



Development Control Committee

DATE - 29th April 2010

Report of Head of Regeneration - Development and Delivery

Bell Inn, Market Place, Willenhall

Recovery of Expenses following from Section 54: Urgent Works Notice

1.0 PURPOSE OF REPORT

To request authority for the service of a notice under section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the owner of The Bell Public House, Market Square, Willenhall. The notice sets out the costs, including establishment costs that the Council seeks to recoup for works carried out under the three Urgent Works Notices served during the course of 2009.

2.0 RECOMMENDATIONS

- 2.1 That authority is granted for the service of a Notice under section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 36 of the Local Government Act 1974.
- 2.2 To authorise that, in the event of non-compliance with the Notice, the decision as to institute legal proceedings to recover the sums due, be delegated to the Assistant Director of Legal Services.
- 2.3 That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Head of Development and Delivery in consultation with the Assistant Director of Legal Services, to approve the final schedule of costs to be attached to the Notice.

3.0 FINANCIAL IMPLICATIONS

The Council has the ability under section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to reclaim the expenses for this work from the owner. The works undertaken as part of the Urgent Works Notice costed approximately £2500. This includes the cost of works undertaken as part two Urgent Works Notices and a £500 attendance fee incurred by Property Services.

4.0 POLICY IMPLICATIONS

None arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The report recommends legal action in line with the Council's statutory duty to ensure the preservation of listed buildings.
- 5.2 Before any costs can be recovered, the Council must provide a clear statement as part of the Section 55 Notice setting out the costs it has incurred both for works done and establishment costs in taking direct action under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.3 The owner has a right to appeal the Notice under Section 55 part 4 to the Secretary of State if he deems that the works undertaken are 'unreasonable'. It is considered by officers that the works been undertaken are 'reasonable' and deemed as urgent where works were "*urgently necessary for its preservation*" and to protect and secure the fabric of the listed building.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

The report seeks to recoup relevant the costs that the Council has incurred as part of legal action that has been carried out to remedy adverse environmental impacts and to ensure the preservation of a listed building and the setting of the conservation area.

8.0 WARD(S) AFFECTED

Willenhall South

9.0 CONSULTEES

None

10.0 CONTACT OFFICERS

Ben Williscroft – Senior Regeneration Officer (Built Conservation)
(01922) 652449

11.0 BACKGROUND PAPERS

On Building Conservation file.

English Heritage – 'Stopping The Rot' (1999)

Simon Tranter- Head of Regeneration – Development & Delivery
Regeneration and Performance Directorate

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12. BACKGROUND AND REPORT DETAIL

- 12.1 The Bell Public House is a Grade II listed building and in the centre of the Willenhall town centre and the Willenhall Conservation Area. Parts of the building are believed to date from the 1660's (built shortly after a fire which destroyed much of Willenhall). Much of the building's fabric dates from the eighteenth and nineteenth century, with some sixteenth and seventeenth century timber framing. The building has twentieth century alterations, such as the bar and other small scale 'lean-to' extensions.
- 12.2 In recent years the public house has closed and the building has been allowed to deteriorate. The building has suffered from arson attacks, as well as unauthorised entry and theft of lead to the roof which has resulted in significant damage to the building.
- 12.3 The Council have legal powers through the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 54, to take action against the owners of vacated listed buildings who fail to properly maintain them through wilful neglect. Section 54 states that an Urgent Works Notice should be served on the owners of a listed building where it is "*urgently necessary for its preservation*". The authorisation of such a notice gives the Local Planning Authority the power to undertake the necessary works (prescribed in the notice), should the owner not comply within seven days of writing. The follow-up section 55 gives local planning authorities the power to reclaim costs from the owner which have been spent on behalf of Walsall Council.
- 12.4 Three Urgent Works Notices have been served in 2009 with the intent to safeguard the existing building's fabric and prevent the further deterioration of the building. Members may recall that authorisation to serve these notices were authorised at Development Control Committee on 31st March 2009. During September 2009 in reaction to the Urgent Works Notices, the owner's contractor partially completed some of the prescribed Urgent Works but this was never completed in full. It was therefore considered that Council intervention was necessary to complete all works prescribed under each Urgent Works Notice in December 2009.
- 12.5 The Urgent Works Notices and the works that have been carried out on the building during 2009 consist of the following items:
- Clearing of all debris within the curtilage of the building including any vegetation which is currently disrupting the fabric of the building;
 - All openings (windows and doors) to be boarded with metal perforated security boards;
 - All drains, gutters and downpipes (rainwater goods) to be cleared of debris and repaired where appropriate;
 - Replacement of roof flashing and missing roof tiles where appropriate to make the building watertight. Inspection of all of the roof valleys;
 - Secure any historic building fabric, including any loose fabric within the building;

- The removal of an asbestos sheet within the building;
 - The securing and propping of interior rooms (cellar and rear room at first floor level);
 - Clearing of pigeon infestation;
 - Removal and treatment of timbers affected by dry rot;
 - Partial removal of the front canopy to ensure safety of the public.
- 12.6 Should any further deterioration be notified within the building or its curtilage, then the Council will consider serving further Section 54 Notices (as prescribed within the Planning (Listed Buildings and Conservation Areas) Act) where it is considered necessary, along with serving Section 55 Notices in order to recoup any relevant costs that the Council has incurred should it has to carry out the work on behalf of the owner.