Abstract: Authorisation is sought to carry out public consultation on the proposed Conservation Area Analyses and Design Guides for the three conservation areas located within Arbroath and proposed amendments to the individual conservation area boundaries.

1 RECOMMENDATION

It is recommended that the Committee:-

1. agrees to a six week consultation with the Arbroath community including; Arbroath Community Council and the Arbroath and Area Local Community Planning Partnership, along with other stakeholders, on Conservation Area Analyses and Design Guides and proposed amendments to the boundaries of the three conservation areas within Arbroath; namely Arbroath Abbey to Harbour Conservation Area, Arbroath West Port Conservation Area and Arbroath Keptie Pond Conservation Area;

2. notes that the consultation will commence on Monday 5 December 2011;

3. agrees that the existing Article 4 Direction is maintained in its current form; and

4. agrees to await a further report to the Infrastructure Services Committee once the consultation has been carried out.

2 BACKGROUND

2.1 A Conservation Area Appraisal is a management tool which helps to identify the special interest and changing needs of an area.

2.2 Appropriate design standards are required in Conservation Areas under the terms of section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. In order to assess whether these design standards are appropriate it is necessary to analyse all designs against their effect on the character or appearance of the Conservation Area. Whilst design guidance is helpful it can sometimes be too prescriptive thus stifling innovation. Nevertheless, there are key aspects of the character and appearance of the three areas within Arbroath that are so important they need to be stated as parameters for designers to work within in order to assist in the promotion of good design appropriate to the area. This includes alterations to existing buildings, new build and works to the public realm.

2.3 Conservation Area Appraisals also have a community planning role because they provide the community with information on the built heritage and are prepared through consultation with stakeholders.

2.4 Due to the number of conservation areas, the time required to undertake appraisals and the resource implications, it is considered that a full character appraisal, as per PAN 71 Conservation Area Management is not appropriate at this time for each conservation area in Angus. Therefore a review of each boundary along with written analysis and design guidance for each conservation area will be undertaken. This will provide stakeholders with information to assist with managing the development process and will help impart information on the built
heritage of Angus to the wider public (report No. 580/10 refers). This exercise has previously been completed for both the Forfar and Montrose Conservation Areas.

3 PROPOSALS

3.1 The copies of the three draft Conservation Area Analyses and Design Guides (not including images) have been placed in the Members’ Lounge. A larger scale map indicating the proposed amendments to each conservation area boundary has also been placed in the Members’ Lounge and will be on display at the Committee meeting. A copy is also available to view at County Buildings.

3.2 The Conservation Analyses will be the subject of public consultation including a public exhibition. Copies of the draft Conservation Area Analyses and Design Guides will be sent directly to key stakeholders.

3.3 Stakeholders of Conservation Area Analyses and Design Guides include:-

- Historic Scotland in the assessment of development proposals;
- Scottish Government Planning Reporters in determining planning appeals;
- A range of community interests in assessing how to respond to development proposals and as a source of information on the historic environment.

3.4 Should the proposed amendments to the conservation area boundaries be accepted then this will require the simultaneous deletion of the existing boundaries and the adoption of the new boundaries.

3.5 Arbroath Abbey to Harbour Conservation Area has an Article 4 Direction in place which removes some of the permitted development rights. The Article 4 Direction is aimed at stopping the alteration to residential buildings which undermine the character of the area. The Article 4 Direction requires planning permission for any change to windows and doors, boundaries and car access to all residential buildings within the conservation area. Given the minor changes proposed to the boundary it is recommended that the existing Article 4 Direction should be maintained in its current form.

3.6 It is intended to undertake the six week consultation process and present the findings to a future Infrastructure Services Committee in due course.

4 RISKS

4.1 There are no risks associated with the recommendations in this report. However, the risk of not agreeing to the review of the conservation area boundaries is that they may include buildings or areas that are now considered to be inappropriate or alternatively buildings or areas that merit protection through inclusion in a conservation area are not.

5 FINANCIAL IMPLICATIONS

5.1 There will be costs of approximately £250-£500 for preparing the consultation documents and postage. This will be met from the 2011/12 Planning & Transport Revenue Budget.

6 HUMAN RIGHTS IMPLICATIONS

6.1 The recommendation in this report for the preparing of a Conservation Area Analysis and Design Guide 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 Analysis 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 IMPLICATIONS

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 ANGUS COMMUNITY PLAN AND SINGLE OUTCOME AGREEMENT

8.1 This report contributes to the following local outcome contained within the Angus Community Plan and Single Outcome Agreement 2011-2014:

- Our natural and built environment is protected 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 analysis 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 and Head of Law & Administration have been consulted in the preparation of this report.

11 CONCLUSION

11.1 A Conservation Area Analysis will eventually be prepared for all 19 Conservation Areas in Angus. They will provide stakeholders with information to assist with managing the development process and will help impart information on the built heritage of Angus to the wider public.

11.2 The Analysis will serve as supplementary planning guidance to the Angus Local Plan Review (2009). The design guidance which will form part of the Analysis will aid the assessment of development proposals.

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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
- Report 580/10, Angus Council Infrastructure Services Committee, August 2010

P&T/GWC/KM/IAL
27 October 2011