

Case No. ENF/17/00066/LB

Grid Ref: 302039 107334

Address:

Manor House Hotel, Fore Street, Cullompton, Devon

Alleged Breach:

Listed building in a poor state of repair.

Recommendations:

That the Legal Services Manager be authorised to take any appropriate legal action, including the service of a notice or notices seeking the repair and redecoration of the exterior of the listed building. In addition, in the event of a failure to comply with any notice served to authorise prosecution and/or direct action.

Site Description:

Part of Manor House Hotel, 4 Fore Street, Cullompton, Devon.

A two-storey property of mid 19th century construction but possibly incorporating part of an earlier 18th century building. Listed grade II in use as part of The Manor House Hotel (Listed Grade II*). The property is also situated in Cullompton conservation area.

Site Plan:



Site History:

87/01630/FULL	Erection of extension to provide function room, skittle alley, toilets and additional bar area, demolition of outbuilding, disused toilets, garage and additional car parking	PERMIT
87/01631/LBC	Listed Building Consent for the erection of extension to provide function room/skittle alley toilets and additional bar area, demolition of outbuildings, disused toilets and garage	PERMIT
87/01919/LBC	Conservation Area Consent for demolition of outbuildings, disused toilets and garage	WD
89/00628/FULL	Alterations improvements and extensions to hotel premises	PERMIT
89/00629/LBC	Listed Building Consent for the demolition of buildings in car park and rear of Veryards and erection of extension and alterations and improvements to existing building	PERMIT
99/03125/LBC	Listed Building Consent to fix eyebolts (approx. 50mm in diameter) to walls of The Manor House Hotel, Ye Olde Tea Shoppe, Veysey Butchers, and Peggy's Pantry (2, 20, 30 and 43 Fore Street, Cullompton respectively) to facilitate provision o	PERMIT
82/00150/LBC	Listed Building Consent for repairs to fireplace and 1st floor including panelled ceiling	PERMIT
82/01362/LBC	Listed Building Consent for alteration to existing toilets and general improvements	PERMIT
83/01703/FULL	(a) Change of use from private residence to use as toel accommodation (to form extension to The Manor House Hotel adjacent) with car parking facilities - "Veryards", 4 Fore Street, Cullompton (b) Alterations to existing access from The Manor House Hotel, 2 Fore Street to Tiverton Road, Cullompton	PERMIT
15/00544/LBC	Listed Building Consent for structural repairs to masonry, involving part demolition and rebuilding north east corner and removal of existing cement render to north elevation	PERMIT

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)

DM27 - Development affecting heritage assets

DM31 - Enforcement

Reasons/Material Considerations:

4 Fore Street Cullompton is a Listed Building (grade II), lying in Cullompton Conservation Area. It is a mid 19th century former house possibly incorporating part of an earlier 18th century building. It was integrated with the adjoining Grade II* Manor House Hotel in the late 20th century. It has period detailing which could make a positive contribution to the street scene. The building is rendered stone with cob and brick to the front elevation (painted) with rusticated quoins, pilasters, a plat band, dentilled with frieze, and oriel and sash timber windows. There is an attractive door case and decorative metal railings.

The building has been in a declining condition for several years. In spring 2016 there were discussions with the owner and also his structural engineer concerning the removal of hard concrete render to the front elevation of 4 Fore Street with a view to replacing it with lime mortar and about rendering the south elevation (adjacent to The Walronds) where there is loss of render on the external face of the timber frame and evidence of rot in some of the underlying timbers.

Also in June 2016 the owner was approached by one of your building inspectors when a significant gap was observed between the heavy concrete render of the rusticated quoin and the front wall at the point where number 4 Fore Street joins number 2 Fore Street. It was agreed that this area of render should be removed. The cause of the render spalling away from the wall is likely to be partly due to cracking of hard render and long term leaking of rainwater goods together with a buddleia taking root in the masonry. Some scaffolding was put in place on the east elevation to enable this render to be removed. Further render was also removed to enable the condition of the front wall to be assessed. A report on the condition of 4 Fore Street was produced in June 2016 by the structural engineer to define the work required. The poor condition of lintels under the render and of the sills of the windows to the front (east elevation) was flagged up. This was again considered to be the consequence of hard cement render trapping water. The need for further scaffolding to the south side of the building was noted as necessary to carry out additional investigation of the condition of this wall at the higher level.

Based on the extent of the works required to the building the owner was advised that an application for listed building consent would be required for all works proposed to be done and for any further works required as a result of the further investigations of the south wall at the higher level. In preparation for the application some additional survey work was carried out in autumn 2016 but to date despite several telephone conversations and chase e mails no listed building consent application has been forthcoming. The scaffold to the front elevation remains in place acting as a buffer to the footpath bearing in mind that with the extensive cracking further render may fall away. The further scaffolding required in the gap between 4 Fore Street and The Walronds has still not been erected to assess the condition of the south wall at high level.

The building's condition and appearance is having a detrimental effect on both the immediate setting of the adjacent Grade I Walronds as well as on this part of the conservation area. Scaffolding has been up on the front elevation of the building for several months and this is also

considered to have a negative impact on the amenity of the area. This is confirmed by a number of complaints received by the Authority and concerns raised by local councillors.

It is now your Officers opinion that a section 215 notice should be served, requiring the property to be repaired and redecorated.

Human Rights and Equality Issues:

Any enforcement action could be said to impact upon the land/property owner/occupier's human rights under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1988.

In this case your Officers have considered the Act and circumstances and do not believe there to be any human rights implications but simply a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for the building to be preserved and kept in a reasonable state of repair. Therefore the Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 so as to prevent the demonstrable harm of the statutorily protected building and to protect the environment.

Options for action or remedy:

The list of options available is as follows:

Take no action:

This would not be the appropriate course of action. There is no justification for the Listed property to remain in its current condition and to impair the visual amenity of the area and character of the conservation area. To allow the current situation to persist is contrary to current planning policy and the listed building legislation.

Issue a Section 215 Notice seeking works to improve the condition and the appearance of the property:

This is considered by your Officers to be the appropriate course of action.

Reasons for Decision:

The statutorily protected listed property is in a poor state of repair and works have not been carried out to ensure its preservation, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Local Plan (Part 3) policy DM27. The amenity and character of the conservation area is adversely affected and works are required to improve the appearance and condition of the property and to prevent damage to the setting of the neighbouring high status listed building.

Steps Required:

All the works below are required to be carried out and shall be in accordance with the recommended works set out in the structural engineers report (Barry Honeysett) dated 15th June 2016.

1. Repair where possible or replace with cast iron all rain water goods such as guttering and downpipes to the front (east) elevation, ensuring that the repaired or replaced guttering and downpipes efficiently dispose of surface water. Ensure all rainwater goods are appropriately decorated with preparatory undercoats and gloss finish coats.
2. Remove all remaining damaged areas of render from the front (east) elevation and stabilise the underlying masonry as necessary including repointing of stonework in lime putty mortar.
3. Repair or replace, using timber, the window sills and lintels on the front (east) elevation as necessary in line with the structural engineer's report dated 15 June 2016.

4. Render the front elevation using lime render to accurately reinstate the appearance of the front wall including the rusticated quoins to the two front corners of the building and the plat band. Paint the wall using an appropriate exterior paint system compatible with lime including the requisite number of coats of paint.
5. Remove remaining render from the side (south) elevation, repair the underlying timber framing by scarfing in new timber or replace as necessary before re-rendering using lime render and painting using an appropriate exterior paint compatible with lime including the requisite number of coats.
6. Prior to repainting of all windows, clean and remove all flaking paint and redecorate using an appropriate primer, undercoat and gloss top coat.
7. Repair front door, door case and reveal panels by removing rotten timber and scarfing in new timber to match. Prior to redecoration, clean and remove all flaking paint; redecorate using an appropriate exterior paint system of primer, undercoat and gloss top coat.
8. Prior to repainting the small door to south of the main entrance door, clean and remove all flaking paint; redecorate using an appropriate exterior paint system of primer, undercoat and gloss top coat.
9. Prior to repainting remove all flaking paint from the front railings, treat with a proprietary rust treatment and paint using an appropriate paint system for metal railings.
10. On completion of all works remove scaffolding from site and leave site in tidy condition.

Period for Compliance:

Four months from the date the Notice takes effect.