

Committee: Planning

Date Of Meeting: 2nd June 2010

Title of Report: Urgent Works Notice 40 Lancaster Road, Birkdale

Report of: Andy Wallis
Planning and Economic Regeneration Director

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This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report:

Provide an update to Members concerning the recent severe fire damage caused to 40 Lancaster Road (former Birkdale School for Hearing Impaired Children) and to seek further authorisation to serve a new Urgent Works Notice.

Recommendation(s):

Subject to consideration and approval by Cabinet it is recommended that the Planning and Economic Development Director be authorised to :

- (i) Serve a new Urgent Works Notice in respect of 40 Lancaster Road, in order to secure the buildings from further decline.

Corporate Objective Monitoring

Corporate Objective		Impact		
		Positive	Neutral	Negative
1	Creating A Learning Community		X	
2	Creating Safe Communities	X		
3	Jobs & Prosperity		X	
4	Improving Health & Well Being	X		
5	Environmental Sustainability	X		
6	Creating Inclusive Communities		X	
7	Improving The Quality Of Council Services & Strengthening Local Democracy	X		
8	Children and Young People		X	

Financial Implications

The Council will serve notice of its intention to carry out these works after a prescribed timeline, (to give the owner an opportunity to carry out the works themselves). Once this timeline has elapsed the Council would then be in a position to carry out these works in default.

Subject to the consideration by the Strategic Asset Management Group and approval by Cabinet, the costs of works in default will be borne in the first instance by the Council's Capital Programme. The Council would seek to recoup the cost of the works by way of a section 55 notice and a land charge.

Further work and investigation is being carried out in order to obtain a more accurate cost for these urgent works.

Departments consulted in the preparation of this Report

FD 416 - The Head of Corporate Finance & Information Services has been consulted and has no comments on this report.

The comments of the Interim Head of Corporate Legal Services are contained within the report.

List of Background Papers relied upon in the preparation of this report

'Stopping the Rot', English Heritage, 1998

Background

1. The Director reported to Planning Committee on 13th January 2010 and 28th April 2010 for approval to serve an urgent works notice in respect of 40 Lancaster Road. The building is a grade II Listed Building within West Birkdale Conservation Area. These notices were partly complied with and subsequently the Council has been in negotiation with the owners looking to finalise the required works but despite reminders the owners had not taken adequate measures to secure the building. On 16th May 2010, the building was subject to a suspected arson attack and as a result has sustained considerable damage and has now had to be partially demolished. This now leaves the building in an increased perilous state and more open to the elements. It is therefore essential that the remainder of the building is secured and made weathertight in order to halt further deterioration.
2. Due to the severity of the damage now caused by the fire, the Director now feels that if the schedule of works in the new Notice is not complied with in full that the Council would have no option but to carry out the works in default.
3. At the time of writing because of the damage caused by the fire it is not possible to be precise as to the extent or nature of the works required – it is understood for instance that there is exposed asbestos within the building. It is however anticipated these will include robust closure to all openings at ground floor level plus works to stop water ingress and general site security. Based on advice previously provided by Contractors, the costs of this work could be significant perhaps up to in £70,000.

Notwithstanding the urgency following the recent fire, the owner will be given every opportunity to safeguard the building and site at his cost.

4. Further information on necessary works will be provided as a late representation.
5. In the event of default by the owner to carry out the prescribed works, any subsequent costs of repairs undertaken by the Council would be borne by the Capital Programme. Therefore the action described is to be reported to Strategic Asset Management Group and Cabinet for approval.
6. Given recent passed history, officers remain concerned about the owner's intention to properly preserve the listed building. In these circumstances it remains open to the Council to serve, in addition to the above, a Repairs Notice under Section 48 of the Listed Buildings Act. This would require the owner to carry out the necessary repairs and failure to do so could lead to the compulsory purchase of the building under Section 47 of that Act. Significantly this provides for payment of minimum compensation where it is established that the building has been allowed to fall into disrepair. This course of action can potentially be time consuming but officers will keep this option under review and report back following the serving of the Urgent Works Notice to immediately and properly preserve it.