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

1 RECOMMENDATION

It is recommended that the Committee:-

1. approve the simultaneous deletion of the existing Forfar conservation area boundary and subsequent adoption of the proposed Forfar conservation area boundary;

2. approves and adopts the draft Forfar Conservation Area Analysis and Design Guide as supplementary planning guidance

2 PURPOSE

2.1 During 2009/10 a review was undertaken of the Forfar conservation area which included a written analysis and design guide with a recommendation to review the existing conservation area boundary to which Reports 594/09 and 580/10 refer.

2.2 A six week public consultation exercise was undertaken between 18 January and 1 March 2010. The consultation exercise comprised of a small exhibition and comments sheet in the Forfar Access Office and a public meeting hosted by Forfar Community Council. The information was also placed on the “Have Your Say” section of the Angus Council website. The draft appraisal and boundary proposal was circulated to a range of organisations including Forfar Community Council, Forfar Business Initiative, Forfar Historical Society and Historic Scotland for comment.

2.3 As a result of the initial consultation responses and subsequent revisions to the boundary a second six week consultation exercise was undertaken between 11 October and 22 November 2010. The second consultation was for the proposed boundary amendment only but was on the same basis as the initial consultation outlined above. A public meeting was held as part of the Forfar Community Council meeting on 18 November 2010.

3 RESPONSES TO THE SECOND PUBLIC CONSULTATION

3.1 Following the second consultation process one response was received. The anonymous response felt that consideration should be given to extending the conservation area further to include the old mill worker houses at the bottom of Lour Road as they reflect the history and origins of Forfar.

3.2 Following consideration of the response received, it is not considered appropriate to include the houses on Lour Road and that the boundary currently proposed boundary defines the origins of Forfar adequately.
3.3 At the public meeting there was support for the boundary as proposed and also for potential further extension to include other areas such as around the Dundee Loan. However following consideration it is not considered necessary to include the afore-mentioned area as it is felt that the buildings of merit are already adequately protected through inclusion on the Statutory List.

3.4 As a result of the public consultation exercise it is considered appropriate to extend the existing conservation area to include the areas of Queen Street, Green Street, Sparrowcroft, The Myre and Manor Street along with other small boundary amendments. The detailed amendments for the conservation area and the reasons for these are contained in Appendix 1.

4 FINALISED BOUNDARY AND SUPPLEMENTARY GUIDANCE

4.1 A copy of the finalised Forfar 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. A copy is also available to view at County Buildings.

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 Forfar Conservation Area Analysis and Design Guide will be adopted as supplementary planning guidance and will aid decisions relating to development within the Forfar 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 2010/11 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 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 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

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 Forfar conservation area boundary and additional supplementary guidance through the Forfar 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 Forfar as an important market 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 594/09, Angus Council Infrastructure Services Committee, August 2009
- Report 590/10, Angus Council Infrastructure Services Committee, August 2010

P&T/GWC/KM/IAL
13 December 2010
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>140-144 Castle Street</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area to protect the original rigg pattern.</td>
</tr>
<tr>
<td>130 Castle Street – 9 Canmore Street</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area to protect the original rigg pattern.</td>
</tr>
<tr>
<td>114 Castle Street – 28 Castle Street</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area and to protect the existing historic rigg pattern of development. The inclusion of the area between Castle Street and Canmore Street protects the historic origins of Forfar around the Castle Hill area.</td>
</tr>
<tr>
<td>21 Canmore Street – 51 Queen Street</td>
<td>Following the initial consultation the boundary was further amended to include the properties and their curtilages to protect the historic sense of enclosure created within the street and the informal square on the junction of Canmore Street and Queen Street.</td>
</tr>
<tr>
<td>26 Castle Street – 61 East High Street</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area and to protect the existing historic rigg pattern of development.</td>
</tr>
<tr>
<td>65 East High Street – 71 East High Street</td>
<td>Following initial consultation the boundary was further amended to include the buildings and their curtilage as part of the historical cattle market area. To provide protection to the unlisted building at 69 East High Street and protect the view point from East High Street northwards along Green Street to the Sheriff Court House.</td>
</tr>
<tr>
<td>22-69 East High Street and 3 – 13 Coutties Wynd</td>
<td>Following initial consultation the boundary was further amended to take account of the stone boundary walls on Coutties Wynd which are an important feature within the Forfar conservation area and provide definition to property boundaries.</td>
</tr>
<tr>
<td>St James Church, Chapel Street, Sparrowcroft, The Vennel</td>
<td>Boundary amended to include the south side of Chapel Street and protect the sense of enclosure created and the vista view point towards Forfar swimming pool. The listed buildings which form Sparrowcroft have gardens located across the lane and therefore their inclusion gives protection to this formed layout which would have originally been linked to the weaving history and development of the area. The inclusion of the stone wall to the west of The Vennel aides the visual viewpoints towards the town centre and the vista stop created by the 9 Osnaburg Street.</td>
</tr>
<tr>
<td>3 Little Causeway - 59 West High Street</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area to protect the original rigg pattern.</td>
</tr>
<tr>
<td>Location</td>
<td>Boundary Details</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------</td>
</tr>
<tr>
<td>64 West High Street</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area to protect the original rigg pattern.</td>
</tr>
<tr>
<td>Ground to rear of Bank of Scotland, West High Street</td>
<td>To provide protection of potential future development.</td>
</tr>
<tr>
<td>The Common Myre including stone walls to the south, walls, railings and trees to front of Focus DIY</td>
<td>To provide protection of the established open space which is important to the character of Forfar and protection of the trees which create a defined edge within the conservation area.</td>
</tr>
<tr>
<td>Manor Court</td>
<td>Boundary amended to protect the former linen mill which was significant to the development of Forfar.</td>
</tr>
<tr>
<td>24 – 36 Manor Street</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area to protect the original rigg pattern.</td>
</tr>
<tr>
<td>Forfar Bowling Club, Manor Street</td>
<td>Boundary amended to include the bowling club which is an important area of green space and contributes to the character of the conservation area and defined open space.</td>
</tr>
<tr>
<td>10 Manor Street – 139 Castle Street</td>
<td>Boundary amended to include the curtilage of the properties within the existing conservation area to protect the original rigg pattern.</td>
</tr>
</tbody>
</table>