

Public Document Pack



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14 March 2023

Dear Councillor

NOTICE OF DELEGATED DECISION – (LD08 22) LEVELLING UP FUND PROJECT – DEMOLITION OF 11, 14 AND 15 BENCH STREET, DOVER

Please find attached details of a decision taken by Councillor Trevor Bartlett, Leader of the Council, in relation to the demolition of 11, 14 and 15 Bench Street, Dover.

The deadline for call-in of this decision is **10.00am on Monday, 20 March 2023**.

If call-in is not activated, the implementation date for this decision will be noon on 20 March.

Members of the public who require further information are asked to contact Democratic Services on 01304 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in purple ink that reads "Kate Breezy - Smith".

Democratic Services Officer

ENCL

- 1 **NOTICE OF DECISION TAKEN BY THE LEADER OF THE COUNCIL - (LD08 22) LEVELLING UP FUND PROJECT - DEMOLITION OF 11, 14 AND 15 BENCH STREET, DOVER** (Pages 2-6)

Decision Notice

Decision No:	LD08
Subject:	LEVELLING UP FUND PROJECT – DEMOLITION OF 11, 14 AND 15 BENCH STREET, DOVER
Notification Date:	14 March 2023
Implementation Date:	20 March 2023
Decision taken by:	Councillor Trevor Bartlett, Leader of the Council
Authority:	By virtue of Section 9(E) (2) (a) of the Local Government Act 2000
Decision Type:	Executive Key Decision
Call-In to Apply?	Yes (the deadline for call-in will expire at 10.00am on 20 March)
Classification:	Unrestricted
Reason for the Decision:	To progress the regeneration of Bench Street, Dover, approval is sought to proceed with the demolition of Nos 11, 14 and 15 Bench Street, and to delegate to the Strategic Director (Place and Environment) the authority to award the demolition contract.
Decision:	<ol style="list-style-type: none"> 1. To approve the demolition and associated works in relation to Nos 11, 14 and 15 Bench Street, Dover. 2. To delegate to the Strategic Director (Place and Environment), in consultation with the Leader of the Council, the authority to procure and award a contract for the demolition.

1. **Consideration and Alternatives (if applicable)**
 - 1.1 See attached report.
2. **Any Conflicts of Interest Declared?**
 - 2.1 None.
3. **Supporting Information (as applicable)**
 - 3.1 See attached report.

Subject:	LEVELLING UP FUND PROJECT – DEMOLITION OF 11, 14 AND 15 BENCH ST, DOVER
Date:	14 March 2023
Decision taken by:	Councillor Trevor Bartlett, Leader of the Council
Report of:	Martin Leggatt, Regeneration Delivery Manager
Portfolio Holder:	Councillor Trevor Bartlett, Leader of the Council
Decision Type:	Executive Key Decision
Call-In to be suspended:	No (<i>call-in will expire at 10.00am on 20 March 2023</i>)
Delegated Authority:	By virtue of Section 9(E) (2) (a) of the Local Government Act 2000
Classification:	Unrestricted

Purpose of the report: To seek approval to proceed with the demolition of Nos 11, 14 and 15 Bench Street and to delegate to the Strategic Director (Place and Environment) the authority to award the demolition contract.

- Recommendation:**
1. To approve the demolition and associated works in relation to Nos 11, 14 and 15 Bench Street, Dover.
 2. To delegate to the Strategic Director (Place and Environment), in consultation with the Leader of the Council, the authority to procure and award a contract for the demolition.
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1. Summary

- 1.1 In January the government published details of the successful bids for Levelling Up Fund second round. The Dover Beacon project, to redevelop the Bench Street area and deliver an education hub and business centre, was one of the successful bids. The delivery timetable is extremely challenging and to support the Council in delivery in line with the time commitments of the bid submission, it is crucial to commence the demolition of Nos 11, 14 and 15 Bench Street at the earliest opportunity.
- 1.2 The previous owners, it is evident, had undertaken very little maintenance on the buildings. The result is that when Dover District Council acquired the buildings, they had already been allowed to deteriorate to such an extent that they are beyond saving and Building Control have confirmed that they consider the buildings, in particular No.11, the building chosen by Banksy for the artwork, to be dangerous.
- 1.3 Officers are acutely aware that Banksy chose Dover as a location and has carefully considered the future of the Banksy Brexit mural but have reluctantly reached the conclusion that, given the dangerous state of the building, it is simply not an option to retain the wall as part of the redevelopment.

1.4 The tender documents oblige the demolition contractor to ensure that The Crypt, a Grade II-listed medieval undercroft which adjoins the site of No 11 Bench St, is fully protected during the demolition process, something that will be assessed and tested as part of the planning application for prior approval to demolish the buildings. The appointed contractor will ensure that The Crypt is fully protected during the demolition process.

2. Introduction and Background

2.1 In January the government published details of the successful bids for Levelling Up Fund second round that would be awarded. Around a fifth of the bids submitted to DLHUC were successful and this included the bid submitted by Dover District Council. There has been a delay in government issuing the awards whilst an issue concerning subsidy regulations is being resolved and the formal award is expected within the next couple of weeks.

2.2 The delivery timetable is extremely challenging and to support the Council to deliver in line with the time commitments of the bid submission it is crucial to commence the demolition at the earliest opportunity so that there is no chance of the demolition adversely impacting redevelopment.

2.3 The demolition contract relates to Nos 11, 14 and 15 Bench Street which have recently been purchased by Dover District Council to assemble the land holdings needed to deliver the regeneration of the Bench Street area.

2.4 The previous owners, it is evident, had undertaken very little maintenance on the buildings. The result is that when Dover District Council acquired the buildings, they had already been allowed to deteriorate to such an extent that they are beyond saving. Building Control have confirmed that they consider the buildings, in particular No.11, the building which Banksy chose for the artwork, to be dangerous.

2.5 Some preliminary works have already been undertaken to make the buildings safe and to prevent falling glass and render. The footpath at the junction of Bench Street with York Street along with the access steps to the underpass on this corner have been closed off with Heras fencing as a precaution along with the Bench St footpath in front of Nos 14 and 15. These temporary measures have been sanctioned by Kent County Council Highways on health and safety grounds but the closures cause disruption and inconvenience to the local community, which will cease once the demolition removes the danger.

2.6 Officers are acutely aware that Banksy chose Dover as a location and has carefully considered the future of the Banksy Brexit mural, which appeared on 11 Bench Street in May 2017. The Council looked at a range of options for preserving the Banksy, including retaining the wall with the mural in its current location as part of the redevelopment and taking it down to be stored and relocated at some time in the future to a location yet to be determined. Given the dangerous condition of the building and the high degree of specialist conservation work that would be required to retain the mural, the estimated cost of these measures is in the region of £2-4 million. Officers have reluctantly come to the conclusion that, given the dangerous state of the building, it is simply not an option to retain the wall as part of the redevelopment.

2.7 The demolition has the potential to affect not only Nos 11, 14 and 15 Bench Street but also the adjoining sites. In the main the buildings are adjacent to either public highways or land owned by the Council that does not contain structures. There are of course health and safety implications that apply to all demolitions and these naturally are incorporated in to the demolition tender documents. In addition, adjacent to No 11 is

The Crypt site, which needs to be treated sensitively, not only out of respect for those involved in the tragic fire in 1977, but also to protect the Grade II-listed medieval undercroft. The appointed contractor will ensure that The Crypt is fully protected during the demolition process.

- 2.8 In order to expedite the letting of the demolition contract, so as to remove the danger posed by the buildings as quickly as possible, authority needs to be delegated to the Strategic Director (Place and Environment), in consultation with the Leader of Dover District Council, to take all necessary actions to award the contract.

3. **Identification of Options**

- 3.1 To proceed with the demolition.
- 3.2 Not to proceed with the demolition.

4. **Evaluation of Options**

- 4.1 *To proceed with the demolition* – this is the recommended course of action as it precipitates actions to remove buildings that pose a danger to passers-by and facilitates the speedy delivery of the Levelling Up Fund Dover Beacon project in accordance with timelines set by the grant funding body, (the Department of Levelling Up, Housing and Community).
- 4.2 *Not to proceed with the demolition.* Not proceeding with the demolition means that the buildings continue to pose a danger to the health and safety of passers-by and the delivery of the Dover Beacon project could be compromised. This option is not recommended.

5. **Resource Implications**

- 5.1 The proposed demolition costs, of up to £900k, will be funded from the Levelling Up Fund grant funded Dover Beacon project. However, at this time, there has been a delay in government issuing the awards whilst an issue concerning subsidy regulations is being resolved; the formal award is expected within the next couple of weeks.
- 5.2 In the unlikely event that the LUF grant is not received the demolition will be funded from the Regeneration Projects capital budget included in the approved 2023/24 Budget and Medium-Term Financial Plan. However, the risk of this is small as the Dover Beacon bid has been publicly announced and it is just the formal completion of the bid process that is awaited.

6. **Climate Change Implications**

- 6.1 Whilst energy and resources, which have an inherent carbon footprint, are required to undertake the demolition, the contractor will set aside any undamaged materials such as bricks and slates for re-use and will recycle the vast majority of the remaining material for use as hardcore. The Council will encourage the contractor to recycle as much material as possible.

7. **Corporate Implications**

- 7.1 Comment from the Section 151 Officer: The Head of Finance and Investment has been consulted on this report and has no further comments to make.
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 7.3 Comment from the Equalities Officer: 'This report relating to the demolition of numbers 11, 14 and 15 Bench Street does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>' (KM)
- 7.4 Comments from the Principal Sustainability & Climate Change Officer: The Principal Climate Change & Sustainability Officer has been consulted and has no further comment to make.

8. **Appendices**

None.

9. **Background Papers**

LUF bid submission

Building Act 1984, sections 77 and 78.

Contact Officer: Martin Leggatt, Regeneration Delivery Manager