of dwellings in the Borough on 1st April 2007 was 128,842. A report of the condition of private sector and housing association dwellings has recently been undertaken by the Building Research Establishment. The report was updated in 2007 and findings suggested that approximately 41% of private dwellings failed the Decent Homes Standard. An estimated 3,086 privately owned dwellings are thought to be vacant, of which 909 have been vacant for more than 6 months. At the end of March 2007 there were 8,695 assessed households on the housing register compared with 8,952 one year earlier. Approximately nine out of every ten applications being assessed require two bedroom or smaller accommodation. During the year 2006/7, 589 households had been accepted as homeless and in priority need. Homelessness presentations and acceptances plateaued in 2001/2 and have fallen since. In 2005/6 and 2006/7 acceptances fell by 19% and 13% respectively.
21. The Council has carried out a comprehensive annual assessment of housing need in the Borough since 1996. The assessment is drawn from a number of local, regional and national data sources and is considered to provide a reliable picture of housing need. The pattern of movement into and out of the Borough suggests that Wandsworth is both an attractive destination for outsiders and retains its attraction for people subsequently wishing to move home. The latest projections by the Greater London Authority are for an increase in the number of households from 115,700 in 2006 to 122,300 in 2016. Within the overall increase there is likely to be a decrease in married couples and an increase in lone parents, single and shared adult households. Accordingly the demand across the Borough for smaller one and two bedroom properties is expected to rise. The Housing Act 2004 and the Homelessness Act, in particular, have widened eligibility for access to the Council's housing queues and extended the groups of people who are considered to have priority status for housing. This is expected to lead to an increasing requirement for one-bedroom accommodation. Additionally, the Council and the Mayor for London are also more conscious of the need for larger properties and, currently, the London Plan and the Housing Corporation programmes approach is to seek to increase the proportion of larger properties in new-build programmes. To conclude, there is continuing growth in demand and need for all sizes of property.

**COMMENTS BY THE BOROUGH VALUER AND ESTATES SURVEYOR**

22. The Borough Valuer and Estate Surveyor comments that the acquisition of estates and interests in land and property by organisations possessing compulsory purchase powers fall into two categories; acquisition by agreement with compulsory purchase powers in the background and acquisition once compulsory purchase powers have been obtained. In either case, the Council is required to compensate dispossessed owners based on the market value of the property being acquired. Owners are also entitled to claim compensation for associated costs and losses, details of which are outlined below.

23. Compensation for the compulsory acquisition of property is assessed as at the date of agreement or, if earlier, the date when possession is taken. Movements in the property market between the present time and the relevant date for the assessment of compensation could therefore have a major bearing on the eventual cost of acquisition, as could changes in the physical condition of the property.
  24. If the proposed CPO were to be confirmed, the General Vesting Declaration procedure would enable the Council to assume ownership of the property before compensation claims were settled. When ownership is vested in the Council, it would then be free to arrange for the disposal of the property without waiting for compensation claims to be resolved.
  25. If the Council disposes of the property after it has been acquired, the price that could be obtained would reflect the current state of the building and of the market, as well as any conditions of sale that the Council chose to impose. It is not possible at the present stage to say whether subsequent disposal would leave the Council with a net surplus or deficit. The estimated cost of acquiring the unencumbered freehold of this property is included in Paper No. 07-xx and is subject to the qualifications included in this report.
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Reed House  
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P. Copeland  
Head of Environmental Services and Community Safety

### **Background papers**

The following background papers were used in the preparation of this report:-

DETR Circular 06/04  
Report 06-86 to the Housing Overview and Scrutiny/Executive Committees January 2006

All reports to Overview and Scrutiny Committees, regulatory and other committees, the Executives and the full Council can be viewed on the Council's website ([www.wandsworth.gov.uk/moderngov](http://www.wandsworth.gov.uk/moderngov)) unless the report was published before May 2001, in which case the Committee Secretary (on 020 8871 6039) can supply it if required.

**APPENDIX A**

**DRAFT STATEMENT OF REASONS**

**STATEMENT OF REASONS**

**19 LAVENDER HILL**  
**LONDON**  
**SW11 5QW**

1. **THE PROPOSED ORDER LAND**
  - 1.1 The proposed ‘order land’ is shown outlined in red and shaded in pink on the plan attached and marked Appendix B and is known as 19 Lavender Hill London SW11 5QW (hereinafter referred to as the “Property”).
  - 1.2 The Property is registered at HM Land Registry under Title Number LN785. The freehold interest is owned by a Mr Mohammad Rashid of 19 Lavender Hill London SW11 5QW (hereinafter referred to as the “Owner”). The Owner purchased the property on the 21 October 1980. The Registered Title is freehold. A copy of the Land Registry and Title Plan is attached and marked Annex 3. A contact address was provided to the Council as, 259 New Cross Road London SE14 5UL.
2. **CONDITION SURVEY**
  - 2.1 The Council undertook a survey of the Property on the 13<sup>th</sup> February 2007. The Owner’s son was in attendance.
  - 2.2 The Property is an end of terrace three storey property built around the early 1900s. It comprises of a commercial unit on the ground floor with living accommodation on the upper two floors. It is constructed in soft red brick. There is a small rear yard enclosed on three sides with solid brick walls. An inspection of the Property revealed hazards, which could affect the health and safety of any person who was either residing in or visiting the property. The presence of Category One hazard(s) places a mandatory duty on the Council under Section 11 of the Housing Act 2004 to take action to reduce the risk from the hazards that exist.
  - 2.3 The items of disrepair in the Property include dampness, lack of heating, lack of kitchen facilities, lack of adequate bathroom facilities, poor repair to windows and window frames, defective electrical wiring installation, and structural failure to floor and staircase timbers. It was vacant and inadequately secured at the time of the survey.
  - 2.4 The Property, whilst detracting from the visual amenity of the street, was not causing any known statutory nuisance to the neighbouring properties at the time. If left unoccupied it is likely to continue to deteriorate and will in turn

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affect neighbouring properties, particularly given the presence of dampness. The Property is in serious disrepair and suffers from structural defects, which in time may cause structural failure.

### 3. THE COUNCIL'S POWERS FOR MAKING A CPO

3.1 The Council's purpose in seeking to acquire the Property under Section 17 of the Housing Act 1985 (as amended) is to secure a qualitative and quantitative housing gain through renovation and reoccupation. This is to be achieved through disposal on the open market with a condition that it be renovated and re-occupied within a certain period of time.

### 4. THE COUNCIL'S CASE FOR MAKING A COMPULSORY PURCHASE ORDER

4.1 The Council's case for compulsory purchase is that the Property has been vacant for approximately 10 years, is suffering from serious neglect and the owner has neither planned nor implemented any scheme for returning it to effective use.

4.2 The Owner appears unable or unwilling to renovate the Property and ensure its re-occupation. There is a clear housing gain to be made if the Property can be brought back into beneficial residential use as well as an improvement in the quality of accommodation that exists. A further benefit is that renovation and re-occupation will also prevent it deteriorating and causing problems to the neighbours and neighbourhood.

4.3 The Council has had an increased involvement with the Property since early 2005 as a result of its deteriorating state. The Owner, and his son as representative, have failed to respond to letters or attend appointments and have also failed to produce suitable and sufficient proposals despite several requests by the Council.

### 5. CHRONOLOGY OF EVENTS

5.1 The Council has received a total of 14 complaints, dating back to November 2000, from local residents. The majority of complaints have occurred since 2004 following which the Council has been more active in seeking a return to use for the property. It was confirmed to be empty by an officer from the Environmental Services and Community Safety Division in January 2005 and, given its external condition, it appeared likely to have been empty for some considerable time before that. Local residents claim that it has been vacant for approximately 10 years. A letter informing the Owner of potential grant assistance was sent on 24<sup>th</sup> January 2005 (Annex 4). On 16<sup>th</sup> November 2005 a further letter was sent to the Owner inviting him to submit his proposals for the Property and reminding him of the Grant aid available (Annex 5). No response was received to either of these letters.

5.2 In January 2006 a report was brought to the Housing Overview and Scrutiny/Executive committees setting out the circumstances of a number of empty properties where potential CPO action was considered to be an option (Annex 6). It was agreed that the then Head of Environmental Services should write to the owner and request a timetable for bringing the Property back into use

and that if no positive response was obtained, the matter would be considered again for formal CPO proceedings. On 31<sup>st</sup> January 2006 a letter was sent to the owner requesting that proposals for the renovation and return to use of the property should be provided by the end of February 2006 (Annex 7). He was also informed that unless satisfactory proposals were received then a case would be prepared for compulsory purchase. No response to this letter was received.

- 5.3 A further letter was sent in 20th April 2006 again asking what intentions the owner had for the property and pointing out that compulsory purchase action was now likely to be pursued (Annex 8). Again, no response was received to this letter.
- 5.4 On 27<sup>th</sup> June 2006 a letter was sent to the owner (Annex 9) requesting access to the property and a further request was made in writing on 9<sup>th</sup> October 2006 (Annex 10). Access was not provided on either of the suggested dates. As a result on 28<sup>th</sup> November 2006 a Warrant of Entry was obtained from the Magistrates Court (Annex 11). The owner was provided with a copy of the Warrant and an inspection of the property was finally carried out on 13th February 2007 when the owner's son also attended.
- 5.5 At the time of the inspection the owner's son stated that he intended to develop the property into flats and would be submitting plans to the Council's Planning Service for approval. Following these assurances a further letter was sent on 26<sup>th</sup> February to the owner's son requesting a suggested time scale for the submission of plans and pointing out that if progress was not made within a reasonable period of time, a Compulsory Purchase Order would be pursued (Annex 12).
- 5.6 In November 2006 the Council's Planning Enforcement Service had taken action by serving notice under Section 215 of the Town and Country Planning Act 1990. The notice required the external appearance of the building to be improved. In view of the lack of response, the matter was taken to the Planning Applications Committee of 12<sup>th</sup> April 2007 (Annex 13) with a recommendation that works in default be undertaken.
- 5.7 The owner had previously advised the Council that work would commence in March 2007. However, the work was to be limited to compliance with the Section 215 notice. He also provided details of his architect who was to act for him. That architect wrote to the Council on 27<sup>th</sup> March 2007 and advised that they were looking at making a Planning application at some point during the summer. At the time of writing no scheme has been forthcoming. Scaffolding was erected and basic works undertaken to clear pigeon debris, make the roof watertight and board-up some windows but following completion of these works the scaffolding was removed. There has been no communication from the owner or his son since June 2007.
- 5.8 A review of the case concluded that the owner and his son did not appear to be taking any serious steps towards the renovation and occupation of the Property and that the Council had exhausted the option of informal discussions. As a result a report was prepared for the November 2007 Housing Overview and Scrutiny, Executive and Corporate Resources Overview and Scrutiny Committees recommending, amongst other matters, that CPO action be commenced (Annex 14).

## 6. CONSULTATION WITH OTHER AGENCIES

6.1 The London Fire and Emergency Planning Authority work in partnership with the Police, Wandsworth Council and other Agencies to identify and implement strategies to reduce the occurrences of arson within Wandsworth. The Arson Task Force has identified empty properties in particular as being high risk. In the last five years there have been 53 arson attacks which have resulted in house fires in Wandsworth in empty and/or derelict premises.

6.2 Borough Commander Reason produced a report as part of the consultation process, which stated that the longer a property was unoccupied the greater the risk of it becoming the target of an arson attack. Particular issues include long term neglect resulting in structural failure, accumulations of refuse increasing the fire load and tampering with electrical and gas supplies by squatters. The Brigade welcomed any action that could reduce the risk of arson in unoccupied properties.

## 7. GOVERNMENT ADVICE

7.1 Government advice is contained within Circular 06/04 relevant extracts of which appear below:

‘Ministers believe that compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing compulsory purchase powers – whether at local, regional or national level are therefore encouraged to consider using them pro-actively wherever appropriate to ensure real gains are brought to residents and the business community without delay.’

‘Section 17 of the Housing Act 1985 (‘the 1985 Act’) empowers local housing authorities to compulsorily acquire land, houses or other properties for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain.’

‘The main uses of this power have been to assemble land for housing and ancillary development, including the provision of access roads; to bring empty properties into housing use; and to improve sub-standard or defective properties. Current practice is for authorities acquiring land or property compulsorily to dispose of it to the private sector, Housing Associations or owner-occupiers.’

‘Compulsory purchase of empty properties may be justified as a last resort in situations where there appears to be no other prospect of a suitable property being brought into residential use. Authorities will first wish to encourage the owner to restore the property to full occupation. When considering whether to confirm a compulsory purchase order the Secretary of State will normally wish to know how long the property has been vacant; what steps the authority has

taken to encourage the owner to bring it into acceptable use; the outcome; and what works have been carried out by the owner towards its re-use for housing purposes. Cases may, however, arise where the owner cannot be traced and therefore use of compulsory purchase powers may be the only method of acquiring the land.'

## 8. THE COUNCIL'S PROPOSALS FOR THE PROPERTY

8.1 Should the CPO be confirmed, the Council would propose to proceed by way of a General Vesting Declaration and dispose of the property by open market sale, probably via auction, and impose a condition that the residential unit be renovated and returned to use within a period of 12 months. Disposal of the Property on the open market for renovation would ensure that the Council did not limit the onward sale to any particular ownership group. It is likely that the property would be purchased by a developer and brought back into use as flats. The adjacent property, number 17 Lavender Hill, is currently occupied as 3 flats.

8.2 There is a high demand on the open market for property in the area, regardless of condition. The demand for housing in Wandsworth has increased since 2001 with a rise in the local population of 8,952. The GLA Interim Household Projections Report estimates the population will increase by 4% by 2016 which would be another 11,600 people. A copy of the report is attached and marked as Annex 20. Demand for residential property in the area, requiring renovation, has been buoyant in recent years and remains so. The Borough Valuer and Estates surveyor considers that there would be sufficient open market interest for the freehold of the Property to be sold subject to the proposed terms, as a result of which it would be renovated in accordance with the timetable. Only a major deterioration in the market generally might lead to significant difficulty in selling the freehold with an enforceable renovation requirement. In present market conditions, it is envisaged that the property would be occupied shortly after renovation work being completed.

## 9. THE COUNCIL'S KEY HOUSING POLICY OBJECTIVES

9.1 The key objectives of the Council's (Acquiring Authority's) housing policy include:

- (a) 1. To maintain and improve the physical condition of the Borough's housing stock with particular regard to the decent homes standard;
- (b) 2. To support the continuing aspiration of residents to become home owners; and
- (c) 8. To promote the best use of the Borough's housing stock maximising the potential of current non-residential stock for housing purposes and minimise the number of empty properties with particular regard to currently underused property in line with the Council's "Hidden Homes" initiative and Empty Property Strategy.

10. HOUSING PROVISION IN THE BOROUGH AND PREDICTED HOUSING DEMAND

10.1 There were 102,099 private dwellings sector plus 9,108 Registered Social Landlord homes in the Borough on 1st April 2007. Approximately three-quarters of the private stock is owner occupied with the remainder being privately rented. The total number of dwellings in the Borough on 1st April 2007 was 128,842. A report of the condition of private sector and housing association dwellings has recently been undertaken by the Building Research Establishment. The report was updated in 2007 and findings suggested that approximately 41% of private dwellings failed the Decent Homes Standard. An estimated 3,086 privately owned dwellings are thought to be vacant, of which 909 have been vacant for more than 6 months. At the end of March 2007 there were 8,695 assessed households on the housing register compared with 8,952 one year earlier. Approximately nine out of every ten applications being assessed require two bedroom or smaller accommodation. During the year 2006/7, 589 households had been accepted as homeless and in priority need. Homelessness presentations and acceptances plateaued in 2001/2 and have fallen since. In 2005/6 and 2006/7 acceptances fell by 19% and 13% respectively.

10.2 The Council has carried out a comprehensive annual assessment of housing need in the Borough since 1996. The assessment is drawn from a number of local, regional and national data sources and is considered to provide a reliable picture of housing need. The pattern of movement into and out of the Borough suggests that Wandsworth is both an attractive destination for outsiders and retains its attraction for people subsequently wishing to move home. The latest projections by the Greater London Authority are for an increase in the number of households from 115,700 in 2006 to 122,300 in 2016. Within the overall increase there is likely to be a decrease in married couples and an increase in lone parents, single and shared adult households. Accordingly the demand across the Borough for smaller one and two bedroom properties is expected to rise. The Housing Act 2004 and the Homelessness Act, in particular, have widened eligibility for access to the Council's housing queues and extended the groups of people who are considered to have priority status for housing. This is expected to lead to an increasing requirement for one-bedroom accommodation. Additionally, the Council and the Mayor for London are also more conscious of the need for larger properties and, currently, the London Plan and the Housing Corporation programmes approach is to seek to increase the proportion of larger properties in new-build programmes. To conclude, there is continuing growth in demand and need for all sizes of property.

10.3 The Council has a total stock of 32,800 dwellings. Of these 17,300 are rented, while 15,500 have been sold off on long leases, where the Council retains responsibility for the maintenance and repair of the fabric of the buildings. All major estates have been subject to surveys over the last 15 years and it is estimated that 145 Council tenanted dwellings (equivalent to 0.8 per cent of the stock) are unfit.

10.4 The Council has adopted an empty property strategy which incorporates a balanced approach of advice, grant aid and enforcement actions, including CPOs, to try and prevent properties being left unoccupied and/or dilapidated for any long

period of time. The majority of void properties within the borough are vacant because they are being renovated or sold, but a significant minority have been empty for many years and these tend to become the focus of enforcement action. Within the Council's own housing stock, action continues to be taken to minimise the number of vacant properties and to speed up re-letting.

11. ASSURANCE THAT THE COUNCIL'S PROPOSALS ARE ABLE TO PROCEED

11.1 Whilst this is a large property which requires significant work and would also, if converted into flats, require Planning consent, there is nothing to suggest that it is beyond economic repair. It would be typical of the type of project regularly undertaken by developers and there appear to be no unusual features of the property or its location which would hinder a developer from obtaining the necessary finance to buy and renovate the Property. The estimated cost of renovating the residential part of Property to a habitable condition (without conversion) would be £tbc; additional costs would be involved in returning the ground floor to commercial use. In the Council's opinion, this cost would not deter bidders in the open market so as to endanger the Council's proposals for securing improvement of the Property. No planning approvals or other statutory consents will need to be obtained by a purchaser to bring the Property up to a habitable standard as it stands. The Property is not a listed building.

11.2 Demand for development opportunities such as this is currently high and the Council is optimistic that it will sell at auction. Our experience of previous CPO cases also suggests that developers are generally accepting of the condition that works must be completed within a given time. In this case it is suggested that 12 months should be sufficient to enable a new owner to prepare a scheme, obtain Planning consent if necessary and then undertake the works. Occupation would then depend on whether the property was sold or let with the shortest timeframe likely to be letting.

12. WHY THE COUNCIL'S PROPOSALS ARE MORE APPROPRIATE THAN THE ORDER LAND REMAINING IN THE CURRENT PRIVATE OWNERSHIP

12.1 There will be a high degree of certainty, if a CPO is made, that the Council's proposals for the Property will result in productive housing use, as there is a clear demand for properties of this type and size. The Owner has a history of failing to maintain the property or develop any proposals for its renovation and return to use. This continuing neglect, despite the availability of grants, suggests that intervention is necessary. In the Council's opinion, there is little realistic prospect of the Property being brought into beneficial residential use unless it is acquired under CPO powers and sold on the open market for renovation. This would have the effect of achieving a qualitative and quantitative gain on the current level of housing provision both on the site itself and across the Borough.

13. HUMAN RIGHTS ISSUES

13.1 The Council has considered the effect that the proposed CPO will have on the Owner. There are no occupiers at the current time and with the property being

## 19 Lavender Hill, SW11: Compulsory Purchase Order

uninhabitable no consideration of the impact upon them is necessary. With regard to the Owner, the Council has carefully considered the effect on the Owner's rights compared to the benefits to be accrued from the proposals should the Order be confirmed. The property would need substantial renovation before being brought back into such use. Whilst there may be an impact on his "rights" under the Human Rights Act 1998, any impact that may be caused as a result of the Order being confirmed is proportionate when taking account of housing needs and the current impact on neighbours.

### 14. SPECIAL CONSIDERATIONS AFFECTING THE ORDER SITE

14.1 There are no special considerations that affect the Order Land. The Property is not a listed building and is not located within a Conservation Area. The proposed Order Land is not affected by an application for a road closure order. There are no existing planning applications affecting the Property. There is one registered charge dated 18<sup>th</sup> November 1985 in favour of Barclays Bank plc.

### 15. INFORMATION FOR DISPLACED RESIDENTS

15.1 The position is that the Property is vacant and is in such poor condition as to be unsuitable for occupation. The Council's position regarding tenants of properties that are acquired by compulsory purchase, is to offer alternative rented accommodation to any who are able to establish that they had a legitimate tenancy at the time of any CPO being confirmed. The Council's Housing Department at 17/27 Garratt Lane, London SW18 provides information and assistance to displaced residential tenants.

### 16. DOCUMENTS, MAPS AND PLANS

16.1 The Council expect to include all the documents appended to this statement of reasons in their evidence in the event of this matter going before a Public Inquiry. These Documents, Maps and Plans would be available for inspection at Wandsworth Town Hall reception desk during the hours of 9am to 5pm Monday to Friday, excluding Bank Holidays, for the period during which any press notice specified.

### 17. LIST OF DOCUMENTS (other than Annexes 1 and 2, they are not enclosed with the Committee report)

Annex 1	Statement of Reasons
Annex 2	Plan A of the Property known as 19 Lavender Hill London SW11
Annex 3	Land Registry Office Copy entry of the Property.
Annex 4	Letter dated 24 <sup>th</sup> January 2005 from the Council to the owner of the property informing him of grant assistance.
Annex 5	Letter dated 16 <sup>th</sup> November 2005 from the Council to the owner of the property informing of grant assistance.

- Annex 6 Committee report dated January 2006.
- Annex 7 Letter dated 31<sup>st</sup> January 2006 from the Council to the owner requesting proposals for the property.
- Annex 8 Letter dated 20<sup>th</sup> April 2006 from the Council to the owner requesting proposals for the property.
- Annex 9 Letter dated 27<sup>th</sup> June 2006 from the Council to the owner requesting access to the property.
- Annex 10 Letter dated 9<sup>th</sup> October 2006 from the Council to the owner requesting access to the property.
- Annex 11 Copy of warrant of Entry granted on 28<sup>th</sup> November 2006.
- Annex 12 Letter dated 26<sup>th</sup> February 2007 from the Council requesting a suggested time scale for the submission of plans.
- Annex 13 Report to Planning Applications Committee dated 12<sup>th</sup> April 2007 recommending default action in respect of the Section 215 notice.
- Annex 14 Committee report November 2007 recommending CPO action together with formal decision.

APPENDIX B

PLAN OF THE PROPERTY

