

# EXECUTIVE BOARD MEMBER DECISION MEETING FOR ENVIRONMENTAL & PUBLIC PROTECTION

## 17th MARCH 2017

### Presentation of Petition – Ugly Building on Pen-y-Groes Square, Pen-y-Groes

#### 1. BRIEF SUMMARY OF PURPOSE OF REPORT

This report relates to a building that has been the subject of scrutiny and investigation by the County Council, through its Planning function, and also through its Housing and Public Protection function.

The building in question is No. 2 Bridge Street, Pen-y-Groes, located in a prominent position on Pen-y-Groes Square and comprises a former retail property at ground floor with associated residential at the first and second floors. These uses have not been undertaken at the building for a period of time, and the lack of any productive use has, no doubt, been a factor in the decline of the physical appearance of the building.

This has led to the submission of concerns over the last couple of years, from local residents, the Community Council, and also the County Councillor, leading to the submission of the petition as referred to above.

That petition was initially referred to a meeting of the County Council on the 8th June 2016 where the minutes record that:

**Minutes:**

*The Chair invited Councillor Siân Thomas to present the petition in the following terms, together with supporting remarks:-*

*“We the undersigned call on the County Council to do something immediately to improve the look of our village, by either compulsory buying the old shop, 2 Bridge Street, Pen-y-Groes, or to take the owner to court to improve the site.”*

**RESOLVED that the petition be received and referred to the Executive Board Member for Environmental and Public Protection for consideration.**

It is on that basis that this report has been prepared. The interim period has seen the Council seek to resolve the matter of the nature of the appearance of the building, and it was considered that a report should not be prepared until such time as there had been an element of resolution in this regard, and a clearly identified solution put forward.

As outlined, the site is one that has been the subject of investigation by the County Council on a number of angles. The Planning service has looked at what actions may be open to it, both in terms of Planning Enforcement and Building Control (Dangerous Structures), whilst Housing and Public Protection have been involved in investigating any potential public nuisance and advising what options may be open under the relevant Housing legislation.

This involved liaising with the owner (owner's representatives) with a view to seeking the following improvements:

- *Paint the whole frontage/ side of the property as indicated.*
- *Paint all the windows frames and sills.*
- *Paint the front door.*
- *Replace and paint the fascias on the front ridge of the property.*
- *Paint the fascia boards above the front door/ front windows.*
- *Replace all broken window panes with new panes.*

Additionally, given the ongoing concern on the nature of the building the Authority also undertook certain works by default in order to make the building safe by boarding up all windows, repairing roof tiles and removing any dangers to the public. This has led to a charge being placed against the property to recoup costs upon sale if not paid within a certain timeframe (circa £4,500).

These elements were considered prior to the submission of the Petition the subject of this report, and the consideration of other options e.g. the service of a Section 215 Notice were given due regard (these are outlined in Section 2 below).

The position with regard to this building has been complicated by the fact that the owner of the buildings is now deceased, and any discussions in relation to the concerns raised have been with legal representatives of the estate. This has proved to be somewhat protracted although there has been a positive move forward insomuch as agreement was reached that, subject to the Council obtaining a suitable quotation for works, such improvements and costs would be met by the estate.

Recent dialogue with the estate representatives has seen the following schedule and costs put to them:

### **External Inspection**

**Fading paint panels** (Timber) in several areas shop front and side evaluation size 14m x2.5m the timber boards are rotten in places and are in need of replacement

**The front facing wall** the paint is peeling away from the wall and is coming away in sheets  
The front evaluation Guttering is missing also the down pipe is in need of replacement  
Also a 6m length of guttering and fascia is dangerous and lose we need to make safe  
To this evaluation we also need new down pipes as 2 in number are missing

**The whole property** needs new guttering fascia and scaffolding also some roofing works done as the property needs slipping slates fixed back and if the property has new guttering and boards done slates will move and the roof will sustain more damage

**Painting works** the timber boards need replacing before any painting works are done

**Roof structure** all the guttering and fascia boards need replacing as the property has TOP BOARDS fixed to rotten timber the boards and guttering are coming away from the property and is a danger to the public also to this end the roof will start to break down

Scaffolding is required to undertake any work required

### ***Estimated cost £8,500***

It is agreed that the undertaking of the works outlined above provides the best option in securing an improvement to the appearance (and structure where relevant) to the building, in the interests, primarily, of the visual amenity of the area thereby meeting the concerns expressed in the petition, and also in terms of structural integrity.

These cost will be borne by the estate either in terms of immediate payment upon completion, or by the placing of a charge on the estate to meet the figure of £8500 quoted.

EBM authority is therefore sought in this regard

## **2. OTHER OPTIONS AVAILABLE AND THEIR PROS AND CONS**

As part of its ongoing investigations, the Council has given consideration to the service of formal notice under the various legislative frameworks open to it.

This has included the service of a Section 215 Notice under the relevant Planning Act, a Dangerous Structures Notice under the Building Act, or a solution under the Housing Act.

The latter could have included, from the empty homes perspective, the scenarios of an Empty Dwelling Management Order (EDMO), or an Enforced Sale.

The EDMO, which will be restricted to the residential flats only, was explored. At the outset it became clear that any property going through probate, or where probate was obtained within the previous 6 months, will form an exemption under the Housing Act 2004, and therefore not an option.

An enforced sale could be instigated, based on the debt secured against the property through Building Control's Works in Default intervention. Naturally, by doing so, we firstly would have to issue a demand for payment, allowing an appropriate period of time for the Owners/Executors to settle the debt.

Following this, and assuming non-payment, we could then secure the charge with the Land Registry, and issue S.103 Letters under the Law of Property Act 1925, informing the Owners/Executors that we intend to sell the property to recover all debt. By doing so, this will enable the Local Authority to firstly recover its debt, manufacture a change of ownership and expedite the improvement of this property.

An alternative option would be to negotiate a voluntary enforced sale with the Owners/Executors, weighing on the fact that the property is currently un-insurable, and subsequently the estate may become liable/ at risk should any injuries result from the building fabric failures (i.e. falling slates etc). The Local Authority may then enforced the sale by agreement, holding the resultant funds pending a successful Grant of Probate.

The local authority does also have power to Compulsory Purchase properties, and there is an array of legislation which can be used. These are specific in the following circumstances:-

- acquire land for development, redevelopment or improvement which will *contribute to the promotion or improvement of economic, social or environmental well being*
- empty houses, for the improvement of housing accommodation
- listed buildings, where reasonable steps are not being taken for its preservation
- housing within renewal areas for improvement/repair
- acquisition of rights over land.

The building has been investigated in terms of being a potentially dangerous structure, and it was found that it was not of a condition that would have warranted such service. Additionally, works have already been secured on the building to improve it in this regard.

A Section 215 Notice was also considered although it was not considered expedient given the solutions that, ultimately, were being positively explored, and also the nature of the building was such that, service of a formal notice in this regard, has the potential to set a certain threshold for the service of such notices that would bring future challenges in terms of consistency and public interest.

It is on this basis that the other options were not pursued, and that the solution referred to in Section 1 is the most pragmatic, and expedient, way of progressing to an improvement of the building to meet the wider public concerns expressed.

This is the position at the time of preparation of this report and does not preclude further future consideration of certain alternatives depending on how the position evolves.