

REPORT TO: Cabinet

DATE: 10th June 2010

SUBJECT: Urgent Works Notice 40 Lancaster Road, Birkdale

**WARDS
AFFECTED:** Dukes Ward

REPORT OF: Andy Wallis
Planning and Economic Development Director

**CONTACT
OFFICER:** Daniel Byron (Tel: 0151 934 3584)

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

Following recent severe fire damage caused to 40 Lancaster Road (the former Birkdale School for Hearing Impaired Children) to include provision within the Capital Programme in the event of the Council undertaking works in default.

REASON WHY DECISION REQUIRED:

As this is a Grade II Listed Building Planning Committee is recommended to serve an Urgent Works Notice to secure the building from further decline. Currently the newly exposed condition of the building is of such risk that should the owner fail to comply with the Notice, the Council will be required to carry out works in default.

RECOMMENDATION(S):

That subject to the views of the Strategic Asset Management Group Cabinet agrees to include provision within the Capital Programme in the event that the Council be required to carry out works in default subsequent to the serving of an Urgent Works Notice.

KEY DECISION: No

FORWARD PLAN: N/A

IMPLEMENTATION DATE: Current

ALTERNATIVE OPTIONS: A failure to secure this Listed Building against from further decline may result in additional irreparable damage to an important local landmark.

IMPLICATIONS:

Budget/Policy Framework:

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

The Council would seek to recoup the cost of the works by way of a Section 55 Notice and a land charge. In the meantime the costs would be funded via prudential borrowing and would attract revenue borrowing costs of approximately £6,300 in a full year.

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

<u>CAPITAL EXPENDITURE</u>	2009 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure		70k		
Funded by:				
Sefton Capital Resources		70k		
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			

How will the service be funded post expiry?	
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Legal:

Risk Assessment:

Asset Management:

CONSULTATION UNDERTAKEN/VIEWS

FD 427 - The Head of Corporate Finance & Information Services has been consulted and his comments have been incorporated into this report

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		X	
2	Creating Safe Communities	X		
3	Jobs and Prosperity		X	
4	Improving Health and Well-Being	X		
5	Environmental Sustainability	X		
6	Creating Inclusive Communities		X	
7	Improving the Quality of Council Services and Strengthening local Democracy	X		
8	Children and Young People		X	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

'Stopping the Rot', English Heritage, 1998

Background

1. On 16th May 2010, this Grade II Listed 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 weather tight in order to halt further deterioration. Planning Committee is to be recommended to serve an Urgent Works Notice to facilitate this and the views of the Strategic Asset Management Team will be reported to the meeting.
2. Due to the severity of the damage caused by the fire if the schedule of works in the Notice is not complied with in full the Council would have no option but to carry out the works in default. The cost of works in default will be placed as legal charge against the land.
3. At the time of writing because of the severity of the fire it is has not been 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 £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. 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 via prudential borrowing. This would result in revenue borrowing costs of approximately £6,300 per annum until the costs are recovered. Therefore the action described is to be reported to Strategic Asset Management Group before any work can commence
5. Given recent passed history, I am 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.

Recommendation

6. That, subject to the views of the Strategic Asset Management Group, Cabinet agrees to include provision within the Capital Programme in the event that the Council be required to carry out works in default subsequent to the serving of an Urgent Works Notice.