

## 8

### The Planning or Conservation Brief

#### 1 Introduction

Uncertainty is invariably a factor associated with any building at risk. It can contribute to the risk in the first instance, can hinder action by the owners, delay intervention by local authorities, discourage support from funding bodies, limit interest from potential developers and be a major impediment to the marketing of a property. Dialogue among interested parties is one important way to help in understanding the circumstances and responsibilities surrounding a building and for exploring appropriate options for a site. However, in many situations it is desirable for the council, owners, developers and the community to have early and definitive guidance on how it might, or should, be developed.

This can be done through the local authority adopting and publishing site specific policy in a planning or development brief. Through such a document, planning and listed building issues can be explored and agreed in advance of marketing and it can inform deliberations over a building's future, including consideration of applications for planning and listed building consent.

The use of the planning brief is highly appropriate in the case of buildings at risk as such properties invariably have special considerations that require to be addressed. In these circumstances it is sometimes termed a 'conservation brief'.

Any local authority (or other public body) should seriously consider the preparation of a brief for any asset they propose to transfer or dispose of. Where a site is being sold the detailed brief can serve as a valuable component of the disposal particulars during marketing.

Preparation of briefs need not be limited to publicly owned sites and local authorities can devise them for sites not in their ownership. The adoption of briefs for privately owned listed buildings has been shown to be a useful approach greatly appreciated by the owners and planners alike. Local authorities and owners of buildings at risk may wish to work in partnership in developing and agreeing the brief and there may be a role for specialist conservation consultants to work on their behalf in this. The brief can bring valuable efficiencies by reducing the number of highly speculative and ill-informed approaches to the planning authority or selling agent and can bring practical information to potential purchasers or developers who might have unrealistic aspirations. Matters such as new development within the curtilage of the existing building, including test designs and indicative layouts as well as acceptable levels of 'enabling development' are best rehearsed in a brief.

While some briefs remain only as informal opinions, the local authority can formally adopt the content as 'supplementary planning guidance' thus integrating it into the Development Plan and

# The Buildings at Risk Toolkit 8

bringing added weight to its provisions while making its content a material consideration in any subsequent deliberation and determination.

It would be unrealistic to expect a local authority to prepare and adopt conservation briefs for every listed building at risk in their area. However, a council would be acting responsibly if it aspired to doing so for its priority and high profile cases, for property being declared surplus to requirements and those being brought to the market. Adopting and issuing briefs is also a means of ensuring the engagement and involvement of different local authority services in the buildings at risk challenge. Where integrated with Local Plan policies, heritage strategies and performance targets, it can be an essential element of a strategic approach to the proper preservation of its historic environment.

The value of a brief is clear in cases of buildings at risk cases where one was not available. On more than one occasion, councils have invited offers for a surplus property in their ownership without providing prospective bidders with the essential information and guidance a brief can contain. As a consequence they have attracted and been minded to accept offers that were unrealistic or not built around the special architectural and historic interest of the building and even, in some cases, proposing demolition. Presenting potential developers with the essential information after their offers has led to adverse public, press and political reaction as well as considerable frustration for the bidders and inevitable 'catch up' work for Historic Scotland and conservation staff. Preparing and agreeing a comprehensive brief before marketing can avoid such unfortunate situations arising.

## 2 The Brief

Preparation of a conservation brief requires specialist skills, although such guidance should be well within the capacity of a properly qualified and experienced conservation officer, who would wish to undertake the work in conjunction with development management and property colleagues. A brief can often be covered in a few pages with associated plans, although supplementary material on the building's significance and other matters would make it longer. The preparation of briefs for large sites and those initiated by their private owners, might benefit from the use of external consultants. Briefs should be prepared with the co-operation of the asset owners whenever possible and authors will require access to the property during its preparation. Where lengthy, the brief might be complemented by a shorter, summary version for more general, public consumption.

In writing briefs for significant and complex cases there should be consultation with Historic Scotland although highly detailed input should not be anticipated in anything other than major sites or Category A listed buildings. Account can, however, be taken of the emerging *Managing Change* series of documents which is being issued as a replacement for the now withdrawn Memorandum of Guidance on Listed Buildings and Conservation Areas (1998).

## 3 Examples of Briefs

A sample survey of briefs used by different local authorities shows considerable variety in the approaches taken and in the level of detail they contain. In some cases, particularly where the listed asset is part of a larger development site with a wide range of planning considerations, the listed building aspects are covered in only a few paragraphs, the greater part of the document

## The Buildings at Risk Toolkit 8

being concerned with density, access, parking and other technical requirements. Such briefs generally refer to subsequent proposals having to take account of current local and national policies such as the Local Plan, current permissions and the views of Historic Scotland and its published guidance.

### **Example: Planning Brief for Hedgefield House, Inverness**

This planning brief, produced in 2005 for Hedgefield House, Inverness, is relatively concise on matters relating to the listed building. Prepared by Jenkins & Marr in partnership with The Highland Council on behalf of Inverness College to provide guidance on future development, it elaborated on the policies set out in the Inverness Local Plan and was intended as a material consideration in respect of development proposals at the site. In terms of the listed building it stated:

Any alterations to the listed building must be in accordance with the requirements of Historic Scotland and The Highland Council. Developers should consult the Memorandum of Guidance on Listed Buildings and Conservation Areas, which is produced by Historic Scotland and provides detailed advice. Development proposals will require to retain the historic character of Hedgefield House, and this applies both to external and internal alterations. Listed building consent will be required to authorise these. The extant planning and listed building approval illustrates the scope which exists to extend the property, and the possibilities to utilise a more contemporary design when doing so. Furthermore there would be no objection in principle to the extension of Hedgefield House using a traditional approach, but whichever style is preferred, a high standard of architecture is required. Prospective developers are encouraged to discuss initial proposals with the Planning Authority. In terms of demolitions on the site, it will be acceptable to remove the three-storey accommodation block, and the two extensions to the original listed building, located on the north-western and north-eastern elevations.

Although designed to provide guidance, the document contained nothing specific to the interpretation of the character and setting of the listed building or to assist in the stated need to 'retain the historic character'.

## **Example: Planing brief, Eastern Primary School, Broughty Ferry, Dundee**

Following Dundee City Council's decision in 2010 to relocate the Category A listed Eastern Primary School, Broughty Ferry, a 'Site Planning Brief' was prepared as supplementary planning guidance to the Dundee Local Plan Review 2005. This aimed 'to provide the planning parameters to ensure successful comprehensive quality redevelopment of the site by promoting the re-use of the existing buildings for mainstream housing and identifying an area within the site for a new housing development.' The brief required that a design statement and conservation plan had to be submitted with a planning application for this important site. In doing so it referred readers to the guidance in the Scottish Government's Planning Advice Note 68 'Design Statements' and Historic Scotland's guidance on the preparation of Conservation Plans. Pre-application discussions between relevant Dundee City Council City Development Department Officers and the developer/agent were promoted as essential to ensure that, 'at the outset of the development process, the possibilities of the site are known.' It stated that 'No planning application will be considered which does not fully address the entire site, though it is anticipated that the site can be developed in two parts. Proposals for the development of housing, through either conversion or new build, will be required to meet with... Local Plan standards'.

While the brief alerted the reader to the sensitivity of the site and the need for developers to work up designs which took account of published guidance, it did not offer any assistance in exactly how or which parts of these wide ranging documents are directly applicable to the case. Such matters were left for consideration 'downstream'. In relation to the listed building, it was stated that the former school buildings 'should be sympathetically and imaginatively converted in order to have minimum impact on its architectural and historic interest, character and setting. Any alterations to the listed buildings should be shown to restore or enhance their architectural character'. However, there was no guidance on the interpretation of the architectural and historic interest, character or setting, or the capacity for acceptable change in the most sensitive parts of the building, even though there were detailed technical standards for the residential requirements:

The site is within the area designated as 'Suburban' and flatted developments are acceptable through conversions of buildings of merit within this area. Flats created within the listed buildings should have generous internal space standards with at least 2 or more bedrooms and should be in excess of 60 sqm. internally. However, the existing internal configuration of rooms and window positions will guide the future internal arrangement and number of dwellings that can be created. It is anticipated that the internal floor areas and volumes of some dwellings will greatly exceed the Local Plan requirements and add to dwelling choice in the wider residential area. The general floor to ceiling heights within the former school building are double height and it is anticipated that the creation of mezzanine levels, where appropriate, within the double height space, could provide attractive accommodation within flats. The existing layout of the former school building may offer the opportunity for vertical sub-division as well as the more typical horizontal sub-division.

While anticipating change to the principal spaces within the buildings, questions of the affect on character of the key spaces and the inevitable implications for windows, ventilation, and other demands residential use would place on the fabric were not addressed in the brief. Also there was no reference to the timing of new development in relation to the conversion works. Some opportunities to remove key areas of uncertainty were therefore missed.

# The Buildings at Risk Toolkit 8

Although many authorities advocate such ‘light touch’ briefs, their effectiveness in relation to buildings at risk cases is likely to be limited. Interpretation and decision making are deferred, potentially sending a message that significant, unspecified items relating to the building and its character are not important or are open to later negotiation. Rarely is there a statement of the conservation needs of the heritage asset, whether immediate or in the longer term, or of its capacity for acceptable change.

‘Development briefs’ are often prepared, as part of the sales particulars for a building being brought to the market and, typically, these documents are also quite concise. Nevertheless it is still possible to include useful information as in Renfrewshire Council’s 2012 brief for the Brown Institute, Paisley.

## **Example: Planning brief, Brown Institute, Canal Street, Paisley, Renfrewshire**

The brief contained the following advice:

The symmetrical primary elevation to Canal Street boasts the majority of the architectural detail including the intricate stone-carved name and date above the entrance. The rear elevation, although less ornate does reflect the style of the main elevation and has some fine architectural detailing. Externally, the building is in a fair condition given the age of the building however the rear elevation has suffered as a result of broken gutters and down pipes and is now in need of some attention.

A number of windows to the rear have been boarded up and have been damaged however the original window frames remain. The north gable shows some evidence of movement/settlement. Prospective purchasers should obtain professional advice to satisfy themselves as to the nature and extent of this movement.

Internally the ground floor has been divided by a breeze block wall to form a smaller area accessed from the street. This part of the building has been in active use up until the end of 2011 when the museum re-located to the town hall. Much of the original detail internally has been lost as a result of this intervention. The windows and main entrance area remain. The remainder of the building to the rear and upper floors has been unused for a number of years.

The first floor offers a large hall to the front that forms the full length of the street elevation with a substantial area of glazing. A second, slightly smaller room to the rear benefits from a similar scale of window openings. Much of the original interior of this floor has been lost over the years as a result of maintenance work. The second floor, of the rear section of the building only, forms a small central room with a corridor wrapped around it. Reconfiguration of this internal space would be recommended to provide a more useable space.

In general, much of the architectural detail is now limited to the exterior of the building with limited areas of interest internally. The remaining elements of interest are principally the windows, fireplaces, some woodwork and architectural ironmongery. The building requires a programme of maintenance and repair in order to bring it back into a useable condition.

# The Buildings at Risk Toolkit 8

Renfrewshire Council has also prepared briefs for priority buildings at risk featured in their Developer Day initiatives. These are high quality productions aimed at capturing interest in the buildings among the developer community while offering relevant, but concise, information.

In the light of the limitations of some existing brief writing practice, this Toolkit advocates the adoption of documents that engage fully with the specifics of each individual building and place as many considerations as possible ‘upstream’ to work against the uncertainty that can contribute to risk.

In the case of St David’s Church, Bathgate, a brief was prepared by West Lothian Council in conjunction with the Church of Scotland after the building was declared surplus to the congregation’s requirements and was advertised for sale. The church has a very fine interior and comprises a large single, principal space with ancillary accommodation. Residential or office uses, which would have required subdivision, were deemed to be inappropriate at the outset and adoption of the brief was most helpful in dismissing early approaches with unacceptable proposals for such uses. The brief went into some detail in stressing the significance of the building and helping with interpretation of its character and capacity for change, rather than simply referring the reader to non-specific Historic Scotland guidance or negotiations at a later date.

## **Example: Conservation Brief, St David’s Church, Bathgate**

The brief for this redundant church contained the following guidance:

### **Alteration of Principal Spaces**

The principal internal spaces are a major component of the building’s special character and should be preserved intact. Subdivision of the principal spaces should only be considered in exceptional circumstances and after all other alternatives have been exhausted in keeping with Historic Scotland’s *Memorandum of Guidance on Listed Buildings and Conservation Areas (1998)* which states that:

Where a compatible use cannot be found and subdivision of the internal space is the only means whereby the shell of the building can be saved, any features, furnishings or stained glass of particular merit should be respected and retained in situ if at all possible. If this is not feasible the careful removal of these items for possible re-use elsewhere or for donation to a museum should be a condition of consent. The organ may be an important instrument and merit efforts being made to find a new home for it. Care should be taken to ensure that the proposed work will not require original openings to be radically altered, specially where these are mullioned and traceried. Any change of use which would affect the exterior in this way should be refused.

### **Subdivision of Complex**

Although the building lends its self to a degree of subdivision by separating the halls from the main church or the church from the tower, to make partial conversion easier, the council would wish only to consider proposals for the building as a whole to ensure that it is preserved in its entirety. Approval to change the building will carry conditions to ensure that parts of the building are not developed while the remainder is left untended.

The brief also looked forward to the inevitable submission of applications for planning permission and listed building consent:

# The Buildings at Risk Toolkit 8

Any application for planning permission and listed building consent must be accompanied by a detailed Conservation Statement for the building. This should demonstrate that the applicant has a clear understanding of the special architectural and historic interest of the building, how the character of the building might be affected and the steps being taken to preserve or enhance the building and its character. The Conservation Statement should also demonstrate an understanding of the current condition of the building and the extent of works necessary to preserve it without loss to its character. In considering applications for listed building consent the council will take account of Historic Scotland's published Memorandum of Guidance which states that where a church has been de-consecrated every effort should be made to find a use compatible with the structure, especially if the interior is of some quality.

It is recommended that applicants engage the services of an architect or other agent experienced in working with historic buildings and, in particular, ecclesiastical architecture. As a listed building, demolition, or partial demolition, should not be considered an option. This can only be justified in terms of demonstrable failure to market the building or achieve a satisfactory use for it. Any applications for listed building consent should be of a quality required to allow a full understanding of the impact on the building. Usually they will include:

- A set of survey drawings of the building as existing;
- Floor plans showing proposed alterations;
- Elevations of the building or relevant parts of it after the proposed alterations, together with an indication of the materials and finishes;
- Sections showing the levels at which any proposed new floors will be inserted, the means of support, and the effect on windows, doorways, arches and arcades;
- A site plan if new access and parking arrangements are intended, and any revision of the landscaping; and

In addition:

- A plan showing the introduction of any mains services which will have a substantial effect on the building.
- All drawings should be to scale and the position of north shown.
- Details, such as windows, doors, screens and galleries should be drawn to a larger scale.
- Supporting comments or photographs of the parts of the building affected by the proposals are also required.
- External alterations to form extensions onto George Street will not be considered favourably.
- It is anticipated that new uses will require enhanced access provision to suit all users and such alterations will be viewed favourably but will require to be handled with sensitivity to the character of the listed building.

West Lothian Council also prepared a 'Conservation Issues' brief when it was considering options, including disposal for conversion to a health centre, of the County Buildings, Linlithgow. This document provides extensive detailed information under a number of headings:

# The Buildings at Risk Toolkit 8

- Description of Asset
- Cultural Significance
- Conservation Needs
- Capacity for Change
- Building Chronology
- References

Rather than simply referring to the need to take account of published guidance or to engage in future discussions, the brief anticipated the types of alterations to which the listed building might be subject to and considered where and how change might be acceptable and where it might not:

As with all similar situations it is not possible to present a definitive statement of a building's character. Similarly, it is not possible to offer an exhaustive list of what alterations to the building might or might not gain listed building consent as proposals should be viewed as a whole and would be subject to negotiation and discussion based on the merits of specific proposals. However, it is possible to list a number of principles that should be adhered to based on published government guidance and experience:

**Masonry:** all repairs and alterations to the exterior should be in masonry to match the original,

**Windows:** should be retained and refurbished where necessary, double-glazing would not be permitted,

**Entrance to High Street:** remaining counter should be retained, space should not be subdivided,

**Side entrance and main stair:** should be retained as is without subdivision,

**Dalyell Suite:** retain without subdivision or amalgamation,

**Retiral room:** retain without subdivision or amalgamation,

**Room 10:** Retain without subdivision or amalgamation,

**Rooms 19, 20, 22, 27:** retain without subdivision or amalgamation,

**Interior fittings:** solid room doors should be retained, glazed doors should be retained,

**Other rooms:** subdivision might be possible subject to retention of principal features and character, replication of cornices, avoidance of any adverse effect on external appearance, avoidance of suspended ceilings, etc...

**Subdivision of building:** It must be accepted that, irrespective of any technical, change of use or other planning considerations, subdivision of the building into smaller units in a manner which respects its character is not straightforward. However, the matter can be approached as a matter of degree. At the lowest level of change, it might be possible to separate the building into two or three units by dividing the building at the location of the corridor fire doors. This would involve minimal loss of character of the principal corridor spaces at a location that can accommodate block work. Further subdivision of the resulting end pavilions would present considerable technical, and perhaps conservation, difficulties as there would be a requirement for fire separation of access routes, requirements for separate entrances and lobbies and other demands.

# The Buildings at Risk Toolkit 8

In 2004, The City of Edinburgh Council produced a brief for the redundant Infirmary Street Baths on the basis that:

It essential that every effort is made to have this important Statutorily Listed Building preserved and re-used. This brief is intended to ensure that its conversion is carried out sensitively and that any new build has an enabling role and is complementary to the existing form of the building.

The brief went into specific details under the following headings:

- Location
- Background
- Description
- Condition
- Planning and Listed Building Context
- Uses
- Amenity
- Repair and Restoration
- Additions
- Recording
- Access
- Parking
- Conclusions

Drawings were attached to help explain issues of character, setting, amenity and significance and to demonstrate where the building might be extended in an acceptable manner.

## 5 Steps towards effective Briefs

An appropriately drafted planning brief for a building at risk would take account of the following:

- The status and function of the brief should be clearly stated.
- Briefs should be prepared for all priority and high profile buildings at risk cases.
- The brief should be adopted by the council as policy, preferably as supplementary planning guidance.
- The brief should be based on wide consultation including all council services with an interest and Historic Scotland.
- In the case of privately owned property the brief should be developed in partnership with the owner where possible.
- The adopted brief should be published on the council's web site.
- A copy of the adopted brief should be submitted to the Buildings at Risk Register for Scotland.
- The brief should form an integral part of the marketing particulars.
- The brief should include each of the following:
  - A statement of the significance of the building;

# The Buildings at Risk Toolkit 8

- An assessment of the essentials of its character as a building of special architectural or historic interest;
- A statement of the buildings capacity for change;
- Building specific requirements such as the acceptability of the subdivision of principal spaces, erection of new partitions, mezzanine floors, changes to windows,
- A statement on the condition and conservation needs of the building;
- Areas where demolition or removal, might be acceptable;
- Protection, salvage, storage and re-use of significant fixtures and fittings;
- Areas where extensions and other new build might be acceptable with details of their appropriate form;
- Details of the method for agreeing cross subsidy of restoration by new works or for 'enabling development' if appropriate;
- Materials and methods for repair, replacement and new works;
- Timing of conversion in relation to the new works;
- Methods for protecting the existing fabric prior to and during conversion;
- The range of acceptable (and unacceptable) uses from a planning point of view;
- The implications of each of the acceptable uses in relation to the character of the building;
- Discussion of the implications of modernisation and adaptation involved in reuse;
- A statement presenting an understanding of the setting of the building;
- Relevant national policies and published guidance including those of the Scottish Government and Historic Scotland's *Managing Change* series;
- Local authority policies including the Development Plan;
- Details of current and past approvals;
- Additional information likely to be required in applications for planning permission and listed building consent such as specialist reports, design statements, specifications etc.; and
- Requirements for recording the existing fabric.

---

The above guidance was prepared by The Architectural Heritage Fund for Historic Scotland and is published by the Buildings at Risk Register for Scotland as part of the Buildings at Risk Toolkit. <http://www.buildingsatrisk.org.uk/>

The text contains references to legislation and its interpretation that may contain inaccuracies or be out of date. Ensure you take appropriate professional advice before making decisions relating to property. Feedback, relevant case studies and suggested changes are welcomed.

Principal Author: Stuart Eydmann DipTP PhD MRTPI IHBC

This version : April 2014

---