

MANCHESTER CITY COUNCIL

REPORT FOR RESOLUTION

COMMITTEE: Economy, Employment and Skills Overview & Scrutiny Committee

DATE: 3rd September 2008

SUBJECT: Dealing with Eyesore Sites and Buildings

REPORT OF: Deputy Chief Executive (Regeneration)

PURPOSE OF REPORT:

To outline measures the Council can take to address the problems of 'eyesore' sites and buildings.

RECOMMENDATION:

Members are asked to note and comment upon the report.

FINANCIAL IMPLICATIONS:

None

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BACKGROUND DOCUMENTS:

Minutes of EES OSC March 2008

WARDS AFFECTED:

All

1. Background to the Report

- 1.1 Members will recall considering the Moss Side and Rusholme Local Plan at a previous meeting and highlighting concerns about sites in the Moss Side area which had remained vacant for some time and which had become overgrown and unsightly. Members referred to similar sites and buildings across the city and expressed concern about the impact they can have on investor and resident confidence. Thus, a report was requested asking officers to outline measures the Council can take to address the problems of 'eyesore' sites and buildings.
- 1.2 The measures which officers can take to deal with such sites and buildings are broadly determined in the first instance by whether they are in private or Council ownership. For the purposes of this report, therefore, each is dealt with separately below.

2. Land and Buildings in Private Ownership

(i) Visual Disamenity Notices

Section 215 of the Town and Country Planning Act 1990 enables local authorities to serve notice on the owner and occupier of land which it considers, due to its condition, is adversely affecting the amenity of the adjoining area. Known as Visual Disamenity Notices, they require steps to be taken to remedy the condition of the land. The legislation relates to privately owned sites – Section 215 notices cannot be served on Council owned land.

Section 215 has been effectively used by the Council on large vacant industrial sites, town centre street frontages, derelict buildings and semi-complete development as well as the more typical rundown residential properties and overgrown gardens. The scope of works that can be required in s215 notices is wide ranging and can include clearance, tidying, enclosure (if a boundary fence already exists), demolition, re-building, external repairs and repainting. In the year 2007/08, 345 privately owned sites were identified as being a 'Visual Disamenity' in the city. Prior to service of an enforcement notice, all landowners are served with a notice requiring them to formally notify the Council of their interest in the land. Following receipt of this notice, 229 cleared the site without recourse to further action. All remaining owners were served with an enforcement notice; of these 103 cleared the site, 13 resulted in default action, the charge for this work is raised against the land.

The only drawback to this legislation is that it is a lengthy process. If the owner/occupier fails to respond to the legal notice served it can take on average three months to have the site cleared. This is due to legal restraints with appeal periods. The notice alone allows 28 days to appeal before any works have to start and then the Council must allow a reasonable time frame to complete the works. Overall this can be a useful tool and more positively, the majority of owners do comply at first contact with the Council.

(ii) Derelict Buildings and Structures

Provisions contained in Section 79 of the Building Act 1984 enable the council to take action against building owners who neglect their buildings allowing them to become ruinous and dilapidated. It empowers a local authority to serve notice requiring the building owner to either execute works of repair and restoration or if the owner chooses to, demolish it.

The qualifying criteria for action to be taken on derelict buildings are that in the opinion of the local authority they are ruinous and dilapidated and detrimental to the amenities of the neighbourhood. Evidence of 'ruin and dilapidation' relates to the building's condition whilst 'detriment to amenity of the neighbourhood' is a subjective judgment relative to the detrimental impact it has on the neighbourhood usually underpinned by the number of complaints it generates.

The owner can appeal against the notice within 21 days but only on specified grounds laid out in the Act: an informality in the notice; that the notice is not justified; that the owner has been given insufficient time to do the necessary work. If an appeal is not lodged within 21 days then the local authority become entitled to enforce the notice in default and the owner can then be prosecuted. The local authority can choose to enforce the notice as it thinks fit either to demolish the building or to execute works of repair and restoration.

Building Control has on many occasions used these powers. The process is simple but in order to avoid inviting an appeal on the grounds that the owner has not been given sufficient time to comply it is often necessary to be generous with the time allowed to comply with the notice. This means that some of these cases can take many months or occasionally longer with difficult cases, but potentially with the same prospect of ultimate success. Furthermore, tackling such problem buildings can often be exacerbated by properties changing hands which happens frequently.

Section 79 can also be used for neglected sites but in this context a neglected site is the site of a collapsed or demolished building where rubbish or other material has not been cleared from the site. Some examples of successful Section 79 action are attached at Appendix 1.

(iii) Partially Constructed Buildings

There have been examples of buildings and sites where construction stops owing to insolvency and receivership. In these circumstances it is difficult to take action to ensure completion owing to ownership issues. Whilst there can be substantial delays in a re-start on site, there have been examples in the City where a facilitating approach, with different end uses has been successful. At the current time, particularly with regard to higher density schemes, some developers appear to be 'mothballing' schemes but only after having completed the external elevations, which reduces the propensity for such buildings to look unfinished for a period of time.

(iv) Listed Buildings 'At Risk'

Listed buildings at risk through lack of investment can have a negative impact on local neighbourhoods. The approach will vary from building to building but encouragement and persuasion can be effective. There are more formal options available but these all carry a degree of financial risk, including the potential need to go through compulsory purchase. Even the provision to serve 'urgent works' notices (more for temporary than permanent repairs) carries significant risk as the cost of works carried out by a local authority in default can not be reclaimed as a land charge but has to go through civil debt procedures. Recovery is therefore uncertain and time-consuming.

(v) Demolition Sites

Unfortunately, there is no jurisdiction over demolition, apart from listed buildings and buildings in conservation areas, within the planning system. As such there is no means by which requirements for temporary treatment can be imposed with conditions for on-going maintenance. Therefore, other powers under S.215 have to be invoked to address untidy and fly-tipped sites following demolition.

3. Land and Buildings in Council Ownership

(i) Maintenance of Sites

Members will be aware that Council land has historically been in the ownership of individual departments who have each had responsibility for ongoing maintenance and upkeep of sites. This has been problematic for a number of reasons. It can often be the case that one site is owned by more than one department with differing budgets and maintenance regimes for example, and, given the dispersal of land ownerships and resources across departments, budgets for maintenance have often not been co-ordinated or used as effectively as they could be. Certainly, feedback from Members and Street Environment Managers is that there are a number of areas of land which are Council owned and appear to be poorly maintained.

Following the introduction of the role of Corporate Landlord in April this year which has undertaken the management of all operational property under a single department – Corporate Property - there is now agreement to review all Council land to see if similar benefits which are arising from having a single ownership of property can be realised from land holdings. As a key part of this, the Head of Corporate Property and the Head of Environmental Services are working together on a mapping exercise to identify the maintenance regimes and budgets for all Council sites across the city. This involves updating the existing GIS system to provide information which will show the maintenance schedule of every piece of land the Council is responsible for. This will provide details of the type of maintenance and will be accessible by Environment On Call so that Councillors and members of the public can readily have information about what work is scheduled to each piece of land

owned by the Council. It is the intention to include RSL and ALMO maintained land on this database. Currently the Grounds Maintenance resources of the Council are fully deployed. However, once the mapping is complete, the aim is to develop a long-term strategy of investment and maintenance where resources are pooled and prioritised to tackle the most prominent or strategic sites. The aim is to complete this work by March 2009.

In the meantime, maintenance on sites continues as part of existing schedules. Where problems arise such as flytipping, resources can be called upon from budgets in Streetscene Services and Corporate Property. This latter budget is very limited and usually only used where travelers have left rubbish / materials on Council sites. In respect of travelers, it should be noted that work is currently underway focused on the enforcement of unauthorised encampments which is considering prevention, including securing sites, as well as a multi agency targeted response and speedier legal action.

4. Use of Temporary Landscaping, Hoardings and Public Art

Where the Council is promoting major developments or undertaking regeneration activity, it has used a number of measures to improve or screen land and buildings. Members will be aware that this approach was adopted on a significant scale for the Commonwealth Games in 2002. It is unlikely that the level of resources required to deliver this - which comprised a package of grants from North West Development Agency, Neighbourhood Renewal Fund and European Regional Development Fund (ERDF) - would ever be available to the city again. However, on a smaller scale, a number of schemes since 2002 have successfully dealt with individual sites in advance of and during redevelopment. Examples include:

- Maine Road – where fencing was required primarily as a health and safety measure given the conditions of the site after demolition of the football stadium but which also effectively screened the site. However, it should be noted that the cost – in excess of £30,000 – had to be met by the Council as the fencing was required before a developer was appointed. As part of the public art programme for Maine Road to encourage local people to be involved in the regeneration proposals, a portion of the fence was decorated by an artist and young people from a local school with a mural. The costs for this were met from contributions from the Council, English Partnerships and the developer, Lowry.
- Gorton Monastery – where hoardings were erected to screen the building during refurbishment. The hoardings included a history of the Monastery and of Gorton's development and were as much about promoting the work of the Monastery Trust and New East Manchester (NEM) and instilling pride in the local community as they were about screening the building off and health and safety. Photos are attached at Appendix 1.

- Beswick – where hoardings have been used extensively to screen off demolition and development sites. In the main, where they are housing sites, the developer has provided the hoardings complete with advertising / NEM promotional signage as part of their site preparation / marketing costs. On one key site at Beswick Centre, which will be redeveloped as part of the neighbourhood regeneration plans for the area, the use of hoardings has been essential to promote the fact that existing local shops and businesses remain open during the construction works. As a partnership project, this has been jointly funded by the developer, Gleesons, ERDF and NEM's own marketing budget. Photos are attached at Appendix 1.
- Newton Heath Market - where hoardings are being erected to screen refurbishment works and promote the fact that the market continues to trade throughout the works. This is funded through a combination of ERDF and NEM budgets.

5. Conclusion

- 5.1 There are a range of measures the Council can adopt to deal with eyesore sites and buildings. In terms of enforcement, these measures are promoted and utilised by the various Council departments responsible, although it should be noted that, in many cases, action on the ground can take time to materialize, if at all. Dealing with the Council's own land in terms of planned maintenance should become easier if the Corporate Landlord approach is adopted and the mapping exercise outlined in Paragraph 3(i) above is implemented in 2009. This will help determine how maintenance of sites should be prioritised within the resources available for Grounds Maintenance.
- 5.2 In terms of proactive measures which involve improving or screening land and buildings such as those outlined in section 4 above, the Council and NEM will continue to promote opportunities where resources are available. It should be noted that this approach can be very costly and where grant is not available to support the costs, the Council usually has to find the resources either from its own budgets or because the costs are deducted from the value of the Council's land by developers. Thus, it is likely that priority for such projects will need to be given to major strategic regeneration opportunities.

6. Recommendation

Members are asked to note and comment upon the report.