

North Tyneside Council Report to the Head of Commissioning and Investment Date: 31 May 2018

Title:
Compulsory Purchase Order
in Respect of 25 and 26
Wellington Avenue, Wellfield
Estate, Whitley Bay

Portfolio(s): The Elected Mayor

Cabinet Member(s): Mrs N Redfearn

Report from Service
Area:

Commissioning and Investment

Responsible Officer:

Niall Cathie
Strategic Property Manager

(Tel: (0191) 643 6517)

Wards affected:

St Mary's

PART 1

1.1 Executive Summary:

North Tyneside Council is the former tenant of 25/26 Wellington Avenue, Wellfield Estate in Whitley Bay.

These premises were transferred to the Authority on its formation in 1974. Prior to the transfer, the former Tynemouth County Borough Council was the tenant of the premises under the terms of a 99 year lease dated 12 May 1912.

When the premises transferred to the Authority from the former Borough Council it was without record of the then owner and Landlord or any correspondence with them relating to the premises.

The Authority has since been unable to identify the current owner and Landlord and when the lease expired on 11 May 2011, the Authority ceased to have any legal interest in the premises.

The building has subsequently fallen into disrepair whilst vacant and outside of the ownership of the Authority.

At its meeting held on 12 March 2018, Cabinet authorised the making of a Compulsory Purchase Order (CPO) in an attempt to bring this property into the Authority's ownership in order that appropriate works can be carried out to secure its improvement and future beneficial use.

This report seeks approval to the proposed “Scheme” for the premises which confirms the improvement works that the Authority will carry out if it is successful in taking ownership through the use of CPO powers. It also seeks approval to the “Statement of Reasons” which outlines the purpose of the CPO. Both can be approved in accordance with a Delegation to the Head of Commissioning and Investment that was agreed by Cabinet on 12 March 2018.

1.2 Recommendation(s):

It is recommended that the Head of Commissioning and Investment, in consultation with the Elected Mayor, the Head of Finance, the Head of Law and Governance and the Head of Environment Housing and Leisure :-

- a) approve the “Scheme” as shown as Appendix 1 to this report for bringing 25/26 Wellington Avenue back into beneficial use as detailed in Section 1.5 of this report;
- b) approve the “Statement of Reasons” in relation to the CPO for 25/26 Wellington Avenue, as attached as Appendix 2 to this report that will be submitted with the CPO to the Secretary of State for Housing, Communities and Local Government providing the justification for pursuing a CPO based on the information given in Section 1.5 of this report;
- c) agree to officers taking all necessary steps to secure the making, confirmation and implementation of the CPO, including the conduct of a Public Enquiry (if appropriate) to obtain confirmation of the Order by the Secretary of State.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 16 April 2018.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2018-2020 Our North Tyneside Plan:

Our Places will:

- Be great places to live by focusing on what is important to local people, such as by tackling the derelict properties that are blighting some of our neighbourhoods.
- Offer a good choice of quality housing appropriate to need, including affordable homes that will be available to buy or rent.

1.5 Information:

1.5.1 Background

North Tyneside Council is the former tenant of 25/26 Wellington Avenue, Wellfield Estate in Whitley Bay as shown outlined in red on the plan attached as Appendix 3.

These premises were transferred to the Authority on its formation in 1974. Prior to the transfer, the former Tynemouth County Borough Council was the tenant of the premises under the terms of a 99 year lease dated 12 May 1912.

When the premises transferred to the Authority from the former Borough Council it was without record of the then owner and Landlord or any correspondence with them relating to the premises.

The Authority has since been unable to identify the current owner and Landlord and when the lease expired on 11 May 2011, the Authority ceased to have any legal interest in the premises.

The building has subsequently fallen into disrepair whilst vacant and outside of the ownership of the Authority. This is having a negative impact on the locality and the premises are regularly the subject of anti-social behaviour and are potentially becoming a danger to anybody who trespasses onto the property.

At its meeting held on 12 March 2018, Cabinet authorised the making of a CPO in an attempt to bring this property into the Authority's ownership in order that appropriate works can be carried out to secure its improvement and future beneficial use.

This report seeks approval to the proposed "Scheme" for the premises which confirms the improvement works that the Authority will carry out if it is successful in taking ownership through the use of CPO powers. It also seeks approval to the "Statement of Reasons" which outlines the purpose of the CPO. Both can be approved in accordance with the Delegation agreed by Cabinet on 12 March 2018.

The proposed "Scheme" for the property is to convert it back into two semi-detached three bedroom residential dwellings that can be let out by the Authority as affordable homes as part of its housing stock to persons in housing need.

Attached at Appendix 1 to this report the Scheme details architectural drawings showing how the premises can be sub-divided.

In addition to internal building separation works, the existing roof covering will be replaced, new front doors will be installed, repair works will be carried out to external brick work, new timber garden fencing will be erected and two off-street parking bays will be provided to each property.

The current estimated cost of this work is in the region of £200,000, and funding is available to cover this amount within the Housing Revenue Account either in the financial years 2018/19 or 2019/20 depending when and if the ownership of the Premises transfers to the Authority. This includes the cost of submitting a planning application for a change of use of the premises from a children's home to two private dwellings.

This is the preferred "Scheme" that was endorsed by the Strategic Property Group at its meeting held on 15 May 2018.

The cost of the Scheme will be in addition to the payment that the Authority will need to make to secure ownership of the property through the Upper Tribunal Land Chamber as detailed in Section 2.1 of this report.

The “Statement of Reasons” that is required to support the promotion of the CPO is attached as Appendix 2 to this report. This makes reference to the fact that the work is required to halt the further decline of the premises and its detrimental impact on the immediate locality. It also references the Authority’s Housing Strategy 2016 - 2021 that was agreed by Cabinet in August 2016 and which details the Elected Mayor’s commitment to tackling empty properties which “blight” neighbourhoods.

This report therefore seeks formal approval to the “Scheme” and the “Statement of Reasons”.

If a CPO is not progressed then the property will continue to deteriorate and have further impact on the local area as a target for anti social behaviour.

Should the Authority fail to secure the property through the use of its CPO powers, Officers will consider the options available to the Authority including seeking an Order from the High Court.

1.6 Decision options:

The following decision options are available for consideration:

1. The Head of Commissioning and Investment may approve the recommendations contained within this report and agree the “Scheme” and the “Statement of Reasons” to facilitate the making of the Nos. 25 and 26 Wellington Avenue, Wellfield Estate, Whitley Bay Compulsory Purchase Order 2018.
2. The Head of Commissioning and Investment may decide not to approve the “Scheme” and/or the “Statement of Reasons” in which case the Authority will not be in a position to proceed with the CPO.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is the recommended option as this will allow the Authority to progress the CPO in order to secure ownership of 25 and 26 Wellington Avenue in order to stop the further decline of the premises and its negative impact on the locality and to bring them back into beneficial use.

1.8 Appendices:

Appendix 1: Architectural drawings of the proposed “Scheme”.

Appendix 2: The “Statement of Reasons” to support the use of CPO powers.

Appendix 3: Boundary plan of 25 and 26 Wellington Avenue, Wellfield Estate, Whitley Bay “The Order Land and Property”.

1.9 Contact officers:

Niall Cathie, Strategic Property Manager, tel. 0191 643 6517

1.10 Background information:

Lease dated 21st May 1912

Cabinet Minutes - CAB151/03/18

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The officer time involved with making the CPO, will be contained within existing budgets.

The Authority will use the Absent Owner Procedure of the Upper Tribunal (Lands Chamber) (UTLC) to determine the value of the property compulsorily purchased. The Procedure is used when dealing with cases where an owner of a property cannot be identified as part of the CPO process. The value of the property is a question of fact and opinion determined by the UTLC on the basis of the evidence.

Once the property is valued and the CPO granted the Authority is required to make a payment into court (not to the tribunal) of the sum determined. The Authority would then be able to acquire good title to the property and register its title with the Land Registry.

The former owner (or, in this case their successors in title) then have 12 years to claim the money, or apply for the question of valuation to be re-opened. If they don't, the Authority can claim the money after the 12 year period. Whatever the outcome, the property remains within the ownership of the Authority.

It is estimated that the property has an approximate value of £100,000 in its current condition and that the estimate for sub-dividing the property into two three bedroom homes is approximately £200,000. The value of three bedroom properties within the Wellfield Estate are currently within the region of £180,000.

Funding to cover the cost of compulsory purchasing the property and delivering the preferred "Scheme" is available within the Housing Revenue Account either during the financial year 2018/19 or 2019/20.

2.2 Legal

Under section 226 (1) (a) of the Town and Country Planning Act 1990 a local authority has a power to acquire compulsorily any land in their area in order to facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.

Once a CPO is made and the relevant notice has been served, a period of at least 21 days is allowed for objections. If objections are raised and not withdrawn the Secretary of State must call a public inquiry. Following the inquiry the inspector appointed will report to the Secretary of State. The Secretary of State will determine whether or not to confirm the CPO.

Under the legislation, an owner of adjoining land may serve a blight notice if they consider that the CPO Scheme will have a negative impact on the sale price of adjoining land. If a notice is received, the Authority may serve a counter notice to object to the claim of blight. Where such a notice is upheld, the Authority would be required to compensate the owner of the blighted land.

The risk of a blight notice is considered to be negligible with regard to 25 and 26 Wellington Avenue given that the objective of the CPO is to improve the condition of the premises and halt its negative impact on the locality.

The Authority will need to ensure that the Absent Owner Procedure is followed and the appropriate compensation paid into court prior to seeking a General Vesting Declaration being pursued. The UTLC are not able to confirm timescales for dealing with such an application.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Strategic Property Group and Ward Councillors have been briefed regarding this matter and the intention to progress with a CPO.

2.3.2 External Consultation/Engagement

Local residents will be consulted as part of the planning process in respect of the proposed "Scheme" for the premises.

2.4 Human rights

The Human Rights Act 1998 places direct obligations on public bodies such as the Authority to demonstrate that the use of CPO powers is in the public interest and that the use of such powers is proportionate to the ends being pursued.

In normal circumstances, the Authority must be sure that the purpose for which it is making the Order sufficiently justifies interfering with the human rights of those with an interest in the land affected.

However, in respect of 25 and 26 Wellington Avenue, the use of CPO powers is only required because the Authority has been unable to identify the owner of the property. Should the owner come forward during the CPO process then the Authority will formally withdraw the CPO as it is expected that the owner will either improve the property or sell it as an asset of value.

2.5 Equalities and diversity

There are no equalities and diversity implications directly arising from this report.

2.6 Risk management

There are no significant risk factors associated with the commencement of the CPO.

2.7 Crime and disorder

Securing ownership of the premises will significantly reduce their decline and negative impact on the local community particularly in terms of attracting anti-social behaviour and being vulnerable to break-in. Crime and disorder issues will also be considered as part of the planning process for the "Scheme".

2.8 Environment and sustainability

The current condition of the premises is poor and the proposed “Scheme” will result in a general improvement in the amenity of the surrounding area. Environment and sustainability issues will also be considered as part of the planning process for the “Scheme”.

PART 3 - SIGN OFF

- The Head of Commissioning and Investment
- The Elected Mayor
- The Head of Finance
- The Head of Law and Governance
- The Head of Environment, Housing and Leisure

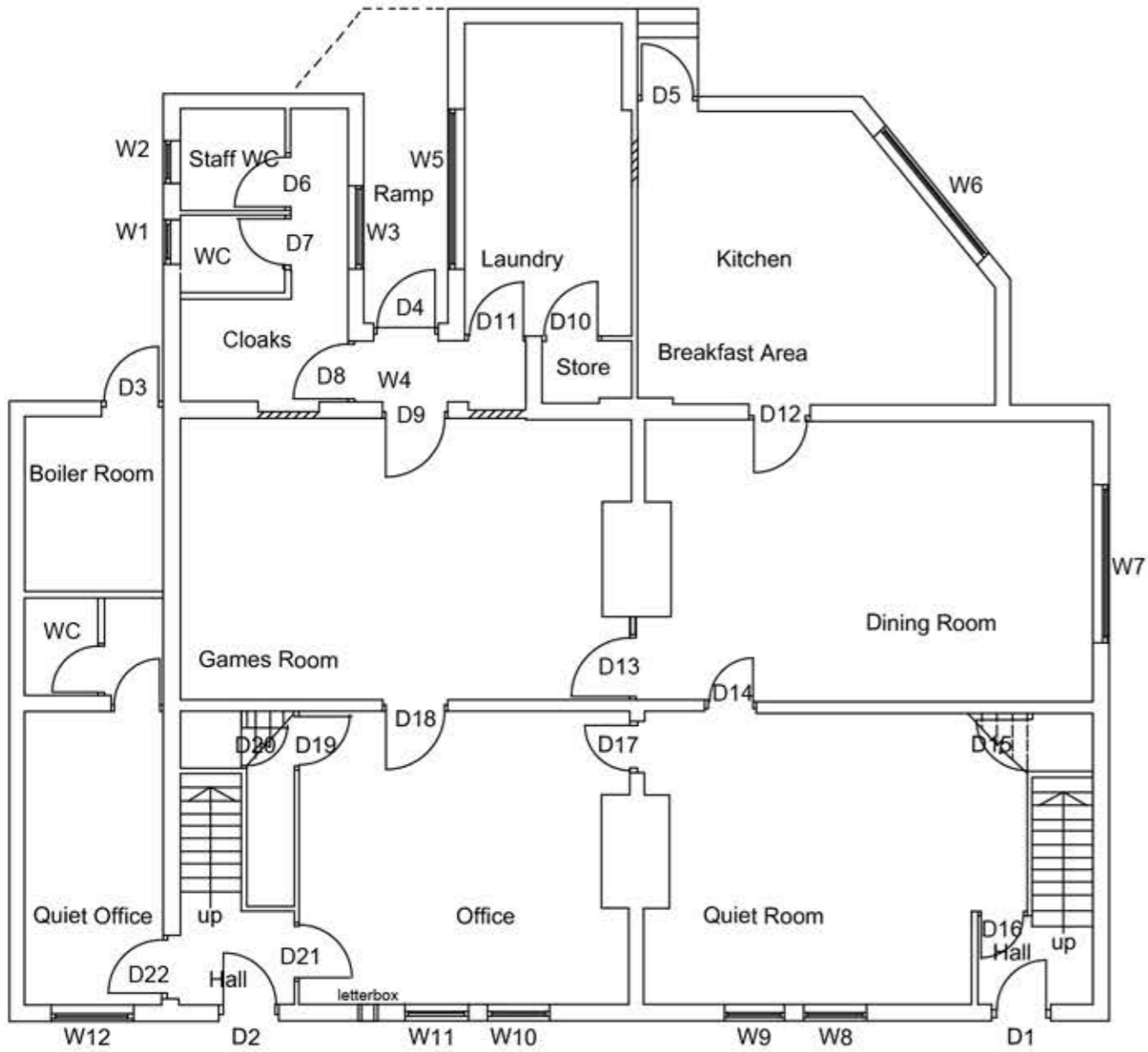


Proposal for former Care Home at:

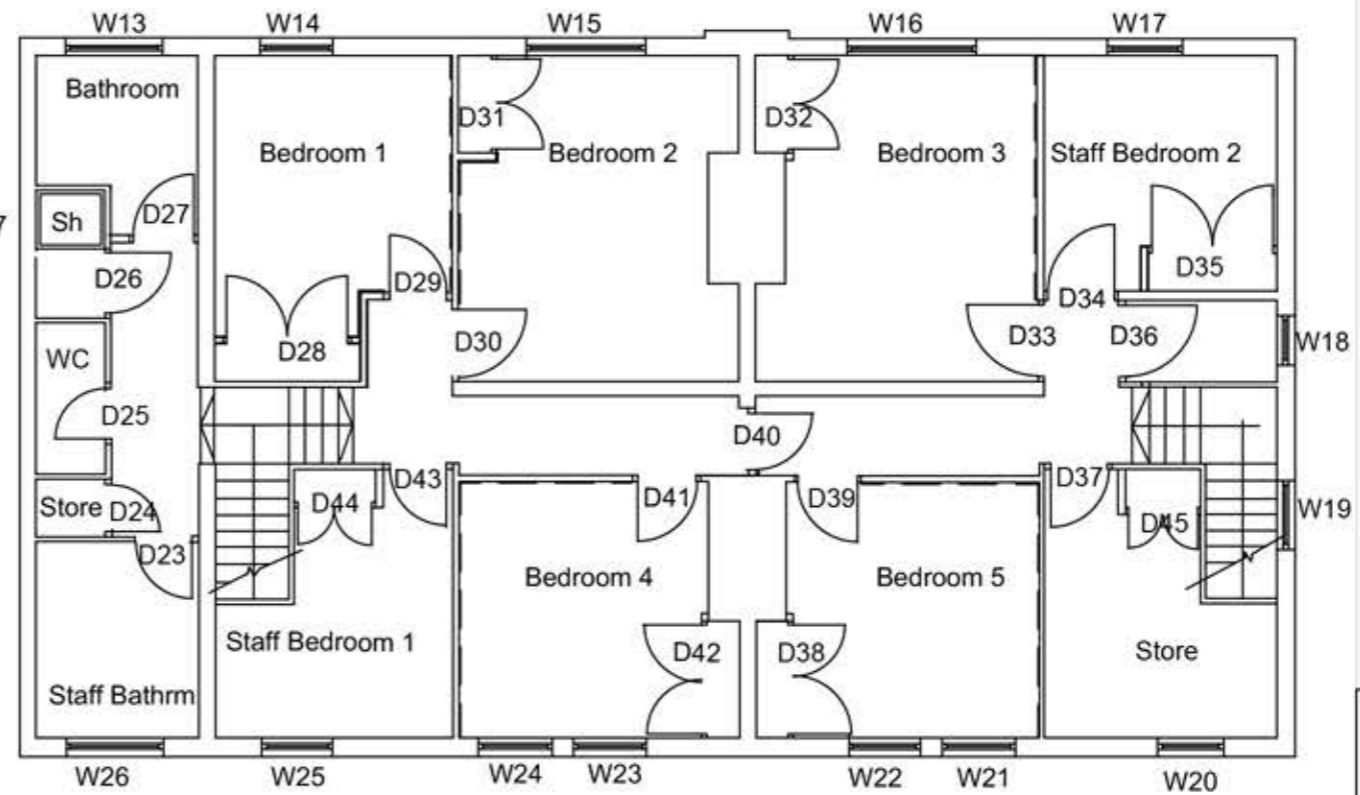
**25-26 Wellington Avenue,
Whitley Bay, NE25 9JG**

**North Tyneside Council
March 2018**





Existing Ground Floor Plan



Existing First Floor Plan


 North Tyneside Homes
 Property Services Team
 Quadrant East 2nd Floor
 Silverlink North
 Cobalt Business Park
 NE27 0BY
 North Tyneside Council

Address
**25-26 Wellington Avenue, Whitley Bay
 NE25 9JG**

Project

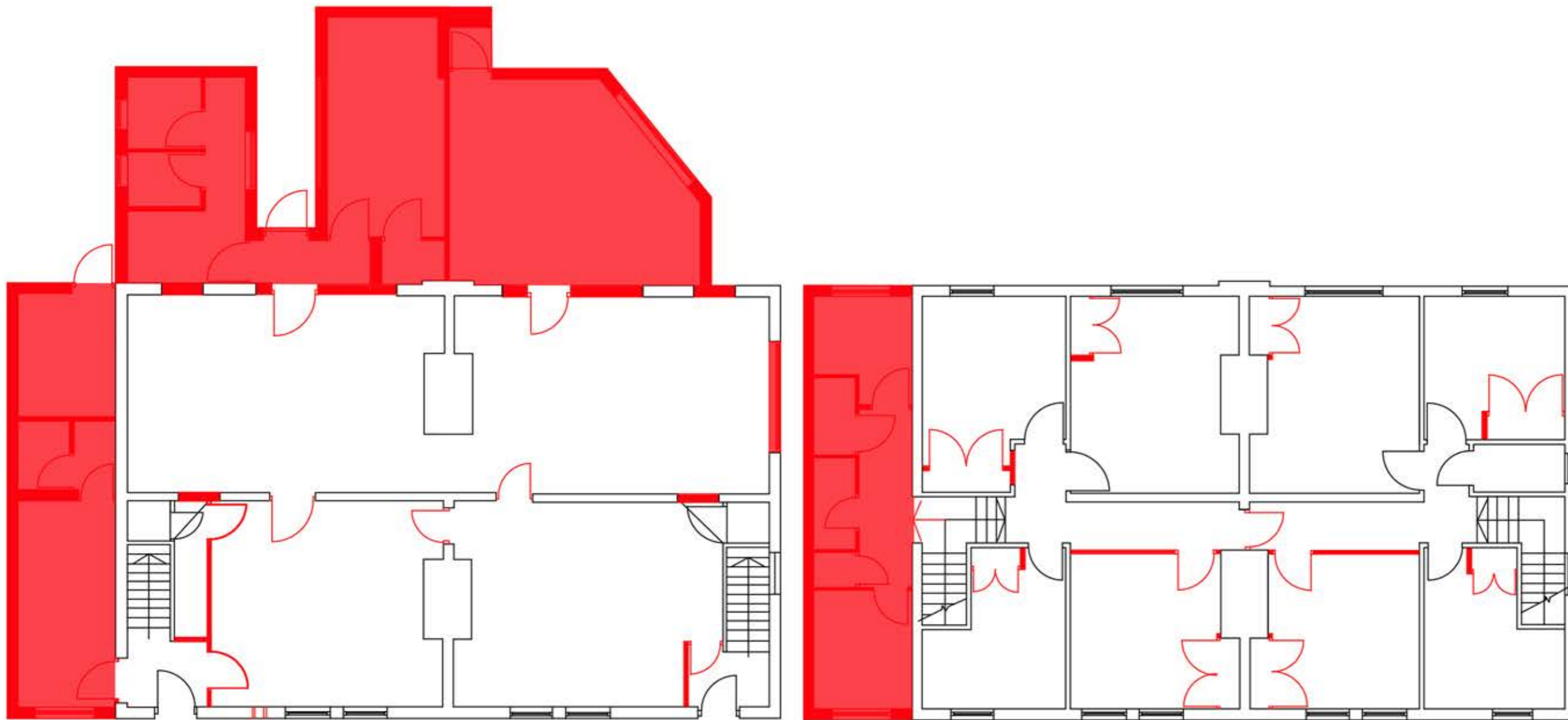
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Title
Existing Floor Plans

Dwg Status
DRAFT

Dwg No

Scale @ A3 1:100	Drawn SMM	Date 15.03.18
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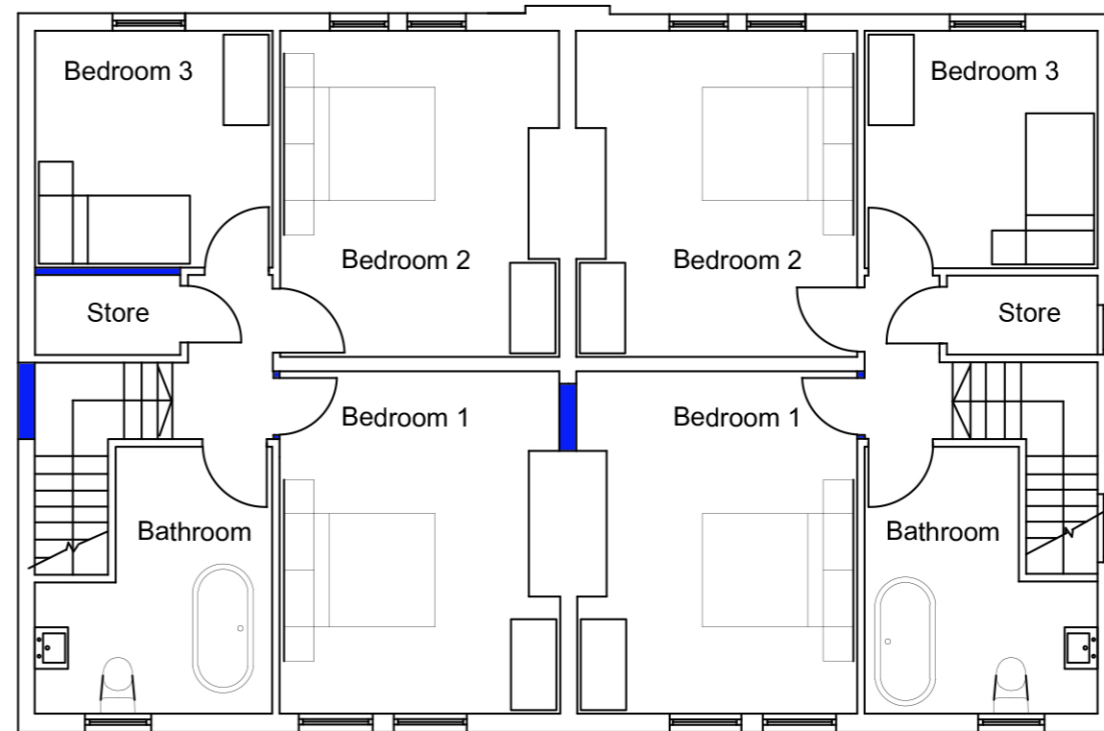
 North Tyneside Homes Property Services Team Quadrant East, 2nd Floor Silverlink North Cobalt Business Park NE27 0BY North Tyneside Council		
Address		
25-26 Wellington Avenue, Whitley Bay NE25 9JG		
Project		
Rev -		
Title		
Demolitions Plans		
Dwg Status		
DRAFT		
Dwg No		
Scale @ A3	Drawn	Date
1:100	SMM	15.03.18

Affordable Homes through HRA

New Walls



Proposed Ground Floor Plan



Proposed First Floor Plan



North Tyneside Homes
Property Services Team
Quadrant East 2nd Floor
Silverlink North
Cobalt Business Park
NE27 0BY

Address
**25-26 Wellington Avenue, Whitley Bay
NE25 9JG**

Project
**Feasibility for the conversion and
refurbishment of former Children's Home into
2no. Semi-detached 3b5p affordable homes
(inc. associated demolitions)**

Rev
-

Title
Proposed Floor Plans

Dwg Status
DRAFT

Dwg No

Scale @ A3 1:100	Drawn SMM	Date 26.03.18
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Existing side and rear extensions demolished

Highway works to create vehicle access crossing to in-curtilage parking bays

Retained garden wall with modified openings for vehicle access

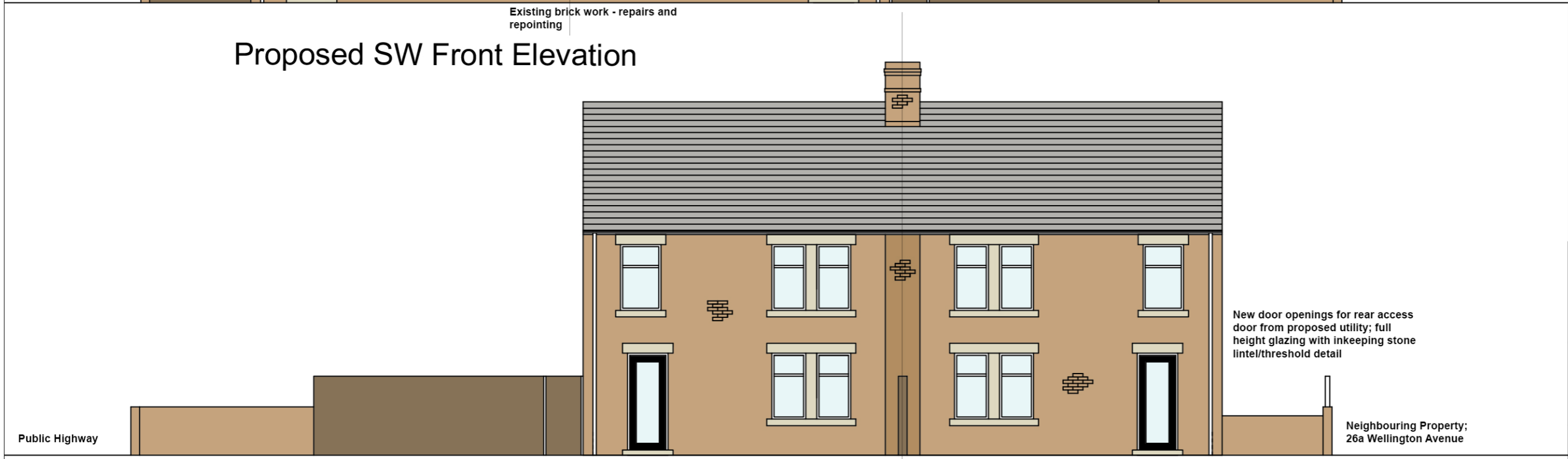
Highway alterations to accommodate in-curtilage parking

**ALL TREES INDICATED ARE EXISTING

 North Tyneside Homes Property Services Team Quadrant East 2nd Floor Silverlink North Cobalt Business Park NE27 0BY North Tyneside Council		
Address 25-26 Wellington Avenue, Whitley Bay NE25 9JG		
Project Feasibility for the conversion and refurbishment of former Children's Home into 2no. Semi-detached 3b5p affordable homes (inc. associated demolitions)		
Rev -		
Title Site Plan		
Drg Status DRAFT		
Drg No		
Scale @ A3 1:200	Drawn SMM	Date 26.03.18



Proposed SW Front Elevation



Proposed NE Rear Elevation


 North Tyneside Homes
 Property Services Team
 Quadrant East 2nd Floor
 Silverlink North
 Cobalt Business Park
 NE27 0BY
 North Tyneside Council

Address
**25-26 Wellington Avenue, Whitley Bay
 NE25 9JG**

Project
**Feasibility for the conversion and
 refurbishment of former Children's Home into
 2no. Semi-detached 3b5p affordable homes
 (inc. associated demolitions)**

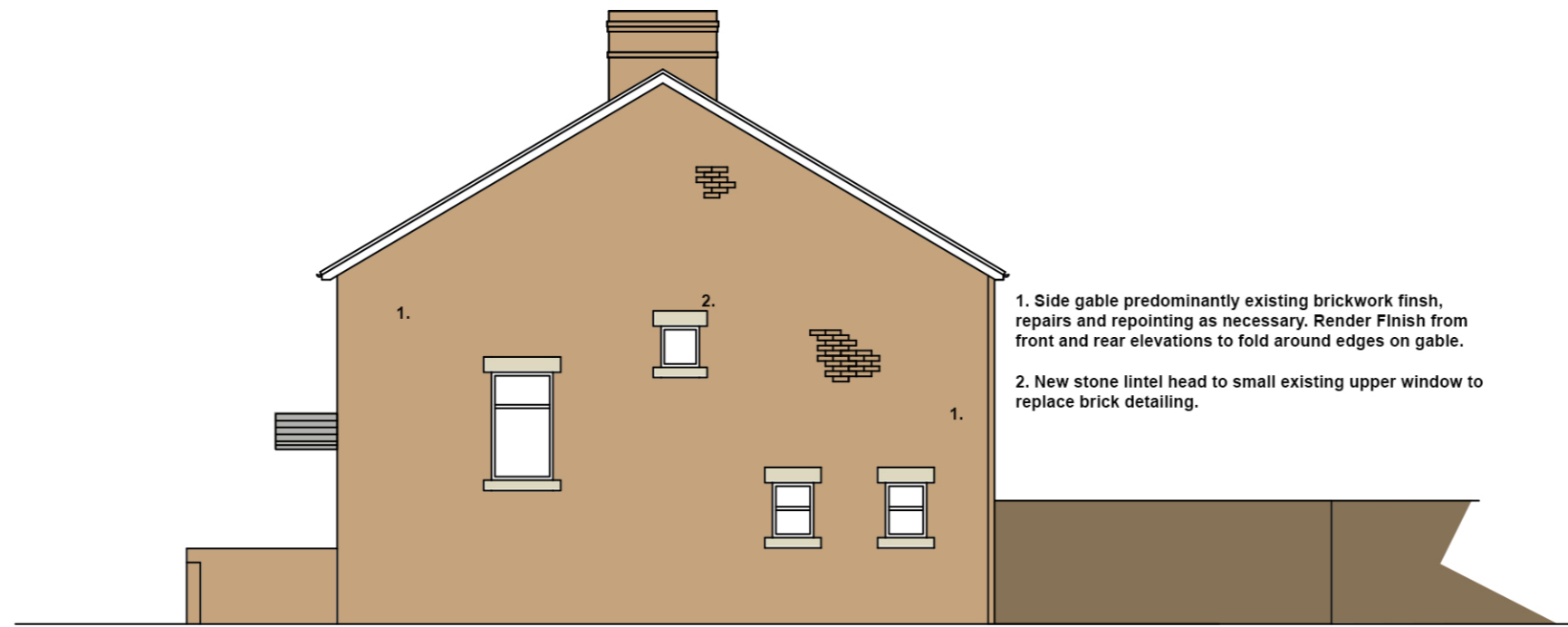
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Title
Proposed Elevations_1

Drg Status
DRAFT

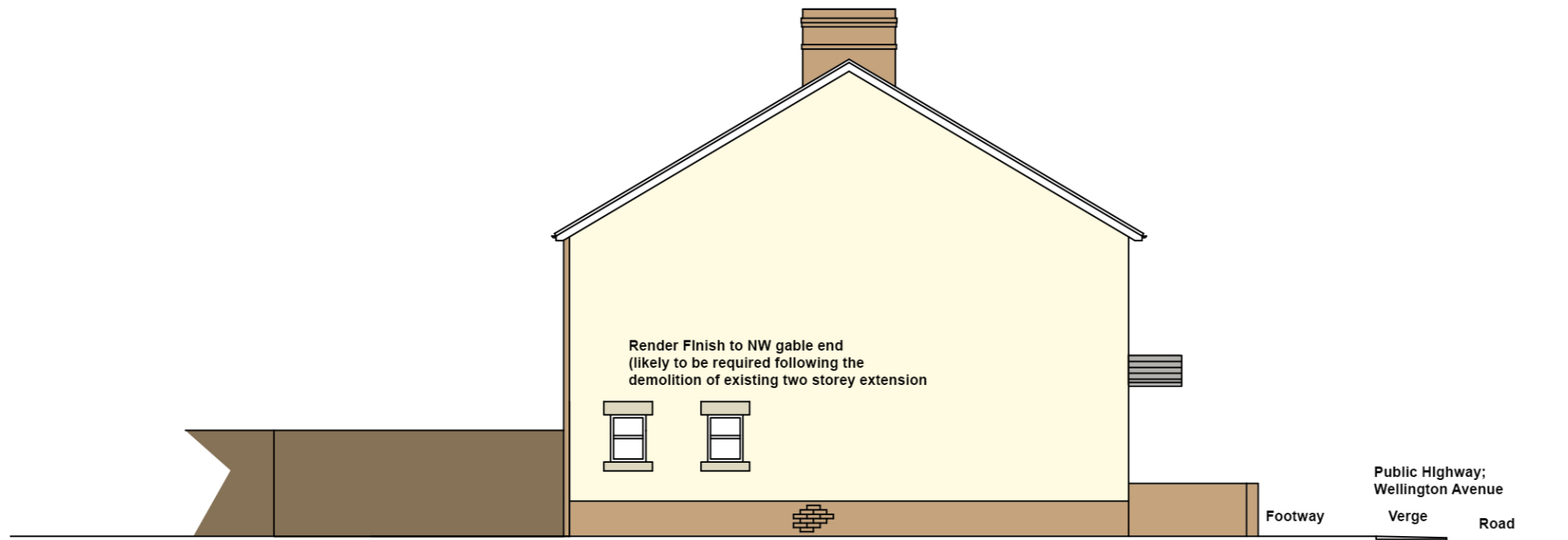
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- 1. Side gable predominantly existing brickwork finish, repairs and repointing as necessary. Render Finish from front and rear elevations to fold around edges on gable.
- 2. New stone lintel head to small existing upper window to replace brick detailing.

Proposed SE Side Elevation



Render Finish to NW gable end (likely to be required following the demolition of existing two storey extension)

Public Highway;
Wellington Avenue
Footway Verge Road

Proposed NW Side Elevation


 North Tyneside Homes
 Property Services Team
 Quadrant East 2nd Floor
 Silverlink North
 Cobalt Business Park
 NE27 0BY
 North Tyneside Council

Address
**25-26 Wellington Avenue, Whitley Bay
 NE25 9JG**

Project
**Feasibility for the conversion and
 refurbishment of former Children's Home into
 2no. Semi-detached 3b5p affordable homes
 (inc. associated demolitions)**

Rev
 -

Title
Proposed Elevations_2

Drwg Status
DRAFT

Drwg No

Scale @ A3 1:100	Drawn SMM	Date 26.03.18
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THE COUNCIL OF THE BOROUGH OF NORTH TYNESIDE

SECTION 226 (1) (a) OF THE TOWN AND COUNTRY PLANNING ACT 1990

**NOS. 25 AND 26 WELLINGTON AVENUE, WELLFIELD ESTATE, WHITLEY BAY
COMPULSORY PURCHASE ORDER 2018**

STATEMENT OF REASONS FOR MAKING THE ORDER

STATEMENT OF REASONS
(Addressing the Requirements of ODPM Circular 06/2004)

1. Description of the Order Land

The order land and property comprises the land and buildings shown outlined in red on the plan attached as Appendix 1 (The Order Land and Property). Further details are given below:-

Numbers 25 and 26 Wellington Avenue, Wellfield Estate, Whitley Bay

This is a two storey property that was formerly used as a Local Authority children's home having been converted from two semi detached houses situated on Wellington Avenue at the junction with Whitley Road on the Wellfield Estate in Whitley Bay.

The Property was constructed in 1911/12, and is of traditional brick construction with a slate roof. The ground floor accommodates communal living facilities together with an office. To the first floor there are seven bedrooms, two bathrooms and a store. Externally there are garden areas to three sides of the Property and an area of off street parking.

2. The Enabling Power

Under section 226 (1) (a) of the Town and Country Planning Act 1990, the Authority has a power to acquire compulsorily any land and property in the Borough in order to facilitate the carrying out of development, redevelopment or improvement on or in relation to the land and property.

In order to exercise such powers the Authority must be satisfied that the proposed development, redevelopment or improvement is likely to contribute towards one or more of the following objectives:

- the promotion or improvement of the economic well-being of their area;
- the promotion or improvement of the social well-being of their area; or
- the promotion or improvement of the environmental well-being of their area.

3. Purpose for Seeking this Compulsory Purchase Order and Explanation of Proposed Use.

North Tyneside Council (the Authority) is the former tenant of 25/26 Wellington Avenue, Wellfield Estate in Whitley Bay (the 'Property') under the terms of a lease dated 12 May 1912, between Thomas John Taylor (1) and Richard Taylor and James Alfred Taylor (2) for a term of 99 years. The lease was registered with the Land Registry under title number TY447895. Mr Thomas John Taylor is the landlord stated on the lease. (Lease attached as Appendix 2)

The freehold title remains unregistered.

By an assignment dated 31 December 1913, the lease was assigned by the original tenants to the Guardians of the Poor of the Tynemouth Union and the Authority is the present successor in title to the assignees with the Property being transferred to the Authority on its formation in 1974. Prior to the transfer, the former Tynemouth Borough Council was the tenant of the Property having taken over the assets and duties of the Guardians of the Poor of Tynemouth Union. (A copy of the Assignment is attached as Appendix 3)

When the Property transferred to the Authority from the former Borough Council it was without record of the then owner and / or Landlord or any correspondence with them relating to the Property.

The Authority has since been unable to identify the current owner and / or Landlord and when the lease expired on 11 May 2011, the Authority ceased to have any legal interest in the Property.

The Property has subsequently fallen into disrepair whilst vacant and outside of the tenancy of the Authority.

The Authority is seeking to use Compulsory Purchase Powers in order to secure ownership of the Property to prevent its further decline and the associated negative impact on the locality with the intention to bring the Property back into residential use by converting the Property back into two separate residential dwellings.

4. The Authority's Justification for Compulsory Purchase

Since the Authority vacated the Property in or around 2004, as it was no longer viable to maintain it as a children's home and no alternative use was identified, the Property has been empty save that the Authority has stored some items at the Property, maintained the compliance data (fire risk assessment etc) and endeavoured to ensure that the Property is wind and water tight in an attempt to avert vandalism.

The Authority has taken significant steps to try to locate and identify the whereabouts of the current Landlord; as successor to the original landlord Mr Thomas John Taylor. The steps taken have included:

- a) Land Registry Search - the Authority has carried out a number of searches at the Land Registry and the freehold title is not registered.
- b) Genealogists – the Authority instructed Hoopers International Probate Genealogists (Hoopers) on 27 June 2008, to conduct a full investigation to ascertain the whereabouts of the landlords' successors in title.

On 02 July 2008, Hoopers confirmed that the successors to the title mentioned in the Deed dated 21 May 1912, were Thomas John Taylor, Richard Taylor and James Alfred Taylor.

On 24 July 2008, Hoopers provided a further update expressing difficulties in tracing the successors in title and that further steps would be taken.

On 10 November 2008, the Authority received further correspondence confirming that Hoopers had been able to ascertain that Richard Taylor and James Alfred Taylor were brothers and the sons of John Taylor who was a master builder and mason. There is a possibility, although it has not been possible to confirm this, that John Taylor and the 3rd successor in title Thomas John Taylor were in fact one in the same person meaning the successor in title was Thomas John Taylor and his two sons.

Richard Taylor's estate would have passed to his wife, then son and in turn the sons wife Dorothy Parker Taylor who died in 2006. The executor of Dorothy Parker Taylors will were Messrs Cartmell Shepherd of Viaduct House, Carlisle, CA3 8EZ, who were contacted for information (see below)

James Edward Taylor was presumed to have died intestate as no evidence of a will has been found, and his widow later died intestate on 21 July 1973. A potential successor in title was identified as a William Pritchard but subsequent correspondence with Mr Pritchard at the last known address produced a response from him confirming that he was unable to assist. (Copies of all correspondence from Hoopers International Probate Genealogists is attached as Appendix 4)

Although Hoopers were able to provide a significant amount of information they were not able to provide any clarification in relation to the identity of the Property owner / Landlord and the Authority therefore consulted Cartmell Shepherd Solicitors in Carlisle for further assistance.

- c) Cartmell Shepherd Solicitors - due to the lack of progress and the unsuccessful outcome of Hoopers investigations, the Authority's Legal department made enquiries of Cartmell Shepherds Solicitors of Carlisle on 27 July 2011, to investigate further. In October 2011, Cartmell Shepherds advised they had traced the beneficiaries of a Doris Taylor's Estate. The Authority confirmed costs could be met for further investigations up to a capped level. (Copies of all correspondence from Cartmells Solicitors is attached as Appendix 5)

Regrettably there was a lapse in progress and in a further attempt to progress matters in August 2014, Cartmells Solicitors were asked to take further steps to locate the Landlord / successor in title but again were unsuccessful.

- d) Press notices / social media - as no successor in title had been identified the Authority placed notices in the Local and National press in April / May 2015, in an attempt to prompt the successor in title to come forward. Notices were posted in the:
- Whitley Bay Guardian (07.05.2015)
 - Newcastle Journal (07.05.2015)
 - London Gazette (07.05.2015) (See example Notice attached as Appendix 6)
 - Authority's face book and twitter pages (17.04.2015) (See Appendix 7)

No individuals came forward in response to any of the notices.

- e) Lands Tribunal – the Authority approached the Land Tribunal to seek confirmation as to whether they were able to assist and received confirmation by email dated 19 May 2017, that the Land Tribunal did not consider it held jurisdiction to deal with an application by the Authority in relation to unclaimed land / property where the owner could not be identified. (Correspondence attached as Appendix 8)
- f) Bona Vacantia Department - the Authority contacted the Bona Vacantia department to establish whether the Property was one they seek to claim. On 31 July 2017, the Authority received confirmation by email that the Bona Vacantia Department did not intend to take any action in relation to the Property and were unable to assist further. (See email dated 31.07.2017 attached as Appendix 9)

In addition the Authority has given consideration to whether a claim for adverse possession would be appropriate. However it is not possible for the Authority to pursue an application for adverse possession of the Property until at least 12 years following the expiry of the former lease and in the meantime the Property will continue to deteriorate and blight the locality.

As a result of increasing anti social behaviour complaints linked to the Property and the ongoing deterioration of the Property, the Authority has actively considered options available.

The Property forms part of an estate built in the early years of the 20th Century and originally comprised two semi-detached properties, although has subsequently been converted into one building. The only registration of the Property with the Land Registry relates to the Authority's earlier lease which has now lapsed.

The lack of success to identify the owner of the Property has prevented the Authority taking any enforcement action as a result in its deterioration. The Property is currently empty and the general fabric and make up of the building is deteriorating and becoming a concern to the Authority and the wider community. The Property is

increasingly becoming a cause of danger to the public especially children / young people who congregate around it.

Groups of young people are aware that the Property is vacant and are congregating around and at the Property. Repairs are needed to the flat roof structure at the rear of the Property, which would be unsafe if anyone were to climb upon it presenting a risk of falling through. This flat roof is easily accessible and poses the greatest risk to injury to unauthorised persons. Given the time that the Property has been vacant the rear yard area is an attraction for children / young people to congregate and play.

The Authority has recently requested that 'Dangerous Structure' signs are placed around the Property due to concerns regarding the flat roof section and children / young people climbing upon it.

A condition & dilapidations survey was undertaken by the Authority in February 2008 that detailed the cost of required works to be estimated at £24,223.00 at that time. If there had been no further deterioration in the condition of the Property this would equate to a cost of £30,980 (RPI uplift applied). (Schedule of Condition attached as Appendix 10)

Given the passage of time the Property has deteriorated further with significant water ingress and resultant damage to the roof, ceilings and floorboards and the costs of remediation will be significantly higher. A recent quote for necessary repairs to the roof alone has confirmed an estimated cost of £9,000 - £15,000.

It is therefore unlikely that in the event the owner can be identified they would invest the significant amount of money required to bring the Property up to an acceptable standard.

The only effective solution therefore is for the Authority to seek to secure the freehold interest in the Property through the use of Compulsory Purchase Powers, to enable the Property to be repaired and brought back into use in accordance with the agreed Scheme as detailed in Section 6 below.

The decision to exercise Compulsory Purchase Powers in relation to the Property was taken at a Cabinet meeting of the Authority held on 12 March 2018.

5. Human Rights Consideration

In recommending the compulsory purchase of Nos. 25 and 26 Wellington Avenue, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

The Authority has taken significant and extensive steps to identify the owner of the Property which have proven to be unsuccessful. As a result the exercise of the Compulsory Purchase Powers will enable the Authority to promote and improve both the economic and social well being of the area in a manner that is not depriving any identified individual of his possessions.

6. Proposals for the Use of the Property

The Authority has formally approved a Scheme for the Property to convert it back into two semi-detached three bedroom residential dwellings that will be let out by the Authority as affordable homes as part of its housing stock to persons in housing need.

In addition to internal building separation works, the existing roof covering will be replaced, new front doors will be installed, repair works will be carried out to external brick work, new timber garden fencing will be erected and two off-street parking bays will be provided to each property.

The current estimated cost of this work is approximately £200,000, and funding is has been formally approved to cover this cost within the Housing Revenue Account of the Authority. (See proposed Scheme attached as Appendix 11).

7. Statement of Planning Position

As a former children's home the current use of the Property falls within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987.

In order to convert the Property back into two general residential dwellings a change of use will be required to Use Class C3 of the Town and Country Planning (Use Classes) Order 1987. Pre-application planning advice taken by the Authority confirms that an application to change the use from Use Class C2 to Use Class C3 will receive positive planning officer support for approval. It is anticipated that the required planning application will be submitted imminently.

8. Special consideration affecting the CPO land

There are no special considerations to be taken into account in relation to the Property.

9. Details of how the Authority will overcome any obstacle or prior consent needed before the CPO Scheme can be implemented.

Planning consent and Building Regulation approval will be required in order to change the use of the Property and convert it into two dwelling. The necessary applications are due to be submitted imminently and advice taken to date confirms that these are likely to receive a positive officer recommendation for approval given that the Property is located within a residential estate..

10. Views from other Government Departments

Homes England has been consulted on the proposal by the Authority to secure the ownership and improvement of the Property by way of Compulsory Purchase Powers. This Government Agency has confirmed that it is supportive of the Scheme to bring the premises back into use as two affordable homes for rent by persons in housing need as part of the Authority's Housing Stock.

11. Other information of interest to persons affected by the Order

There is no other information which might be of interest to those affected by the CPO. No residents will be displaced and no businesses need relocating. As the owner of the Property cannot be identified the persons affected by the order are those living in the vicinity of the Property who will benefit from the social and economic improvement of the area.

12. Details of any related order, application or appeal that may require a co-ordinated decision by the Secretary of State.

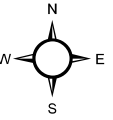
There is no related order, application or appeal.

Council Contact: Owners of properties affected by the Order who require information about the Compulsory Purchase Order process can contact Niall Cathie – Strategic Property Manager at North Tyneside Council, Quadrant West, The Silverlink North, Cobalt Business Park, NE27 0BY, Tel. 0191 6436517, email address: niall.cathie@northtyneside.gov.uk



Working in partnership with
CAPITA

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Fax: 0191 643 2429



Eastfield Bungalow

49.3m

Gas Gov

Shelter

Shelters

51.5m

House
Lodge

47.6m

46.1m

MONKSEATON ROAD

50.0m

WATERLOO ROAD

WHITLEY ROAD

WELLINGTON AVENUE

HOLLY AVENUE

Path (1m)

COLLINGWOOD ROAD

NELSON ROAD

REDHEUGH ROAD

Appendix 1
Nos 25 and 25 Wellington Avenue, Wellfield Estate, Whitley Bay
Compulsory Purchase Order 2018
The Order Land

Scale: 1:1,250 @A4
OS Ref:
Date: 16/02/18
KH

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