

Committee: Full Council

Agenda Item

Date: 25th July 2017

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Title: Repairs Notice for Tilty Mill

Portfolio Holder: Councillor S Barker, Cabinet Member for Environmental Services

Key decision: No

Summary

1. This reports serves to introduce and seek agreement from Council for the proposal to issue a Repairs Notice on Tilty Mill, Tilty: a Grade II* listed mill building which has been on the authority's Buildings at Risk Register (B.A.R.) since 1990.
2. Tilty Mill has also been added to Historic England's Heritage at Risk register (H.A.R.).

Recommendations

3. That a Repairs Notice be served upon the owners of the mill, to secure repairs to bring this building back to its condition at the time of listing to arrest further deterioration of the fabric and structure, unless reasonable steps are being taken to carry out essential repairs to the building.
4. That the Assistant Director Planning is given delegated authority to prepare and serve the Repairs Notice and associated Schedule of Repairs and to take all reasonable steps connected to the preparation, service, defence and enforcement of the Repairs Notice short of instigating compulsory purchase.

Financial Implications

5. The process will be managed internally by officers, alongside advice and guidance from the Heritage at Risk team at Historic England. Service of the notice will require specialist advice to be sought from the following professions; conservation architect, a millwright, structural engineer, quantity surveyor and valuer. Specialist legal advice may also be required. The Authority would need to procure these services prior to the service of the notice, in order to compile a detailed Schedule of Works, to accompany the notice.
6. These costs would be considered non-recoverable costs. The council could apply to Historic England for a grant to cover such costs, and initial discussions with Historic England's H.A.R. team suggest that such an application would be considered favourably, and the Authority could claim up to 80% of these costs back.
7. Were this grant application to be successful, the council would be liable for a minimum of 20% of the costs of procuring these specialist services. A precise

figure cannot be calculated until quotes/tenders have been submitted for the works, and the outcome of the grant application is known.

8. There would be further potential costs if it were necessary to compulsorily purchase the property should the necessary repairs not be carried out. However, that stage would be subject of a further formal decision by the council. Arrangements would be made for the council to do a back to back transfer of the property to a suitable body to take on the future maintenance of the important historic building.

Background Papers

9. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

- Historic England Heritage at Risk Register – Current
- Uttlesford District Council Building At Risk Register, 2017
- Listing Description Ref: 1112221 for Tilty Mill
- Historic England – Stopping the Rot: A guide to Enforcement Action to Save Historic Buildings, 2016

Impact

- 10.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	Health and Safety procedures should be observed during site visits due to the dilapidated condition of the structure, and risk of further collapse of floors, machinery and walls. As such, a risk assessment may be required, and PPE worn as necessary.
Human Rights/Legal Implications	Legal advice will be sought internally with regards to service of the notice, and specialist legal advice may be procured in addition.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	Compiling the Repairs Notice, in addition to site visits and meetings associated with the process will impact upon Conservation

	Officer workload, and that of supporting senior team leaders/ managers.
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Situation

11. The mill has been included on the Buildings at Risk register for some 27 years. During this time, the Conservation Officer has sought to work with the owners, who have owned the property throughout this period, to agree urgent works to make the building structurally sound and water/weather tight.
12. During this time, the owners have undertaken minimal action to address these requests, such as the cutting back of overgrown vegetation and boarding up of the openings to both secure the building, however, works have been insufficient to address the risk, and remove the building from the register.
13. The mill is an important local heritage asset, and has been recognised for its significance on a national level, though its designation as a Grade II* listed building in 1981. The now redundant watermill is early C18th in date, and was heightened in the C19th. Much of the machinery is still in place, and though not thought to be original, is historic and unusual in its survival, thereby contributing to the significance of the building.
14. A lack of maintenance of the structure has resulted in part of the external wall over the wheel-pit partly collapsing, as well as sections of the ground and first floors. As a result, some of the machinery in these areas has also been compromised.
15. The building is in a continued state of decline, and the works carried out to date have been insufficient to address this risk and arrest further deterioration or collapse.
16. Historic England contacted the Authority by letter on 16 February 2017 requesting that we issue a Repairs Notice on Tilty Mill. Prior to this, they had been in contact with the owners, and had suggested a series of urgent works for the mill. The owners then engaged a structural engineer of their own who responded with a report challenging the urgency of the works. Historic England had also forwarded details to the owners of various grant schemes available to them. The owners have not yet pursued this line of funding.
17. Suggestions for possible funding and grant schemes have also been suggested by the Conservation Officer, including the Eastern Plateau scheme, and the Countryside Stewardship Scheme.
18. A planning and listed building consent application was submitted in 2005 for the change of use of the mill to residential use. This was called in by the Secretary of State and the Listed Building Consent application refused.
19. An initial warning letter has been sent to the owners, advising them of the Authorities intention to consider using its powers under section 47 of the Listed Buildings Act 1990, and requesting a further site visit alongside Historic England representatives.

20. In order to serve the Repairs Notice, the Authority will need to engage specialist advisors as detailed in paragraph 4 above, to assess the building and put together a Schedule of Repairs for the building, to accompany the notice. The process will be carried out in strict accordance with the Historic England guidance set out in their updated publication 'Stopping the Rot', published 2016.
21. Once the Repairs Notice has been issued, the owners will have a period of 2 months to comply or demonstrate that they have taken 'reasonable steps for preserving the building'. There is no appeals process against a Repairs Notice. (*Stopping the Rot, 2016*)
22. Of the repairs notices approved by Local Authorities '69% did not need to be served, as the owner carried out the . . . works or sold the building following the threat of action' (*According to English Heritage, 2011*).
23. The notice can be withdrawn by the Authority at any time.
24. If the owners do not undertake works themselves, the Authority may then consider whether to pursue a Compulsory Purchase Order (CPO) and a back-to-back agreement with a trust/ developer. The decision to pursue a CPO would be at the discretion of the Local Authority.
25. Once the CPO notice has been served, any person with an interest in the building must apply to the magistrate's court within 28 days, for an order staying further CPO proceedings. They must demonstrate that reasonable steps have been taken to preserve the building. There is a right of appeal to the Crown Court.
26. The Authority has received interest from the East of England Building Preservation Trust (EEBPT) and Essex County Preservation Trust (ECPT) in terms of entering into a back-to-back agreement. It is assumed that further discussion and firm agreement would be sought from a partner organisation, prior to the CPO process being instigated.
27. As part of the CPO process, the Authority could apply under Section 50 of the Listed Buildings Act for minimum compensation to be paid to the owner, rather than the market value for the land 'enhanced by an assumption that listed building consent authorising works to preserve the listed building will be granted and carried out' (*Stopping the Rot, 2016*).
28. The CPO process enables the order to include 'Relevant land' in addition to the building itself, which it is necessary to acquire for its preservation, thereby facilitating future use and the long term viability of the asset.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
If adequate repairs are not	3 The building is in a poor	3 The building is listed as	Serve a repairs notice as recommended

<p>carried out in the short term, the building will deteriorate further and potentially collapse</p>	<p>condition and already deteriorating. Limited interventions by the owners have not arrested the deterioration.</p>	<p>Grade 2*</p>	
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.