

# ENVIRONMENT CABINET MEMBER MEETING

## Agenda Item 111

Brighton & Hove City Council

**Subject:** 19 Brunswick Place – Urgent Works in Default  
**Date of Meeting:** 25 March 2010  
**Report of:** Director of Environment  
**Contact Officer:** Name: Tim Jefferies Tel: 29-3152  
E-mail: tim.jefferies@brighton-hove.gov.uk  
**Key Decision:** No  
**Wards Affected:** Brunswick & Adelaide

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report seeks approval to carry out urgent works to secure the preservation of an unoccupied listed building, which is include in the council's register of Buildings at Risk, and to recover the cost of carrying out those works from the owner of the building.

#### 2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member agrees for urgent preservation works to be carried out on number 19 Brunswick Place, Hove under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.2 That action be taken to recover the costs of carrying out urgent preservation works from the owner of number 19 Brunswick Place, Hove under Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Number 19 Brunswick Place, Hove is a grade II listed building forming part of a listed terrace within the Brunswick Town conservation area. The building is five storeys plus basement and has been vacant since at least April 2006. The established use of the property is non-self contained accommodation and it is known to have been in such use since before 1979.
- 3.2 Officers became aware of the poor external condition of the building in July 2009 as a result of complaints from neighbours. At that time the building was occupied by squatters. The squatters were subsequently evicted but an external inspection showed that the property was in visibly poor condition. Of most concern, a temporary plastic sheet covering applied to the building at roof level had come loose and the attic storey was seen to be open to the elements. The property was formally included in the council's register of listed Buildings at Risk.
- 3.3 Since August 2009 officers have attempted to gain access to the building in order to assess its condition but until recently no co-operation has been received from

the owners. In December 2009 a Warrant for Entry was granted at Brighton Magistrates Court and subsequently the owners agreed to allow access.

- 3.4 On 4 February 2010 officers inspected the property, internally and externally, together with a surveyor. This inspection revealed that the property is in very bad condition and wholly uninhabitable. The attic storey is open to the elements and three rear flat roofs have been stripped of their lead coverings and gutters. As a result the building is very wet throughout and a number of ceilings have collapsed. There are several broken or missing windows and the basement entrance is not secured. The building and rear yard is full of combustible rubbish and debris and there is evidence of fire damage at basement level.
- 3.5 The owners have advised that they do not currently have the finances available to carry out the necessary repair works but are seeking finance to carry out not only the urgent works but a full repair. However, to date they have been unable to provide a commitment to making the building weathertight. Negotiations are continuing and the owners have also been in discussions with the council's Empty Properties Officer. However, in view of the seriousness of the building's condition it is considered an appropriate case for the council to carry out urgent works in default. This would prevent further decline and damage to the listed building, which retains a significant number of original historic and decorative features, whilst a long term solution is sought.
- 3.6 A Schedule of Urgent Works is attached at Appendix 1. These are considered to be the minimum works necessary in order to make the property secure and weather tight. With regard to the long term future of the building, officers have offered to discuss this with the owners in order to find an appropriate solution.

#### **4. CONSULTATION**

- 4.1 Ward councillors have been consulted on the matter. Support for the proposed action has been received from Councillor Elgood.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The cost of carrying out the works in default has been estimated by the consultant surveyor at £25,000-£30,000 (+ VAT), including 10% for fees for supervision of the works. Actual costs will be dependent on tender costs received. Should the tender costs be significantly greater than the estimated figure, a further report would be submitted to a future Cabinet Member Meeting. The council will seek to recover the costs from the owner as a simple contract debt via the courts (investigations indicate that there are no other charges against the property). Any non-recoverable costs incurred will be funded from revenue budget.
- 5.2 Similar action was authorised in December 2008 in respect of 2 St George's Place, Brighton and the works were successfully carried out in default. A claim for full costs was made but is the subject of an appeal to the Secretary of State, whose decision is awaited.

- 5.3 The cost of employing a surveyor to prepare a Schedule of Works was £850.00 plus VAT. This cost is not recoverable from the owners and will be met from within existing revenue budget.

*Finance Officer Consulted: Derek Mansfield*

*Date: 11/02/10*

Legal Implications:

- 5.4 Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 allows a local authority to “execute any works which appear to them to be urgently necessary for the preservation of a listed building in their area”. Section 55 of that Act allows for a local authority to recover the expenses of such works.
- 5.5 The implications of the Human Rights Act have been taken into consideration in the drafting of this report but no issues have been identified as arising.

*Lawyer Consulted: Ann Wilkinson*

*Date: 10/02/10*

Equalities Implications:

- 5.6 None have been identified. An Equalities Impact Assessment has not been carried out because the report does not concern matters of new policy.

Sustainability Implications:

- 5.7 The proposals in this report have no substantial impact upon the four priorities of the UK’s Sustainable Development Strategy. But in terms of Sustainable Consumption and Production, the retention and timely repair of existing buildings reduces construction and demolition waste.

Crime & Disorder Implications:

- 5.8 In its current condition the building remains vulnerable to further occupation by squatters.

Risk and Opportunity Management Implications:

- 5.9 The failure to retain and maintain listed buildings could lead to significant adverse publicity for the council.

Corporate / Citywide Implications:

- 5.10 The proposals accord with the priority to protect the environment whilst growing the economy and also accord with the priority of fair enforcement of the law, by ensuring that formal action is based upon openness and transparency.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The only alternative option would be to continue to press the owner and his agent to carry out the works voluntarily, but this has not been successful to date.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Works are needed to ensure that this listed building is weather tight and secure. Officers are concerned that if works are not carried out urgently, the condition of the building will continue to deteriorate significantly. The owner has, to date, given no commitment to carry out the necessary works.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Schedule of Urgent Works

#### **Documents In Members' Rooms**

None

#### **Background Documents:**

1. Reports to the Cabinet Member Meeting for the Environment on 4 July 2008 and 24 September 2009 entitled Maintenance of Historic Buildings.
2. Letters to the owners of 19 Brunswick Place.
3. Letter from surveyor.