

MUNICIPAL YEAR 2001/2002 REPORT NO. **121**

**MEETING TITLE AND DATE:**

CABINET: 28/9/2001

**REPORT OF:**

Director of Resources

**AGENDA PART 2      ITEM 1**

SUBJECT -

**BROOMFIELD HOUSE,  
STABLE BLOCK AND HISTORIC PARK**

WARD: Southgate Green

CABINET MEMBER/S CONSULTED (IF APPLICABLE):  
Councillor Doug Taylor

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**1.      SUMMARY**

This report provides an update on the progress to establish a viable community based restoration for Broomfield House, stable block and the general park environment. The report seeks Member views upon a number of matters which are cross referenced throughout the report.

**2.      RECOMMENDATIONS**

Cabinet Members are asked to note the actions proposed by the Director of Resources under the scheme of delegation which will specifically include:-

- (a) to confirm the Council's intentions to seek a solution involving mixed community uses for the House;
- (b) to proceed to a preferred solution for the stable block, namely:-
  - (i) to grant a lease to Radiomarathon as per paragraph 5.12.1;
  - or** (ii) to grant a lease to Radiomarathon as per paragraph 5.12.2;
  - or** (iii) to market generally inviting offers for a 99 year lease for appropriate uses.
- (c) to confirm expenditure (the reserved contribution from the Repairs & Maintenance fund) of £200,000 to the stable block repair;
- (d) to explore the utilisation of the cottages in the stable yard as funding support for the overall scheme.

Members are asked to note:-

- (e) the annual revenue support options/uses being explored for the House;
- (f) that demolition of the historic structures is not an option being considered; and
- (g) the proposals for modification of the covenants in accordance with the format agreed by local community groups to protect the community.

### **3. BACKGROUND**

- 3.1 Recent History – The Whitbread and subsequent Bass solutions would have provided full restoration (excluding the mural) and free community hire of the first floor rooms. The solutions would also have provided matched funding to the prospective restoration of the park lakes and the House mural for which Heritage Lottery Fund (HLF) support was proposed. The mural to be installed at a later phase of the restoration of the House. The withdrawal of the Bass submission in May 1998 culminated in a decision by Members for officers to work up with local community groups, a self sustaining solution.
- 3.2 Current Thinking – The Broomfield House Task Force (BHTF) chaired by the Leader of the Council and attended by Stephen Twigg MP and local community groups have considered an holistic approach to restoring the House, mural, stable block and historic park.

### **4. Recommended Action (a) - Community Proposals for the House**

- 4.1 The BHTF has agreed how they would prefer to see the House used in its restored state. The uses include multi-functional meeting rooms, exhibition space, display areas for community, business and educational uses with a restaurant/park cafeteria serving the users of the building. Potential conferencing and wedding income is being considered in the business plan as are the educational qualities and benefits that the original historic features (currently in storage) could provide.
- 4.2 An IT element in the building providing state of the art audio/visual interactive museum/educational aids has been suggested by community representatives of the BHTF. The community representatives suggest that a sponsor might be found for this provision although no formal commitments have been identified. Whilst the value of this is recognised as a local interest feature, it is not clear that a contribution to the revenue plan could be generated from this use.
- 4.3 A major restoration element regarded by English Heritage (EH) as the gem of the House will be the Lanscroun mural to the main staircase. This is also currently in storage. Officers currently consider the mural should be part of the initial restoration rather than a later separate phase.

- 4.4 A traffic management plan in support of the House and stable block has been devised and agreed by the BHTF and is displayed in the Members' library for reference.
- 4.5 The restoration of the House would reinstate its focus within the historic park setting and it is proposed to confirm support for a community based solution.**
5. Recommended Action (b) – Radiomarathon Stable Block
- 5.1 As a separate element, but an integral part of the whole park plan, officers have been discussing lease terms with Radiomarathon for refurbishment of the stable block as a day centre for children and adults with special needs.
- 5.2 The stable block is also a Grade II\* listed building complex in a poor state of repair and major works are necessary to preserve the buildings to the satisfaction of EH.
- 5.3 Originally when it was part of the Whitbread proposal for the House, the notion agreed was that the stable block be converted into an art gallery. Following Whitbread's withdrawal, a local community group, the Broomfield House Trust, proposed a scheme including Radiomarathon as an organisation ready to convert the stable block into a day centre for special needs children and adults. It was anticipated that the investment by Radiomarathon into the stable block might count as match funding to HLF applications for the House.
- 5.4 The business plan from the community group in 1998 for the House was not considered viable and the proposal from Bass was pursued (until Bass withdrew and the BHTF was created). The proposal in 1998 from the community for the stable block introducing Radiomarathon was considered attractive and negotiations have continued with Radiomarathon initially as part of the overall scheme but latterly as a stand alone element of the holistic plan. The proposal of 1998 assumed that the Council Repairs & Maintenance contribution of £200,000 would be released in agreed stage payments as part of the Radiomarathon refurbishment budget and this has been a constant assumption in dealings since that time (paragraphs 6.1 to 6.2 below refer).
- 5.5 The proposal from Radiomarathon also assumed a 99 year lease at a peppercorn rent, although it was made known to Radiomarathon that the Council needed to be satisfied as to Best Value in respect of the transaction. Officers have sought in negotiations to reflect a rent that recognises the specialist nature of the location and the limited appropriate and desirable operators suitable for the accommodation. A rent free period was also expected but to correspond with the capital investment by Radiomarathon into the stables only. As yet, the Trustees for Radiomarathon have not indicated their acceptance of this rationale.
- 5.6 Additionally, Radiomarathon would wish to retain the right to assign or sell on their interest in the premises in the event of failure or expansion of the business and to recover their investment. Whilst it has been discussed that a

transfer to another charitable organisation with similar terms of reference is probably acceptable, the Director of Resources considers that a strong clause must be imposed in favour of the Council to ensure the Council investment in the premises is protected. This remains a critical negotiation point at this time.

- 5.7 Overall, Radiomarathon propose works of repairs and adaptation in the order of some £700,000 including the R&M fund (as referred to at paras 6.1 and 6.2 below). The actual proportion that Radiomarathon will spend on repair will be reported to the meeting. A business plan includes an expectation of a grant from EH for specialist repair works. Currently funds are principally raised from an annual radio fund raising marathon which, in previous years, has raised in excess of £100,000 for the project each year. Once a formal agreement to lease and lease has been agreed with the Council (which Radiomarathon want to ensure happens before the next radio event in November) the officers believe further donations will be forthcoming.
- 5.8 A further update meeting took place with Radiomarathon on 24<sup>th</sup> September and an update on the terms will be reported to the meeting.
- 5.9 In the event that Radiomarathon insist on a peppercorn rent, it should be noted that the District Auditor, HLF and EH may question the justification for selecting this organisation only in a non-market testing exercise. (The organisation was introduced as a community partner in the research of 1998/99.) Issues of equality and fairness to other voluntary and community groups should be considered. Nevertheless, this organisation and the principal community it serves could provide support to the House as well as resolving the refurbishment of the stable block. In the context of Future Enfield and the local strategies, it may be attractive to proceed with Radiomarathon. If a peppercorn rent is proposed, this will need to be formally endorsed at Cabinet, the letting then to proceed upon the basis of the Council's general power to let at less than market value when economic, social and environmental factors so support.
- 5.10 As a test of the alternative opportunities available to the Council, a study has been undertaken as to the likely realisable value achievable from marketing the stable block as a residential conversion plot. It is probable that the Council could achieve a disposal without the requirement for a contribution from the R&M fund. However there would be a marketing period, potential local resident opposition (although the stable block has never been part of the Park accessible to the public), possible restrictive covenant issues and potentially a loss of goodwill with Radiomarathon (unless other Council premises in the locality could be identified).
- 5.11 Members may wish to note that EH recommended that Radiomarathon consider submitting an HLF bid in respect of the refurbishment costs of the stable block. Officers have met with HLF to see if this would be detrimental to the BHTF holistic plan. The Regional Director of HLF considers that application by Radiomarathon for modest support would not be in conflict with Council HLF bid for the House and park elements.

**5.12 A delegated action will be taken to implement paragraph 5.12.2, subject only to BHTF approval:-**

- 5.12.1 99 year lease to Radiomarathon at a peppercorn with the right to assign to any third party;
- 5.12.2 99 year lease to Radiomarathon with a rent free period to reflect reimbursement of their capital contributions to the repair of the block. Market rent (reflecting the limited community uses proposed) to be payable from expiry of rent free period. Assignment only to a charitable organisation with similar terms of reference;
- 5.12.3 Advertise for sale for appropriate uses.

**6. Recommended Action (c) - Radiomarathon/Stable Block**

- 6.1 The Council has reserved the previously allocated element of the Repairs & Maintenance fund for the building pending a decision on the intended use. A sum of £200,000 has been accumulated within the fund to be released towards the final restoration scheme adopted by a future tenant. EH have been comforted that the Council has reserved this sum and officers anticipate that EH may well support the tenant with a grant for special heritage works.
- 6.2 The approach adopted is considered cost effective rather than instigating essential repair and maintenance works separately from the overall restoration of the building.
- 6.3 Officers will continue to reserve the £200,000 R&M contribution towards the stable block refurbishment.**

**7. Recommended Actions (d) and (f) - Proposals for Capital Support to Scheme**

- 7.1 Assuming that a solution is agreed for the stable block, the main concentration will be on resourcing a HLF submission to the Heritage Lottery Board. Officers consider that with some initial funding it would be possible to submit a Stage 1 HLF bid before the end of the year. The overall House restoration budget is expected to be in the order of £3m with the costs of furnishing the House and undertaking traffic management etc to be added. The recent meeting with HLF indicated that a robust business plan must demonstrate how the building would be sustained in the future but because the House is so damaged, there is little authentic restoration taking place (albeit substantial elements have been retained in storage). Consequently, HLF have indicated that the Council should not expect support in excess of 30-35% of the total scheme cost. As such, a major fund raising venture needs to be considered. Underlying this, however, will be an expectation from the community of a formal Council commitment with an appropriate fund.

- 7.2 Officers have assumed that EH will be extremely keen to seek the restoration of the mural and provide a grant towards its restoration. Officers are aware that EH have only modest grants currently available.
- 7.3 Appendix 1 covers the Council's legal and planning position in respect of its duties for the Grade II\* listing. There is an obligation to repair and not demolish.
- 7.4 Officers will not consider demolition of the historic structures as an option (recommended action [f] refers)**
- 7.5 There is an opportunity, immediately within the confines of the stable yard which is not part of the public part, to consider a sympathetic redevelopment scheme that could generate a receipt in support of the project. There are four existing cottages, one vacant and three occupied by Rangers regarding which a planning statement has been devised. There is a sensitivity on behalf of the existing occupiers who would be eligible to exercise the Right to Buy and a delicate negotiation in line with the leisure tenancies as discussed at a recent Cabinet meeting. Nevertheless, in the order of £0.5m could be realised from an appropriate scheme, albeit it will no doubt cause some local objection. (Incidentally Radiomathon, if selected for the stable block, may also be a partner for the cottages having expressed interest in their value for respite care.) It is unlikely that this would prompt a redevelopment scheme which would be more in keeping with the holistic plan.
- 7.6 The Director of Resources will, under the scheme of delegation, explore the option to realise the redevelopment value of the cottages as a fund for the House.**
8. Recommended Actions (e) and (g) - Business Plan
- 8.1 Officers are exploring with catering consultants the potential income stream available from the restaurant/cafe uses. Research is also being undertaken with local community groups on the likely take up of rooms for hire. Colleagues in Education are advising on the curriculum and schools' training programmes that could be developed at the site including history, geography, environmental, orienteering etc. These school based activities are unlikely to contribute to the revenue stream but would promote the access to all and heritage themes of the HLF funding systems.
- 8.2 The business plan viability has considered various usage options, all of which impact to differing degrees upon the acceptability to and sensitivity of local residents.
- 8.3 Broomfield Park is affected by a covenant that prohibits trade or business. Whitbread and Bass were proposing to take out indemnity insurance (at some expense) to protect the activities they proposed at the House.
- 8.4 The self financing business case for the community solution will rely on modifying the existing restrictive covenants' business case. BHTF members

recommend that modification of the covenants is not sought until the business case for the House is resolved and can be promoted to the community as the justification for the change.

- 8.5 The community project involves the Council, a prospective Trust Body for the House, a commercial operator for the catering element of the building, a charity managing the stable block and all will rely on support from HLF and EH. It is therefore considered essential to seek a modification of the covenant to protect the uses proposed. Broad agreement has been reached amongst the BHTF representatives on this matter, save as to the comments at paragraph 8.6 below. This will need to be finalised at the BHTF before application is submitted.
- 8.6 It is essential to refer this to the Lands Tribunal and public information on the proposed changes needs to be handled sensitively. There is a view (held by some BHTF members) that there is no need to change the covenants at all. The clear advice from the Solicitor to the Council and external Counsel, however, recommend the modification of the covenant and HLF/other funders will seek confirmation that the community proposals are unfettered by any restrictions. The modification process might take as long as 18 months, depending on the need for a public enquiry and needs to be resolved prior to funding from HLF being released. HLF have advised that the process of seeking to modify the covenant must, at the very least, have been started prior to an HLF application.
- 8.7 Some hard facts on the business plan need to be established to explain the need for the modification to the public and this will be undertaken as soon as possible. **The Director of Resources will authorise, through the Scheme of Delegation, the actions as outlined in recommendation 2(g).**

9. Future Enfield

The restoration of the historic features at the House, stables and park landscape will provide community benefit in accordance with the priorities of Future Enfield. The potential users of the House will provide learning for all, the access to the House and stables is inclusive. Completion of the overall project will contribute to the community and cultural strategies and quality of life in Enfield.

**APPENDIX 1**

**LEGAL AND PLANNING STATUS OF THE HISTORIC STRUCTURES**

1. Recent local newspaper articles have proposed that the demolition of the House be considered.
2. Seeking demolition of the fire damaged structure is not an option that officers and EH would recommend and seems unlikely to succeed as set out in the planning guidance at Appendix 2. If Members were minded to test this advice through an application for listed building consent to demolish Broomfield House, there would be continuing health and safety expenditure during the period as well as substantial costs to defend the Council's application should it be determined (as is likely) at a public enquiry. EH would argue against demolition in this instance, as presumably would other national and local amenity societies. It would also be regarded as a test case for listed building policy nationally. The Council's approach could be construed as one of neglect since the fires of 1984 and 1993, allowing further deterioration to occur and leading ultimately to the application for consent to demolish. The Council position is weakened given that there were two commercial solutions for the restoration (supported by EH), the latter as recently as 1998. Furthermore, the reason that this scheme did not go ahead was not related to the economic viability of the restoration.
3. EH have powers to enforce repair obligations on the Council or undertake work at the Council's cost. Applying for listed building consent for demolition will damage the Council's reputation with other heritage projects in the Borough for which EH support is essential.
4. Officers are concerned at the damage to the Council relationship with EH and other preservation bodies that an application to demolish might bring. There would be uncertainty as to the Council commitment to safeguard other heritage assets in the Borough. It is argued that the Council should contribute to the solution at least as much as the likely costs of defending a public enquiry for demolition. The Council could lose the public enquiry and still be obliged to meet the costs of restoration. There is no "do nothing" option. Further, the deterioration of the building must be arrested.

## APPENDIX 2

### **BROOMFIELD HOUSE**

#### **THE UPKEEP AND REPAIR OF HISTORIC BUILDINGS - SANCTIONS**

There is no specific duty on owners to keep their buildings in a good state of repair, although it is normally in their best interests to do so. English Heritage and the Secretary of State have powers to take action where a historic building has deteriorated to the extent that its preservation may be at risk.

Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 enables English Heritage (both in their own right or on behalf of the Secretary of State) to carry out **urgent works** for the preservation of an unoccupied listed building. The Secretary of State uses his powers in exceptional cases (which includes where a building is in local authority ownership).

**These powers are confined to urgent works i.e. they are restricted to emergency repairs, for example works to keep a building wind and weatherproof and safe from collapse, or action to prevent vandalism or theft. The steps taken should be the minimum necessary. English Heritage or the Secretary of State may recover from owners the cost of urgent works.**

English Heritage and the Secretary of State can also serve a **Repairs Notice** if they consider that a listed building is not being properly preserved. (Section 48 of the above Act). These powers are not confined to urgent works and are used where the protracted failure by an owner to keep a listed building in reasonable repair places the building at risk. A repairs Notice can require works for the preservation of a building having regard to its condition at the date when it was listed; in other words, where a building has suffered from damage or disrepair since being listed, the Repairs Notice procedure can be used to secure the building's preservation as at the date of listing (in the case of Broomfield House 1950).

If reasonable steps are not being taken after two months of serving a Repairs Notice, then English Heritage or the Secretary of State may begin **compulsory purchase proceedings**. The Secretary of State needs to authorise these proceedings and will need to be satisfied that the means and resources necessary for securing the buildings repair will be available. **A listed building CPO may also include land for the purposes of access, amenity or management in connection with the building.**

**Local authorities are encouraged to identify a private individual or body, such as a building preservation trust, which has access to funds to carry out the necessary repairs and to which the building will be sold as quickly as possible.** Suitable covenants should be negotiated to ensure repairs will be carried out by a purchaser.

In the Secretary of State's view **it is preferable to obtain a firm commitment from a private purchaser to repair the building and meet the costs** than to take compulsory purchase proceedings. The Act contains provisions for **minimum compensation** where an owner has deliberately allowed a building to fall into disrepair in order to justify demolition and secure permission for redevelopment. Where a compulsory purchase order is objected to and a local public inquiry held (including where representations against the recovery of expenses for urgent works is being heard) **the Secretary of State may make an order as to the costs of the parties at the inquiry.**

Source : Planning Policy Guidance Note 15 'Planning and the Historic Environment' 1994 DOE / DNH.

## **BROOMFIELD HOUSE AND DEMOLITION POLICY**

Government Guidance on demolition of listed buildings is contained in Planning Policy Guidance Note 15 '*Planning and the Historic Environment*' (September 1994). The guidance states that demolition of any Grade I or Grade II\* building should be wholly exceptional and should require the strongest justification'. Demolition Consent would not normally be granted without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses. This position is generally reflected in the Council's listed building policies contained in the approved Unitary Development Plan.

The 'tests' laid down in PPG15 for the consideration of demolition applications include:-

- the building's intrinsic architectural and historic interest and rarity;
- important physical features;
- the building's setting;
- condition of the building and cost of repair / maintenance relative to its importance / value derived from continued use;
- adequacy of efforts made to retain the building in use, including offering the unrestricted freehold for sale on the open market;
- the merits of alternative proposals for the site.

Broomfield House is important nationally and locally. As a Grade II\* building it is in the top 6% of listed buildings. Guidance states that Grade II\* buildings are of particularly great importance to the nation's built heritage; their significance generally beyond dispute. It is probably the oldest surviving building in Palmers Green, originating in the Sixteenth Century, with substantial elements of fabric also surviving from alterations carried out in each successive century. Broomfield House is widely known for the mural attributed to Gerard Lanscroun which encased the very fine principal staircase. The enclosing walls and attached stable range are listed Grade II and the surrounding park is listed Grade II in the National Register of Historic Parks and Gardens.

The success of the marketing exercise in eliciting expressions of genuine interest, culminating in the approval of a restoration / conversion scheme may militate against the success of any demolition proposals. Furthermore, the reasons that the two commercial schemes (Whitbread and Bass) did not come to fruition were not related to the economic viability of the project. Clearing the site would have little merit in historic landscape terms as Broomfield House forms the focus of the historic landscape.

Any application for listed building consent to demolish Broomfield House would be determined by the Secretary of State for the Environment, Transport and Regions. The case for demolition would probably be heard at a public inquiry. When demolition was mooted before it attracted substantial public opposition, followed by strong support for the restoration of the House. English Heritage have stated that they would resist any proposal to demolish Broomfield House.

CEW 14.7.98