

Agenda Item No

Report No 94/99

ANGUS COUNCIL**PLANNING AND TRANSPORT POLICY COMMITTEE
DEVELOPMENT CONTROL COMMITTEE****28 JANUARY 1999
4 FEBRUARY 1999****SUBJECT: DRAFT NATIONAL PLANNING POLICY GUIDELINE
PLANNING AND THE HISTORIC ENVIRONMENT****REPORT BY DIRECTOR OF PLANNING AND TRANSPORT**

Abstract: This report examines the draft NPPG on Planning and the Historic Environment published recently by the Scottish Office highlighting key points arising and considering implications for development planning policies applying to Angus.

1 RECOMMENDATION

1.1 It is recommended that the Committee -

1. note the terms of the draft NPPG on Planning and the Historic Environment which when finalised will establish general guidance for the Development Plan framework and assessment of development proposals;
2. note a number of initiatives already being undertaken by Angus Council in line with the draft NPPG which will encourage the maintenance, conservation and continued use of historic property and environment in Angus;
3. agree that this report be submitted to the Scottish Office Development Department as the observations of Angus Council on the draft NPPG drawing particular attention to Section 4 and the actions already underway and planned including local planning work and conservation action and advice in Angus;
4. request the Scottish Office, in the light of The Shimizu Decision with regard to the demolition of buildings, to review the existing legislation relating to the demolition of listed buildings and unlisted buildings in conservation areas and where appropriate introduce amendments to the legislation as necessary.

2 INTRODUCTION

2.1 The Scottish Office has recently issued for consultation purposes a draft National Planning Policy Guideline (NPPG) on Planning and the Historic Environment.

2.2 The draft NPPG recognises the importance of the historic environment and sets out the Government's policies for the planning of development in historic environments with a view to their protection, conservation and enhancement. It also recognises the role of the planning system in providing a basis for environmental stewardship and sustainable development. The draft guidance implements existing Government policy on the built heritage in relation to listed buildings and conservation areas, as set out in the Memorandum of Guidance on Listed Buildings and Conservation Areas (revised and republished earlier in 1998) and NPPG5 Planning and Archaeology which specifically deals with the protection of ancient monuments and archaeological sites.

- 2.3 The draft guideline also recognises that the historic environment comprises more than just the physical remains of the past, with both social and economic factors contributing significantly to the cultural heritage and helping define the character of the historic environment.
- 2.4 The draft NPPG:-
- outlines national planning policy on the historic environment which local authorities should consider in formulating and assessing development proposals;
 - explains how the protection of the historic environment and the promotion of opportunities for change can contribute to sustainable development;
 - identifies a range of planning actions designed to achieve conservation objectives, including implications for development plans and development control.
- 2.5 A copy of the draft NPPG is available for reference in the Members' Lounge, The Cross, Forfar. The Scottish Office has requested comments on the draft NPPG by 22 January 1999 and in order to meet this timescale a copy of this report has been forwarded to the Scottish Office as the provisional views of Angus Council subject to consideration and agreement of the Committee.

3 SYNOPSIS OF KEY POINTS FROM THE DRAFT NPPG

- 3.1 The diversity and quality of Scottish historic buildings and historic landscapes - collectively called the historic environment - is recognised at local, regional, national and international levels as a fundamental part of the country's cultural heritage and of immense importance to education, recreation, leisure, tourism and the wider economy.
- 3.2 The draft NPPG identifies land use as a key component of the historic environment and the importance of the planning system in regulating the development and use of land. Maintaining and improving the quality of Scottish built heritage are viewed as key tasks of the planning system. While statutory procedures exist to identify and protect many of the features of the historic environment it is recognised that inappropriate development can not only make an area less attractive visually but it can lead to the erosion of important cultural heritage assets and undermine efforts to attract new investment.
- 3.3 The planning system therefore has an important role in working towards sustainable development by reconciling the protection of historic environments with the identification and promotion of acceptable opportunities for change.

- 3.4 In establishing the importance and relevance of the planning system the draft NPPG briefly reviews the background of:-
- planning policy framework
 - statutory designations
 - listed buildings
 - conservation areas
 - non-statutory designations
 - world heritage sites
 - historic gardens and designed landscapes
 - role of Historic Scotland
 - role of local authorities and others.
- 3.5 A key aspect of the draft NPPG is the establishment of general policy guidelines in planning for the historic environment. The principle of sustainable development is central to Government policy where the historic environment is recognised as a finite resource. Sustainable development will be promoted by:-
- ensuring that the legislative system properly protects and conserves the historic environment;
 - promoting economic, social and physical change which is compatible with the historic environment;
 - encouraging the maintenance, conservation and continued use of historic property and environment.
- 3.6 Conservation policies and proposals also contribute to the physical and economic regeneration of heritage areas acting as a catalyst for investment and regeneration. It is the role of the planning system to manage potential conflict between the needs of residents and those of visitors. Conservation must be more holistic integrating aspects of physical, social and economic policy.
- 3.7 The draft NPPG outlines the action required by planning authorities in meeting the objectives of the NPPG. An essential element is a comprehensive understanding of the heritage resource within towns and cities as a basis for establishing policies and proposals for the protection, conservation and positive management of the historic environment. Townscape audits and conservation area character appraisals are put forward as mechanisms which can assist planning authorities implement both development planning and development control functions.
- 3.8 More detailed guidance on townscape audits is contained in PAN52 Planning in Small Towns (report 643/97 to Planning and Transport Policy Committee 5 June 1997 refers). This provides a framework for working through this process, including desk study, site study, and public involvement.

- 3.9 The draft NPPG gives guidance on an approach and methodology for the preparation of conservation area appraisals. It is recommended that planning authorities should prepare a character appraisal when reconsidering existing conservation designations, promoting further designations or formulating enhancement schemes and should consider preparing character appraisals for all conservation areas within their area on a priority basis. Preparation of appraisals will therefore assist in the process of conservation area designation and the assessment of development proposals. Incorporation of the findings into Local Plans would also give added weight in dealing with proposals and also future planning appeals.
- 3.10 Development plans have a key role in meeting the objectives set by the draft NPPG. Structure and Local Plans can provide the basis for an integrated approach to the protection, conservation and enhancement of the historic environment while the development control process offers a means of ensuring that new development, including redevelopment, rehabilitation and alterations respect the character and setting. The NPPG particularly emphasis the need for the development control process to ensure that development is of the highest quality possible paying respect to local design characteristics and the historic character of adjacent buildings and the surrounding areas.
- 3.11 The draft NPPG give guidance to planning authorities in respect of Structure Plans, Local Plans and development control.
- 3.12 The draft NPPG also reviews detailed mechanisms associated with the planning process, including:-
- Article 4 Directions (essentially the withdrawal of permitted development rights);
 - Listed Building Consent;
 - Conservation Areas Control;
 - Demolition and Recording of Buildings.
- 3.13 The importance of establishing development briefs and design guides particularly for vacant buildings, land and other sites within the historic environment is also highlighted in order to ensure a quality of design in relation to development proposals.

4 DISCUSSION

Angus Historic Environment

- 4.1 The architectural quality and historic significance of the built environment of Angus is recognised by Angus Council as an important asset. This is evident at a range of levels, including individual property, building groups and parts of towns and villages, and includes:-
- Designated conservation areas 19 (9 of which are considered to be of outstanding value in the national context)
 - Article 4 Directions 3 areas
 - Listed buildings approximately 2132 items in total
 - Category A 96
 - Category B 1204
 - Category C(S) 832
 - Gardens and designed landscapes 11 locations
 - Ancient Monuments and archaeological sites over 200 locations.

Structure Plan Guidance

- 4.2 Strategic guidance on the built environment is provided by the approved Tayside Structure Plan 1993. The development strategy seeks to safeguard and enhance the environmental resources by setting a framework for encouraging sustainable development and by identifying priority areas for improvement and protection.
- 4.3 The Structure Plan seeks to support measures to improve the built environment and its setting by:-
- conserving and enhancing elements of historic, archaeological and architectural importance;
 - capitalising on opportunities to improve the amenity of urban areas where dereliction, redevelopment and renewal are present.
- 4.4 Specific guidance is provided through a number of policies and proposals within the environment section of the Structure Plan which are broadly consistent with the terms of the draft NPPG including guidance on development affecting:-
- listed buildings and conservation areas;
 - gardens and designed landscapes;
 - ancient monuments and archaeological sites.

Local Plan Guidance

- 4.5 Protecting and enhancing the built heritage and environmental assets of Angus and encouraging higher standards of new design are central to Angus Council's

approach to the sustainable use of resources. Heritage management should not however be regarded as an end in itself but as an integral part of wider planning, economic and social objectives. In guiding and managing change to secure the future of both the built and natural heritage, the draft Angus Local Plan seeks to:-

- conserve and enhance the character and appearance of the Angus environment through legislative controls, positive interventions and the development of partnerships at all levels;
- encourage high standards of design in all areas including extensions to existing buildings; infill development in historic settings; development in the countryside and new buildings in general;
- encourage developments and activities which contribute to sustainability, including the reuse of substantially complete buildings, recycling of building materials and energy efficiency in the siting, design, and orientation of new buildings, assessment of air quality and management of waste;
- contribute to public awareness of environmental issues.

4.6 The draft Local Plan contains a series of policies/proposals which cover the following:-

- Conservation Areas
 - boundary review
 - preparation of character statements
 - new development in conservation areas
 - use of materials
 - demolition of buildings
- Article 4 Direction and enhancement projects
- Listed Buildings
 - change of use, alterations and extension
 - curtilage development
 - demolition of listed buildings.

4.7 The strategy, policies and proposals of the Draft Local Plan generally reflect the principles being put forward by the draft NPPG.

- 4.8 One particular issue which has arisen relates to the demolition of listed buildings and unlisted buildings in conservation areas, following the 1997 judgement by the House of Lords in *The Shimizu (UK) Ltd. v. Westminster City Council*. This decision related to the interpretation of what constitutes demolition of a listed building, but the case has a knock-on effect in relation to unlisted buildings in Conservation Areas. While the draft NPPG seeks to provide guidance on what should be regarded as demolition this impacts on the scope of works which will require Conservation Area Consent. One possibility is that local authorities may consider the use of Article 4 Directions to maintain control over demolition in conservation areas, although this would appear to be contrary to the spirit of the draft NPPG which seeks less controls over what may be regarded as minor works. Accordingly, therefore, the existing legislation affecting demolition of listed buildings and unlisted buildings in conservation areas may need to be reviewed to reflect the issues arising from *The Shimizu Decision* and the Scottish Office should clarify the position as soon as possible.

Conservation Action and Advice in Angus

- 4.9 Conservation is an important and integral part of the wider planning function and Angus Council intends to publish a Conservation Charter in early 1999 which will complement other planning charters (Local Plan; Development Control) and outline the Council's standards on:-
- Listed Buildings;
 - Conservation Areas;
 - conservation in the development control process;
 - the provision of advice for the built heritage; and
 - funding for the built heritage.
- 4.10 Other advice on the historic environment is also available to the general public in the form of Advice Note 20: Listed Buildings and Conservation Areas published in September 1998. This leaflet which is freely available, is intended as a brief guide providing information and advice on the importance of the historic environment in Angus, management of conservation areas and listed buildings, and the affect that these designations have on householders and development proposals.
- 4.11 Other specialist advice for development proposals which may have an impact in the historic environment is available in Advice Notes covering such topics as No. 2: Shopfronts and Signs in Conservation Areas; No. 8: Dutch Canopies and Sunblinds; No. 9: Window Alterations; and No. 10: Shop Window Security. Again these are freely available and are aimed at establishing the standards implemented by Angus Council in determining development proposals.
- 4.12 With regard to listed buildings, Historic Scotland have recently reviewed the statutory list of buildings in both Montrose and Glamis, and Angus Council are in the process of re-notifying owners and occupiers. There is no published timetable for the review by Historic Scotland in the remaining towns or parishes. It is however important that these 'statutory lists' are re-appraised as soon as possible, although the resource implications of undertaking this programme are acknowledged.

- 4.13 In implementing the Local Plan, a review of conservation areas is being undertaken. With few exceptions conservation areas were designated in the 1970s. Experience has shown that the boundaries are in need of reappraisal including the deletion of some areas and the inclusion of others. As part of this process work has commenced on a programme of preparing character statements (similar to Conservation Area Appraisals outlined in the draft NPPG) to identify particular characteristics and local qualities to be protected and forming the basis for boundary adjustments, development control decisions and enhancement projects. Other conservation areas will be reviewed as staff resources and work programme permits. Montrose has been completed.
- 4.14 The Council in partnership with Scottish Enterprise Tayside and other bodies undertake an ongoing programme of physical projects - environmental improvements - throughout the whole of Angus. These projects are not only aimed at enhancing the built or natural environment but frequently are also designed to help boost economic prosperity in the area. To that end, town centre regeneration - one of the main concentrations of listed buildings and the focus of town conservation areas - is regarded as being a high priority. Such projects seek to improve the quality and appearance of the Angus town centres thus making them more attractive places to live, work and visit. Recent examples include Brechin and Kirriemuir town centres, and Glamis village. Future projects will be implemented in Arbroath and Montrose.
- 4.15 In addition and in partnership with Historic Scotland and private owners, Angus Council is to promote a town scheme for Montrose Town Centre for the repair and enhancement of historic buildings in the core of the Montrose Conservation Area. This will complement the physical works to be undertaken in Montrose as part of a town centre environmental improvement scheme. A town scheme enables owners to undertake works of improvement to their properties utilising substantial financial and technical assistance provided by the partners. Hopefully, the concept may be extended to other town centre conservation areas in future years.
- 4.16 Recognising that the repair of historic buildings including shopfronts often requires specialist skills and materials to ensure that their character is preserved, and that this work may cost more than normal repairs, Angus Council offers grant assistance towards these extra costs. The amount of grant aid varies depending on the nature of the work. Advice Note guidance is available from the Planning and Transport Department.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from this report.

6 CONSULTATION

- 6.1 The Chief Executive, Director of Finance and Director of Law & Administration have been consulted in the preparation of this report.

7 CONCLUSION

- 7.1 The draft NPPG on the Historic Environment confirms the important role that the planning system has in the protection and enhancement of Scottish built heritage. It sets out action required to be taken by planning authorities in the preparation of development plans and in the assessment of planning applications.
- 7.2 It also reinforces the primacy of the Development Plan system and provides guidance for use in both Structure and Local Plan preparation. Much of the guidance contained in the draft NPPG on Historic Environment is already reflected in the Tayside Structure Plan 1993 and the Angus Local Plan Consultative Draft.
- 7.3 The emphasis of the draft NPPG is preserving or enhancing the character of Conservation Areas which is viewed as an overriding consideration in the assessment of development proposals. This is the approach adopted by Angus Council and therefore supported. The use of Article 4 Directions to control development is viewed by the draft NPPG as being too negative, and may be difficult to obtain from the Secretary of State. This reinforces the importance of establishing Character Area Statements which would provide the policy basis for seeking Article 4s and assessment of development proposals.
- 7.4 The draft NPPG reviews the position associated with the demolition of buildings. However, given the recent legal judgement - The Shimizu Decision - consideration should be given to the need to amend the existing legislation affecting demolition of listed buildings and unlisted buildings in conservation areas and this matter should be clarified by the Scottish Office.
- 7.5 The draft NPPG advocates a positive approach to conservation, and emphasises the need to find ways in which the active life of historic buildings and environments can be extended. While considerable emphasis is placed on regeneration and "best viable use" of historic buildings and adaptation of their fabric to achieve the same, the issue is how this can be achieved with the minimum impact on their special architectural character. Maintaining and enhancing the vitality and viability of some areas is closely linked to maintaining the quality of the historic environment resulting in wider economic, social and environmental benefits. This approach is reflected in the Councils key themes and supported by the Draft Angus Local Plan. In implementing a positive approach to conservation, Angus Council already utilises a wide range of initiatives to maintain and enhance the built heritage.

NOTE

The following 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 a material extent in preparing the above Report:-

- Draft National Planning Policy Guideline (NPPG) - Planning and the Historic Environment: Scottish Office - November 1998.
- Shimizu: Part I - The Implications for Listed Building Control - Journal of Planning Law (pages 503-510) June 1997.
- Shimizu: Part II - The Implications for Conservation Area Control - Journal of Planning Law (pages 603-610) July 1997.

