

## 65 LOWER STREET (FORMER MAXIMS NIGHTCLUB) NEWCASTLE

### **Purpose of the Report**

The purpose of this report is to seek the Planning Committee's approval to offer the owner a grant from the Historic Building Grant Fund towards the cost of the implementation of the works that may be referred to in an Urgent Works Notice.

### **Recommendation**

**That the Committee approve a grant from the Historic Building Grant Fund to the owner of 65 Lower Street of whichever is the lesser amount - 20% of the cost or up to £10,000 - towards the cost of urgent works at the property on the production of two competitive quotes in accordance with the Grant Fund's normal terms and conditions**

### **Reason**

**To ensure that the Borough's heritage assets are conserved appropriately for future generations during this period of challenging economic circumstances.**

## **1. Background**

- 1.1 At its meeting on 19 June 2012 the Committee agreed to a change in the terms and conditions of the Council's Historic Building Grant Fund. In particular the Committee agreed that in principle the fund could be used to support the serving of an Urgent Works or Repairs Notice on Listed Buildings or historic buildings in Conservation Areas, including the costs of drawing up a schedule of work and the execution of that work.
- 1.2 The Council recently conducted a Building at Risk survey of all 365 of its Listed Building entries in the Borough and published which ones were at risk and which require monitoring. When the report went to Planning Committee in October 2011 there were 19 Buildings at Risk. The building to which this report relates is identified as being "At Risk". It is vacant, neglected and subjected to vandalism and theft.
- 1.3 The Council funded an Archaeological Assessment and condition survey of the building in June 2011. The Archaeological Assessment identified the significance of the building and its archaeological potential. The building is a former house that dates from the late 17<sup>th</sup> century. The level of survival of historic fabric is variable and whilst there are some significant features remaining there has also been substantial alteration and loss of historic fabric particularly at ground floor with the use of the building as a nightclub. The upper floors retain more historic fabric. The front elevation is of high value, and has such features such as the door hood, brickwork, overall proportions, moulded string course and its fenestration (added in 18<sup>th</sup> century). The rear elevation contains the remains of the bow window and rear wall which are of high value and were added in the 18<sup>th</sup> century.
- 1.4 The condition survey concentrates on urgent works which are necessary to prevent further damage and deterioration to the property. These it estimated would cost approximately £50,000 –£60,000 to undertake. In another section of the report there is a draft costed schedule of work to bring the building back into use to an appropriate conservation standard, removing all the flat roof buildings to the rear etc. and reinstating the ground floor bay window which has been evidenced during the archaeological assessment. This element is envisaged at costing approximately £500,000- £600,000 excluding fees and VAT.

## **2. Current Position**

- 2.1 Despite negotiations with the owner to persuade him to carry out the works identified as urgent by the condition survey, the owner has not as yet undertaken the majority of the work. The building remains on the open market, an agent has been appointed and the Council understands that there is interest in the building and the site. However this is a complex site. As well as the condition of the building which essentially means that the building has a negative value, the land has a complicated lease

arrangement between the owner of the site, the Council and other parties that may be frustrating the overall development potential of the site.

- 2.2 The Council's Conservation Officer has explored the possibility of a local Building Preservation Trust taking the building on and thereby being able to access funding from the Heritage Lottery. At present it has not been possible to identify a viable Trust willing to take on this project.
- 2.3 Recently there has been a fire in the outbuilding to the rear of the main building and Staffordshire Fire Service, due to concerns for the building and public safety, called a multiagency meeting which the Council has attended, represented by its Building Control, Environmental Health, Planning and Conservation and Community Safety sections. The Police included their Architectural Liaison Officer who also attended the meeting. There are concerns over the imminent danger of certain aspects of the building and the owner attended a meeting to discuss all of the issues. It was agreed the owner would erect a secure fencing system around the perimeter of the side and rear of the building which would include a drop zone to ensure safety for the public and prevent access. This fence is now in place and some of the dangerous parts of the building have already been removed.
- 2.4 Whilst the fence will stop any further vandalism and prevent access to the building by unauthorised people, this will not help to achieve essential maintenance and repair of the property that was identified by the condition survey.

### 3. **Urgent Works Notices**

- 3.1 An Urgent Works Notice can be served (Section 54 of the Listed Buildings and Conservation Areas Act 1990) on the owner of an unoccupied Listed Building and is restricted to emergency repairs as are required to keep a building wind and weatherproof and safe from collapse or action to prevent vandalism or theft. The Council must believe at the time that the specified works are urgently necessary and reasonable. At the time of drafting any Notice the Council must weigh up the interests of the owner and the interests of society in the preservation of the Listed Building.
- 3.2 Section 54 of the Listed Buildings Act 1990 gives notice on the owner of not less than 7 days notice in writing of the local authority's intention to carry out the works. This gives the owner the chance to discuss issues with the Council and carry out the works himself. If the Council goes in and carries out the work, it can recover their expenses from the building owner under Section 55 of the Act.

### 4. **Proposed Action**

- 4.1 The following steps are proposed at this stage:
- That the Council should write to the owner and tell the owner that the Council is preparing an Urgent Works Notice. Experience shows that a written warning of an impending Notice can be sufficient to encourage the owner to undertake the works and evidence shows that 60% of drafted Notices never have to be served.
  - That the Council use the existing condition survey as a basis for drawing up a more detailed schedule of work which will form the basis of the Notice.
  - That this schedule of work is given to the owner of 65 Lower Street giving him an opportunity to organise a contractor to carry out the work.
  - To offer the owner of the building a grant towards the cost of the urgent works at the building to a maximum of £10,000 based on the specification. The grant will then be paid on completion of the works if they have been undertaken satisfactorily
- 4.2 If the owner does not carry out the work, the Council will then have to consider whether or not to serve the Urgent Works Notice, and if there is non-compliance with the Notice, whether it is expedient to carry out the work itself. That would have significant budget implications particularly if there were grounds to believe that the Council would not be able to subsequently recover the costs involved. At this stage no decision has been made on whether or not to proceed with the service of a Notice and on whether it would be expedient to carry out the work if there is non-compliance. Detailed consideration would need to be given to the implications of such action.

- 4.3 The Conservation Advisory Working Party at its meeting on 17 July resolved to support the recommendation being made to the Committee and a proposal to use the Grant Fund to assist in the preparation of a schedule of work, but the latter is not now required, following assistance from officers within the Council's Facility Management Section.