

E/09/0018/B - Unauthorised alteration works and neglect of a Grade II listed building at Bollywoods, 99 – 101 Fore Street, Hertford, SG14 1AS

Parish: HERTFORD

Ward: HERTFORD CASTLE

RECOMMENDATION

- a) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to prosecute the owner of the above site for the alteration of a listed building in a manner adversely affecting its character as a building of special architectural or historic interest and/or to take enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure works to restore the building to its former state.
- b) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required for the proper preservation of the building.

Period for compliance: 6 months.

Reasons why it is expedient to prosecute and/or issue an enforcement notice and/or issue a repairs notice:

1. The unauthorised works are detrimental to the Listed Building and fail to sustain and enhance the significance of this designated heritage asset, contrary to policy HE7.4 of PPS5.
2. The unauthorised works to a designated heritage asset have led to substantial harm to the Listed Building that is not outweighed by the criteria detailed in policy HE9.2 of PPS5. It is therefore contrary to policy HE9.2 of PPS5.
3. The neglect and lack of maintenance of a designated heritage asset have led to substantial harm to the Listed Building that is not outweighed by the criteria detailed in policy HE9.2 of PPS5. It is therefore contrary to policy HE9.2 of PPS5.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated on the north side of Fore Street about 20 metres west of the junction with South Street, within the Conservation Area of Hertford. The site comprises a ground floor restaurant with two upper floors and is a Grade II listed building.
- 1.2 In January 2009 a concern was expressed to the Council regarding the condition of the first and second floors of the 'Bollywoods' building.
- 1.3 An enforcement officer visited the site and noted that there were a number of windows to the first and second floors that required urgent repair and refurbishment. One window on the east elevation had a large casement element missing, the window being boarded up. A sash window on the same elevation had a broken central rail and missing glass. A dormer casement window on the south elevation had failed and was hanging off. The officer also had concerns regarding the condition of the parapet wall.
- 1.4 The enforcement officer wrote to the owner in February 2009 asking that the owner contact him to arrange a site visit. There was no reply to this letter. The officer wrote to the owner again imposing a site visit on 8th April 2009 and, with the then Conservation Officer, met the owner and his planning agent on site.
- 1.5 At this site visit the above mentioned items were still in the same condition as they had been in the January, with the exception of the dormer casement window, which had either been removed or had fallen off. The hole in the dormer window was internally covered with a piece of cardboard held in place by duct tape.
- 1.6 In addition to the above items, upon examination of the interior of the first and second floors of the building it became apparent that there were numerous other defects. Some were caused by neglect and lack of maintenance, such as the numerous broken panes of glass and sash cords in the windows and the number of window frame failures. Others were due to unauthorised works which have left the upper floors stripped of most ceilings and many internal walls. The staircase from the first to second floor had been removed, a crude doorway knocked through the party wall into number 97 Fore Street and other repairs made using inappropriate materials.
- 1.7 The owner, through his planning agent and architects, appeared to recognise his responsibilities for the building and undertook to produce a schedule for repairs and a timescale for them.

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- 1.8 Following detailed discussions with conservation, planning and enforcement officers a planning application was submitted on 10th September 2009, under application number 3/09/1458/LB for repairs to the listed building. However the structural report commissioned by the owner was not carried out until November 2009.
- 1.9 The structural report detailed other matters officers' had previously been unaware of. For example, short sections of new timber had been nailed to the bottom ends of the main roof rafters where severe degradation had occurred to the timber wall plate. This repair is considered by the owner's surveyor as being structurally unsound. It was further noted that the restraint plates and bolts installed to try to mitigate the significant bulging in the front elevation were loose; the report speculates that these items could have been disturbed during the process of removing the staircase.
- 1.10 On 23rd November 2009 the Head of Planning and Building Control wrote to the agents detailing the grave concerns of officers and giving a timescale in which to submit the further information required, including an exploratory opening up survey.
- 1.11 Following these opening up works a further report was submitted by the owner's surveyor. That report required that 20 'acrow' support props and wood joists be taken to the site. The report continued "These acrows shall be 'sold' rather than hired to the project as they are likely to be left in situ for some time".
- 1.12 Subsequent to this report there was a considerable delay in the submission of a repairs schedule and method statement. The drawings that were subsequently submitted did not address all the issues that officers' were aware of nor were all the repair materials and techniques considered appropriate to the listed building.
- 1.13 The planning application was refused as the repairs indicated were incomplete and inadequate and would be detrimental to the special historic character of the listed building. Accordingly it was considered to be contrary to (the then) policy BH10 of the East Herts Local Plan Second Review April 2007, which is not now a saved policy, and to national guidance in PPS5.
- 1.14 Members will be aware that the issue of a Repairs Notice under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 can, in certain circumstances, be a precursor to the compulsory purchase of a building if it is considered that reasonable steps are not being taken for the proper preservation of a listed building.

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1.15 It is not the intention of officers to recommend such a course of action at this stage and it is considered that further authority from Members would be required should such a course of action be considered in the future. However, a Repairs Notice is considered necessary and appropriate.

1.16 Photographs of the site will be available at the meeting.

2.0 Planning History

2.1 The most recent planning history for the site can be summarised as follows:-

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|--------------|---|--------------------------|
| 3/05/1816/FP | Retention of rear conservatory | Refused. |
| 3/07/0330/FP | Removal of flat roof to rear single storey area & provisions | Refused |
| 3/07/0331/LB | Single storey rear extension to conservatory | Refused |
| 3/07/0666/FP | Single storey rear extension to conservatory | Refused |
| 3/07/1317/FP | Removal of flat roof to single storey unit and new pitched roof | Approved with conditions |
| 3/07/1509/LB | Removal of existing corrugated roof to rear single storey area new pitched roof and minor alterations | Approved with conditions |
| 3/07/1814/LB | Removal of existing corrugated roof to rear single storey area new pitched roof and minor alterations | Approved with conditions |
| 3/08/1153/FP | Conversion of staff accommodation on first & second floor to 6 No. 1 bed units | Withdrawn |
| 3/08/1154/LB | Conversion of staff accommodation on first & second floor to 6 No. 1 bed units | Withdrawn |

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3.0 Policy

- 3.1 The relevant policy guidance in this matter is now contained within national policy PPS5 – Planning for the Historic Environment. The following policies are of particular relevance:-

HE7.4 of PPS5

HE9.2 of PPS5

4.0 Considerations

- 4.1 In this matter the main issue to be considered is the impact of both the neglect and the unauthorised works to the listed building.
- 4.2 Officers' consider that urgent structural repairs are required to ensure the survival of the listed building, although they understand that temporary supports are now in position.
- 4.3 Officers also consider that works are also required to rectify the damage caused to the historic fabric of the building by the unauthorised works. Whilst officers still wish to pursue the identification and completion of the necessary works by means of negotiation, if possible, they consider that given the urgency of the situation it is necessary to be able to serve notices and/or to prosecute the offender without delay should that prove necessary.

5.0 Recommendations

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Listed Building Enforcement Notice, a Repairs Notice and to commence legal proceedings with regard to the unauthorised works to, and neglect of, the listed building.