

THE FUTURE OF THE NORTHMINSTER (MARKET) MULTI-STOREY CAR PARK (MSCP)

Councillor Peter Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments in consultation with the Leader of the Council

August 2019

Deadline date: 28 August 2019

Cabinet portfolio holder:	Cllr Peter Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments
Responsible Director:	Peter Carpenter, Acting Corporate Director Resources
Is this a Key Decision?	Yes If yes has it been included on the Forward Plan: Yes, since 16 August 2019 however, urgency procedure invoked. Unique Key decision Reference from Forward Plan: KEY/16SEPT19/02
Is this decision eligible for call-in?	No (waiver of call-in procedure invoked)
Does this Public report have any annex that contains exempt information?	No
Is this a project and if so has it been registered on Verto?	Yes Verto number: PR002587

R E C O M M E N D A T I O N S

The Cabinet Member, in consultation with the Leader of this Council, is recommended to:

1. Authorise the council to demolish the Northminster multi-storey car park at the earliest opportunity.
2. Authorise the council to make the budget available to cover the anticipated costs of demolition and the costs associated with making safe and vacating of between £1m and £2.75m (capital and revenue).
3. Authorise the Director for Legal and Governance, or delegated officers, to enter into any other legal documentation on behalf of the council in relation to this matter.

1. PURPOSE OF THIS REPORT

- 1.1 This report is for the Cabinet Member for Cabinet Member for Strategic Planning and Commercial Strategy and Investments to consider exercising delegated authority under paragraph 3.4.3 and 3.4.8 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (q).
- 1.2 With the approval of the Chairman of Growth, Environment, and Resources Committee, the urgency procedure, special urgency procedure, and waiver of call-in procedure have been invoked to suspend the requirement to publish notice of the decision for 28 days, to suspend the requirement to publish the decision for five days, and to subject the decision to a three day call-in period. These procedures have been invoked to ensure that the council can take the immediate actions required to ensure public safety is maintained.
- 1.3 This report sets out the concerns that have been raised as to the structural integrity of the Northminster multi-storey car park and the risks that these present to the public if urgent action is not taken, to either demolish it or put in place precautionary propping with a view to longer term refurbishment.
- 1.4 The report supports the option to demolish the car park at the earliest opportunity rather than expend further investment on its refurbishment. There are specific financial and operational implications in relation to either course of action. These are set out in section 3 of this report.
- 1.5 To ensure that public safety is maintained and to mitigate any ongoing risk / financial impact the council is working to tight timescales for the design, procurement and demolition works. It would not be in the public interest for this to be further delayed by the ordinary time frame of 28 days for publication of the CMDN, timeframes for call-in and the subsequent arrangements for a meeting of the relevant scrutiny committee (if required).

2. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
---------------------------------------------	-----------	----------------------------------	------------

3. BACKGROUND AND KEY ISSUES

- 3.1 This situation has arisen following two recent independent structural engineer reviews of the car park by, respectively, Rolton Group (“Rolton”) and SKANSKA. The general conclusion of both reports is that the car park has arrived at the end of its economic and serviceable life and should either be demolished or refurbished.
- 3.2 The preferred option from both reviews is that the car park is demolished as it presents a risk to the public if it remains in situ and the costs of refurbishing it to give a limited life extension of no longer 10 – 15 years are estimated at between £3.5m to £7.0m.
- 3.3 The car park was constructed during the late 1970s and it was therefore known to be reaching the end of its expected lifespan. The Rolton report was commissioned to provide the Council with an update on its condition before decisions on its future were made.

- 3.4 The report was issued in July 2019 and highlighted significant impairment of the concrete and structural integrity of the car park. The report recommended closure to vehicles and public access to reduce further impact from live loadings, shock and vibrations. Consequently, the council took the decision to close the car park to vehicles from 26th July.
- 3.5 The Rolton report recommends that there is either significant, and costly, investment in the car park to allow it to be used into the future, or that it is closed permanently and demolished.
- 3.6 A further report was subsequently commissioned by the council to provide a second opinion. The recommendations in this report, by SKANSKA, correlate with those of Rolton and state that 'the structure is beyond economic repair, and it is considered highly likely that any further investigations or analysis will only prove that the life of the structure cannot be extended'. It therefore recommends that the car park is decommissioned and demolished.
- 3.7 The condition of the car park is such that prompt action is required to implement a design and procurement programme to demolish the car park and ensure that the public remain safe. The car park was built using a 'lift slab' construction technique. Although an innovative and economic method of construction at the time it has since been identified to have inherent weaknesses making it susceptible to sudden and unexpected collapse. The SKANSKA report advises that whilst the risk of the structure falling in the short term is assessed as being relatively low the impact of any failure could be significant.
- 3.8 The Rolton and SKANSKA reports advise that the shop units are vacated within 3 months to facilitate precautionary works or demolition works and the council has begun to work with the tenants to facilitate their decant by mid-October 2019.
- 3.9 At the same time, the Council has been engaging with the market traders to explore ways to mitigate any impact on their businesses from closure and demolition, if authorised by this CMDN.
- 3.10 The Council has also commissioned Rolton to provide regular monitoring checks on the car park over the next period to ensure that no further significant deterioration in its condition is evident and some minor works to the brick parapet as recommended by SKANSKA will form part of the buildings decommission.
- 3.11 Both reports suggest that refurbishment of the car park is technically feasible. Certainty on this, however, could only be assessed through intrusive testing that would be costly, time consuming and impact on the integrity of the structure. If this course of action was to be pursued the shop tenants would still need to be decanted to enable suitable and extensive internal and external propping and scaffolding and adjacent market trades impacted on.
- 3.12 The reports advise that the CCTV unit that is based on the top floor of the car park are relocated if immediate demolition proceeds and the Council is seeking alternative premises to facilitate this
- 3.13 Both SKANSKA and Rolton advise that the car park is demolished at the earliest opportunity. To facilitate this, the Council needs to start the process of procuring a demolition company to plan the method of demolition and making safe for the surrounding area.
- 3.14 In summary:
- (a) The condition of the car park is such that prompt action is needed to ensure public safety. To facilitate the demolition (or works to refurbish) of the car park, the shops need to be vacated. The technical advice is that this needs to have been achieved

within 3 months. The council is engaging with the shop tenants to secure possession of the premises by mid-October at the latest.

(b) It might be technically feasible to refurbish the car park, but this is not a suitable or acceptable option because:

- this would be at major cost to the council at a time when its budget is already facing significant pressures and with little chance that the costs will be recouped over any extended life that this might give to the car park;
- this area of the city had already been identified for development in the Local Plan as the Northminster Opportunity Area and the significant potential of the site for regenerating the whole area is being actively considered;
- this would require additional expenditure to undertake a more extensive and costly condition survey with no guarantee that this would support refurbishment and, indeed, by its very (intrusive) nature would put additional strain on the car park structure;
- the car park would remain closed for upwards of two years to allow for further investigations, design and works to be completed (whereas, following demolition, a temporary surface car park could be installed to provide a public facility prior to the wider development of the area)

(c) This report supports:

- the demolition of the car park as soon as practicable to mitigate any ongoing risk to the public (as recommended by 2 independent structural engineering companies);
- facilitating the decanting of the shop tenants, the market traders and the CCTV office;
- the prompt procurement of a demolition company and addressing the need for suitable propping and precautionary works.

4. CONSULTATION

4.1 The Council has engaged shop tenants, market traders and internal stakeholders over the options open to the Council.

5. ANTICIPATED OUTCOMES OR IMPACT

5.1 The demolition of the car park will ensure public safety.

5.2 It will impact on the shop tenants, the market traders and the CCTV office that will need to be decanted and, where feasible, relocated.

5.3 It will reduce the number of available car park spaces around the city and impact on the council car park revenue.

6. REASON FOR THE RECOMMENDATION

- 6.1 Agreeing the recommendation will ensure that actions can be taken to ensure public safety and, more specifically, enable the procurement of a demolition company, the decant of the shops and ongoing consideration of the implications for the market.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The refurbishment of the car park was considered. This report has set out why that is not the favoured option.

8. IMPLICATIONS

Financial Implications

- 8.1 The demolition of the car park will require an anticipated budget of between £1m and £2.7m (capital and revenue).

The urgency to secure a decision to move forward and the speed of response to the engineer reports has meant that it is not possible at this stage to provide an exact costing for these activities. The budget estimate is based on an initial high-level costings exercise.

Legal Implications

- 8.2 The necessary vacation of the shops to install precautionary works in the short term means that the council is not able to give the required statutory notices to quit however it has been noted that these are extraordinary circumstances and that an accelerated vacant possession can be achieved outside the normal confines of the notice periods through mutual agreement and waiver.
- 8.3 The reason for the decision to close the car park (defects) has implications for the council under the main covenant covering the tenancies, the Landlord and Tenant act 1954, The defective premises Act 1972. The Council also has to consider the guidance by the Health and Safety Executive as the Council has both statutory and fiduciary duties to all individuals accessing the site for whatever reason.

Equalities Implications

- 8.4 None.

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 9.1 None.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

10.1 "Inspection report regarding the condition of structural concrete at MSCP Northminster"
(July 2019) Rolton Group. "Northminster multi-story car park: structural review report"
(August 2019) SKANSKA

11. APPENDICES

11.1 None.