

MUNICIPAL YEAR 2003/2004 REPORT NO. **280**

**MEETING TITLE AND DATE:**

Cabinet 3<sup>rd</sup> March 2004

**REPORT OF:**

Director of Finance & Corporate Resources

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<b>Agenda – Part: 1</b>	<b>Item: 14</b>
<b>Subject: Broomfield House &amp; Associated land holdings</b>	
<b>Wards: Southgate Green</b>	
<b>Cabinet Members consulted:</b> Cllrs Rye / Lavender	

**1. EXECUTIVE SUMMARY**

This report seeks Cabinet instructions whether the council would wish to review its current position with regard to the restoration of Broomfield House.

**2. RECOMMENDATIONS**

2.1 Members are asked to consider the approach to be adopted namely either:

2.1.1 allocating resources up to £4.5m to enable the restoration scheme to progress as a priority project as identified through supplemental resources from the evolving asset disposal programme;

or alternatively:-

2.1.2 reaffirm the Council existing position whereby a contribution of approximately 25% of the total restoration cost is to be funded from identified asset disposals in support of external fundraising and a bid for lottery funding prior to restoration commencing;

2.2 Members are also asked to authorise a planning application for a temporary cabin style café provision as outlined in Appendix 1 (A8).

- 2.3 The Cabinet Member for Finance & Corporate Resources be authorised to approve actions following from those matters outlined in Appendix A as follows:-
- 2.3.1 an application, if appropriate, to the Heritage Lottery Board for a planning grant in support of the project;
  - 2.3.2 application to the Lands Tribunal regarding the covenants;
  - 2.3.3 expenditure to release capital receipts and supporting the fundraising initiatives such as a festival of music in the park this summer.

### **3. BACKGROUND**

- 3.1 The Broomfield House Task Force, established in 1999, is currently chaired by Stephen Twigg MP with Council representation from Councillors Burrowes, Charalambous and Zinkin. The remit of the Task Force is to seek a self financing solution for the restoration of the house without recourse to major Council funding support.
- 3.2 The recent publicity for the project through the BBC 2 Restoration series has raised the profile of the project. Planning consent was granted on 23 October for the Task Force scheme that creates a community /education facility with park café with maximum public access. The next steps include revisions of the park covenants, preparation and submission of an application to the Heritage Lottery Fund as well as a major fundraising campaign.
- 3.3 Lord David Puttnam and Lord Robert Winston have been invited to join the project as patrons along with Lord Ted Graham.
- 3.4 Despite this high profile support it is likely that overall the legal, fundraising and Lottery bid processes could mean that construction does not commence for some 2 years with the restored building not opening until 2007 at the earliest. There is also no guarantee that sufficient finance will be achieved.
- 3.5 In Jan 2002, Members confirmed a willingness to direct resources to the project from disposals of property within the stable yard. These are calculated to contribute in the order of 20% - 25% of the estimated £ 4.5 m or thereabouts required.

- 3.6 For information the estimated full project cost is broken down as follows:-  
approximately £ 3.0m for the restoration of the House  
£ 0.5m for the Lanscroom mural  
£ 0.5m for the orangery  
£ 0.5m for additional works including parking traffic management and stable yard works.

#### **4. POSSIBLE FRESH APPROACH**

- 4.1 Currently the timetable for submitting and processing a Lottery board application and other fundraising timescales as well as the intended modification of the park covenants and bye-laws issues which could mean construction contracts not being let until late 2005 or early 2006 (subject to achieving the necessary funding including the local sales earmarked by the Council).
- 4.2 If a larger sum than identified in January 2002 was to be made available to forward fund the restoration of the house and orangery prior to receipts coming in then it is possible that a construction contract could be let before the end of 2004.
- 4.3 If the Council committed to forward fund the house restoration this would not preclude the Task Force from concentrating their efforts on a fund raising campaign to meet the costs of installing the mural and to work with the Senior advisers at the Heritage Lottery Fund to create a bid that would see investment into the historic fabric of the park – the walled garden, historic arch and tropical house and landscape whilst the house restoration proceeds. If this approach is accepted by Members then further discussion is required with grant officers to optimise the match funding element of such Council investment at the house being recognised in the park bid.
- 4.4 At this stage officers would seek to utilise the planning consent that has been granted to work up construction tender documentation. The versatile and flexible layout would not only suit the community /educational uses envisaged by the Task Force but could suit core municipal uses if the council resolved to use a greater proportion of the accommodation for Council (or partner) municipal functions relocated from elsewhere thereby releasing capital and /or revenue to the project.
- 4.5 If forward funding enables the building to be restored and used as set out in the planning application by core municipal type uses this would diminish many of the concerns expressed by residents about the covenant modification that it might enable an outright commercial disposal.

#### **5. ADOPTING A NO CHANGE STRATEGY**

- 5.1 Members may wish to instruct officers to continue to progress with a lottery application and external fund raising options and to wait for the outcome of

these efforts prior to considering the capital allocation to the restoration project.

- 5.2 Essential research is required in support of a full restoration. A Lottery bid would require the council to complete an archaeological survey, conservation management plan, Audience profiles and Access Plans for the customer base for the building. Additionally, the package for the educational; heritage; citizenship; environmental and community experience needs to be worked up. The Heritage Lottery Board provides Planning grant funding of up to £50,000 towards this profiling. The grant could also include the cost of a conservation survey of the historic fabric of the surroundings i.e stables, walls, archway, tropical house etc as well as the holistic plan for the park overall. Briefs to tender this work need to be prepared for the consultancy advice required.
- 5.3 Senior grants officers at HLF recommend we proceed with the planning grant approach. HLF funding would then be allocated some months hence authorising the council to proceed with the research which ultimately goes into the main lottery bid. Alternatively, this work could be to be funded directly by the Council from the Task Force budget.
- 5.4 The research is integral to the formal bid which officers suggest would be in the band between £1M and £2M for the House project. HLF would consider the application in a two stage process. This process and the planning grant process could mean it would be 18 months or more before a final HLF allocation is confirmed. Concurrent with that process the covenants modification and other fundraising can proceed albeit each creates its own cloud of uncertainty on deliverability.
- 5.5 A separate bid is envisaged for the park elements including the restoration of the baroque water garden landscape for which a great deal of preparatory work was completed as a match funding project for the previous scheme to restore the House.
- 5.5 Enfield intends to submit other heritage lottery bids and deliverability is key to final consideration of any lottery allocation.
- 5.6 The holistic plan for the entire park needs to be addressed in any bid in respect of Broomfield House. Therefore, if the Council resolves to continue with the fund raising and lottery bid approach this will need to be dealt with as part of the initial bid. The fresh approach suggested would enable the Council to proceed with the restoration of the House and allow the Task Force to focus their efforts on a lottery submission for the wider park elements. Officers need to review the way forward with the HLF.
- 5.7 Appendix A describes the Task Force concept, the approach to the park, stables and house, pledges of support and volunteer action proposed. It also outlines those areas for reference to the Portfolio Member in due course on the fund raising strategy, temporary planning application authority and advice on the proposed modification of the park covenants and releasing capital receipts.

## **6. ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 The propositions within the report indicate that leaving the property as it is is not an acceptable option given the building is on the Buildings at Risk Register and is in a deteriorating state.
- 6.2 Demolition Consent from English Heritage 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.
- 6.3 The profile since the Restoration TV broadcasts invites community and citizenship involvement in the future of the House. Members may consider that there is an immediate opportunity, if not to substantially increase the Council contribution, to provide sufficient resources to make the building watertight (enabling the removal of the scaffolding) as a forward funding initiative to encourage match funding from sponsors and external sources. However, unless a prompt continuation of the restoration is achieved thereafter an empty shell of a building would be at risk of further fire and vandalism damage. It would be poor value for money not to proceed in creating a valuable community asset and resource.
- 6.4 The Council could decide to remarket the property for commercial use but it is likely to be unacceptable to the local community and would require modification or removal of the covenant or indemnity insurance against the covenant provisions. Such action may not be commercially viable or practical.

## **7. REASONS FOR RECOMMENDATIONS AND CONCLUSION.**

- 7.1 In a climate of limited financial resources, Enfield Council has not considered it possible to provide all the finance needed to restore the House. Many people in the local community do not think it this an acceptable stance: others, however, have argued that the House should simply be demolished, and that it is a waste of money to try to restore it. Additionally there is an expressed view as to why should the community be expected to contribute if the council is not putting in a substantial contribution. The BBC 2 Restoration programme has added to the debate.
- 7.2 The recommendations provide an opportunity for Members to consider how best to support the full restoration of the house.

## **8. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS**

### **8.1 Financial implications**

8.1.1 At present the Council capital programme does not include provision for the restoration of Broomfield House. The medium term Financial Plan budget report considered by Council on 25 February proposed new capital investment measures amounting to £23M over the period to 2007/08. This is £2.3M in excess of the currently estimated capital resources.

8.1.2 While it is expected that further capital resources will become available as, for example, new additional asset disposals are identified, the allocation of funding to the project would have to be considered as a high priority in the context of the Council's other investment needs.

8.1.3 The Task Force concept assumes a significant element of external resources being available from fund raising activities that could take many months of effort. There is no certainty that a sufficient fund to finance the full restoration can be generated.

### **8.2 Legal implications**

8.2.1. Any tenders for consultancy advice and any construction contracts will need to be in accord with Contract Procedure Rules. The latter will also probably need to be let pursuant to an OJEC notice, depending upon the precise anticipated value.

8.2.2. Should a lease be granted this will need to accord with Property Procedure rules. Disposals must usually be on a competitive basis but there are provisions which allow otherwise. The Council will need to secure the best consideration reasonably obtainable or have the consent of the Secretary of State.

### **8.3 Covenant issues**

8.3.1 Regarding the park covenant, it must be stressed that for any use of the house, stable block and cottages which involves trade or business or non municipal residential use a modification of the covenant will be needed. A formal modification at the Lands Tribunal is considered the most appropriate way of proceeding, although it is essential that the planning permission supports the application, if the application is to be successful. It should also be noted that significant opposition will mean that the process will require a full hearing, which could take up to 18 months and will run to several thousands of pounds.

8.3.2 The modification will rely upon presenting a full business case to the Lands Tribunal with a planning consent for a scheme that allays prospective opposition to over commercialisation.

8.3.3 Counsel advise that a modification is still considered to be essential for the core park café type use and the status of the residential property within the park.

#### 8.4. Planning issues

8.4.1 The Council planning decision in October authorised the community uses with a formal list of uses to be agreed with the planning officer. Should Members seek to adopt recommendation 2.1.2 and as a consequence seek a greater predominance of Council services/municipalisation this would need to be incorporated into the general listing or an application made for an amendment of the planning consent.

8.4.2 An amendment of listed building consent would be required if the room layouts and elements of the building were intended to vary. However, it is to be hoped that any proposed uses would fit into the efficient and flexible layout already designed which gives e.g excellent DDA access to the entire building and versatile floorspace for a variety of functions including e.g sufficiently grand ceremonial type accommodation on the first floor to education/ office space/ display and meeting room space as well as events space in the orangery room .

### 9. PUTTING ENFIELD FIRST

9.1 The restoration of the historic features at the House, stables and park landscape will provide community benefit in accordance with the priorities of Putting Enfield First .

9.2 The project aims accord with key decision priorities –

To create a cleaner greener Enfield improving the look and feel of the local open space environment; the house scheme proposes an inclusive accessible facility providing educational, heritage and community uses.

9.3 Completion of the overall project will contribute to the community and cultural strategies and quality of life in Enfield and has a direct correlation with the new Cultural centre proposed for Enfield Town and Forty Hall particularly in evidencing the Council commitment to Heritage matters. This is an important strand of prospective bids by this Council to the Heritage lottery board in respect of these heritage sites.

#### Background Papers

Part 2 report 16 Jan 2003 (report no. 224) Contains exempt information as defined in paragraphs 7 and 9 of Schedule 12A of the Local Government Act 1972.

## Appendix A

### TASK FORCE PROPOSALS - BACKGROUND

- A1 Members will note that £ 200,000 has already been pledged to the Task Force project by the Hadley Trust.
- A2 The Task Force concept envisages that the restored house is used for community, educational, exhibition and meeting space with a park cafeteria within the main building together with a new orangery style annex providing a large function room for income generation to support the community /education uses in the house. Parking would be proposed within the stable yard necessitating the part relocation of some park depot functions
- A3 The Task Force concept envisages that the House would be managed by a Charitable Trust (yet to be created) that would secure rate relief and other trading benefits to the revenue plan.
- A4 Long standing complications to the usage and revenue plan concept has been the covenant that prohibits any trade or business activity within the park that is likely to cause nuisance to those residents of the Broomfield estate. In order to correct the status of the stable yard properties and to legitimise the intended café element within the house and function room lettings it is necessary as a minimum requirement to seek a modification of the covenant through the Lands Tribunal.
- A5 The Task Force concept proposes generating income from events in the orangery including e.g wedding receptions. Greater municipalisation supporting the Task Force aims could not only support the revenue plan but also allay concerns that the building might be sold off for commercial exploitation once the covenant is modified. Counsel advice regarding the covenant is set out in Appendix B
- A6 Funding from the Lottery board and other external funders would only be forthcoming once the modification is achieved.
- A7 Later opening hours for events in the House and orangery would rely on all the council parks adopting the Model byelaws for parks enabling access to the building after dusk. The process for byelaw change requires legislative and consultative processes yet to commence.
- A8 Officers gave consideration last summer to providing a temporary cabin style café as a temporary measure for the 2- 3 years until the house café provision is delivered. A temporary facility would require planning permission and officers seek to present proposals for portfolio member authority to progress a future consultation and action to make such an application in the hope that such a facility can be in place this summer. The parks division could be

seeking financial support from the Broomfield budget especially if the provision can also meet some of the future park needs including improved park changing rooms, public toilets and the depot stores relocation as part of the stable yard scheme.

- A9 There is a need to galvanise the groundswell of support to the project and engage community professionalisms to the project. There is interest from local people to volunteer for all sorts of elements of the project including as trustees, specialist educational or fund raising advice, marketing and construction related expertise.
- A10 A local resident willing to dedicate his energy into promoting a festival of music on one or two days in the summer as a fund raising event is anxious to commence subject to Council endorsement. Significant artists living locally e.g soloists already booked to perform at the Olympic opening ceremony together with local talent have already been identified. Initial sponsorship, advertising and donation efforts by the resident suggest that the project should recoup well in excess of an initial outlay of some £10,000 or so on set up costs. It would be appropriate to use the Broomfield budget to act as a guarantee fund for this expenditure and authority to negotiate with the volunteer promoter on this level of support is requested with a final package to be authorised by the Portfolio member.
- A11 Following the BBC2 restoration programme officers have been contacted by two separate ancestors of the Jackson family who were instrumental in installing the mural in the House in 1726. These descendants have now been put in touch with each other and the Powys Lybbe family.

**BROOMFIELD HOUSE  
PROPOSED MODIFIED COVENANT**

- B(1) The Purchasers which expression where hereinafter used includes where the context admits their successors and assigns will forever hereafter maintain the hereditaments and premises hereby conveyed as a Public Recreation Ground provided only that the Purchasers shall be at liberty to use the existing buildings or to erect on any part of the said hereditaments and premises not exceeding in the whole five acres any one or more buildings to be used (either in whole or in part and either concurrently or not) as a Town Hall Library or other Municipal Buildings Museum Exhibition Hall Cultural Centre Social and Community Centre (which expression shall include use of all or any of the said buildings for conferences meetings and social functions and for health and fitness activities) Education and Training Facility (which expressions shall not include use of all or any of the said buildings as a nursery primary or secondary school or higher educational or training college or any other principal educational institution) but such buildings shall not be used for the purpose of any trade or business which is not incidental or ancillary to one or more of the aforesaid uses (provided that such incidental or ancillary uses shall include the operation of a restaurant cafeteria and administrative offices) or for any residential purpose which is not incidental or ancillary to one or more of the aforesaid uses (provided that the aforesaid Purchasers their successors and assigns shall be at liberty to use the stable block and/or any or all of the four buildings situated in the south western corner of the stable yard (the position of which four buildings is shown outlined in red on the plan annexed to this Conveyance and lettered "A") and any building or buildings which may be erected in place of all or any of the said four buildings as dwellinghouses and/or otherwise as living accommodation) or for any purpose which may be or grow to be an annoyance or injury to the said Broomfield Estate and if the Purchasers shall at any time hereafter wish to erect the same the plans and elevations for the erection of any building which the Purchasers may propose to erect within a distance of 400 feet of Powys Lane or Broomfield Lane shall be subject to the reasonable approval in writing of the Vendor being previously obtained.
- B (1A) Notwithstanding Clause (1) herein the aforesaid Purchasers their successors and assigns will allow public access at all reasonable times to Broomfield House for the purpose of viewing the Lanscroun Mural and other parts of Broomfield House subject only to such restrictions on public access as the occupier or occupiers for the time being of Broomfield House may reasonably impose."