

REPORT FROM: THE PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

TO: NELSON COMMITTEE

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TRAFALGAR HOUSE, BOOTH STREET, NELSON

PURPOSE OF REPORT

- (1) To inform Committee of the condition of the property and the background to it
- (2) To consider the options for ensuring the building is maintained in an acceptable condition.

RECOMMENDATIONS

- (1) That Committee acknowledge the condition of the property and the background to it.
- (2) That a Notice is served pursuant to Section 79 of the Building Act 1984 to require the condition of the building is improved from its current ruinous and dilapidated state.
- (3) The Planning, Economic Development and Regulatory Services Manager be given delegated authority to agree the full requirements of the Notice.

REASONS FOR RECOMMENDATIONS

- (1) The condition of the property needs to be understood in order to determine what course of action if any is needed to remedy it.
- (2) In order to secure improvements to the building which is affecting the amenity of the neighbourhood.
- (3) In order to ensure that the Notice reflects the condition of the building at the time of service.

ISSUE

- 1** The building lies in a conservation area in the centre of Nelson. It is a three storey stone built structure that was last used several years ago as offices.
- 2** The empty building was secure and attracted little anti-social behaviour over a number of years. Maintenance of the building was kept to a minimum and the fabric of the structure began to deteriorate. The former entrance to the building began to be used by people gathering to smoke, drink and take drugs. The building has been persistently broken into and the fire brigade has been called on a number of occasions because of people setting fires inside. We had to consistently ask the owners to secure the building which they did but securing it with wooden boards which resulted in the building looking unsightly.
- 3** A notice was served under section 215 of the Town & Country Planning Act 1990. This required a number of works to be undertaken to improve it. This included removing the boarding and replacing windows as well as repairing pipework and removing vegetation.
- 4** At the same time we have been trying to discuss with the owners a mechanism to try to secure the use of the building in the longer term. The notice was set to go to court to be decided upon but we agreed with the owners a course of action that we could agree to and we would withdraw the notice on that basis. That included removing boarding on three sides, replacing smashed windows, removing visible vegetation and agreeing to get a valuation of the property.
- 5** The boarding was removed and windows were replaced. Despite numerous attempts by planning and Liberata staff to agree a process for getting the building valued the owners have refused to do so and constantly ignore our contacts to move that forward.
- 6** Since the work to the building was undertaken the condition of the building has considerably worsened with no maintenance of it visibly having taken place. The front elevation onto Market Street has a boarded up window. There is vegetation growing out of window sills and the roof. The façade is suffering from no maintenance and looks dirty and unkempt. There are broken windows on the building and guttering is hanging down.
- 7** The roof has been affected by vandalism. Holes have been made in it to access the inside. Slates are missing and water is penetrating into the main fabric of the building. Coping stones have been taken off and have been left to slide onto various parts of the structure. Coping stones are missing from parapets. Ridge tiles are also missing.
- 8** The building is being allowed to fall into considerable disrepair and its ruinous condition is being hastened by the vandalism that is occurring on a regular basis. We have attempted to contact the owner on a number of occasions to ask for work to be undertaken or the condition of the property checked but latterly we have not been receiving responses.
- 9** The building is in an important central location in the middle of Nelson town centre. The condition of it is deteriorating and it is having a seriously detrimental impact on the amenity of its neighbourhood and this is increasing with the continuing deterioration of it which is not being addressed by the owners.
- 10** The front façade to Market Street needs to be improved by having the vegetation removed as well the boarded windows repaired. It also needs to be cleaned. The broken drainpipes need to be reattached and the leaks stopped. Broken windows need to be repaired. The holes in the roof need to be repaired to prevent rapid deterioration of the building.
- 11** The recommendation to Committee is to serve a notice under section 79 of the Building Act 1984 to require the repair of the building which is in a ruinous and dilapidated condition and is affecting the amenity of the neighbourhood. The building lies in a conservation area.

Under section 79 the owner can carry out the required works or if he so elects, take such steps for demolishing the building, or any part thereof, as may be necessary in the interests of amenity. The demolition cannot be undertaken without planning permission as the building lies in a conservation area. The owner could apply for permission to demolish were they to be of the view that this is the course of action they wished to pursue.

IMPLICATIONS

Policy:	None
Financial:	None
Legal:	None
Risk Management:	None
Health and Safety:	None
Sustainability:	None
Community Safety:	None
Equality and Diversity:	None