

# Report

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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>10 October 2006</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Subject:	<b>'Cartland Gates' (Gates, Gatepiers and Railings) Listed Building Repairs Notice – Auction Room and Cattle Market, Hyndford Road, Lanark</b>
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## 1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ seek approval to serve a Listed Building Repairs Notice under Section 43 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, in respect of the Cartland Gates, Lanark

## 2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) to authorise the serving of a Listed Building Repairs Notice on the owners of the 'Cartland Gates' under Section 43 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

## 3 Background

- 3.1 The 'Cartland Gates' occupy a prominent position on Hyndford Road, Lanark, adjacent to the former Auction Room and Cattle Market. The gates, gatepiers and railings were listed by Historic Scotland in 1994 as a Building of Special Architectural or Historic Interest and have been designated Category A status in view of their national importance.
- 3.2 The 'Cartland Gates' are dated from circa 1820 and comprise a pair of wrought and cast iron toll gates. They feature spear finials and decorated cross bars located between square plan highly ornamental cast-iron gatepiers. It is understood that the gates were relocated to their present position from the Cartland Bridge toll bar in the 1880s, following the abolition of the Turnpike Trust which had previously been responsible for maintaining the principal road transport routes within the area. It is considered that the gates are of national importance and are likely to be unique in Scotland.
- 3.3 The gates have been in a state of disrepair over a number of years and the present owners, County Properties (Northern) Limited, have been requested by the Council to carry out works to ensure the proper preservation of the gates. The owners, in a letter dated 12 July 2006, have indicated their willingness to carry out 'appropriate works' to the gates in accordance with a specification prepared by a consultant appointed by them.

- 3.4 This specification was assessed by Historic Scotland who considered it to be inadequate. The owners were advised of the assessment by Historic Scotland. However, they consider their specification adequately addresses the requirements to preserve the gates and are unwilling to make the suggested changes.
- 3.5 While it is my intention to continue to negotiation with the owners, the service of a Listed Building Repairs Notice under Section 43 of the Planning (Listed Building and Conservation Area) (Scotland) Act 1997 may provide the necessary impetus for the owners to proceed with a preservation scheme to a satisfactory specification. This repairs notice would be served on the owners of the gates and would specify the work the Council considers reasonably necessary for the proper preservation of the gates.
- 3.6 It is recognised that the serving of a repairs notice is only the first step in seeking a halt to the continued decline in the physical condition of the category A listed gates. In the longer term an alternative location for the gates may be worthy of consideration. If the repairs notice is not complied with within a specified period then the use of statutory compulsory purchase powers may be considered. This would be the subject of a further Report to Committee.
- 3.7 In view of the above and to seek to ensure the long term survival of the gates, it is now necessary to obtain Committee approval for the use of the statutory powers available to the Council to compel the owner of the gates to undertake urgent and necessary repair works thus ensuring the proper preservation of the listed gates.
- 3.8 As previously stated, recent discussions have taken place with the owners to discuss whether progress can be made in agreeing an acceptable repairs specification and these discussions will continue to be pursued. Notwithstanding this, it is considered prudent that the Council has the option available to progress the matter through legal channels, as set out above, should agreement on a specification fail to be reached, or the agreed repairs fail to be implemented to the standard of the specification and to the satisfaction of the Council.

#### **4 Employee Implications**

- 4.1 To be met from existing staff resources.

#### **5 Financial Implications**

- 5.1 To be met from existing Enterprise Resources budgets.

#### **6 Other Implications**

- 6.1 None.

#### **7 Consultation**

- 7.1 None required.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**2 October 2006**

**Link(s) to Council Objectives**

- Living in the Community

**Previous References**

- None

**List of Background Papers**

- None

**Contact for Further Information**

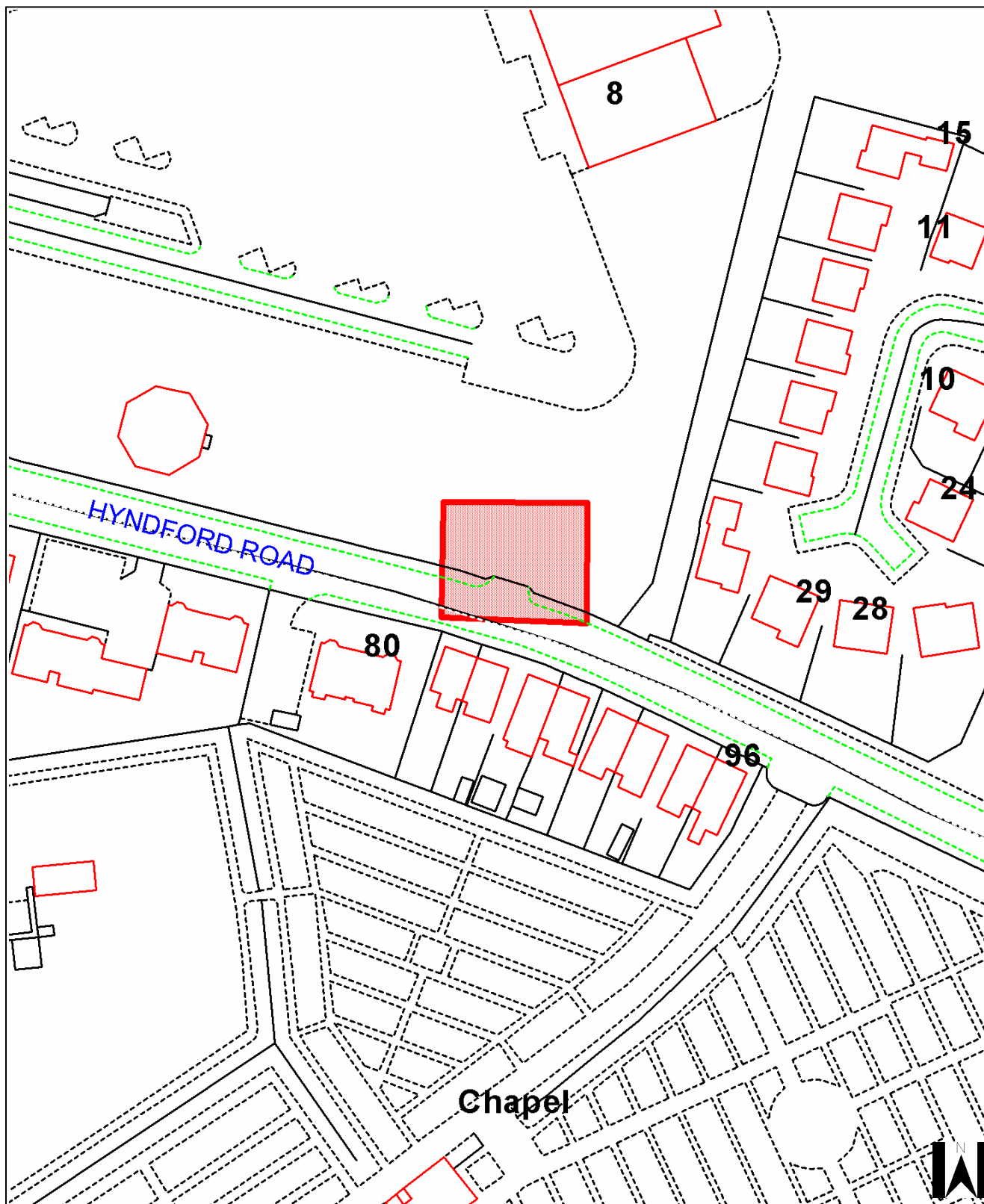
If you would like to inspect the background papers or want further information, please contact:-

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Planning and Building Standards Services



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