

ANGUS COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
PLANNING AND TRANSPORT POLICY COMMITTEE**

**25 FEBRUARY 1999
11 MARCH 1999**

SUBJECT: CONSERVATION CHARTER

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: Appended for the information of the Committee members is a copy of the Planning and Transport Department's Customer Care Charter for Conservation.

1 RECOMMENDATION

- 1.1 It is recommended to Members that the Customer Care Charter for Conservation be adopted and made available to the general public and other Council departments.

2 BACKGROUND

- 2.1 As part of the department's customer care objectives, Charters have already been prepared for the Development Control Planning Enforcement and Local Plan Services. Conservation inputs into the Development Control and Local Plan Services and involves extensive contact with other departments and the general public. Accordingly, it is appropriate for a Charter to be made available outlining how Conservation operates and the standards it aims to achieve.

3 FINANCIAL IMPLICATIONS

- 3.1 The costs of printing the Charter have been accommodated in the departmental printing budget.

4 CONSULTATION

- 4.1 The Chief Executive, and the Directors of Finance, Law & Administration, Property Services, Recreation Services, and Roads, have been consulted in the preparation of this report.

5 CONCLUSION

- 5.1 In addition to being of direct value to the customers of the Conservation Service, the Charter assists the Council in meeting its corporate customer care objectives and obligations, contributes to the Accounts Commission management requirements and will be of value in the forthcoming Best Value exercise.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/PM/KW
17 February 1999

Alex Anderson
Director of Planning and Transport

CONSERVATION CHARTER

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1. Purpose of Conservation Charter

Central Government regards the conservation and proper management of the built heritage as important to our cultural and economic well being. Local authorities are at the forefront of the conservation process through managing the different aspects of the planning system. Angus Council intends to ensure that historic buildings and areas in Angus are managed to the highest standards by providing a high quality Conservation Service.

Conservation is an integral part of the wider planning function of Angus Council. Alterations to historic buildings and structures, for example, are dealt with through the Development Control Service. Development Control decisions relating to historic buildings and structures are based upon a number of criteria, including the statutory requirements, policy advice contained in the Local Plan and Central Government policy. Conservation is a consideration which is taken into account in both the Development Control and Local Plan Services.

Conservation, involves a number of other areas of activity. These include advising on the listing of buildings, designating conservation areas and generating and administering financial resources for the built heritage. The provision of architectural, historical and technical advice relating to historic buildings and areas are other ways in which conservation inputs into the wider planning process.

Conservation of the built heritage also links into Angus Council's Corporate Priorities by involving the community, maintaining the attractiveness of Angus as a tourist destination, and furthering sustainable development. The emphasis throughout is on providing the highest quality of service in protecting, enhancing and developing the built heritage of Angus for the common good.

The purpose of this Conservation Charter is to further customer care by explaining Angus Council's standards on:-

- **Listed buildings.**
- **Conservation areas.**
- **The provision of advice for the built heritage.**
- **Funding for the built heritage.**

Separate Charters outline the levels of service that the customer can expect and the standards that Angus Council applies to the Development Control and Local Plan Services. This Conservation Charter should be read in conjunction with the Development Control Charter, in respect of the submission of planning or listed building applications.

More detailed information on conserving the built heritage is available in a number of publications which are available free of charge from the Department of Planning & Transport.

2. Listed Buildings

Under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Secretary of State has responsibility for compiling, or approving, lists of buildings of special architectural or historic interest. This is done through the government agency Historic Scotland and the buildings they select are termed **listed buildings**. Listed buildings are afforded statutory protection.

Listed buildings represent the very best examples of our built heritage. There are over 2,000 listed buildings in Angus, approximately 800 of which are concentrated in the burghs of Arbroath, Brechin, Forfar, Kirriemuir, Monifieth and Montrose. The rest are distributed across every rural parish in Angus. Over the next few years the listed building stock will be comprehensively resurveyed by Historic Scotland (the body responsible for the 'listing' of buildings), in consultation with Angus Council. As part of that process some buildings will almost certainly be added to the list, and a few may be dropped.

It is not only the statutory authorities who are involved with the listing process. It is open to amenity societies, Community Councils and the wider public to suggest suitable candidates for listing. Angus Council's Department of Planning and Transport should be the first point of contact for such enquiries.

Representations can also be made in respect of existing listed buildings if they are not windtight or watertight and are thus at risk. Angus Council has special legal powers to require listed buildings to be kept windtight and watertight. Once again, the Department of Planning and Transport should be the first point of contact.

Works to listed buildings are carefully assessed, to protect their special architectural or historic interest. Section 14 of the 1997 Act states:-

"In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic interest which it possesses."

This is taken into account in the processing of listed building consent applications through the Development Control Service.

Listed buildings are afforded special protection under the law; it is a criminal offence to alter a listed building in any way that affects its character, unless the works are authorised in writing by Angus Council, through an application for listed building consent.

In order to protect and enhance listed buildings, and inform owners, occupiers and the general public, Angus Council will ensure that:-

- **Consideration is given to serving Repairs Notices, or Urgent Works Notices, where listed buildings are in need of urgent repairs.**
- **Where the threat to a good quality, but unlisted, building is imminent, consideration is given to immediate protection through a Building Preservation Notice.**
- **Details of listed buildings that are at risk through dereliction, lack of use, or other threats, are passed to the Scottish Civic Trust for inclusion in their Buildings at Risk Register.**
- **Written complaints regarding listed buildings that are not windtight or watertight are acknowledged in writing within 10 working days from the day that such requests are received in writing, and the enquirer is kept informed as to any developments.**

- Requests for confirmation on whether a building is listed are responded to within 10 working days from the date that such requests are received in writing; telephone requests will be answered within 24 hours of the enquiry being made. The timescales may be extended if additional information is required to answer the query.
- The statutory lists are available for public consultation during office opening hours at St. James House, Forfar (09:00-17:00, Monday-Friday) and the public libraries in Angus.
- Copies of the list description for individual listed buildings are provided to owners/occupiers on request and free of charge.
- General guidance in the form of the Council's Advice Note 20, "Listed Buildings and Conservation Areas" is available free of charge.
- Historic Scotland's "Memorandum of Guidance on Listed Buildings and Conservation Areas" is made available for public consultation at St. James House, Forfar and public libraries in Angus.

3. Conservation Areas

Under section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, every local planning authority is required to:-

"From time to time decide which parts of their district are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and to designate such areas as conservation areas".

Angus contains 19 conservation areas as follows:-

- | | |
|---------------------------------|--------------|
| • Arbirlot | • Fowlis |
| • Arbroath (Central Area) | • Glamis |
| • Arbroath (Keptie Pond) | • Kirriemuir |
| • Arbroath (West Port) | • Lundie |
| • Auchmithie | • Montrose |
| • Brechin (Central Area) | • Murroes |
| • Brechin (St. Ninian's Square) | • Panbride |
| • Dunnichen | • St. Vigens |
| • Ferryden | • Tannadice |
| • Forfar | |

It is intended that the existing conservation areas will all be re-appraised by the end of 2001 and others may be designated in the future.

Designation of a conservation area is only the first step towards its preservation and enhancement. Section 63 of the 1997 Act states:-

"It shall be the duty of a planning authority to formulate and publish, from time to time, proposals for the preservation and enhancement of any parts of their district which are conservation areas."

Within the last few years a number of enhancement schemes have been carried out in conservation areas. Stone setts have been laid in the centre of Kirriemuir, a facade enhancement scheme is underway in Brechin and other enhancement works are

planned for Arbroath and Montrose. Attention will be given to Forfar as and when funding becomes available.

Section 64 of the 1997 Act requires close attention to be given to the quality of development in conservation areas:-

“In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be given to the desirability of preserving or enhancing the character or appearance of that area.”

This is taken into account in determining planning applications within conservation areas, through the Development Control Service.

In order to protect and enhance conservation areas, and to provide the public with as much information as possible, Angus Council will ensure that:-

- **A written Character Appraisal for each conservation area will be made available to inform Development Control decisions and develop enhancement schemes by the end of 2001.**
- **Maps of all conservation areas in Angus, together with the addresses they include, are available for public consultation at St. James House, Forfar and public libraries throughout Angus.**
- **General guidance in the form of Advice Note 20, “Listed Buildings and Conservation Areas” is available, free of charge.**
- **Enhancement schemes are prepared as and when funding becomes available.**
- **The designation of conservation areas, adjustments to existing conservation areas, and the development of enhancement schemes are the subject of consultation with Historic Scotland, Community Councils, amenity societies, and the wider community.**

4. The Provision of Advice for the Built Heritage

Outwith the statutory Development Control and Local Plan Services, a wide range of architectural, historical and technical advice is available to amenity societies, professional advisers, interested individuals and other Departments of Angus Council through the Conservation Service of the Department of Planning and Transport. (Angus Council is responsible for a substantial portfolio of historic buildings and related structures such as historic bridges) Such advice can take a number of forms:-

- **Advice on the architectural and historical development of our built heritage.**
- **Advice on how the built heritage is protected and why it is important to do so.**
- **Technical advice on matters such as best practice in maintaining and repairing traditionally-constructed buildings.**
- **Urban Design and Conservation advice for major public realm projects, including landscaping schemes in historic areas.**

In order to provide the highest quality of advice for the built heritage, Angus Council will ensure that:-

- **Written enquiries on all aspects of the architectural and historical development of the built heritage of Angus are fully responded to in writing, within 10 working days from the date that such enquiries are received unless more extensive research is required.**
- **Occasional guided walks are provided to allow the public an opportunity to learn about the built heritage of Angus. In most cases, these will be outwith normal working hours.**
- **The European Heritage Days Initiative, "Doors Open Day", is developed for the enjoyment of everyone on an annual basis.**
- **Material that can assist in conserving the built heritage is identified and collated and made available on request to other Council Departments, professional agents and the wider public. This includes photographs, maps, drawings, and technical information.**
- **Advice is available on how to become involved in protecting the built heritage through making written representations and through membership of local and national amenity societies.**
- **Advice Notes are made available, free of charge, on the proper maintenance and repair of traditionally constructed buildings, including windows and doors, stonework and roof coverings by the end of 2001.**
- **If you are disabled, do not have access to transport, or cannot visit the Department of Planning & Transport for any reason, we shall arrange a home visit for matters that cannot be dealt with by a telephone call, or letter.**

All enquiries relating to advice or information as described in this section of the Charter should be directed to the Department of Planning & Transport's Conservation Officer.

5. Funding

All buildings require to be maintained whether they are 200 years old or 20 years old. Failure to attend to a leaking roof, for example, will quickly lead to major repair costs, irrespective of the building's age. However, Angus Council is committed to protecting and enhancing the built heritage using all appropriate mechanisms. These include legislative and policy measures and the provision of advice and information as described in previous sections of this Charter.

The provision of funds for the built heritage is specifically allowed for under sections 51, 69, 71 and 72 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Other sources of funding include grants under the Housing (Scotland) Act 1987, grants from the Heritage Lottery Fund and Historic Scotland and, in some instances, the European Structural Funds.

Where public funding is provided for the built heritage, a number of criteria should be met:

- **Any funding awarded should protect the built heritage both now and in the longer term, by promoting best practice in conservation work.**

- Any award of funding should be in the wider public interest.
- Any award of funding should accord with wider policy objectives, including Angus Council's Corporate Priorities and Local Plan, and the strategy goals of the European Structural Funds.
- Every opportunity should be taken to draw down external funding through developing partnerships with other funding agencies.
- The public are aware of grants that are available and how to apply.
- The funding process should be transparent and accountable.

Angus Council funds the built heritage at a number of levels, including the Conservation Grants scheme, which provides small grants to individual building owners, on a first-come, first-served basis. At a more strategic level, schemes are developed which further wider goals such as urban regeneration. Consequently, all of the parameters outlined below will not apply in every case.

In administering and obtaining funds for the built heritage, Angus Council will ensure that:-

- It is a condition of any award of funding that all work is consistent with best conservation practice and the legislative requirements. (Grants can be recovered if the building is sold or let within three years from the date of grant award.)
- Any award of funding safeguards the built heritage for the future by encouraging best conservation practice.
- Grant applications are acknowledged within five working days from the date that they are received and the applicant is informed on the progress of the application on request.
- Wherever possible, any award of funding develops the Council's Corporate Priorities, the built heritage proposals contained in the Local Plan and the strategic goals of the European Structural Funds.
- Every opportunity is taken to use Angus Council's funds to attract additional funding from external agencies.

7. Complaints Procedure

- Any complaint in respect of conservation should preferably be made in writing to the Director of Planning and Transport. A complaint is an expression of dissatisfaction, however made, which alleges failure on the part of the Council to perform a function or provide a service in line with stated Council practices and policies.

When you have a complaint we will:-

- Acknowledge complaints about the way conservation matters have been handled within five working days.

- **Forward the complaint to the appropriate Department if it is not about the Conservation Service and notify the complainer of this fact.**
- **Fully and promptly (normally within 21 days) investigate all complaints and give you a written response recording the outcome of the investigation and any action the Council proposes to take.**

Complaints Methodology

If you make a complaint it will be dealt with in the following manner:-

First Stage

- The service provider (i.e. person at point of contact) will deal with the complaint initially and attempt to resolve the problem.

Second Stage

- If the complainant remains dissatisfied, the complaint, if not already in writing, should be formalised and will be dealt with by a Senior Officer in the Department.

Third Stage

- If the grievance still persists, the complaint, will be referred to the Council's Chief Executive for further investigation.
- If you remain unsatisfied with the Chief Executive's decision and you still wish to pursue the matter, you have the right to refer the complaint in writing to the Commissioner for Local Administration in Scotland (the Ombudsman). Information on how to do this will be provided.

Further Information

Fuller details and explanation of the complaints procedure are contained in a leaflet available from the Planning and Transport Department.

8. Future Intentions

As part of Angus Council's commitment to safeguarding the built heritage, it is intended to provide additional information to guide and inform applicants and their agents, community interest groups and other Council Departments. The following information will be published as resources permit:-

- **Individual Character Appraisals for all conservation areas in Angus (by end 2001).**
- **Advice Notes on good practice in repairing historic buildings and structures (by end 2001).**
- **An Advice Note on energy conservation measures in historic buildings (by end 2001).**
- **Advice Notes on good practice in altering and extending historic buildings and structures (by end 2001).**

- **An Advice Note on how to submit an application for Listed Building Consent (by end 1999).**
- **Local Design Awards Scheme for Angus (by end 1999).**