



**Development Control Committee**

**Date - 31<sup>st</sup> March 2009**

**Report of Head of Regeneration - Development and Delivery**

**Bell Inn, Market Place, Willenhall**

**Urgent Works Notice**

**1.0 PURPOSE OF REPORT**

To request authority to serve a section 54 Urgent Works Notice (and to note the intention, if appropriate, to serve a section 55 Notice to reclaim the Council's expenses).

**2.0 RECOMMENDATIONS**

- 2.1 That authority is granted for the service of an Urgent Works Notice under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to require emergency works to be undertaken to ensure the structural stability of the building, to make it wind and weather proof and to prevent further vandalism and theft.
- 2.2 To authorise that, in the event of non-compliance with the Notice, the decision as to the institution of direct action 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 Assistant Director of Legal Services in Consultation with the Head of Delivery and Development, to approve the final schedule of emergency works to be attached to the Notice.
- 2.4 That the Committee note that a further report will be presented with respect to the intention, if appropriate, to serve a section 55 Notice to reclaim the Council's expenses relating to the section 54 notice from the owners.

**3.0 FINANCIAL IMPLICATIONS**

In the event of non-compliance with the notice within 7 days of its issue the Council will undertake the works outlined in the Notice. 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. It is anticipated that the works prescribed by the Urgent Works Notice will cost approximately £5500.

#### **4.0 POLICY IMPLICATIONS**

None arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

The report recommends legal action in line with the Council's statutory duty to ensure the preservation of listed buildings.

#### **6.0 EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

#### **7.0 ENVIRONMENTAL IMPACT**

The report seeks legal action 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.

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.
- 12.4 The Urgent Works Notice is intended to safeguard the existing building's fabric and prevent the further deterioration of the building, e.g. from vandalism. It is also used as a pre-cursor to further potential enforcement action, in the form of a Repairs Notice (authorised under this Committee) under Section 48, which in essence, goes further and beyond that of short-term safety and security requirements. If a Repairs Notice is served, and not complied with, it is usually expected that Compulsory Purchase Order (CPO) proceedings would follow. CPO proceedings usually take in the region of eighteen to twenty-four months to complete, including a public inquiry.
- 12.5 The Urgent Works Notice should include 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. All roof valleys should be inspected, which may require the erection of scaffolding/cherry picker;
  - Secure any historic building fabric;
  - Survey for possible asbestos within the building.