

COMMITTEE: PLANNING
DATE: 4 August 2009
SUBJECT: The Manor House (the Former Towner Art Gallery) – Security and maintenance issues.
REPORT OF: The Planning Manager

Ward: Old Town

Purpose: The purpose of this report is to make members aware of the potential issues with this important property.

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Recommendation: The Committee note the report and the potential seriousness of the ongoing situation

1.0 Background

- 1.1 The Manor House, formerly the Towner Art Gallery, is a listed building (Grade II) dating from 1743 and situated in Manor Gardens, a public park owned and maintained by this Council. It lies within the Old Town Conservation Area.
- 1.2 The Manor House and its immediate curtilage were sold by the Council in 2007 and planning permissions and listed building consents have subsequently been granted for conversion to a maximum of 11 flats.
- 1.3 The change in the economic climate since the sale has meant that the building has lain empty since the art gallery moved out, and the owners consider that it is likely to remain vacant for the next twelve months at least. In recent months youths have accessed the roof of the single storey wing on a regular basis and removed slates. In recent weeks they have accessed the interior of the main building and its roof. Internal doors and roof access hatches have been damaged. The result is that the building has been left open to the elements. Slates have been used to break windows and the building is in danger of rapid deterioration.
- 1.4. Photographs of the building are attached at **Appendix 1**.

2.0 Action taken so far

- 2.1 The owners have been informed of the damage and have acted positively and instructed contractors to make the building secure and weather tight. They have been asked to make applications for listed building consent for improved security measures, including fencing, and progress on this will be reported verbally to committee
- 2.2 The youths' activities have been reported to the police several times and various incident serial numbers have been obtained but the police have made it clear that they do not have the manpower to patrol the park.
- 2.3 The Council has written to the nearby schools, reminding teachers of the dangers to young people inside buildings and on the roofs.

3.0 Consultations

- 3.1 The Parks and Gardens Manager has been consulted and confirms that some money from the sale of the building was intended to provide vertical railings in Manor Gardens and a yew hedge to segregate the public gardens from the development. He intends to move forward with this scheme as soon as possible.

4.0 Problems of security and maintenance

- 4.1. The most pressing problem is the security of the building while it stands empty. If the building can be secured and people prevented from accessing it both internally and externally, further damage by vandalism should be prevented.
- 4.2. The railings specified by the Parks and Gardens Manager should provide adequate security in the longer term when the building is occupied, but a more robust and impenetrable barrier is required in the meantime.
- 4.3. To date actions by the owners to secure the building have been seen by the trespassers as a challenge, and new means of access have been found, resulting in further damage.
- 4.4. A particular difficulty arises at the southern end of the building where the boundary wall terminates in a raised buttress close to the single storey wing of the building. Fencing of say two metres in height between these two structures may not restrict movement at this upper level, and further measures may be required here.
- 4.5. The public gardens are locked at night but it has been known for a long time that youths get in. It is clear that they access the Manor House from the gardens and therefore there may be a security issue for the Council as well as the owners of the building.

- 4.6. The committee will be informed whether an application from the owners for security fencing has been received at the meeting.
- 4.7. The second problem is the maintenance of the building in good repair. There is damage by vandalism and there is increasing damage by neglect. A broken gutter has resulted in damp penetration of the building. Invasion of vegetation is causing particular problems in the northern wing.
- 4.8. Chapter V of The Planning (Listed Building and Conservation Areas) Act 1990 provides for the prevention of deterioration or damage to listed buildings as follows:
- Sections 47 and 48 provide for Local Authorities to compulsorily acquire listed buildings in need of repair, after the service of a repairs notice on the owners.
 - Section 52 provides for the acquisition of land by agreement.
 - Section 54 enables the Local Authority to carry out urgent works to preserve unoccupied listed buildings, and to recover the expense incurred under section 55.
 - Section 57 allows Local Authorities to contribute towards the expenses incurred in the repair or maintenance of a listed building in their area.
- 4.9. The owners have had the worst problems pointed out to them and have undertaken to clear the building of undergrowth and invasive vegetation. Officers will continue to monitor the building and give an update to the meeting.

5.0 Resource implications

- 5.1 If the state of the fabric of the building continues to deteriorate without action being taken by the owners, the cost of securing temporary shelter for the building might have to be borne by the council until the money can be recovered from the owners.

6.0 Summary of Options

- 6.1. The most satisfactory conclusion would be reached by negotiation with the owners, who have said that they will co-operate in so far as they consider it to be reasonable.
- 6.2. The Council should investigate further means of securing the park, as trespassers are accessing the building from the park and at times when the park is ostensibly "closed". If they continue to gain access and create new incursions into the building despite the owner's best efforts, the vandalism will continue and the children themselves will be in potential danger.

6.3. It is not considered appropriate for the Council to repurchase a building that they have so recently sold and which they no longer have use for. Therefore a repairs notice preliminary to compulsory acquisition under section 47 of The Act is considered inappropriate.

6.4. Action under section 54 to carry out urgent works to preserve an unoccupied listed building is the most likely route if the roof is not repaired or if the vandalism continues.

7.0. **Conclusion**

7.1. The committee is recommended to authorize officers to monitor the situation with a view to:

- Looking at preventing access to the park when it is closed and unsupervised; and
- Considering carrying out works to preserve the unoccupied building under section 54 of the Act if the owners fail to carry out the necessary repairs to the roof and broken windows.

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Background Papers:

None