

Subject:	The Hippodrome – Urgent Works Notice		
Date of Meeting:	24 September 2020		
Report of:	Executive Director – Economy, Environment and Culture		
Contact Officer:	Name:	Tim Jefferies	Tel: 01273 293152
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Ward(s) affected:	Regency		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report seeks authorisation to issue an Urgent Works Notice under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in respect of the grade II* listed Hippodrome in Middle Street, Brighton in order to preserve the listed building whilst it remains vacant.
- 1.2 This Notice is now considered to be necessary as a result of deterioration of the building's condition and the failure of the building's owners to properly carry out the necessary works to arrest this deterioration. The issue of the Notice would allow the council to carry out the works, if not carried out voluntarily, and reclaim the costs from the owners.

2. RECOMMENDATIONS:

- 2.1 That a Notice be issued under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), also known as an Urgent Works Notice, for the preservation of The Hippodrome, 52-58 Middle Street, Brighton.
- 2.2 That the council carry out the works listed in the Notice should the owners not volunteer, with the Notice period, to do so
- 2.3 That under s55 of the Act officers be authorised to recover the council's expenses incurred in carrying out the works required by the Notice.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Hippodrome is a grade II* listed building that has been vacant since 2007. It has been on Historic England's At-Risk Register since 2013 and is at the top of the Theatres Trust's 'Theatres At Risk' list. The current owners, HIPP Investments Ltd, purchased the building in 2017. The building suffers from a range of defects caused by long term water ingress, lack of maintenance and prolonged vacancy.

- 3.2 Council officers and Historic England last inspected the building on 16 December 2019. Officers were able to see that some works had been carried out to the building following previous inspections, including temporary roof repairs over the auditorium, some gutter clearance, boarding of broken windows and removal of pigeon infestation and guano. However, the visit nevertheless confirmed that the condition of the building remained of serious concern. The owners were therefore requested to carry out a series of further, more significant works, including works to address water ingress to the basement, fly tower and internal courtyard. On 12 March 2020 the owners advised that due to bad weather and the emerging Corona virus they had been unable to arrange contractors.
- 3.3 In April and June officers and Historic England held virtual meetings with the owners to discuss progress on the urgent works. The owners were requested to address the water ingress and to produce an action plan with a schedule of works and timetable, a specialist dry rot report and a report on the internal scaffolding that supports the plaster ceiling. None of the above documents has been received.
- 3.4 Immediately prior to the June meeting the owner's contractor submitted an inspection report setting out some works that had been carried out and those more substantive works that were planned. At the virtual meeting on 11 June the owner gave assurances that the main body of required works would commence within six weeks and it was agreed that a further joint site visit should be undertaken before then.
- 3.5 By 28 July no further contact had been received from the owners and no site visit had been arranged. A letter was sent to the owners advising that in view of the lack of progress on substantive works and the known condition of the building the council was now considering its powers to issue an Urgent Works Notice. A site visit was requested. One of the owners responded to say that their contractor would be in touch. The contractor wrote on 7 August to say that many of the works had been carried out but no details were provided and no response was received to a further request for a site visit. Therefore, the progress of any works since December 2019 cannot be verified.
- 3.6 Given the impending winter it is now considered necessary to issue a formal Notice to cover the following issues and works:
- Repairs to address condition of roofs and rainwater goods
 - Fly Tower weather proofing
 - Water ingress in basement
 - Flooding of internal courtyard
 - Dry rot survey and treatment
 - Removal of floor coverings, furniture and debris
 - Ventilation provision
 - New or altered scaffolding to better support fibrous plaster ceiling
- 3.7 A Notice under s54 of the Act applies to vacant listed buildings and may cover works of temporary support or shelter that are urgently necessary to preserve the building. The Notice must give the owner(s) not less than seven days to carry out the works; failing that the council may carry out the works and reclaim the costs from the owner under s55 of the Act.

- 3.8 Historic England has estimated that the cost of the works referred to above would likely be in the region of £xx. However, a site inspection will need to be carried out prior to the issue of a Notice in order to determine which works are outstanding. Historic England has offered to assist in drawing up the necessary Schedule of Works to accompany a Notice.
- 3.9 Historic England has also agreed in principle to offer a grant to the City Council to underwrite up to 80% of the costs of taking Urgent Works action in this case, subject to the council making a formal application. The council would be able to claim the grant on completion of the works. The grant would need to be repaid if the council is successful in recovering the costs from the owners under s55 of the Act.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The only other option would be to continue to seek the owner's voluntary agreement to carry out the necessary works. However, officers are not confident that any further, substantive works will be carried out in the absence of a formal Notice. This risks a continued deterioration in the condition of the building and the loss of historic fabric and features.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Community engagement is not appropriate in enforcement cases but local conservation groups are known to be concerned about the condition of the Hippodrome.

6. CONCLUSION

- 6.1 The condition of the Hippodrome is poor and deteriorating and the listed building is at risk. Officers are not confident that the owners of the building will carry out the necessary substantive repairs that are necessary to arrest this deterioration. An Urgent Works Notice is therefore now considered necessary in order to preserve the building whilst it remains vacant.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 No specific budget exists for the council to carry out the requirements of a s54 Urgent Works Notice if needed. Therefore any expenditure would have to be met from the Planning service budget until the costs can be recovered from the owners and/or grant funding from Historic England has been received.

Finance Officer Consulted: Jess Laing

Date: 24/08/20

Legal Implications:

- 7.2 The statutory background to the service of an urgent works notice under s54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is set out in the body of the report. There is no right of appeal against such a notice, but the

owners may appeal to the Secretary of State against the giving of notice under s55 requiring them to pay the expenses of the works.

Lawyer Consulted: Hilary Woodward

Date: 28/08/20

Equalities Implications:

- 7.3 An Equality Impact Assessment has not been carried out on this specific issue. The proposed action would only impact upon the building's owners.

Sustainability Implications:

- 7.4 None. The repairs would be temporary works for the preservation of the building until its long term future is resolved.

Brexit Implications:

- 7.5 None identified.

Any Other Significant Implications:

- 7.6 None identified.

Crime & Disorder Implications:

- 7.7 The Hippodrome has been subject to graffiti and tagging but this cannot be covered by an Urgent Works Notice.

Risk and Opportunity Management Implications:

- 7.8 There are risks associated with access to and within the Hippodrome due to its poor condition. A specific risk assessment would need to be undertaken before any contractors are taken on site

Public Health Implications:

- 7.9 None.

Corporate / Citywide Implications:

- 7.10 The Hippodrome is a major vacant building in the Old Town conservation area in the heart of the city centre. Its vacancy and poor condition is currently blighting the area and Middle Street in particular (as set out in the Old Town Conservation area Management Plan). The restoration and reuse of the building and wider site has the potential to help regenerate the area and contribute to the aim of 'A City Working for All' in the corporate plan for 2020-23. These works would help to preserve the listed building until that can be achieved.

SUPPORTING DOCUMENTATION

Appendices:

None.

Background Documents

1. Correspondence with the building owners.
2. Old Town Conservation Area Management Plan.

