



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 26 April 2022

Wards affected: Groby

Undertaking of Urgent Works (via enforcement) at Bradgate Stables

Report of Director (Environment & Planning)

1. Purpose of report

- 1.1 To inform Council of the condition of Bradgate Stables and to seek agreement of a course of action and strategy to address the issues with the building, including the use of enforcement powers.

2. Recommendation

- 2.1 Agree with the course of action and strategy for Bradgate Stables presented within the report including the use of enforcement powers. In particular:
- Approval is sought for the presentation of an Urgent Works Schedule and Specification to the owner giving notice that the Council intends to carry out the specified urgent works.
 - Approval is sought for the serving of the Urgent Works Notice upon the owner should no clear commitment to the works being undertaken voluntarily be provided. Council agrees to delegate approval of serving the notice to a Relevant Officer.
 - Approval is sought for the appointment of the required professional services to complete the urgent works in default, with the appointment delegated to a Relevant Officer upon expiry of a seven day period from the serving of the Urgent Works Notice and following no clear commitment to the works being undertaken voluntarily being provided.
 - The grant offer from Historic England to underwrite 80% of the costs for the completion of the Urgent Works be formally accepted.

3. Background to the report

- 3.1 Bradgate Stables is located within Groby Ward and lies to the north of the A50 between Bradgate Hill and Markfield. The Stables were built in 1856 for the 7th Earl of Stamford, Master of the Quorn Hunt 1856-63. It is a grade II* listed building placing it within the top 6% of most historically and architecturally important buildings in the country.
- 3.2 The Stables are in disuse and are not occupied. The site and surrounding land were acquired by the current owners in 2004. The Stables are in a considerable state of disrepair and continue to be identified by Historic England as being “at risk”. There have been years of inaction by the owners to address the condition of the Stables voluntarily and works are urgently required for their preservation.
- 3.3 In accordance with the objectives of the Council’s Heritage Strategy to address heritage at risk and as endorsed by the Executive on 11 August 2021 the Council embarked on the first stages of the Urgent Works process (under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990). This consisted of appointing a conservation accredited structural engineer and associated sub-contractors to survey the Stable complex and to prepare a Schedule of Urgent Works for their preservation. Historic England have granted aided 80% of the costs of this stage of the urgent works process.

4. Suggested course of action for Bradgate Stables

- 4.1 The Council are now in receipt of the Schedule of Urgent Works and associated specification. The required urgent works consist of vegetation clearance around the perimeter and within the stable complex to allow for access and inspection, erection of scaffolding for support and access to masonry walls, wall repairs, and specialist conservation work to preserve key architectural features on the stable tower. There is the possibility that the vegetation clearance may reveal the requirement of further works which could be delivered as a second phase. The works are specified to hold good for one year and are the minimum necessary for its preservation. An appointed Quantity Surveyor has costed the undertaking of the urgent works to be in the region of £290,000.
- 4.2 Due to the identified and likely presence of various protected species within the Stable complex and its vicinity further survey and supervision is required by a protected species surveyor. This places a time constraint on undertaking the urgent works to specific windows of opportunity, with a surveyor needing to be on site as soon as possible to commence great crested newt surveys and specific surveys (for reptiles) having to be undertaken by **the end of May** to allow for any subsequent vegetation clearance, otherwise the works are unlikely to be able to be completed this calendar year. There is therefore a need to progress the procurement of a surveyor as soon as possible either by the owner or the Council.

- 4.3 The next stage of the statutory urgent works process is to present the Schedule of Urgent Works and specification to the owner giving notice that the Council intend to carry out the urgent works within a specified time period, which is normally 14 days. This will provide the owner with a further opportunity to confirm their intention to undertake the urgent works voluntarily. If the owner agrees to undertake the works the Council should scrutinise the appointment of their contractor and work programme to ensure the works will be completed satisfactorily. Appointed Officers have rights of entry to monitor the works. **It is recommended that Council approve the presentation of the Urgent Works Schedule and Specification to the owner giving notice that the Council intend to carry out the urgent works.**
- 4.4 Should the specified time period for which the owner can confirm they intend to undertake the works voluntarily pass without any confirmation or a clear commitment to the works then the Council should serve an Urgent Works Notice. The Notice confirms that the Council will undertake the urgent works in default from a date no sooner than 7 days of the notice, which would provide the owner with one final chance to confirm they are seeking to undertake the work voluntarily. **It is recommended that Council approve the serving of the Urgent Works Notice upon the owner should no clear commitment to the works being undertaken voluntarily be provided. Council shall agree to delegate approval of serving the notice to a Relevant Officer.**
- 4.5 To continue the urgent works process the Council need to prepare for the works having to be undertaken by them in default. The works shall need to be commissioned and undertaken promptly. The current commission of the structural engineer includes for a tendering exercise where the engineer will recommend to the Council an appropriate contractor who is available and experienced to undertake the works, taking into account the critical timescales when the works can be undertaken over the upcoming months. The tendering process would also confirm the costs of the works. **It is recommended that Council approve the appointment of the required professional services to complete the urgent works in default, with the appointment delegated to a Relevant Officer upon expiry of the 7 day period from the serving of the Urgent Works Notice and following no clear commitment to the works being undertaken voluntarily being provided.**
- 4.6 Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 allows for a local authority to serve notice upon the owner to recover the costs of the works. Historic England have formally offered a grant of 80% of the costs to the Council of undertaking the works in default – this offer is on the expectation that the Council attempts to recover the costs from the owner and subsequently reimburse Historic England. The grant offer is 80% of costs up to £300,000 to allow for flexibility. **It is recommended that Council formally accept the offer of a grant from Historic England to underwrite 80% of the costs for the completion of the Urgent Works.**
- 4.7 Counsel opinion has been provided on aspects of the recommended course of action and strategy. Additional Counsel advice shall be provided upon the

content of the Urgent Works Notice and Schedule of Works in advance of its consideration by Council to ensure it is compliant with Section 54 of the Act.

5. Continued strategy for Bradgate Stables

- 5.1 The strategy of implementing the urgent works is to act as a stopgap rather than be a substitute for finding a long-term solution for the building. The Stable owners have been given every opportunity to address the perilous condition of the building voluntarily without action, but a final attempt can be made to determine if they will undertake the required works voluntarily now the Council are in receipt of the Schedule of Works. To this end it is recommended that in tandem with the formal urgent works process attempts are made to contact the owner to advise of the required works and make them aware of key timescales for the appointment of required contractors, in particular the protected species surveyor.
- 5.2 Further dialogue should also be sought with the owner regarding long-term options including offering Council and Historic England support towards the completion of a Feasibility Study for the Stables. The condition of the Stables and site constraints do present challenges, so it is currently not possible to determine if there is a satisfactory long-term solution for the building for all parties, but without following the suggested course of action to secure its immediate preservation discussion regarding its long-term future as a listed building of more than special interest could be irrelevant.

6. Exemptions in accordance with the Access to Information procedure rules

- 6.1 The report is to be taken in open session.

7. Financial implications [CS]

- 7.1 The costs to the Council for the works if required will be £290,000. However, 80% of this can be provided by Historic England grant towards completion of the works (the “services”). This leaves a net cost of £58,000 for the Council to fund. Supplementary capital estimates will need to be agreed for the £290,000 costs and £232,000 income. Due to the level of the budget, Council approval will be required.

Officers will take reasonable steps to claim money back from the owner. If funds are claimed back, Historic England will be reimbursed their element of the grant.

- 7.2 An assessment of any future potential liability arising from the works and how this is managed will be required.

8. Legal implications [MR]

- 8.1 Set out comprehensively in the report.

9. Corporate Plan implications

- 9.1 Places – creating clean and attractive places to live and work (using our enforcement powers to preserve the historic environment).

10. Consultation

- 10.1 None.

11. Risk implications

- 11.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 11.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 11.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
None		

12. Knowing your community – equality and rural implications

- 12.1 The planning service takes account of equality and rural issues as part of all the decisions taken.

13. Climate implications

- 13.1 Any proposed urgent works and longer-term repairs to Bradgate Stables are likely to require the specification of natural, sustainable and traditional materials including the use of lime based products rather than man-made materials.

14. Corporate implications

- 14.1 By submitting this report, the report author has taken the following into account:
- Community safety implications - none directly as a result of this report
 - Environmental implications - the suggested urgent works will have a positive impact upon the historic environment
 - ICT implications- none directly as a result of this report
 - Asset management implications - none directly as a result of this report

- Procurement implications - advice has been sought from the Procurement Officer and Section 151 Officer regarding the tendering and procurement of the professional services required for the undertaking of the urgent works
 - Human resources implications - none directly as a result of this report
 - Planning implications – the resource requirements to implement the suggested strategy for Bradgate Stables are set out within this report
 - Data protection implications - none directly as a result of this report
 - Voluntary sector - none directly as a result of this report
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Background papers: None

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