

**AGENDA ITEM NO.19**

**PLANNING COMMITTEE**

**Date**            **30 MAY 2012**

**Title**            **FALCON HOTEL, LONDON STREET, WHITTLESEY – GRADE II**

**1.    PURPOSE/SUMMARY**

The purpose of this report is to:-

- (a) Seek Planning Committee approval to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of unauthorized changes to the above property.
- (b) Seek Planning Committee approval to undertake the works in default under Section 42 of the Act (and receive costs associated with doing so) should the Listed Building Enforcement Notice not be complied with.

**2.    KEY ISSUES**

2.1 A complaint was received from a member of the public that a structure had been erected without any formal approvals.

2.2 On visiting, the Conservation Officer and Compliance Officer found the structure insitu. A smoking shelter structure has been erected and attached to a Grade II Listed building without the benefit of Listed building consent.

2.3 The owner considered it would only be necessary temporarily, probably for 6 months, before the works for which consent was given in 2008 would be undertaken.

2.4 It was therefore agreed that the structure could be retained for a maximum of 6 months, after which it would need to be removed, or formal enforcement proceedings would be initiated.

**3.    RECOMMENDATIONS**

3.1 Members are respectfully requested to authorise the serving of a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to be implemented on 05.06.12 if the smoking shelter has not been subsequently removed.

3.2 Should any formal Notice, authorised and issued, not be complied with, Members are also respectfully requested to authorise, under Section 42 of the Planning (Listed Buildings and Conservation Areas) Act 1990, default works to be carried out should any Notice issued or prosecution undertaken not result in a remedy of the current breach of control.

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| <b>Wards Affected</b>                            | St Marys Whittlesey  |
| <b>Forward Plan Reference No.(if applicable)</b> | -  |
| <b>Portfolio Holder(s)</b>                       | Councillor Mrs Jan French  |
| <b>Report Originator</b>                         | Martyn Kendall (Conservation Officer).   |
| <b>Contact Officer(s)</b>                        | Alan Pain (Corporate Director – Economic and Community);<br>Graham Nourse (Chief Planning Officer)<br>Seamus Lalor (Area Development Manager). |
| <b>Background Paper(s)</b>                       | Attached report; photographs.  |

## **1. BACKGROUND**

- 1.1 The property is situated at the Falcon Hotel, 1, London Street, Whittlesey. The property was Listed Grade II on 22 February 1985. The List description remarks: *“Inn. Probably Early 18<sup>th</sup>C in origin; enlarged and altered Late 18<sup>th</sup>C and 19<sup>th</sup>C. ...Late 17<sup>th</sup> or Early 18<sup>th</sup>C corner stack. ...adjoining at right is Early 19<sup>th</sup>C wing... At 1<sup>st</sup> floor, a plaster panel with representation of falcon and raised border...”* [abridged].
- 1.2 Planning permission and Listed building consent was given in 2008 (F/YR08/0919/LB) for the “erection of a conservatory to the rear, alterations to garage block to form 1 bedroom and outside bar and erection of smoking shelter”. The works undertaken without permission, however, do not comply with these permissions, in that the smoking shelter is of a poor quality design and construction and in a different location from the one approved.
- 1.3 There are currently no planning applications under consideration in respect of this site and no history of previous formal Enforcement action.

## **2. CURRENT SITUATION**

- 2.1 The Conservation Officer has written to the owner, advising that the unauthorised structure may be retained temporarily for a period of 6 months from the date of the letter, dated 05.12.11.
- 2.2 The Enforcement Notice will require the shelter to be removed by 30.07.12, which is an extra month beyond that agreed with the owner.

## **3. CONCLUSION**

- 3.1 Permission is sought from Planning Committee to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, giving a fixed period of 2 months for the smoking shelter structure to be removed (ie by 30.07.12).
- 3.2 Photographs of the unauthorised structure and officer’s letter is attached for members’ assistance.

Mr Peter Grice  
The Falcon Hotel  
1, London Street  
Whittlesey  
PE7 1BH

05/12/11

Direct no: 01354 622321  
Email: [mkendall@fenland.gov.uk](mailto:mkendall@fenland.gov.uk)

Dear Mr Grice

**RE: UNAUTHORISED SHELTER AT:-  
FALCON HOTEL, 1, LONDON ROAD, WHITTLESEY  
Grade II Listed building no.21/99.**

I write further to our recent meeting to discuss the unauthorized smoking shelter attached to this Grade II Listed building.

As agreed, I can accept its retention for the next 6 months. However, to ensure this does not become a protracted or open-ended period, I will take the enforcement issue to Planning Committee at the earliest opportunity, in order to authorize a Listed Building Enforcement Notice under the 1990 Act. The Notice will require that the shelter is removed within the agreed period (6 months) or prosecution will be considered.

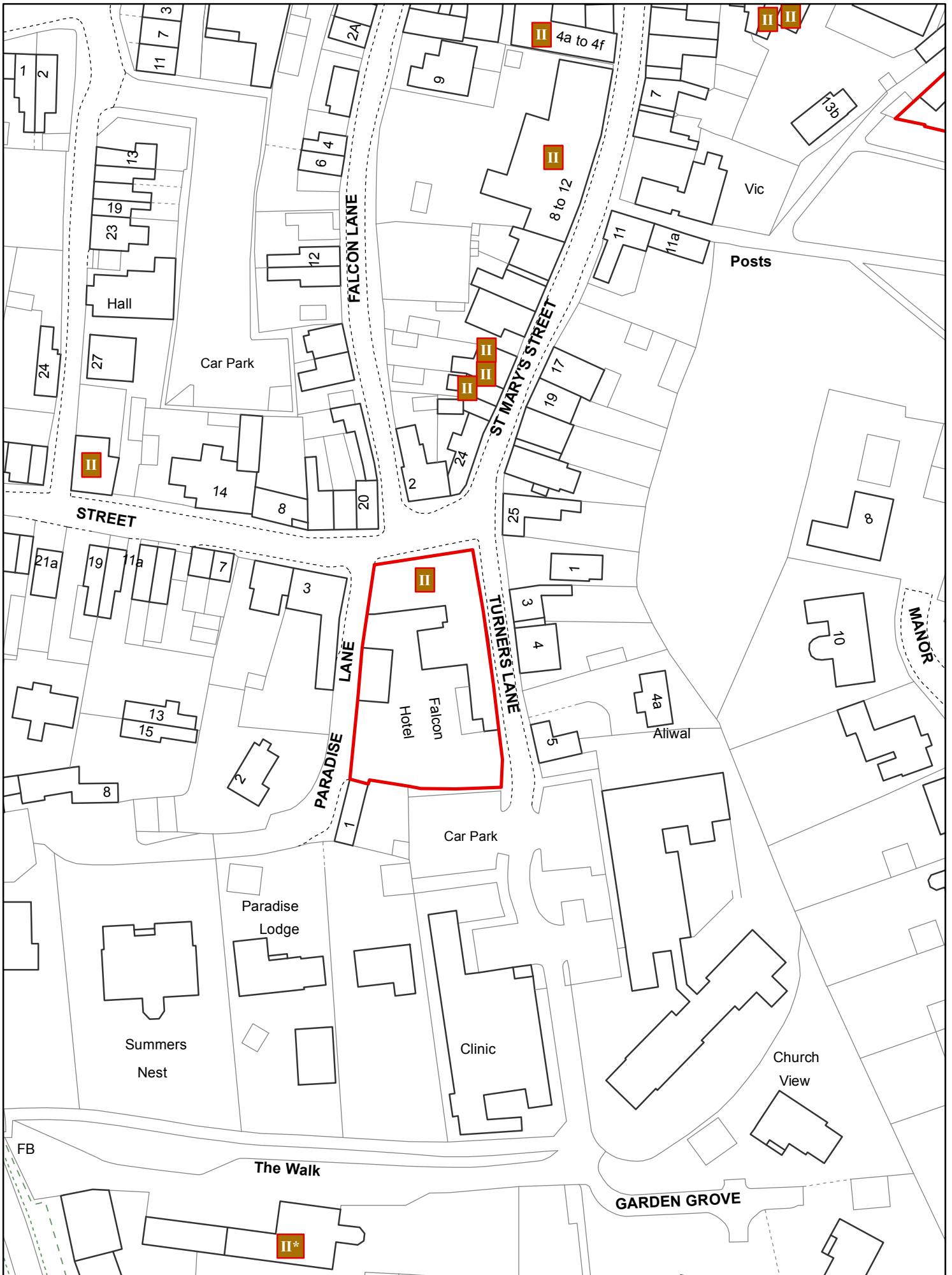
A much preferred alternative would be to erect a marquee in this position, which would not require any permission (and could possibly be used later as the smoking shelter).

I trust you appreciate that, because of its poor design and construction the permanent retention of this structure would not be acceptable and an enforcement notice gives the Council the opportunity to act immediately if it is not removed in time.

I will be in touch in due course, to let you know when the Planning committee will meet to discuss this case. You may wish to request the opportunity to put your case to members.  
Yours Sincerely

Martyn Kendall  
**CONSERVATION OFFICER**





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**Falcon Hotel 1 London Street Whittlesey**

Scale = 1:1,000

