

Appendix 8 – Building Preservation Notice correspondence

From: David Fellows

Sent: 08 November 2017 13:36

To: Neil Milligan <Neil.Milligan@merton.gov.uk>

Cc: Jill Tyndale <Jill.Tyndale@merton.gov.uk>; Chris Lee <Chris.Lee@merton.gov.uk>; Paul Evans <Paul.Evans@merton.gov.uk>; James McGinlay <James.McGinlay@merton.gov.uk>; Damian Hemmings <Damian.Hemmings@merton.gov.uk>; Jock Farrow <Jock.Farrow@merton.gov.uk>; Jonathan Lewis <Jonathan.Lewis@merton.gov.uk>

Subject: RE: Building Preservation Notice request. Merton Hall

Neil

Thank you for advising me of Cllr Najeeb Latif's prospective formal request for the Council serve a Building Preservation Notice (BPN) in respect of Merton Hall.

As you know Local planning authorities (LPAs) may serve a BPN on the owner and occupier of an unlisted building where it considers the building is of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest.

If a BPN is served, an application to list the building must be made at the same time to Historic England (HE).

A BPN takes effect immediately on service and protects the building for up to 6 months until either the Secretary of State (for Digital, Culture, Media and Sport) (SoS) lists the building, or informs the LPA that he does not intend to do so. Whilst the BPN is in place, the building is subject to the same protection as a listed building and any works to the building will require listed building consent. If works are carried out without listed building consent the LPA may take enforcement action or institute civil/criminal proceedings.

LPAs are encouraged to use BPNs to protect important buildings of value to society from being irretrievably lost or damaged without the LPA first being able to consider its merits and any proposals for development.

In this instance the Council is the owner of the Building and has secured a planning permission which will result in works of alteration, extension and partial demolition and so potentially prejudicing the building.

The Authority cannot however serve a BPN on itself, as owner. This is because LPA cannot to enforce any non-compliance against itself.

In any event the purpose for which a BPN would be serve namely, to protect a building from being irretrievably lost or damaged pending consideration of an application for its listing, does not apply. The Council has so far as I am aware decided not to implement the planning permission pending the determination of the SoS/HE's consideration of the application. That process is underway and

the Authority provided comments on HE's initial assessment of the building on 06/11/17.

Accordingly, the building is not, in any event at risk. Moreover, the Authority has considered its special architectural or historic interest and listed it locally, being of the view it does not merit statutory listing which would preclude the service of a BPN in any event.

In the circumstances, any such request by the Councillor would be misconceived.

Please let me know if I can assist further.

David

David Fellows

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From: Neil Milligan

Sent: 08 November 2017 12:01

To: Chris Lee <Chris.Lee@merton.gov.uk>; Paul Evans <Paul.Evans@merton.gov.uk>; David Fellows <David.Fellows@merton.gov.uk>; James McGinlay <James.McGinlay@merton.gov.uk>; Damian Hemmings <Damian.Hemmings@merton.gov.uk>; Jock Farrow <Jock.Farrow@merton.gov.uk>; Jonathan Lewis <Jonathan.Lewis@merton.gov.uk>

Cc: Jill Tyndale <Jill.Tyndale@merton.gov.uk>

Subject: RE: Building Preservation Notice request. Merton Hall

Chris

Yes we will liaise with legal

Neil

From: Chris Lee
Sent: 08 November 2017 11:53
To: Neil Milligan <Neil.Milligan@merton.gov.uk>; Paul Evans <Paul.Evans@merton.gov.uk>; David Fellows <David.Fellows@merton.gov.uk>; James McGinlay <James.McGinlay@merton.gov.uk>; Damian Hemmings <Damian.Hemmings@merton.gov.uk>; Jock Farrow <Jock.Farrow@merton.gov.uk>; Jonathan Lewis <Jonathan.Lewis@merton.gov.uk>
Cc: Jill Tyndale <Jill.Tyndale@merton.gov.uk>
Subject: RE: Building Preservation Notice request. Merton Hall

Thanks Neil ,

I assume you will obtain legal advice on how we handle and where any such decision is taken.

Thanks

Chris Lee | Director of Environment & Regeneration
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<https://www.merton.gov.uk/leisure-recreation-and-culture/lboc>
Support us at www.facebook.com/mertonculture

From: Neil Milligan
Sent: Wednesday, November 8, 2017 10:50 AM
To: Paul Evans <Paul.Evans@merton.gov.uk>; David Fellows <David.Fellows@merton.gov.uk>; James McGinlay <James.McGinlay@merton.gov.uk>; Chris Lee <Chris.Lee@merton.gov.uk>; Damian Hemmings <Damian.Hemmings@merton.gov.uk>; Jock Farrow <Jock.Farrow@merton.gov.uk>; Jonathan Lewis <Jonathan.Lewis@merton.gov.uk>
Cc: Jill Tyndale <Jill.Tyndale@merton.gov.uk>
Subject: Building Preservation Notice request. Merton Hall

Dear all

This is just to let you know that Cllr Najeeb Latif came into the office this morning and stated that he will be making a formal request that the Council serve a Building Preservation Notice on Merton Hall.

I explained that the Council has already responded to the Department of Digital Culture Media and Sport regarding the request to list the building and corporately there is unlikely to be any change in that stance and Merton is of the view the building should not be statutorily listed. The approval of the planning application by PAC also formally demonstrates the Council's view of the Historic value of the building in the context of the development proposal.

In terms of process and how a decision is made regarding his request, this will require some thought as I doubt there has been such a request historically in the borough by an individual Councillor, but we will check.

Here is a useful link regarding the issue

<https://historicengland.org.uk/advice/hpg/has/bpns/>

Regards

Neil

Neil Milligan

Building and Development Control Manager

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