 <b>Executive Report</b> <b>21<sup>st</sup> August 2019</b>		<b>Agenda Item No. 6</b>
<b>Title</b>	Master's House, Saltisford, Birmingham Road, Warwick (Leper Hospital site) – Section 54(1) Urgent Works Notice	
<b>For further information about this report please contact</b>	Andrew Jones, Deputy Chief Executive <a href="mailto:Andrew.jones@warwickdc.gov.uk">Andrew.jones@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	Saltisford	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Executive 18th, April 2012 Executive 12 <sup>th</sup> February 2014 minute 153. Executive 5 <sup>th</sup> April 2018 minute 152	
<b>Background Papers</b>	See above	

<b>Contrary to the policy framework:</b>		No
<b>Contrary to the budgetary framework:</b>		No
<b>Key Decision?</b>		No
<b>Included within the Forward Plan? (If yes include reference number)</b>		Yes 1062
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>		No
N/A		
<b>Officer/ Councillor Approval</b>	<b>Date</b>	<b>Name</b>
Deputy Chief Executive	17 <sup>th</sup> July 2019	Andrew Jones
Head of Service	18 <sup>th</sup> July 2019	Dave Barber
CMT	29 <sup>th</sup> July 2019	Chris Elliott Bill Hunt Andrew Jones
Section 151 Officer	29 <sup>th</sup> July 2019	Mike Snow
Monitoring Officer	17 <sup>th</sup> July 2019	Andrew Jones (author)
Portfolio Holder(s)	29 <sup>th</sup> July 2019	Councillor Cooke
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below).</b>		

## 1. SUMMARY

- 1.1 This report recommends that Executive releases up to £25,000 from the Contingency Budget to ensure that funding is available to cover the cost of an Urgent Works Notice ("the Notice") to be served pursuant Section 54(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 in relation to the St Michael's Chapel and Master's House ("the Site"). This funding will only be utilised if the power to issue the Urgent Works Notice is authorised by the Planning Committee and in the event that the owner of the site fails to carry out the urgent works set out in the Notice of the urgent repairs (subject to the agreement of Planning Committee) should the owner of the land not undertake the repairs.

## 2. RECOMMENDATIONS

- 2.1 Executive notes the historical context of the site known locally as the Leper Hospital and officially as St Michael's Chapel and Master's House, and its recent history.
- 2.2 Subject to the Planning Committee authorising the issue of the Notice, the Executive agrees to release £25,000 from the Contingency Budget to cover the cost of the Council carrying out the works to be set out in the Section 54(1) Urgent Works Notice, served under the Planning (Listed Building and Conservation Areas) Act 1990, in relation to the Master's House should the owner of the building not undertake the said works.

## 3. REASONS FOR RECOMMENDATIONS

### 3.1 Recommendation 2.1

- 3.1.1 The Leper Hospital site contains the remains of St Michael's Church (106 & 108 Saltisford (Listed building entry 1035366)) and a 15th Century two-story timber framed building known as a Master's House (4, 5 and 6 St Michael's Court, Saltisford, Warwick (Listed building entry 1364850)), which is the subject of this report. The buildings are Grade II\* listed and are situated on a Scheduled Monument (List entry 1011035). The site is also a Designated Heritage Asset (no. 17004). It is one of only three known examples of leper hospitals in the county. An archaeological evaluation was undertaken in 2004 which among other things revealed stone wall foundations, a pebble yard surface, postholes and pits in the area between the chapel and the Master's House. Members can view the archaeological evaluation via this link [here](#). It is not possible for a Notice to be issued in relation to an ancient monument and confirmation from the contractor will be sought that none of the urgent works will impact on that part of the Site which is a scheduled ancient monument.
- 3.1.2 In February 2007 planning permission in respect of application W04/2128 was granted for conversion of the former chapel and Master's House to offices along with construction of an office building to the rear of the site and associated car parking to all buildings. Scheduled Monument Consent was granted in 2009. Despite these planning consents and the owner having undertaken remedial repair works to the Chapel the site remains undeveloped, with the Master's House exposed to the elements. The buildings therefore remain on the Heritage at Risk Register with the Master's House condition described as being "very bad"; the most serious of categories.

- 3.1.3 As recently as 2001 the land formed part of a larger parcel of land owned by Warwick District Council (WDC). The Council had produced a development brief which resulted in regeneration of the area with all the land redeveloped except for the Leper Hospital. This land was purchased by a private company and the ownership remains with the company as at today's date.
- 3.1.4 This Council has sought a solution for the site over many years. The site contains designated heritage assets of the highest significance yet its current state can reasonably be described as an embarrassment to the town and it has caused great concern to local Councillors and residents.
- 3.1.5 In 2012, this Council's Executive approved a Warwick Heritage Improvement Programme of projects and feasibility studies to see redundant buildings in Warwick brought back in to use. This programme has been successful with the *old Gasworks* and *Printworks* being redeveloped for affordable housing. The outstanding project is the Leper Hospital site.
- 3.1.6 At its meeting of 5<sup>th</sup> April 2018, Executive agreed to release up to £530,000 from affordable housing commuted sums received by this Council in respect of housing developments in Warwick to help deliver a supported housing scheme. Unfortunately, this scheme did not progress, however, officers are hopeful that a new scheme will be presented for Members consideration at the Executive meeting in October. This scheme will be produced by Waterloo Housing Association, West Midlands Historic Buildings Trust (WMHBT), Historic England, Architectural Heritage Fund and this Council. Nevertheless, whilst this work continues, the Master's House remains in a dire situation.

### 3.2 Recommendation 2.2

- 3.2.1 On 13<sup>th</sup> August 2019 Planning Committee is considering authorising the Head of Development Services to serve an Urgent Works Notice on the owner of the land requiring the urgent repair of the Master's House. The repair works are urgently necessary for the proper preservation of this listed heritage asset. The Notice requires the owner to take action within seven days of receipt of the Notice, after which the Council may undertake the work in default and serve notice on the Owner to pay the Council's costs.
- 3.2.2 If the landowner enters into a suitable contract for the works to be completed and if works are seriously underway within the next month, then the Council may not need to undertake the works and the funds will not be required.
- 3.2.3 The process for recovery of the Council's costs incurred in carrying out the work will be as set out in Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This involves the Council serving a notice on the landowner that requires him to reimburse the Council for the cost of the works. The Owner may then appeal this notice to the Secretary of State on any of the following grounds;
- (a) that some or all of the works were unnecessary for the preservation of the building; or
  - (b) in the case of works for affording temporary support or shelter, that the temporary arrangements have continued for an unreasonable length of time; or
  - (c) that the amount specified in the notice is unreasonable; or
  - (d) that the recovery of that amount would cause him hardship

- 3.2.4 Grounds (a), (c) and (d) are likely to present the most risk to the Council. The risk of a successful challenge on Grounds (a) are mitigated by the fact that the works specified in the repair schedule (see below) are the minimum necessary to safeguard the structure, in accordance with the professional views of the Council's Officers, and an expert consultant engineer. The risk of challenge under (c) is mitigated by the fact the Council followed due process and entered into a competitive tender exercise to ensure best value. Ground (d) is a risk that is beyond the control of the Council and could potentially result in it not recouping the expenditure.
- 3.2.5 The Council would be able to apply for a charge to be placed on the Site if the debt remained unpaid; this would follow after the notice is served, and after any appeal is determined in the Council's favour. Whilst this charge is of little value given the state of the building, should the scheme referenced earlier come forward, it may have some value then.
- 3.2.6 A structural survey and assessment of the building has been compiled by specialist surveyors following an inspection on 9th May 2019. This concluded that the building is in poor condition and in urgent need of works to stabilise and protect it from the elements to avoid further deterioration and loss of an important heritage asset within the district. The report identifies lateral movement of the building in Bay 1 and the lack of a stable structure at foundation level because of the condition of timbers at low level and the condition of the stone/brick plinth.
- 3.2.7 Several previous attempts have been made by the owner to stabilise the building however these did not follow a particular strategy and were predominantly reactive measures. The building had until recently been cocooned in a tarpaulin which has been blown off by the wind.
- 3.2.8 The survey recommends that internal scaffolding be erected that supports the roof structure, relieving the load at lower levels and stabilising the building laterally. It is not necessary to dismantle existing scaffolding as this could disturb the various props supporting the structure. It is also recommended that a protective tarpaulin or other suitable protection be reinstated as soon as possible in order to limit any further damage to the historic fabric from the elements.
- 3.2.9 Eight specialist contractors were contacted to see if they were interested in the work but unfortunately only two quotations were received. The chosen contractor quoted a cost of £16,649.62 plus VAT. However, this quote has been received without the benefit of a site investigation and it is therefore recognised that should the contractor be required on site, the price may need to be revisited. Consequently, significant contingency is being requested from the Contingency Budget.

#### **4. POLICY FRAMEWORK**

##### **4.1 Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. Amongst other things, the FFF Strategy contains Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
<b>Impacts of Proposal</b>		
Not applicable	A Designated Heritage Asset protected	Not applicable
<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers’ needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
Not applicable.	Not applicable.	Not applicable.

## 4.2 Supporting Strategies

- 4.2.1 One of the core planning principles outlined in the National Planning Policy Framework (NPPF) is to: “Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;”
- 4.2.2 Paragraph 126 (Section 12) of the NPPF also states that, in recognising that heritage assets are irreplaceable resources, local planning authorities (lpa’s) should set out a positive conservation strategy to ensure the continued maintenance and enjoyment of heritage assets, and those at risk from decay, neglect and other threats. The guidance goes on to say that the lpa should

consider “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”.

- 4.2.3 There is obviously a careful balance to be made when planning applications are considered for such sites and buildings. On the one hand, it is always desirable to return a listed building to its original use; for a building on the ‘at risk’ register, it is important to be able to get the building repaired, renovated and back into a viable use to ensure it survives and continues to contribute to the historic environment and to our understanding and appreciation of it. Careful consideration will need to be given to any ‘enabling’ works through the planning application stages. Para 128 of the NPPF states “that in determining applications, lpa’s should require an applicant to describe the significance of any heritage assets affected, including contribution made by their setting” – and to address this point applications for planning permission / listed building consent / scheduled monument consent will be supported by a Heritage Statement: [https://www.warwickdc.gov.uk/info/20377/conservation/1125/heritage\\_statements](https://www.warwickdc.gov.uk/info/20377/conservation/1125/heritage_statements)
- 4.2.4 In considering a suitable and viable use, many options have been looked at over the years. The result so far has meant that nothing has yet been achieved on the site and the buildings continue to deteriorate. These buildings are Grade II\*. This classification means that they are particularly important buildings of more than special interest; Only 5.8% of listed buildings nationally are Grade II\*.
- 4.2.5 The Warwick District Local Plan 2011-2029 states at paragraph 5.162, that “where listed buildings are considered to be at risk the Council will seek to pursue their restoration and where appropriate bring them back into viable use”.
- 4.2.6 Policy HE1 seeks to protect the historic environment by ensuring that any development leads to less than substantial harm to the significance of the designated heritage asset, weighing harm against public benefit.
- 4.2.7 In addition, there is a continued statutory duty upon the authority through the Planning (Listed Buildings and Conservation Areas) Act, 1990 to have special regard to the desirability of preserving any listed building and its setting.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 £25,000 is requested from the Contingency Budget and the balance on the Budget is discussed in more detail within the Budget Review to 30<sup>th</sup> June 2019 Report on this Executive agenda.

## 6. **RISKS**

- 6.1 The risk to WDC is that the owner does not undertake the works and it has to use its own funding. Whilst this funding is recoverable from the landowner, if the landowner contests the notice, there may be legal costs incurred and potentially, as described above, the Council may not recover the cost of the Works set out in the Notice and associated professional costs.

## 7. **ALTERNATIVE OPTION(S) CONSIDERED**

- 7.1 The only alternative is to do nothing as the land owner will not proactively undertake the repairs. Given the condition of the Master's House this was option was rejected

## 8. **BACKGROUND**

### 8.1 Heritage Significance

- 8.1.1 The leper house was a segregated settlement set up for those suffering from leprosy and other related diseases. The first definite foundations for medieval hospitals were by Anglo-Norman bishops and queens in the 11th century. Leper houses form a distinct type among medieval hospitals being settlements that provided a sufferer with permanent isolation from society. Their function was segregation rather than medical care. The first foundations were in the 11th century although most houses were founded in the 12th and 13th centuries. Between the 14th to 16th centuries only 17 houses were founded, perhaps reflecting the gradual disappearance of leprosy. Probably about half of the medieval hospitals were suppressed by 1539 as part of the Dissolution of the monasteries. The smaller institutions survived until 1547, when Edward VI dissolved all chantries. St Michael's is one of three known examples of leper hospitals in the county. The site has a long history of use documented from the 12th century onwards and includes 15th century standing buildings associated with the hospital. As such, it offers an important survival of a multi-phase medieval site unaffected by modern development. The existence of this extra-mural hospital also provides a significant insight into the relationship between urban communities and special institutions as well as attitudes towards disease in the medieval period.
- 8.1.2 This monument includes the below ground remains of a leper hospital, chapel, and cemetery, located outside the medieval settlement of Warwick. The present focus of the hospital complex is formed by the upstanding chapel, a single cell stone building of 15th century date, and a late 15th or early 16th century timber-framed building, known as the Master's House, situated to the north of the chapel. Although partially rebuilt, the buildings are contemporary with the later medieval development of the site. The standing buildings are considered to overlie the remains of earlier medieval hospital buildings which extend across the whole of the site. These include an earlier chapel, the infirmary and the cemetery which coexisted on the site. Hospital records show that the church of St. Michael was founded by Roger, Earl of Warwick in 1135. The first actual reference to the leper hospital is in 1275, but by 1540 it was said to be 'much in ruin'. By 1545 it was leased to a layman, Richard Fisher, who distributed alms to the poor and gave lodging to four poor men. The last priest recorded as warden took office in 1557. The chapel and Master's house were converted to cottages in the 17th-18th centuries.
- 8.1.3 Today the site is in private ownership. The chapel and the Master's House are both listed Grade II\* and are excluded from the scheduling, although the ground beneath both of them, which is believed to contain evidence of structures relating to the earlier development of the hospital, is included.

8.1.4 Current state of building



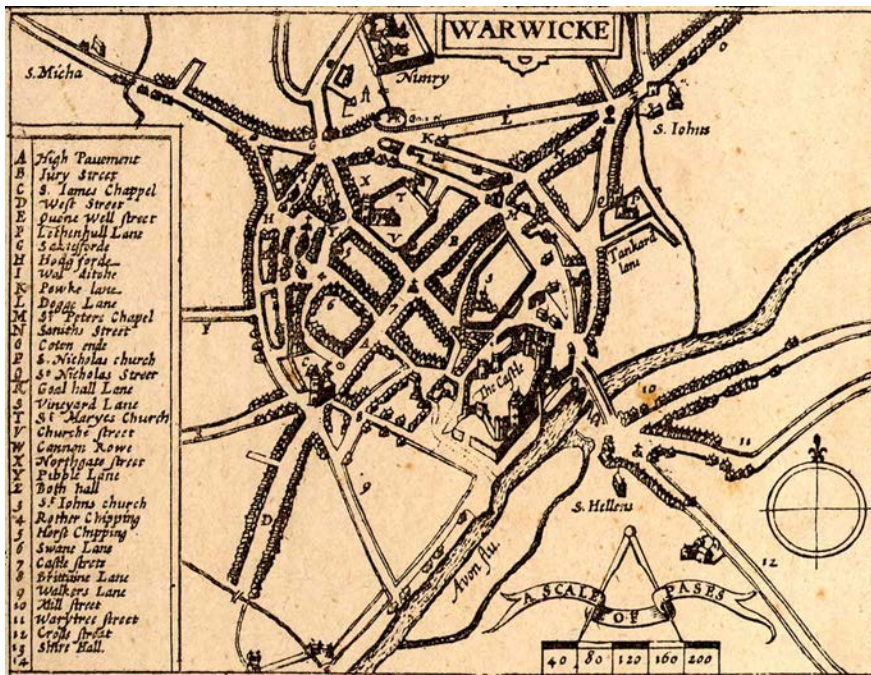








8.1.4 Speed's map of 1610 including St Michael's Chapel & Master's House



8.1.5 Site images



