

REPORT OF THE DEVELOPMENT MANAGEMENT TEAM LEADER ON ENFORCEMENT AND OTHER MATTERS

Reference: EC/16/0044

Site Address: Medical Hall, Tudor Square, Tenby SA70 7AD

Breach: Unauthorised works to a listed building

Background

This recommendation to authorise the Chief Executive/Director of Planning & Park Direction/ Development Management Team Leader be to instruct solicitors to commence prosecution proceedings was agreed by Members at the Development Control Meeting on 17th October 2018. A copy of the report is attached at Appendix A.

It has been brought to our attention by the defendant's Counsel, that the first time that the Authority had become aware of any issue was not - as stated in the report - May 2016 (ie one month after the defendant had acquired the property) but 12th November 2015. The issue at the time related to internal fixtures to the right-hand wall.

In May 2016, the Authority's Building Conservation Officer met with the defendant on site. It was then – as the original report states – that the 'catalogue of unauthorized building alterations both internally and externally at ground floor level' – came to light, with a formal enforcement notice served on the defendant on 9 June 2017.

Conclusions

Officers acknowledge the concern raised by the defendant in terms of correcting a minor date error within the original report and wish to seek formal remediation of such. This is within the legal context that there are no time limits within which a listed building enforcement notice must be issued and that the focus of enforcement action is the building and not the perpetrators of unauthorised works.

Recommendation

The Chief Executive/Director of Planning & Park Direction/ Development Management Team Leader be authorised to utilise this report as an addendum to the original report of 17th October 2018 clarifying the narrative in terms of when issues of unauthorised works arose.

**REPORT OF THE DEVELOPMENT MANAGEMENT TEAM LEADER
ON ENFORCEMENT AND OTHER MATTERS**

Reference: EC/16/0044

Received on: 5 May 2016

Site Address: Medical Hall, Tudor Square, Tenby SA70 7AD

Breach: Unauthorised works to a listed building

Background

This building is a Grade II listed building sitting in the Tenby historic conservation area. It fronts Tudor Square making a significant contribution to the street scene. It was first listed in 1951.

The listed description includes:

Exterior:

House with commercial premises, painted stucco with plain roughcast parapet....Full width C19 shop front with shop door in centre and house door to right under overall timber fascia and early C19 iron railings above. Fascia has scrolled brackets each end and raised roundels along lower moulding.....shopfront has 2 plate glass windows framing C20 recessed door with overlight. Panelled soffit, step with mosaic lettering 'Francis Chemist.'

Interior:

Late C19 chemist's shopfittings. Shallow shelves on left side wall with pilasters over paneled cupboards. Right side has drawers with names of chemicals and pilaster framing for shelves. Coved cornices on 3 sides. Rear wall has 3-bay feature with doorways left and right and broad centre with carved wood frame and glazed lettered panels 'James Pharmaceutical Chemist' under scrolled pediment with missing cnetre feature, probably clock. Doors have thin piers, part-fluted with consoles and glazed lettered panels 'Natural mineral waters' to left and 'English and foreign pharmacy' to right.

Listed: *included as earlier C19 front with good Victorian shopfront and surviving fittings.*

It is a criminal offence to make alterations to a listed building without listed building consent.

In May 2016 it came to light that this listed building had been the subject of a catalogue of unauthorised building alterations, both internally and externally at ground floor level.

They were listed as:

1. The replacement of the shop door from paired doors to a single door as shown on Photograph A.
2. The alteration of the fixtures to the rear wall of the shop interior noted in the list description as 'three-bay feature with doorways left and right and broad centre

with carved wood frame and glazed lettered panels 'James' Pharmaceutical Chemist' under scrolled pediment' and shown on Photograph B. The alterations include the application of white gloss paint and the application of vinyl overlays onto the glazed lettered panels.

3. The loss of the drawers to the rear wall of the shop as shown on Photograph C.
4. The alteration of the fixtures to the right-hand wall within the shop, noted in the list description as having 'drawers with names of chemicals, and pilaster framing for shelves' and shown on Photograph D.
5. The alteration of the internal walls of the shop by the application of laminate panelling and illuminated panels as shown on Photograph E
6. The alteration of the door threshold comprising a panel of steel tread-plate as shown on Photograph F
7. The removal of the historic raised fascia lettering to shopfront as shown on Photograph G

The Historic Building Conservation Officer spent a significant amount of time attempting to find a solution with the owner with regard to reinstating certain details of the building.

Despite an apparent willingness to co-operate the works were never commenced. There were personal circumstances of the owner which meant that there was a justification for not starting the works. Officers respected this issue and gave further time for the details to be installed.

Reluctantly, PCNPA served a formal enforcement notice on the owner on 9 June 2017. The notice gave the owner 6 months to comply with the requirements within the notice. These requirements were:

- a. The reinstatement of the paired shop doors as shown on Photograph A
- b. The reinstatement of the former finish of fixtures to the rear wall of the shop interior noted in Photograph B and the list description as 'three-bay feature with doorways left and right and broad centre with carved wood frame and glazed lettered panels 'James' Pharmaceutical Chemist' under scrolled pediment', namely the reinstatement of the stained finish, and removal of the vinyl overlays from the glazed panels.
- c. The reinstatement of the drawers to the rear wall of the shop as shown on Photograph C.
- d. The reinstatement of the fixtures to the right-hand wall within the shop, noted in the list description as having 'drawers with names of chemicals, and pilaster framing for shelves' and shown on Photographs D

- e. The removal of the alteration of the laminate panelling and illuminated panels from the internal walls of the shop, as shown on Photograph E.
- f. The removal of the steel tread-plate from the shop door threshold as shown on Photograph F
- g. The reinstatement of the raised fascia lettering as shown on Photograph G
- h. Make good any damage caused to the Building by carrying out the above

The owner appealed against this enforcement notice. The Inspector's decision dated 7 February 2018 dismissed the appeal (varied slightly for clarification with regard to Point C) and required the enforcement notice requirements to be undertaken, again within 6 months. This gave the owner until 7 August 2018 to complete the requirements.

The owner informed PCNPA of further personal circumstances as to why the works had not been undertaken. Accordingly, the officers met again with the owner taking account of these circumstances, but again failed to establish any timescale for the works to be done.

To date these works have not been undertaken.

Conclusions

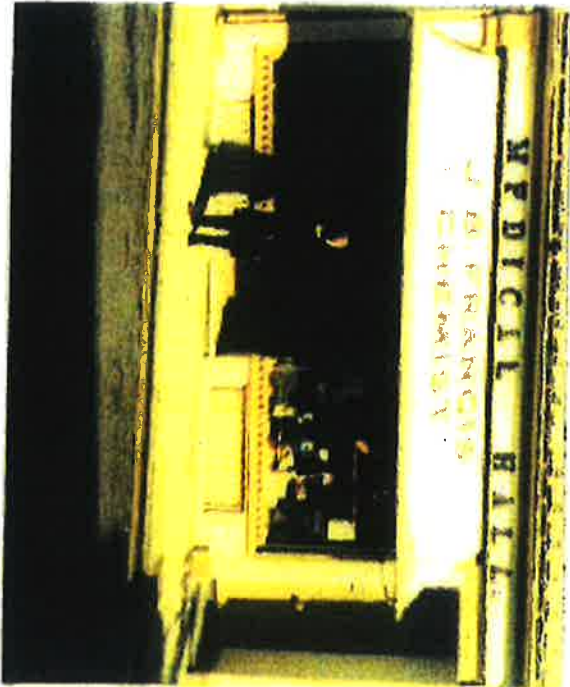
Carrying out unauthorised work to a listed building is a criminal offence.

PCNPA considers that it has adopted a proportionate approach in attempting to come to a solution with the owner by agreement rather than through legal proceedings. Notwithstanding the efforts of your officers over a considerable period, which has included taking account of the owner's personal circumstances, there is regrettably no evidence that the owner intends doing any of the works required by the enforcement notice (and also required by the Inspector at the appeal), therefore officers have reluctantly concluded that the only solution remaining to reinstate the integrity of this listed building is to seek authority to prosecute the owner.

Recommendation

The Chief Executive/Director of Park Direction/ Development Management Team Leader be authorised to instruct solicitors to commence prosecution proceedings.

APPENDIX B – PHOTOGRAPHS



Photograph A – Shopfront prior to alteration showing paired doors



Photograph B – fixtures to rear wall of shop showing historic finish and exposed insets



Photograph C – fixtures to rear wall of shop (shown on left) prior to removal



Photograph D – fixtures to right-hand wall of shop prior to removal



Photograph E – paneling and illuminated panels installed 2016



Photograph F – steel plate installed to threshold 2016



Photograph G – raised lettering to fascia prior to removal