Abstract: Approval is sought for the adoption of the proposed amended Montrose conservation area boundary, simultaneous deletion of the existing boundary and adoption of the draft Montrose Conservation Area Analysis and Design Guide as supplementary planning guidance as a result of a public consultation exercise.

1 RECOMMENDATION

It is recommended that the Committee:-

(i) approve the simultaneous deletion of the existing Montrose conservation area boundary and subsequent adoption of the proposed Montrose conservation area boundary;

(ii) approves and adopts the draft Montrose Conservation Area Analysis and Design Guide as supplementary planning guidance

2 PURPOSE

2.1 During 2010 a review was undertaken of the Montrose conservation area which included a written analysis and design guide, of which a copy was available in the Member’s Lounge at the time of the committee, with a recommendation to review the existing conservation area boundary. (Report 853/10 refers).

2.2 A six week public consultation exercise was undertaken between 10 January and 21 February 2011. The consultation exercise comprised a small exhibition and comments sheet in Montrose Library and a public meeting hosted by Montrose Community Council which was held on 27 January 2011. The information was also placed on the “Have Your Say” section of the Angus Council website. The draft appraisal and boundary proposals were circulated to a range of organisations including Montrose Community Council, The Montrose Society, Montrose Heritage Trust, Montrose Natural History and Antiquarian Society, Aberdeenshire Council’s Archaeology Service (who provide guidance to Angus Council on archaeological issues) and Historic Scotland for comment.

3 RESPONSES TO THE PUBLIC CONSULTATION

3.1 Following the consultation process four responses were received in total. There were two written responses received, from the Archaeology Service and Historic Scotland respectively. In addition comments made at the public meeting were also considered as a response to the consultation along with an individual meeting with a representative of The Montrose Society.

3.2 The response from the Archaeology Service welcomed the proposed minor changes to the boundary which make the layout more in sympathy with the landscape. Suggestions were also made regarding particular maps and images which could be incorporated into the document along with general comments regarding the layout of the document.

3.3 Following consideration of the response received, the inclusion of additional mapping and images will be made to the document.
3.4 The second written response was from Historic Scotland. Again Historic Scotland welcomed the proposed changes which rationalised the previous extension in a sensible manner. General comments were also made on some of the details within the proposed Design Guide. Where possible the comments have been considered and changes made.

3.5 At the public meeting there was support for the boundary changes and suggestion was made that there may be merit in defining subsequent separate areas which take account of the more industrial harbour area of Montrose and the open space to the east of the Mid Links. However, following consideration, it is not felt appropriate to designate a further boundary and that the current programme is to review those areas already designated.

3.6 Concern was also raised regarding the alteration on Murray Lane which moved the boundary to the middle of the lane thus not protecting, in full, the remaining setts which are still located on the ground within the lane. Although there has been some small areas of setts removed, much of the lane is still intact and therefore the boundary will not be altered from its current position. This proposed amendment will therefore be removed.

3.7 A meeting was subsequently held with a representative of The Montrose Society. Similar issues to those raised at the public meeting were raised regarding the industrial harbour area and the open space to the east of the Mid Links and whether there was merit in designating them within a conservation area. It was also noted that the Montrose conservation area is quite extensive with a number of character areas which might benefit from being conservation areas within their own right or included within the other potential future designations. As noted above, it is not considered appropriate to designate further conservation areas at this time. This may be reviewed at a later date.

3.8 The Montrose Society raised concern regarding protection of the setts in Murray Lane therefore the conservation area boundary will not be altered as proposed thus leaving the setts in the lane within the conservation area.

3.9 Concern was raised about the future of some of the buildings within Bow Butts. This area lies within the conservation area boundary and will be the subject of normal requirements for development within a conservation area. This would include the need for Conservation Area Consent should there be a need for demolition, regardless of whether a building is listed or not. At present it is felt that by being within the conservation area suitable protection is afforded to the buildings within Bow Butts. However it was felt that there was merit in ensuring that the area of open space behind the Police Station is within the boundary of the conservation area and as such a small amendment is proposed to take account of this.

3.10 Enquiry was made as to whether there may be merit in including Southesk Primary School and its surrounds within the conservation area. Following consideration it is not felt appropriate to extend the boundary further in this area at present. The full responses to the consultation comments outlined above are detailed in Appendix 1.

3.11 As a result of the public consultation exercise it is considered appropriate to undertake 11 of the 12 already proposed minor alterations to the boundary line to either include or delete small areas of ground and thus make the boundary more cohesive. In addition to this, two further anomalies regarding the existing boundary were noted. The first is to the rear of the Police Station which requires minor alteration of the boundary to align it with the curtilage of the current buildings and therefore include in full the area of open space between the rear of the Police Station and Panmure Place. The second is to include the full rear garden ground relating to 121 Bridge Street which at present is split by the boundary. This aligns the boundary with the building’s curtilage. The detailed amendments for the conservation area and the reasons for these are contained in Appendix 2.
4 FINALISED BOUNDARY AND SUPPLEMENTARY GUIDANCE

4.1 A copy of the finalised Montrose Conservation Area Analysis and Design Guide (not including images) has been placed in the Members’ Lounge. A larger scale map indicating the proposed amendments to the conservation area boundary has also been placed in the Members’ Lounge and will be on display at the Committee meeting. Copies are also available to view at Montrose Access Office and at Angus House, Forfar.

4.2 If approved, the following will be required to formalise the boundary alterations;

- A notice of the designation, deleting the existing and adopting the proposed, must be placed in the Edinburgh Gazette and at least one local paper
- Scottish Ministers, at the same time as the designation is advertised, must be notified of the designation of conservation areas and provided with a copy of the published notice, together with a copy of the designation map and a list of the street names.

4.3 If approved, the Montrose Conservation Area Analysis and Design Guide will be adopted as supplementary planning guidance and will aid decisions relating to development within the Montrose conservation area. A small number of hardcopies will be produced for stakeholders and others who require copies. The document will also be made available to download from the Angus Council website.

5 FINANCIAL IMPLICATIONS

5.1 There will be costs of approximately £250-£500 for printing hardcopies of the document for stakeholders who were consulted and others who require copies. This will be met from the Planning & Transport Revenue Budget in the 2011/12 financial year.

6 HUMAN RIGHTS IMPLICATIONS

6.1 The recommendation in this report for the amendment of the conservation area and provision of supplementary planning guidance has potential implications for property owners and occupiers in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any actual or alleged infringement of owners’ rights to peaceful enjoyment of their property and/or interference with their privacy/home/family life arising from the proposed conservation area review is in accordance with the Council’s duties under the Planning Acts to protect conservation areas and is justified and necessary in the public interest on the basis that any such actual or alleged infringement is not significant or material as balanced against the need to protect conservation areas in the wider public interest.

7 EQUALITIES IMPACT ASSESSMENT

7.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

8 SINGLE OUTCOME AGREEMENT

8.1 This report contributes to the following local outcome contained within the Single Outcome Agreement for Angus.

- Angus’ built environment is protected and enhanced
- Angus’ built and natural environment is valued and enjoyed.
9 STRATEGIC ENVIRONMENTAL ASSESSMENT

9.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Strategic Environmental Assessment (Scotland) Act 2005. SEA applies to all plans, programmes and strategies (PPS) and this includes policies.

9.2 The Angus Local Plan Review (2009) was exempt from a Strategic Environmental Assessment and as the character appraisal is produced in accordance with, and as an extension to policies in the Angus Local Plan Review (2009), then this document is also exempt.

10 CONSULTATION

10.1 The Chief Executive, Director of Corporate Services, Head of Finance, Head of Law & Administration and Director of Neighbourhood Services have been consulted in the preparation of this report.

11 CONCLUSION

11.1 The proposed amendments to the Montrose conservation area boundary and additional supplementary guidance through the Montrose Conservation Area Analysis and Design Guide will ensure that any development will preserve or enhance the character and/or appearance of the area which depicts the origins of Montrose as an important market and trading town.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing to confidential or exempt information) were relied on to a material extent in preparing the above report are:

- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- Scottish Historic Environment Policy, July 2009
- Report 853/10, Angus Council Infrastructure Services Committee, November 2010

P&T/GWC/KM/IAL
18 May 2011
## CONSULTATION RESPONSES AND CONSIDERATION

<table>
<thead>
<tr>
<th>Name of Responding Consultee</th>
<th>Comments</th>
<th>Response to Comment if Applicable</th>
</tr>
</thead>
</table>
| Archaeological Service            | 1. The Archaeological Service supports the proposed boundary changes to the conservation area in Montrose giving a layout more in sympathy to the landscape.  
2. Welcomed the inclusion of a chapter on Archaeology.  
3. Suggested other historic maps which may be of interest and beneficial to the document.  
4. Suggested further use of old and new images to show development (or not) of different areas.  
5. General suggestions on the layout and editorial comment. | 1. N/A  
2. N/A  
3. Comments have been taken account of and amendments made as necessary.  
4. Comments have been taken account of and amendments made as necessary.  
5. Comments have been taken account of and amendments made as necessary. |
| Historic Scotland                  | 1. Welcome redefinition of boundary to rationalise the previous extent in a sensible manner.  
2. General comments about document layout and editorial comment.  
3. Further use of maps and plans to describe various elements.  
4. Use of a glossary, to make the main text of the document more concise. | 1. N/A  
2. Comments have been taken account of and amendments made as necessary.  
3. Comments have been taken account of and amendments made as necessary.  
4. Comments have been taken account of and amendments made as necessary. |
5. Consideration be given to a more street by street approach of defining character areas other than the zones already identified.

6. Inclusion of strategies to proactively address negative factors and buildings at risk should be included.

7. Consideration as to whether the design guidance provides sufficient scope to achieve a high quality contemporary intervention, in cases where this is considered more appropriate than a traditional approach.

8. Under the Monitoring and Review section; include more detail about the indicators of the impact of the conservation strategy.

5. At present, and given that this is not a conservation area appraisal, it is not considered necessary to considerably alter the document in this manner. However an appendix highlighting the character by areas will be inserted.

6. At present, and given that this is not a conservation area appraisal, it is not considered necessary to undertake this work. This will be the focus of either, a separate piece of work or as part of an appraisal when completed in the future.

7. Comments have been taken account of and amendments made as necessary.

8. At present, and given that this is not a conservation area appraisal, it is not considered appropriate to significantly expand on this information at present.

**Public Meeting (27 January 2011)**

1. To take account of both the more industrial harbour area and also the area to the east of Mid Links as separate conservation areas.

2. The proposed boundary alteration at Murray Lane should be excluded so as to protect the existing historic setts laid out in the lane.

**Montrose Society**

1. To take account of both the more industrial harbour area and also the area to the east of Mid Links as separate conservation areas.

2. The proposed boundary alteration at Murray Lane will be deleted.
Lane should be excluded so as to protect the existing historic setts laid out in the lane.

3. Concern was raised about the future of some of the buildings within Bow Butts.

4. Inclusion of Southesk Primary School and its surrounds within the conservation area.

Murray Lane will be deleted.

3. This area lies within the conservation area boundary and will be the subject of normal requirements for development within a conservation area. At present it is felt that by being within the conservation area that suitable protection is afforded to the buildings however a small amendment is proposed to include the full area of open space to the rear of the police station.

4. It is not felt appropriate to extend the boundary further in this area at present.
**DETAILED CONSERVATION AREA BOUNDARY AMENDMENTS**

It should be noted that the amendments are listed from the most northern boundary area in a clockwise direction.

<table>
<thead>
<tr>
<th>AREA</th>
<th>REASON</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-8 Whinfield Road</td>
<td>Boundary amended to delete the small area of garden ground which was included in the original conservation area.</td>
</tr>
<tr>
<td>1 Union Place</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area to protect the rigg pattern.</td>
</tr>
<tr>
<td>Links Health Centre Car Park</td>
<td>Boundary amended to delete the area of car park and corner of the building which was included in the original conservation area.</td>
</tr>
<tr>
<td>Bridge on Marine Avenue</td>
<td>Boundary amended to delete the small area of open space which was included in the original conservation area.</td>
</tr>
<tr>
<td>Open space between rear of police station and Panmure Place</td>
<td>Boundary amended to include the full area of open space, of which most is already within the existing boundary.</td>
</tr>
<tr>
<td>Garden ground to rear of 121 Bridge Street</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area to protect the rigg pattern.</td>
</tr>
<tr>
<td>10, 18, 26 Seagate</td>
<td>Boundary amended to delete the small area of garden ground which was included in the original conservation area.</td>
</tr>
<tr>
<td>West End Park</td>
<td>Boundary amended to follow the natural boundary path at West End Park and include small area of ground previously excluded.</td>
</tr>
<tr>
<td>1-7 North Esk Road</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area to protect the rigg pattern.</td>
</tr>
<tr>
<td>Junction of North Street/The Mall</td>
<td>Boundary amended to rationalise the existing edge to adhere to the central area of the road.</td>
</tr>
<tr>
<td>50 Mill Street</td>
<td>Boundary amended to delete the small area of garden ground which was included in the original conservation area.</td>
</tr>
<tr>
<td>Rear of properties at 26-34 Whites Place</td>
<td>Boundary amended to include the ground to the rear of properties.</td>
</tr>
<tr>
<td>37 Rosehill Road</td>
<td>Boundary amended to include the ground to the rear of properties.</td>
</tr>
</tbody>
</table>