

Heritage at Risk Strategy



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Introduction

- 1 This document sets out the Council's strategy towards heritage assets identified as being at risk.

What is a Heritage Asset?

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)." – National Planning Policy Framework (2019)

'Heritage interest' refers to aspects of the historic environment that are worthy of protection for current and future generations to enjoy, due to their architectural, historic or archaeological interest.

- 2 As of February 2021 Rotherham, has 530 Listed Buildings, 5 Historic Parks & Gardens and 37 Scheduled Monuments; all of which are designated and protected through national legislation. In addition to this, there are 28 locally designated Conservation Areas.
- 3 Although the vast majority of these heritage assets remain in an active use and are well-maintained, there are a significant minority that are in poor condition, usually as the result of a redundant use, long-term vacancy or neglect. Where this is the case, these heritage assets are suffering from a lack of regular maintenance and its associated problems, such as failing roofs, broken windows and unauthorised access, putting the heritage asset at risk.
- 4 A separate Heritage at Risk Register is maintained by the Council and will be updated as required. This register identifies the heritage assets assessed as being at risk, along with the scale of this risk, the condition of the asset, and other relevant information.

The purpose of the Heritage at Risk Strategy is to identify how the Council will prioritise action towards heritage at risk with the aim of securing their long term conservation.

The aims of the strategy are:

- To protect and manage the historic environment within Rotherham, in order to reduce the overall number of heritage assets that are 'at risk' or vulnerable of becoming so. 'Heritage at Risk' are assets which are deemed to be at risk of deterioration or even loss.
- To achieve the repair and restoration of heritage assets, which would otherwise be lost. Dealing with heritage at risk is particularly time consuming, but essential, as it is cost-effective in the long run. The greater the deterioration in a building, the greater the potential building grant, staff and legal costs become. Furthermore, once a building becomes seriously derelict, its chances of survival are reduced and the subsequent repairs can often result in substantial reconstruction, with loss of much of the building's intrinsic value.

5 Owners of heritage assets are under no legal obligation to maintain their property in a good state of repair; even though it is in their interests to do so. The Heritage at Risk Strategy and Register are not intended to criticise an owner who fails to conserve their heritage asset in an appropriate manner, but to focus on identifying ways to secure our most vulnerable heritage assets.

The value of heritage assets

6 Our built heritage represents the very best of our past. It also provides a resource that can play an important role in the future of the borough as part of regeneration schemes and the promotion of sustainable development. Evidence from across the country demonstrates that heritage is a valuable asset that has an important role to play as a catalyst for regeneration.

Heritage and regeneration

7 Heritage can be perceived as a barrier to regeneration, and there are examples of regeneration schemes which have resulted in the loss of heritage assets due to factors such as efficiency, cost, viability and meeting occupier requirements. Listed buildings can be seen as too complicated and difficult to work with, leading to lengthy discussions on restoration and increased maintenance costs. However, heritage assets can play an important role in supporting the local economy. For example, in 2011 an estimated 13,000 visitors to Hadrian's Wall added just under £5.5m to the local economy through the added visitor spend.

8 Heritage assets can be important to communities and contribute to their identity. They can enrich the fabric of townscapes and landscapes and play an important role in creating a sense of place. Including heritage assets in regeneration schemes can help build community support and have a positive impact by contributing to the character and distinctiveness of development schemes. Equally, where heritage assets fall into disrepair this can lower the overall environmental quality of an area and may detract from the positive effects of regeneration. Ensuring that heritage assets are viable without impacting on their conservation value is crucial, and may require grant support, or cross subsidy from other elements of the scheme.

9 Key messages derived from good practice regarding heritage and regeneration are set out in Figure 1⁽¹⁾.

Heritage and sustainability

10 Heritage assets can play a positive role as part of sustainable development, contributing to local economies, attracting investment, and providing local distinctiveness and value. This is echoed by the Government in its overarching aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

11 Redevelopment results in expending considerable amounts of energy, including demolition, disposal of waste materials and the manufacture, transport and use of materials for any replacement buildings. The re-use and maintenance of heritage assets can contribute to sustainable development by minimising the energy expended, and may outweigh the costs of replacement over the long term. As a result the re-use of existing buildings is now being prioritised wherever possible.

1 Adapted from "Heritage Works. The use of historic buildings in regeneration. A toolkit of good practice (2013)"

Figure 1: Heritage and regeneration - key messages

Key message 1

There is a strong economic case for regenerating historic buildings. The benefits relate not only to the individual building, but also to the wider area and community. The inclusion of heritage assets in regeneration schemes provides a focus and catalyst for sustainable change. The impact of successful schemes is felt beyond the boundaries of the heritage asset itself and can boost the economy of the whole town or city.

Key message 2

From the outset, understand the heritage asset and its ability to accommodate change – prepare a conservation management plan or conservation statement. Early consultation with the local planning authority and English Heritage is important and will assist this understanding. Think ahead and plan for the long-term management of the asset from the outset.

Key message 3

Prospective purchasers of listed building, particularly those on the Heritage at Risk Register, should undertake early consultation with English Heritage and the local planning authority. This will provide a good understanding of the project objectives and viability issues to assist in reaching agreement on suitable uses. Purchasers should make sure they pay the right price for the asset – reflecting full knowledge of the conservation constraints, and realistic repair and other costs.

Key message 4

Where compulsory purchase is pursued it is important to ensure that an appropriate planning and economic policy context is in place.

Key message 5

It is rare for a heritage asset to be restored or developed utilising just one source of finance. A strategy for raising funds will be required and a clear and realistic programme of when different funding components may be secured.

Key message 6

Early consultation with local planning authority officers and English Heritage on the proposed use and conversion works is important to help to remove uncertainty and reduce risk. Ensure a thorough understanding of the planning process, consents regime and planning risks at the outset – take advice from the local planning authority or a planning consultant.

Key message 7

Work to listed buildings requires sensitivity and care, and the works proposals must be drawn up in careful consultation with statutory authorities and advisory bodies. Undertake thorough surveys of the building and make realistic assessments of its capacity to be adapted for the proposed use.

Key message 8

Work to listed buildings is more painstaking and piecemeal than constructing a new building and so the right kinds of consultants and contractors should be employed. Costs and time taken are likely to be greater than for corresponding elements of new build.

Lessons learned: heritage assets in Rotherham

12 Between 1985 and 1987, the whole of the borough of Rotherham was resurveyed. This led to a large increase in the number of buildings and structures listed, bringing it up to the total of 530 today.

13 Since the resurvey, the borough has lost ten buildings. During the same time period there have been twenty buildings, derelict at the time, that have been restored back to useful life. All these buildings, with their grades, are listed below.

Table 1 Heritage assets lost and saved since 1987

Heritage assets lost	Heritage assets saved
1. Masbrough Chapel (Grade II)	1. Manor House Barn, Hooton Roberts (Grade II)
2. Mill Cottage (Grade II)	2. Three Cranes (Grade II*)
3. Orgreave Hall (Grade II)	3. 29/29a High Street (Grade II)
4. Ivy Cottage, the Crofts (de-listed) (Grade II)	4. George Wright (Grade II)
5. Rotherham Workhouse Grade (II)	5. The Cutlers Arms (Grade II)
6. Warehouse, Green Street, Greasbrough (Grade II)	6. 27 Blyth Road (Grade II)
7. Don Bridge (Grade II)	7. Rawmarsh Rectory (Grade II*)
8. 16 Carr Lane (de-listed) (Grade II)	8. Boston Castle (Grade II)
9. Kiveton Pit Baths (Grade II)	9. Barn and horse engine house at Manor Farm, Greasbrough (Grade II)
10. Hand Pump, Kiveton Lane (stolen) (Grade II)	10. Clifton Park Sundial (Grade II)
	11. 67-71 Thorpe Street, Thorpe Hesley (Grade II)
	12. Hellaby Hall (Grade II*)
	13. Stable N of Hellaby Hall (Grade II)
	14. Dinnington Cross (Grade II)
	15. Church of St John, Dinnington (I) (Grade I)
	16. Firbeck West Lodge (Grade II)
	17. Kimberworth Manor House (Grade II)
	18. Lodge Farmhouse North Anston (Grade II)
	19. Nickerwood Farmhouse (Grade II)
	20. Chesterfield Canal (Grade II)

14 Since the borough was comprehensively re-surveyed, ten listed buildings and structures have been lost or de-listed. All of these were Grade II buildings.

15 The reasons for these losses are varied, ranging from theft, in the case of the Kiveton Lane hand pump to fire, in the case of Masbrough Chapel. Two of the buildings (Ivy Cottage and 16 Carr Lane) were de-listed by Historic England (then English Heritage).

16 Four of the buildings (Mill Cottage, Orgreave Hall, Don Bridge and Kiveton Pit Baths) were demolished following carefully considered Listed Building Consent applications and consultation with Historic England. The warehouse at Green Street, Greasbrough became a dangerous structure and had to be demolished.

17 With hindsight, only one building, Masbrough Chapel, has been lost to outright neglect.

18 However, as can be seen from the lists above, the number of buildings restored far outweighs those lost. These include buildings of exceptional interest such as the Three Cranes (Grade II*), Hellaby Hall (Grade II*), Rawmarsh Rectory (Grade II*) the Church of St John at Dinnington (Grade I)

19 The first three of these were buildings in perilous condition and at serious risk of loss. However experience shows that a combination of persistence, tenacity, co-operation between the Council and owners, and the use of grant aid can act to save heritage assets from being lost.

Actions to safeguard heritage assets

20 In order to safeguard heritage assets and encourage their long term conservation the following action will be taken:

- Monitoring of assets on the Heritage at Risk Register.
- Working with owners of heritage assets at risk to secure improvements.
- The use of statutory powers, where appropriate, to secure improvements.

Monitoring of heritage assets

21 It is important that the Council monitors the current condition of assets on the Heritage at Risk Register, to assess if their condition is changing and if any action is required. To do this, the Council will engage directly with the owner and/or prospective developer and the following approach will be adopted based on the category of risk nationally set by Historic England:

Highest priority / higher frequency of Inspections:

- Category A - Immediate risk of further rapid deterioration or loss of fabric; no solution agreed
- Category B - Immediate risk of further rapid deterioration or loss of fabric; solution agreed but not yet implemented

Medium priority / inspect where appropriate:

- Category C - Slow decay; no solution agreed
- Category D - Slow decay; solution agreed but not yet implemented

Lower priority / inspect where appropriate and respond to public concern:

- Category E - Under repair or in fair to good repair, but no user identified; or under threat of vacancy with no obvious new user (applicable only to buildings capable of beneficial use)
- Category F - Repair scheme in progress and (where applicable) end use or user identified; functionally redundant buildings with new use agreed but not yet implemented

22 Following inspection the Council will consider any actions necessary to safeguard the heritage asset.

Working with owners of heritage assets at risk to secure improvements

23 All owners of assets on the Heritage at Risk Register will be contacted, notifying them of the inclusion of their site on the register and the works needed to address the concerns identified and remove the it from the register.

24 The Council will engage directly with the owner and/or prospective developers of heritage assets at risk to secure their future conservation, and will require improvements in the condition of all category A and B heritage assets within a 12 month period.

25 Wherever possible, the Council will work with owners to identify sources of grant funding to improve the condition of heritage assets at risk.

26 Specific attention will be given to 'grouped' heritage assets at risk.

27 In seeking to secure improvements the Council will endeavour to follow Historic England's recommended 'stages of action'. These are set out in appendix 1.

The use of statutory powers

28 The Council's preferred approach is to work with owners to secure improvements and remove assets from the risk register. However, where negotiations fail, owners are unwilling to work cooperatively with the Council, and the condition of the building/structure warrants it, the use of statutory powers will be considered to improve the condition of heritage assets at risk

29 The following section outlines the powers available to the Council.

Section 215 Notice

'If it appears to the local planning authority that the amenity of part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a Notice [under section 215] '

- Town and Country Planning Act 1990.

30 Section 215 Notices are a power that can be used by the Council to improve the external appearance of a heritage asset. They can be applied to both designated and non-designated heritage assets, whether vacant or occupied, and allow for works that would generally uplift the appearance of the heritage asset and the surrounding street scene.

31 Typical works that could be carried out include the tidying up of rubbish, re-glazing of broken windows and cleaning the brickwork of an elevation.

Urgent Works Notice

'A local authority may execute any works which appear to them to be urgently necessary for the preservation of a listed building in their area.'

- Section 54, Planning (Listed Buildings and Conservation Areas) Act 1990

32 Urgent Works Notices can be used by the Council to carry out works to a listed building that are considered urgently necessary for their preservation. The works must be the bare minimum required to protect the listed building from immediate further deterioration and can only be applied to vacant listed buildings or those parts of a listed building that are not in use.

33 Typical works that could be carried out include erecting a temporary roof covering, boarding up windows and installing temporary structural supports.

34 The Council can in exceptional circumstances also ask the Secretary of State to issue an Urgent Works Notice to an unlisted building in a conservation area, if its preservation is important for maintaining the character and appearance of the area.

Repairs Notice

35 Where a listed building has been continuously neglected and the need for permanent repair accumulates to the point where there is potential for serious harm, the Council can as a last resort consider the issuing of a Repairs Notice under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

36 The issuing of a Repairs Notice is the first step in the process of the Compulsory Purchase of a listed building (under Section 47 of the same Act) and requires the owner(s) to carry out a full scheme of repairs for the 'proper preservation' of a listed building.

Gaining access

37 Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is used to gain access to property for the purpose of evaluating its condition, preparing a schedule of works and assessing its value in connection with a proposal to acquire the land or building. The owner is served a written notice of intention to access the land, with the option of obtaining a warrant from a Magistrate's Court if the owner does not comply.

Ancient Monuments and Archaeological Areas Act 1979

38 Local authorities do not have the power to serve notices on the owners of scheduled ancient monuments, to secure repairs. Under the 1979 Act, grants can be made available under section 24 to provide for the cost of repair or consolidation and recording, via Historic England. Under section 17, management agreements may be arranged to provide funds for repair, agreed between the owner and Historic England or the local authority. Any works to a scheduled ancient monument, including repair, requires scheduled monument consent (SMC), which is granted by the Secretary of

State on the advice of Historic England. Listed buildings that are also scheduled are therefore covered by this legislation.

Other Powers

39 In addition to the above powers, which are planning-based, the Council can also consider the use of a wide range of powers from other areas of the Council, such as housing and building control, in order to safeguard the future preservation of a heritage asset.

- Empty Dwelling Management Orders (EMDO) – section 132 of the Housing Act 2004.
- Dangerous Structures Order – section 77 of the Building Act 1984.
- Dangerous Building, Emergency Measures – section 78 of the Building Act 1984.
- Ruinous & Dilapidated Buildings & Neglected Sites – section 79 of the Building Act 1984.
- Proceedings For Statutory Nuisances – section 80 of the Environmental Protection Act 1990.
- Public Health, Protection Of Buildings – section 29 of the Local Government (Miscellaneous Provisions) Act 1982.

The last resort – archaeological and building recording

40 It is important to recognise that some heritage assets at risk will not be capable of repair and beneficial re-use. Some are already too far decayed, and no longer justify being the focus of scarce resources to try and secure their future. In this case the objective should be to ensure that an adequate record of the historic structure has been obtained. Advice on standards of recording can be found in Historic England's guidance "Understanding Historic Buildings" (2006) and from South Yorkshire Archaeology Service.

41 Under the planning process, recording can be made a condition of planning or listed building consent and secured using guidance in the National Planning Policy Framework. Funding may be available from Historic England but generally the principle is that developers or owners fund the recording of buildings affected by new development. The scope for volunteer recording projects, with adequate training, is also worth exploring in discussion with local trusts and industrial archaeological groups.

References and further information

References

Heritage Works. The use of historic buildings in regeneration. A toolkit of good practice. 2013. <https://www.bpf.org.uk/sites/default/files/resources/Heritage-Works-2013.pdf>

Understanding Historic Buildings. A guide to good recording practice. 2013. <https://historicengland.org.uk/images-books/publications/understanding-historic-buildings/>

Further information

South Yorkshire Archaeology Service

- <https://www.sheffield.gov.uk/home/planning-development/south-yorkshire-archaeology-service>

Historic England - <https://historicengland.org.uk/>

The Architectural Heritage Fund - www.ahfund.org.uk

Funds for Historic Buildings - www.ffhb.org.uk

Heritage Help - www.heritagehelp.org.uk

The Heritage Lottery Fund - www.hlf.org.uk

Building Conservation - www.buildingconservation.com

If you would like any further details about the Heritage At Risk Strategy please contact Planning Policy:

Email: planning.policy@rotherham.gov.uk

Telephone: 01709 823869

Website: www.rotherham.gov.uk/localplan

Post: Planning Policy Team, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE.

Appendix 1: Historic England's recommended stages of action

In seeking to secure improvements to heritage assets at risk, the Council will endeavour to follow the following stages of action:

1. Written warnings expressing the Council's concerns, the need for protection and the Council's intent.
2. Request a site meeting, to discuss the circumstances of the case and Health & Safety issues.
3. Request access to the site and building, for the purpose of survey and making a dated photographic record, if necessary using Section 88 of the Planning (Listed Buildings & Conservation Areas) Act 1990 - power of entry.
4. Prepare a draft Schedule of Repairs. The form of the Schedule will be concisely written and in plain English; will state why works are necessary, in terms of performance; will list specific works capable of being implemented by an owner who decides to act of his own volition; will set out alternative works, if any; and will state standards of work to be achieved.
5. Meet the owner or agent again, so that they are aware of the process. This may be sufficient to make the owner provide written confirmation of their intention to carry out the works on the draft schedule, with a start date.
6. Request Historic England grant support. Historic England may possibly 'underwrite' a Council's costs with an 80% grant in pursuing the service of a statutory notice. This is provided that the Council intends to recover the costs from the owner –if necessary using a Section 55 Notice of the Planning (Listed Buildings and Conservation Areas) Act 1990 – as the grant is repayable to Historic England. To qualify, the building would have to be on the Council's Heritage at Risk Register, and, in the case of a Section 54 Urgent Works Notice of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, vacant / unoccupied, and the grade of the building would have to be Grade I or Grade II* (but not a Scheduled Ancient Monument), or Grade II within a Conservation Area.
7. Appoint a project manager for the Section 54 Urgent Works Notice of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended – normally the Council's Conservation Officer.
8. Seek the support of senior management and councillors.
9. Prepare a costed Schedule of Repairs. The maximum administrative cost for preparing a schedule should typically be around £1,000. The maximum cost of the Urgent Works should typically be around £25,000, including the costs of renting equipment. Items in a typical schedule should include: site barriers, propping, making services safe, removing rubbish, asbestos and vegetation, repairs to roofs and rainwater goods, provision of ventilation.
10. Meet the owner or agent again, so that they are aware of the process.
11. Consider whether other Notices might be more appropriate, such as:
 - Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 – criminal offence
 - Section 38 of ditto – listed building enforcement notice
 - Section 77 of the Buildings Act 1984 – dangerous structure
 - Section 78 of the Buildings Act 1984 – immediate danger
 - Section 79 of the Buildings Act 1984 – dilapidation

- Section 215 of the Town & Country Planning Act 1990 – amenity
 - Section 29 of the Local Government Act 1982 – public health.
12. Consider whether the building is so neglected that the need for permanent repair accumulates to 'risk of serious harm' – regardless of whether the building is occupied or not, and of the owner's means. If so, and if the Council has a partner such as a Building Preservation Trust committed to take over ownership of such a difficult heritage asset at risk, then the Council will consider pursuing not only a Section 54 Urgent Works Notice but also, with confirmation of the Secretary of State, a Section 48 full Repairs Notice involving Compulsory Purchase for 'the proper, long term preservation of the building'. Only the owner can carry out repairs specified in a Section 48 full Repairs Notice. Such cases are complex, so the Council would need to appoint a Project Manager, ideally a conservation-accredited Registered Architect or Chartered Surveyor, whilst also pursuing Urgent Works in the short term.
 13. Prepare a project plan with target dates, and a strategy for the long-term future of the building, and seek councillor support. The Council will be 'resolved but fair' in its actions.
 14. Request tenderers for the contract to submit a lump fee for the works, accompanied by a methodology, and agree a time-charge for any additional work.
 15. The chosen tender will not necessarily be the lowest: it will instead have the best methodology.
 16. Arrange access to the site and building for the contractor, who will keep their own dated photographic record.
 17. Have the contractor lined-up and committed to start work at the end of a 7-day period, being the normal period of an Urgent Works Notice.
 18. The correctly-delegated officer of the Council will authorise the Urgent Works Notice, and it will be served legally on all relevant parties.
 19. The form of the notice will contain: –
 - A summary of Section 54
 - Reference to cost recovery under Section 55
 - A separate Schedule of Works
 - Plans and location map
 - Council contact details