

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2485

Author:

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Department:

Development

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Subject:

S215 Notice Works on 149-169 Lower Parliament Street & Peggars Pub

Total Value:

£140,000 (Type: Capital)

Decision Being Taken:

To allocate funding to underwrite the costs of potential works in default which may be required following action under Section 215 of the Town and Country Planning Act 1990, which Environmental Health will take against the owner of 149-169 Lower Parliament Street and the Peggars Pub. The money would only be required as a contingency, should the owner not carry out the required works.

Reasons for the Decision(s)

Environmental Health have inspected the buildings at Sneinton Market and observed that the properties at 149-169 Lower Parliament Street are currently in a very poor state of repair and would not be capable of being occupied without considerable works, which are unlikely to be financially viable. The owner has applied for planning permission to demolish the buildings which was subsequently granted in April 2015. This seems to support our view on viability of the existing buildings.

The Police have reported that on the Nelson Street side of the buildings, because of the covered area and the fact it is hidden from the main road the buildings, attract street drinkers and drug users and until the building was secured and boarded up it was used by rough sleepers. The Parliament Street side of the building has suffered from graffiti tag artists. In addition, the properties are currently seriously affecting the amenity of the surrounding area, therefore Environmental Health are of the opinion that demolition would be a suitable outcome to address the current state of the buildings and their impact on the local environment.

During their visit they noted that the Peggys Pub property is also deteriorating and requires remedial works to improve the condition of the buildings which is having a detrimental effect on the amenity of the area.

In this context Environmental Health have written to the site owners on two occasions to ask them to take remedial action to improve the condition of the Peggys Pub building and suggesting the demolition of 149-169 Lower Parliament Street. The estimated costs of these works are £140,000.

No satisfactory response has been received from the owner of the properties to these letters and as such serving a Section 215 Notice of the Town & Country Planning Act is considered the most effective route by Environmental Health to address conditions of the buildings.

Once a notice is served, the owner would be given a defined period of time to undertake the works. However, the owner has an opportunity to appeal the notice on various statutory grounds including that the required works are excessive, or that there is no harm to the amenity. In this respect the owner could possibly seek to argue that given the state of the Council owned properties at Sneinton Market Avenues D & E and the Southwell Road shops any harm is not substantial.

The Council would argue it has an on-going plan to develop these properties, with LGF3 funding, if the owner is successful in the appeal, the notice could be quashed or amended, however, if there is no appeal or if the appeal is unsuccessful the Council can then carry out works in default after the notice period has expired and seek to recover the cost of doing so.

If the Council is required to step in to do these remedial works Environmental Health have suggested that they have insufficient budget to pay for the projected £140,000 costs from their budgets and they have asked that Regeneration budgets support this action: £130,000 will be allocated for 149-169 Lower Parliament Street and £10,000 for Peggys Pub. A land charge will be put on the property and on the sale of that City Council will re-coup our costs or deduct them from the cost of purchase if we choose to purchase directly.

The Sneinton Market is at the heart of the Creative Quarter in Nottingham. The Creative Quarter is Nottingham's priority vehicle for renewing the business structure in the city. As part of the wider Cultural Quarter initiative Economic Development Officers are preparing an LGF3 bid to support the Council-owned refurbishment of Avenues D & E and a further phase of development at Dakeyne Street to create new space for artisan SME's and a retail and hospitality area. This project will build on the work done in 2015 by the City Council to refurbish Avenues A-C at Sneinton Market, funded through a £2.44m European Regional Development Fund (ERDF) grant and a further £1.45m from the City Council creating 47 workshops and studio units from SME's helping to establish a vibrant creative business community.

To support this initiative, Officers have been instructed to try and acquire the sites. To this end, Property Services have started a dialogue with the owner's agent to ascertain their interest in disposing of the sites. There is currently a large gap between the value of the sites and what the owners aspirations might be. Therefore, it is important to continue to pursue the S125 action in parallel.

Other Options Considered:

<ol style="list-style-type: none">1. Do Nothing. This would leave the buildings as they are now and the area would become a blight which will consequently have a detrimental effect on the lettings of the refurbished units at Avenues A-C at Sneinton Market.2. Seek the Demolition of 149-169 Lower Parliament Street building and undertake required remedial works to improve the condition of the Peggys Pub building. (Preferred).3. Incremental Approach: Seek either the demolition 149-169 Lower Parliament Street building or the required remedial works to improve the condition of the Peggys Pub.

Background Papers:

None

Published Works:

None

Affected Wards:

St Ann's

Colleague / Councillor Interests:

Consultations:

Date: 13/05/2016
Ward Councillors: Jon Collins, David Liversidge, Sue Johnson
Email (pdf of this delegated decision) has been sent to the Ward Councillors on Friday 13th May to notify them.

Those not consulted are not directly affected by the decision.
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Crime and Disorder Implications:

The area currently attracts high levels of anti-social behaviour. Therefore, demolition of 149-169 Lower Parliament Street and improvements to Peggys Pub will enable a safer neighbourhood by improving the quality of the built environment.
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Equality:

EIA not required. Reasons: EIA is not required for this approval. The decision does not relate to a new or changing policies, services or functions.
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Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

09/06/2016

Advice Sought:

Legal, Finance

Legal Advice:

This decision relates to the allocation of funding as a contingency should works in default be required as the result of service of a notice under S215 of the Town and country Planning Act 1990. The service and content of the s215 notice itself is not an Executive function, does not form part of this decision and will be authorised under delegated powers.

The allocation of funding between budgets carries no significant legal risks so long as it is in accordance with the Council's financial regulations and this will be addressed by the Finance officer below. Advice provided by Ann Barrett (Team Leader) on 17/05/2016.

Finance Advice:

The cost of this decision to issue a Section 215 notice will be £0.140m if the Council has to undertake the capital works in place of the property owner. This will initially be funded by the Council's own resources and a charge will be put on the property to reimburse costs when the property is sold (or to reduce the cost by the same amount if the Council is the purchaser). Therefore, it is expected that there will be no overall net effect on the capital programme, however, there may be a delay between spend and recouping costs and there is a risk that the property may not realise the proceeds needed to cover the charge. The capital programme will be amended accordingly.

Advice provided by Tim Gallimore (Senior Finance Assistant) on 20/05/16

Appropriate monitoring will be put in place to ensure that the implications for the capital programme are clear and should any delay occur between spend and recouping costs that this is maintained within the same financial year if possible.

Advice provided by Susan Tytherleigh (Senior Finance Manager) on 20/05/2016.

Signatures

Graham Chapman (PH for Resources and Neighbourhood Regeneration)

SIGNED and Dated: 02/06/2016

David Bishop (Deputy CE, CD for Development and Growth)

SIGNED and Dated: 27/05/2016