

5o E/11/0397/B – Deterioration of a grade II listed building and the need for urgent remedial works at Musley Hill Infants’ School, Musley Hill, Ware, SG12 7NB

Parish: WARE

Ward: WARE – TRINITY

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the works which are urgently necessary for the preservation of the listed building.

Period for compliance: 6 weeks.

Reason why it is expedient to issue an urgent works notice:

1. The empty building, although windows are partially boarded up, is not weathertight due to roofing defects, broken windows and both defective and missing rainwater goods.
2. The interior of the building is home to a large number of pigeons and the floor contains large numbers of dead pigeons and a substantial amount of their guano. This combustible material causes both fire and health hazards.
3. The removal of a section of the building’s lightning conductor places this prominent building at risk from a lightning strike.

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1.0 Background:

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated at the junction with Fanhams Road.
- 1.2 In November 2011 a renewed concern was expressed to Officers with regard to the deteriorating condition of this Grade II listed building which, Officers’ understand, had been unoccupied since approximately 2004.
- 1.3 The building, owned by The Ware Grammar School Foundation Trust, was leased to Hertfordshire County Council for many decades and used

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by them to provide premises for an infant's school. Officers' understand that when the lease was due for renewal the County Council closed the school as it was no longer required by them to provide education in the area.

- 1.4 Members may recall that at this time outline planning permission had been granted for the nearby major residential development of the former Hertfordshire County Council Trinity Centre Site in Fanhams Hall Road, Ware. That permission was subject to a Section 106 requirement requiring community facilities.
- 1.5 Officers understand that for the next few years the school building remained empty whilst the County Council made planning applications and negotiated with the site owners to acquire the former infants school to provide community facilities for the Trinity development, whilst also obtaining permission for a further 11 houses on the area of land reserved for community facilities under application number 3/06/1579/FP at the Trinity Centre site itself.
- 1.6 That planning application was subject to a Section 106 agreement to ensure that community facilities were provided elsewhere. However, such an agreement has not been signed by the County Council. The County Council also obtained planning permission for the conversion of Musley Hill Infants' School for a community use, together with the erection of two dwellinghouses, in 2006, that permission being renewed in 2009.
- 1.7 Following Land Registry Checks and correspondence to ascertain the current contact address of the owners, the Enforcement Officer wrote to the Solicitor to the Trustees on 3rd January 2012 expressing the concerns of Officers with regard to the condition of the listed building. He requested that a site visit be arranged for both the enforcement and Conservation Officers to view the site.
- 1.8 The Officers' visited the site on 30th January 2012 and met the Solicitor to the Trustees, his planning agent and building surveyor. The building was visibly in a very poor state of repair; a lead gully to the rear of the building had been completely stripped by thieves, who had also removed cast iron guttering, downpipes and a significant section of the lightning conductor. In the process many roof tiles had been smashed and other lead flashings removed.
- 1.9 Whilst some windows were boarded, or partially boarded, up there were other broken windows that were uncovered. Some stonework had fallen from the roof and other stonework and tiles appeared loose.

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- 1.10 The inside of the building had no electricity or water, the pipes and cables having, to an extent, been stripped by thieves. It was very damp inside with significant numbers of pigeons roosting in the high roofs, resulting in a thick layer of guano over the floor and the remaining fixtures and fittings. There were also a significant number of dead pigeons in the building.
- 1.11 The Solicitor stated that he had commissioned a full building survey report and that the Trust would look to carry out urgent repairs but added that the property was the only asset of the Trust which did not have any cash reserves. He added that the Trust had taken the view that the proposals of the County Council were unlikely to come to fruition and that the Trust was now looking for another purchaser.
- 1.12 The following day the Enforcement Officer wrote to the Solicitor listing the urgent works which Officers' considered essential to the preservation of the building. In that message the Officer stated that temporary repairs could be made using materials not normally acceptable on listed buildings, for example plastic rainwater goods and roofing felt in the stripped gully. However, he added, when the building was properly renovated appropriate materials would be required. He also pointed out the opportunity to apply for a buildings at risk grant for permanent works of repair and restoration.
- 1.13 A building survey report dated 29th March 2012 was received by Officers, followed by a schedule of temporary repairs on 3rd April 2012. Officers considered that these reports accurately identified the urgent needs of the building and the Trust stated that the works in the schedule had been put out to tender.
- 1.14 Despite further requests by Officers for updates and, most recently, assurances from the Trust that the works would be carried out in the second week of August, no works have taken place and the building continues to deteriorate. However there have been two applications for pre-application planning advice by different prospective purchasers of the property.
- 1.15 Officers' consider that if the identified urgent works are not carried out quickly and effectively then it may impact adversely on the viability of this important building, whatever the long term use of the site.
- 1.16 Photographs of the site will be available at the meeting.

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2.0 Planning History:

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

3/06/1581/FP Demolition of outbuildings, erection of Two 3 bedroom residential dwellings and erection of extension to existing building for community use. Approved.

3/06/1580/LB Demolition of brick outbuilding, temporary building and timber shed. Alteration of Victorian building to accommodate community use, alteration to north east elevation to accommodate extension for community use. Approved.

3/09/1613/FN Demolition of outbuildings, erection of two 3 bedroom residential dwellings and erection of extension to existing building for community use. (3/06/1581/FP). Approved.

3/09/1614/LB Demolition of brick outbuilding, temporary building and timber shed. Alteration of Victorian building to accommodate community use, alteration to north east elevation to accommodate extension for community use. Approved.

3.0 Policy:

3.1 Chapter 12 of the The National Planning Policy Framework requires local planning authorities to have a positive strategy in their decision taking for the conservation of heritage assets most at risk, pointing out that they are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance.

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4.0 Considerations:

- 4.1 The main consideration in this matter relates to the deterioration of this building, included in the Statutory List of Buildings of Special Architectural or Historic Interest at Grade II.
- 4.2 The building is not weather tight following thefts of metal, smashed windows and the deterioration of the roof leading to considerable water and damp ingress into the structure of the building. Furthermore an infestation of pigeons has led to substantial deposits of guano and dead pigeons within the building itself.
- 4.3 The removal of a significant length of the lightning conductor places the building at risk from a lightning strike. Given the cost of such a device, it would appear that the owners or tenants of the school considered that there was a real risk of such an event.
- 4.4 The service of a notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, if not complied with, will lead to the Council having to execute the required works themselves. However Section 55 of the same Act enables Councils to recover from the owner all the expenses of any works so carried out. It is the view of Officers that the value of the property exceeds the likely cost of any urgent repairs.

5.0 Recommendation:

- 5.1 In accordance with the above considerations, Officers' are of the opinion that works are urgently required to prevent the loss of this designated heritage asset and that such a loss would be contrary to national planning policy. Accordingly it is recommended that authority be granted to issue and serve a notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the works which are urgently necessary for the preservation of the listed building.