

**RECORD OF DECISION TAKEN BY AN OFFICER**

<b>Summary of Matter or Issue Requiring Decision</b>	The Service of Urgent Works Notices under the Planning (Listed Buildings and Conservation Areas) Act 1990, at; i) The Angel Inn, North Street, Midhurst and; ii) The Tuck Shop and Cranstones, North Street, Midhurst.
<b>Date Decision Taken</b>	05.05.2023
<b>Decision Taken by</b>	Trevor Beattie, Chief Executive Officer
<b>Decision Taken</b> (i.e.: approved/not approved/details of any conditions or limitations)	The Chief Executive Officer, in consultation with the Chair of the Authority and after considering required specialist and legal advice, authorised the following Urgent Actions in line with the Urgent Action provision as set out in Standing Order 18 of the Authority's Standing Orders:  1. Approved the service of an Urgent Works Notice (two in total) under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 at: i) The Angel Inn, North Street, Midhurst, and; ii) The Tuck Shop and Cranstones, North Street, Midhurst.  2. That, subject to the awarding of a contract following a competitive procurement process, the Authority carry out the works listed in the Notices.  3. That authority be delegated to the Director of Planning to recover the Authority's expenses incurred in carrying out the works required by the Notices, which will involve the service of notices under section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
<b>Summary of Reason(s) for Decision Taken</b>	Full details are set out in the attached report.
<b>Summary of Alternatives or Options considered and rejected</b>	Full details are set out in the attached report.
<b>Details of any personal interest or conflict of interest</b>	None
<b>Link to background papers and/or supporting information</b>	Full details are set out in the attached report.
<b>Contact for enquiries/further information</b>	<a href="mailto:info@southdowns.gov.uk">info@southdowns.gov.uk</a>
A summary of this decision will be reported to the Authority or relevant Committee, made available on the Authority's website at <a href="http://www.Southdowns.gov.uk">http://www.Southdowns.gov.uk</a> and made available for public inspection (when permissible) at the South Downs Centre together with any background papers relevant to the matter.	

**Signed: Richard Sandiford, Head of Governance**

**Date: 12.05.2023**

Report to **Chief Executive Officer concerning an Urgent Action**  
Date **5<sup>th</sup> May, 2023**  
By **Mike Hughes, Major Planning Projects and Performance Manager**  
Title of Report **Urgent Action.**  
**The Service of Urgent Works Notices under the Planning (Listed Buildings and Conservation Areas) Act 1990, at;**  
i) **The Angel Inn, North Street, Midhurst and;**  
ii) **The Tuck Shop and Cranstones, North Street, Midhurst.**

## **Decision**

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### **Recommendation:**

**The Chief Executive Officer, in consultation with the Chair of the Authority and after considering required specialist and legal advice, is recommended to authorise the following Urgent Actions in line with the Urgent Action provision as set out in Standing Order 18 of the Authority's Standing Orders:**

- 1. Approve the service of an Urgent Works Notice (two in total) under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 at:**
    - i) The Angel Inn, North Street, Midhurst, and;**
    - ii) The Tuck Shop and Cranstones, North Street, Midhurst.**
  - 2. That, subject to the awarding of a contract following a competitive procurement process, the Authority carry out the works listed in the Notices.**
  - 3. That authority be delegated to the Director of Planning to recover the Authority's expenses incurred in carrying out the works required by the Notices, which will involve the service of notices under section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
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## **I. Introduction**

**I.1 This report seeks authorisation to:**

- Use statutory powers available to the SDNPA as the Local Planning Authority to serve two Urgent Works Notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 in respect of the Angel Inn, North Street, Midhurst, and in respect of The Tuck Shop and Cranstones, North Street, Midhurst.**
- Subject to the awarding of a contract following a competitive procurement process as described in this report, that the Authority carry out the works listed in the Notices.**
- Delegate authority to the Director of Planning to recover the Authority's expenses incurred in carrying out the works required by the Notice, which will involve the service of notices under Section 55 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.**

- 1.2 The Urgent Works Notices would allow the SDNPA to undertake direct action, following a major fire, to urgently conserve the façades of the Angel Inn and the adjacent Tuck Shop and to secure the flank wall of the Angel Inn which are dangerous structures and at risk of collapse. It would also allow SDNPA to demolish (or remove to a safe height) free standing chimneys at the Angel Inn which are at risk of uncontrolled collapse. The proposed works are considered to be the minimum required to protect these listed buildings.
- 1.3 The responsibility for maintaining listed buildings sits squarely with their owners. However, in this case both owners have been contacted and their responses is set out in the exempt **Appendix 2**. Given the risk to what remains of these two listed buildings it is recommended that, exceptionally, direct action be taken by SDNPA to conserve the facades of both listed buildings. Although not a part of the reasoning for exercising the power under section 54, it is noted that the shoring up works would enable North Street (the A286), the only road through Midhurst, to reopen helping address the economic and social problems the closure of the road has caused.
- 1.4 It is proposed that urgent action be taken to preserve these buildings. It is considered that the earliest necessary works can commence is Monday 15 May 2023 with the 7 day notice period (the minimum required for an Urgent Works Notice) and award of contracts and contractor mobilisation taking place in the intervening period. It is further considered that convening a meeting of the Authority will delay implementation of the urgent works. Consequently, it is recommended that the Chief Executive, in consultation with the Chair of the Authority and after considering required specialist and legal advice, authorise the actions set out in this report under the Urgent Action power as set out at Standing Order 18 of the Authority's Standing Orders.

## 2. Background

- 2.1 On the night of 15th/16th March 2023, a very serious fire affected the Angel Inn and the adjoining property, known as The Tuck Shop, in Midhurst. Following the fire, substantial sections of both buildings were destroyed but the front facades, which stand immediately at the back of the pavement, were left standing in an unstable condition. The same was the case for the southern side elevation (flank wall) to The Angel Inn.
- 2.2 As a result, a fenced enclosure was created to ensure public safety and prevent access to the "fall zone". North Street has been closed to vehicular through traffic since the fire and pedestrian access is possible only on the western side of the street. The fencing is also preventing vehicular access to residential properties in Angel Yard.
- 2.3 A Structural Engineers report commissioned by the owners of The Angel Inn in the aftermath of the fire indicated that it may be possible to save the building facades. This is also the view of a Conservation accredited Structural Engineer appointed by the SDNPA as well as Historic England who have been closely involved from soon after the fire.
- 2.4 Both buildings are listed at Grade II and stand in a prominent position within Midhurst Conservation Area. The list description for The Angel reads:
- Hotel and public house. C18 building, altered in the C19. Stuccoed. Ground floor rusticated with stringcourse above it. Dentilled eaves cornice. Hipped tiled roof. Glazing bars missing. First floor windows have moulded lintels on reeded corbels. Doorway with pediment over. Carriage archway at north end of ground floor. Three storeys. Eight windows. This building dominates the Street owing to its height.*
- 2.5 The list description for The Tuck Shop reads:
- Shop with accommodation over. Probable C16 timber framed building with inserted early C17 chimneystack reclad in early C19 to rear and early C20 to front. Front elevation now clad in curved tiles to first floor with pebbledashed ground floor. Tiled roof with staggered early C17 brick chimneystack. 2 storeys and attics 4 windows. Gabled doormers with casement windows, bargeboards and ceramic finials. 4 3-light casements with glazing bars only to upper parts on first floor. In the centre of the first floor is a plastered rectangular panel depicting a vase with vine and grapes. Ground floor has 3 canted bays under a*

*bellhang and 2 doorcases with wooden brackets. Large right hand shopfront has panels of stained glass. Rear elevation is partly red brick in flemish bond with some black headers and partly stone with brick dressings. Interior has 4 timber framed bays with C16 frame including gunstock jowled posts and curved braces to midrail. First floor lounge has early C17 brick fireplace and spine beam with lambs tongue stops. Top of staircase has early C17 polygonal finial to newel post. Ground floor has 2 inch chamfered beams.*

- 2.6 The Authority's Midhurst Conservation Area Appraisal notes that "the imposing eighteenth century Angel Hotel dominates the east side" of North Street.
- 2.7 In addition to the buildings' intrinsic importance as listed buildings, the surviving façades make a significant contribution to the wider character of the conservation area and streetscene.
- 2.8 Both properties were insured and the insurers' current position is summarised in the exempt **Appendix 2**. Whilst the responsibility for maintaining listed buildings sits squarely with the owners it is expected that insurance payments are some way off. Meanwhile the listed buildings and their façades are left unsupported and at risk of collapse.

### **3. Direct Action (Urgent Works Notices)**

- 3.1 A number of options have been considered in order to address the situation including the suggestion of demolishing the buildings. The strength of local feeling on this matter is well appreciated and a portion of the local community made clear their preference for the demolition of the buildings by means of a protest on 27 April 2023. However, as the buildings are grade II listed they are therefore, by definition, deemed to be nationally important and any works to them, including the demolition of these buildings would require listed building consent and would likely take many months. This approach would also not be in line with the advice received from Historic England whose position is that if the façades can be saved, steps should be taken to do so.
- 3.2 It is also open to the SDNPA to ask the Secretary of State to consider the making of an Urgent Works direction under section 54, however, the need to undertake the works is urgent and it is considered that an application to the Secretary of State would further delay implementation of the urgent works. Therefore, as the powers under section 54 can be exercised by the SDNPA as the Local Planning Authority it is not considered necessary to ask the Secretary of State to exercise these powers herself.
- 3.3 Legal powers open to the Authority to address the issue, particularly under Listed Building legislation have been considered, including with our partners at Historic England, Chichester District Council and West Sussex County Council. The most appropriate (and indeed only emergency) power is considered to be an Urgent Works Notice under sections 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and this is set out below. A Repairs Notice under section 48 of the same legislation has been discounted as this would (assuming non compliance by the owners) take many months, and likely over a year, to bring to a resolution. Given the urgent need to shore up the façades a section 48 notice is not considered appropriate in this situation. Similarly, a section 215 notice (power to require proper maintenance of land) under the Town and Country Planning Act (1990) has been considered but discounted as the provision is not appropriate for the shoring up works that are required in this situation.
- 3.4 The South Downs Local Plan 2019 also sets out at Policy SD13: Listed Buildings that "Where appropriate the Authority may resort to the use of its statutory powers, Urgent Works or Repair Notices, to arrest decay of the asset." It is considered necessary, in this situation, to use these powers.
- 3.5 Through an Urgent Works Notice the SDNPA can carry out any works urgently necessary for the preservation of a listed building and there is no need for listed building consent for such works. This is not a power to be used lightly but it is considered, exceptionally, justified given the particular circumstances of this case.

- 3.6 A minimum of 7 days' notice must be given to the owners of the Authority's intention to carry out works and the notice must specify the works that will be undertaken so that the owner can decide whether to do the works themselves. Works can afford temporary support for a building and SDNPA can require the owner to pay its expenses (subject to an owner's right of appeal to the Secretary of State). An appeal by the owner about expenses can be that the works were unnecessary for the preservation of the building, that temporary arrangements are for an unreasonable length of time, that the sum is unreasonable and that recovery would cause hardship. The Secretary of State decides to what extent the representations are justified.
- 3.7 Ongoing expenses incurred by SDNPA in undertaking these works (such as rental and inspection of support scaffolding) may be recovered from the owner by giving notices from time to time. It is the SDNPA's intention to pursue repayment of all relevant expenditure from the building owners.
- 3.8 The works set out in this report are the only works that the SDNPA is proposing to undertake in order to support the buildings and are considered the minimum required to achieve the aim of conserving the buildings. Any further works to the buildings following inspection would need to be undertaken by the owners.
- 3.9 Two separate Urgent Works Notices would be issued, one in respect of each building and as well as being the legally sound way to proceed this would make the recovery of costs in future more straightforward. The authority have appointed a Conservation accredited Structural Engineer to draw up works (**Appendix I**) required to preserve the buildings' facades and the flank wall to the Angel Inn. Accordingly for The Angel Inn the Urgent Works Notice would require:
- The shoring up of the building's façade
  - The shoring up of the flank wall (southern elevation adjacent to Angel Yard)
  - The demolition (or removal down to a safe height) of free standing chimneys (approximately four storeys in height) that are at risk of uncontrolled collapse.
- 3.10 For the Tuck Shop the Urgent Works Notice would require:
- The shoring up of the building's façade
- 3.11 The immediate and necessarily urgent purposes in supporting (with scaffolding) the surviving façades is to conserve them and then to allow closer and safer inspection by a conservation accredited engineer to better understand their condition and whether their long term retention (with a substantially new building behind the façades) is possible. The shoring up of both buildings would be contained within the existing pavement area and parking bay 'lane' adjacent to both buildings. To undertake this work will require a licence from the Highways Authority.
- 3.12 It is important to be clear that the more detailed inspection allowed by the support scaffolding might conclude that permanent retention of one or more of the façades is not possible, though the length of time it has survived unsupported makes that less likely. The Conservation accredited Structural Engineer appointed by the Authority together with Historic England also consider, at this time, that there is a good chance that both façades could be saved. In any case the temporary scaffolding would not be abortive work as it would have allowed the clarification of an important issue in determining future actions – given the listing it would be difficult to permit demolition until the possibility of retention has been clearly discounted.
- 3.13 The works to shore up the buildings would also enable the investigation into the probable cause of the fire to be completed by the Fire Brigade.

#### **4. Policy Context**

- 4.1 The recommendations to issue two Urgent Works Notices and to undertake the works is in accordance with statutory purpose I of National Parks, namely to conserve and enhance the

cultural heritage of the National Park. As listed buildings these buildings are, by definition, assets of national importance and it is illegal to demolish listed buildings without listed building consent.

- 4.2 These recommendations, if accepted, would contribute toward delivery of PMP Outcome 4 (Arts and Heritage).

## **5. Consultation**

- 5.1 No consultation is required before the service of an Urgent Works Notice. However Historic England, Chichester District Council, and West Sussex County Council have indicated their support for the service of Urgent Works Notice in this case.
- 5.2 Both owners have been informed of our proposed action to serve an Urgent Works Notice in meetings of 19 and 26 April and in writing on the 28 April. However, these actions, whilst showing a clear direction of travel, do not commit the SDNPA to serving these notices.

## **6. Cost implications**

- 6.1 The exact cost of the works specified in the Urgent Works Notices is not known at the time of writing as it is subject to an ongoing tender exercise. However, it is expected to run well into six figures. Contributions to the funding required have been promised by West Sussex County Council (up to £100k) and Chichester District Council (up to £200k). The apportioning of contributions to the works will be considered further with these Authorities once the cost of the works are known.
- 6.2 Whilst acknowledging the significant cost of the works, the SDNPA will seek cost recovery from the building owners. The service of Urgent Works Notices is considered to be the only way to secure the urgent preservation of these listed buildings and to conserve their facades. Although not part of the reasoning for the exercising of the powers under section 54, it is noted that other benefits would clearly flow from this such as enabling the road to be reopened, and ameliorating the significant economic and social impact on Midhurst.
- 6.3 Significant officer time will be involved in managing the works associated with the Urgent Works Notices and this will not be capable of being reclaimed.
- 6.4 SDNPA undertaking the works clearly has important and wide ranging risks in that SDNPA will be responsible for quality, budget and timing issues as well as ongoing responsibilities (and costs) in respect of the scaffolding for potentially a number of years into the future. This can be mitigated to an extent through a clear contract, competitive tender award to a suitably qualified contractor and suitable follow up checks. These risks, which are undoubtedly considerable, do also need to be considered against the (very considerable) consequences of inaction.

## **7. Next steps**

- 7.1 If approved, Urgent Works Notices would be served in respect of both buildings on or after 5 May 2023. A contractor will be appointed on or shortly after (via a competitive tender process) to undertake the work if, as may be the case, the owners do not undertake the required works themselves. As the earliest date work could begin is Monday 15 May 2023, the Authority aims to commence works on this date or as soon as possible thereafter.
- 7.2 Should the procurement process result in a recommendation to award a contract £200k or over in value, this will be the subject of a further report seeking authorisation. It is likely that it will be necessary to seek this authority from the Chief Executive using Urgent Action powers as set out at Standing Order 18.
- 7.3 Following completion of the works the Authority will look to recover the expenses associated with the works. Recovery of on-going expenses relating to the works undertaken (such as the rental costs for scaffolding) would also be sought.

## **8. Other implications**

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Potentially in respect of Procurement. At the time of writing a competitive tender process is being undertaken to select a contractor to undertake the required works. If the procurement process results in a successful bidder with a total contract value of less than £200k the contract will be awarded under delegated authority; if the total contract value is £200k or more a further decision under Urgent Action power will be required to appoint the contractor.
Does the proposal raise any Resource implications?	Yes. These are significant (both in cost and manpower terms) and are addressed in the main body of the report above.
How does the proposal represent Value for Money?	In the absence of property owner/insurer action it will allow the SDNPA to undertake the works itself (following a competitive procurement process) and thereby urgently conserve the facades of these listed buildings. It will also allow the road through Midhurst to be reopened.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	<ul style="list-style-type: none"> <li>• PMP Outcome 4 (Arts and Heritage)</li> <li>• Corporate Plan – National Park for All</li> </ul>
Links to other projects or partner organisations	This urgent action is supported by Historic England, Chichester District Council, and West Sussex County Council.
Are there any Social Value implications arising from the proposal?	The contract will be below the Government Procurement Agreement (GPA) threshold for works contracts (£5,336,937) and therefore the Social Value Act will not apply. However, we endeavour to follow the principles where proportionate to the contract.
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	<p>Yes. A Number of residents of Midhurst are likely to be impacted by the proposed works with further details in the exempt <b>Appendix 2</b>..</p> <p>The support scaffolding, whilst in place, would likely preclude the provision of a pavement on the eastern side of North Street outside the properties. Therefore, consideration will need to be given to access for disabled persons and possible mitigation measures are being discussed with County Highways.</p> <p>No other direct impacts in respect of the Equality Act have been identified.</p>
Are there any Human Rights implications arising from the proposal?	<p>The action proposed has significant and acknowledged impacts on the property owners concerned. Articles 1 and 8 of the Human Rights Act 1998 have been considered in the assessment of impacts on the rights of the owners and neighbours.</p> <p>Whilst it is acknowledged that some of the buildings were lived in, due to the impacts of the fire they are not now, nor will they be able to be lived in until the buildings have been repaired or rebuilt. Given the listed nature of the buildings (by</p>

Implication	Yes*/No
	<p>definition national assets) and the need to conserve the buildings through the urgent works set out in this report, it is considered necessary to undertake the urgent works under section 54 of The Planning (Listed Buildings and Conservation Areas) Act 1990. The action proposed to be taken has been raised in advance with the property owners concerned (including in meetings on 19 and 26 April) and by letter on 28 April. It is open to the owners to undertake the works required themselves.</p> <p>However, in the absence of such action from the owners the proposed SDNPA action would conserve these listed buildings. The proposed action would be the minimum works consistent with achieving the objective of conserving the façade and flank wall of The Angel Inn and the façade of the neighbouring Tuck Shop and Cranstones.</p> <p>In respect of the neighbouring residents of Angel Yard, whilst it is noted that the proposed works would provide an improvement over the current situation where there is no vehicular access to Angel Yard, it is acknowledged that the residents of Angel Yard's right to respect for private and family life and the peaceful enjoyment of their property is an important consideration. This is balanced against issues such as public safety, prevention of crime and disorder, and the necessity of these urgent works to preserve the nation's cultural heritage and, having considered these matters, it is considered necessary to undertake the urgent works described in this report under section 54 of The Planning (Listed Buildings and Conservation Areas) Act 1990. Given the temporary nature of the shoring (whilst it is acknowledged that it may be there for a considerable period of time, it is not permanent) this is considered, on balance, acceptable.</p> <p>Having considered all these matters the action is considered to be legitimate, justified, necessary and proportionate.</p>
<p>Are there any Crime &amp; Disorder implications arising from the proposal?</p>	<p>Due to the high level of public interest in this matter and given a significant protest on the situation relating to The Angel Inn and neighbouring buildings has already taken place, the longer the situation continues without resolution, the more likely it is that further action could be taken by the public. The action proposed to be taken by the SDNPA will provide a clear way forward on the matter and hopefully reduce the likelihood of public disorder.</p>
<p>Are there any Health &amp; Safety implications arising from the proposal?</p>	<p>The health and safety risks during construction for the construction workers, given the unsafe buildings, are significant. This will be addressed by appointing a suitably qualified contractor and by following an up to date health and safety risk assessment and plan.</p> <p>The shoring of the flank wall to the Angel Inn will enable vehicular access (cars) for residents and their visitors. Whilst this will also allow police car access the height clearance is expected to be insufficient for ambulances and fire engines. The</p>



<b>Implication</b>	<b>Yes*/No</b>
	Fire Brigade have confirmed that on the night of the recent fire they did not have an appliance enter Angel Yard and in the case of a future fire hoses would have to be run into Angel Yard from North Street. Ambulances would have to park on North Street and walk to Angel Yard (between approximately 40m and 90m).
Are there any Data Protection implications?	None arising directly.
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?</p> <ol style="list-style-type: none"> <li>1. Living within environmental limits</li> <li>2. Ensuring a strong healthy and just society</li> <li>3. Achieving a sustainable economy</li> <li>4. Promoting good governance</li> <li>5. Using sound science responsibly</li> </ol>	<p>The re-use of existing buildings is inherently sustainable.</p> <p>Although not a part of the reasoning for exercising the power under section 54 , it is noted that the action the SDNPA is proposing to take also supports a sustainable economy in the local area.</p>

## 9. Risks Associated with the Proposed Decision

- 9.1 There are significant risks associated with this decision (which can be addressed and mitigated to a degree through good management), as of course there are also significant risks with failing to take the decision and leaving the listed buildings unsecured (and thus also preventing the road from being reopened).

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>
Risk to the health and safety of people and risk of damage to buildings from undertaking the works specified in the Urgent Works Notices.	Low	Severe	To be managed through the appointment of a suitably qualified contractor and a rigorous health and safety approach. There are substantial health and safety risks associated with the buildings (dangerous structures) in their current state. In respect of damage to buildings during works this would be the contractor's responsibility.
SDNPA do not take the direct action set out here and consequently the timeframe for the conservation of the listed buildings is unclear (indeed the buildings are at risk of collapse).	Low	Significant	Authorise the approval of the Urgent Works Notices.

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>
Legal action from the owners of the buildings concerned	Moderate	Moderate	The SDNPA is making use of a legal power available to Local Planning Authorities for works that are urgently necessary to protect listed buildings. The action is justified, necessary and proportionate and an appropriately qualified contractor will be used.
Reputational risk to SDNPA of undertaking the works and the time taken for the works.	High	Significant	Clear communications strategy, including that the SDNPA is stepping in only because the owners/insurance companies have failed to identify a viable solution. The action is supported by partners including Historic England, Chichester District Council and West Sussex County Council.
With over 5,500 listed buildings in the National Park this decision will be seen as a precedent for listed buildings elsewhere.	Medium	Moderate	Any future case will need to be considered carefully on its merits but it is clear that the Authority could only pursue similar action in exceptional cases.
Parts of the listed building facades could collapse whilst being shored.	Medium	Severe	This is a risk in the shoring of any building, particularly one such as this that is currently a dangerous structure. The principal risks of course are in relation to contractor safety and, to a much lesser extent, reputational damage to SDNPA from the collapse of part of the listed building. To be managed through the appointment of a suitably qualified contractor, rigorous health and safety and a public relations communication strategy.
Potential of cost overruns during contractor works	Medium	Moderate	To be managed through a clear contract, a SDNPA Project Manager experienced in construction contracts and by the use of a Quantity Surveyor to assess any variations.

**Mike Hughes**

**Major Planning Projects and Performance Manager**

**South Downs National Park Authority**

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Appendices

1. Structural Engineering Specification by Conservation Accredited Structural Engineer

2. Information relating to responsibility for the works and those impacted by the proposed works.

Appendix 2 is not for publication as it contains exempt information within paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972, being information relating to any individual and relating to the financial or business affairs of any particular person including the Authority and that in all the circumstances of the case, the public interest in maintaining the exempt information outweighs the public interest in disclosing the information.

SDNPA Consultees

Director of Planning; Legal Services; Head of Governance; Head of Finance and Corporate Services.

External Consultees

None.

Background Documents

N/a

# Andrew Turner Engineering

CONSERVATION ACCREDITED ENGINEER    STRUCTURAL ENGINEERING CONSULTANCY

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## Structural Engineering Specification

for

Temporary Propping of Elevations

at

The Tuck Shop and Angel Inn, North Street, Midhurst

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Client

South Downs National Park Authority

ATE Project Ref: 0170

April 2023

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## 1.0 Scope of Works

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### 1.1 BACKGROUND INFORMATION

1.1.1 A fire occurred on 16 March 2023 and caused significant damage to The Angel Inn and the adjoining building to the north. Once the fire was put out, the public highway on which the two buildings face was closed given concerns regarding the stability of the retained elevations. The public highway forms North Street and is designated the A272. It forms a primary east-to-west route across mid-Sussex. There is an urgent need to conserve the elevations and to re-open the highway.

1.1.2 The Angel Inn appointed a structural engineer, Toynbee Associates, to carry out a structural assessment of the Angel Inn. Their report considers it is feasible to provide a temporary support system to the facade of the Angel Inn.

1.1.3 The two buildings that have been affected by the fire are both listed Grade II. They are referenced on the Historic England website as follows:

- The Angel Hotel Grade II listed. List entry number: 1234721.
- The Tuck Shop Grade II listed. List entry number: 1274914.

The Tuck Shop accommodates three retail units at ground floor level. These are occupied by 'Blown Away', The Olive and Vine Bar Restaurant, and Midhurst Palliative Care.

1.1.4 The elevations of the buildings affected by the fire need to be temporarily propped. This is to make them safe, to conserve the existing listed elevations, and to allow the public highway and a side access to the south of the Angel Inn to be re-opened. The propped elevations will then also permit the fire damage to be cleared and for the retained elevations to be structurally assessed in detail. Whilst the primary aim of the scaffold is to prop and stabilize the affected elevations, future access on to the scaffold is to be included within the works to enable future inspections to take place.

### 1.2 SCOPE OF WORK

1.2.1 Design, erect, and maintain the propping of the affected elevations in accordance with the requirements of this specification and the drawings.

1.2.2 The scaffolding is to be considered in three parts:

- The front elevation of the Angel Inn
- The front elevation of The Tuck Shop
- The south (side) elevation of the Angel Inn.

### 1.3 REQUIREMENTS FOR FUTURE ACCESS

1.3.1 Provide fully boarded access to each lift of the scaffold, with ladder access. Where appropriate, provide secondary access for escape. This aspect is to be installed once the elevations are fully propped.

## 2.0 General Requirements

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- 2.1 SITE VISIT: Visit the site prior to submitting the tender and note all relevant site restrictions.
- 2.2 SCAFFOLD DESIGN: Submit details of the scaffolding together with drawings, calculations, method statement, and proposed sequence of construction for the scaffolding.
- 2.3 ACCESS: Provide a suitable safe means of access and escape from the scaffolding at all times.
- 2.4 SECURITY: Provide a secure compound to prevent access on to the scaffolding by the public. Access ladders must be positioned within the compound. All ladders etc. to the first lift must be raised to prevent unauthorised access. Areas where the scaffolding and compounds can be accommodated are shown on the structural drawings.
- 2.5 SMOKING: Smoking is absolutely forbidden on the scaffolding at all times.
- 2.6 PROTECTION: Provide protection caps to all scaffold tubes adjacent to the buildings.
- 2.7 NETTING: Allow in the design for safety netting to be applied. This is to be arranged to protect the general public and those at the base of the scaffolding from small fragments of debris falling from the elevations.
- 2.8 CORNICING AND WINDOW SURROUNDS: Provide a minimum of 250mm clearance between the scaffolding and the front elevation of the Angel Inn to avoid clashes with existing cornicing and window surround details. This minimum clearance can be reduced to 100mm on the other elevations to be propped, and as noted on the drawings. The contractor shall check the clearance required as part of the scaffold design.
- 2.9 SERVICES: Take account of the position of all manholes, services, street lighting etc. Where practical to do so, make allowance for providing access to service providers to inspect manholes. Where this is not possible, the affected services are to be highlighted during the design development so that the affected service providers can be made aware.
- 2.10 ADJACENT STRUCTURES: Do not extend scaffolding to encroach in front of other buildings, except where noted on the drawings.
- 2.11 HIGHWAYS: Compound and scaffolding must not encroach on to the carriageway. Provide means of protection at base of scaffolding to protect scaffold from vehicle damage, by means of baulk timbers etc. Method of protection and signage to be agreed with the Local Authority Highways officer.

### 3.0 Specific Scaffold Design Requirements

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- 3.1 Design scaffolding to prop the existing elevations, where noted on the drawings. This propping is required to support the elevations against the effects of wind loading and to deal with notional horizontal loads that may be applied to the elevations. In addition, temporary propping is required to the window and door heads within the front elevation of The Angel Inn as there are concerns with the condition of the lintels above these openings.
- 3.2 Design scaffolding in accordance with this specification and all relevant British Standards, Codes of Practice, and Regulations.
- 3.3 Design the scaffolding to support wind loads applied to the existing elevations and the scaffold, in accordance with BS 6399: Part 2 1997. Wind loading is to be determined using the following parameters:
- Basic wind speed  $V_s = 21\text{m/sec}$ .
- Altitude factor  $S_a = 1.025$  (based on altitude of site = c.25m AOD (above Ordnance Datum)).
- Probability factor  $S_p = 1.0$
- 3.5 Levels of fully boarded access to support an unfactored imposed load of  $1.5\text{kN/m}^2$ . Only two boarded levels to be used for this imposed loading at one time.
- 3.6 Design life of the scaffolding to be a minimum of five years.
- 3.7 The scaffolding is to prop the existing elevations at defined positions, as shown on the drawings. Scaffolding is to be butted against the existing elevations, including timber boarding where practicable, to help protect the elevations from further damage. Minimum loads at the propping positions, for which the scaffold is to be designed, are shown on the drawings. Loads which are quoted on the drawings are factored ultimate loads.
- 3.8 The scaffolding is to be fully braced for overall stability to withstand the loads applied to it. The scaffold must not rely on existing structures for vertical or horizontal support.
- 3.9 Provide kentledge to provide stability to the scaffolding against overturning. Provide details of what type of kentledge is to be used with the design and the magnitude of the loads. Minimum factor of safety against overturning to be 1.4.
- 3.10 Maximum allowable ground bearing pressure to be assumed in the design is  $60\text{kN/m}^2$ . Take account of areas which are stone paved or finished with stone or brick setts and provide suitable means of spreading the load from the scaffolding to meet this requirement, whilst limiting the risk of damage to the surface finishes.
- 3.11 The maximum permitted deflection of the scaffolding at roof level must not exceed 50mm on the Angel Inn, and 30mm on The Tuck Shop.



## 4.0 Health and Safety Considerations

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- 4.1 A structural engineering inspection and report have been prepared by Toynbee Associates. This report has concluded the elevations can be propped.
- 4.2 Inspections by Andrew Turner Engineering Ltd. have been restricted to viewing the elevations from a distance, outside the existing safety barriers on the public highway on 19 April 2023. Photographs and drone footage from the fire damage have also been viewed. These inspections have shown the elevations are reasonably plumb, but some recent movement is visible on the front elevation of the Angel Inn, which is visible through cracking within the rendered face. The drone footage has also revealed some of the timber backing lintels have suffered fire damage and so the masonry above some of the window openings may not be robustly supported.
- 4.3 Given the fire damage occurred on 16 March 2023, the elevations have remained standing since the fire for a period of over five weeks. During this time, the weather has been variable with periods of strong winds. This gives some reassurance that the elevations can be propped safely provided the work is carried out during a period of light wind.
- 4.4 Prior to the commencement of works on site, the following actions are required to manage the health and safety risks to personnel:
- i. A Pre-Construction Health and Safety Plan needs to be prepared by the Contractor.
  - ii. The Contractor needs to review this Specification and drawings and highlight any health and safety concerns. It is proposed a pre-start meeting is held to discuss any issues raised so that these can be addressed.
  - iii. A further inspection of the elevations is to be carried out to assess whether the structural condition has deteriorated.
  - iv. The Contractor is to carry out the role of Principal Designer and Principal Contractor.
- 4.5 During the erection of the scaffold, the following actions are required:
- i. All personnel are to remain vigilant as to the condition of the elevations. If areas of particular concern are noted, they are to be brought to the attention of the Structural Engineer and Conservation Officer for South Downs National Park.
  - ii. All personnel are to be fully briefed on the condition of the elevations to be propped and methods of working to ensure the work erecting the scaffold does not increase the risk of collapse. Activities which impose temporary accidental loads on to the elevations, such as through scaffold poles knocking or being pushed against the elevations forcibly are to be avoided.
- 4.6 Following the erection of the scaffold, the following actions are required:
- i. The elevations are to be inspected more closely by an engineer. This may highlight additional propping requirements to be introduced.
  - ii. Work to dismantle the free-standing chimney stacks needs to be carried out. The method of how this is done is to be reviewed separately.
  - iii. A Health and safety File needs to be prepared. The Contractor is to highlight any further restrictions regarding the scaffold and its use.
  - iv. The propping needs to be maintained. The Contractor is to provide details of how this will be carried out with his tender.

# Andrew Turner Engineering

CONSERVATION ACCREDITED ENGINEER    STRUCTURAL ENGINEERING CONSULTANCY

Project ref: 0170

25 April 2023

The Tuck Shop and Angel Inn, North Street, Midhurst – Temporary Propping

## Designer's Risk Assessment – revision A

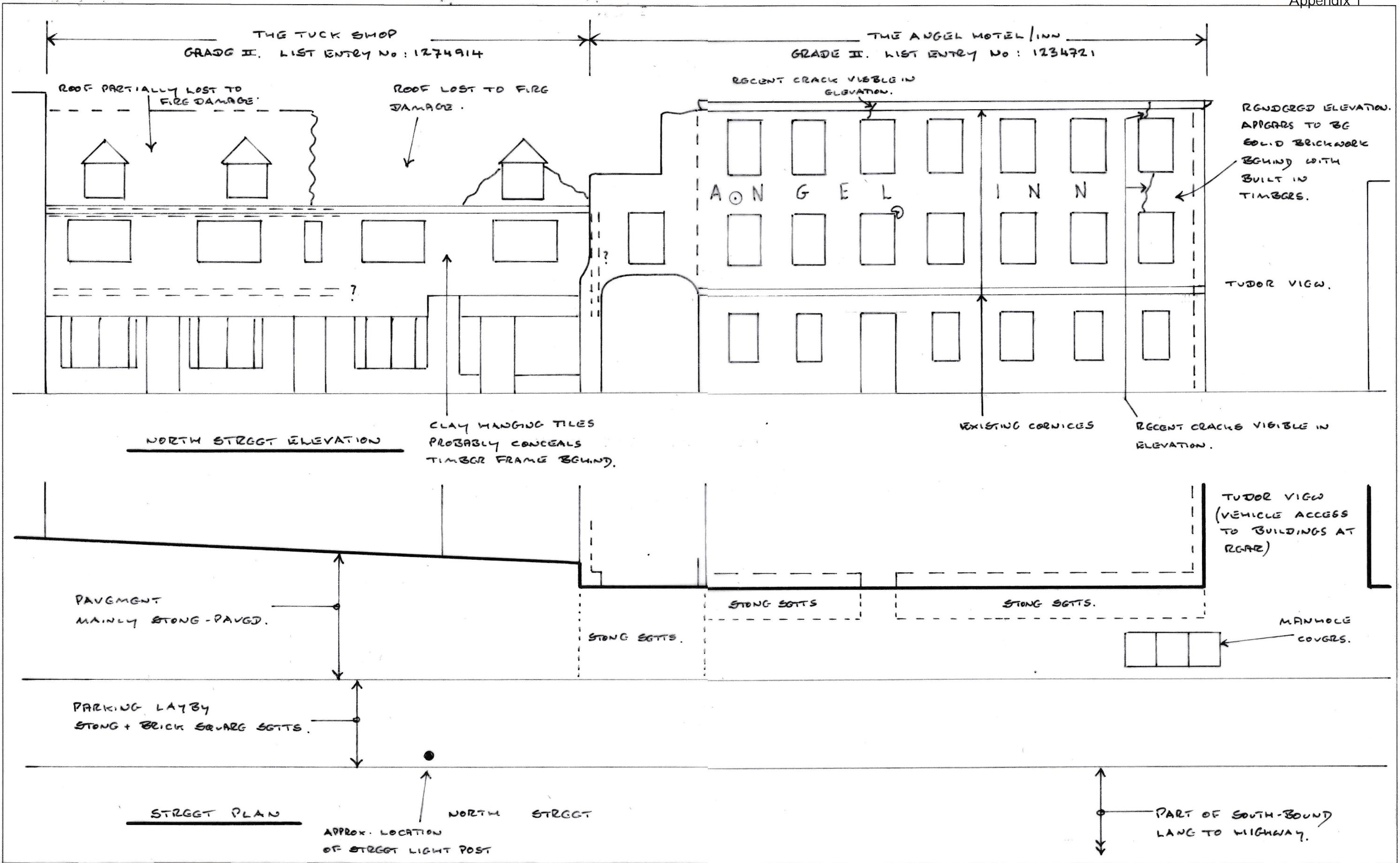
This designer's risk assessment has been prepared to accompany the structural engineering design requirements for the temporary propping of the elevations of the Tuck Shop and Angel Inn, which have been affected by fire damage. These requirements are summarised on structural engineering drawings 0170/01 to 04 and a Structural Engineering Specification dated April 2023. This work has been carried out for South Downs National Park Authority.

### Key Health and Safety Risks

*Set out below is a summary of the key Health and Safety risks that have been identified in relation to the development of the structural engineering requirements for the temporary propping. By their nature, construction activities involve risk, and it is not possible to eliminate them all in the design. The summary below does not cover obvious risks but aims to highlight the key residual risks which are particular to the structural engineering aspects of the project and how they have been addressed. This covers risks which are unusual, not likely to be obvious, or are difficult to manage.*

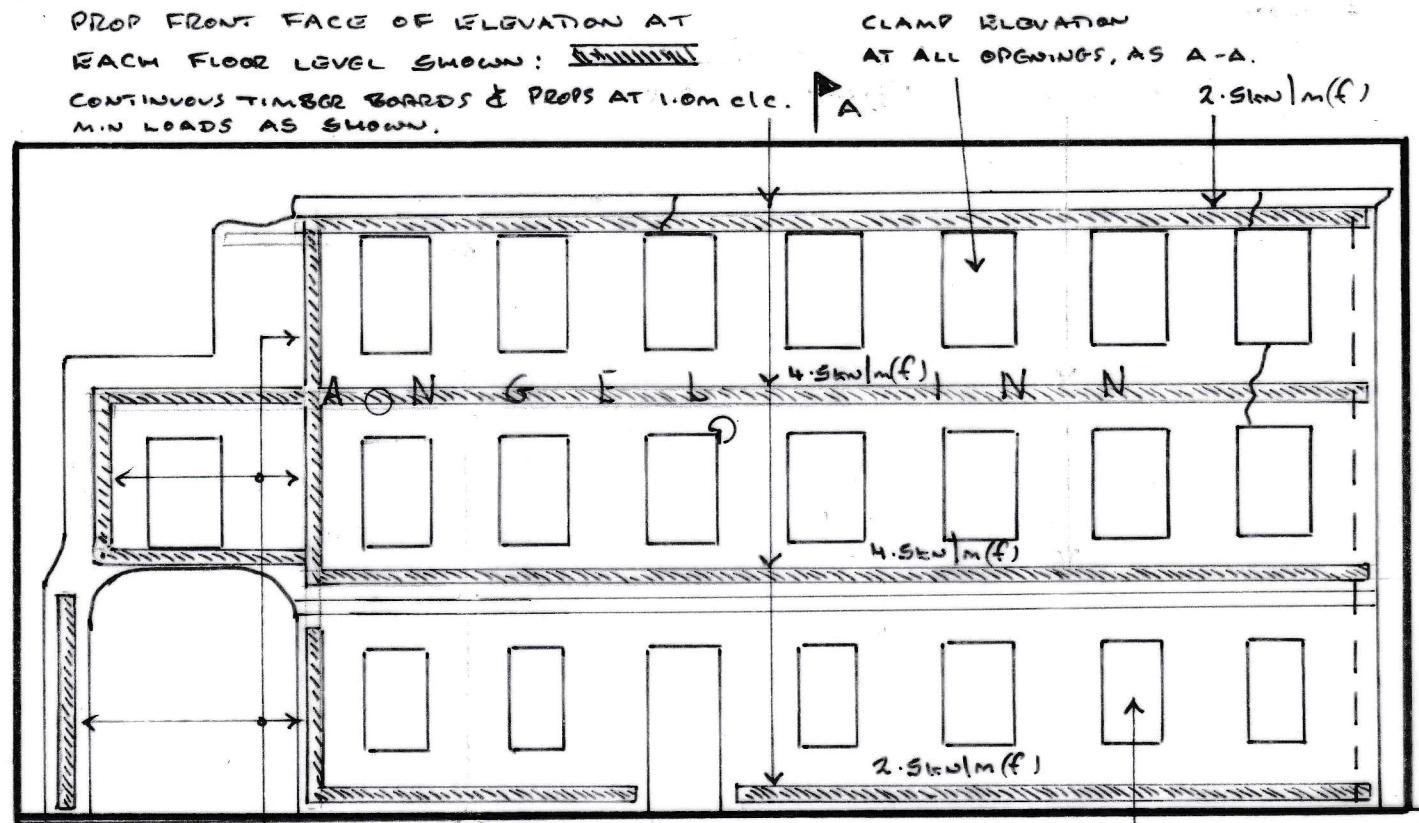
Summary of Key Residual Risk	Response in the preparation of the structural requirements	Action by the Contractor
1. Working close to fragile structures.	<p>a) Refer to Section 4 of the Structural Engineering Specification. This provides a summary of the health and safety issues which have been identified and further actions required as the design is developed.</p> <p>b) The health and safety considerations set out in section 4 of the specification are to be seen as live issues which will evolve over time as the risks become more clearly understood.</p>	<p>a) Contractor to prepare method statement with due regard to the existing condition of the elevations.</p> <p>b) Contractor to be alert to the health and safety risks and remain vigilant, at all times. Areas of concern are to be flagged up to the engineer promptly.</p>
2. Working on and adjacent to existing public highway	<p>a) Drawings prepared showing relationship of areas of scaffold and compound relative to the public highway.</p>	<p>a) Contractor to prepare method statement with due regard to the public highway and establish extent of temporary closure needed once the propping works are completed.</p> <p>b) Adopt good working practices.</p> <p>c) Methods of working and extent of pavement / layby closure to be agreed with the Highways Officer.</p>

Summary of Key Residual Risk	Response in the preparation of the structural requirements	Action by the Contractor
3. Working close to existing lamp post and public services	a) Drawings prepared showing relationship of areas of work with the lamp post. Services in the pavement identified have been noted.	a) Contractor to make their own enquiries regarding public services and carry out site surveys to confirm position of services.  b) Contractor to prepare method statements with due regard to the lamp post and public services in the ground. Follow good working practice.
4. Asbestos	a) It is note clear whether the buildings affected by fire contained asbestos.  b) Enquiries are to be raised with the building owners regarding existing asbestos survey reports.	a) Contractor to remain vigilant during the works for the presence of asbestos.  b) Contractor to follow good working practice.



<p>This drawing represents an approximate summary of the existing plan and front elevations of the Tuck Shop and Angel Inn based on observations made on site on 19 April 2023. This follows a fire which damaged the properties on 16 March 2023. The details shown are approximate and based on visual observations only. No measured survey has been made available. Do not scale off this drawing.</p>				<p>Project: Angel Inn &amp; Tuck Shop, North Street Midhurst: <b>Andrew Turner Engineering</b></p>
				<p>Temporarily Propping</p>
				<p>Drawing title: Existing Plan &amp; Elevation</p>
	25.4.23	ISSUED FOR COMMENT		<p>Date: April 2023</p>
Rev	Date	Amendment		<p>Drawing No: 0170 / 01</p>
				<p>Scale: 1:100 at A3 Size</p>

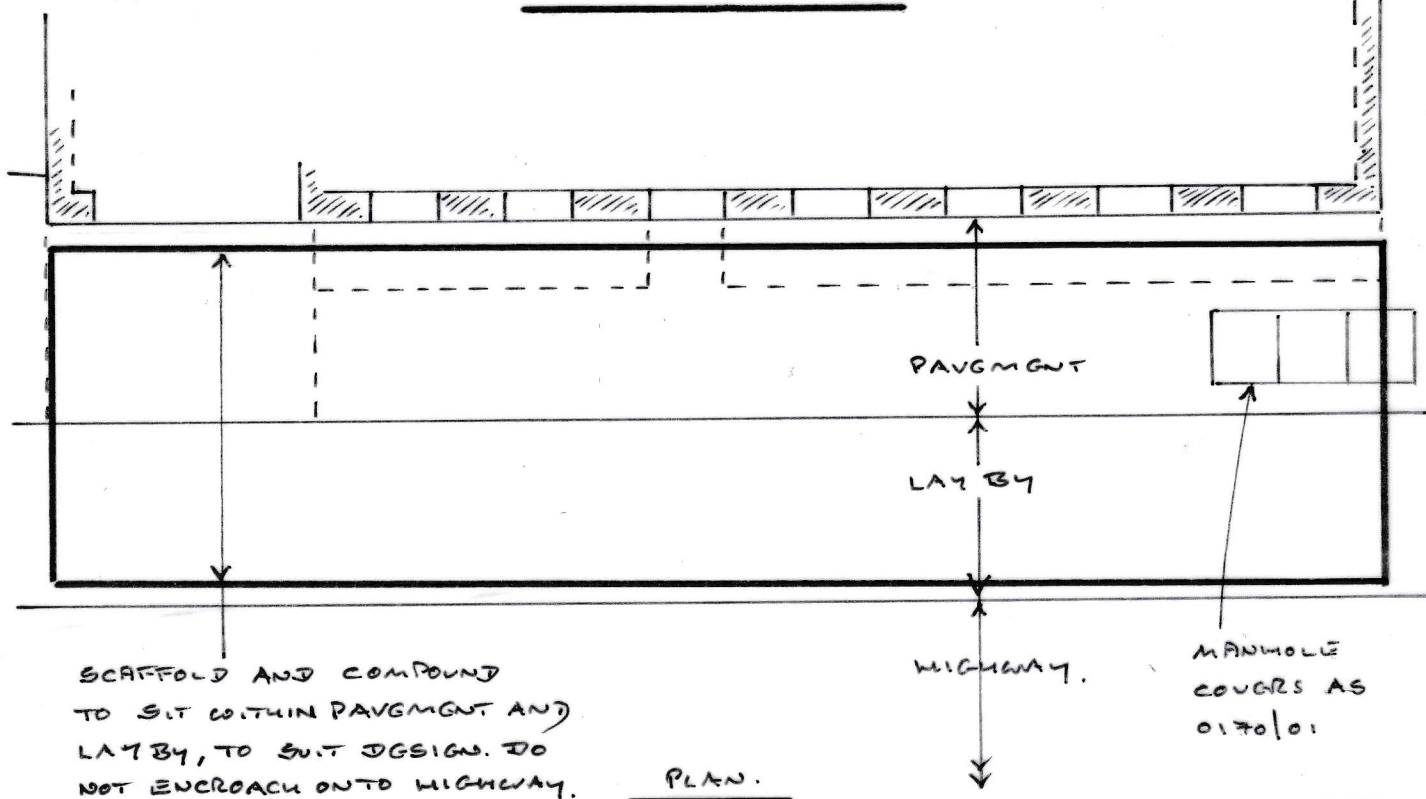




PROP FRONT FACE OF ELEVATION VERTICAL AT 1.0m c/c. MIN 2.0kn/m(f) PER PROP

ADD VERTICAL PROPS TO ALL WINDOW AND DOOR HEADS AS DETAIL 1.

FRONT ELEVATION.



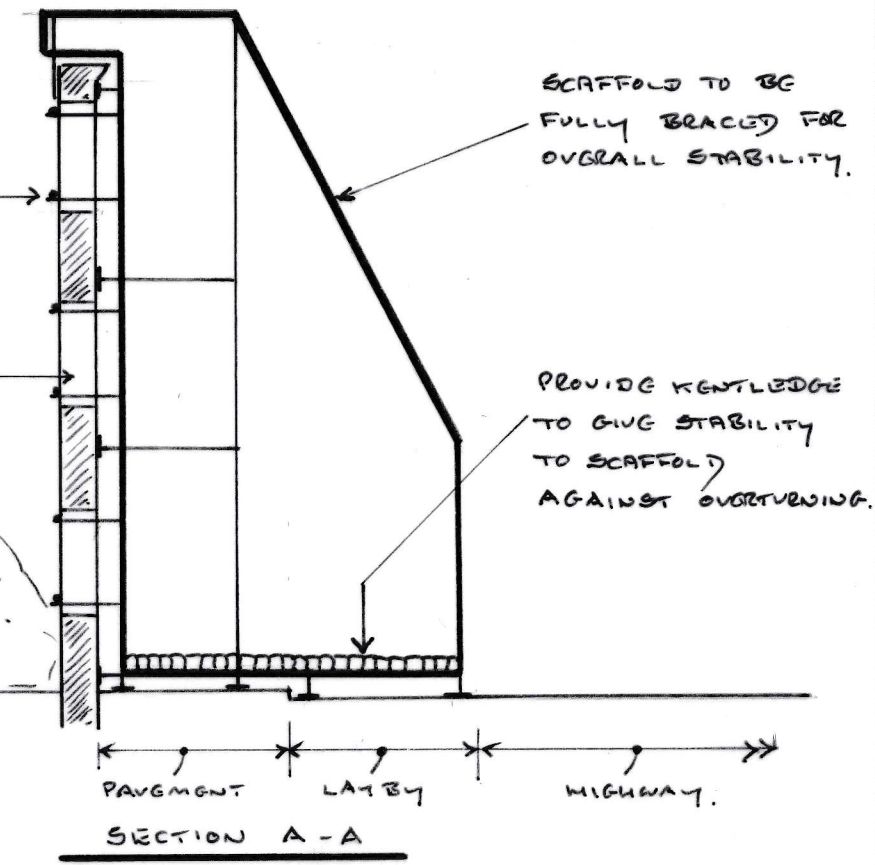
SCAFFOLD AND COMPOUND TO SIT WITHIN PAVEMENT AND LAY BY, TO SUIT DESIGN. DO NOT ENCRUCH ONTO HIGHWAY.

PLAN.

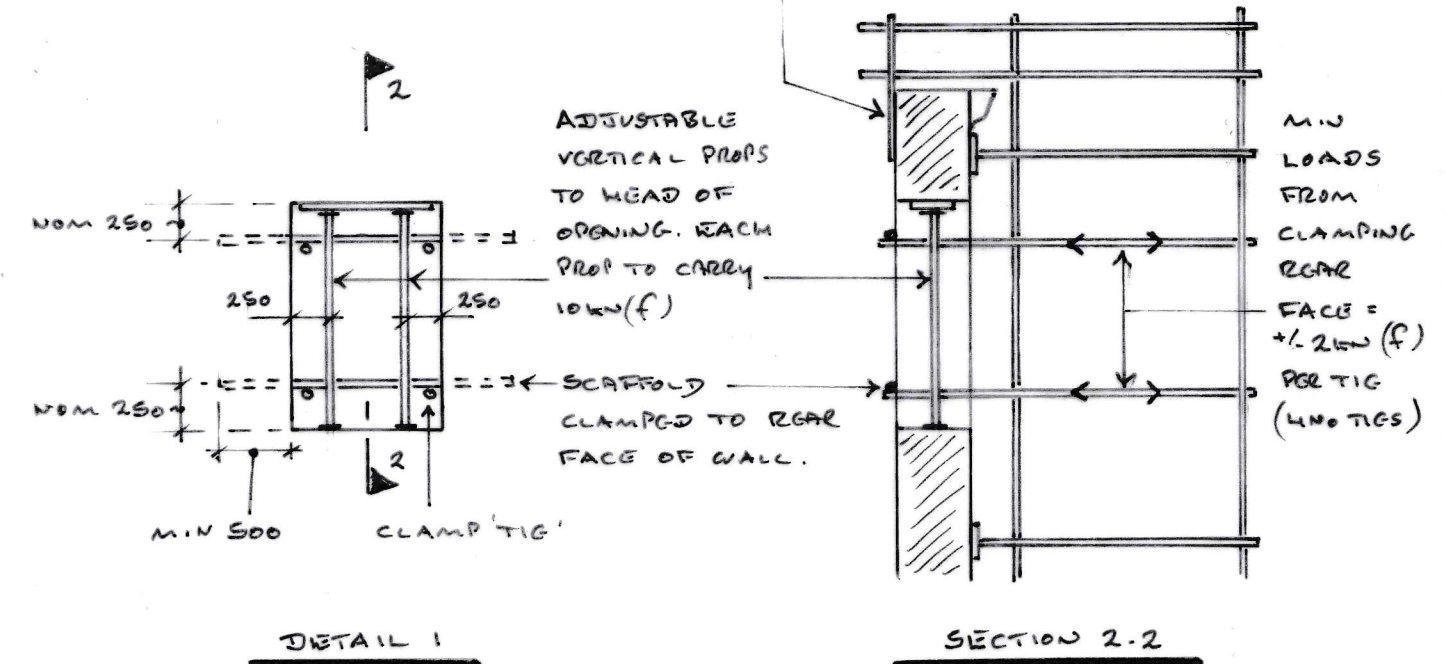
CLAMP ELEVATION TO SCAFFOLD AT ALL WINDOW AND DOOR POSITIONS, AS DETAIL 1 AND SECTION 2-2.

ADD VERTICAL PROPS AT ALL WINDOW + DOOR POSITIONS AS DETAIL 1.

FIRE DEBRIS



TOP OF ELEVATION CLAMPED AT MAX 1.0m c/c. LOAD IN CLAMP +/- 2.5kn/m RUN.



DETAIL 1

SECTION 2-2

This drawing represents an approximate summary of the existing plan and front elevation of the Angel Inn based on observations made on site on 19 April 2023. Refer to drawing 170/01 for further details.

This drawing is to be read in conjunction with the structural engineering specification.

Rev	Date	Amendment
	25.4.23	ISSUED FOR COMMENT

Project:	Angel Inn & Tuck Shop, North Street Midhurst:	Andrew Turner Engineering
Drawing title:	Angle Inn - Front Elevation Propping Requirements	Date: April 2023
Drawing No:	0170 / 02	Rev: Scale: 1:100 at A3 Size



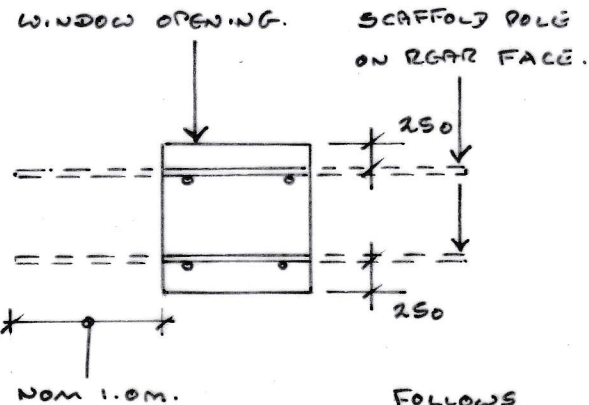
FURTHER INSPECTION REQUIRED TO ASSESS WHETHER THIS BLOCK REQUIRES TEMPORARY PROPPING.

TEMPORARY PROPPING

TUDOR VIEW

SCAFFOLD SHOWN INDICATIVELY AT GROUND LEVEL.

ANGEL INN.



DETAIL 3

FOLLOWS PRINCIPLES OF DETAIL 1, DRG 0170/02 U.N.O. TIG LOADS AS SECTION 2-2 0170/02.

GRADE II TIMBER FRAMED BUILDING.

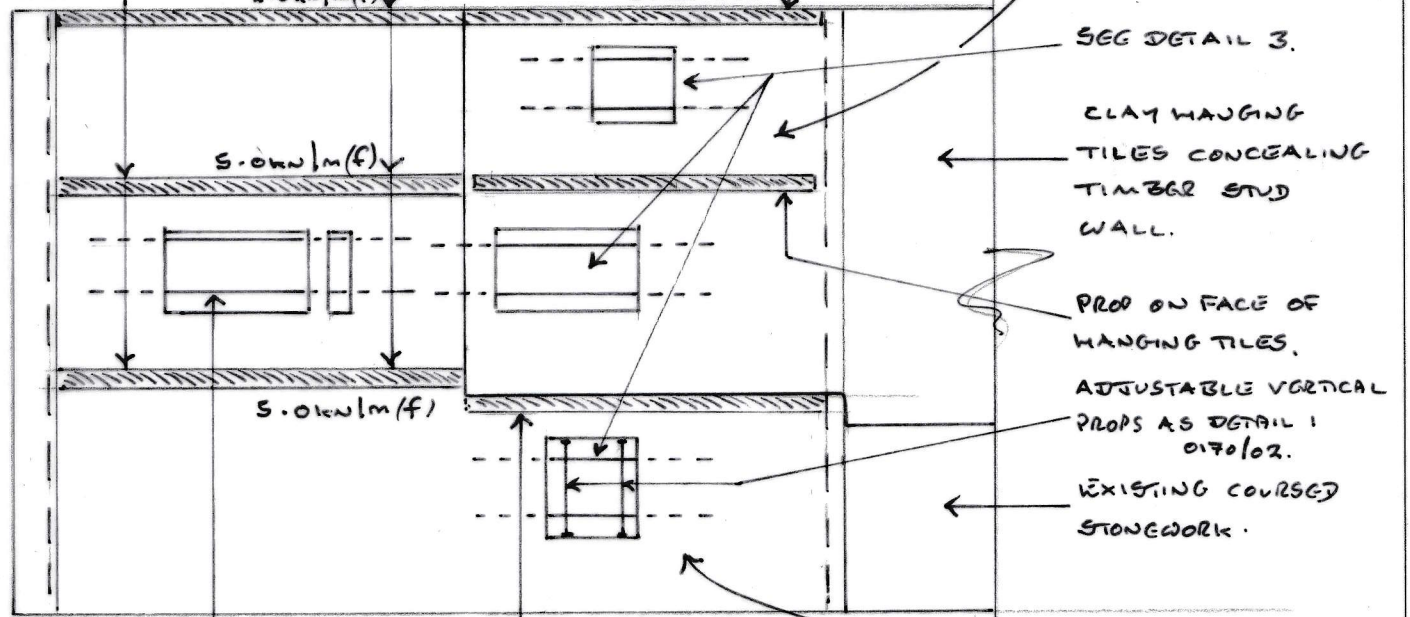
THIS DRAWING SHOWS THE PRELIMINARY REQUIREMENTS FOR PROPPING THE SOUTH ELEVATION. MORE DETAILED STRUCTURAL INSPECTION REQUIRED ONCE PROPPING IS INSTALLED AND THIS MAY HIGHLIGHT ADDITIONAL PROPPING REQUIREMENTS.

PLAN

PROPP FRONT FACE OF ELEVATION AS SHOWN: CONTINUOUS TIMBER BOARDS AND PROPS AT 1.0M CL. MIN LOADS AS SHOWN.

PROPPING ON STRINGCOURSES. 2.0kN/m(f)

\* REMOVE HANGING TILES HERE TO PROP BRICKWORK



\* REMOVE SIGN TO EXPOSE OPENING. PROPPING BELOW HANGING TILES.

SOUTH (SIDE) ELEVATION

\* WORKS NOTED \* TO BE CARRIED OUT ONCE REST OF PROPPING HAS BEEN INSTALLED.

CLAMP TOP OF ELEVATION AS SECTION 2-2 DRG 0170/02.

MAINTAIN MINIMUM HEADROOM OF 2500MM.

PROVIDE PROTECTION AGAINST VEHICLE DAMAGE.

SECTION D-D

CLAY HANGING TILES CONCEALING (ASSUMED) BRICK WALL.

SEE DETAIL 3.

CLAY HANGING TILES CONCEALING TIMBER STUD WALL.

PROPP ON FACE OF HANGING TILES. ADJUSTABLE VERTICAL PROPS AS DETAIL 1 0170/02.

EXISTING COURSED STONEWORK.

EXISTING BRICKWORK (FLEMISH BOND)

MAINTAIN MINIMUM GAP OF 100MM BETWEEN EXISTING BUILDINGS AND SCAFFOLD.

MIN MAINTAIN 2750MM FOR VEHICLES. SCAFFOLDER TO CONFIRM IF 3000MM IS POSSIBLE.

This drawing represents an approximate summary of the existing plan and south elevation of the Angel Inn based on observations made on site on 19 April 2023. Refer to drawing 170/01 for further details.

This drawing is to be read in conjunction with the structural engineering specification.

Rev	Date	Amendment
	25.4.23	ISSUED FOR COMMENT

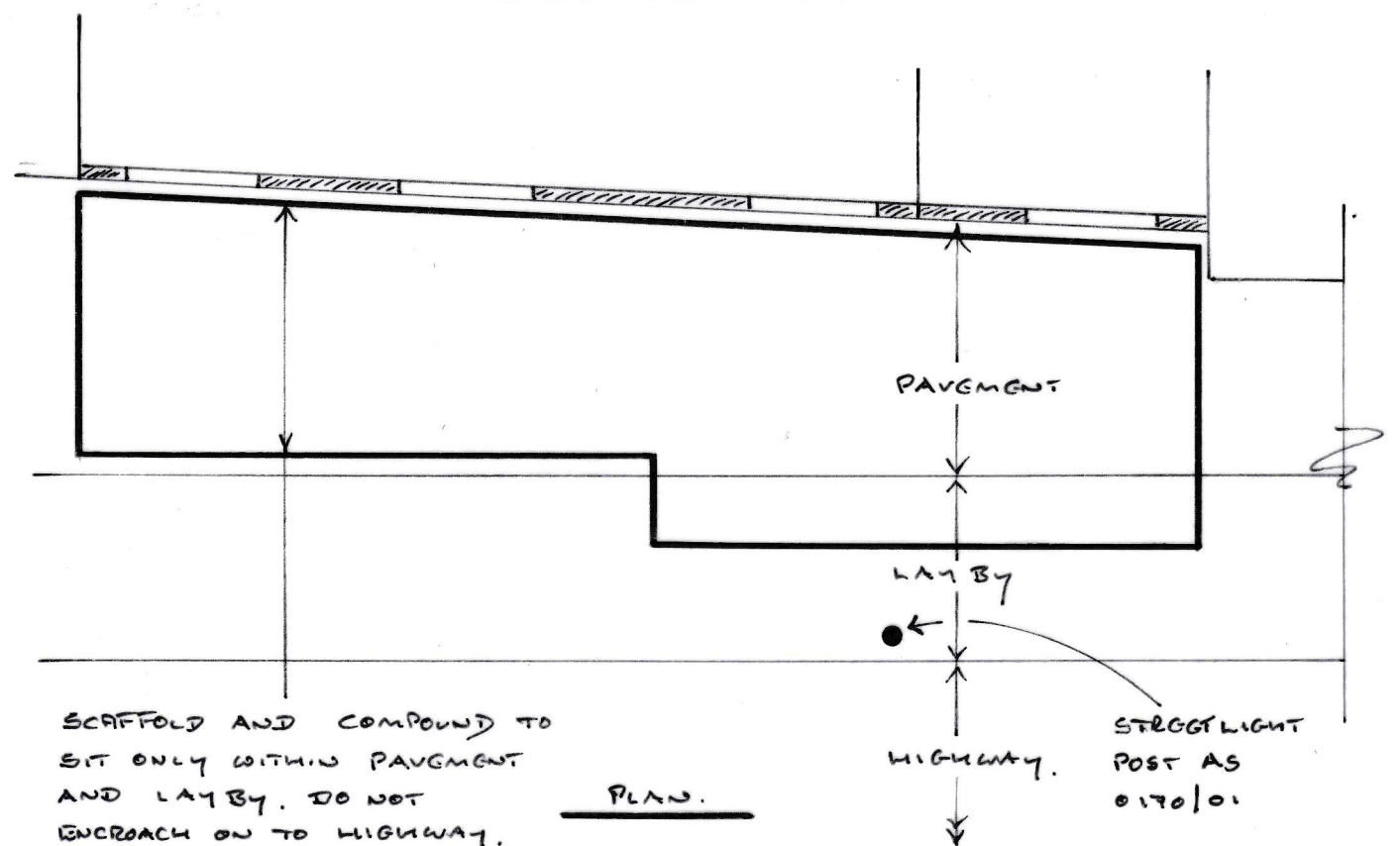
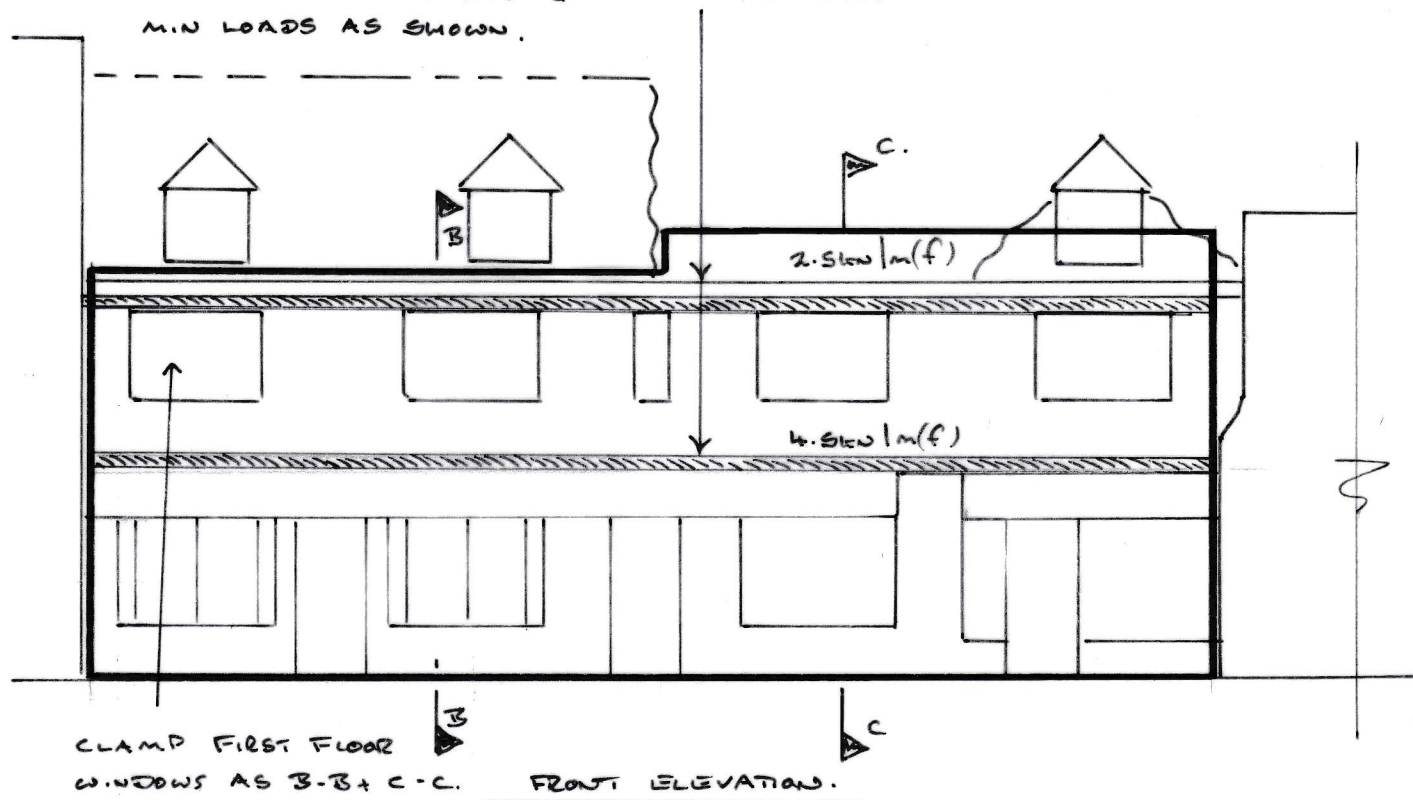
Project: Angel Inn & Tuck Shop, North Street Midhurst:  
Temporary Propping  
Drawing title: Angle Inn - South Elevation Propping Requirements  
Drawing No: 0170 / 04

Andrew Turner  
Engineering

Date: April 2023  
Scale: 1:100 at A3 Size

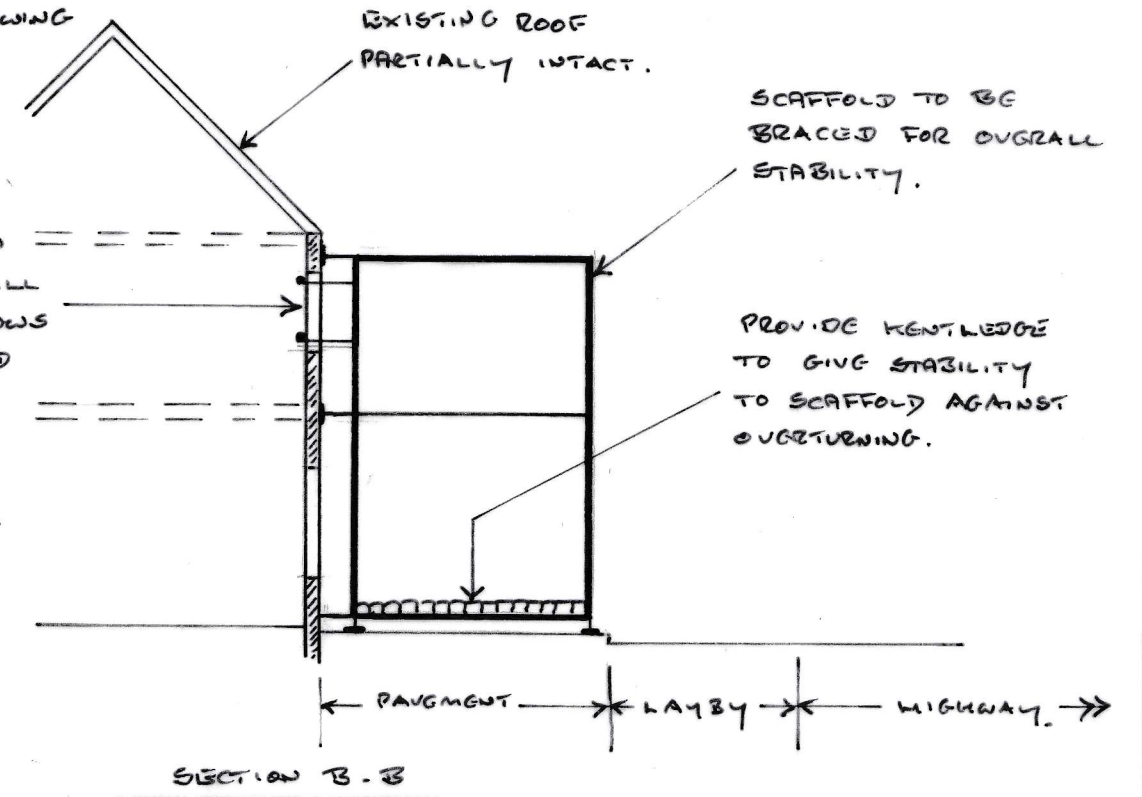


PROP FRONT FACE OF ELEVATION AT FIRST FLOOR AND CEILING LEVEL. SHOWN CONTINUOUS TIMBER BOARDS & PROPS AT 1.0M C.C. MIN LOADS AS SHOWN.



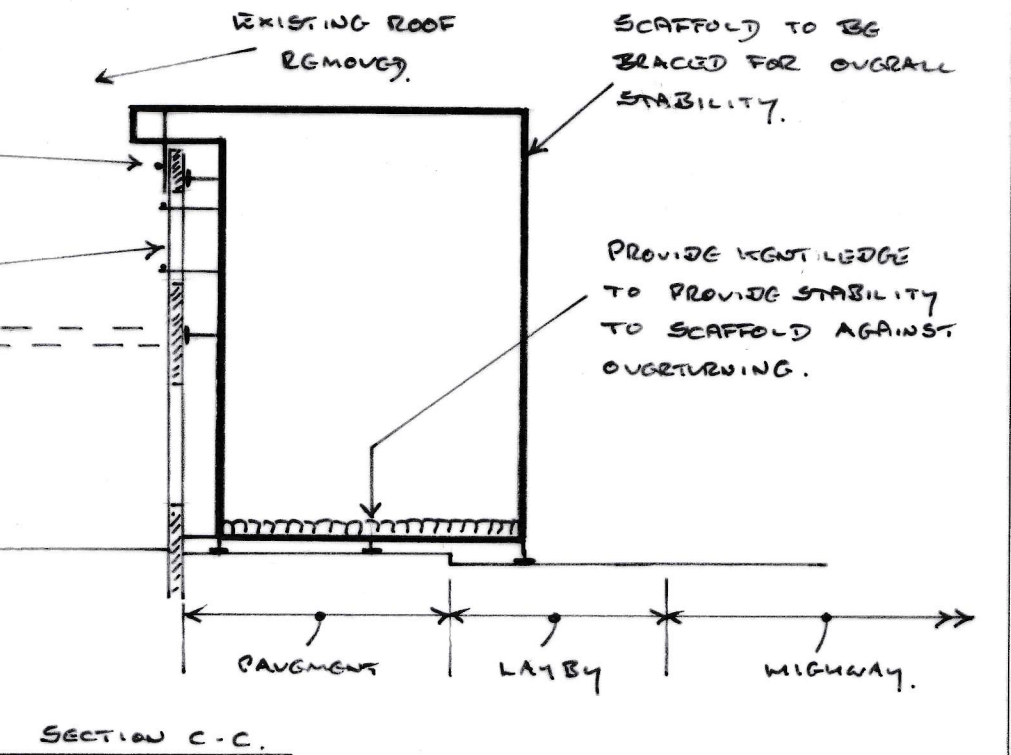
THIS DRAWING SHOWS THE PROVISIONAL REQUIREMENTS FOR PROPPING THE TUCK SHOP BUILDING FRONT ELEVATION. THESE REQUIREMENTS NEED TO BE CONFIRMED FOLLOWING MORE DETAILED INSPECTION OF BUILDING.

CLAMP ELEVATION TO SCAFFOLD AT ALL FIRST FLOOR WINDOWS SEE DETAIL 1 AND SECTION 2-2, DRG NO 0170/02 FOR DETAILS, AND MINIMUM LOADS.



WHERE POSSIBLE (AWAY FROM JOINERY) CLAMP TOP OF ELEVATION AS SECTION 2-2, DRG 0170/02.

CLAMP ELEVATION TO SCAFFOLD AT ALL FIRST FLOOR WINDOWS. SEE DETAIL 1 AND SECTION 2-2, DRG NO 0170/02 FOR DETAILS, AND MINIMUM LOADS.



This drawing represents an approximate summary of the existing plan and front elevation of the Tuck Shop based on observations made on site on 19 April 2023. Refer to drawing 170/01 for further details.

This drawing is to be read in conjunction with the structural engineering specification.

Rev	Date	Amendment
	25.4.23	ISSUED FOR COMMENT

Project: Angel Inn & Tuck Shop, North Street Midhurst:  
Temporary Propping

Drawing title: Tuck Shop – Front Elevation Propping Requirements

Drawing No: 0170 / 03

Andrew Turner  
Engineering

Date: April 2023

Scale: 1:100 at A3 Size