

CABINET**DATE OF MEETING:** 5 MARCH 2015**TITLE OF REPORT:** COMPULSORY PURCHASE ORDER - SWAN INN PUBLIC HOUSE, NORTH WARNBOROUGH**Report of:** Head of Regulatory Services**Cabinet member:** Councillor Adrian Collett, Portfolio Holder for Regulatory Services**1 PURPOSE OF REPORT**

- 1.1 To update Cabinet on progress regarding the repairs Notice served to ensure the preservation of the listed building known as the Swan Inn Public House, Hook Road, North Warnborough, and advise members of the process to apply for an order for the compulsory acquisition of land (commonly known as a Compulsory Purchase Order - CPO).

2 OFFICER RECOMMENDATION

Cabinet confirms that the Compulsory Acquisition Notice is accompanied by a direction for minimum compensation.

3 BACKGROUND

- 3.1 In October 2014 Cabinet **RESOLVED** that:

- A It is recommended that Cabinet confirms that it has no objection to the decision of the Planning Committee to serve a Repairs Notice on the Swan Inn Public House;
and
- B The Joint Chief Executive, working in consultation with the Leader and the Portfolio Holder for Planning, be authorised to seek to
- (i) acquire the Swan Inn Public House by any appropriate means, including negotiation or through statutory compulsory purchase, and
 - (ii) negotiate a 'back-to-back' sale of the Swan Inn Public House to a partner to secure the full repair of this Listed Building.

- 3.2 The Section 48 Repairs Notice (Appendix 1) was served in January 2015 and expired 17th February 2015. A detailed estimate of the works required to comply with the Repairs Notice was obtained from a firm of Chartered Building Surveyors as shown in Appendix 2 and excluding non-essential works amounts to £397,150 excluding VAT.

- 3.3 There is no provision for an appeal against a repairs notice nor is there a requirement to consider the financial means of the owner when specifying the works

3.4 No one with a legal interest in the property however, has come forward or been located and consequently the repairs notice has not been complied with. Efforts have been made to make contact with a company which is believed to have a possible interest in the property, but it is located in the British Virgin Isles and to date there has been no response.

4 COMMENTARY

4.1 Regulatory Services will now seek to serve a Compulsory Acquisition Notice. This notice must be advertised in local press and served on each owner and occupier of the land (where known) not less than two months after the service of the repairs notice.

4.2 Compulsory Purchase Procedure

The procedure is broadly similar to the procedure for any compulsory purchase¹. The land and building to be acquired must be defined with care and by reference to a map. The order may include any adjoining land reasonably required with the building. The order is advertised in local press and served on each owner and occupier of the land not less than two months after the service of the repairs notice. At least 21 days must be allowed for any objections to be made.

Anyone served with notice of the order may within 28 days appeal to the Magistrates Court for an order to stop any further proceedings. This will be granted by the Court if it is satisfied that reasonable steps are being taken by the applicant to properly preserve the building. There is a further right of appeal from the Magistrates Court to the Crown Court.

4.3 Confirmation of the Order

The Compulsory Purchase Order has to be confirmed by the Secretary of State. If any objections are made the Secretary of State may first hold a public inquiry to consider the objections.

The Secretary of State will only confirm the Order if satisfied that²:

1. reasonable steps are not being taken to preserve the building;
2. that it is expedient that the building should be preserved;
3. that it should be compulsorily purchased to ensure its preservation.

In other words, it is not sufficient that the owner is neglecting the building. There has to be a credible plan in place to secure the building's future. That plan may include a proposal to immediately transfer the property to a building preservation trust upon acquisition.

4.4 Compensation

Open market value is the normal basis for the assessment of compensation in a compulsory purchase case. However, there are some differences in the case of a listed building in disrepair.

¹ Circular 06/04: Compulsory Purchase and The Crichel Down Rules

² Section 47 Planning (Listed Buildings and Conservation Areas) Act 1990

The local authority may include within the Compulsory Purchase Order application a direction for minimum compensation if it considers that the owner has deliberately allowed the building to fall into disrepair in order to justify its demolition and secure permission for redevelopment of the site.

5 FINANCIAL IMPLICATIONS

- 5.1. So far, the costs to Hart to secure the property and prevent any further deterioration amount to £51,700. Further expenditure of around £10,000 has also been incurred to carry out an asbestos survey and to gain a comprehensive repairs estimate. These costs do not take account of the officer time.
- 5.2 There will also be the additional cost associated with the compulsory acquisition which is typically the market value of the land. However, to mitigate that cost the Council should seek to include within the Compulsory Purchase Order application a direction for minimum compensation if it considers that the owner has deliberately allowed the building to fall into disrepair in order to justify its demolition and secure permission for redevelopment of the site.

6 ACTION

- 6.1 Regulatory Services will now pursue a Compulsory Acquisition Notice to gain legal possession of the property and to negotiate with interested parties to ensure the most suitable arrangement to preserve the listed building. The intention is that there will be a credible plan in place to secure the building's future. That plan is likely to include a proposal to immediately transfer the property to a building preservation trust upon acquisition.

Contact Details: Nick Steevens / 4296 / nick.steevens@hart.gov.uk

APPENDICES / CONFIDENTIAL APPENDICES

Appendix 1 - Section 48 Repairs Notice

Appendix 2 - Estimate of Works

Planning (Listed Buildings and Conservation Areas) Act 1990, section 48

REPAIRS NOTICE IN RESPECT OF

The Swan Inn, North Warnborough, Hook, Hampshire, RG29 1EX

ISSUED BY Hart District Council

THIS IS AN IMPORTANT NOTICE AFFECTING YOUR PROPERTY
LISTED BUILDINGS REPAIRS NOTICE

To: BROOKSET 14 LIMITED (incorporated in British Virgin Islands) of 4th Floor, Millbank Tower 21-24 Millbank, London SW1P 4QP

- 1 The building known as The Swan Inn ('The Building') is a listed building under section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereinafter known as 'the 1990 Act'). The Building is shown edged in red on the map attached to this Notice and described for identification purposes only in Schedule 1 of this Notice.
- 2 It appears to Hart District Council ('the Local Authority') whose area includes the Building and being the Local Authority for the purposes of section 48 of the 1990 Act that the works specified within Schedule 2 ('the Works') of this Notice are reasonably necessary for the proper preservation of the Building.
- 3 NOTICE IS HEREBY GIVEN that the Local Authority considers the works specified within Schedule 2 of this Notice reasonably necessary for the proper preservation of the Building.
- 4 If after two months from the date of service of this Notice the Local Authority have not withdrawn the Notice, the Local Authority may ask the Secretary of State to authorise it to acquire compulsorily the Building and any land contiguous or adjacent to it which appears to the Secretary of State to be required for preserving the Building or its amenities, or for affording access to it, or for its proper control or management.
- 5 The Secretary of State may make or confirm an order for the compulsory purchase of the Building and any land contiguous or adjacent to it if:
 - a) it appears to him/her that reasonable steps are not being taken for the proper preservation of the Building
 - b) s/he is satisfied that it is expedient to make provision for the preservation of the Building and
 - c) s/he is satisfied that it is expedient for that purpose for it to be acquired compulsorily.
- 6 If compulsory purchase procedures are initiated then any person having an interest in the Building which it is proposed to acquire compulsorily may, within 28 days after the service of the Notice required under section 12 of the Acquisition of Land Act 1981, apply to a magistrates' court for an order staying the proceedings on the ground that reasonable steps have been taken to properly preserve the Building.

- 7 On compulsory purchase of the Building, it shall be assumed for the purpose of assessing compensation that listed building consent would be granted for any works:
- a) for the alteration or extension of the Building or
 - b) for the demolition of the Building for the purpose of development of any class specified in Schedule 3 to the Town and Country Planning Act 1990.
- 8 If the Secretary of State is satisfied that the Building has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or re-development of the site, or any adjoining site, he may include in the compulsory purchase order a direction for minimum compensation.
- 9 The effect of such a direction is that for the purpose of assessing compensation that is payable for compulsory purchase it is assumed that:
- a) planning permission would not be granted for any development or re-development of the site of the Building, and
 - b) that listed building consent would not be granted for any works, other than works necessary for restoring the Building to and maintaining it in a proper state of repair.
- 10 Where such direction is included in a compulsory purchase order or draft order any person having an interest in the Building may, within 28 days after service of the Notice of minimum compensation direction, apply to a magistrates' court for an order that no such direction should be included.
- 11 If you wish to discuss this Notice or any related matter you should contact Mrs Sarah Castle on 01252 774125 as soon as possible.

DATED the day of *16th December 2014*

Signed 

For and on behalf of Hart District Council

Civic Offices
Harlington Way
Fleet
Hampshire
GU51 4AE

SCHEDULE 1

The listed building to which this Notice relates The Swan Inn, North Warnborough, Hook, Hampshire, RG29 1EX as shown for the purposes of identification only edged red on the attached plan.

SCHEDULE 2

Specification of works to be carried out

Planning (Listed Buildings and Conservation Areas) Act 1990, section 48

THE SWAN INN, NORTH WARNBOROUGH RG29 1EX

1 ACCESS, SAFETY AND SECURITY PROVISIONS

- 1.1 Provide and maintain while works are being carried out all boarding, screens and barriers necessary to keep the building secure.
- 1.2 Install temporary propping in accordance with the directions of a structural engineer in order to stabilise stairs, floor joists, and the structure generally. Provide temporary balustrade and handrails where these are missing at staircases. Provide sheeting or boarding wherever floor boarding and stair treads are missing. Cordon off floor areas where joists are missing or unsupportable and display warning signs for duration of works.
- 1.3 Clear out rubbish from internal spaces so that all areas are open to inspection and free from nesting places. Prepare an inventory of all surviving historic features. All loose historic materials shall be retained and stored within a secure area within the building.

2 DEMOLITION

- 2.1 Temporary propping of retained sections
- 2.2 Cutting back and making safe existing services
- 2.3 Demolition of North East section including removal of original floor and foundations
- 2.4 Salvage and storing of original oak 'A' frames
- 2.5 Removal of internal fractured wall
- 2.6 Stripping out of all original services
- 2.7 Stripping out of all joinery including bar fittings
- 2.8 Stripping out of all kitchen fittings and also sanitary ware within toilets and bathroom.
- 2.9 Removal of all ceilings and wall plaster

3 REBUILD

- 3.1 Construction of new North East section of building including the provision of new floor and roof together with replacement of all internal walls.**
- 3.2 Salvage, dress and reinstate original fire damaged A frames.**
- 3.3 Replace, with new oak, rafters, braces, plates and joists, all in sections to match original.**
- 3.4 Section of wattle and daub infill to vaulted ceiling at first floor level to be reinstated.**
- 3.5 Also includes for replacement chimney stack and stitching in of all new work to original elements.**
- 3.6 Replacement of damaged floor joists and floor boarding**
- 3.7 Replacement of doors, windows and joinery including staircase, lining, architraves and skirting**
- 3.8 Repairs to retained roofs and rainwater goods**
- 3.9 Replacement of roof insulation**

INTRODUCTION.

The Project Support Practice, Chartered Building Surveyors, have been retained by Hart District Council. The brief given was to carry out relevant inspections and provide a cost assessment to reinstate The Swan Inn, North Warnborough back to its original condition following extensive damage caused by a fire.

Although details are available on the Councils web page a check measured survey was carried out of the building and up to date plans have been prepared to reflect the layout of the building. Copies of these are attached to this report.

A number of inspections were carried out and, as a result, attention is specifically drawn to the following points:

1. The fire affected all elements of the building but to different degrees.
2. Due to the above certain elements were found to be beyond recognition and educated assumptions have had to be taken with regard to the reinstatement of same.
3. No costs have been included with regard to previously incurred costs for the provision of the current scaffolding, site fencing, raking shores and internal temporary props.
4. Current outbuildings, although in a poor state of repair were not affected by the fire and as such have not been considered within this report.
5. Incoming services have been investigated and the results are reflected elsewhere within the document.
6. This report has been prepared and issued as a Cost Assessment. As such figures stated are reflected as whole values for each element of work.
7. Not being part of the fabric of the building and with no inventory available no consideration has been given to the replacement of any chattels within the building.

CONSIDERATIONS.

Although the building is listed there are certain extensions that have been constructed more recently. Each area has been assessed in accordance with its original 'standing' as far as the overall structure is concerned.

The attached plans highlight the following:

1. The north east section of the building is currently supported with raking shores and internal props. The main external walls have deflected and only charred sections of the main roof structure are left. There is no roof covering present on this section. This area is highlighted on the attached floor plans.
2. All other areas have been severely affected by heat and / or smoke and, at the least, are contaminated.

It is noted that certain external defects, such as cracking to rendering, could be considered as having occurred prior to the fire and as such are not included within the cost assessment.

It is noted that an original chimney stack on the south elevation of the main building has collapsed. It is appreciated that a Planning Application had previously been submitted in respect of this element due to the unstable nature of the chimney in question. As there is no evidence to the contrary it has been assumed that the collapse of the chimney occurred at the same time as the fire due to its unstable condition.

It is further noted that the main roof has been totally reroofed with hand made clay tiles on new softwood battens with a breathable felt underlay.

SCHEDULE.

PRELIMINARIES.

Includes for all of the following:

On going scaffolding.

Site Administration and Security.

Protecting the works.

Water for the works.

Lighting and power for the works.

Temporary Site Accommodation.

Site telephone.

Safety, Health and Welfare.

Removal of rubbish from site.

Drying the Works.

Temporary hoarding and screens.

125,600 00.

DEMOLITIONS.

Includes for:

Temporary propping of retained sections.

Cutting back and making safe existing services.

Demolition of north east section including
removal of original floor and foundations.

Salvage and storing of original oak 'A' frames.

Removal of internal fractured wall.

Stripping out of all original services.

Stripping out of all joinery including bar
fittings.

Stripping out of all kitchen fittings and also
sanitary ware within toilets and bathroom.

Removal of all ceilings and wall plaster.

27,300 00.

REBUILD.

Includes for:

Construction of new north east section of building including provision of new floor and roof together with replacement of all internal walls. Salvage, dress and reinstate original fire damaged A frames. Replace, with new oak, rafters, braces, plates and joists, all in sections to match original. Section of wattle and daub infill to vaulted ceiling at first floor level to be reinstated. Also includes for replacement chimney stack and 'stitching in' of all new work to original elements.

82,800 00.

GENERAL REINSTATEMENT WORK.

Includes for:

New plastering work to ceilings and walls.
Replacement of damaged floor joists and floor boarding.
Replacement of doors, windows, and joinery including staircase, linings, architraves and skirtings.
Necessary oak replacement.
Repairs to retained roofs and rainwater goods.
Replacement of roof insulation.

93,950 00.

SERVICES.

Includes for:

New electrical, plumbing and heating installations.

40,250 00.

FLOOR, WALL & CEILING FINISHES.

Includes for:

Total redecoration.

Wall tiling to domestic bathroom, public
toilets and kitchen areas.

Floor tiling to public toilets.

Heavy duty sheet covering to kitchen
areas and bar.

Commercial grade carpeting elsewhere. 46,250 00.

PROVISIONAL SUMS.

Includes for:

a. Incoming services. 5,000 00.

b. New commercial kitchen. 40,000 00.

c. New bar fittings. 25,000 00.

d. Provision of sanitary ware. 5,000 00.

e. Reinstatement of alarms. 7,500 00. 82,500 00.

ADDITIONAL COSTS.

Includes for:

a. Local Authority fees. 2,500 00.

b. CDM Coordinator fees. 2,500 00.

c. Architects, Surveyors and
Engineers fees. [12.5%] 62,500 00. 67,500 00

PROJECTED FINAL COST: £566,150 00.

Note: The above figure excludes value Added Tax.

When added at current rate the gross figure is: £679,380 00.

December 2014.

THE PLANS IN THIS DOCUMENT HAVE BEEN REDUCED FROM A TRUE
SIZE IN ORDER TO BE INCORPORATED WITHIN IT. AS SUCH THEY MUST
NOT BE SCALED UNDER ANY CIRCUMSTANCES