

RESCUING A LISTED BUILDING

Supplementary Planning Guidance Note Ref: SPG.05- NLLP Policy DSP.4 and NBE 1 & 2

Copies available from Planning & Development, Fleming House, Cumbernauld G67 1JW - Approved 22nd September 2009



Too often listed buildings are seen as a problem and not an asset. The purpose of this leaflet is to help explain some of the issues around maximising the value of any listed building.

What is a listed Building?

Historic Scotland compiles lists of buildings of special architectural or historic interest on behalf of Scottish Ministers. A listed building may be special in a number of ways. It may be an example of good architecture or a major work of a famous architect. It may have played an important part in the history of the area or be associated with famous people or events. There are many ordinary buildings included such as rows of cottages, farmhouses or barns. Other features, such as walls, gate-posts, statues and lamp posts may also be listed.

The role of Historic Scotland is to deliver policy and advice on all aspects of the historic environment as well as scheduled sites of national importance and list buildings for their architectural or historical significance. The Council's Built Heritage & Design team can also help and advise (see back page).



A well maintained category C (S) listed building. To check if your building is listed use the <http://jura.rcahms.gov.uk/PASTMAP/start.jsp> web site

A. LISTED BUILDINGS

The latest Supplementary Planning Guidance can be found online at:- www.northlanarkshire.gov.uk/spg

A.1 LISTING CATEGORIES

Buildings are assigned to one of three categories according to their relative importance. All listed buildings receive equal legal protection regardless of category.

Category A - Buildings of national or international importance, either architectural or historic, or fine little-altered examples of some particular period, style or building type.

Category B - Buildings of regional or more than local importance, or major examples of some particular period, style or building type which may have been altered.

Category C(S) - Buildings of local importance, lesser examples of any period, style, or building type, as originally constructed or moderately altered; and simple traditional buildings which group well with others in categories A and B.

This guidance may also apply to other historic buildings in Conservation Areas. Relevant legislation is Planning (Listed Building & Conservation Areas) Act 1997; Scottish Planning Policy SPP (paras 113-114) & the latest Historic Scotland "SHEP" (Scottish Historic Environment Policy) Guidance.

To get a building listed see

www.historic-scotland.gov.uk/index/heritage/historicandlistedbuildings/listingproposal.htm

For advice on looking after your listed building see

www.historic-scotland.gov.uk/index/heritage/historicandlistedbuildings/listing-guidance-for-owners.htm

A.2 WHAT IS COVERED BY THE LISTING?

A common misconception is that the listing only covers the frontage or exterior of a property. In fact the whole of the building and its setting is covered both internally and externally and this includes any extensions physically attached to the building, and internal features such as staircases, fireplaces and panelling are protected where they are an essential part of the building's character.

Any free standing building or structure which formed part of the curtilage before 1st July 1948 is also considered to be part of the listed building. Such structures may include boundary walls and outbuildings.

A.3 WHEN IS LISTED BUILDING CONSENT NEEDED?

Works which will alter or extend a listed building in a way which would affect its character or its setting and demolition works require Listed Building Consent. (Sect 6 and 7 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and para 13 of SPP). There is a distinction between maintenance, repair and alterations - with listed building consent required if the character or special interest is affected. Removal of original materials (e.g. timber windows) and their replacement with a modern alternative is an alteration and usually requires consent. The cumulative loss of original materials and details can erode the historic and architectural value of the building. The aim should be to repair and consolidate rather than to replace. It is important that you contact the Council for advice as it is a criminal offence to carry out work which requires Listed Building Consent without authorisation (see back page).

The council will seek to ensure these principles are achieved through the development management process

B. REPAIRS AND MAINTENANCE

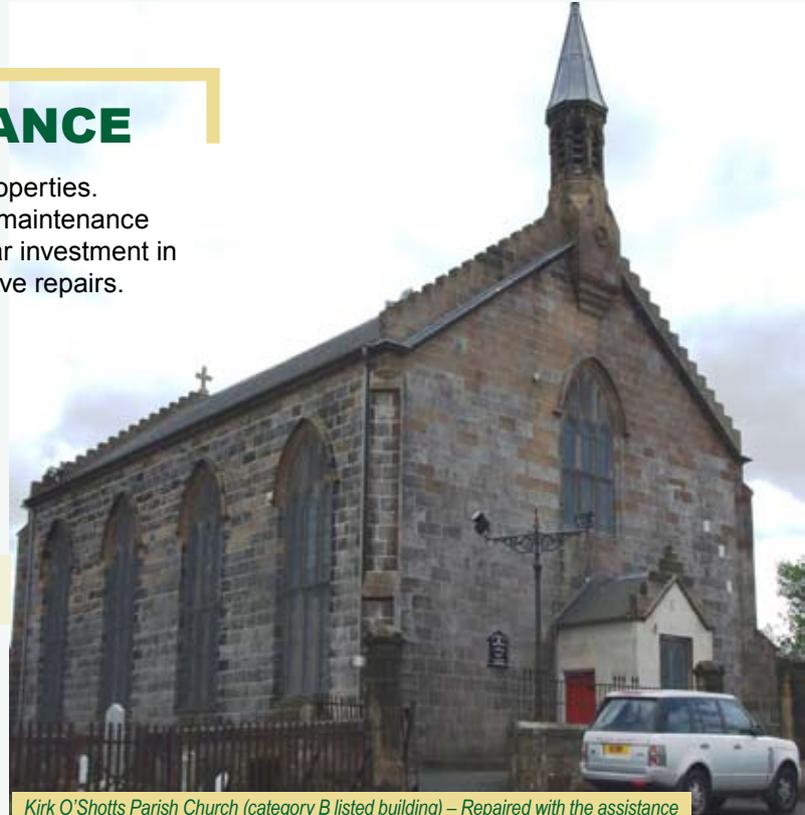
1. All buildings need regular maintenance especially older properties. Owners of listed buildings are responsible for the repair and maintenance of their property just as any property owner is. A small regular investment in maintenance can limit the need for or extent of more expensive repairs.

2. Regular inspection of your building will allow you to identify any defects which need further investigation and repair. An inspection should be undertaken at least once a year ideally in rainy weather (the rain will highlight any blocked gutters or roof defects). Any inspection or maintenance should be carried out safely.

3. The inspection should cover:

- Roof
- Guttering
- External Walls
- External Joinery and ironwork

4. A more detailed inspection checklist can be found in "A Stitch in Time" - see link below. With regular inspection any defects can be highlighted at an early stage and a maintenance programme can be created. See also the Maintenance Guide and INFORM Guides from Historic Scotland - links below.



Kirk O'Shotts Parish Church (category B listed building) – Repaired with the assistance of Historic Scotland grant. Removed from the Buildings at Risk Register



The Whitehouse (36-42 Main St) Kilsyth (Nov 07) after a major fire in November 06



The Whitehouse Jan 08 during works undertaken through an Urgent Works Notice



Regular maintenance will reduce the need for more expensive repairs

B.5 THE DO'S AND DONT'S OF REPAIRS AND MAINTENANCE

DO

- Ensure the building remains wind, weatherproof - & structurally sound
- Seek advice from qualified professionals (eg IHBC)
- Carry out regular inspections
- Undertake regular maintenance
- Repair rather than replace
- Contact the Council for guidance
- Avoid unnecessary work
- Source appropriate materials
- Identify defects early during inspections (its cheaper!) - early repairs are usually cost effective by preventing damage ✓
- Identify and repair the cause of decay
- Use original materials and traditional building methods
- Obtain all necessary Listed Building Consents and Building Warrants
- Use only reliable contractors or craftspeople

DON'T

- Allow defects to remain unattended
- Introduce inappropriate materials - such as cement mortar
- Undertake repairs or alterations without seeking professional guidance
- Undertake unnecessary alterations
- Conduct repairs without consent
- Remove or demolish any original element (has it been recorded?)
- Employ anyone without checking their references or inspecting their work
- Disturb bats, breeding birds, or wildlife without expert advice. Bats are legally protected and as bats tend to return to the same roosts each year, these sites are protected whether bats are present or not. Seek advice from Scottish Natural Heritage (see contacts on back page) ✗

B.6 FURTHER INFORMATION

A Stitch in Time – Institute of Historic Building Conservation
www.ihbc.org.uk/stitch_in_time.htm

Scotland's Listed Buildings – www.historic-scotland.gov.uk. Useful leaflets for owners of listed buildings - including a maintenance guide www.historic-scotland.gov.uk/conservation-area-maintenance-guide.pdf

Their **INFORM Guides** – are free and available on-line - providing a useful introduction to various listed building technical issues.

See also publications/ advice at:

- www.ahss.org.uk
- www.spab.org.uk
- www.georgiangroup.org.uk
- www.victorian-society.org.uk
- www.c20society.org.uk
- www.rcahms.gov.uk

See also SPP paras 113 & 114

C. BUILDINGS AT RISK

1. Buildings are classed at risk when they are:

- Vacant with no identified new use
- Suffering from neglect and/or poor maintenance
- Suffering from structural problems
- Fire damaged
- Unsecured
- Open to the elements
- Threatened with demolition

2. The Scottish Civic Trust reviewed the Buildings at Risk register for North Lanarkshire in 2008 - it can be found on their web site at www.buildingsatrisk.org.uk

3. The Council wishes to work with owners to ensure the sites are secure and that all protective measures are in place to prevent further deterioration, as well as helping assess the options available to secure the future of the listed building.

... see contacts on back page



Finding a positive use for a listed building is the best way to secure its future

C.4 IS GRANT AID AVAILABLE FOR REPAIRS?

Historic Scotland administers a Historic Building Repair Grants Scheme giving financial help to owners when undertaking high-quality repairs to conserve original features in listed buildings.

Who can apply? - Home owners, trusts, commercial undertakings and Local Authorities

What works are grant aidable? - Urgent repairs or other work that needs to be done within two years.

What is not grant aidable? - Routine maintenance and minor repairs, additions, alterations or demolitions.

For further information on grant schemes go to www.historic-scotland.gov.uk/index/heritage/grants.htm or email hs.grants@scotland.gsi.gov.uk

C.6 NEW USES

Finding new uses for historic buildings is often the key to their continued survival. The best use for an historic building is usually the use it which it was designed - especially if it is a residential or ecclesiastical use. Whenever possible this original use for the building should continue. However the aim should be to find a use that is viable over the long term with minimum impact upon the special architectural and historic interest of the building or area. Whilst not all historic buildings can be readily adapted to serve new uses there are many examples where this has been done successfully.



Former Church now converted to Flats

C.5 COUNCIL'S PLANNING POWERS

As well as the power to take enforcement action against unauthorised works, if an owner fails to keep a listed building in a good state of repair the Council has statutory powers to take action against the owner to safeguard the future of the Listed Building. These powers under the Planning (LB&CA)(Scotland) Act 1997 allow the Council to carry out **urgent works** for the preservation of listed buildings where they are vacant, and to serve **repairs notices** and if necessary compulsorily purchase listed buildings which are in need of repair.

Types of Notices:

An **Urgent Works Notice** (s49) requires the owner to carry out emergency repairs that are necessary for the urgent preservation of the building. Such notices:-

- Should be the minimum works necessary to ensure the preservation of the building.
- Will ensure the owner gets at least 7 days' notice in writing
- Effectively grant Listed Building Consent for agreed works
- Allows the Council to undertake the works in default if the owner fails to act - with the owner paying the cost of these works (or as a legal charge on the property to that effect).

A **Repairs Notice** (s43) requires the owner to :-

- Carry out works considered reasonably necessary for the proper preservation of the building as specified by the Council. These repairs can go beyond those allowed in an Urgent Works Notice.
- Be given a minimum 2 months period to undertake the specified works.
- If the works are not carried out the Council may begin proceedings to compulsorily purchase the building. The Council can compulsorily acquire listed buildings which are not being properly conserved - if this will facilitate its repair - e.g. through a "back to back agreement" with a trust or potential new owner.

If the Council is satisfied that the listed building has been deliberately allowed to fall into disrepair to try and justify its demolition and redevelopment of the site, it may seek a "direction for minimum compensation". This means the owner would only receive compensation which excludes all development value (this can be as low as £1 - as in Amos Vale cemetery case).

“ there is a presumption against demolition or other works that will adversely affect a listed building or its setting”.

Para 113, SPP (Feb 2010)

“ there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it;”

Key Principle 1.14(b) SHEP



New Stevenston Primary no longer used as a School to be converted into Flats with 4 semi-detached houses to be built in the playground.

D. DEMOLITION

1. The Scottish Government policy is that no worthwhile building should be lost unless it is demonstrated beyond reasonable doubt that every effort has been made to find practical ways of keeping it. The fact that a listed building is unused and considered obsolete for a short period of time is not in itself justification for unsympathetic change or demolition.

2. It is possible to apply to demolish a listed building but there would need to be a very convincing case to support the application as there is a presumption in favour of the preservation of listed buildings (see Section 3.44 of the SHEP).

3. There are several tests for demolition which need to be satisfied before consent for demolition is given. Both the Council and Historic Scotland must be satisfied that the tests have been both applied and satisfied before a decision is made. Less significant duntakings are regarded as works of alteration and are likely to need listed building consent.

4. The Council also needs to be satisfied that all reasonable measures have been taken to ensure that a building is safe and secure from vandalism and other sources of damage (such as weather damage).

further info in SHEP and “Demolition” INFORM Guidance from Historic Scotland

D.5 THE DEMOLITION TESTS ARE

INFO USUALLY REQUIRED

1	Has the importance and special interest of the building been assessed? Does it make a positive contribution to the local character or not?	List description & Conservation Statement – including assessment of character and setting – what is important?
2	Has the condition of the building been assessed? Is the building incapable of repair? What issues cannot be resolved?	Structural report – with photos & factual justification of conclusions (not opinions)
3	Has the cost of repairing and maintaining the existing building and the costs of building a new building been assessed? Is the repair of the building not economically viable?	Is there a transparent & realistic financial case - identifying any funding problem? Including fees, VAT, re-sale assumptions, etc ? Is there a priced schedule of repair works & valuation evidence?
4	Have design & feasibility options been assessed to demonstrate: <ul style="list-style-type: none"> • That it is not possible to adapt the existing building to accommodate any new use which would safeguard its future, • That the demolition is essential to delivering significant benefits to economic growth or the wider community, • That the proposed new use and building would positively enhance both the environment and the setting of other listed buildings in the area? 	The purpose is to demonstrate that the listed building is not adaptable to accommodate any new use which would safeguard its future. A professional report detailing investigations and assessment of potential alternative new uses, or community benefits and related costs or business plan, is usually required.
5	Is there evidence that the building had been marketed at a reasonable price reflecting its location and condition to potential restoring purchasers for a reasonable period without success?	The purpose is to demonstrate that there is no other interest in the building. A high valuation will negate any advertising. A professional report on what has been done and what interest there was (if any) is required.

Further info in SHEP Sections 3.42, 3.46 and 3.52 & INFORM Guide on Demolition available free from www.historic-scotland.gov.uk



4

The Council will be working with local community groups to help provide community facilities within underused listed buildings



The council will also be liaising with local Building Preservation Trusts and housing bodies to find an interested user

E. ENABLING DEVELOPMENT

1. The principal purpose of enabling development is to rescue historic buildings from imminent collapse or further decay. Any such development should be the minimum necessary to enable the restoration and reuse of the listed building (para. 114 of SPP) Such development will also need to be tested against the other policies in the Local plan.

2. The Council needs to consider the impact that any new development will have on the setting and character of the listed building - ensuring any harm is minimised. To ensure an agreed schedule of works to the Listed Building is undertaken, the Council usually requires a section 75 Legal Agreement or Bond (including any agreed phasing). This is to ensure that the deterioration of the building is halted; that the restoration work can begin prior to any new development taking place; and that the listed building refurbishment is not left till last.



New Development to enable the restoration of several listed buildings at Gartloch Village Glasgow

3. Whilst it is important to contact the Council as early as possible to discuss enabling development – to make progress you need to demonstrate that you are maintaining and looking after the listed structure (e.g. through survey & maintenance work).

TIPS *The council needs a variety of information to determine whether enabling development is required to ensure the restoration of the listed building. As the owner you will need to be able to answer the following questions:*

- | | | |
|----------|--|--|
| 1 | What is the current condition of the listed building? If the building is derelict or in a poor state – then do you have a structural survey and assessment? How much will early repairs cost? | Any structural report needs to set out facts or detailed photos to justify any opinions or conclusions reached – so that they can be independently verified |
| 2 | Is there an assessment of the existing character and setting? Does it show the broader context as well as the details? Does this assessment inform the conservation approach? | Any proposals need to minimise harm to the character and setting of the existing Listed Building – preferably by retaining & incorporating existing details and features |
| 3 | What are the gross and net (after resale) estimated costs of restoring the listed building? Are the cost assumptions explicitly stated? (eg assumed cost per sq m? basis of fee & profit assumptions?). What are the actual valuation or acquisition costs? What is the “financial gap”? | This should separately identify any professional fees, VAT or other costs – including profit. Acquisition costs need to be justified – paying over the odds does not justify excessive enabling development. Note that certain works to Listed Buildings may be zero rated for VAT purposes. |
| 4 | What is the proposed use of the listed building and any enabling development? How does this affect the value? | Is the use compatible with the Listed Building without excessive changes? Is the focus on increasing the value – not just the numbers? |
| 5 | Where will the new development be located? What is the density (for residential development)? Is there a schedule of floor areas (in metric) and full details of new scheme? | A site plan & drawings to show the preferred location and design of any proposed development in relation to the listed building and its setting. |

NBE 1 Protecting the Natural and Built Environment

B Built Environment: Development should avoid causing harm to the character or setting of the sites listed below. Planning permission will only be granted for such sites where the character and appearance of the site and its setting is preserved and enhanced – including any special interest or features of architectural or historic interest. Additional assessment criteria specific to sites including:

2c Listed Buildings: The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting. There is a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

NBE 2 Promoting the Natural and Built Environment

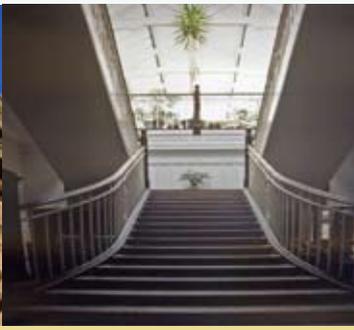
B Built Environment: The Council will promote the following built environment improvement initiatives by requiring proposals affecting those sites or their settings to contribute to their enhancement including B3 Listed Buildings: the Council will maintain the Sites & Monument Register including Listed Buildings & Buildings at Risk - seeking an early List Review, the Council will help and advise owners of Listed Buildings in looking after their assets - but will also take action where necessary (including serving Repairs Notices and Building Preservation Notices) to preserve buildings of architectural or historic interest.

See NNLP Finalised Draft 2009 – Policy document for full details of these policies. The Council will produce Supplementary Planning Guidance to assist clarify these objectives and amplify the criteria to be used in assessing applications.

You won't need to have detailed answers to all these questions when you first discuss your listed building with the Council - however it is important to move towards addressing them.



Gartloch Village - New residential development has helped fund the restoration of the main listed buildings



The details of a Listed Building are important to its character

F. Checklist

your application should include...

The Council will expect Listed Building applications to provide the information on the right.

See also Appendix 1 of draft Joint Working Agreement.

Insufficient information is the most common cause of delay.

On larger or more complicated sites you may benefit from the advice and design expertise of an expert conservationist. A list of local practices may be obtained in Yearbook from:

The Institute of Historic Building Conservation
www.ihbc.org.uk

- A survey of the existing site and building - showing plan, elevations, sections, typical details and trees, levels, north, etc. This should include a photographic survey or record (showing where photos were taken from).
- A Conservation Statement – assessing the character and setting (see checklist at back of PAN 71) and identifying options and approach to minimise any impact thereon.
- A statement of significance - included within the Design Statement.
- Where any demolition is proposed – a detailed Justification Statement should be provided - assessing application against the 5 tests set out on page.4
- Where any enabling development is proposed – a detailed justification is required - which provides detailed answers to the questions on Page 5.
- Information on proposed materials including a detailed specification of each material to be used and information of the source of materials (to ensure that materials such as stone, brick or slate are from legitimate sources (rather than other salvage from other historic buildings)
- Information on appropriate building methods and techniques to be used during the restoration of the listed building. Some modern techniques may be unsuitable to be used in a listed building and could actually be harmful to the building.
- An explanation in the Design Statement as to how the proposed development has been designed to be accessible by all of. An explanation of how the proposed development impacts on the special interest and links with the surrounding area and the existing built environment is also required.
- Have you spelt out your timetable for refurbishing the Listed Building? The Council is usually seeking – through a condition or a bond – to ensure that the Listed Building is made structurally sound and weatherproof within a 12 month period.

The latest Supplementary Planning Guidance and index can be found online at:-
www.northlanarkshire.gov.uk/spg

CONTACT DETAILS

**North Lanarkshire Council
Development Management
Area Office**
Fleming House, 2 Tryst Road,
Cumbernauld G67 1JW
01236 632518
esenquiries@northlan.gov.uk

**North Lanarkshire Council
Development
Implementation Team**
Fleming House, 2 Tryst Road
Cumbernauld, G67 1JW
01236 632625
esdesign@northlan.gov.uk

Historic Scotland
Longmore House, Salisbury Place,
Edinburgh, EH9 1SH
0131-668-8600 /8981 /8717
hs.inspectorate@scotland.gsi.gov.uk
Listing Team 0131 668 8701/8705
Grant Aid Enquiries 0131 668 8801
hs.grants@scotland.gsi.gov.uk

The latest Supplementary
Planning Guidance and index can
be found online at
www.northlanarkshire.gov.uk/spg

**Architecture + Design
Scotland (A+DS)**
Bakehouse Close, 146
Canongate, Edinburgh EH8 8DD
T: 0131 556 6699 F: 0131 556 6633
www.ads.org.uk info@ads.org.uk

SEPA East Kilbride, 5
Redwood Crescent, Peel
Park, G74 5PP
www.sepa.org.uk

Scottish Natural Heritage
Great Glen House, Leachkin
Road, Inverness IV3 8NW
T: 01463 725000
E: enquiries@snh.gov.uk
www.snh.org.uk/

See also publications/ advice at:
Scottish Government
[www.scotland.gov.uk/topics/
planning](http://www.scotland.gov.uk/topics/planning) and archived site
www.cabe.org.uk
www.cabe.org.uk/publications

This is one of a series of Supplementary Planning Guidance Leaflets aimed at encouraging good practice in the design and layout of new development. The advice supplements the policies in the emerging North Lanarkshire Local Plan. The Council will have regard to this Guidance when assessing the merits of planning applications. This leaflet was, following public consultation and consideration of all comments made, formally approved as Supplementary Planning Guidance on 22nd September 2009. It is available on-line can be translated or provided in other languages or formats on request

Ref: SPG.05 Listed Buildings Approved **22 Sept 2009**
www.northlanarkshire.gov.uk/spg
North Lanarkshire Council, Environmental
Services, Strategic Planning, Fleming House,
2 Tryst Road, Cumbernauld G67 1JW
Tel 01236 632625 esdesign@northlan.gov.uk