



ADDITIONAL / TO FOLLOW AGENDA ITEMS

This is a supplement to the original agenda and includes reports that are additional to the original agenda or which were marked 'to follow'.

**NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE**

Date: Wednesday, 19 March 2014

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Constitutional Services Officer: Martin Parker **Direct Dial:** 01158764303

AGENDA

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WARDS AFFECTED: Mapperley

Item No:

PLANNING COMMITTEE
19th MARCH 2014

**REPORT OF DIRECTOR OF HEAD OF DEVELOPMENT MANAGEMENT AND
REGENERATION**

The Chapel and Theatre at Mapperley Hospital, Porchester Road, Nottingham

1 SUMMARY

This matter is brought to Committee because it involves a request for authorisation to undertake urgent works at the Chapel and Theatre, Mapperley Hospital, Porchester Road, Nottingham.

2 RECOMMENDATIONS

That approval is given:

- 2.1 To undertake urgent works in respect of the above property as identified in the schedule at Appendix A to the report, pursuant to section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 To take all necessary action to recover the expenses of urgent works carried out in relation to the above property, such action to include the service of notice(s) on the owner, pursuant to section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990

3 BACKGROUND

- 3.1 The Chapel and Theatre at Mapperley Hospital is a Grade II listed building located in the Mapperley Hospital Conservation Area. The Conservation Area is divided into two portions. The Hospital buildings in the northern portion remain in NHS use while the southern portion was converted to residential apartments by David Wilson Homes in the 2000s. The Chapel and Theatre is situated at the northern edge of the residential area and forms part of the boundary with the NHS site. To the south the building is physically linked to the former hospital wing known as Nightingale House. To the east and west are the landscaped grounds and car parking areas associated with the residential apartments.
- 3.2 The Chapel and Theatre was completed in 1889 to designs by George Thomas Hine, a specialist in asylum architecture. It formed part of a large extension to the original buildings of 'The Borough of Nottingham Lunatic Asylum' which opened in 1880. The hospital's fine buildings and surrounding landscaped grounds make a significant contribution to the City's historic townscape. In recognition of this the site was designated as a Conservation Area in 1991 and the Chapel and Theatre were given Grade II listed status in January 2003.
- 3.3 The listed building derives much of its significance from the quality of its internal

spaces. At ground level is a ballroom/performance hall including a stage, VIP box and decorative plasterwork. Above is the chapel which has a magnificent Gothic revival interior with stained glass windows, a high hammer beam roof, timber panelling and decorative tiling. The building has been considered 'at risk' since the early 2000s and its condition has been rapidly deteriorating due to the effects of continuing neglect, vandalism and theft. All of the most valuable and important features are at significant risk and some, most notably the organ, have been stolen.

- 3.4 When permission was granted for the residential development of the hospital site in 2000 a condition was imposed requiring details of the proposed use and conversion of the Chapel and Theatre. The 1998 planning brief for the site stated that the Chapel and Theatre was a significant building that should be retained for community, office, health or leisure use. The brief also stated that its use for housing might be considered acceptable subject to a satisfactory scheme.
- 3.5 Between 2000 and 2006 David Wilson Homes received a number of bids from organisations and developers interested in the Chapel and Theatre. These included approaches from the Porchester Trust, a church group and developers proposing residential conversions. The principle of a residential conversion was not viewed favourably by officers and it was at this time that the decision was taken to approach English Heritage about listing. English Heritage designated The Chapel and Theatre at Grade II on 8th January 2003. The building was sold to the current owners Mapperley Chapel Limited in 2006. Negotiations with this company around residential use continued but no formal planning applications were made.
- 3.6 In July 2012 officers were contacted by Neil Healey of Mapperley Property Management Limited (MPM) who had taken over management of the City Heights development from David Wilson Homes. He expressed serious concerns about the deteriorating condition of the Chapel and Theatre and explained that water ingress was damaging the structural steelwork and cellars of the adjoining Nightingale House. Colleagues wrote to the owners of the building in August 2012 and December 2012 setting out the Council's concerns, making them aware of the statutory powers available for action and requesting access to the building for an inspection. No response was received to either letter.
- 3.7 In light of the lack of communication from Mapperley Chapel Ltd it was felt that the serving an urgent works notice could lead to significant difficulties in recovering costs from the owners and would involve the Council in significant financial risk. Officers therefore pursued a number of avenues during 2013. The first was to investigate potential grant aid from English Heritage to underwrite 80% of the cost of the urgent works. Although Ben Robinson from English Heritage provided useful advice and visited the site in March 2013 the building was not considered eligible for funding.
- 3.8 The second was to serve a notice on the owners under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982. A notice was served in January 2013 which succeeded in securing the building against intrusion but did not address the problems with the building's general condition.
- 3.9 In April 2013 colleagues received correspondence from the management of the adjacent NHS site who expressed concerns about slates and cast iron guttering falling off the building and posing a health and safety risk to users of their site. This

was raised with the Council's dangerous structures team and a security fence was erected around the perimeter of the building by the NHS to ensure that passers by would not be put at risk from falling debris.

- 3.10 Throughout 2013 MPM actively pursued the acquisition of the building and oversaw the formation of a trust with the aim of seeking grant funding from the Heritage Lottery Fund and the Architectural Heritage Fund. Their plans were to restore and convert the building to community and leisure use. However, access to funding was hindered when the trust's efforts to secure the ownership of the building failed. In tandem with MPMs efforts the Council commissioned a valuation survey from the District Valuation Service in October 2013 to establish the market value of the building in non-residential use. The survey placed the building's value at £30,000.
- 3.11 Discussions and negotiations with the owners recommenced in December 2013 when Mapperley Chapel Ltd contacted colleagues with proposals for residential conversion. Colleagues met with Mapperley Chapel Ltd in December 2013 and visited the Chapel itself with them in January 2014. The urgent need to address the deteriorating condition of the building was stressed on both occasions and the schedule in Appendix A was provided by e-mail on the 20th December 2013.
- 3.12 On 24th January 2014, Mapperley Chapel Ltd provided a timetable for complying with the schedule with assurances that the majority of the works to address the fabric of the roof, rainwater goods and openings would be completed by the end of February 2014. The timetable also committed to the clearing of vegetation from the perimeter of the building and the removal of rubbish from the interior by the end of March 2014. On 19th February colleagues contacted the owners by e-mail to seek an update on the repair situation. An acknowledgement was not received until 6th March. In response (on 7th March) officers again enquired about progress on site, but to date no update on the situation has been provided. As of 10th March 2014 the only work that has so far been carried out is some clearing of vegetation and some clearing out of the interior. Given the now very poor condition of the building the lack of significant progress is a matter of grave concern.
- 3.13 Officers are keen to ensure that the building is made weather proof and secure against intrusion, vandalism and pigeon infestation. It is therefore recommended that the Council serves an urgent works notice with a resolution to undertake the works in default should the owners fail to comply with it. Through taking this action the Council aims to prevent further deterioration in the listed building's condition.

4 RELEVANT POLICIES AND GUIDANCE

Stopping the Rot: A Guide to Enforcement Action to Save Historic Buildings, English Heritage, 2011

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

None

6 APPRAISAL

- 6.1 Undertaking urgent works to the Chapel and Theatre would temporarily safeguard this listed building. If these urgent works are not undertaken, the building will continue to deteriorate and the cost of repair will increase.

- 6.2 In order to protect the building's fabric the works set out in Appendix A are urgently required. If these urgent works are not undertaken the listed building's condition will continue to deteriorate making repair and reuse less and less economical. This in turn will jeopardise the fabric of Nightingale House, lead to the loss of important historic features and have a negative impact on the character of the Mapperley Hospital Conservation Area.

7 FINANCIAL IMPLICATIONS

- 7.1 The estimated cost of the urgent works identified in Appendix A is £20,000 to £30,000. Officers are currently in discussions with suitable contractors and a more detailed cost estimate will be provided to the Planning Committee at its meeting.
- 7.2 The Council's powers to seek reimbursement of the costs of the urgent works from the owner are set out at paragraph 8.2 below. In addition, section 36 of the Local Government Act 1974 enables local authorities exercising their powers under any enactment to carry out works to any land or building, where they are entitled to recover the expenses of those works, to recover also such sums as appear to them to be reasonable in respect of their establishment charges. The cost of the works will sometimes include professional fees incurred by the local authority (e.g. structural engineer's advice).

8 LEGAL IMPLICATIONS

- 8.1 This report seeks approval to the Council's exercise of its discretionary power under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to execute works which appear to it to be urgently necessary for the preservation of a listed building. The Council is required to give the owner of the building notice of its intention to undertake the works no less than 7 days prior to carrying out such works.
- 8.2 Under Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a local authority can serve notice on the owner to reclaim the expenses of the works. In the case of continuing expenses for temporary support or shelter, the notices may be repeated.
- 8.3 The owner has 28 days in which to challenge the notice seeking reimbursement of expenses by making representations to the Secretary of State on the grounds that:
- some or all of the works were unnecessary
 - temporary works have continued for an unreasonable length of time
 - the amounts are unreasonable
 - recovery would cause hardship.

These representations will be taken into account by the Secretary of State in determining the amount recoverable (if any).

9 EQUALITY AND DIVERSITY IMPLICATIONS

None

10 RISK MANAGEMENT ISSUES

None

11 STRATEGIC PRIORITIES

Pursuit of action would accord with the aim of safeguarding the future of a listed building and enhancing a conservation area, thus improving the quality of life for local residents.

12 CRIME AND DISORDER ACT IMPLICATIONS

None

13 VALUE FOR MONEY

13.1 The Chapel and Theatre is an important and highly unusual Heritage Asset, located in a designated Conservation Area. It is not just significant in its own right: it forms part of a large complex of nineteenth century hospital buildings designed by an architect of national standing.

13.2 If these urgent works are not undertaken soon, the Chapel and Theatre will deteriorate further. The cost of repairs, particularly those requiring specialist conservation materials and skills, will continue to rise. The deficit between the cost of repair and the end value of the building will continue to grow.

14 List of background papers other than published works or those disclosing confidential or exempt information

None.

15 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Planning (Listed Buildings and Conservation Areas) Act 1990

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Appendix A

The Chapel and Theatre at Mapperley Hospital, Porchester Road, Mapperley, Nottingham, NG3 6AA

SCHEDULE OF URGENT WORKS

1. Cover external faces of all openings on the ground floor to protect glass and prevent unauthorised entry. Use external grade plywood or corrugated metal sheets with 10 no. 25 diameter drilled holes per window for ventilation.
2. Clear away accumulated rubbish and combustible material from the interior, including pigeon droppings and remains.
3. Repair/ re-fix wire mesh over all upper floor openings to protect glass and prevent pigeon infestation.
4. In such a manner as to prevent ingress of rainwater:
 - a) Re-fix loose, slipped and missing roof slates on all roofs
 - b) Cover open rooflight on the lean to roof at the east corner of the building using impervious flexible sheeting on a backing of 20mm plywood.
 - c) Remove existing temporary wooden roof structure to south east wall. Erect corrugated metal roof supported on scaffolding, fitted with gutters and downpipes discharging to drains. Install vertical external grade plywood to prevent ingress of wind driven rain.
 - d) Repair existing and reinstate missing sections of rainwater goods and generally ensure that all rainwater run-off is conducted to main drains.
 - e) Clean and clear all gutters, hoppers, downpipes and drains of debris and vegetation.
5. Repair or reinstate lightning protection.
6. Cut down to ground level any vegetation which has rooted within 1metre of the exterior walls of the building. On the south west gable wall cut creeping vegetation at strictly ground level up to a height of 1 metre. Treat all stumps with a suitable systemic killer in accordance with the manufacturer's recommendations.

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