DEALING WITH DERELICT & DILAPIDATED PROPERTIES IN ALLERDALE

Purpose of Report

To seek approval for a pro-active approach to enhance and assist the regeneration of the borough by tackling the problem of dilapidated properties, and eyesore sites across Allerdale.

Recommendation

i) That Members approve the ‘Dilapidated Property Strategy’ (Appendix 1), to effectively tackle the problem of key dilapidated sites and properties in Allerdale.

ii) That progress on the implementation of the strategy is reported on a regular basis as part of the council’s Performance Management Framework (Local Performance Indicators).

iii) That the Planning & Development Manager has delegated powers to deal with all matters (including the service of notices and the institution of legal proceedings in consultation with the Borough Solicitor) under the provisions of the Town & Country Planning Act, 1990, Section 215.

Environmental Implications

The strategy seeks improvements in the quality of the built environment and will help improve sites which are detrimental to the local neighbourhood.

Community Safety Implications

The strategy will help tackle sites which may currently be encouraging anti-social behaviour.

Financial/Resource Implications

The strategy will be resource neutral in the long term however the Council will need to manage the time difference between expenditure and the outlay within its accounts. There will be staff time implications that currently can be managed within existing budgets. As at present, some works may be carried out in default, with the costs subsequently recovered by placing a charge upon the property.
Human Rights Implications | None arising from this report
---|---
Employment Implications | No direct implications
Health & Safety & Risk Management Implications | None for the council but Health & Safety implications for the general public arising from dilapidated & dangerous buildings will be addressed.
Wards Affected | All
The Contribution this Decision would make to the Council’s Key Aims | Regeneration is a major focus of activity for the Council. This policy is an essential regeneration tool which will encourage improvements to the local environment. The proposal is also in line with Strategic Action ‘R11’ of the Corporate Improvement Plan, which identifies a need for a Dilapidated Building Strategy and Action Plan by December 2006.
Is this a Key Decision | No
Portfolio Holder | Councillor Maureen Rourke
Councillor Carni McCarron-Holmes
Lead Member of Staff | Matthew Smith: 01900 702775
matthew.smith@allerdale.gov.uk

(A detailed list of implications is appended to the report)

### 1.0 Introduction

1.1 Derelict sites and buildings, dilapidated and long-term empty properties have always generated concerns and complaints from local communities. Such sites reduce local property values, community morale and the potential for private investment in the surrounding area, as well as being potential sites for anti-social behaviour and crimes such as arson.

1.2 Currently Allerdale has a significant number of such problem sites and properties. Many of these are prominent and visible redundant buildings, such as former shops and industrial sites, which are close to town centres and business areas.

1.3 The government is committed to bringing dilapidated, derelict and redundant land and buildings back into use and, in recent years, has sought to encourage local government to take action in this area.
1.4 In pursuing this line the government has encouraged local authorities to take a pro-active stance. Recent guidance on use of the Town & Country Planning Act, 1990, suggests that:

“Local Authorities should not sit back and wait for complaints . . . they should be proactive in identifying and taking action against buildings and land, the condition of which are regarded as unsatisfactory."

2.0 The Current Situation

2.1 In recent years Housing Services have sought to respond to reports of problem land and properties on a reactive basis and to encourage permanent resolution. Aside from successful wider-ranging programmes, such as the Maryport Renewal Area, much of this work has been done through use of the Building Act, 1984. This Act allows the Council to serve a notice on owners of such sites requesting the restoration or demolition of ruinous or dilapidated buildings & structures. Such a notice would be preceded by informal notices requesting work to be done. The necessary works can be carried out in default by the Council if the notice is not complied with.

2.2 Some successes have been achieved in this area, generating positive local media coverage. Notable examples include the former Nags Head public house, the former Lonsdale Park greyhound stadium and smaller sites, such as 3 Victoria Road, Workington. The Reading Rooms at Allonby have also recently been purchased by an owner looking to renovate them, following similar pressure from the Council.

2.3 The costs associated with this work have, to date, been minimal. In approximately 95% of cases the property owners concerned have carried out the necessary works in response to informal pressure from the Council, or the serving of a notice. On the rare occasions that the authority has undertaken works in default, the costs of the work have successfully been recovered, either through placing a charge on the land concerned or repayment in instalments by the property owner.

2.4 The Council is also required, under the Building Act 1984, to deal with dangerous structures in the Borough. Again, notices can be served on owners of property and, in cases of non-compliance, work can be carried out in default. In this area of work the properties concerned are those which pose an immediate danger to public safety rather than those which are victims of long term neglect. Building Control Surveyors are regularly called upon by colleagues, the emergency services and members of the public to deal with such structures. In doing so their work sometimes overlaps with that of Housing Services, with site visits, reporting and communication with owners/neighbours sometimes duplicated.

2.5 The Planning department have powers under the Town & Country Planning Act, 1990, to deal with land and buildings which adversely affect the amenity of an area. Recent ODPM Best Practice Guidance has sought to encourage greater use of the relevant powers within this piece of legislation. Allerdale has, to date, not served any notices under this act and the relevant powers have not been delegated to the Planning & Development Manager.
2.6 Therefore, there are a number of tools with which the Council can act against derelict sites, ruinous, dilapidated and dangerous properties. Some positive, successful work has been done. However, the current picture is confused, with duplication occurring between different departments and a piecemeal, reactive approach to tackling the problem properties concerned.

2.7 This piecemeal approach can only provide a limited number of successes; a more sustained, committed programme would allow the focus to be expanded and a larger number of problem sites to be targeted. There are a number of long-standing problem properties which represent a barrier to the continued regeneration of the Borough and need to be resolved. A list of the most prominent sites is given at the end of the strategy document (Appendix 1) and further properties may come forward when assessed against current legislation and local criteria that may require development in future.

3.0 The Way Forward

3.1 A number of authorities around the country have used the various pieces of legislation described above to secure permanent and wide ranging improvements to the quality of the local built environment. These include, amongst others: Sheffield City Council, Leeds City Council and Thanet and Sevenoaks District Councils. There are vast disparities in resources between the authorities concerned; however, a common feature has been the will of the council to pursue a pro-active, committed and determined approach to tackling problem properties.

3.2 Another common feature between those authorities that have successfully acted in this area is that they have produced strategy documents to guide the way in which they tackle the problem. Such documents can be used by officers, members and owners of problem properties to explain the various options open and the reasoning and methods behind them.

3.3 The production of such a document also gives the opportunity to bring together the various different enforcement options available. In doing so it explains where responsibilities lie and can remove some of the duplication and overlap which Allerdale is currently experiencing. Furthermore, the various options available under programmes such as facelift schemes, the Townscape Heritage Initiative and the Renewal Areas can be placed alongside the enforcement options to ensure the approach pursued by the Council is not overwhelmingly negative.

3.4 The enforcement options available under the Building Act, 1984, have been successfully used by the Council in a number of cases to date. The power to issue notices under Sections 77, 78, 79, 80, 81 and 82 of this act is delegated to the Building Control Manager and the Housing Services Manager. If Section 215 of the Town & Country Planning Act, 1990, is also to be used to provide effective enforcement in this area, the power to issue notices under this section would need to be delegated to the necessary officers.
3.5 The Council has the means available to tackle the problem of dilapidated land and buildings through both enforcement action and the awarding of grants and funding. Officers also have experience of successfully using some of the legislation available to act in this area and secure permanent resolution. The production of a Dilapidated Property Strategy such as this, coupled with the commitment of the Executive to a pro-active, sustained programme of action against ruinous and dilapidated building and derelict sites, would allow the Council to begin to tackle this problem at a minimal cost.

4 Conclusion

4.1 It is therefore recommended to the Executive:

i) That Members approve the ‘Dilapidated Property Strategy’ (Appendix 1), to effectively tackle the problem of key derelict properties in Allerdale.

ii) That progress on the implementation of the strategy is reported on a regular basis as part of the councils Performance Management Framework (Local Performance Indicators).

iii) That the Planning & Development Manager has delegated powers to deal with all matters (including the service of notices and the institution of legal proceedings in consultation with the Borough Solicitor) under the provisions of the Town & Country Planning Act, 1990, Section 215.

DAVID MARTIN
HEAD OF REGENERATION
### Report Implications

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**Is this a statutory recommendation?**  N

**Is this a key decision?**  N

**If this is a key decision, has it been approved by CMT?**  N

**Has a risk assessment been undertaken?**  N

**Wards affected** ......................................................... All .............................................

**Background papers** ....................................................... None .............................................