

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	12 th July 2016
Report of:	Andrew Round, Interim Executive Director, Place
Subject/Title:	Big Mill, Congleton, Dangerous Structure – Emergency Measures
Portfolio Holder:	Cllr Ainsley Arnold, Portfolio Holder for Housing and Planning

1. Report Summary

- 1.1. The purpose of this report is to update Members as to a Cabinet decision taken by the Leader of the Council under urgency procedures on 09 June 2016. The decision was to bring about the demolition of Brook Mill, Congleton because its condition posed an immediate danger to the public.
- 1.2. Big Mill, also known as Brook Mill/Brookhouse Mill/Bossons Mill in Congleton is a privately owned, Grade II listed building and part of a complex originally built for throwing and weaving silk, which dates back to 1785. It was extended in 1835 and converted for silk spinning. The 1835 Mill was for powered weaving and the listing of this building also identifies the privy shute as a particularly good example of the improvements in mill worker amenities. Big Mill was occupied until 1996 and the building is immediately adjacent to, and on one elevation adjoins, a smaller mill building (Little Mill). Little Mill has been converted to residential apartment accommodation, completed in 2011.
- 1.3. On 09 June 2016, following receipt of a Condition Survey on the building and a report received from the Council's Building Control advisors, Civicance, the decision was made to initiate emergency building control procedures so that the Council could take immediate action to demolish the building in order to address the danger to the public posed by the heavily deteriorated condition of Big Mill.
- 1.4. Although representing a regrettable loss of a building of historic significance, this action was deemed necessary to address concerns for the safety and wellbeing of those working, living and passing near the building.
- 1.5. The demolition process is now underway and is anticipated to be complete in early September 2016.

2. Recommendation

- 2.1. That Cabinet note the urgent decision taken;
- 2.2. That Cabinet note that the effect of the decision is to require funds of up to £1M to be utilised from the Council's existing approved capital programme, Investing in Heritage Buildings, to fund the expenditure. The Council will pursue recovery of its costs in this matter to the full extent possible in law.

3. Other Options Considered

- 3.1. The Decision Record of 09 June, see **Appendix A**, outlines the background to the decision and chronology of events leading up to this decision. The clear advice received on 09 June was that there was insufficient time to embark upon a process of designing structural support works, or to utilise alternative powers to require the owner to make safe the structure. The only option available to the Council was for it to exercise powers under Section 78 of the Building Control Act 1984 to make the building safe by taking immediate action to procure its demolition.

4. Reasons for Recommendation

- 4.1. The heavily deteriorated structure of Big Mill, risks harm to property and persons surrounding the building. Owing to the proximity of Big Mill to nearby residential and commercial buildings and the adjoining town centre highway network, in order to safeguard those living, working and passing near the building, demolition of the structure was considered the only option in order to remove the danger posed by the precarious condition of the structure.

5. Risk Management

- 5.1. The most significant risk to the Council is financial. The works to be undertaken on the site are currently being undertaken at the Council's expense and there is a risk that the Council will not recover these costs. As noted at **Appendix A** however, the Council will take all necessary steps to seek to reclaim those funds spent in undertaking these works, and has provided the owner of the building with an estimated budget cost and relevant documentation as to the need for action and the method of demolition.
- 5.2. There is a risk that the Council could receive claims from third parties affected by the works undertaken at Big Mill. The Council has been and will continue to liaise closely with those residents and businesses affected by the works throughout the process, and the method of the works has been designed to minimise the disruption to the local community. It is also not known at this point what is required in terms of the party wall for Little Mill, until the dismantling works take place on Big Mill in order to establish the condition and structure of the party wall. The Council will have a more

informed understanding of the implications of the demolition works for the party wall as the works to dismantle the section of building adjacent to Little Mill progress. Residents of Little Mill will be kept informed throughout the programme of works.

- 5.3. Historic England are mandated to seek to protect listed buildings, and would ordinarily oppose the demolition of the same. However, the Council has been engaging with Historic England over recent years and in particular throughout developments over recent weeks. Historic England has confirmed to the Council that it is satisfied with the engineering assessment of the rapidly deteriorating condition of the building and, that on the basis of the same, they accept that the only option would be for urgent works to be undertaken. They recognise that a solution involving the erection of structural support to the building is fraught with complications including matters of land ownership, limited curtilage and the proximity of a neighbouring business. Historic England say they are content to leave judgement with the Council as to whether or not these issues can be resolved as a matter of urgency to mitigate the imminent danger posed by the building. Latterly, and being aware that in the Council's judgement the only viable option was demolition, Historic England issued a statement on 14 June expressing their extreme disappointment that a significant part of Brooks Mill, a Grade II listed former silk mill, has deteriorated to the extent that it needs to be demolished. They added:-

“Now, in the interests of public safety, we accept that the council has to use emergency powers to address serious structural problems affecting the 7-story end block of the mill.”

6. Wards Affected and Local Ward Members

- 6.1. The site sits within the Congleton West Ward, local Members include: Councillors Paul Bates, Gordon Baxendale, George Hayes.

7. Access to Information/Bibliography

Appendix A: Decision Record – Big Mill

8. Contact Information

Contact details for this report are as follows:

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