Town Centre Planning Pilots Programme

Fife: Stitch in Time
Town centres are at the heart of their communities and can be hubs for a range of activities. It is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century.

The Town Centre Action Plan (November 2014) sets out various actions to bring a focus on town centres.

One of its key themes is Proactive Planning, the Scottish Government fully embraces the Town Centres Review recommendation for a simple, encouraging and pro-active planning policy in support of town centres.
We committed in the Action Plan that:

**We will identify pilots with interested planning authorities who wish to consider collaboration and test approaches which could help simplify planning processes in town centres.**

The Town Centres Planning Pilots Programme is working with 9 planning authorities and Heads of Planning Scotland (HOPS) supporting 14 pilots based around 7 key areas, as shown on the map.

→ This case study shares how Fife Council took proactive action to address the condition of deteriorating buildings, town centre buildings and thoroughfares to support attractive vibrant town centres.
The ‘Stitch in Time” Project aims to address the deteriorating condition of town centre buildings and main thoroughfares, raise awareness of repair and maintenance liabilities across all tenures, and encourage collaboration between owners of commercial and domestic properties to address those issues – to support attractive, vibrant town centres.

**Project Details: The story behind it all…**

Local authorities have predominately adopted a statutory role in dealing with disrepair in the privately owned sector since the Housing (Scotland) Act 1969 introduced the Tolerable Standard and provided grants to homeowners to repair and improve their homes.

The new Housing (Scotland) Act 2006 brought significant changes, moving away from the expectation that grant assistance would be provided for private housing repair, and moving away from that culture of grant dependency means getting owners to invest their own money in the repair, improvement and maintenance of their houses. The statement of criteria for providing assistance under section 72 of the Housing (Scotland) 2006 Act (Scheme of Assistance) signalled a new and distinct difference between the local authorities financially supported approach for repairs and maintenance, and striking the balance between assistance and a flexible and preventative enforcement action programme. Fife’s Private Sector House Condition Survey 2009 was commissioned as part of the preparation for the implementation of the Scheme of Assistance.
Evidence from the survey estimated that 6,904 dwellings would fail the requirements of the Tolerable Standard for housing representing 5.5% of all private housing in Fife. The issues of condition (dampness, condensation and lack of wholesome water) are most prevalent in pre-1919 houses, most noticeably and disproportionately in East Fife.

Getting the right blend of encouragement, assistance and enforcement needs a systematic approach that includes strategic planning and careful judgement on individual cases.
Baseline / Before

Fife's Private Sector House Condition Survey 2009 highlighted conditions within three town centres across Fife:

- Below Tolerable Standard (BTS) conditions are particularly poor in Inverkeithing and Cupar and town centres, where 19.8% of town centre private dwellings are BTS.

- All private sector dwellings in Burntisland town centre exhibit some level of disrepair.

- Particularly relevant in Burntisland were a large number of vacant dwellings noted in the town centre.

- 96.7% in Inverkeithing and 88.6% in Cupar town centres exhibit some level of disrepair.

- Dwellings constructed pre-1919 are almost six times more likely to suffer disrepair than those constructed after 1982.

(The reasons for BTS housing areas are recorded as being affected by external access, structural stability and electrical safety; with Inverkeithing having a primary influence from ineffective drainage).
Policy Links

Some of the ‘bigger picture’ linkages include:

- **Housing (Scotland) Act 2006** – gives clear focus to the responsibility of owners for repairing and maintaining their properties.

- **Fife Council Plan** – encouraging and supporting individuals and communities to address local needs and improving town centres and making Fife the best place to do business. Enterprise, Planning and Protective Services Service Plan 2013-14 C1- Fife has vibrant town centres in a high quality environment; D3 All residential accommodation will meet acceptable housing standards; and E1 We provide excellent customer service.

- The **Fife Local Housing Strategy** 2010-15 – improving the condition and suitability of housing; raising standards in the private sector; encouragement of collaborative approach to improving quality and condition of housing and focussing on early intervention initiatives.

- Fife Council’s Private Sector Housing Approach 2011.

- Fife Council’s **Scheme of Assistance** (SoA) introduced by the Housing (Scotland) Act 2006 – aims to encourage home owners to take more responsibility for the condition of their homes.

- Fife Councils Tackling Dilapidated Buildings Approach and Scottish Government’s wider agenda to tackle problems and bring back vibrancy to town centres.
What was done...

Tackling the problem of deteriorating buildings is important to the people and communities of Fife and to Fife Council as an organisation.

‘Stitch in Time’ aims to address the deteriorating condition of private sector housing focusing on town centres as identified in the Fife Local Housing Strategy and Fife Council’s Scheme of Assistance. It is also set against a culture change embedded in the Housing (Scotland) Act 2006; Fife Council’s ‘Dilapidated Buildings Approach’ and the wider Scottish Government Agenda for revitalising Town Centres.

‘Stitch in Time’ aims to achieve visible improvements within a short timescale but is also intended, in parallel, to embed communities with the key tools to achieve sustainable solutions to disrepair/common disrepair in town centres thus creating resilience and promoting development.

The ‘Stitch in Time’ Project was initiated by the Council, enabling officers to engage directly with homeowners and landlords.

Initially the three older Town Centres identified for closer study in the survey were estimated as having significant levels of disrepair, and discussion as to how this could be measured and put into perspective took place; with the ability to be able to more closely inspect the fabric of the buildings as the objective.

Funding was identified through the Private Housing Improvement Programme (PHIP) to adopt a pilot approach to identify and resolve public safety issues by assisting owners to be aware of, and deal with, their maintenance responsibilities in relation to the properties they own.
What was done...

Pilot stage

Cupar was chosen from the original three town centres as the pilot for the Project (March-April 2011).

The work included small mortar repairs to chimney collars, skews etc, which proved to be time-consuming and difficult to access in places. A charge of £50 (per individual property within a block) was levied to recoup some of the costs involved in carrying out the work. A written report on the condition of each property was planned, but the resources required to implement this were not available to the Council, owners were then advised the Council would only contact them if there were serious disrepair issues.

The Building Standards and Public Safety (BS&PS) Duty Officer would be called in if there were any aspects to a building that would present an immediate danger to the public and implement their dangerous building powers to carry out required works to remove that danger.

Bonnygate, Cupar
What was done...

Some property owners were reluctant to pay the token sum of £50, the collection of which involved a disproportionate amount of time and effort, and further discussion was required to evaluate the costs in relation to the human and financial resources used in the operation of the Project and the proposed continuation of similar work across Fife.

A meeting was held in December 2011 to discuss the pilot. It was agreed, that as the payments collected equated to less than 20% of overall costs attached to the work carried out, to carry out the works free of charge, remove debris and other potentially dangerous items, and only carry out repairs when absolutely necessary. This approach allows a sizeable reduction in costs; charges do not have to be pursued, and all buildings are inspected unless owners advise that they do not wish to participate.

**Lessons learnt from the pilot Project assisted delivery for the next 14 town centres**

The Project was implemented in other town centres on the basis followed in the Cupar pilot, and the work was completed more quickly and at far less cost than the pilot, based on strong and effective joint and partnership working using individual team expertise from Fife Council teams: Building Standards and Public Safety (BS&PS) Building Services (BS) and the Private Housing Standards Team (PHS).
How it works...

Stages

1) Ground-level surveys
The process begins with BS&PS surveyors carrying out the town centre ground-level surveys, preparing reports, outlining obvious problems and highlighting areas that require a high-level inspection (from raised-platform vehicles).

2) Engagement with owners and tenants
Letters are then hand-delivered by BS staff advising owners and tenants that inspections are to be carried out.

Owners then have an opportunity to decline participation in the Project if they so wish, or contact the PHS officer directly for more detailed information.

The owners of commercial units that form part of tenement buildings are also consulted and made aware of their responsibilities regarding the common parts of the building, and the importance of engaging with the owners of the residential properties within the tenement, to ensure that the required repairs and maintenance are undertaken.

3) Operational works
The BS team arrange any required road closures, operate the raised-platform vehicles and carry out the necessary work to the buildings; project coordination and Scheme of Assistance engagement is the remit of the officer from PHS.

The most part of the project is the work to remove; vegetation (vegetation growth is also treated with weedkiller on areas where it cannot be safely accessed or removed), loose chimney pots and slipped or broken slates etc, from the front facades of the building. This has a positive effect not only on the general appearance of the building, but from a safety perspective in relation to the possibility of debris falling from the roof areas onto the main thoroughfare below.
How it works...

Legislation

- **Building Standards legislation** - the basis for dealing with danger to public safety.
- Unregistered landlords/possible unlicensed Houses in Multiple Occupation (HMO) are referred for further investigation to the Landlord Registration Team and colleagues within the PHS Team respectively.
- A Dangerous Buildings Notice was served on unstable chimneys by BS&PS. PHS Team served a Works Notice on a defective gable as owners failed to carry out works.

Informal action is the preferred option and by providing advice and information to property owners or writing to owners regarding title burdens and the Tenements Act.

Any serious disrepair issues can be dealt with up to, and including, statutory action instigated by Protective Services or Building Standards & Public Safety teams. Any building defect that appears to be ‘immediately dangerous’ can be dealt with immediately by utilising the dangerous buildings legislation under the Building (Scotland) Act 2003.

Communication

- **Owners are advised** by ‘letter drop’ that the project is to be carried out which also encourages engagement with the Private Housing Standards officer. Owners are then advised either directly onsite or by letter of any defects likely to become a problem either on their own properties or regarding issues for which they were mutually responsible.
- Communication with local members and groups, e.g. Cupar Futures, Kirkcaldy 4 All, Dunfermline Delivers and local press.
- Information and advice provided on common repair issues, Tenement Law, Title Deeds and Burden liabilities; how to set up a Residents Association and Maintenance Account.
The **funding applied initially through the Private Housing Investment Programme** (£99,000) has been utilised proactively and gave the Council the opportunity to extend the Project through the Scheme of Assistance to more towns and villages across Fife. This Project has allowed officers to provide advice and assistance regarding repairs, engage directly with owners and private landlords to remind them of their obligations in terms of their title deeds and the burdens on them, and where necessary, as a last resort, take enforcement action. Unlicensed HMO (Houses in Multiple Occupancy) properties and unregistered private landlords has have also been detected as part of the project through contact with tenants and owners.

Through further application of funding from individual area budgets and other initiatives, the Project costs to date are in the region of £150,000. It is considered however that given the scope, impact and reach of the project, (now across 15 towns and now covering more than 2500 properties) and the additional value achieved, particularly in respect to early intervention to limit the requirement for greater budgetary outlay in the future both in terms of repair and enforcement, the Council considers that the ‘Stitch in Time’ Project has **provided ‘Best Value.’** In addition the efficiency and thoroughness of the BS Team has ensured that the funding has been used efficiently and in accordance with Best Value principles.
Resources

Fife has 48 conservation areas; more than 7% of the total in Scotland. The Conservation Area Regeneration Scheme (CARS) and Townscape Heritage Initiative (THI) have been developed by Historic Scotland and the Heritage Lottery Fund. Fife Council has been successful in securing funding and has already delivered a number of such schemes in partnership with Fife Historic Buildings Trust, a local building preservation trust with charitable status; it operates primarily for the purpose of saving and restoring historic buildings in Fife, many of which are sited within the traditional High Street setting. Private owners can apply for assistance through the Trust under respective grant schemes to carry out qualifying works to historic buildings within the designated areas; grants are available for approved repairs carried out using traditional materials and skills.

These grants are typically available for:

- Bringing vacant historic floor space back into use
- Repairs to historic buildings in use, including shop front improvements
- Reinstatement of lost architectural detail.

The ‘Stitch in Time’ Project has highlighted some of the building defects that are now the focus of the grant schemes and the owners of some of those town centre buildings are being encouraged to participate in repairing the buildings, learning about traditional skills and getting assistance to engage with contractors that have those traditional skills required.
This Project is innovative as it is positive, visible to communities, with an immediate improved effect; it is proactive rather than reactive and it is about investing some money to hopefully reap the benefits for the future by highlighting what can be achieved, and changing minds and culture, to strengthen the future of Fife's town centres to make them a great place to “live, work, visit and invest”. The Project has also strengthened the Council's reputation; it has been an example of excellent customer service and exemplifies the benefits of strong and effective joint and partnership working. The Council also believes ‘Stitch in Time’ has given it great insight into what to do next to meet future challenges within town centres in terms of securing a change in culture, this is a ‘one off’ intervention project and now owners have to take forward their responsibilities, supported by practical advice and assistance from council officers.

Whilst the Project related to the front facades of buildings only, the information provided to owners under the Scheme of Assistance about their rights and responsibilities will work towards achieving a sustainable outcome for those parts of buildings that were not targeted in the Project; measurable successes include the reduction in the reporting of dangerous buildings since 2010 and the setting-up of Owners Associations in some commonly owned buildings that have been the subject of previous Council attention.

- **Public Safety** – supporting statutory obligation by identifying and resolving public safety issues, eg by the removal of loose slates and chimney pots that could fall into the street below.

- **Early intervention** – prevents further deterioration thus reducing public safety risks, costs for repairs/maintenance and council resources. A reduction in the number of Dangerous Building Records – 185 recorded in 2010 reducing to 65 in 2014.

- **Promotes home/business owner engagement**: it has aimed to focus owners on their rights and responsibilities for maintaining/repairing their own properties and also undertaking any common works for which they are mutually responsible.

- **Future proofing** – raises awareness of legal responsibilities with owners to remedy housing defects and dilapidation across Fife with a focus on town centres.

- **‘Scheme of Assistance’** – advice, guidance and practical help given to owners regarding tenement law, title deeds, burdens, setting up Owners Associations and Maintenance Accounts, employing suitably qualified contractors by referral to Fife Trusted Traders Scheme.

- **Improving the appearance of streetscapes** – by removing vegetation growth and loose materials and unblocking downpipes etc.

- **Informs the challenges ahead** – the works carried out represent a ‘stitch in time’ and recognises that we still have to change culture and ensure that owners meet their responsibilities and obligations to carry out repairs and maintenance to their buildings in the years ahead.
Before
Dunfermline, 11 May 2014

After
Achievements

Fife Council has delivered what it set out to achieve by securing fast, visible results and improvements to each of the 15 town centres included in the Project so far.

Statistics from the Building Standards team show a reduction in the number of Dangerous Building Records in Fife, supporting the relevance of the 'Stitch in Time' Project in some areas.

Action to maintain town centre properties, helps make it look more cared for and attractive.
Challenges

Historic Scotland hosted the Stimulating Demand for Traditional Skills Summit in November 2012. The event highlighted the need for more proactive repair and maintenance of Scottish traditional buildings, which add up to 19% of Scotland's building stock. Research carried out by Historic Scotland suggests that 75% of those buildings show disrepair and 53% are in urgent need of repair. Historic Scotland launched A Traditional Building Health Check scheme, and working in partnership with Construction Industry Training board CITB-Construction Skills Scotland, identified issues with Traditional Buildings, striving to stimulate the repair and maintenance market, through using appropriately skilled and qualified contractors to undertake any work identified.

The more traditional and ageing town centre buildings, the location and the difficulty of the process in getting the relevant permissions (to occupy the pavement and erect scaffolding etc), meeting the health & safety conditions to protect the public, having to make provision for pedestrians, as well as ensuring that suitable contractors with tradition skills undertake work sympathetically, all stack up against employing the desired regime of regular repair and maintenance. However, additional challenges come in the form of empty shops and flats, absentee landlords, confusion over common ownership issues such as burden liabilities and responsibilities and in many cases, economic restriction. These factors can establish barriers to undertaking works even where grant funding is available through specifically applied funding streams and targeted work programmes such as the Historic Scotland Schemes.

The pilot for the project (March-April 2011), was not as successful as hoped, due to financial issues with property owners, and it did become evident that if the Council wanted to look more closely at town centre buildings and remove potential dangers, it would have to undertake such works; disappointingly some owners were just not willing to pay.

The main challenge however is getting owners to understand that the work carried out as part of the ‘Stitch in Time’ Project is just that, a ‘stitch in time’ and the burdens of their title deeds and the responsibility placed upon them to carry out repairs and maintenance (predominately to the common parts of the building) is a duty they must recognise and act on. It is an unfortunate position when the threat of enforcement action has to be wielded like a ‘stick’, but those same difficulties that owners face and the impact of economic priorities, find the Council in this undesirable position.

There is still much work to do to further embed and sustain the culture change required. The Project has highlighted in some instances a lack of awareness and understanding of rights and responsibilities. Many buildings in town centres do not have any form of factoring service in place, many owners have very little knowledge of the Tenements (Scotland) Act 2004 or what title burdens are; the establishment of Owners Associations and the setting up of Maintenance Bank Accounts in tenemental buildings also appear to be limited.
Key learning points

Due to restricted resources, both human and financial, the Council was unable to carry out the level of survey that would have been preferable to fully ascertain the condition of the buildings, and evaluate the condition of the individual properties within the tenement to determine if any of them were likely to be Below Tolerable Standard (BTS), these only being undertaken where owners/tenants have asked for further advice regarding their housing conditions in relation to the sub-standard definition (serious disrepair, BTS etc) and the landlord’s Repairing Standard. If additional resources had been available, further works and surveys could have been undertaken to determine whether the estimated figures of BTS, as reported in the 2009 survey report were reasonable, or whether the problem of sub-standard properties could be worsening.

The work carried out to the front facades of buildings is important but there is also a realisation that the rear elevations of many town centre buildings are, in some cases because they are not visible or readily accessible, allowed to fall into extremely poor repair. Fife Council cannot access most of these areas, and coupled with the potential costs, have ruled out any repair works as part of the Scheme of Assistance in these areas. However, the condition of many of these areas provides the Council with a fairly accurate overview of the prevailing level of general disrepair and lack of maintenance. On that premise, owners are being advised that they should take steps to get the required maintenance and repair work carried out; it is the entire building that needs to be maintained, not just the façade. No inspections of the condition of individual properties contained within the tenements have been carried out as a matter of course.
Key learning points

A number of older resident owners in Town Centres have articulated that web-based advice is not readily available to them and that fact sheets, booklets and advice from officers are the preferred option. A resolute effort is required to make more printed material (booklets, leaflets etc.) available locally through estate and letting agents, local offices and community outlets to ensure a more visible presence and as wide a distribution as possible for private tenants, owners and landlords to raise awareness of responsibilities and burdens in relation to tenements and common repairs.

Continued efforts are important in engaging with owners to impress on them the importance of liaising with other owners in their buildings, forming owners associations, checking the buildings regularly and in the case of landlords, being aware of the Tolerable Standard and Landlords Repairing Standard for the domestic properties they rent out.

More research can be undertaken regarding the tenure of both commercial and residential properties, the level of private ownership, private landlords, commercial opportunities for small business and how the relationship between commercial and residential ownership can be strengthened to ensure that all owners can work together to maintain buildings to a reasonable standard, improving the living conditions of residents, and improving the visual impact of our town centres.

On a more practical note, different types of weedkiller should be ‘trialed’ as required to see what is most effective and what is acceptable in areas where there is high footfall (in relation to overspray from buildings etc). One thing that was discovered throughout the process over a period of time is that, dependent on the type of building (and the porosity and permeability of stone etc) it is often difficult to treat a well-established vegetation growth successfully at the first treatment; a stem gun that injects weedkiller directly into the vegetation growth is now being trialled as part of the project and the level of effectiveness of this method will be monitored closely.

The predominance of buddleia (the butterfly bush) has proved to be the most damaging vegetation to buildings easily taking root in the smallest gaps in rocks or weaknesses in building material (masonry work, chimney stacks etc). Due to the high number of seeds produced and its reliance on wind dispersal to spread, it is easy for Buddleia to rapidly colonise large areas in a short space of time. Once growth begins Buddleia’s roots can substantially weaken any material it grows from, creating costly repairs and potentially dangerous environments. It is a case of consistently making people aware of the destructive growth of Buddleia and other vegetation, by providing photographs (taken at high level) of damage to their buildings, by impressing on them that the sooner they tackle vegetation and disrepair, the easier the repairs are to complete and therefore easier on their pockets.
Key learning points

The ‘Stitch in Time’ work provides a real ‘instant’ result that not only improves the visible appearance of a building, but tackles potential public safety issues at the same time.

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