

LOCAL REVIEW BODY

6 DECEMBER 2017

PLANNING APPLICATION FOR REVIEW

MRS B BOWIE

PROPOSED NEW SINGLE DWELLINGHOUSE WITHIN THE CURTILAGE OF FIR COTTAGE:

FIR COTTAGE, GLENMOSSTON ROAD, KILMACOLM (16/0305/IC)

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**1. PLANNING APPLICATION DATED 14 NOVEMBER 2016
TOGETHER WITH PLANS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email:
devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100030967-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed new single dwellinghouse within the curtilage of Fir Cottage

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Canata and Seggie Chartered Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	
Last Name: *	Nicholson	Building Number:	7
Telephone Number: *	01475 784517	Address 1 (Street): *	Union Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Greenock
Fax Number:		Country: *	Scotland
		Postcode: *	PA16 8JH
Email Address: *	douglas@canseg.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Fir Cottage
First Name: *	Betty	Building Number:	
Last Name: *	Bowie	Address 1 (Street): *	Glenmosston Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kilmacolm
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA13 4PF
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

Fir Cottage

Address 2:

Glenmosston Road

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Kilmacolm

Post Code:

PA13 4PF

Please identify/describe the location of the site or sites

Northing

669732

Easting

236450

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

A copy of the previous planning decision (dating from 1987) was provided by the planning officer. In addition it as confirmed that any application for permission would require to be of a detailed nature and that an application in principle would not be accepted.

Title:

Mr

Other title:

First Name:

Guy

Last Name:

Phillips

Correspondence Reference
Number:

Date (dd/mm/yyyy):

22/10/2015

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

3035.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Woodland and garden ground of Fir Cottage

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Hardstanding is incorporated to allow the positioning of 3 wheeled bins in line with Inverclyde Council's refuse disposal arrangements.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Douglas Nicholson

On behalf of: Mrs Betty Bowie

Date: 14/11/2016

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Design Statement and Tree Survey and Report

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Tree Survey and Report

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

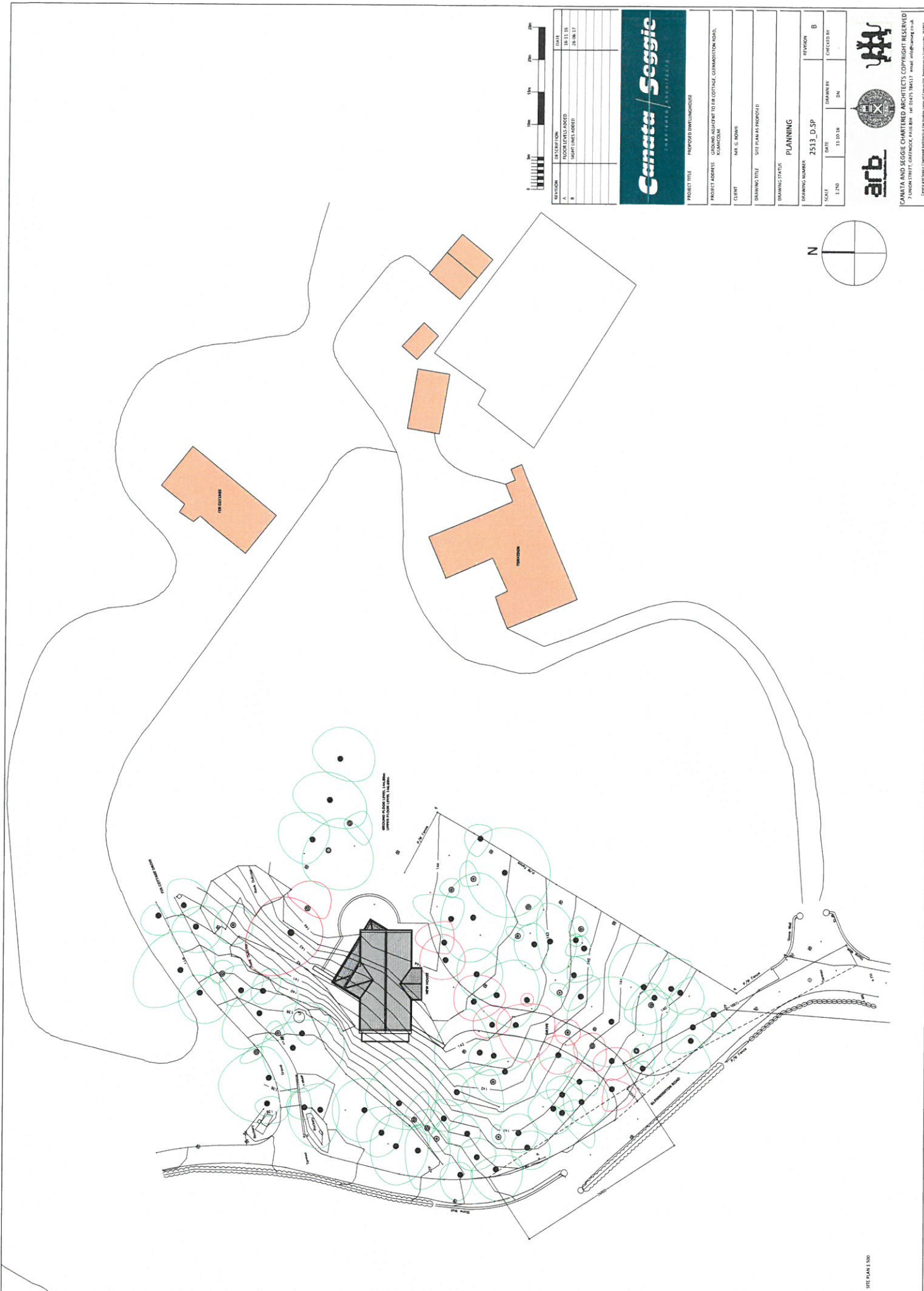
Declaration Name: Mr Paul McShane

Declaration Date: 14/11/2016

Payment Details

Cheque: New Astoria Ballroom Limited, 500279

Created: 14/11/2016 09:52



REVISION	DESCRIPTION	DATE
A	FLOOR LEVEL ADDED	28.12.18
B	HEIGHT LIMITS ADDED	28.12.17

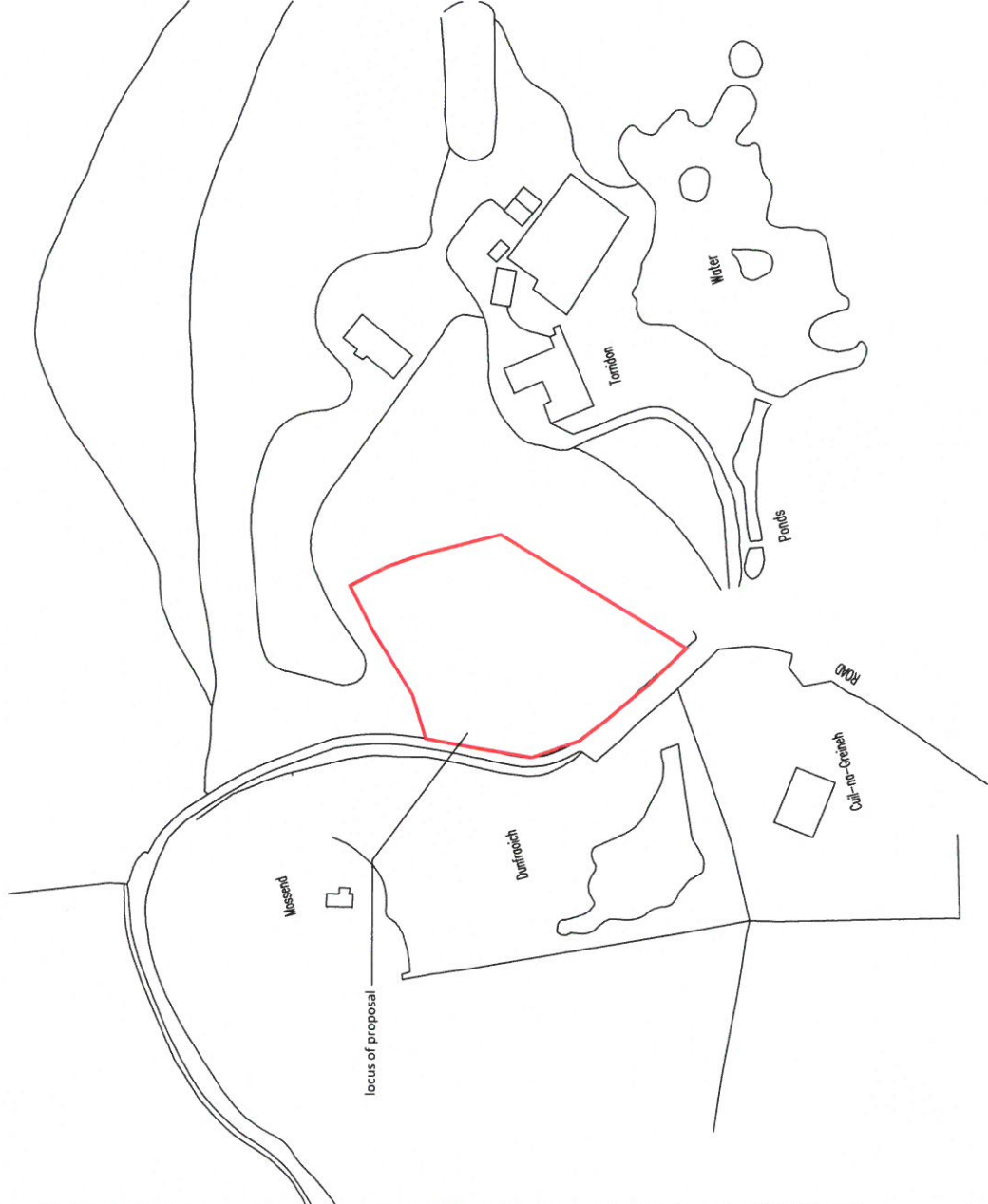
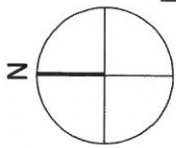


PROJECT TITLE: PROPOSED DWELLINGHOUSE
 PROJECT ADDRESS: GARDING SUBJECT FOR COTTAGE, GARDINGSTOWN ROAD, KILBRACKHAM
 CLIENT: MR. G. HOWE
 DRAWING TITLE: SITE PLANS AS PROPOSED
 DRAWING STATUS: PLANNING
 DRAWING NUMBER: 2513_D.SP
 REVISION: B
 SCALE: 1:750
 DATE: 11.10.18
 DRAWN BY: DN
 CHECKED BY:

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 TEL: 01522 784617 MAIL: info@canata-segic.co.uk



LOCATION PLAN - SCALE 1:1250
 OS REPRODUCED UNDER LICENSE NO. AR 100007288



REVISION	DESCRIPTION	DATE
A	OS LICENSE DETAILS ADDED	16-11-16



PROJECT TITLE	PROPOSED DWELLINGHOUSE
PROJECT ADDRESS	GROUND ADJACENT TO FIR COTTAGE, GLENMOSSTON ROAD, KILMACOLM
CLIENT	MR. G. BOWIE
DRAWING TITLE	LOCATION PLAN
DRAWING STATUS	PLANNING
DRAWING NUMBER	2513_D.I.P
SCALE	1:1250
DATE	11-10-16
DRAWN BY	DN
CHECKED BY	
REVISION	A

LOCATION PLAN 1:1250



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GROSS INTERNAL FLOOR AREA
 FLOOR 1 177.37(6M)
 GROUND FLOOR 177.37(6M)
 UPPER FLOOR 105.9m² (1,139ft²)
 TOTAL 283.8m² (3,078ft²)

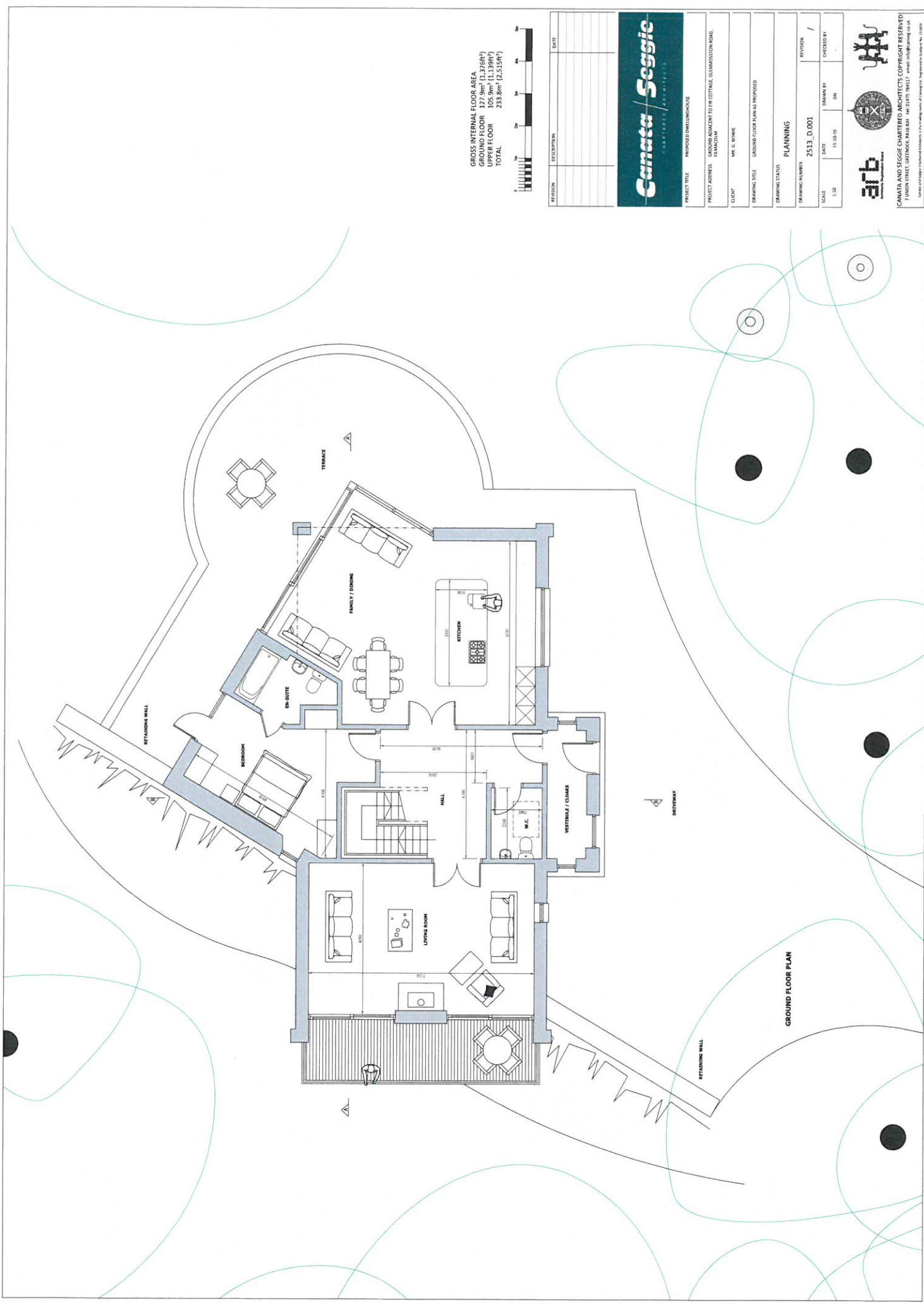


REVISION	DESCRIPTION	DATE

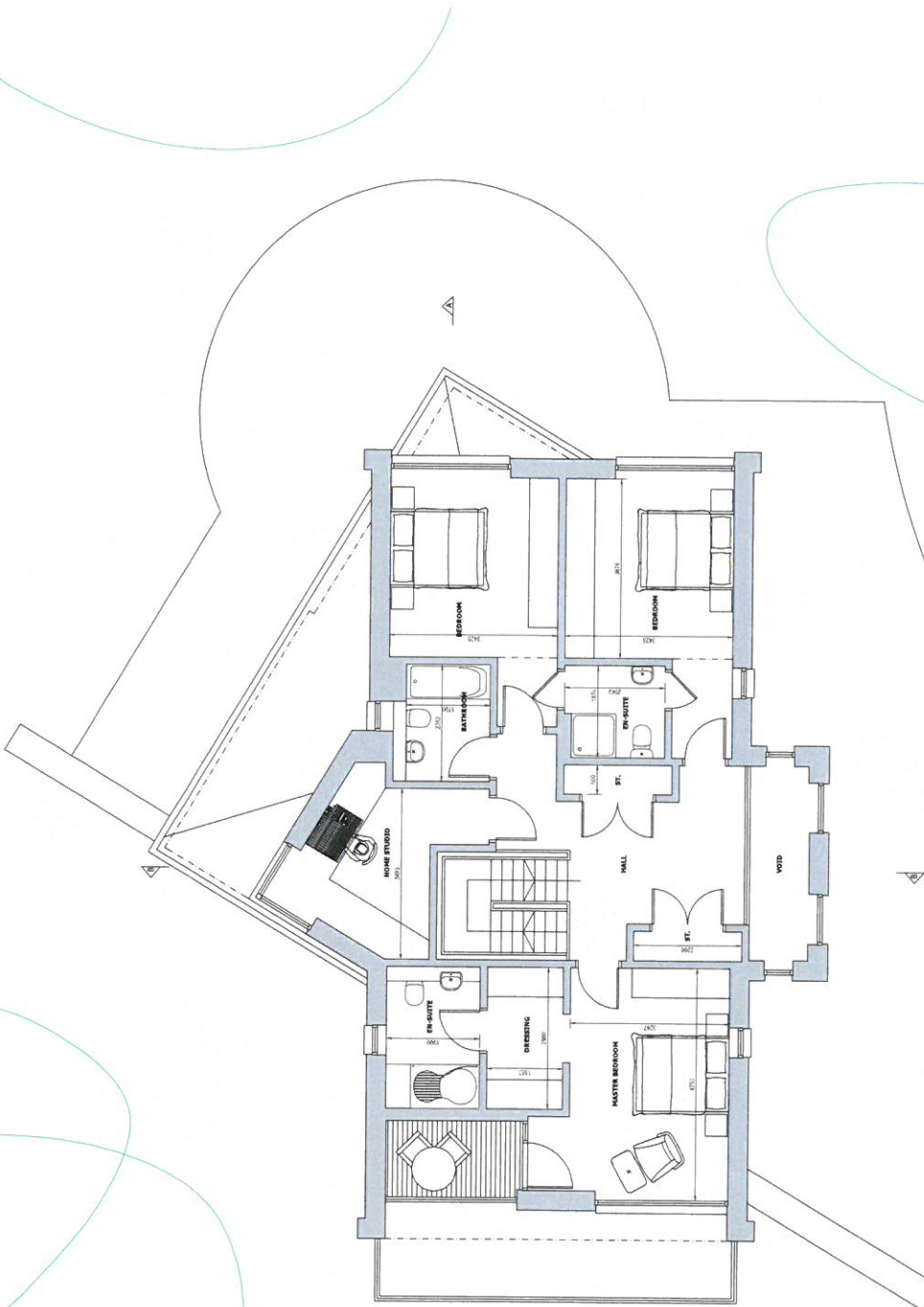


PROJECT TITLE	PROPOSED DWELLERHOUSE
PROJECT ADDRESS	GROUND ADJACENT TO 18 COTTAGE, GLENMOUNT ROAD, BUNRADDON
CLIENT	MR. G. BOWNE
DRAWING TITLE	GROUND FLOOR PLAN AS PROPOSED
DRAWING STATUS	PLANNING
DRAWING NUMBER	2513_D.001
SCALE	7:50
DATE	10.10.16
DRAWN BY	DN
CHECKED BY	

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GROUND FLOOR PLAN



GROSS INTERNAL FLOOR AREA
 GROUND FLOOR 127.9m² (1,376ft²)
 UPPER FLOOR 105.9m² (1,139ft²)
 TOTAL 233.8m² (2,515ft²)



REVISION	DESCRIPTION	DATE

Canata Sessie
 ARCHITECTS

PROJECT TITLE: PROPOSED DWELLINGHOUSE

PROJECT ADDRESS: GARDENS ENCLAVE TO THE ESTATE, GLENMORISON ROAD, KILMACOMIN

CLIENT: MR. G. BOWE

DRAWING TITLE: UPPER FLOOR PLAN AS PROPOSED

DRAWING STATUS: PLANNING

DRAWING NUMBER	REVISION
2513_D_002	/

SCALE	DATE	DRAWN BY	CHECKED BY
1:50	11-10-16	DN	

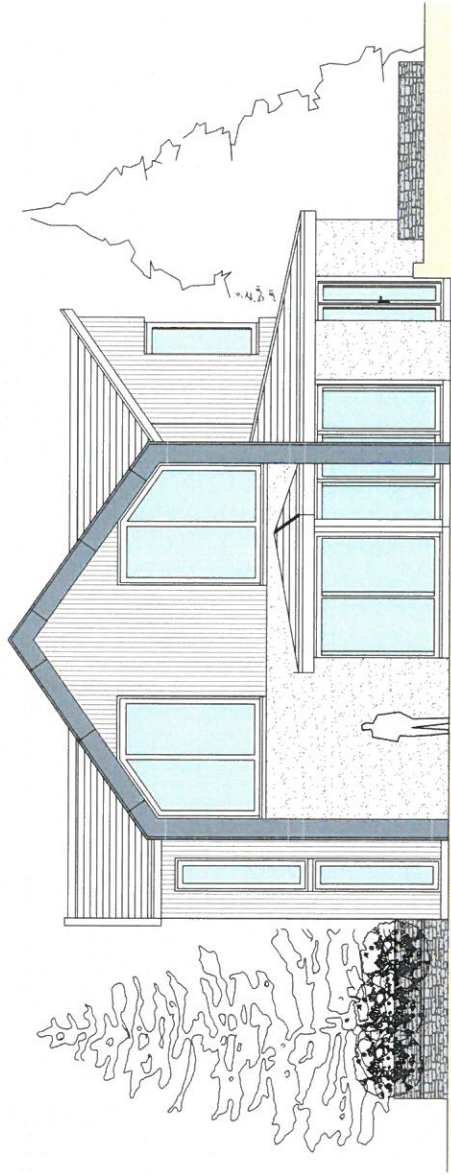
arb

arb

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 01463 822222

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UPPER FLOOR PLAN



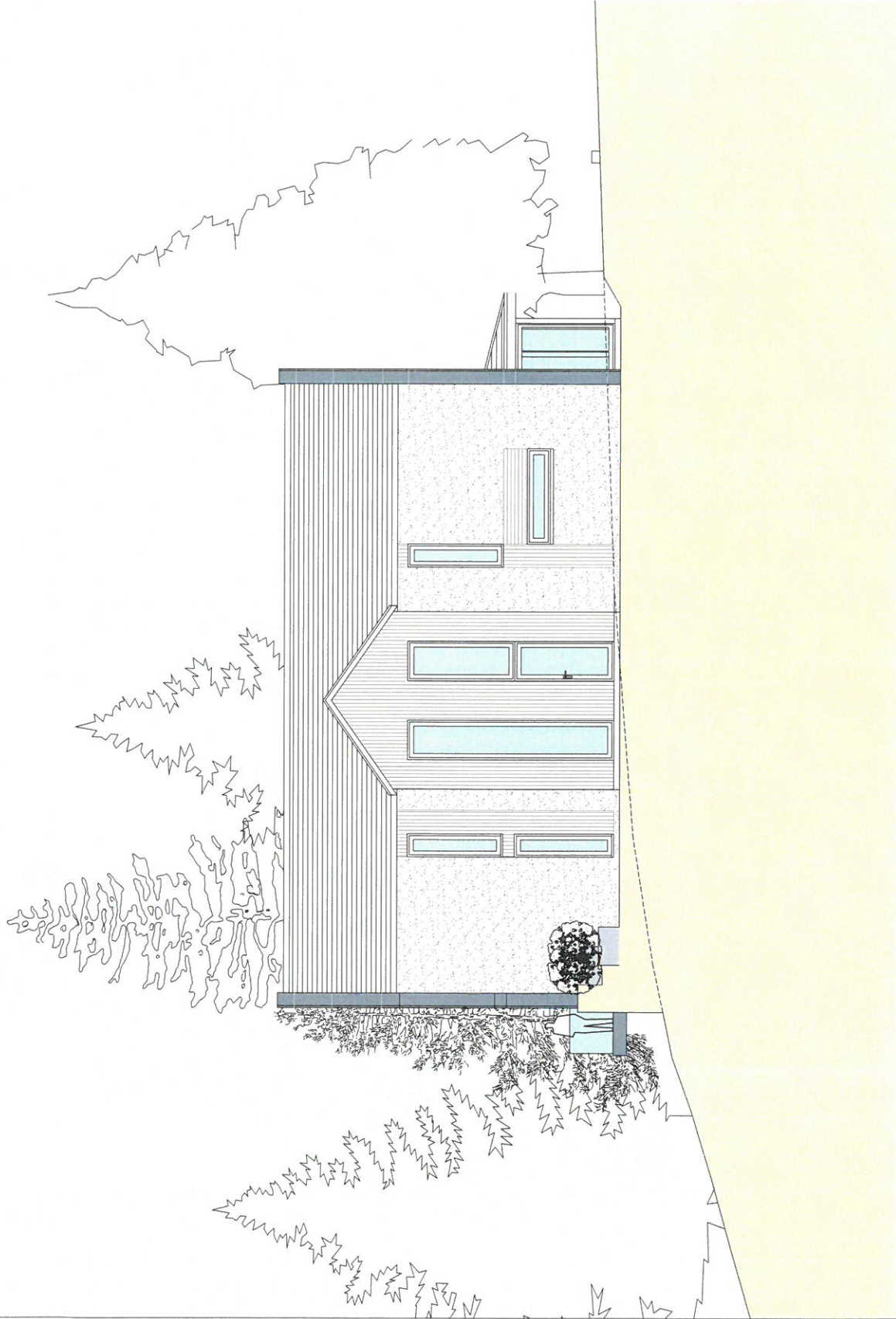
ELEVATION TO EAST

REVISION	DESCRIPTION	DATE

Canata Seggie
ARCHITECTS / ARCHITECTS

PROJECT TITLE: PROPOSED DWELLMOUSE
 PROJECT ADDRESS: GROUND ADJACENT TO 14 COTTAGE, SUSANSTOWN ROAD, TEMAGAMIC
 CLIENT: MR. G. BOWE
 DRAWING TITLE: ELEVATION TO EAST AS PROPOSED
 DRAWING STATUS: PLANNING
 DRAWING NUMBER: 2513_D.003
 REVISION: /
 SCALE: 1:50
 DATE: 11-16-18
 DRAWN BY: DN
 CHECKED BY: /

arcb
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ELEVATION TO SOUTH

NO.	DESCRIPTION	DATE

PROJECT TITLE	PROPOSED DEVELOPMENT
PROJECT ADDRESS	GROUND ADJACENT TO 18 COTTAGE, GLENAMONSTON ROAD, KILBRACKEN
CLIENT	MRS G. ROWE
DRAWING TITLE	ELEVATION TO SOUTH AS PROPOSED



DRAWING STATUS	PLANNING
DRAWING NUMBER	2513_D.004
SCALE	1:50
DATE	11.10.18
DRAWN BY	DN
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ELEVATION TO NORTH



REVISION	DESCRIPTION	DATE



PROJECT TITLE PROPOSED DWELLINGHOUSE

PROJECT ADDRESS 68000 QUINCY TO BE COTTAGE, GLENMORISON ROAD, KILMACCOM

CLIENT MR. C. BOWE

DRAWING TITLE ELEVATION TO NORTH AS PROPOSED

DRAWING STATUS

DRAWING NUMBER PANNING

DRAWING NUMBER 2513_D_005

SCALE 1:50

DATE 11-10-16

DRAWN BY DM


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ELEVATION TO WEST

BYVISION	DESCRIPTION	DATE
		
PROJECT TITLE	PROPOSED SMALLIMPROVISE	
PROJECT ADDRESS	GARAGE ANNEXMENT TO 14 COTTAGE GREENWOOD ROAD, KIMAZOOM	
CLIENT	MR. G. ROWE	
DRAWING TITLE	ELEVATION TO WEST AS PROPOSED	
DRAWING STATUS	PLANNING	
DRAWING NUMBER	2513_D_006	
SCALE	DATE	DRAWN BY
1:50	11/10/16	DM
	CHECKED BY	



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 CANATA AND SEGIE CONSULTANTS ADDRESS: 11 THE RAFFLES PLACE, 2/F, KIMAZOOM, APPROVED NUMBER: 11038



PROPOSED SECTION AA

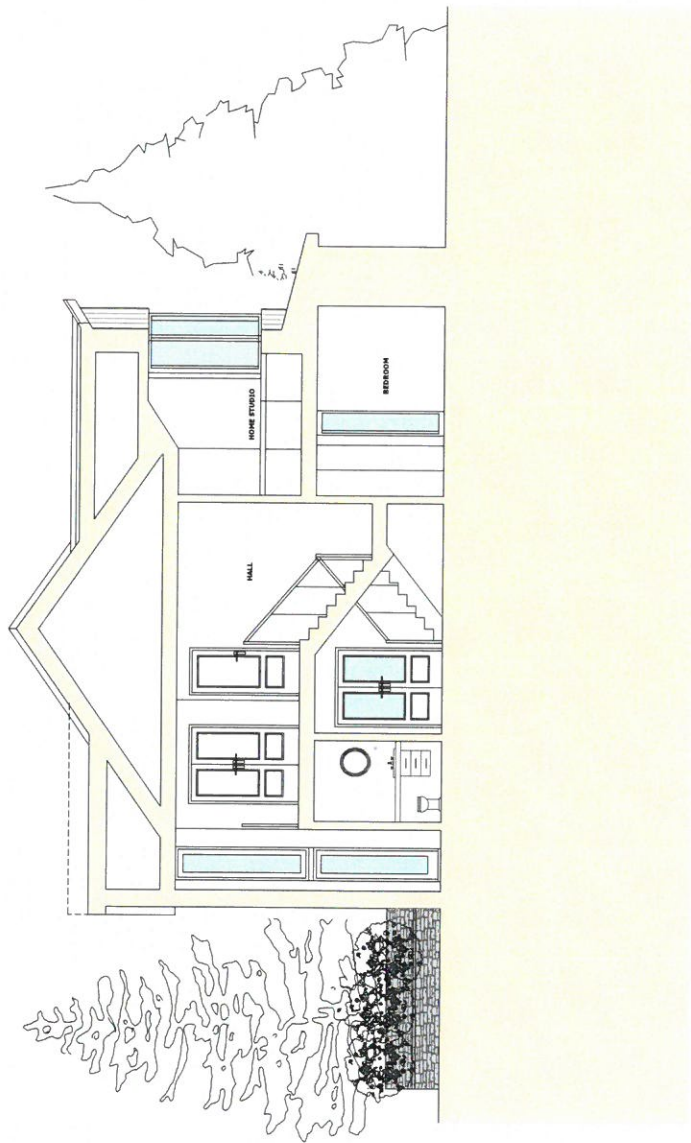
REVISION	DESCRIPTION	DATE



PROJECT TITLE: PROPOSED DWELLINGHOUSE
 PROJECT ADDRESS: GLENDALMOUNT TO RECREATE GLENDALMOUNT ROAD, KILMACOM
 CLIENT: MR G. BOWE
 DRAWING TITLE: SECTION AA AS PROPOSED
 DRAWING STATUS: PLANNING
 DRAWING NUMBER: 2513_D.007
 REVISION: /
 SCALE: 1:50
 DATE: 11-10-16
 DRAWN BY: DN
 CHECKED BY:



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 T: 01452 786517 F: 01452 786518 E: info@canata-seg.ie



PROPOSED SECTION BB

REVISION	DESCRIPTION	DATE

PROJECT TITLE	PROPOSED DWELLINGHOUSE
PROJECT ADDRESS	15055-15055 PARSONS AVENUE TO BE COTTAGE, GLENMOUNT ROAD, SIMILACON
CLIENT	MRS. G. BOWE
DRAWING TITLE	SECTION BB AS PROPOSED
DRAWING STATUS	PLANNING
DRAWING NUMBER	2513_D_008
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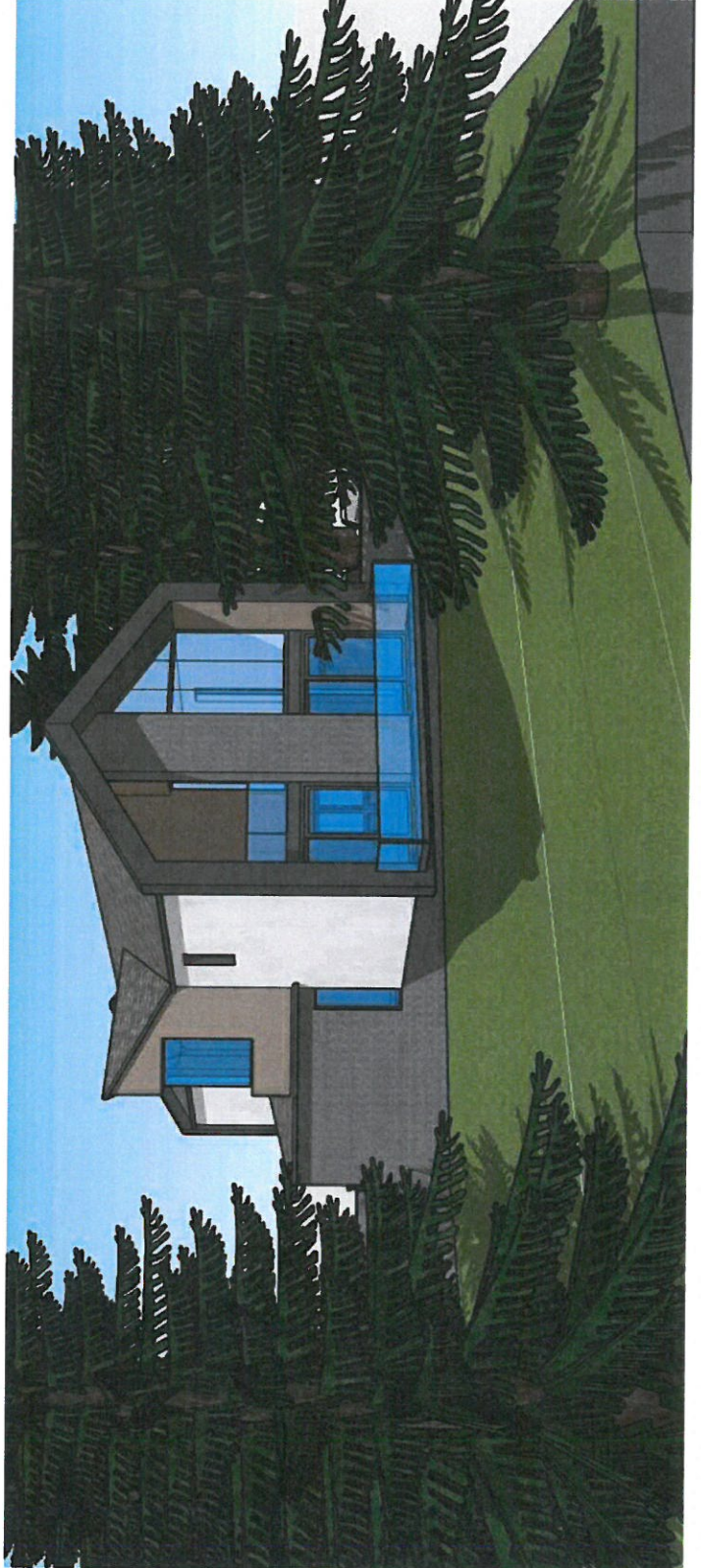
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VIEW FROM THE DRIVEWAY



VIEW FROM THE GARDEN



PERSPECTIVE VIEW



REVISION	DESCRIPTION	DATE



PROJECT TITLE	PROPOSED DWELLINGHOUSE
PROJECT ADDRESS	GARDENWAY TO THE COTTAGE, GLENMAGUIRE ROAD, BELMAGUIRE
CLIENT	MR. G. BOWEN
DRAWING TITLE	MODEL IMAGES AS PROPOSED
DRAWING STATUS	PLANNING
DRAWING NUMBER	2513_D.009
REVISION	/
SCALE	1:50
DATE	11-10-16
DRAWN BY	DM
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**2. APPOINTED OFFICER'S REPORT OF HANDLING DATED
20 JULY 2017**

REPORT OF HANDLING

Report By: David Ashman

Report No: 16/0305/IC

**Local Application
Development**

**Contact
Officer:** 01475 712422

Date: 20th July 2017

Subject: Proposed new single dwellinghouse within the curtilage of Fir Cottage,
Glenmosston Road, Kilmacolm

SITE DESCRIPTION

The irregularly shaped, approximately 0.3ha wooded site slopes up from the east side of the single track Glenmosston Road. It is situated within the garden grounds of Fir Cottage and located within the Kilmacolm Conservation Area.

Fir Cottage is approximately 47m to the east of the site and its driveway curves around the northern boundary to connect with Glenmosston Road. Formerly, Fir Cottage served as the gardener's cottage to "Torridon", which is a substantial early 20th century villa. "Torridon" lies approximately 37m to the south-east of the site and its driveway connects to Glenmosston Road, approximately 15m to the south-east. Opposite, on the west side of Glenmosston Road and set back within substantially sized gardens are "Mossend", "Dunfraioch" and "Cuil-na-Greneh". Boundary beech hedging and trees serve to substantially screen these three houses from Glenmosston Road.

PROPOSAL

It is proposed to construct a pitched roof, two storey, five bedroom house. The house is of contemporary design with an irregularly shaped floor plan and finished in a mix of wet dash render, timber cladding, artificial stone, grey-coated aluminium windows and imitation slate roof tiles. It is set approximately 20m to the east of Glenmosston Road upon a level portion of the site. It also sits partially over the slope intervening between the level portion of the site and Glenmosston Road. The section of the building over the slope contains underbuilding and an elevated ground floor balcony.

The planning application is accompanied by a "Statement of Design", "Tree Survey, Arboricultural Constraints and Implication Assessment" and a "Habitat Survey".

DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Environment Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

Policy ENV1 : Designated Environmental Resources

(a) International and National Designations

Development which could have a significant effect on a Natural site will only be permitted where:

- (i) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
- (ii) there are no alternative solutions, and
- (iii) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Development that affects a SSSI (or other national designation that may be designated in the future) will only be permitted where:

- (iv) it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
- (v) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

(b) Strategic and Local Designations

Development adversely affecting the Clyde Muirshiel Regional Park and other strategic and local natural heritage resources will not normally be permitted. Having regard to the designation of the environmental resource, exceptions will only be made where:

- (i) visual amenity will not be compromised;
- (ii) no other site identified in the Local Development Plan as suitable, is available;
- (iii) the social and economic benefits of the proposal are clearly demonstrated;
- (iv) the impact of the development on the environment, including biodiversity, will be minimised; and
- (v) the loss can be compensated by appropriate habitat creation/enhancement elsewhere.

Planning Application Advice Notes (PAAN) 2 on "Single Plot Residential Development", (PAAN) 3 on "Private and Public Open Space in New Residential Developments" and (PAAN5) "Balconies and Garden Decking" apply.

CONSULTATIONS

Head of Environmental and Commercial Services - The proposal includes a driveway capable of accommodating 3 vehicles, which is acceptable. It should have a minimum width of 4.8m, be paved for a minimum distance of 2m from the carriageway edge and have a gradient which does not exceed 10%. It should be demonstrated that a visibility splay of 2.4m by 20m by 1.05m high

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can be provided. Drainage arrangements should be submitted to demonstrate that all surface water can be contained within the site.

Head of Safer and Inclusive Communities - No objections, subject to the attachment of conditions to control the spread of Japanese Knotweed, potential ground contamination and external lighting. Advisory notes are suggested in respect of site drainage, vermin and CDM Regulations.

Council's Landscape Advisors- A new dwelling in the proposed location is unlikely in itself to have a negative impact on the landscape character or close neighbours. The removal of a limited number of trees may be beneficial to the overall health of the woodland which has not been managed in the past. However, great care shall have to be taken with the removal of trees at the edges of the existing canopy (and around the clearing) as edge trees with better developed root systems will be providing some shelter to trees deeper in the wood which will have shallower root systems. It is noted that generally trees are likely to be shallow rooted as the underlying rock is close to the surface. "Root pruned" and "unsheltered" trees will be inherently unstable and may be susceptible to wind blow.

The location of the plot amongst the trees will be relatively dark and over-shadowed. It is noted that the developer proposes to retain trees outwith the immediate house plot and this intent is welcomed. However, it is regarded as reasonably foreseeable that future residents may wish to improve light penetration to the plot and indeed views out. If this means further trees are removed there are two potential implications; the stability of the existing woodland may be further compromised and the impact of the new house on neighbouring properties may be increased. Details should be given of the proposed routes of services to the new dwelling, together with the likely impact they will have on trees. Any trees likely to be affected should be identified and consideration made of any further tree removals prior to them taking place.

A Phase 1 habitat survey should be undertaken. The outcome of this survey may have a bearing on the suitability of the proposal in terms of ecological impacts. If the outcome of the ecological assessment finds that the proposal is not detrimental to the ecology of the site and unlikely to have negative impacts it is recommended that development only be approved on condition that further tree removal beyond the immediate footprint of the building only being allowable as part of an agreed ongoing woodland management plan. This plan should be focused on the health of the woodland rather than the amenity of the house plot.

Lower Clyde Greenspace Manager- no biodiversity concerns. The "Tree Survey, Arboricultural Constraints and Implication Assessment" and the "Habitat Survey" are acceptable.

It is recommended that the applicant has dialogue with the Scottish Wildlife Trust, who manage the adjacent Glen Moss Nature Reserve.

Core Path 48 runs nearby (Gowkhouse Road) and many people also use Glenmosston Road to access the nature reserve. This requires to be considered during the construction phase and there to be no impediment to people taking responsible access, either on the core path or elsewhere.

PUBLICITY

The application was advertised as a development affecting a conservation area.

SITE NOTICES

A site notice was posted as a development affecting a conservation area.

PUBLIC PARTICIPATION

One written representation has been received from Kilmacolm Civic Trust. It confirms that it is in support of the proposal and advises that it considers the design to be vital and contemporary and that it will enhance and update the rich architectural heritage and diversity of Kilmacolm. The Civic Trust further considers that although the site is within the Conservation Area, very few trees will be removed to create the sinuous driveway. A broad belt of mature trees intervening between the privately owned Glenmosston Road and the house serve to ensure that the house is not noticeable and does not impose upon other properties.

ASSESSMENT

The material considerations in the determination of this planning application are the planning history of the site, the Inverclyde Local Development Plan, the Council's Planning Application Advice Notes (PAAN) 2 on "Single Plot Residential Development", PAAN3 on "Private and Public Open Space in New Residential Developments" and PAAN5 "Balconies and Garden Decking", Historic Environment Scotland's "Policy Statement" (which supersedes the SHEP) and the Guidance Note "New Design in Historic Settings", Planning Advice Note 71 on "Conservation Area Management", the consultation responses, the written representation and the applicant's supporting information.

With respect to the history of the site, in November 1987 the Planning and Building Control Sub-Committee of the former Inverclyde District Council refused planning permission for the erection of a house upon part of the current application site for the following reason:

"In the interests of amenity as the development would be incompatible with, and would involve an unacceptable loss of trees which contribute to the rural character of the area and as the proposals would be to the detriment of the Conservation Area in which it is situated."

A further planning application to erect a house on part of the current application site was also refused by the Planning and Building Control Sub-Committee of the former Inverclyde District Council in October 1992 for the following reasons:

- "1. The proposal would result in an unacceptable loss of trees thus eroding the woodland character of the site, the rural character of this area and have an adverse effect on this Conservation Area.
2. The site of the proposed dwellinghouse is adjacent to a Site of Special Scientific Interest and the development may have an adverse effect thereon".

A subsequent appeal to the former Secretary of State for Scotland against the refusal of the 1992 planning application was dismissed in November 1993. The Reporter confirmed that the former Local Plan recognised the locality as residential and came to the view that it is characterised by fine houses set in spacious gardens which are often enclosed by belts of woodland. It was further found by the Reporter that, it would be highly likely that pressure from future occupiers would lead to more extensive tree removal than shown on the proposed plans and that the edge of the clearing proposed around the house would be likely to be optimistic. He further considered that as woodland beyond the plot was in separate ownership, the proposed house would rely upon adjacent properties to provide a setting commensurate with its location, which would be at odds with the maintenance of the spacious, landscaped residential layout of this part of the Conservation Area which is free of obvious plot sub-division. Bearing in mind the special attention to be paid to the preservation or enhancement or character or appearance of the Conservation Area, the Reporter concluded that the proposal was unacceptable.

The application site is located within an area associated with Policies RES1 and HER1. Policy RES1 aims to safeguard and, where practicable, enhance the character and amenity of residential areas. Policy HER1 indicates that development proposals will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals

will require to be assessed having regard to Historic Environment Scotland's Policy Statement and "Managing Change in the Historic Environment" guidance note series.

The best measure to determine whether or not the proposal meets these aims is to assess it against the criteria associated with Policy RES1. These criteria are (a) compatibility with the character and amenity of the area; (b) details of proposals for landscaping; (c) proposals for the retention of existing landscape or townscape features of value on the site; (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement; (e) provision of adequate services; and (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

Planning Advice Note 71 on "Conservation Area Management" states that "physical change in conservation areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area". Considering the character and amenity of the area, this is typically defined by substantial villas set within spacious grounds. The character of this part of the Conservation Area is further defined by its heavily wooded appearance and beech hedge lined approaches. It follows that when impact on the character and amenity of the area is being assessed, built development and the impact on the tree covered landscape require joint consideration.

There has historically been pressure for infill residential development in this area. While it was noted by the Reporter in the dismissal of the appeal against the previous refusal of planning permission for the erection of a dwelling on part of the site that the area is free of obvious plot subdivision, I am content that the size of the proposed plot is commensurate with those existing in this part of the Conservation Area.

With regard to the design and impact of the proposed dwelling the most relevant Historic Environment Scotland "Managing Change in the Historic Environment" guidance note is "New Design in Historic Settings". Although the illustrations in this guidance relate more to new development in the immediate vicinity of historic buildings in more built-up areas, it does state that "Scotland's historic villages, towns and cities are celebrated for their unique natural and man-made character. It is important not only to identify and to protect their character and setting but also to ensure that new development responds to their existing form and layout. Successful new design frequently grows out of a careful study and analysis of the nature, form and history of a specific place." The note also advises that there is a view that new buildings in historic settings should seek to replicate existing buildings in design, appearance and materials. While this may be appropriate in specific circumstances, for example where part of a larger architectural composition had been lost, in general it is believed that new interventions in historic settings do not need to look "old" in order to create a harmonious relationship with their surroundings.

The contemporary house design has qualities similar to established houses in this part of the Conservation Area to the extent that an evolution of the built form may be identified. I also note the use of some finishing materials which largely complement those of existing nearby houses. Accordingly, I am satisfied that the design guidance within Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note "New Design In Historic Settings" is met. I therefore conclude that the proposed development is compatible with the character and amenity of the area but only insofar as this relates to the design of the proposed dwelling.

While the site is wooded, I am concerned over the emphasis which the applicant's agent has placed upon the proposed dwelling only being glimpsed within a woodland context in his Statement of Design. I consider this is unlikely to be realised. The "Tree Survey, Arboricultural Constraints and Implication Assessment" submitted with the application indicates that there are 92 trees on the site, of which a total of 13 require to be removed to build the house and form its driveway. The assessment further provides details of tree protection measures to be put in place while construction is ongoing. It is further noted, however, that the proximity of trees to be retained to each side of the proposed driveway necessitates a "no-dig" method of construction. I further consider it impractical to enforce the proposed tree protection measures and specialised method of

driveway construction as experience suggests that it would demand a constant presence on site while the house was being built.

The Council's landscape advisor's professional opinion that it is foreseeable that future residents may wish to improve light penetration and views out is consistent with that of the Reporter in the dismissal of the appeal against the previous refusal of planning permission. The Reporter considered that it would be highly likely that pressure from future occupiers would lead to more extensive tree removal than shown on the proposed plans and that the edge of the clearing proposed around the house would be likely to be optimistic. As further noted by the Council's landscape advisor, trees are likely to be shallow rooted as the underlying rock is close to the surface. "Root pruned" and "unsheltered" trees will be inherently unstable and may be susceptible to wind blow. Potential implications of additional tree cover are that the stability of the existing woodland may be further compromised and the impact of the new dwelling on neighbouring properties may be increased. I am further concerned that the proximity of trees proposed to be retained close to the dwelling and driveway may ultimately face pressure for removal with respect to safety and insurance concerns. The provision of service runs and construction vehicle movements will also combine to place additional risk upon the retention of trees. Consequently, the proposal does not satisfy criterion (c) and, in terms of the likely loss of trees is also incompatible with the character and amenity of the area (criterion (a)).

It is noted that no significant landscaping is proposed by the applicant (criterion (b)), with the emphasis on the retention of existing landscaping and trees.

The Head of Environmental and Commercial Services non-objection to the proposal determines that it accords with the Council's adopted roads guidance and "Designing Streets", the Scottish Government's policy statement on such matters. The applicant has submitted a drawing which determines that the requested 2.4m by 20m by 1.05m sightline requirement can be met. In the event that planning permission was to be granted, I would have no objections to the attachment of conditions as requested on driveway width, surfacing and gradient, entrance sightlines and surface water interception. It may be thus determined that the proposal accords with criterion (d).

The provision of services to a new dwelling are the responsibility of the applicant but the existing adjacent dwellings suggest that this should largely be achievable (criterion (e)).

With respect to the Council's PAAN2 on "Single Plot Residential Development" and those matters not already addressed, the plot size, the proportion of built ground to garden ground and distance to boundaries are reflective of the locality. There is no established front building line on this side of Glenmosston Road and I am satisfied that the positioning of the proposed dwelling relative to the site boundary is acceptable. Furthermore, there are no issues in respect of window intervisibility. Turning to PAAN3 on "Private and Public Open Space in New Residential Developments", I am similarly satisfied that the relevant open space criteria are met. In the context of PAAN5 on "Balconies and Garden Decking", I am satisfied that the scale of the proposed 15 square metres balcony on the Glenmosston Road elevation of the proposed house, combined with its separation from neighbouring houses and the presence of intervening trees ensure that the enjoyment of neighbouring gardens shall not be compromised. The setback position from the site boundaries determines that there is no requirement for privacy screening and I am content that the balcony is an integral part of the house and thus appropriate to its architectural design. It may be thus be determined that the proposal accords with PAAN5's design guidance. Nevertheless, given the conflict with the established front building line I conclude that the proposal does not accord with criterion (f) of Policy RES1.

I therefore conclude that the proposal is contrary to Policies RES1 and HER1 of the Local Development Plan, does not accord with the Historic Environment Scotland Policy Statement or Planning Advice Note 71 on "Conservation Area Management". It requires to be considered, however, if there are any other material considerations which, notwithstanding the above conclusions, suggest that planning permission should be granted.

The applicant's Extended Phase 1 Habitat Survey concludes that there are no designated sites with relevance to the site within 2km; the survey site comprises coniferous plantation with sparse ground vegetation and no field signs for any protected species were found during the survey. There is extensive habitat within the survey area suitable for use by nesting birds. The boundaries of the survey area are suitable for use by foraging and commuting bats. Although there is habitat suitable for badger, red squirrel and pine marten, no field signs for these species were located during the survey. None of the trees inspected had features suitable for use by roosting bats. The Council's Lower Clyde Greenspace Manager is content with the Extended Phase 1 Habitat Survey. Were planning permission to be granted I would concur with the Lower Clyde Greenspace Manager's advice that a condition be attached requiring Core Path 48 to be kept open for the duration of the site works.

Regarding the consultation responses not addressed by my assessment against the Local Development Plan, the observations of the Head of Safer and Inclusive Communities present no impediment to planning permission being granted. In the circumstance that planning permission was to be granted, I would have no objections to the attachment of conditions to control the spread of Japanese Knotweed and potential ground contamination. External lighting is, however, a matter controlled by other legislation and I therefore do not consider it competent to attach a planning condition on it. I would, however be content to attach an advisory note on this matter along with the other advisory notes requested to be attached on site drainage, vermin and CDM Regulations.

The non-objection to the proposal by the Lower Clyde Greenspace Manager satisfies me that there is no adverse impact on the nearby Glen Moss Site of Special Scientific Interest (SSSI) and, consequently, no conflict between the proposal and Policy ENV1. This is consistent with the Reporter's determination of the appeal in 1993 when he dismissed the Council's second reason for refusal regarding potential impact upon the SSSI.

Given my unfavourable assessment of the proposal against criteria (b), (c) and (e) of Policy RES1, however, it can be concluded that the proposal fails to safeguard or enhance the appearance of the Conservation Area and is thus contrary to the aims of Policies RES1 and HER1. It also fails to manage the historic environment with intelligence and understanding and thus does not accord with the aim of Historic Environment Scotland's "Policy Statement".

Overall, I consider that the proposal does not merit support.

RECOMMENDATION

That the application be refused for the following reasons:

1. That the level of tree removal likely to ultimately be required to accommodate the proposed dwelling would be unsympathetic to the character and amenity of this part of the Kilmacolm Conservation Area and would, therefore, be contrary to Policy HER1 and criteria (a) and (c) of Policy RES1 of the Inverclyde Local Development Plan.

Signed:



Case Officer: David Ashman



Stuart Jamieson
Head of Regeneration and Planning

3. PLANNING APPLICATION ADVICE NOTE NO. 2 – SINGLE PLOT RESIDENTIAL DEVELOPMENT

Planning Application Advice Note No. 2 SINGLE PLOT RESIDENTIAL DEVELOPMENT

There is a constant demand to erect single houses, often within the grounds of large private gardens and occasionally on small derelict or undeveloped areas of ground. These developments are often beneficial, providing additional housing in sustainable locations and removing derelict and untidy sites from the streetscene.

This Advice Note provides guidance on the issues that are considered in determining planning applications for this type of development.

Infill plots will be considered with reference to the following:

- The plot size should reflect those in the immediate locality.
- The proportion of the built ground to garden ground should reflect that in the immediate locality.
- The distance of the building to garden boundaries should reflect that in the immediate locality.
- The established street front building line should be followed.
- The proposed building height, roof design, use of materials and colours should reflect those in the immediate locality.

- Ground level window positions should comply with the window intervisibility guidance. Windows on side elevations should be avoided where they offer a direct view of neighbouring rear/private gardens, but bathroom windows fitted with obscure glazing will be acceptable. Boundary screening of appropriate height may be considered where the design and impact on neighbouring residential amenity is deemed acceptable.

- Windows of habitable rooms above ground level should comply with the window intervisibility guidance. Windows on side elevations will only be permitted if the distance to the nearest boundary exceeds 9.0 metres, if there is no direct view of neighbouring rear/private gardens or if it is a bathroom window fitted with obscure glazing.

- The level of on site car parking should be comparable with the established pattern in the street and be capable of being implemented without detriment to road safety.

Applications in Conservation Areas

The Greenock West End and Kilmacolm Conservation Areas are characterised by substantial villas set in large gardens. Understandably, there has been pressure for infill residential development in these areas. Historic Scotland's Scottish Historic Environment Policy explains the Government's position. The Scottish Government requires the historic environment to be cared for, protected and enhanced. Development which does not respect the scale, design and detailing of existing buildings will not generally be supported.

Applications in the grounds of listed buildings

New development within the grounds of listed buildings must have regard to the following:

- The listed building should be maintained as the visually prominent building.
- The principal elevations of the listed building should remain visible from all key viewpoints. New building should not breach any close formal relationship between the listed building and traditional outbuildings.
- Formal gardens should not be affected.
- Developments in front gardens which damage buildings to street relationships will not be supported.
- If a listed building is proposed to be upgraded as part of any development, work requires to be implemented to the listed building as the first stage or as part of an agreed phasing scheme.

Trees

Some infill sites require tree felling to enable development. The Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas) (Scotland) Regulations 2010 deem that in all but exceptional circumstances, the consent of the Council is required to fell or lop any tree covered by a TPO (Tree Preservation Order) or within a Conservation Area. The promotion of TPOs is an ongoing process and, in assessing applications for development, the

PLANNING APPLICATION ADVICE NOTES

Council has a duty to consider the visual impact which would result if tree felling is required.

Window intervisibility

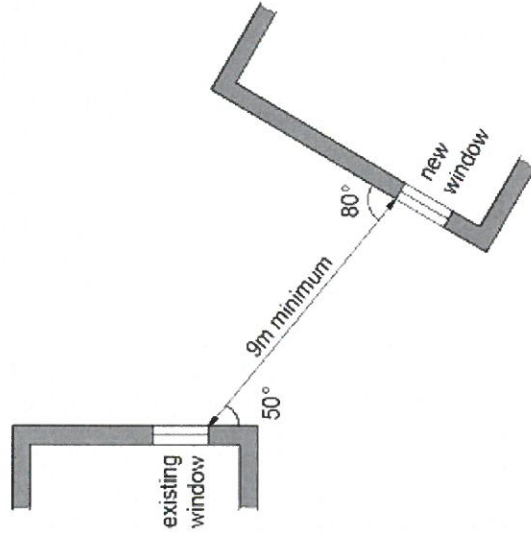
The table to the right details acceptable levels of window to window intervisibility. The distances are taken from the shortest point between the windows.



Brisbane Street, Greenock

Minimum Window to Window Distances (metres)

Angle at window of any other house not more than:		90°	80°	70°	60°	50°	40°	30°	20°	10°	0°
90°	erected not more than:	18	18	18	18	13	9	6	4	3	2
	more than:	18	18	18	13	9	6	4	3	2	-
80°	erected not more than:	18	18	13	9	6	4	3	2	-	-
	more than:	18	13	9	6	4	3	2	-	-	-
70°	erected not more than:	13	9	6	4	3	2	-	-	-	-
	more than:	13	9	6	4	3	2	-	-	-	-
60°	erected not more than:	9	6	4	3	2	-	-	-	-	-
	more than:	9	6	4	3	2	-	-	-	-	-
50°	erected not more than:	6	4	3	2	-	-	-	-	-	-
	more than:	6	4	3	2	-	-	-	-	-	-
40°	erected not more than:	4	3	2	-	-	-	-	-	-	-
	more than:	4	3	2	-	-	-	-	-	-	-
30°	erected not more than:	3	2	-	-	-	-	-	-	-	-
	more than:	3	2	-	-	-	-	-	-	-	-
20°	erected not more than:	2	-	-	-	-	-	-	-	-	-
	more than:	2	-	-	-	-	-	-	-	-	-
10°	erected not more than:	-	-	-	-	-	-	-	-	-	-
	more than:	-	-	-	-	-	-	-	-	-	-
0°	erected not more than:	-	-	-	-	-	-	-	-	-	-
	more than:	-	-	-	-	-	-	-	-	-	-



4. PLANNING APPLICATION ADVICE NOTE NO. 3 – PRIVATE AND PUBLIC OPEN SPACE PROVISION IN NEW RESIDENTIAL DEVELOPMENT

Planning Application Advice Note No. 3

PRIVATE and PUBLIC OPEN SPACE PROVISION in NEW RESIDENTIAL DEVELOPMENT

Open space provides two important functions; it contributes to "Placemaking", providing space around and setting for buildings helping to establish the impression of an area, and it can be used to provide areas for outdoor leisure.

This Advice Note provides guidance on the required levels of public open space and private garden ground that should be included in new residential developments.

Types of development

No two sites are the same and residential development can range from the single house to sites in excess of 100 units. The standards required vary depending upon the scale of the development. The following definitions apply:

SMALL SCALE INFILL, INCLUDING SINGLE PLOTS

- 10 houses or fewer in a vacant / redevelopment site within a built up area.

LARGE SCALE INFILL

- more than 10 houses in a vacant / redevelopment site within a built up area.

GREENFIELD / EDGE OF TOWN

- the development of a site on the edge of or outside a town or village.

FLATTED INFILL

- the development of a block of flats, irrespective of number of units, on a vacant / redevelopment site within a built up area.

FLATTED DEVELOPMENT WITHIN A LARGE SCALE INFILL OR GREENFIELD / EDGE OF TOWN SITE

- the development of a block of flats, irrespective of number of units, as part of a larger infill development within a town or village, or on a greenfield / edge of town or village site.

Private Garden Ground

SMALL SCALE INFILL DEVELOPMENTS, INCLUDING SINGLE PLOTS

- new development should accord with the established density and pattern of development in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries.

FLATTED INFILL DEVELOPMENTS

- flats should reflect the existing scale of buildings and townscape in the immediate environs. Open space need only be provided where surplus land is available following the provision of any off-street parking required.

LARGE SCALE (INFILL) OR GREENFIELD / EDGE OF SETTLEMENT SITE

- the following minimum sizes shall apply:
 - Rear / private garden depth - 9 metres, although where the rear garden does not back onto residential property, this may be reduced if an area of screened side garden of size equivalent

to a rear garden with a 9 metre depth can be provided.

- Front / public garden depth - 6 metres.
- Distance from house to side boundary - 2 metres.
- Distance from house to side boundary when the house has an attached garage - 3 metres.

FLATTED WITHIN A LARGE SCALE INFILL OR GREENFIELD / EDGE OF SETTLEMENT SITE

- 10 square metres per bedspace based upon an occupancy rate of two persons per double bedroom and one person per single bedroom.

Public Open Space

In developments other than small scale and flatted infill sites, public open space is required to be provided to achieve both an appropriate landscape setting for the development and play space.

In such circumstances the following criteria will apply:

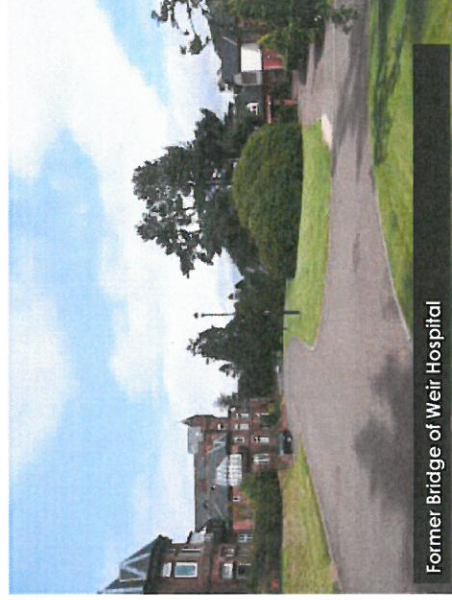
- Public open space should be provided at the indicative ratio of 1.64 ha per 1000 population. Population estimates are based upon occupancy rates of two persons per double bedroom and one person per single bedroom.
- It will be the responsibility of the developer to equip the play areas. Children's play areas and kickabout areas should comprise 0.32 ha per 1000 population.

PLANNING APPLICATION ADVICE NOTES

- Developers may request that the Council take over maintenance of the open space and play areas. The decision is at the discretion of the Council, and will require the following criteria to be achieved:
 - The design and layout of play equipment and safety surface shall be of a design agreed with the Council as part of the planning application process.
 - That an accredited play area inspector confirm the conformity of the design and installation to the relevant standard prevailing at the time.
 - 12 months defects liabilities and warranties shall apply.
 - The land and any associated assets are disposed to the Council free of any charges or fees.
 - That a sum equal to 10 years maintenance of the site is paid to the Council in advance.
- Where the developer selects not to pass maintenance to the Council, it will be a requirement for the obtaining of planning permission that the developer passes ownership and maintenance of all open space and play equipment to a management company. A bond to cover the cost of maintenance and replacement over a 10 year period will also require to be provided.

Location of Play Areas

- Play areas should be located to ensure that they are overlooked, but at the same time must be positioned at least 10 metres distant from the boundary of the nearest residence.
- Where developments are located in close proximity to established parks or play areas, the Council may, in appropriate cases, consider as an alternative to on-site provision of play equipment the supplementing, at the expense of the developer, of existing play equipment in the nearby park or play area. This, however, will not absolve the developer of the requirement to provide amenity landscaped areas to enhance the setting of the development. Toddler play provision may not be required when the developer provides flat rear/private garden ground in excess of 9 metres.



Former Bridge of Weir Hospital

**5. PLANNING APPLICATION ADVICE NOTE NO. 5 –
BALCONIES AND GARDEN DECKING**

Planning Application Advice Note No. 5

BALCONIES and GARDEN DECKING

The topography of Inverclyde provides many houses with spectacular views over the Firth of Clyde. Inland there are often opportunities to view open countryside. There is no objection in principle to balconies being erected, but they must take account of privacy and the impact it may have on neighbours' enjoyment of their gardens.

Garden decking is becoming increasingly popular, and similarly there is no objection to this being erected, but again it must take account of privacy and the impact it may have on neighbours' enjoyment of their gardens.

This Advice Note provides a guide to the issues that are considered in determining applications for planning permission.

Balconies

- The balcony should be restricted in size to allow for limited seating and the enjoyment of wider views. Unless obscured from view from neighbouring housing, it should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens.
- Where a balcony is positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening shall generally be required.

Screening may not be required in cases where the balcony does not increase or intensify the intervisibility between and the overlooking of neighbours. Where screening is required and it is in excess of 2.5 metres high within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed balcony will not be supported. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

- The design and position of the balcony shall be appropriate to the architectural design of the house.

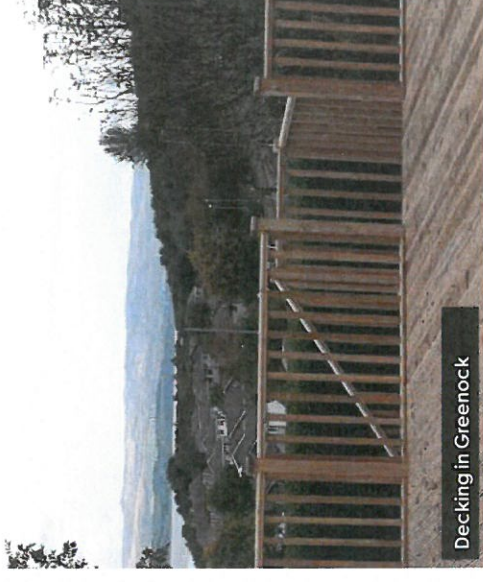


Garden Decking


- The position of decking should respect the rights of neighbours to enjoy their gardens without being the subject of intrusive overlooking. If raised, it should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens.

- Where decking is positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening, either at the decking edge or the garden boundary shall generally be required. Screening may not be required in cases where the decking does not increase or intensify the intervisibility between and the overlooking of neighbours. Where screening is required and it is in excess of 2.5 metres high, within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed decking will not be supported. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

- The design and position of the decking shall be appropriate to the architectural design of the house.



**6. HISTORIC ENVIRONMENT SCOTLAND POLICY
STATEMENT JUNE 2016**



HISTORIC ENVIRONMENT
SCOTLAND
POLICY STATEMENT
JUNE 2016



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
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IMPORTANT: This document should be read in conjunction with the joint Scottish Government Culture and Historic Environment Division and Historic Environment Scotland letter dated 1 June 2016. A copy of this letter can be found on the Historic Environment Scotland website

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INTRODUCTION

1. This Policy Statement has been produced to take account of the changes resulting from the Historic Environment Scotland Act 2014 (“the 2014 Act”). The 2014 Act created Historic Environment Scotland (HES) and amended statutory processes relating to the historic environment. Scottish Ministers’ policies for planning and the historic environment are set out in Scottish Planning Policy (SPP) 2014 and are not replaced by this document. The Policy Statement sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy. It is a material consideration in the Scottish planning system.
2. The care and management of the properties and associated collections in the care of Scottish Ministers is set out in the Schemes of Delegation under Section 3 of the Historic Environment Scotland Act 2014. These can be found on Historic Environment Scotland’s website.
3. The Scottish Ministers have delegated to Historic Environment Scotland the following functions: Their general functions of managing the properties in care including ensuring their conservation, articulating and safeguarding their cultural significance, providing public access for current and future generations, and managing the associated commercial operations; and the functions of the Scottish Ministers under sections 13, 15(3) to (4), 19 (other than subsections (3) and (4)) and 20 of the Ancient Monuments and Archaeological Areas Act 1979.
4. Scotland’s historic environment contributes to the Scottish Government’s strategic objectives and to the National Performance Framework. The documents that should be referenced for the management of the historic environment are Scottish Planning Policy, Our Place in Time: The Historic Environment Strategy for Scotland, Historic Environment Circular 1, the associated primary and secondary legislation and Historic Environment Scotland’s Managing Change series of guidance notes.
5. This policy statement sets out the principles under which Historic Environment Scotland (HES) operates and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment, it is intended to be of particular use to those carrying out statutory functions which are affected by the changes resulting from the 2014 Act. The policy statement complements and should be read alongside the Scottish Planning Policy and other relevant Ministerial policy documents. The policy statement is a relevant document in the statutory planning, Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) processes.

6. The policy statement replaces the Scottish Historic Environment Policy (SHEP) for operational matters. The SHEP was a response to the review of Historic Scotland (Historic Environment Scotland's predecessor) in 2003–04 which recommended that an "Executive endorsed policy statement for the historic environment in Scotland should be developed in consultation with stakeholders...". Historic Environment Scotland is a Non-Departmental Public Body (NDPB) and its Framework Document, which can be found on its website, sets out its roles and responsibilities.
7. The SHEP was originally developed as a series of individual free-standing documents. The single, combined SHEP was first published in October 2008 and revised in July 2009 and December 2011. This has now been superseded by arrangements put in place to create Historic Environment Scotland (including the Framework Document and Schemes of Delegation – which can be seen on Historic Environment Scotland's website) and this policy statement.
8. The 2014 Act (The Bill for which received Royal Assent on 9 December 2014) amended the following 2 principal Acts:
 - the Ancient Monuments and Archaeological Areas Act 1979 ("the 1979 Act"); and
 - the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ("the 1997 Act").
9. All references to the above principal Acts in this policy statement are to be read as having been amended by the Historic Environment Scotland Act 2014.
10. This policy statement, the Scottish Planning Policy, Historic Environment Circular 1 and Historic Environment Scotland's Managing Change in the Historic Environment guidance note series (as confirmed in Planning Circular 9 2009) are the documents to which planning authorities are directed in their consideration of applications for conservation area consent, listed building consent for buildings of all three categories (see Note 2.17), and their consideration of planning applications affecting the historic environment and the setting of individual elements of the historic environment. Planning authorities are also directed to these documents to assist them in development planning. Historic Environment Scotland will notify planning authorities in writing when new guidance notes in their Managing Change in the Historic Environment series are issued.
11. A UK Marine Policy Statement adopted by all the UK administrations provides a framework for considering the historic environment in the preparation of Marine Plans, which in turn guide decisions affecting the marine environment around Scotland (see Note 0.1).

CHAPTER I: SCOTLAND'S HISTORIC ENVIRONMENT

Scotland's historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand.

(Our Place in Time)

- 1.1 Interest in and efforts to conserve aspects of the historic environment were first given legal form in the UK in 1882. Now a web of international treaties and conventions underpins European and national law and regulation to ensure that Scotland's historic environment is protected, and that change in the historic environment is undertaken on the basis of sound evidence. Historic Environment Scotland is committed to ensuring that Scotland delivers on its international obligations and that we are seen as an international exemplar of how a small country can care for its historic environment.
- 1.2 Everything changes, matures and decays. Natural processes, such as climate change and erosion, and human interventions through land management, urban and rural development, transport and pollution, constantly erode or change our historic environment. The sustainable management of the historic environment is an integral part of the wider management of resources.
- 1.3 The historic environment has been adapted over time to meet changing needs. Our view of what is important develops and changes. New buildings, sites and environments are created, and over time, become historic. The challenge for sustainable management of the historic environment and how it contributes to the vitality of modern life, is to identify its key characteristics and to establish the boundaries within which change can continue so that it enhances rather than diminishes historic character.
- 1.4 The remains of the past can act as a powerful catalyst and a stimulus to high quality new design and development, leading to successful regeneration and community-building. We believe that the historic environment should be valued as an asset, rather than thought of as a barrier to development. It reinforces the identity of communities, and can add value, provided that value is recognised at the outset and it becomes an integral part of any development or regeneration project.
- 1.5 The protection of the historic environment is not about preventing change. Historic Environment Scotland believes that change in this dynamic environment should be managed intelligently and with understanding, to achieve the best outcome for the historic environment and for the people of Scotland. Such decisions often have to recognise economic realities.

- 1.6 The historic environment faces many challenges:
- a. poor understanding of the positive role it can play in the maintenance, development and regeneration of communities, their culture and their economy;
 - b. short-term visions for the development of places;
 - c. changing land-management practices and restructuring in the farming industry;
 - d. lack of knowledge and understanding of how older buildings were constructed and perform and their maintenance needs;
 - e. loss of sites to coastal and plough erosion;
 - f. inappropriate change that reduces the cultural significance, or detracts from the appearance or quality of conservation areas;
 - g. the needs of renewable energy generation;
 - h. achieving a good carbon footprint for older buildings while maintaining their cultural significance; and
 - i. the lack of traditional skills, suitably-qualified craftsmen and locally available materials for the maintenance and repair of the historic environment.

VISION AND KEY PRINCIPLES

VISION

- 1.7 This document should be read in conjunction with Our Place in Time: The Historic Environment Strategy for Scotland which sets out a common vision and ambition about how we will care collectively for Scotland's Historic Environment.

Our Place in Time Vision

Scotland's historic environment is understood and valued, cared for and protected, enjoyed and enhanced. It is at the heart of a flourishing and sustainable Scotland and will be passed on with pride to benefit future generations.

- 1.8 The protection and enhancement of the historic environment contributes to the Scottish Government's central purpose, which is 'to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth' (see Note 1.1). To support that, the Scottish Government has identified as a national outcome that 'We value and enjoy our built and natural environment and protect it and enhance it for future generations'. In particular, Scottish Ministers look to Historic Environment Scotland to practise sustainable management of the properties in their care, to promote green tourism, and to advise other bodies on the sustainable management of the historic environment. Sustainable management practices recognise that the protection and management of the historic environment is best carried out in balance with the surrounding environment, not in isolation from it. Scottish Planning Policy and the UK Marine Policy Statement set out how this will be managed in terrestrial and marine planning systems respectively.

KEY PRINCIPLES

1.9 The principles that underpin what Historic Environment Scotland does are that:

- a. actions taken in respect of Scotland's historic environment should secure its conservation and management for the benefit and enjoyment of present and future generations;
- b. there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it;
- c. Scotland's historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic and environmental resource of great value;
- d. all of the people of Scotland should be able to enjoy, appreciate, learn from and understand Scotland's historic environment, and be assisted in that through access, research, knowledge, information and education and proactive conservation investment, without compromise to cultural significance.

1.10 The conservation of any part of Scotland's historic environment should:

- a. be based upon sound knowledge and understanding of the particular site, building, monument or landscape, and of its wider context;
- b. be founded on full awareness and consideration of its cultural significance and all phases of its development;
- c. be carried out in accordance with a conservation plan, which brings together all of the information and research necessary to guide the proposed action;
- d. ensure that what is to be conserved is properly recorded before and, if necessary, during and after work;
- e. make provision for recording where continued preservation is no longer possible or where loss is taking place through change or ongoing decay, and ensure that all records are retained in readily accessible archives;
- f. incur only the minimum degree of intervention considered appropriate by the relevant authority for the type of site, building, monument or landscape;
- g. use appropriate technical knowledge, materials, skills and methods of working;
- h. have regard to retaining, or where appropriate enhancing, the setting of the site, monument, building or landscape;
- i. ensure that, where change is proposed, it is appropriate, carefully considered, authoritatively based, properly planned and executed, and (if appropriate) reversible;
- j. include effective arrangements for monitoring the condition and safety of the historic asset and for delivery of routine maintenance and good housekeeping;
- k. take account of the rich biodiversity of many historic sites, buildings and landscapes.

1.11 The relevant bodies with responsibilities for any aspect of the historic environment should ensure, as appropriate, that:

- a. the regimes affording protection to the historic environment are fit for purpose;
- b. effective use is made of the statutory provisions available to protect the historic environment;

- c. the historic environment is afforded due respect in all their activities;
- d. the highest standards are set for, and applied to, the broad range of conservation practices;
- e. appropriate and effective systems are established for monitoring and recording the condition of the historic environment;
- f. suitable knowledge, skills, materials and technologies are available to enable conservation and management to be carried out in ways that safeguard the intrinsic archaeological, architectural, historical, physical and cultural significance of the heritage;
- g. support, advice, encouragement, and clear and comprehensive guidance are readily available to all whose activities have an impact upon the repair, maintenance, management, protection and conservation of the historic environment;
- h. training and education to enhance the quality of conservation practice and actions are widely available;
- i. they work in partnership where there are shared interests.

IDENTIFICATION, DEFINITION AND DESIGNATION

- 1.12 Scotland, like all countries in the developed world, has in place legislation and systems to identify and record its historic environment, and legislation and regulation to protect important monuments, buildings, landscapes and areas and to control what happens to them.
- 1.13 It is vital that we understand the many different forms the historic environment can take and the historical and cultural significance of all its different elements. This will allow us to develop clear criteria for protecting Scotland's historic environment. The most significant historic assets are protected through national systems of designation; others are protected or managed through other mechanisms such as the planning system or the system of government payments to farmers.
- 1.14 Identifying and designating heritage assets is a continuous process as each generation assesses and re-evaluates the inheritance it wishes to pass on to succeeding generations. That process also takes account of improvements in our understanding of the historic environment, brought about by continuing academic research and by developments in technology, such as geographic information systems and new techniques for recording and investigation. Historic Environment Scotland is committed to continuing this process and will look to other key bodies to play complementary roles and to share knowledge and expertise.
- 1.15 The desire to protect and the identification of what to protect must flow from values that are shared across Scotland. Historic Environment Scotland is committed to ensuring, in part through this policy statement, that the principles and processes behind identification and designation are open and well-understood; that appropriate review mechanisms are in place and that owners and occupiers of assets proposed for designation have the opportunity to be consulted.

PROTECTION AND MANAGEMENT OF THE HISTORIC ENVIRONMENT

- 1.16 Historic Environment Scotland is committed to supporting the protection and management of Scotland's rich and diverse historic environment in a sustainable way so that current and future generations can understand, appreciate and benefit from it.
- 1.17 Understanding the development of our environment through time helps inform decision-making about its management. It offers a longer-term perspective on important topics such as the nature and impact of past climate change and past management of the land, soil degradation, loss of woodland, building decay processes and the results of past economic and industrial development. Good stewardship of the historic environment can make a contribution towards addressing wider issues like energy conservation (maintaining and using existing resources and embodied energy) and reuse of buildings and building materials (including recycling). The use of local resources, traditional materials and skills can help reduce the impact of transportation.
- 1.18 Historic Environment Scotland wants to emphasise the contribution made to a sustainable Scotland by the repair, maintenance, preservation and reuse of our older buildings, particularly the half million traditionally-constructed domestic buildings built before 1919. Waste caused by unnecessary demolition and replacement, with consequent loss of embodied energy, the need for landfill and the sourcing and transport of new materials, should be avoided wherever possible. Historic Environment Scotland continues to develop guidance aimed at minimising the carbon footprint of older buildings on the basis of sound research that takes account of the characteristics and materials of traditional construction and respects the value of the diverse historic character of these buildings, and the contribution they make to the identity and quality of townscapes and rural landscapes.
- 1.19 The principles of good stewardship are set out immediately below. The philosophy underlying good stewardship is that it is essential to manage the historic environment carefully for both present and future generations. This clearly resonates with the concept of sustainability and the wise use of resources.
- 1.20 Maintaining quality is a key aim of good stewardship and involves the following considerations:
- a. proper repair and maintenance of the historic environment is generally the most sustainable course of action;
 - b. management, and any proposed alteration or change of use, should be appropriate and follow best conservation practice;
 - c. to retain historic character and future performance of older buildings it is important to use appropriate and compatible materials and construction techniques;
 - d. it is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials;
 - e. provisions for access should be appropriate to the character of the historic environment and should be adequately monitored.

- 1.21 It is recognised that some conflict can arise between the sustainable management of the historic environment and actions that are considered sustainable in other respects. It is also possible that the impact of proposed actions on the historic environment will be uncertain. In these cases the risk of potentially damaging actions should be minimised by following these key principles:
- a. ensure that existing and intended management or use is appropriate and based on best available knowledge;
 - b. ensure that any proposed change of use is necessary;
 - c. use appropriate assessment methodologies to determine the full impact of any proposed management, use or development;
 - d. avoid change wherever its effects cannot be adequately assessed;
 - e. where change is to proceed, adopt strategies to mitigate its impact and keep any interventions to a minimum;
 - f. ensure that management or alteration, including remedial work, is sympathetic to historic character, using compatible materials and construction techniques.
- 1.22 The protection and sustainable management of the historic environment also depends on understanding the techniques used in the original construction and on the availability of the appropriate indigenous traditional building skills and materials. Historic Environment Scotland is committed to establishing a proper understanding and awareness of what is needed.
- 1.23 There is a range of mechanisms in place to protect and manage the historic environment. For example, once an important monument, building or shipwreck has been identified and appropriately designated, specific consents may need to be sought or special consideration be given within the planning system. Where Historic Environment Scotland has a direct role to play in these processes we are committed to having clear processes and guidance in place that ensure consistency, transparency and fairness. Historic Environment Scotland will provide clear and consistent advice to promote good practice in considering and managing change to the historic environment.
- 1.24 Historic Environment Scotland looks to planning authorities to undertake their responsibilities for the historic environment in a pro-active and committed way. They should develop appropriate policy frameworks and procedures, and use all local mechanisms available to them for designation, management and control. They should also ensure that they have access to sufficient information and suitably qualified and experienced staff to meet their needs.
- 1.25 Historic Environment Scotland operates a number of grant schemes to assist with the repair and conservation of the historic environment. Details can be found on its website under "Grant Funding".

TECHNICAL, PROFESSIONAL AND ACADEMIC KNOWLEDGE

- 1.26 The historic environment cannot be managed or cared for without a basic understanding of its nature and how it is changing. Historic Environment Scotland is committed to increasing and sharing knowledge more widely about the historic environment. It will undertake and promote research:
- a. on individual sites, buildings and landscapes through survey of various kinds, excavation and documentary research;
 - b. into older buildings to inform policies and strategies for maintenance and the supply of skills and materials;
 - c. into the economic value and impact of the historic environment, including its vital role in Scotland's tourist industry.

CHAPTER 2: DESIGNATION

INTRODUCTION

2.1 This chapter sets out Historic Environment Scotland's approach to the designation of sites and structures which are particularly important features of the historic environment. It covers six statutory designations:

- Ancient monuments, which are designated through *scheduling*;
- Buildings and other structures which are designated through *listing*;
- Conservation areas
- Historic marine protected areas
- Gardens and designed landscapes
- Historic battlefields

2.2 Historic Environment Scotland is a Non-departmental Public Body. This chapter makes specific references to Historic Environment Scotland where it has operational responsibility or where, in particular circumstances, contact should be made directly with Historic Environment Scotland.

HISTORIC ENVIRONMENT SCOTLAND'S GENERAL PRINCIPLES FOR DESIGNATION DECISION MAKING

2.3 There are some principles that apply to all forms of designation relating to decision making, transparency and communication. These are: that decisions on designation and removing a designation will be made on the basis of the best evidence available; that information on designated sites, structures and places and on the processes involved with designation will be made widely and easily available; and that all decisions relating to designation will be explained in clear language.

SCHEDULING

LEGAL AND ADMINISTRATIVE CONTEXT FOR SCHEDULING

2.4 This section sets out Historic Environment Scotland's approach to the identification and designation of nationally important ancient monuments. This process plays an important part in the conservation of evidence for Scotland's past.

- 2.5 Ancient monuments offer a tangible, physical link with the past. They are a finite and non-renewable resource containing unique information and have the potential to contribute to increasing our knowledge of our past. Such remains are part of Scotland's identity and are valuable both for their own sake and as a resource for research, education, regeneration, leisure and tourism. The remains are often very fragile and vulnerable to damage or destruction and care must be taken to ensure that they are not needlessly damaged or destroyed.
- 2.6 The United Kingdom government is party to the European Convention on the Protection of the Archaeological Heritage (the 'Valletta Convention'; see Note 2.1), which places an obligation on States, under Article 2, to institute a legal system for the protection of the archaeological heritage, on land and under water.
- 2.7 The United Kingdom has had legislation in place to protect ancient monuments since 1882. Currently, nationally important monuments in Scotland are protected under the provisions of the Ancient Monuments and Archaeological Areas Act 1979 (see Note 2.2). The 1979 Act places a requirement on Historic Environment Scotland to compile, maintain and publish a schedule (a list) of monuments. Once included in the schedule, monuments have legal protection. Up-to-date information on monuments contained in the schedule is available on Historic Environment Scotland's website.
- 2.8 'Monuments' are defined in the 1979 Act as (see Note 2.3):
- a. any building, structure or work, whether above or below the surface of the land, and any cave or excavation;
 - b. any site comprising the remains of any such building, structure or work or of any cave or excavation; and
 - c. any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other moveable structure or part thereof which neither constitutes nor forms part of any work which is a monument as defined within paragraph (a) above.
 - d. Any machinery attached to a monument shall be regarded as part of the monument if it could not be detached without being dismantled.
 - e. any site (other than one falling within paragraph (b) or (c) above) comprising anything, or group of things, that evidences previous human activity [see Annex 10].
- 2.9 The definition of 'remains' includes any trace or sign of the previous existence of the thing in question (see Note 2.4).
- 2.10 To be scheduled, a monument must meet the 1979 Act's definition. A structure in use as a dwelling house cannot be scheduled as an ancient monument, nor can buildings in ecclesiastical use.
- 2.11 The process of scheduling under the terms of the 1979 Act is entirely separate from the process of listing under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (see Note 2.5).
- 2.12 The process of scheduling, amending a scheduling, 'descheduling' (removing a monument from the schedule) and scheduled monument consent (the control of works affecting scheduled monuments) is undertaken by Historic Environment Scotland.

- 2.13 The sole legal criterion in the 1979 Act for inclusion in the schedule is that a monument is of 'national importance' (see Note 2.6). The criteria for and guidance on the determination of 'national importance' for scheduling were developed after public consultation and are set out in Annex 1.
- 2.14 Historic Environment Scotland is required to inform the owner and the planning authority when it includes, amends or excludes a monument from the schedule. This will be done as soon as possible after the change takes effect.
- 2.15 The Historic Environment Scotland Act 2014 introduced a statutory right of appeal against any decision to schedule a monument or to amend an existing scheduling. This came into force on 1 October 2015. Designation decisions can be appealed by the owner, occupier or tenant of the monument within three months of the date of the notification letter sent by Historic Environment Scotland. Appeals must be submitted to the Planning and Environmental Appeals Division (DPEA). More information about appeals and the appeal process can be found on DPEA's website (www.dpea.scotland.gov.uk).

Once a monument is scheduled, it becomes an offence to carry out, without the prior written consent of Historic Environment Scotland (scheduled monument consent), any works which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up the monument (see Chapter 3 and Note 2.7).

- 2.16 The scheduling process and the need for scheduled monument consent run in parallel with the statutory planning process, where planning permission is also necessary for any planned work. The protection of scheduled monuments is a material consideration in the determination of planning applications (see Scottish Planning Policy paragraph 145).

HISTORIC ENVIRONMENT SCOTLAND'S PRINCIPLES FOR SCHEDULING

- 2.17 The following principles, additional to those set out in paragraph 2.3 above, will underpin the scheduling process:
- a. the past of all parts of Scotland is worthy of study and should be considered for conservation;
 - b. no part of Scotland's past and no part of Scotland's land is inherently more or less likely to produce monuments of national importance than another;
 - c. scheduling will be based on an appreciation of the regional character of Scotland's past, as reflected in its ancient monuments, and on the basis of an up-to-date set of criteria and guidance;
 - d. scheduling will be applied to monuments across Scotland in a consistent way;
 - e. monuments that no longer meet the criteria for national importance will be removed from the schedule (descheduled);
 - f. owners and occupiers of land on which monuments lie, and the local authorities in which they are situated, will be consulted on proposals to add a monument to the schedule, other than in exceptional circumstances;
 - g. scheduling will be an ongoing process that recognises that every generation will have its own view of what comprises its heritage;

- h. scheduling is applied to secure the legal protection of monuments in the national interest. It is the intrinsic value of the monument to the nation's heritage that is the primary consideration in deciding whether or not a site shall be scheduled and in determining applications for scheduled monument consent.

HOW HISTORIC ENVIRONMENT SCOTLAND UNDERTAKES SCHEDULING

2.18 Historic Environment Scotland will:

- a. maintain the schedule through a programme of review including, where necessary, updating scheduling documentation and maps;
- b. add monuments to the schedule in response to requests (an application form is available on its website) and as resources permit;
- c. ensure that information on scheduled monuments is made as widely available as possible; and
- d. keep the strategic and operational principles on scheduled monuments under review.

LISTING

LEGAL AND ADMINISTRATIVE CONTEXT FOR LISTING

- 2.19 This section sets out Historic Environment Scotland's approach to listing: the process that identifies, designates and provides statutory protection for buildings (see Note 2.9) of 'special architectural or historic interest' as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 2.20 Historic buildings and structures are a highly visible and accessible element of Scotland's rich heritage. They cover a wide range of uses and periods, which together chart a great part of the history of Scotland. They encompass all aspects of life, from education to recreation, to defence, industry, homes and worship. Much of Scotland's social and economic past and its present is expressed in these exceptional buildings. Listing recognises their historic importance.
- 2.21 This in turn helps ensure that their potential for the study of history and for wider issues such as sustainability, community identity, local distinctiveness, and social and economic regeneration are all fully explored.
- 2.22 The listing process under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 set out here is entirely separate from that for scheduling under the terms of the Ancient Monuments and Archaeological Areas Act 1979 (see above and Note 2.5).
- 2.23 Most European countries have systems to protect and to control change on important historic buildings. The system in Scotland operates under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (see Note 2.8). Listing ensures that a building's special character and interest are taken into account where changes are proposed (see Note 2.10). The list is compiled for the purposes of the 1997 Act and for the guidance of planning authorities in the performance of their duties set out in the

1997 Act. The 1997 Act places a duty on Historic Environment Scotland to compile or approve lists of buildings of special architectural or historic interest (see Note 2.10). Up-to-date information on buildings on the list is available on Historic Environment Scotland's website. Listing is the statutory process by which buildings are added to these lists. Once included on the lists the building – both exterior and interior – has statutory protection under the provisions of the 1997 Act. Listing is intended to maintain the character of Scotland's built heritage and to guard against unnecessary loss or damage.

- 2.24 Any building or man-made structure may be considered for listing. In order to be listed under Section 1 of the 1997 Act any such building or structure must be of special architectural or historic interest. Other factors, such as condition, implications for future use or financial issues are not relevant in considering whether a building should be listed.
- 2.25 Any individual or organisation can propose buildings to Historic Environment Scotland for listing. An application form to request a new listing, a review of an existing listing or a delisting is available on Historic Environment Scotland's website.
- 2.26 Historic Environment Scotland will normally consult owners and local authorities on a proposed listing (see Note 2.11).
- 2.27 Historic Environment Scotland is required to inform the owner and the planning authority when a building is listed. This will be done as soon as possible after listing takes effect (see Note 2.12).
- 2.28 Once Historic Environment Scotland has decided to list a building or buildings it sends a copy of the listed building record to the local planning authority (see Note 2.13).
- 2.29 A listing applies to any building within the curtilage of the subject of listing which was erected on or before 1 July 1948 (see Note 2.14). This could include many ancillary structures such as boundary walls, garages or estate buildings.
- 2.30 A change in the legislation introduced on 1 October 2015 (Historic Environment Scotland Act 2014, Part 6, section 22, which amended Section 1(4A) of the 1997 Act) allows Historic Environment Scotland to legally state that an object or structure fixed to the building and/or any object or structure within the curtilage of the building is not to be treated as listed and/or that any part or feature of a listed building is not of special architectural or historic interest and is therefore not listed. See Historic Environment Scotland's website for more information.
- 2.31 Any work which affects the character of a listed building or structure will require listed building consent (see Note 2.15). Applications for listed building consent are, in normal circumstances, dealt with by the planning authority (see Note 2.16). Any work carried out to a listed building without consent and which affects its character as a building of special architectural or historic interest, is an offence which can lead to a fine or imprisonment.
- 2.32 There is a statutory right of appeal for new listings and where a change has been made to the statutory address of an existing listed building. Appeals must be made to the Planning and Environmental Appeals Division (DPEA, at www.dpea.scotland.gov.uk)

within three months of the date of the letter Historic Environment Scotland sent to the owner, tenant and occupier about the change. More information about this can be found on DPEA's website.

- 2.33 Historic Environment Scotland may also reconsider a listing even if it does not qualify for an appeal if the building has lost its special architectural or historic interest. An application form to request a review of an existing listing or a delisting is available on the Historic Environment Scotland website.

CERTIFICATES OF INTENTION NOT TO LIST

- 2.34 Historic Environment Scotland may, on the application of any person, issue a certificate stating that they do not intend to list a building for a period of 5 years from the date of the issue of the certificate. This is known as a 'Certificate of Intention Not to List'. When such a certificate has been issued a planning authority may not for that period serve a building preservation notice in relation to the building, or affix such a notice to the building. A person submitting an application to Historic Environment Scotland for a certificate must at the same time give notice of the application to the planning authority within whose district the building is situated. Additional information about this process can be found on Historic Environment Scotland's website.

HISTORIC ENVIRONMENT SCOTLAND'S PRINCIPLES FOR LISTING

- 2.35 Listing is applied to afford recognition, and protection where possible, to buildings of special architectural or historic interest for future generations. The list is compiled to give guidance to planning authorities in the course of their work by identifying buildings of special architectural or historic interest (see Note 2.17). The listings inform development, provide awareness of value and character and support the planning process.
- 2.36 Many buildings are of interest, architecturally or historically, but for the purposes of listing this interest must be 'special'. Listing is therefore assessed against a set of criteria which are set out in Annex 2.
- 2.37 The following principles, additional to those set out in section 2.3 above, underpin listing practice:
- a. the selection process is informed by a wide range of factors (see Annex 2) which help determine the level of special architectural or historic interest which the subject of listing may possess;
 - b. listing will follow the consistent application of criteria, as set out in Annex 2;
 - c. all aspects of Scotland's past are worthy of study and should be considered for listing;
 - d. listing will be based on an understanding of regional differences as expressed in Scotland's architectural and built heritage;
 - e. listing will be an ongoing process that recognises our changing level of knowledge and that every generation will have its own view of what comprises its heritage;
 - f. buildings less than 30 years old will normally only be considered for listing if found to be of outstanding merit and/or facing immediate threat.

- 2.38 Historic Environment Scotland will normally consult the relevant local authority about a listing proposal or a statutory amendment to the list. In addition, it will also normally consult with the owner, lessee and tenant of the property. In exceptional circumstances, it may list a building without consulting with its owner.
- 2.39 Where anyone is making or is aware of proposals that might make changes to or lead to the demolition of a building that is not listed but may be of special architectural or historic interest, they should contact Historic Environment Scotland as early in the process as possible. This is to enable an assessment of the special interest of a building to ensure that resources are not wasted on abortive schemes.

HOW HISTORIC ENVIRONMENT SCOTLAND UNDERTAKES LISTING

- 2.40 Historic Environment Scotland will:
- a. add to, re-categorise or remove subjects from the list through ongoing work;
 - b. use a range of mechanisms to make relevant information available as widely as possible;
 - c. publish and regularly update guidance on listing, particularly for the owners and occupiers of listed property;
 - d. review operational programmes of work regularly in consultation with stakeholders;
 - e. make its decision-making process transparent; and
 - f. keep principles and process for listing under review.

CONSERVATION AREAS

LEGAL AND ADMINISTRATIVE CONTEXT FOR CONSERVATION AREAS

- 2.41 Conservation areas are defined as ‘areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’. All planning authorities are required from time to time to determine which areas meet this definition and to designate them as conservation areas. Conservation areas embrace the urban and rural: from the historic cores of our cities to isolated rural settlements or landscapes there is a wide range of historic places which might be designated as a conservation area.
- 2.42 Once a planning authority has decided to designate a conservation area, notice of the designation must be published in the Edinburgh Gazette and at least one local newspaper (see Note 2.18).
- 2.43 Historic Environment Scotland has the power to determine, after consultation with the planning authority, that an area should be a conservation area and to designate accordingly. This is a power which will be used only exceptionally.
- 2.44 Scottish Ministers, and Historic Environment Scotland at the same time as the designation is advertised, must be notified formally 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 (see Note 2.19).

- 2.45 Planning authorities may also vary or cancel conservation areas already designated (see Note 2.20).
- 2.46 Every planning authority is required to compile and keep available for public inspection a list containing appropriate information about any area in its district which has been designated as a conservation area.
- 2.47 Planning authorities have a duty to submit their proposals for the preservation and enhancement of conservation areas for consideration to a local public meeting and should, when preparing schemes of preservation and enhancement, seek the advice and views of local residents and amenity groups.
- 2.48 Once an area has been designated, it becomes the duty (see Note 2.21) of the planning authority and any other authority concerned, including Historic Environment Scotland, to pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their powers under the planning legislation.
- 2.49 Some types of development which would not otherwise require permission may require permission through the planning process, planning authorities provide guidance on when this is the case.

HISTORIC ENVIRONMENT GUIDANCE ON THE DESIGNATION OF CONSERVATION AREAS

- 2.50 Historic Environment Scotland expect planning authorities to designate only those areas which they consider to be of special architectural or historic interest as conservation areas. As part of this process it encourages them to undertake a thorough appraisal of any area before designation, to ensure that its character and appearance are properly understood. The criteria to be taken account of in designation are set out in Annex 3.

HISTORIC MARINE PROTECTED AREAS

LEGAL AND ADMINISTRATIVE CONTEXT FOR HISTORIC MARINE PROTECTED AREAS

- 2.51 This section sets out the requirements of the Marine (Scotland) Act 2010 for designating historic marine protected areas (historic MPAs) to protect marine historic assets of national importance in the seas around Scotland.
- 2.52 State party commitments under Article 2 of the Valletta Convention (Note 2.1) include a legal system for the protection of the archaeological heritage, on land and under water. Scottish Ministers have devolved powers to help them discharge these and other commitments within the seaward limits of Scottish inshore waters (12 nautical miles or 22.2km).
- 2.53 Monuments on the foreshore and under water can be scheduled under the Ancient Monuments and Archaeological Areas Act 1979. The scope of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 stops at the low water mark but buildings such as harbours and lighthouses which are sometimes partly below the sea can be listed. Provisions under the Marine (Scotland) Act 2010 replace the use of

section 1 of the Protection of Wrecks Act 1973 in Scotland. Responsibility for related functions such as administration of the Protection of Military Remains Act 1986 (Note 2.24) and the disposal of 'wreck' under the Merchant Shipping Act 1995 (Note 2.25) rests with the UK Government.

- 2.54 Part 5 of the Marine (Scotland) Act 2010 allows Scottish Ministers to designate three types of marine protected area (MPA): nature conservation MPAs to deliver national priorities on biodiversity and geodiversity; demonstration and research MPAs to demonstrate or develop research into sustainable management approaches; and historic MPAs.
- 2.55 While the power to designate historic MPAs remains with Scottish Ministers, Historic Environment Scotland advise Ministers on the designation under its general power to advise on all matters relating to the historic environment (see Section 12 of the 2014 Act).
- 2.56 Under the terms of the Marine (Scotland) Act 2010 Scottish Ministers can designate an area within the Scottish marine protection area (Note 2.22) as a historic MPA if they consider it desirable to do so for the purpose of preserving a marine historic asset of national importance which is, or which they are satisfied may be, located in the area. A marine historic asset is defined as any of the following:
- a. a vessel, vehicle or aircraft (or part of a vessel, vehicle or aircraft);
 - b. the remains of a vessel, vehicle or aircraft (or a part of such remains);
 - c. an object contained in or formerly contained in, a vessel, vehicle or aircraft;
 - d. a building or other structure (or a part of a building or structure);
 - e. a cave or excavation; and
 - f. a deposit or artefact (whether or not formerly part of a cargo of a ship) or any other thing which evidences, or groups of things which evidence, previous human activity.
- 2.57 Except in cases where the Scottish Ministers consider there is an urgent need to protect a marine historic asset, prior notification and consultation is required. Urgent designations are time-limited and full consultation is required to make urgent designations permanent.
- 2.58 Historic MPA designation places duties on public authorities and introduces offences relating to marine historic assets, Scottish Ministers can also make Marine Conservation Orders (MCOs) to support stated preservation objectives for historic MPAs. Further information on management of MPAs is provided in Chapter 3.
- 2.59 Scottish Ministers also have powers to develop plans and issue marine licenses for certain works and activities in Scottish inshore waters and, by virtue of devolved functions arising from UK marine legislation, Scottish offshore waters (12-200 nautical miles adjacent to Scotland). Adoption of a UK Marine Policy Statement (Note 2.26) by all UK administrations provides a consistent policy framework for consideration of the historic environment in developing marine plans and taking decisions across the UK seas. The Scottish National Marine Plan sets out strategic policies for the sustainable development of Scotland's marine resources out to 200 nautical miles.

HISTORIC ENVIRONMENT SCOTLAND'S PRINCIPLES FOR ADVISING ON THE DESIGNATION OF HISTORIC MARINE PROTECTED AREAS

- 2.60 Scotland's coasts and seas comprise a rich marine natural and cultural heritage. Designation of historic MPAs can help to preserve our most important marine historic assets and to celebrate and communicate their heritage value so that everyone can appreciate these assets and act responsibly.
- 2.61 The following principles, additional to those set out in paragraph 2.3 above, underpin Historic Environment Scotland's advice to the Scottish Government on designation of historic MPAs:
- a. marine historic assets from all parts of the Scottish marine protection area are equally worthy of study and consideration for statutory protection. Historic MPAs are normally the preferred mechanism for protection of marine historic assets under water, with scheduling and listing normally preferred for monuments and buildings at the foreshore and coast edge. This approach will be subject to periodic review;
 - b. advice on designation will be an ongoing process that recognises our changing state of knowledge and that every generation will have its own view of what comprises its heritage;
 - c. advice on designation and de-designation will be made according to the criterion of national importance, following consistent application of guidance set out in Annex 4; and
 - d. advice on designation of a historic MPA will involve consultation with owners and stakeholders with an interest in the marine historic asset or role in the adjacent marine area.
- 2.62 Marine historic assets and the seabed that surrounds them can sometimes also be of value from the perspective of biodiversity and geodiversity.

HOW DESIGNATION OF HISTORIC MARINE PROTECTED AREAS IS UNDERTAKEN

- 2.63 Decisions on designating historic marine protected areas rest with Scottish Ministers. The role of Historic Environment Scotland is to advise Scottish Government. Historic Environment Scotland will:
- a. work collaboratively with Marine Scotland, Scottish Natural Heritage and other stakeholders towards the protection and where appropriate, the enhancement of the Scottish marine area;
 - b. advise Marine Scotland on which of Scotland's marine historic assets merit designation as a historic MPA and maintain a register of their condition;
 - c. make readily available information about historic MPAs and about the process for selecting, designating and promoting these.
 - d. Undertake consultation on proposed designations, amendments and removals, and notifications following statutory changes.
 - e. work with Marine Scotland and Scottish Natural Heritage where appropriate so that they can make a scientific assessment of the biodiversity or geodiversity value of the seabed comprising a historic MPA, including the extent to which these areas have the potential to contribute to the network.

- 2.64 Historic Environment Scotland will advise and work with Marine Scotland, public authorities and marine planning partnerships on marine planning and licensing matters in order to help advance the historic environment as set out in the Scottish National Marine Plan.

GARDENS AND DESIGNED LANDSCAPES

LEGAL AND ADMINISTRATIVE CONTEXT FOR GARDENS AND DESIGNED LANDSCAPES

- 2.65 This section sets out Historic Environment Scotland's principles for designating gardens and designed landscapes of national importance.
- 2.66 Section 32A(1) of the 1979 Act imposes a statutory duty for Historic Environment Scotland to compile and maintain an inventory of gardens and designed landscapes as appear to Historic Environment Scotland to be of national importance. Inclusion of a site on the inventory means that it receives recognition and a degree of protection through the planning system.
- 2.67 Section 32A(2) of the 1979 Act defines gardens and designed landscapes as grounds which have been laid out for artistic affect and, in appropriate cases, include references to any buildings, land, or water on, adjacent, or contiguous to such grounds (see Note 2.27). Gardens and designed landscapes are often the setting of important buildings and, in addition to parkland, woodland, water and formal garden elements, can often have significant archaeological and scientific interest.
- 2.68 Under the terms of Section 32A of the 1979 Act, Historic Environment Scotland shall:
- a. compile and maintain (in such form as they think fit) an inventory of such gardens and designed landscapes as appear to them to be of national importance;
 - b. notify owners, occupiers and any local authority, in whose area the grounds are situated, of the inclusion or modification of a garden and designed landscape in the inventory; and
 - c. publish, in such manner as they think fit, a list of all the gardens and designed landscapes included in the inventory.
- 2.69 Fashions in gardens and designed landscapes changed over time, through formal, informal, picturesque and modern styles, and many designed landscapes show these layers of change today. They are important tourist attractions, rich wildlife havens, major parts of the Scottish scenery, and are living examples of unique artistic talent. They are a living cultural record reflecting centuries of social and economic change and are widely enjoyed by people of all ages, backgrounds and cultures.
- 2.70 There is no primary legislation that gives protection to gardens and designed landscapes. Scottish Planning Policy, however, confirms that maintaining and enhancing the quality of the historic environment and preserving the country's heritage are important functions of the planning system. Designed landscapes are part of that heritage.

- 2.71 Local development plans and, where appropriate, statutory and non-statutory supplementary guidance, should set out policies and criteria that apply to the protection, conservation and management of designed landscapes (Scottish Planning Policy, paragraph 148). Where relevant, such policies should inform planning authorities' consideration of individual planning applications within development management.
- 2.72 Some additional statutory provisions also apply at this stage. Schedule 5 (17) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires planning authorities to consult Historic Environment Scotland on 'development which may affect a historic garden or designed landscape'. Historic Environment Scotland's views on such applications will be a material consideration in the planning authority's determination of the case.

HISTORIC ENVIRONMENT SCOTLAND'S PRINCIPLES FOR DESIGNATION OF GARDENS AND DESIGNED LANDSCAPES

- 2.73 The following principles, additional to those set out in section 2.3 above, underpin the process of including sites in the inventory:
- a. the selection process is informed by a wide range of factors (Annex 5). These help determine the level of interest which the site may possess;
 - b. selection will follow the consistent application of clear criteria, set out in Annex 4; other factors, such as implications for future use or financial issues are not relevant in considering whether a garden or designed landscape should be added to or removed from the inventory;
 - c. gardens and designed landscapes in all parts of Scotland are worthy of study and should be considered for inclusion in the inventory; and
 - d. adding sites to and removing sites from the inventory will be an ongoing process that recognises our changing level of knowledge and that every generation will have its own view on what comprises its heritage.
- 2.74 Owners and occupiers of gardens and designed landscapes, and planning authorities, will normally be consulted on proposed additions to the inventory other than in exceptional circumstances.
- 2.75 To be deemed as being of national importance, and therefore to be included in the inventory, a site will usually have to meet a majority of the criteria set out in Annex 5. In particular it would have to be demonstrated that it had sufficient integrity in its design to merit inclusion.

HISTORIC ENVIRONMENT SCOTLAND DESIGNATES GARDENS AND DESIGNED LANDSCAPES

- 2.76 Historic Environment Scotland will:
- a. add to or remove subjects from the inventory through ongoing work;
 - b. use a range of mechanisms to make relevant information available as widely as possible;
 - c. publish and regularly update guidance on the inventory;
 - d. review operational programmes of work regularly in consultation with stakeholders;

- e. make its decision-making process transparent; and
- f. keep principles and process for the inventory under review.

HISTORIC BATTLEFIELDS

LEGAL AND ADMINISTRATIVE CONTEXT FOR HISTORIC BATTLEFIELDS

2.77 This section sets out Historic Environment Scotland's approach to historic battlefields.

2.78 Section 32B (1) of the 1979 Act created a statutory duty for Historic Environment Scotland to compile and maintain an inventory of historic battlefields as appear to them to be of national importance. Under the legislation a battlefield is defined as an area of land over which a battle was fought; or an area of land on which any significant activities relating to a battle occurred (whether or not the battle was fought over that area). (See Note 2.27) A battle is an engagement involving wholly or largely military forces that had the aim of inflicting lethal force against an opposing army.

2.79 Under the terms of Section 32B of the 1979 Act, Historic Environment Scotland will:

- a. compile and maintain (in such form as they think fit) an inventory of such battlefields as appear to them to be of national importance;
- b. notify owners, occupiers and any local authority, in whose area the grounds are situated, of the inclusion or modification of a battlefields in the inventory; and
- c. publish, in such manner as they think fit, a list of all battlefields included in the inventory.

2.80 Battlefields are valued for a variety of reasons: marking the sites of significant events containing physical or archaeological remains associated with battles, or the remains of fallen combatants. Battles hold a significant place in our national consciousness and have a strong resonance in Scottish culture. The landscape of the battlefield may help to explain exactly why events unfolded as they did.

2.81 The inventory of battlefields identifies nationally important battlefields and provides information to aid their understanding, protection and sustainable management through the planning system, and in other relevant contexts, such as landscape and land-use management. Parts of some battlefields may have additional protection through other measures such as scheduling or listing of physical features, or designation as a conservation area or area of landscape value.

2.82 Local development plans and, where appropriate, statutory and nonstatutory supplementary guidance, should set out policies and criteria that apply to the protection, conservation and management of historic battlefields (Scottish Planning Policy, paragraph 149). Such policies should inform planning authorities' consideration of individual planning applications within development management.

2.83 Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires planning authorities to consult Historic Environment Scotland on 'development (other than householder development) which may affect a historic battlefield'. Historic Environment Scotland's views on such applications will be a material consideration in the planning authority's determination of the case.

HISTORIC ENVIRONMENT SCOTLAND'S PRINCIPLES FOR DESIGNATION OF BATTLEFIELDS

2.84 The inventory identifies nationally important battlefields and provides information on them as a basis for the sustainable management of change through the planning system and in other relevant policy contexts.

2.85 The following principles, additional to those set out in section 2.3 above, underpin the process of including sites in the inventory:

- a. selection will follow the consistent application of criteria (set out in Annex 6); other factors, such as implications for future use or financial issues, are not relevant in considering whether a battlefield should be added to or removed from the inventory;
- b. battlefields in all parts of Scotland are worthy of study and consideration for inclusion in the inventory; and
- c. adding sites to and removing them from the inventory will be an ongoing process that recognises our changing level of knowledge and that every generation will have its own view on what comprises its heritage.

2.86 Historic Environment Scotland will normally consult planning authorities and other key stakeholders as appropriate on proposals for including sites on the inventory and for any subsequent amendments.

2.87 To be included in the inventory, a site must be capable of definition on a modern map (see Annex 6).

2.88 Planning authorities are encouraged to identify battlefield sites in their areas that do not meet the inventory criteria, but which nevertheless may make an important contribution to the local historic environment, landscape character and sense of place, and to develop policies for their future management.

HOW HISTORIC ENVIRONMENT SCOTLAND DESIGNATES HISTORIC BATTLEFIELDS

2.89 Historic Environment Scotland will:

- a. add to or remove subjects from the inventory through ongoing work;
- b. use a range of mechanisms to make relevant information available as widely as possible;
- c. publish and regularly update guidance on the inventory;
- d. review operational programmes of work regularly in consultation with stakeholders;
- e. make its decision-making process transparent; and
- f. keep principles and process for the inventory under review.

CHAPTER 3: CONSENTS AND ADVICE

INTRODUCTION

- 3.1 This chapter sets out Historic Environment Scotland’s approach to scheduled monument consent, where Historic Environment Scotland is the consenting authority. It also sets out Historic Environment Scotland’s approach to the management of historic MPAs. It provides guidance to planning authorities on the consideration of listed building consent and conservation area consent, and planning applications affecting sites on the inventory of gardens and designed landscapes and the inventory of battlefields. The Historic Environment Circular 1 and Managing Change in the Historic Environment guidance note series provide further, more detailed, information and guidance on the process and consideration of the historic environment in the planning process, including the consideration of potential impacts on the setting of heritage assets.

SCHEDULED MONUMENT CONSENT

LEGAL AND ADMINISTRATIVE CONTEXT

- 3.2 This section sets out how Historic Environment Scotland manages the control of works affecting scheduled monuments of national importance that are legally protected under the Ancient Monuments and Archaeological Areas Act 1979. A scheduled monument is included in ‘the schedule’ compiled under the 1979 Act (see Chapter 2 of this policy statement and Notes 3.1 and 3.2). Works to a scheduled monument require the prior written consent of Historic Environment Scotland, this is known as scheduled monument consent.
- 3.3 Scheduled monuments range from 10,000-year-old sites created by the first settlers in Scotland to 20th-century military defences, and from abbeys and castles to the slight traces of prehistoric and medieval farms. They are a non-renewable resource, which provides us with valuable information about Scotland’s past. Scheduled monuments are part of Scotland’s identity and are important both for their own sake and as a resource for research, education, regeneration, leisure and tourism, as well as creating a sense of local identity and community. They are often very fragile and vulnerable to damage or destruction.
- 3.4 Scheduled monument consent is required for any works that would demolish, destroy, damage, remove, repair, alter or add to the monument or to carry out any flooding or tipping on the monument (see Note 3.2). A consent under section 42 of the 1979 Act is also required to use a metal detector within a scheduled monument (see Note 3.3). It is a criminal offence to carry out any of these works without consent.

- 3.5 Some types of works do not require scheduled monument consent as they are deemed to have consent, under the terms of the Ancient Monuments (Class Consents) (Scotland) Order 1996 ('the Class Consents Order') (see Note 3.4).
- 3.6 The 1979 Act and the scheduled monument consent process also provide for the proper evaluation and investigation of scheduled monuments if damage or destruction is unavoidable.
- 3.7 Some monuments are both scheduled and listed. Where this is the case only scheduled monument consent is required for any works and the relevant parts of the listed buildings legislation are disapplied (see Note 3.5).

THE SCHEDULED MONUMENT CONSENT PROCESS

- 3.8 The Historic Environment Scotland Act 2014 amended the Ancient Monuments and Archaeological Areas Act 1979 to give Historic Environment Scotland the responsibility for determining applications for scheduled monument consent, unless Scottish Ministers direct that the application is called-in for their own determination. Applicants (who may be the owner, tenant or any other party) are encouraged to contact Historic Environment Scotland as early as possible to discuss their proposals. Applications must be made on a form obtained from Historic Environment Scotland (See note 3.6). If further information is required, Historic Environment Scotland will ask the applicant to submit this before reaching a view.
- 3.9 In determining a scheduled monument consent application, Historic Environment Scotland can decide to: grant; grant with conditions, part grant/part refuse; part grant/part refuse with conditions, or refuse an application for scheduled monument consent.
- 3.10 Scottish Ministers have directed that in certain cases Historic Environment Scotland must notify them before granting scheduled monument consent. This is set out in The Scheduled Monument Consent (Notification of Applications) Direction 2015.
- 3.11 Applicants have the right to appeal scheduled monument consent decisions, or failure to determine a scheduled monument consent application. Scheduled monument consent decisions can be appealed by the applicant within three months of the date on the decision letter sent by Historic Environment Scotland. Appeals must be submitted to the Planning and Environmental Appeals Division (DPEA, www.dpea.scotland.gov.uk). More information about appeals and the appeal process can be found on DPEA's website. Scheduled monument consent is separate from the statutory planning process (see Annex 7 and Note 3.7). It may run in parallel in cases where planning permission is also required, and such cases are normally dealt with most effectively if applications for planning permission and scheduled monument consent are prepared at the same time.
- 3.12 The protection of scheduled monuments is taken account of in policies and procedures across a wide range of Scottish Ministers', their agencies and associated bodies' responsibilities, for example in agriculture and forestry. Work on scheduled monuments also has to take account of other requirements, for example those covering health & safety, access and the general biodiversity duty under the Nature Conservation (Scotland) Act 2004. It is the responsibility of the applicant to satisfy these and any other legal requirements. In every case, except where covered by the Class Consents Order (see Note 3.8), scheduled monument consent must be obtained, no matter what

other consents have been granted or what other legal requirements are being followed (for more information about class consents see Note 3.4).

- 3.13 Development affecting the setting of a scheduled monument is dealt with under the planning system and does not require scheduled monument consent.

HISTORIC ENVIRONMENT SCOTLAND'S PRINCIPLES FOR SCHEDULED MONUMENT CONSENT

- 3.14 A monument is included in the schedule to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in the state it has come down to us. Scheduled monuments have an intrinsic value as monuments, not related to any concept of active use. It is the value of the monument to the nation's heritage, in terms set out in the section on Scheduling in Chapter 2 of this policy statement, that is the primary consideration in determining applications for scheduled monument consent.

- 3.15 Monuments are subject to decay and the threat of destruction, from natural and human causes. Conservation work is normally needed to prolong the life of a monument, but there is a risk that this can be so invasive that it irreversibly modifies the monument's character and affects the special interest or features that made the monument important in the first place.

- 3.16 Works on scheduled monuments should therefore normally be the minimum level of intervention that is consistent with conserving what is culturally significant in a monument. (Annex 1 sets out guidance as to how cultural significance and national importance should be determined.)

- 3.17 As each monument will require treatment specific to its individual nature, characteristics, significance and needs, any proposed change to it must be fully and explicitly justified.

- 3.18 Scheduled monument consent applications must be considered in terms of the cultural significance of the monument and the impact that the proposals would have upon this cultural significance. The more important particular features of the monument are to its cultural significance, the greater will be the case against interventions which modify these features.

- 3.19 Extensive intervention will only be allowed where it is clearly necessary to secure the longer-term preservation of the monument, or where it will clearly generate public benefits of national importance which outweigh the impact on the national cultural significance of the monument. Such public benefits could come from, for example, interventions which make public access to scheduled monuments easier, or assist public understanding, or will produce economic benefits once the works are completed.

- 3.20 Where change is proposed, it should be carefully considered, based on good authority, sensitively designed, properly planned and executed, and where appropriate in the context of an individual monument, reversible.

- 3.21 Where unavoidable circumstances, such as coastal erosion, threaten the survival of a scheduled monument, it should, where possible, be excavated and/or recorded in detail before its destruction.

3.22 Where consent for the range of works set out in paragraph 3.4 is granted, conditions are normally applied to ensure the works are undertaken in an appropriate manner. Common requirements are:

- a. the use of appropriate assessment methodologies to determine the full impact of any proposed management, use or development;
- b. the avoidance of irreversible change particularly wherever its effects cannot be adequately assessed;
- c. that where change is necessary, strategies should be adopted to mitigate its impact and limit intervention;
- d. that the management and execution of alteration, including remedial work, is sympathetic to the historic character;
- e. that appropriate skills and techniques, materials and construction techniques are specified where appropriate;
- f. that an appropriate level of record is made before, during and after any work and deposited in local and national archives, and, where appropriate, published;
- g. that it is possible, on close inspection, to differentiate new work from old particularly on masonry structures;
- h. that any archaeological excavation or other intrusive investigation should be based upon a detailed research strategy, with adequate resources, using appropriately skilled and experienced archaeologists with a satisfactory record of the completion and publication of projects; and
- i. that the design, planning and execution of works on scheduled monuments are undertaken by people with appropriate professional and craft qualifications, skills and experience.

HOW HISTORIC ENVIRONMENT SCOTLAND HANDLES SCHEDULED MONUMENT CONSENT

3.23 In carrying out this work Historic Environment Scotland will:

- a. undertake scheduled monument consent casework timeously and publish in its Corporate Plan the targets set for dealing with scheduled monument consent casework;
- b. keep scheduled monument consent policies and processes under review;
- c. make scheduled monument consent applications and the decisions made on those applications publically available for public inspection through their publication on the internet or at their principal office;
- d. make information on scheduled monuments and on the application procedure for scheduled monument consent readily available; and
- e. make its decision-making process transparent.

3.24 It is the responsibility of the applicant to ensure that applications for scheduled monument consent include all the necessary information to allow the proposals and their impact to be assessed fully. An application must contain the following information:

- a written description of the works to which it relates;
- the name or location of the scheduled monument to which the works relate or a description of the location of the land; and
- the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.

The application must also be accompanied by:

- a plan or drawing, sufficient to identify the area of land to which the works relate;
- such other plans and drawings as are necessary to describe the works to which it related; and
- appropriate ownership certificates and notices.

3.25 For departments and agencies of the UK and Scottish Governments undertaking works to monuments in Scotland there is a parallel system known as scheduled monument clearance. This is governed by the same principles and procedures as the scheduled monument consent processes and in all cases proposals are assessed by Historic Environment Scotland.

3.26 Most properties in the care of Scottish Ministers are also scheduled monuments. In the case of these properties Historic Environment Scotland must apply for scheduled monument consent.

LISTED BUILDING CONSENT

3.27 This section sets out Historic Environment Scotland guidance for the control of works affecting listed buildings.

LEGAL AND ADMINISTRATIVE CONTEXT

3.28 Historic buildings and structures are a highly visible and accessible element of Scotland's rich heritage. They cover a wide range of uses and periods, which together chart a great part of the history of Scotland. They encompass all aspects of life, from education to recreation, to defence, industry, homes and worship. Much of Scotland's social and economic past and its present is expressed in these exceptional buildings. Listing recognises their importance

3.29 Listed buildings are protected under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. This establishes that any work which affects the character of a listed building will require listed building consent. It is a criminal offence to carry out such work without listed building consent. Annex 7 provides more information on what aspects of a listed building are covered by the listed building consent provisions, those works which are exempt from the requirement for listed building consent as well as the processes to be followed by applicants and by planning authorities in dealing with applications.

3.30 In assessing an application for listed building consent, the planning authority is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses (Scottish Planning Policy paragraph 141-142).

3.31 Works of like-for-like repair or other works which do not affect a building's character, would not normally require listed building consent. Such works could include repointing a wall or altering part of a building which does not contribute to the overall special interest.

- 3.32 Listed building consent is separate from the statutory planning process (see Annex 8) but there is a close relationship between them and this guidance should therefore be read in conjunction with current Scottish Government planning policy for the historic environment (see Note 3.9). The two systems may run in parallel in cases where planning permission is also required, and such cases are normally dealt with most effectively if applications for planning permission and listed building consent are submitted at the same time. It is not possible to seek or to be given outline listed building consent.
- 3.33 The majority of listed buildings are adaptable and have met the needs of successive generations while retaining their character. Change should therefore be managed to protect a building's special interest while enabling it to remain in active use. Each case must be judged on its own merits but in general terms listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner.

THE LISTED BUILDING CONSENT PROCESS

- 3.34 Local authorities administer the listed building consent process. Applications must be made on the appropriate form and should be supported by sufficient information to allow the proposed works and their impact upon the building's character to be understood. The amount of information required will depend on the nature of the building and the proposals.
- 3.35 On receiving an application the local authority will undertake the appropriate consultation before reaching a view, including consulting Historic Environment Scotland as required by regulations (Note 3.10). Where the local authority is minded to grant listed building consent and Historic Environment Scotland has objected, they must notify Scottish Ministers. Exceptionally, where a proposal raises issues of national significance Scottish Ministers may require that the application be referred to them for a decision.
- 3.36 Work to listed buildings has to take account of other requirements, for example those covering health & safety, equalities duties, access and the general biodiversity duty under the Nature Conservation (Scotland) Act 2004. It is the responsibility of the applicant to satisfy these and any other legal requirements.

HISTORIC ENVIRONMENT SCOTLAND GUIDANCE ON LISTED BUILDING CONSENT

- 3.37 In the context of listed buildings the sustainable use and management of the historic environment means recognising the advantages to be gained from retaining existing buildings and ensuring that their special interest is protected (see Chapter 2). How 'special interest' is established is set out in Annex 2.
- 3.38 Once lost listed buildings cannot be replaced. They can be robbed of their special interest either by inappropriate alteration or by demolition. There is, therefore, a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

- 3.39 Listed buildings will however, like other buildings, require alteration and adaptation from time to time if they are to remain in beneficial use, and will be at risk if such alteration and adaptation is unduly constrained. In most cases such change, if approached carefully, can be managed without adversely affecting the special interest of the building.

APPLICATIONS

- 3.40 Knowing what is important about a building is central to an understanding of how to protect its special interest. Applications should demonstrate that in arriving at a strategy for intervention, the importance of the building has been clearly understood and those features which contribute to its special interest have been identified.
- 3.41 In general the more extensive the intervention which is proposed, the more supporting information applications should provide. Where proposals involve significant intervention, evidence that less intrusive options have been considered should be provided. Where the application would have a significantly adverse effect on the building's special interest, but is believed to offer significant benefits to economic growth or the wider community, applicants should prepare a statement which justifies the intervention in relation to these benefits. This statement should demonstrate that the benefits could not be realised without the intervention proposed.
- 3.42 Where the application proposes the demolition of a listed building applicants will be expected to provide evidence to show that:
- a. the building is not of special interest; or
 - b. the building is incapable of repair; or
 - c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
 - d. the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.
- 3.43 Potential applicants are encouraged to have pre-application discussion with planning authorities. A key aspect of that advice, to avoid delays at a later stage, should be to clarify what supporting information will be required when an application is submitted. Where proposals involve significant intervention to, or the demolition of a listed building the planning authority should involve Historic Environment Scotland in the pre-application discussions.
- 3.44 Planning authorities should satisfy themselves, as soon as applications are received, that they include an appropriate level of supporting information.

DETERMINATION OF APPLICATIONS

- 3.45 Where a proposal protects or enhances the special interest of the building, for example through the like-for-like replacement of a window or door which is beyond repair or the reinstatement of important detailing, consent should normally be granted.
- 3.46 Where a proposal involves alteration or adaptation which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted.
- 3.47 Where a proposal involves alteration or adaptation which will have an adverse or significantly adverse impact on the special interest of the building, planning authorities, in reaching decisions should consider carefully:
- a. the relative importance of the special interest of the building; and
 - b. the scale of the impact of the proposals on that special interest; and
 - c. whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and
 - d. whether there are significant benefits for economic growth or the wider community which justify a departure from the presumption set out in paragraph 3.38 above.
- 3.48 In the case of applications for the demolition of listed buildings Scottish Planning Policy states (para 141) that “*Listed Buildings should be protected from demolition or other work that would adversely affect it or its setting*”. Historic Environment Scotland advises that no listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Planning authorities should therefore only approve such applications where they are satisfied that:
- a. the building is not of special interest; or
 - b. the building is incapable of repair; or
 - c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
 - d. the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

HISTORIC ENVIRONMENT SCOTLAND MANAGEMENT OF CONSULTATIONS ON LISTED BUILDING CONSENT

- 3.49 Historic Environment Scotland, working closely with planning authorities, will:
- a. respond to consultations for listed building consent timeously and publish in its Corporate Plan the targets set for dealing with listed building consent consultations;

- b. keep listed building consent processes and guidance under review;
- c. communicate information on the listed building consent process in clear language;
- d. make information on listed buildings readily available; and
- e. make its decision-making process transparent.

3.50 Historic Environment Scotland expects that the information provided with applications for listed building consent should be sufficient to enable planning authorities, Historic Environment Scotland and ultimately Scottish Ministers to form a judgement, not only on the intended development of the listed building itself, but also any associated development of which the listed building forms a part.

3.51 When considering a developer's proposals to integrate listed buildings into an overall development, Historic Environment Scotland expect planning authorities to take into account not only the desirability of preserving the building's historic fabric but the need to maintain it in an appropriate setting.

CONSERVATION AREA CONSENT

LEGAL AND ADMINISTRATIVE CONTEXT

3.52 Anyone wishing to demolish a building within a conservation area must first apply for conservation area consent.

3.53 Scottish Ministers have directed that conservation area consent required for demolition of unlisted buildings in conservation areas shall not apply to certain specified buildings and structures (see the Exemption from Demolition Control in Conservation Areas Direction 1987) the term 'conservation area consent' is used for applications to demolish unlisted buildings in conservation areas.

3.54 The demolition of unlisted buildings in conservation areas is brought under control by applying, with modifications, listed building controls. In particular, the provisions relating to the advertisement of applications, communication with Historic Environment Scotland and to the notification of applications.

3.55 Applications for conservation area consent are dealt with by planning authorities and policy is set out in Scottish Planning Policy. Advice on the management of conservation areas is contained in Planning Advice Note 71 and further guidance will be produced if appropriate by Historic Environment Scotland and/or Scottish Ministers.

HISTORIC ENVIRONMENT SCOTLAND GUIDANCE ON CONSERVATION AREA CONSENT

3.56 The demolition of even a single building and the construction of a new building or buildings in its place could result in harm to the character or appearance of a conservation area, or part of it. In deciding whether conservation area consent should be granted, planning authorities should therefore take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site. If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by

the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated. In some cases, demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult.

- 3.57 In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building.
- 3.58 Decision makers are required to have regard to the desirability of preserving or enhancing the appearance of the conservation area in exercising their responsibilities under the planning legislation, and this statutory duty should always be borne in mind when considering demolition applications (Scottish Planning Policy, paragraph 143).

HISTORIC MARINE PROTECTED AREAS

LEGAL AND ADMINISTRATIVE CONTEXT

- 3.59 This section sets out Historic Environment Scotland's approach to the management of historic marine protected areas (historic MPAs). Chapter 2 provides information on designation policies.
- 3.60 Public authorities with functions that are capable of adversely affecting marine historic assets must carry out those functions in a way that best furthers or, where this is not possible, least hinders stated preservation objectives. Public authorities must have regard to the advice given by Historic Environment Scotland on historic MPAs under section 80A of the Marine Scotland Act 2010 ("the 2010 Act").
- 3.61 Under section 96 of the 2010 Act, it is an offence to intentionally or recklessly carry out a prohibited act that significantly hinders or may significantly hinder the achievement of the stated preservation objectives for a historic MPA. Prohibited acts are (a) works or activities which (or which are likely to) damage or interfere with a marine historic asset or have a significant impact on the protected area, (b) acts to remove, alter or disturb a marine historic asset. It is not an offence if the act was an incidental result of a lawful operation, and reasonable precautions were taken or the outcome could not reasonably have been foreseen.
- 3.62 In addition to the protection afforded by designation, Scottish Ministers can make Marine Conservation Orders (MCO) to further preservation objectives for historic MPAs. An MCO can include provision prohibiting, restricting or regulating certain activities within the boundaries of an historic MPA, or in some instances, a specified area outside. An MCO can provide for regulated activities to be authorised by a permit or direction. Except in urgent cases, the making of an MCO must be publicised in advance, but the longevity of urgent MCOs is time-limited. Contravening an MCO is an offence.

- 3.63 Exceptions to offences (both in relation to historic MPA designation and any MCOs in place) are if the act was authorised by a public authority or exercised by it in accordance with the duties on it; if the act was taken in emergency, or was necessary for reasons relating to the national interest. A sea fishing defence also exists if the effect of that act on the marine historic asset could not have reasonably been avoided.
- 3.64 Common enforcement powers exercised by Marine Enforcement Officers (MEOs) apply in relation to historic MPAs. The powers include boarding vessels and marine installations, entering and inspecting premises and vehicles, powers of search and seizure, forcing vessels to port, and requiring production of certain information.

THE MANAGEMENT PROCESS FOR HISTORIC MARINE PROTECTED AREAS

- 3.65 Historic Environment Scotland advises public authorities to ensure that the functions they exercise take account of historic MPAs. These functions might include preparing marine plans and strategies, administering regulatory or enforcement regimes, or more practical tasks such as maintaining coastal defences, harbour infrastructure or navigation channels. Where a public authority performs functions that it believes might hinder preservation objectives, it must notify Historic Environment Scotland. Historic Environment Scotland has 28 days to respond.
- 3.66 A wide range of works and activities in the marine environment require some form of authorisation, for example, planning permission (administered by local authorities) or marine licensing (administered by Marine Scotland). Public authorities responsible for issuing authorisations must notify Historic Environment Scotland, if they believe that there is a risk of an act hindering preservation objectives for a historic MPA. Historic Environment Scotland has 28 days to respond. In instances where the benefit to the public of proceeding with the act outweighs the risk of damage to a marine historic asset, the public authority must make it a condition of the authorisation that a detailed archaeological investigation is carried out.
- 3.67 Some activities capable of affecting marine historic assets do not require any form of authorisation. Where such activities do pose a threat, MCOs offer a useful management tool to support the preservation objectives of a historic MPA that can be applied on a case by case basis.

HISTORIC ENVIRONMENT SCOTLAND'S PRINCIPLES FOR ADVISING ON THE MANAGEMENT OF HISTORIC MARINE PROTECTED AREAS

- 3.68 Marine cultural heritage is a finite and often vulnerable resource subject to decay and the threat of destruction from natural and human causes. Through beneficial stewardship, where practicable Historic Environment Scotland will seek to preserve a marine historic asset *in situ* as the first option and to ensure that the national importance of the asset is not put at risk, either by inadvertent or deliberate damage or destruction, or by degradation or complete loss due to natural factors.

- 3.69 Marine planning and licensing provide important tools for managing impacts to historic MPAs. Beyond this, Marine Conservation Orders (MCOs) are considered likely to be necessary on historic MPAs in certain circumstances primarily to allow for the satisfactory management of activities directed at marine historic assets (e.g. survey, surface recovery of artefacts, and excavation). On occasion, for example following the discovery of a historic shipwreck that is considered particularly vulnerable, they may also need to be used to manage access.
- 3.70 The following principles underpin advice to Scottish Government on the making of an MCO for historic MPAs:
- a. Recommendations to make an MCO will be made on the basis of an evidence-based assessment and will be subject to periodic review;
 - b. Recommendations to make an MCO will normally be preceded by consultation with owners and stakeholders with an interest in the marine historic asset or role in the adjacent marine area; and
 - c. information on MCOs and on the processes involved will be made widely and easily available and explained in clear language.
- 3.71 The rules laid out in the Annex to the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage (see Note 2.23) provide an accepted model of best practice for all activities regulated by statute that are directed at marine historic assets within the Scottish inshore waters.

HOW HISTORIC ENVIRONMENT SCOTLAND ADVISES ON MANAGEMENT OF HISTORIC MARINE PROTECTED AREAS

- 3.72 Historic Environment Scotland takes the lead role in advising on management of historic MPAs, working closely with Scottish Government. In carrying out its work on historic MPAs, Historic Environment Scotland will:
- a. pursue beneficial stewardship for marine historic assets in-situ where practicable, including where these are threatened by degradation or complete loss. Where such assets cannot be saved, where at all possible Historic Environment Scotland will pursue schemes whereby data may be recovered to mitigate loss and the results of this work widely disseminated;
 - b. make widely available guidelines and advice on the management of historic MPAs so that preservation objectives of historic MPAs can be respected by all whose decisions and actions might significantly affect a marine historic asset;
 - c. advise Marine Scotland on the making and periodic review of MCOs;
 - d. issue permits or authorisations for MCOs where required, applying the principles set down in the Annex to the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage to ensure best practice is adhered to in respect of activities directed at marine historic assets;
 - e. where the area of seabed comprising a historic MPA contributes to Scottish Ministers' biodiversity or geodiversity policy aims, seek advice from Scottish Natural Heritage as to whether it would be possible to minimise impacts that may result from activities directed at marine historic assets; and
 - f. work collaboratively with Marine Scotland on compliance monitoring and enforcement and on reporting to the Scottish Parliament for matters relating to historic MPAs.

- 3.73 Historic Environment Scotland will work with Marine Scotland, public authorities and marine planning partnerships on marine planning or licensing matters as appropriate including in respect of developments and activities that might affect a historic MPA in accordance with the UK Marine Policy Statement and relevant marine plans.

GARDENS AND DESIGNED LANDSCAPES

HISTORIC ENVIRONMENT SCOTLAND GUIDANCE ON GARDENS AND DESIGNED LANDSCAPES IN THE PLANNING PROCESS

- 3.74 The effect of proposed development on a garden or designed landscape is a material consideration in the determination of a planning application (Scottish Planning Policy, paragraph 148).
- 3.75 Historic Environment Scotland works closely with planning authorities on consent for development proposals affecting inventory sites. In fulfilling that duty Historic Environment Scotland will provide advice and support in aid of the protection, management, and interpretation of gardens and designed landscapes.
- 3.76 Historic Environment Scotland expect planning authorities to have careful regard for the specific qualities, character and integrity of gardens and designed landscapes. Planning authorities should therefore continue to extend protection to designed landscapes through the inclusion of appropriate policies in their development plans.
- 3.77 The inventory identifies gardens and designed landscapes of national importance. There are however many sites across Scotland which do not meet the criteria set for national importance but nevertheless make an important contribution to the local historic environment and landscape character of the area. Planning authorities are therefore encouraged also to develop policies within their development plans for the identification and future management of such non-inventory sites in their areas.
- 3.78 Planning authorities should use appropriate conditions to protect and enhance sites on the inventory. Planning authorities are also encouraged to obtain management plans for gardens and designed landscapes from owners both to identify conservation needs and direct how change can be best accommodated.
- 3.79 Informed change should be managed carefully with the aim of ensuring that the significant elements justifying designation are protected or enhanced.

HISTORIC BATTLEFIELDS

- 3.80 The effect of proposed development on inventory battlefields is a material consideration in the determination of a planning application (Scottish Planning Policy paragraph 149). Planning authorities must consult Historic Environment Scotland before determining a planning application for development (other than householder development) which may affect a historic battlefield. If Historic Environment Scotland

has objected to an application and the planning authority is minded to grant consent, Scottish Ministers have directed that the planning authority must notify them of its intention. Scottish Ministers will decide whether they wish to call the application in for their own determination.

- 3.81 Historic Environment Scotland will work closely with planning authorities on consent for development proposals affecting inventory sites, and with other public bodies. It will provide advice and support on the protection, management and interpretation of battlefields.
- 3.82 Historic Environment Scotland expect planning authorities to have careful regard for the landscape characteristics and specific qualities of battlefields. Planning authorities should therefore extend protection to battlefields through the inclusion of appropriate policies in their development plans. They should also consider battlefields within their strategies and policies for landscape and land-use.
- 3.83 Planning authorities should use appropriate conditions and agreements to protect and enhance sites on the inventory. Planning authorities are encouraged to promote the development of management plans for battlefields as a useful way of engaging stakeholders, particularly owners and local communities, and of identifying management needs and how change can be best accommodated.
- 3.84 Change should be managed carefully in an informed and sympathetic way that respects the value of battlefields and protects, conserves or enhances their key landscape characteristics and specific qualities.
- 3.85 Planning authorities are encouraged to develop appropriate policies and conditions for the protection and management of any non-inventory sites they identify of importance in their areas (Scottish Planning Policy paragraph 151).
- 3.86 Other public bodies should ensure that nationally important battlefields are given consideration within relevant strategies, plans and programmes.

CONTACTS

Further information on scheduling, listing, conservation areas, historic MPAs, the inclusion of gardens and designed landscapes and historic battlefields on the inventories and on the related consents processes and relevant publications can be found on Historic Environment Scotland's website or from Historic Environment Scotland at the address below. Historic Environment Scotland is constantly improving the information available on the nature, location and, where appropriate, the extent of designated sites on its website.

Historic Environment Scotland
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Switchboard Tel: 0131 668 8600
www.historicenvironment.scot

Historic Environment Scotland - Scottish Charity No. SC045925

NOTES

NOTES TO THE INTRODUCTION

Note 0.1 The UK Marine Policy Statement can be viewed at: <http://www.gov.scot/Resource/Doc/295194/0115242.pdf>

NOTES TO CHAPTER 1

Note 1.1. The National Performance Framework can be accessed on the Scottish Government website: <http://www.gov.scot/About/Performance/scotPerforms>

NOTES TO CHAPTER 2

Note 2.1. The Valletta Convention can be accessed at: <http://conventions.coe.int/Treaty/en/Treaties/Html/143.htm>. In addition, information on the development of international conservation charters is available in Historic Environment Scotland's Technical Advice Note 8.

Note 2.2. Part II of the 1979 Act, relating to archaeological areas, was not brought into effect in Scotland.

Note 2.3. Section 61(7) of the 1979 Act.

Note 2.4. Section 61(13) of the 1979 Act.

Note 2.5. As a selective ('nationally important') sample of the nation's archaeology, the schedule differs from the list of buildings of 'special architectural or historic interest' compiled under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, both in the subject matter and in the procedures which arise from inclusion. While Historic Environment Scotland undertakes casework on scheduled monuments, the first point of contact for listed building consent is the local authority.

Note 2.6. Section 1(3) of the 1979 Act.

Note 2.7. Section 2 of the 1979 Act.

Note 2.8. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 can be accessed at <http://www.legislation.gov.uk/ukpga/1997/9>

Note 2.9. The term 'building' is defined in the 1997 Act as amplified below:

- a. a 'building' includes any structure or erection, and any part of a building in a list compiled or approved by Historic Environment Scotland. This can include street furniture, cranes, fountains, bridges, bandstands and earthen works such as ha-has;
- b. any object or structure which is fixed to a listed building, or which falls within the curtilage of such a building and, although not fixed to the building, has formed part of the land since before 1 July 1948, will be treated as part of the building.
This includes ancillary structures and outbuildings such as stables, mews, garden walls, dovecots and gate lodges. The Historic Environment Scotland Act 2014, Part 6, section 22 allows Historic Environment Scotland to legally state that an object or structure fixed to the building and/or any object or structure within the curtilage of the building is not to be treated as listed and/or that any part or feature of a listed building is not of special architectural or historic interest and is therefore not listed.
- c. any plant or machinery within a building is excluded from the definition of 'building' but can be included within the scope of listing if physically attached to the main building and hence falling within the category of a fixed structure or object;
- d. listing covers the interior as well as the exterior of the building: the fact that the list contains no detailed interior description does not alter this rule. As 'any object or structure fixed to a building' is also treated as listed the definition extends to major interior fixtures such as plasterwork or painted ceilings, chimney-pieces and panelling, unless they are specifically excluded after 1 October 2015, see b. above.

Note 2.10. 1997 Act, section 1(1).

Note 2.11. 1997 Act, section 1(3).

Note 2.12. 1997 Act, section 1A and The Listed Buildings (Notification and Publication) (Scotland) Regulations 2015, set out this requirement. Up-to-date information on the lists can be obtained from Historic Environment Scotland's website. Historic Environment Scotland is also required to keep a copy of the list at its principal offices.

Note 2.13. The Listed Buildings (Notification and Publication) (Scotland) Regulations 2015. Historic Environment Scotland provides advice on what listing means to owners and occupiers in the free publication Scotland's Listed Buildings, which is also available on its website.

Note 2.14. 1997 Act, section 1(4)(b)

Note 2.15. 1997 Act, section 6.

Note 2.16. 1997 Act, section 9. Where a building is both listed and scheduled (dual designated), the scheduling legislation takes precedence and the other legislation is disapplied. Historic Environment Scotland is working to remove the overlap between listing and scheduling.

- Note 2.17. 1997 Act, section 1.
Listed buildings are given categories of listing which distinguish their relative merit. These categories have no statutory weight but are advisory. They inform levels of designation. There are three categories, defined as follows:
- A buildings of national or international importance, either architectural or historic, or fine little-altered examples of some particular period style or building type;
 - B buildings of regional or more than local importance, or major examples of some particular period, style or building type;
 - C buildings of local importance; lesser examples of any period, style, or building type, as originally constructed or altered; and simple, traditional buildings which group well with others.
- In addition, a system of group categories exists to highlight the contextual relationship which an individual listed building may possess in relation to others. These are A and B Groups. They are in addition to the individual category and likewise have no statutory significance. They serve to flag considerations of setting, function, design, planning and historic combinations where the individual value is enhanced by its association with others.
- Note 2.18. 1997 Act, section 62. Such notices must also give particulars of the effect of designation, especially the controls on demolition. There is no prescribed form of notice, but published notices should describe the area as clearly as possible, such as by reference to street names, with maps available for inspection. The conservation area map should be on a scale of 1:2500 or, exceptionally such as in the case of a large rural area, 1:10,000 and should be accompanied, where appropriate, by a street index complete with house numbers.
- Note 2.19. 1997 Act, section 62. The relevant email addresses for Scottish Ministers and Historic Environment Scotland are:
- Planning.Decisions@gov.scot
 - HMConsultations@hes.scot
- Since this policy was first created, Geographical Information Systems have become common. It is requested that Historic Environment Scotland also be provided with boundary information in an open GIS format.
- Note 2.20. Notice of this must be published and Historic Environment Scotland informed in the same way as for new designations. When varying a conservation area, a planning authority should preferably cancel the existing boundaries and simultaneously redesignate the new area as a single whole, rather than adding small areas separately designated at the edge of the original area.
- Note 2.21. 1997 Act, section 64.
- Note 2.22. The Scottish marine protection area is the area of sea submerged at mean high water spring tide out to the seaward limit of the territorial sea of the United Kingdom adjacent to Scotland. It excludes any waters upstream of the fresh-water limit of estuarial waters.

- Note 2.23 The text of the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage is available at: http://portal.unesco.org/culture/en/ev.php-URL_ID=34472&URL_DO=DO_TOPIC&URL_SECTION=201.html.
- Note 2.24 The Protection of Military Remains Act 1986 is administered by the Ministry of Defence. 'Protected Places' are the remains of any aircraft which crashed in military service, or of any vessel designated (by name, not location) which sunk or stranded in military service after 4 August 1914. 'Controlled Sites' are designated areas comprising the remains of a military aircraft or a vessel sunk or stranded in military service less than 200 years ago. Unlicensed diving is prohibited on Controlled Sites but a licence to dive 'on a look but do not touch' basis is not required for Protected Places.
- Note 2.25 Under section 255 of the Merchant Shipping Act 1995, 'wreck' is defined as including 'jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water'. Under section 236, recoveries of 'wreck' must be reported to the Receiver of Wreck (Maritime and Coastguard Agency). Finders who report their finds to the Receiver of Wreck have salvage rights. The Receiver of Wreck acts to settle questions of ownership and salvage.
- Note 2.26 A copy of the UK Marine Policy Statement is available at: <http://www.scotland.gov.uk/Resource/Doc/295194/0115242.pdf>
- Note 2.27 Sections 32A and 32B in the 1979 Act set out the statutory duty for Historic Environment Scotland to compile and maintain an inventory of gardens and designed landscapes and an inventory of battlefields which are in their view of national importance. The section also provides that when including any grounds or battlefields in, or modifying, the inventories Historic Environment Scotland must inform the owner, and if the owner is not the occupier, the occupier of the grounds or battlefields in question and the local authority in whose area the grounds or battlefields are situated. The provision also provides that Historic Environment Scotland must send a copy of the inventory record to any person or local authority so informed. The provision also sets out that Historic Environment Scotland must from time to time, and in a manner they think fit, publish a list of the gardens and designed landscapes and a list of battlefields included in the inventories.

Notes to Chapter 3

- Note 3.1. The text of the Act is available at www.legislation.gov.uk/ukpga/1979/46
- Note 3.2. Section 2 of the 1979 Act.
- Note 3.3. Historic Environment Scotland publishes a leaflet about metal detecting which can be found on the its website.
- Note 3.4. The classes of activity that are deemed to have consent are:
- Class I certain agricultural, horticultural or forestry works;
 - Class II works executed more than 10m below ground level by the Coal authority or their licensees;
 - Class III certain works by the British Waterways Board;
 - Class IV certain repair or maintenance works to machinery;
 - Class V certain works urgently necessary for health and safety;
 - Class VI certain works of archaeological evaluation;
 - Class VII certain works executed under Agreements under section 17 of the Act (management agreements);
 - Class VIII certain works grant-aided under section 24 of the Act.
- Note 3.5. Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 section 55
- Note 3.6. The application process is set out in the Scheduled Monument Consent Procedure (Scotland) Regulations 2015 [2015/229]. Application forms are available from Historic Environment Scotland and can be downloaded from its website.
- Note 3.7. Only around 13% of scheduled monument consent applications are associated with a planning application. The rest relate to processes not covered by the planning system.
- Note 3.8. Or where works are urgently necessary in the interests of health and safety (section 2(9) of the Ancient Monuments and Archaeological Areas Act 1979).
- Note 3.9. Currently, Scottish Planning Policy (as published on 23 June 2014) deals with listed buildings, conservation areas, World Heritage Sites, historic gardens, designed landscapes and their settings, and sets out the role of the planning system in protecting ancient monuments and archaeological sites and landscapes. <http://www.gov.scot/Topics/Built-Environment/planning/Policy>
- Note 3.10. Regulation 7 of The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015

ANNEX I:

CRITERIA FOR AND GUIDANCE ON THE DETERMINATION OF 'NATIONAL IMPORTANCE' FOR SCHEDULING

1. The Ancient Monuments and Archaeological Areas Act 1979 provides for the scheduling of ancient monuments, the sole criterion being that they are of national importance. A definition and operational guidance on how to determine whether or not a monument is of national importance was approved by the (former) Ancient Monuments Board for Scotland in 1983. The criteria and guidance set out here are an updated version that takes account of the development of treaty, charter and practice in the UK and abroad and was also informed by a public consultation exercise carried out in 2004. While based on the 1983 text, it also reflects the principles originally published in the Stirling Charter (2000). These have been informed by, and build on, the body of international conservation charters already in being. One of the most influential of these is the Burra Charter (current edition 2013), which introduced the now widely accepted concept of 'cultural significance'. While taking into account national and international developments, this revised guidance has been prepared with the welfare of Scotland's archaeological and built heritage in mind. The primary aim of this document is to provide guidance in determining whether monuments are of national importance.

ROLE OF HISTORIC ENVIRONMENT SCOTLAND

2. The process of scheduling is undertaken by Historic Environment Scotland. Historic Environment Scotland is a Non-departmental Public Body and is the lead body in Scotland for protecting Scotland's historic environment. The selection of monuments for scheduling and the scheduling process is undertaken by staff within Historic Environment Scotland.

CULTURAL SIGNIFICANCE

3. The first step in considering whether a monument is of national importance is to identify and understand its cultural significance. The concept of 'cultural significance' will apply widely and to different degrees to all of Scotland's historic environment, and should not be confused with the establishment of 'national importance', which is a separate process. For a monument or a class of monuments to be considered as being of national importance it must, first, have a particular cultural significance – artistic; archaeological; architectural; historic; traditional (factors listed in the 1979 Act); aesthetic; scientific; social – for past, present or future generations. Such significance is inherent in the monument itself, its fabric, setting, use, associations, meanings, records, related monuments and related objects.
4. For most of Britain's and Scotland's past, there are no 'national' prehistories or histories, as reflected in the historic environment. Instead, there is an aggregation of related prehistories and histories of different regions, which may have wider national or international links. It is through these linked regional histories and prehistories that the history of Scotland and the UK can be understood.

5. Cultural significance of any monument, whether of national importance or more local significance, can be characterised by reference to one or more of the following; the characteristics are in three groups:

- Intrinsic – those inherent in the monument;
- Contextual – those relating to the monument’s place in the landscape or in the body of existing knowledge; and
- Associative – more subjective assessments of the associations of the monument, including with current or past aesthetic preferences.

INTRINSIC CHARACTERISTICS

- a. the condition in which the monument has survived. ‘Condition’ includes the potential survival of archaeological evidence above and below ground, and goes beyond the survival of marked field characteristics;
- b. the archaeological, scientific, technological or other interest or research potential of the monument or any part of it;
- c. the apparent developmental sequence of the monument. Monuments that show a sequence of development can provide insights of importance, as can places occupied for a short time;
- d. the original or subsequent functions of the monument and its parts.

CONTEXTUAL CHARACTERISTICS

- e. The present rarity or representativeness of all or any part of the monument, assessed against knowledge of the archaeology of Scotland and of the region in which the monument occurs;
- f. the relationship of the monument to other monuments of the same or related classes or period, or to features or monuments in the vicinity. This is particularly important where individual monuments, themselves perhaps of limited immediate significance, form an important part of a widespread but varied class. The diversity of the class should be a material consideration in making individual decisions;
- g. the relationship of the monument and its parts with its wider landscape and setting.

ASSOCIATIVE CHARACTERISTICS

- h. The historical, cultural and social influences that have affected the form and fabric of the monument, and vice versa;
- i. the aesthetic attributes of the monument;
- j. its significance in the national consciousness or to people who use or have used the monument, or descendants of such people; and
- k. the associations the monument has with historical, traditional or artistic characters or events.

6. Understanding of cultural significance may change as a result of the continuing history of the monument, or in the light of new information, or changing ideas and values.

NATIONAL IMPORTANCE

7. The primary purpose of scheduling under the 1979 Act is the preservation of, and control of works on, monuments, the survival of which is in the national interest. The provisions of the 1979 Act are consistent with the principles of minimal intervention to ensure that the characteristics that make a monument of national importance are preserved as far as possible in the state in which it has come down to us, and is passed on to future generations in as unchanged a state as is practicable, in accord with the principles of sustainable development. In general, those principles will only be set aside in circumstances where wider considerations are deemed, on balance, to be of greater importance to the national interest, rather than to any sectoral or local interest; in individual cases such considerations may include the needs of research into Scotland's past.
8. It should be noted that no period of Scotland's past and no part of Scotland's land is inherently more or less likely to produce monuments of 'national importance' than another.
9. The purpose and implications of scheduling are issues that require to be taken into consideration when assessing monuments for scheduling. Scheduling may not be the only, or the most appropriate, mechanism to secure the future of all sites, even those that may otherwise meet the criteria.
10. The particular significance needed to define the monument as of 'national' importance may be established in terms of one or more of the following:
 - a. its inherent capability or potential to make a significant addition to the understanding or appreciation of the past;
 - b. its retention of the structural, decorative or field characteristics of its kind to a marked degree;
 - c. its contribution, or the contribution of its class, to today's landscape and/or the historic landscape;
 - d. the quality and extent of any documentation or association that adds to the understanding of the monument or its context;
 - e. the diminution of the potential of a particular class or classes of monument to contribute to an understanding of the past, should the monument be lost or damaged; and
 - f. its place in the national consciousness is a factor that may be considered in support of other factors.

ANNEX 2:

CRITERIA FOR DETERMINING WHETHER A BUILDING IS OF 'SPECIAL ARCHITECTURAL OR HISTORIC INTEREST' FOR LISTING

1. The criteria can only provide a framework within which professional judgement is exercised in reaching individual decisions.
2. To be listed, a building need not be functioning for the purpose originally intended. For example, a redundant railway viaduct may have continued its life as a walkway or cycle path, even a wildlife sanctuary.
3. The principles of selection for statutory listing are broadly:
 - a. age and rarity;
 - b. architectural or historic interest;
 - c. close historical associations.

AGE AND RARITY

4. The older a building is and the fewer of its type that survive the more likely it is to present a special interest. Age is a major factor in the evaluation process but its weight differs across the building types. Period definitions are given to facilitate the assessment but these are not intended to be watersheds or cut-off points.
5. All buildings erected before 1840 (pre-Victorian and the arrival of the railways) which are of notable quality and survive predominantly in their original form have a strong case. The year 1840 was selected because of the change which followed, in terms of the greater standardisation of materials and design, improved communications and the birth of the architectural press.
6. Buildings put up between 1840 and 1945 which are of special architectural or historic interest and of definite character either individually or as part of a group may be listed. As the survival rate increases after 1914, greater selectivity will be applied to take account of lesser rarity and relative age.
7. Those erected after 1945 may merit inclusion on the lists if their special architectural or historic interest is of definite architectural quality.
8. The listing of buildings less than 30 years old requires exceptional rigour because those making the judgement do not have the advantage of a long historical perspective. Threats to building types are often a trigger for advance consideration of buildings from this period.

ARCHITECTURAL OR HISTORIC INTEREST

9. Selection for architectural or historic interest is assessed under a range of broad headings, summarised below.

10. *Interior:* Interior design and fixed decorative schemes of houses or business premises in all their variation can add to the case for listing. Examples include skirting boards, plasterwork, dado rails, chimney-pieces, staircases, doors and over-door panels, ornate radiators, floor grilles, sanitary ware, the existence of box-beds, vaulted basement or wine cellar divisions, slate shelving, servant bell systems, shop or pub fittings and fixed internal machinery.
11. *Plan Form:* The internal planning of buildings is instructive and can be ingenious although it may not be evident on the exterior. For example, the original flatting arrangement in terraced houses and tenements may not be obvious from the street and the plan of a farm steading, hospital or prison may reflect the latest theories in the design of each of these structures and therefore give the property additional significance.
12. *Technological excellence or innovation, material or design quality:* Evidence of structural or material innovation adds weight to a decision. Exceptional structural form can be significant and is found across the wide variety of building types from a cruck-framed barn to an early iron-framed jute mill or steel-framed office block. Exceptional use of materials or use of fine material may be a factor. Style will be considered against relevant conventions particularly for its quality or exceptional interest.
13. *Setting:* The context in which a structure sits can be a critical factor in its evaluation. It invariably accounts for its form and should not be under-rated. A structure whose setting has changed adversely, removing the original contextual character, or which has been removed from its context, has one less factor in support of its case for designation.
14. *Regional Variations:* The best examples of local vernacular buildings will normally be listed because together they illustrate the importance of distinctive local and regional traditions. It is important to ascertain distinctive regional variations in type, material and form.

CLOSE HISTORICAL ASSOCIATION

15. Close associations with nationally important people, or events whose associations are well-documented, where the physical fabric of the building is also of some quality and interest, can be a significant factor. In consideration of such cases the association must be well authenticated and significant. The fabric should reflect the person or event and not merely be a witness to them. Local traditions are not always trustworthy. In most cases the building in question will have other qualities which combine to give it special interest, such as Walter Scott's house in Castle Street, Edinburgh, which forms part of a fine classical terrace. Where architectural interest is weak the case for listing on historical association must be strong. The building must be well preserved in a form and condition which directly illustrates its historical associations with the person or event in question. The transient association of short term guests, lodgers and tenants, however eminent, will not usually justify listing.

WORKING WITH THE PRINCIPLES

16. In choosing buildings within the above broad principles:
 - a. particular attention is paid to the special value within building types, either for architectural or planning reasons, or as illustrating social and economic history;
 - b. a building may be listed for its contribution to an architecturally or historically interesting group, such as a planned burgh, town square or model village as well as its intrinsic merit considered in isolation;
 - c. the impact of vernacular buildings in particular is often made not only by individual buildings but by their grouping. At the other end of the spectrum, a major country house may well be enhanced by adjacent buildings such as stables, lodges, gatepiers and bridges in its curtilage, and vice versa;
 - d. authenticity, that is a building's closeness to the original fabric and therefore its ability to convey its significance, and levels of integrity, carries weight. It need not be the case that a building is as originally built, because changes made to it may have added to its significance. What is added or taken away will be considered for the overall benefit or detriment to its character.

17. It is important to stress that when buildings are being considered for listing, no factors other than architectural or historic interest as defined above can be taken into account. The condition of a property, for example, is not a factor in the evaluation unless it detracts significantly from the architectural or historic interest so that it can no longer be defined as special.

ANNEX 3:

CRITERIA FOR THE DESIGNATION OF A CONSERVATION AREA

1. It is the character or historic interest of an area created by individual buildings and open spaces and their relationship one with the other which the legislation covering conservation areas seeks to preserve.
2. The statutory definition is 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' and conservation areas will inevitably be of many different kinds.
3. The principles of selection for designation as a conservation area are broadly as follows:
 - a. areas of significant architectural or historic interest in terms of specific listed buildings and/or ancient monuments;
 - b. areas of significant architectural or historic interest in terms of building groupings, which may or may not include listed buildings and/or ancient monuments, and open spaces which they abut;
 - c. areas with features of architectural or historic interest such as street pattern, planned towns and villages and historic gardens and designed landscapes;
 - d. other areas of distinctive architectural or historic character.
4. In designating a conservation area, thought should also be given to the reasons why it is felt that it should be protected. These may include:
 - a. its special architectural and historic importance;
 - b. its distinct character;
 - c. its value as a good example of local or regional style;
 - d. its value within the wider context of the village or town;
 - e. its present condition and the scope for significant improvement and enhancement.

ANNEX 4:

CRITERIA FOR AND GUIDANCE ON THE DETERMINATION OF 'NATIONAL IMPORTANCE' FOR THE DESIGNATION OF HISTORIC MARINE PROTECTED AREAS

1. These criteria are adapted from those for the scheduling of ancient monuments as being of 'national importance' under the terms of the Ancient Monuments and Archaeological Areas Act 1979. The intention is to keep the two sets of criteria as close together as possible.

CULTURAL SIGNIFICANCE

2. The first step in considering whether an asset is of national importance is to identify and understand its cultural significance. The concept of 'cultural significance' will apply widely and to different degrees to all of Scotland's historic environment, and should not be confused with the establishment of 'national importance', which is a separate process. For an asset to be considered as being of national importance it must, first, have a particular cultural significance – artistic; archaeological; architectural; historic; traditional; aesthetic; scientific; social – for past, present or future generations. Such significance is inherent in the asset itself, its nature, setting, use, associations, meanings, records, related assets and related objects.
3. Cultural significance of any asset, whether of international, national importance or more local significance, can be characterised by reference to one or more of the following; the characteristics are in three groups:

Intrinsic – those inherent in the asset;

Contextual – those relating to the asset's place in its wider physical environment or in the body of existing knowledge; and

Associative – more subjective assessments of the associations of the asset, including with current or past aesthetic preferences.

INTRINSIC CHARACTERISTICS

- a. The condition in which the asset has survived. 'Condition' includes potential survival of archaeological evidence, and goes beyond the survival of marked field characteristics;
- b. the archaeological, architectural, historic, scientific, technological or other interest or research potential of the asset or any part of it;
- c. the original or subsequent functions of the asset and its parts; and
- d. the apparent developmental sequence of the asset.

CONTEXTUAL CHARACTERISTICS

- e. The present rarity or representativeness of all or any part of the asset, assessed against knowledge of the history and archaeology of Scotland, its seas, and their place in the wider world;

- f. the relationship of the asset to others of the same or related classes or period, or to features or other assets in the vicinity. This is particularly important where individual assets, themselves perhaps of limited immediate significance, form an important part of a widespread but varied class. The diversity of the class should be a material consideration in making individual decisions;
- g. the relationship of the asset and its parts with its wider physical environment and setting.

ASSOCIATIVE CHARACTERISTICS

- h. The historical, architectural, cultural and social influences that have affected the form and fabric of the asset and vice versa;
 - i. the aesthetic attributes of the asset;
 - j. its significance in the national or international consciousness or to people who use or have used the asset, or descendants of such people; and
 - k. the associations that asset has with historical, traditional or artistic characters or events.
4. Understanding of cultural significance may change as a result of the continuing history of the asset, or in the light of new information, or changing ideas and values.

NATIONAL IMPORTANCE

5. The relationship of marine historic assets to the adjacent land can be complex and variable. Some elements may have been integral parts of adjacent landmasses, now inundated. In the case of wrecks or material associated with wrecks of vessels or aircraft, some have strong and far reaching connections; others may have a transitory association but little or no original link to the places in which they have come to rest. The determination of national importance is to encompass consideration for such assets which may be important beyond Scotland.
6. The primary objectives of historic MPA designation are to help preserve marine historic assets of national importance and to celebrate and communicate their heritage value so that everyone can appreciate these assets and act responsibly.
7. The purpose and implications of each designation are issues that require to be taken into consideration when assessing candidates for designation. Designation may not be the only, or the most appropriate, mechanism to secure the future of all assets, even those that may otherwise meet the criteria.
8. The particular significance needed to define the asset as of 'national' importance may be established in terms of one or more of the following:
- a. its inherent capability or potential to make a significant addition to the understanding or appreciation of the past;
 - b. its retention of the structural, technical, decorative or other characteristics of its kind to a marked degree;
 - c. its contribution, or the contribution of its class to the marine historic environment and/or the wider marine environment;

- d. the quality and extent of any documentation or association that adds to the understanding of the asset or its context;
- e. the diminution of the potential of a particular class or classes of asset to contribute to an understanding of the past, should it be lost or damaged; and
- f. its place in the national or international consciousness is a factor that may be considered in support of other factors.

ANNEX 5:

CRITERIA FOR DETERMINING WHETHER A GARDEN OR DESIGNED LANDSCAPE IS OF 'NATIONAL IMPORTANCE' FOR INCLUSION IN THE INVENTORY

1. Sites are assessed for their:
 - a. value as individual works of art in their own right;
 - b. historic value;
 - c. horticultural, arboricultural or silvicultural value;
 - d. architectural value;
 - e. scenic value;
 - f. nature conservation value; and
 - g. archaeological value.
2. Their current condition and integrity are also important considerations.
3. The relative importance of a site depends on the extent to which each value is expressed. A site may have outstanding value, high value, some value, little value or no value.
 - a. A site has outstanding value as a work of art if, in its present form:
 - i. it was considered to have such value in contemporary views etc. at one or more stages of its history or, if it became a significant trendsetter for later works;
 - ii. it is an important example of the work of a particular designer or designers. It might have rarity value if the designer executed few schemes or it might be particularly representative, intact or a key work.
 - b. A site has outstanding historic value if:
 - i. there is good contemporary documentary and physical evidence of its development;
 - ii. it is, as a whole, an outstanding representative of a particular period of the historic development of gardens and designed landscapes;
 - iii. it has one or more components which provide an outstanding example of a particular period or style;
 - iv. it was a trendsetting landscape at some stage in its history;
 - v. it has physical evidence of a particularly early form of designed landscape; and
 - vi. it has strong associations with an important historic personality.
 - c. A site has outstanding horticultural, arboricultural or silvicultural value if:
 - i. it has an outstanding collection of plants shrubs or trees with a wide range of species, unusual species or rarities, which are in good condition and being renewed;
 - ii. it has an outstanding scientific collection of plants, shrubs or trees which are in good condition, documented, propagated and made available to others;
 - iii. it has an important place in the history of horticulture or arboriculture; and
 - iv. it demonstrates important pioneering steps in silviculture.

- d. A site has outstanding architectural value if:
 - i. it provides the setting for a building or buildings of outstanding architectural or historic interest;
 - ii. it contains architectural features or ornamentation which, together, are of exceptional interest.
 - e. A site has outstanding scenic value if:
 - i. it makes a major contribution to the quality of the surrounding landscape by virtue of its size, location or nature or, because it is particularly prominent because of rarity and contrast with the surrounding landscape.
 - f. A site has outstanding nature conservation value if:
 - i. it contains habitats which are officially designated as, for example, Sites of Special Scientific Interest.
 - g. A site has outstanding archaeological value if:
 - i. it provides the setting for or contains scheduled monuments.
4. Evaluation and grading of sites can be a sensitive issue. Decisions on the relative importance of different sites must be based upon consideration of the ways in which the values noted above are expressed. Generally, the greater the number of outstanding or high values the more important the site. However, exceptionally, sites may be of such significance for one value that they too must be regarded as of national importance.
5. The condition of the site today and its overall integrity are important elements of the selection process. They become significant issues when the condition of site, and therefore its integrity, is such that its interest has become devalued to the degree that it cannot be regarded as of national importance in today's terms.

ANNEX 6:

CRITERIA FOR DETERMINING WHETHER A BATTLEFIELD IS OF 'NATIONAL IMPORTANCE' FOR INCLUSION IN THE INVENTORY

1. The criteria below provide a framework for identifying battlefield sites of national importance.
2. A battlefield is likely to be of national importance if it makes a contribution to the understanding of the archaeology and history of the nation as a whole, or have the potential to do so, or holds a particularly significant place in the national consciousness. In this context the concept of national includes the linked regional histories and pre-histories through which the development of Scotland as a nation can be understood. A site will be of more local significance where its contribution or potential lies in understanding the archaeology and history of a specific area.
3. In considering whether a site merits inclusion in the inventory, a battlefield must be considered of national importance in relation to one or more of the following factors:
 - a. association with historical events or figures of national significance;
 - b. significant physical remains and/or archaeological potential; and
 - c. battlefield landscape.

In addition, the following criterion must be met in every case:

- d. capable of definition on a modern map.

ASSOCIATION WITH HISTORICAL EVENTS OR FIGURES OF NATIONAL SIGNIFICANCE

4. The historical association of battlefields relates to the contribution of the battle to historical developments, including military history, of significance to the nation as a whole. Key considerations will be whether there were significant military innovations or occurrences associated with the battle, in terms of tactics or technology; and the association of the battle with a nationally significant historical figure, event or campaign. Consideration may also be given to the place of the battle in the national consciousness where this appears particularly significant.

SIGNIFICANT PHYSICAL REMAINS AND/OR ARCHAEOLOGICAL POTENTIAL

5. This relates to the specific qualities of a battlefield in the form of surviving physical remains associated with the battle and the archaeological potential of the battlefield. Archaeological evidence can amplify documentary records and provide details about events, weaponry and combatants that are not available through other sources. Evidence may include physical features that were present at the time of the battle, whether natural elements such as hills or ravines, or constructed elements such as field walls or buildings; elements resulting from the battle itself, including earthworks, graves and artefacts such as bullets, arrowheads and personal effects; other buried archaeological deposits, such as the remains of camps or entrenchments.

The quality of surviving documentary and historic map evidence relating to the battle may add to the importance of the site by enhancing its potential to contribute to our understanding of historical events.

6. The potential survival and quality of evidence may be affected by a range of factors, including the period within which the battle took place, the scale of the battle, numbers of fallen, the physical properties of any upstanding remains, artefact scatters or buried deposits, the soil conditions and post-battle land-use.

BATTLEFIELD LANDSCAPE

7. The landscape context of the battlefield is important in view of the fact that battles were seldom fought in small clearly-defined areas, but were more often events ranging across a wider landscape. It is important for understanding military tactics, strategic planning and the importance of key features such as vantage points and lines of sight, and for explaining why events unfolded as they did. The battlefield landscape includes the area where the armies deployed and fought initially; the wider landscape where significant associated events occurred, including secondary skirmishes, associated earthworks, camps and burials, and lines of advance and retreat; and additional elements such as memorials that may be detached from the main areas of the battle.
8. The association of a landscape with a battle can be very strong and a battlefield can contribute fundamentally to our sense of place even when no physical evidence is present or visible or the character of the landscape context has been affected by post-battle changes.

DEFINITION ON A MODERN MAP

9. To merit inclusion it is essential to identify the location of the site and map indicative boundaries based on informed interpretation of available knowledge. Sites that cannot be defined in this way will not be included in the inventory. However, they may be considered for inclusion when sufficient evidence for their accurate location becomes available.
10. The inventory includes a description and indicative map of the battlefield landscape. This is the overall area of interest within which events of the battle occurred, and include both the main focus of fighting and the wider area within which additional events are likely to have occurred. The initial focus of fighting is the area where the armies initially arrayed and is usually where the most concentrated fighting took place. However, it is not always possible to identify this area accurately, and in some cases there are alternative options which are equally valid on the basis of current knowledge. The wider area includes zones of secondary fighting or skirmishes, lines of advance and retreat, associated earthworks and camps, burials and memorials. In some cases, battle memorials or other features associated with the battle which lie outside the defined battlefield landscape may be highlighted in the inventory for their relevance to the battlefield and its subsequent history.

ANNEX 7:

RELATIONSHIP OF SCHEDULED MONUMENT CONSENT TO PLANNING CONSENT

1. Scheduled monument consent and planning permission are two quite separate statutory requirements, governed by different laws which serve different purposes. What is material to one decision will not necessarily be material to the other. Both are required where 'works' defined in section 2(2) of the Ancient Monuments and Archaeological Areas Act 1979 are also 'development' defined in section 26 of the Town and Country Planning (Scotland) Act 1997. Consent granted under one regime is without prejudice to the other. Where both are required, the applicant must obtain both consents before work can commence.
2. The purpose and objectives of the planning system are set out in Scottish Planning Policy (SPP) 2014. Paragraph 145-146 of SPP on scheduled monuments and designated wrecks confirms that the preservation of scheduled monuments, *in situ* and within an appropriate setting, is a material consideration in both the development planning and the development control processes.
3. Scheduled monument consent and planning permission are both required where works/development would have a direct impact on the legally protected area of the monument, as defined in the scheduling documents. However, the provisions of the Ancient Monuments and Archaeological Areas Act 1979 do not extend beyond that. In the case of impact on the setting of the monument, securing the preservation of the monument 'within an appropriate setting' as required by national policy is solely a matter for the planning system. Whether any particular development will have an adverse impact on the setting of a scheduled monument is a matter of professional judgement. It will depend upon such variables as the nature, extent, design of the development proposed, the characteristics of the monument in question, its relationship to other monuments in the vicinity, its current landscape setting and its contribution to our understanding and appreciation of the monument. More detail about how to assess setting is provided in Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Setting.
4. The role of the planning system in the protection of both the site and the setting of scheduled monuments is reflected in the statutory consultation requirements set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and in the notification requirements of the Town and Country Planning (Notifications of Applications) (Scotland) Direction 2007.

ANNEX 8:

LISTED BUILDING CONSENT PROCESSES

WHEN IS LISTED BUILDING CONSENT REQUIRED?

1. Where a planning authority considers that proposed works would not affect a listed building's character, it may indicate to an applicant that listed building consent is not required. If a planning authority judges that listed building consent is needed, the applicant must prepare drawings and any other related documents as required. The scope of the information required will vary considerably depending on the circumstances of the case.
2. Listed building consent is also not required in the following circumstances:
 - a. for works to objects or structures erected within the curtilage of a listed building since 1 July 1948 and not physically attached to the building;
 - b. for works of alteration or extension to ecclesiastical buildings in use as such. A voluntary arrangement is in place whereby some denominations apply for listed building consent for external works. For more information see Historic Environment Scotland's website;
 - c. for works to buildings which are scheduled as monuments and protected by the Ancient Monuments legislation, although consent under the terms of that legislation will almost certainly be required (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, section 55); and
 - d. for erection of a free-standing building in the curtilage of a listed building. Exceptionally, however, a proposal to build a substantial new structure extremely close to the listed building, but not physically attached, which the planning authority considers would be clearly out of character with the building or its setting could be regarded as constituting an alteration or extension to the listed building. Therefore it may be subject to listed building control. However, when considering a planning application for development within the curtilage of a listed building a planning authority must take into account the impact on its setting. It must also take account of alterations to any buildings within its curtilage (see Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, section 59).
3. The majority of applications for listed building consent are determined by the planning authority. Where an application is appealed or called in by Scottish Ministers, this process will be managed by Planning and Environmental Appeals Division (DPEA).
4. Under section 14(2) of the 1997 Act, in the determination of an application for listed building consent, the planning authority is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

5. Planning authorities are required to consult Historic Environment Scotland on the following types of application:
 - applications for listed building consent by a planning authority;
 - applications for listed building consent for works to category A and B listed buildings;
 - applications for listing building consent for demolition of a listed building; and
 - applications for conservation area consent (demolition of unlisted buildings in conservation areas)
6. In some cases, Historic Environment Scotland may consider that an application raises such concerns that it should object. If a planning authority is minded to grant consent where Historic Environment Scotland has objected, the application needs to be notified to Scottish Ministers.

SETTING

7. Under section 59(1) of the 1997 Act the planning authority, in determining any application for planning permission for development that affects a listed building or its setting, is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
8. Planning authorities must consult Historic Environment Scotland in respect of planning applications affecting an A-listed building or its setting (Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).

DEMOLITION

9. Listed building consent is required for the demolition of a listed building. Demolition means the destruction, or substantial destruction, of the whole building. Less significant doughtakings are regarded as works or alteration and potentially require listed building consent. The question of whether a proposal falls into the category of demolition or alteration is ultimately one of fact and degree, and requires careful consideration by the planning authority.

EXEMPTIONS

10. Under the terms of section 54 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 any ecclesiastical building which is for the time being used for ecclesiastical purposes in Scotland is exempt from the need to apply for listed building consent. The exemption for ecclesiastical buildings does not cover the demolition of a listed ecclesiastical building, since by definition ecclesiastical use must cease before demolition is carried out. Neither does it apply to any works to a former ecclesiastical building which has passed into secular use or which is disused. Exemption does not apply to a building used or available for use by a minister of religion as a residence. Similarly, listed churchyards taken over by local authorities as graveyards are not exempt from the requirement to obtain listed building consent for works to those graveyards.

11. Notwithstanding the exemption, the following denominations have agreed to a voluntary scheme whereby they are subject to listed building control for external works only:

- Associated Presbyterian Churches
- Baptist Union of Scotland
- Church of Scotland
- Free Church of Scotland
- Free Presbyterian Church
- Methodist Church in Scotland
- Roman Catholic Church in Scotland
- Scottish Episcopal Church
- United Free Church of Scotland
- United Reformed Church Scotland Synod
(formerly Scottish Congregational Church)

MISCELLANEOUS

12. Certain permitted development rights do not apply within the curtilage of listed buildings. This means that planning permission may be required for minor forms of development such as erecting fences, walls, gates or small sheds. Advice on the need for listed building consent should always be sought from the local planning authority.

13. A small number of buildings or structures are both scheduled monuments and listed. In such cases anyone wanting to undertake works which affect or cover the monument need apply only for scheduled monument consent. The application is made to Historic Environment Scotland, and the relevant parts of the listed buildings legislation do not apply. Where planning permission for development work is sought in respect of a building which is both scheduled and listed the planning authority must still consider whether it will affect the listed building's setting. If it thinks it would, it must advertise the application. The relationship between scheduled monument consent and the planning system is set out in Annex 6.

ANNEX 9:

LISTED BUILDING CONSENT AND PLANNING PERMISSION

1. Listed building consent and planning permission are two quite separate statutory requirements governed by different laws which serve different purposes. Both are required where development defined in section 26 of the Town and Country Planning (Scotland) Act 1997 is to be undertaken. Consent granted under one regime is without prejudice to the other. Where both are required the applicant must obtain both before work can commence.
2. The purpose and objectives of the planning system are set out in Scottish Planning Policy. Following from that, paragraph 141 of Scottish Planning Policy confirms that the preservation of listed buildings and their setting is a material consideration in both the development planning and development management processes.

ANNEX 10:

MEANING OF 'MONUMENT' UNDER THE 1979 ACT

1. Section 61(7)(d) of the 1979 Act extends the range of monuments that can be designated under the 1979 Act to “any site comprising anything, or group of things, that evidences previous human activity”.
2. This provision allows for the protection of nationally important archaeological remains which could not be described as a ‘building’, ‘structure’ or ‘work’ and which were therefore not eligible for scheduling under the 1979 Act prior to its amendment by the 2011 Act.
3. In particular this provision will allow for the scheduling of coherent groups of artefacts of national importance, commonly termed ‘artefact scatters’. The amendment is important because such artefact scatters are almost the sole surviving evidence for activity during the first 7,500 or so years of human occupation in Scotland.
4. It is anticipated that an extremely small number of nationally important sites will come under section 61(7)(d) of the 1979 Act. Provisional estimates on the basis of existing archaeological information suggest there may be around 10 nationally important sites, which are currently afforded no protection under the 1979 Act, that could be scheduled as a result of this provision.
5. Examples of the possible types of artefact scatter which could be considered for scheduling as a result of the amendment are:
 - scatters of stone and flint tools and the debris from their manufacture, which mark the sites of some of the earliest evidence for human occupation in Scotland;
 - nationally important archaeological deposits not associated with other physical remains of a settlement or structures. An example would be midden material rich in artefactual and palaeoenvironmental evidence, especially shell middens, which again are often the only remains of some of the earliest evidence for human occupation in Scotland;
 - debris from metal working indicative of a significant industrial site of early or later medieval date; or
 - later medieval pottery indicative of a kiln or other significant pottery production site.

It is important to stress that the remains must form a coherent entity or group to be of national importance.

6. This would exclude, for example:

- an area which had produced a range of chronologically and functionally diverse artefacts as a result of ploughing or metal detecting, which inhibits characterisation or definition of the importance of the site; or
- palaeoenvironmental deposits within a waterlogged area or peat bog, which may contain information relating to human impact on the landscape but are primarily of natural formation.

ANNEX II:

THE 'CERTIFICATE OF INTENTION NOT TO LIST' PROCESS

1. Section 5A of the 1997 Act allows Historic Environment Scotland to issue a certificate stating that they do not intend to list a building.
2. A certificate of intention not to list is a certificate which will guarantee that a building will not be listed during the five years from the date of the issue of the certificate. Anyone can apply for a certificate and there is no fee.
3. If a certificate is issued a planning authority cannot serve a Building Preservation Notice on the property during the five year period from the date of issue of the certificate.
4. Where consideration of a case leads to the conclusion that a building should be listed, a new listing will normally take place and a certificate will not be issued. There are, however, certain circumstances where Historic Environment Scotland may not list a building when it is found to meet the criteria for listing. More information about this can be found on our website.

THE APPLICATION AND ASSESSMENT PROCESS

5. The certificate of intention not to list process will be processed the same way as an application for listing. Applicants must complete an application form (available from Historic Environment Scotland's website) and all applications for a certificate will be assessed against the listing criteria set out in Annex 2 of this policy statement (criteria for determining whether a building is of special or historic interest for listing).
6. If a building is found to support a case for listing, Historic Environment Scotland will normally consult the relevant local authority about a listing proposal or an amendment to the list. In addition, they will normally consult with the owner of the property. However, Historic Environment Scotland will not normally seek comments on applications for a certificate of intention not to list unless the building in question meets the listing criteria and Historic Environment Scotland is minded to list the property.
7. Local authorities and owners (if not the applicant) shall be notified at the same time a certificate is issued.

TIMESCALES

8. Historic Environment Scotland will seek to reach a decision on applications for a certificate of intention not to list within 8 weeks. Decisions to grant a certificate will be made as quickly as possible where the building concerned clearly does not meet the criteria for listing.

9. Likewise, where it looks likely that a building might well meet the listing criteria the aim is to issue a rejection of an application for a certificate within the same 8 week period. Thereafter, as the process for a building to be entered on the statutory list involves more detailed preparation and consultation, an actual listed building record will take longer to materialise. But the applicant will have been provided with the certainty which is sought.
10. This timescale is an indicator of best practice rather than a requirement due to the possible constraints of a site, notably:
 - the complexity of the site/subject;
 - time needed to get *sufficient* access to the site if more than one owner; and
 - the time taken to get access to specialist material, advice or opinion, as required.

ADDITIONAL INFORMATION

11. Historic Environment Scotland shall maintain a publicly researchable register of buildings that have been granted a certificate of intention not to list.
12. Historic Environment Scotland will apply the test of reasonableness to any request. Any unduly sizeable request will result in a careful discussion with the owner and will be completed in stages if appropriate.
13. Historic Environment Scotland will not issue expiry notifications for certificates of intention not to list. This provision aims to harmonise with planning legislation in which planning authorities do not issue expiry notifications for planning permission or listed building consent.
14. Certificates do not secure immunity from the designation of a conservation area. Even if a certificate is granted, consent will still be required for the demolition of a building if it is in a conservation area (see Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997).
15. For sites comprising of more than one building, some buildings may be listed and others granted a certificate.
16. Where a certificate has already been issued it will be possible to apply for another certificate before the five years of the original certificate has expired. Any such application will be subject to the same assessment procedure as new applications. It cannot be assumed that a certificate will be issued automatically in such cases since the circumstances may have changed since the issue of the original certificate particularly if there is new evidence about the building.

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**7. HISTORIC ENVIRONMENT SCOTLAND GUIDANCE NOTE
'NEW DESIGN IN HISTORIC SETTINGS'**

NEW DESIGN IN HISTORIC SETTINGS



HISTORIC
SCOTLAND



ALBA
AOSMHOR



Architecture+DesignScotland
Aithearrachd is Dealbhadh na h-Alba



The Scottish
Government

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Front Cover Image, Shettleston Housing Association Offices, Glasgow, 2010. Elder and Canon, Credit Andrew Lee.

FOREWORD



Scotland has one of the richest historic environments in the world. It has evolved over centuries as an attractive mix of the old and the new with generation after generation leaving its mark.

This is a positive process that we should celebrate but we must pay heed to these precious cultural assets.

When we see a good new building in a historic place we rightly feel proud that we have managed to unite past and present styles and tastes.

Our aspiration in designing all new buildings in historic settings must be to match the quality of the new with the old so that they are respected and enhanced for the benefit of those who live in Scotland and the millions of visitors who come to enjoy our wonderful heritage.

New designs in historic settings will always generate debate. To this day, the Scottish Parliament building splits opinion. Since the competition to design it was launched, eloquent and passionate arguments both for and against it have been voiced.

This guidance has brought together, by a collaborative partnership, planning professionals, award-winning architects, urban designers and Scotland's heritage agency Historic Scotland. It sets out to look at some broad principles and examples to help stimulate debate and understanding for all those involved in the design of buildings and places within historic settings.

It is not a checklist or a one-stop shop. It has looked at successful projects and how what they did might be replicated to enhance the design process.

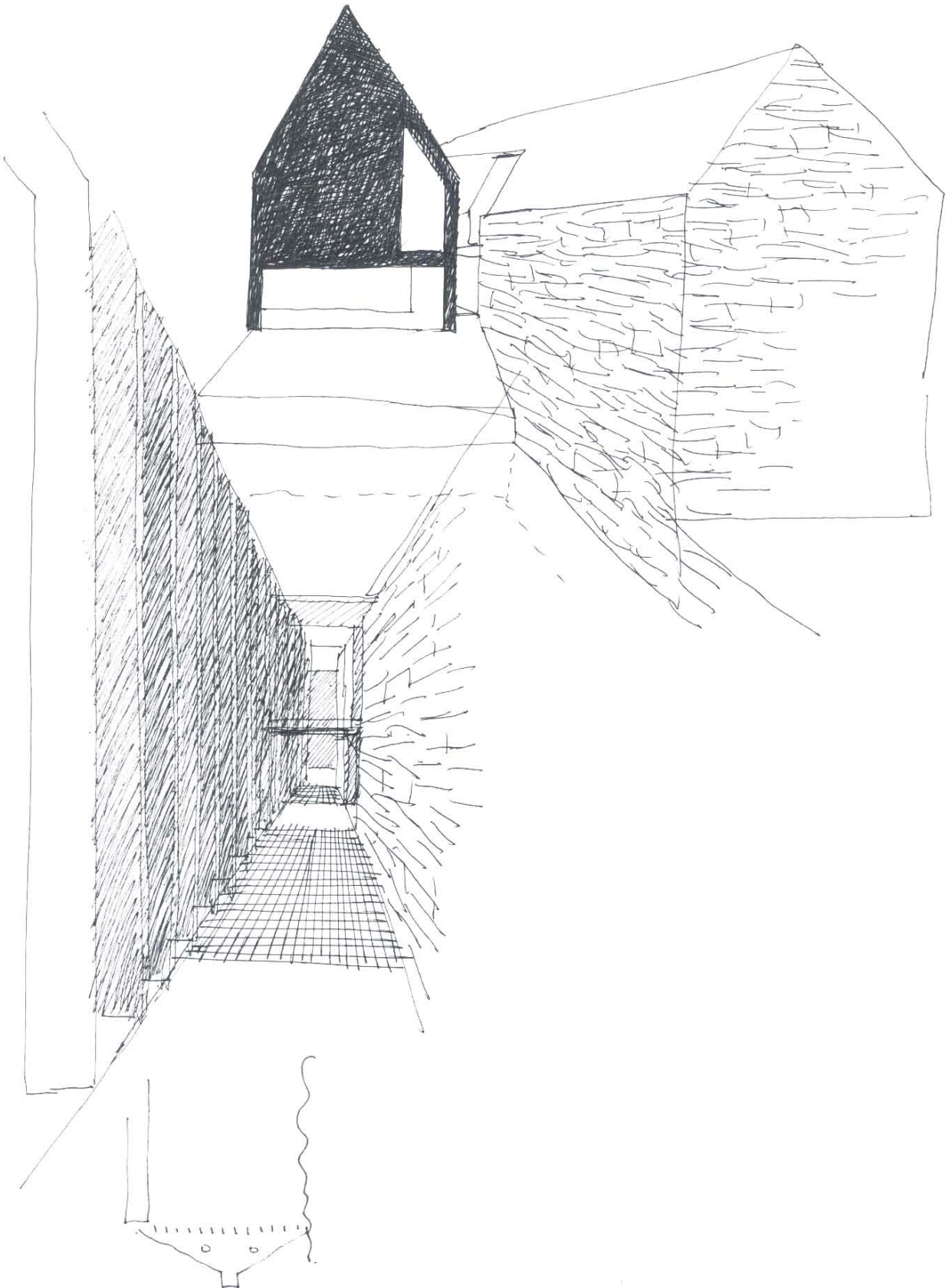
The aim of this document is to set out the means by which we can raise the standard of new design in much-loved historic settings. There are already many excellent examples throughout the country and we have included a few of these to show how the principles work in practice.

Good quality architecture and planning is vital to improving how people feel about an area and can make a significant difference in how people use space.

I hope this will encourage more people to look at what good design involves and spark further debate on how we continue our national legacy of architectural excellence.

Ruth Parsons

Chief Executive
Historic Scotland



1.0 INTRODUCTION

1.1 Why is guidance necessary?

The purpose of this publication is to explore how good design in historic settings is achieved. There is not one correct answer or approach of course, but there are ways of thinking and working which increase the likelihood of success. Clearly, the skill of the designer is at the heart of the issue so our aim is to set out an approach to design which will help to break down the design process into a series of steps involving interrogating, analysing and designing effective solutions that are appropriate for the specific historic context being considered. The desired outcome is the high quality design of new buildings and spaces in historic settings.

The key message is that the historic environment is a resource that must be protected but which can add cultural and economic value to new design placed within it. Equally the introduction of a successful new building will enhance the historic setting, will become a valued addition for current and future generations and contribute to a sense of place.

To produce this document we have brought together experts in architecture, urban design, planning and heritage management to set out successful examples and to offer a suggested approach to considering new design.

1.2 Who is the advice for?

Our aim is to set out some broad principles and examples to help stimulate debate and understanding for all those involved in the design of buildings and places within historic settings. These will include:

- Designers
- Developers and other clients
- Local Authorities
- Other stakeholders such as amenity bodies and community groups
- Other built environment professionals

We hope to open a dialogue around the issues of new design in historic settings so that each case can be discussed within its own terms and context. But we would stress that there is certainly not a 'one size fits all' approach.

1.3 What is the purpose?

The aims of this publication are to:

- Promote key principles for new design in historic settings that are perceived as helpful to clients, developers, local government and practitioners
- Demonstrate through case studies how good design can be achieved, even in the most challenging historic contexts
- Showcase good design in historic settings as a way of delivering key objectives, particularly the fundamental Scottish Government objective of sustainable economic development
- Raise expectations, inspire and set a high standard for new design
- Encourage an imaginative, confident design response derived from context
- Propose a methodology for preparation of new designs in historic settings based on shared understanding of the issues
- Provide a common-sense approach to working within the existing conservation and planning development framework



Fishmarket Close, Edinburgh, Richard Murphy Architects, 2002

2.0 NEW DESIGN IN HISTORIC SETTINGS

2.1 Existing Policy Framework and Guidance

There is an extensive policy framework and a wealth of guidance on new design. A suggested reading list is included at Appendix 1 and this includes:

- International conventions and charters, mostly produced by ICOMOS and UNESCO following international conferences and seminars
- National Planning Legislation
- Planning Advice Notes
- Local Development Plans and Supplementary Guidance

2.2 Historic Settings

'Historic settings' describes sites across a wide range of form and scale. They include natural or designed spaces, urban, rural and cultural landscapes. They can comprise the setting of individual or setpiece heritage ensembles around buildings and monuments, conservation areas, or designed landscapes. As well as being significant cultural assets in themselves, they play a role in delivering a range of public policy objectives including education, sustainable economic development, health and well-being, community cohesiveness and placemaking. Historic settings will continue to be at the centre of many successful projects which contribute to the high quality of life in our country.

There are many aspects of successful historic places that cannot be measured easily. This publication focuses on their spatial and visual components and how proposed new development can tap into that character. By understanding the historic environment, its component parts and how they work together to create a whole, the designer will be more likely to achieve an outcome which both enhances the existing environment and the new design itself.

2.3 New Design

This document defines new design as all significant designed interventions in the historic environment. This includes open space, public realm, new build and major alterations and additions. In terms of scale, it covers everything from minor infill to major masterplanning exercises.

Places and their context change over time and indeed we tend to celebrate these historic changes when viewed from the present day. In taking their place in the evolving character of historic places new designs can also help realise their full economic, and cultural potential.

There is a view that new buildings in historic settings should seek to replicate existing buildings in design, appearance and materials. While this may be appropriate in specific circumstances, for example where part of a larger architectural composition had been lost, in general we believe that new interventions in historic settings do not need to look 'old' in order to create a harmonious relationship with their surroundings. Some of the best recent examples are contemporary design responses. This approach suggests an honesty and confidence in our modern architecture which will be valued by future generations.

A modern building which disregards its setting is very likely to be regarded as unsuccessful both now and in the future.

2.4 Scotland's Historic Settings

Scotland's historic villages, towns and cities are celebrated for their unique natural and man-made character. It is important not only to identify and to protect their character and setting but also to ensure that new development responds to their existing form and layout. Successful new design frequently grows out of a careful study and analysis of the nature, form and history of a specific place. This helps identify the 'DNA' of a place – how it has come down to us today and what were the key factors that have influenced its current form.

It is important to stress that this process of analysis does not only describe what currently makes up a place – the form, layout and materials used – but it also involves understanding how its individual elements were created and why they took the form they did. Getting behind the appearance of a place is crucial to understanding and appreciating the linear patterns of development within a historic burgh, a planned neo-classical suburb or a 20th-century new town.

Each place has its own character and its own story to tell.



His Majesty's Theatre, Aberdeen, Extension by LDN Architects, 2005

3.0 PRINCIPLES FOR NEW DESIGN IN HISTORIC SETTINGS

3.1 General Principles for New Design in Historic Settings

Without diminishing the creative role of the designer, it is possible to identify some general principles which can act as prompts to guide successful new design in historic settings. These prompts will not guarantee high quality in themselves, but as is the case with *Designing Places*, we hope that they will provide a useful checklist for designers and stakeholders on the client and assessment side of the design process.

The eight general principles will sit alongside the design process as the project develops. They should be applied whatever design solution is arrived at, from the reticent and recessive to the boldly contemporary. The designer should consider all the principles and balance them rather than focus on particular aspects. An approach from one aspect alone is unlikely to be successful. These principles can also act as a useful checklist for local authority decision makers in exploring whether schemes have been suitably developed.

New development should respond to:

- Urban structure
- Urban grain
- Density and mix
- Scale
- Materials and detailing
- Landscape
- Views and landmarks
- Historical development

1. Urban structure

New development should seek to understand, acknowledge and make a positive contribution to the existing urban structure, the pattern of development blocks, streets and buildings. It is the interrelationship of these elements – rather than their particular formal characteristics – that comprises urban structure.

A new intervention which responds well to urban structure would sit well within a group rather than associate itself with a particular building.



Scottish Parliament Building, Edinburgh, RMJM/EMBT, 2004

(© image credit Urban Initiatives)

In some locations, the urban structure may have been compromised by previous development or demolition and new development will present an opportunity to repair the damage. This does not mean slavish reconstruction of lost urban structures but it does ensure that a knowledge and understanding of urban structures has been taken into account in the design process.

2. Urban grain

New developments should respect urban grain – the pattern of streets and spaces – rather than of buildings. Urban grain tends to be influenced by the rhythm of architectural composition and the prevailing relationship of solid-to-void in buildings. A very ‘solid’ urban grain with tall buildings and narrow streets, for example as seen in Edinburgh’s Old Town, tends to produce a closely delineated and confined effect, where an open arrangement, such as in the tenemental and terraced suburbs of Glasgow, with its very long streetscapes provide a different ‘grain’ and will require a different solution. One element of this is the ‘permeability’ of the grain – that is, how people move between spaces and the nature of long and short views.



Royal Mile, Edinburgh

(© image credit Urban Initiatives)



Reception Centre, Edinburgh Castle, Gareth Hoskins Architects, 2007

(© image credit Andrew Lee)

3. Density and Mix

Density and mix of uses are important elements in creating the right variety and vitality for an area.

Density is the amount of development that can be supported on a particular piece of land and will vary according to the type of use. It can be expressed as a plot ratio for non-residential uses and as dwellings or habitable rooms per hectare for residential.

New development in historic places can respond to the amount, nature and mix of current uses, particularly where they are distinctive to the area and relate to its historical growth. Glasgow's Merchant City, which had primarily been commercial now mixes residential, creative industries, retail and leisure within converted listed buildings and high quality new build.

Existing densities and uses should not necessarily determine future patterns. Urban regeneration often requires a new approach to achieve the right dynamic. The success of Holyrood North in Edinburgh or the development of the Camperdown Works in Dundee, for example, was based on a planned approach to these issues that brought a mix of uses to single industry sites.

4. Scale

New design should consider the surrounding scale, hierarchy and massing of the existing built form.

Scale is made up of height and mass and is mostly relative in that building height is generally perceived in relation to the height of a person, width of a street or space, nearby buildings, particular landmarks or strategic views. A six-storey building may be low if the surrounding context is two storeys and low adjacent to ten storeys. The appropriate scale may also relate to the wider impact of the development.

It is important to scope the sphere of influence of a proposal at an early stage using an agreed set of key views.

Within historic areas architects often used proportion and other architectural devices to make building heights appear more sympathetic. Cornices, window openings, and roofline setbacks were often used to reduce the apparent scale of buildings. In other situations, architects might also wish to increase apparent scale to give a building greater monumentality or presence.



Culloden Battlefield Visitor Centre, Gareth Hoskins Architects, 2007

(© image credit Andrew Lee)



Reidvale Centre, Dennistoun, Glasgow, JMArchitects, 2008

(© image credit Andrew Lee)

5. Materials and Detailing

Earlier historical development tended to make use of indigenous materials found near the site. Improved transport in the 18th and 19th centuries brought materials from further afield and the late 19th and 20th centuries saw the introduction of steel, glass and concrete to the Scottish cityscape. 'Traditional' materials make a strong contribution to local distinctiveness.

The historic centres of Scotland's towns and cities, burghs and villages exemplify the use of local or indigenous materials and vernacular traditions in establishing their distinctive identity. In these locations, high quality sustainable materials, well-detailed and finished will tend to harmonise with traditional building stock.

The sensitive use of appropriate colour, texture and pattern of materials, whether traditional or contemporary, is also important. Their use and detailing, particularly near to open landscapes, is crucial in making a development stand out or blend in.

6. Landscape

A thorough understanding of the topography of the area – its prevailing landform – is essential for design that responds to setting. Scotland has a wealth of historic communities that appear to 'grow' out of the landscape because of their form, texture and colour. New development should aspire to blend and coalesce with the existing built form without simply replicating it.

Landscape not only comprises the natural features of an area but is also the product of human intervention, represented, for example, in field patterns and in surviving upstanding and buried archaeological remains.

7. Views and Landmarks

Often historic buildings or clusters and features within rural, designed or urban landscapes are locally, regionally or nationally important landmarks because their distinctive character contributes strongly to the identity of an area.

Views embrace wide open landscapes whereas existing vistas may be channelled or terminated by landscape features and landmark buildings, intentionally or accidentally. New design should consider ways to enhance or protect their function as landmarks.

In some instances new designs might provide the opportunity to create new vistas towards landmarks, restore older views that have been lost or compromised, or create dynamic juxtapositions of old and new, so adding texture and variety to the townscape.

8. Historical Development

Layers of history and associated development generate patterns within an area. An understanding of the historic evolution of a place is essential in determining whether a historic setting needs enhancement or whether lost elements should be restored.

New design should consider and respond to these layers of history – the 'narrative' of the place. Analysis of historical maps along with archive material and published sources are very useful analytical tools to understand the historical development of a place.



Graham Square, Glasgow, McKeown Alexander Architects, 1999

4.0 METHOD

4.1 INTRODUCTION

A methodology is suggested here as a way of ensuring that new design fulfils the general principles identified in Section 3.0. It sets out a process which connects new design with its historic setting through the understanding, documentation and interpretation of the place.

This method provides a framework for the design process: analysis; the selection of a design response; and the communication of the solution. It should inform the process and provide meaningful outcome for the designer, client, developer, assessor or third party. It should provide transparency, validation and a clear audit trail of the design process. The success of this approach relies on the appointment of a designer with the appropriate design and analytical skills and relevant experience at the beginning of any project.

Having completed the study, the outputs of the analysis should form part of any submission to planning authorities. It should be clear how it relates to local and national policies, supplementary guidance etc, and demonstrate how the design solution was reached.

The main benefits in using this method are that it provides a clear and verifiable design that:

- is logical and clearly laid out
- provides a means by which design solutions can be justified and assessed
- provides a common understanding
- has been agreed as good practice by key stakeholders
- provides prompts for thinking about key issues and a framework for their discussion
- can reduce time and cost
- can be adapted to the size and nature of the project and will be relevant to small-scale infill as well as large-scale masterplanning.

4.2 THE PROCESS

The method involves a four stage process.

Stage One

Select a team and undertake a thorough analysis of the historic setting. This should be carried out at the initial stage of the project and must draw on the appropriate level of expertise.

Stage Two

Evaluate significance and draw out conclusions as to how far the findings of the analysis should inform the design process.

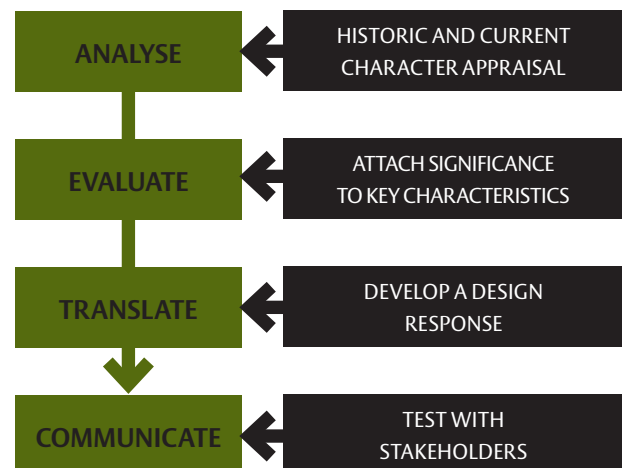
Stage Three

Translate the findings of the analysis and evaluation into an appropriate design response, which is fully justified with a clear audit trail of the design choices.

Stage Four

The conclusions should be clearly communicated to all stakeholders.

PROCESS



4.3 ANALYSE

Before starting work a professional with the right design expertise and experience of building with sensitivity in historic settings should be selected. Following this a thorough analysis of the place should be carried out to generate an understanding of the historic setting, its context, character, sense of place, significance and chronology. Without this it is difficult to make informed decisions about proposed changes and their impact.

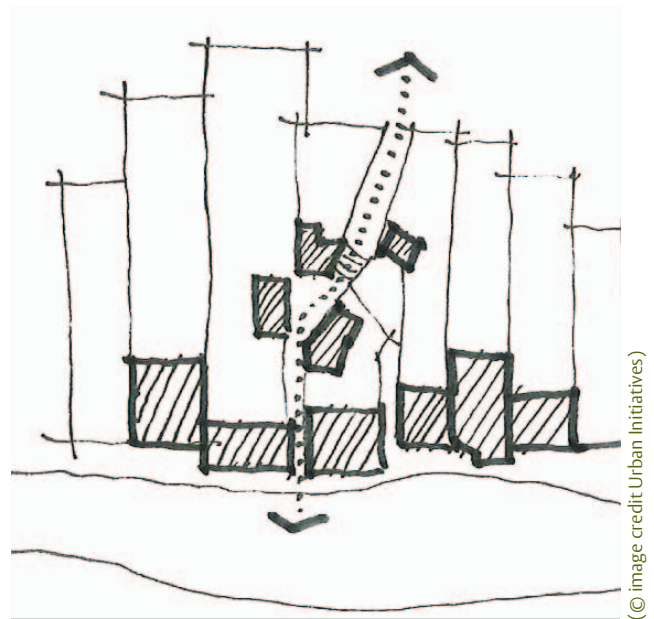
The process should follow the general principles of informed conservation. In general, change should not be made unless the impact of change is understood. The extent of analysis and the geographical area that it covers will depend on the nature and size of the project. For a small scale infill an analysis of the immediate surroundings may be appropriate, for a larger scheme an analysis of the effects of a proposed development to a whole area, town or city may be necessary.

An analysis of the elements which combine to create the historic setting is recommended. The table on page 13 lists the elements which should be considered, how they should be analysed and the outcomes.

Information from many sources will add value to the analysis. These include:

- National and local designations (World Heritage Sites, Listed Buildings, Scheduled Monuments, Conservation Areas, Inventory of Gardens and Designed Landscapes, Inventory of Historic Battlefields, National Scenic Areas)
- Relevant local planning guidance
- Conservation Management Plans
- Historic and present day maps
- Field surveys and site visits
- Archives (Dean of Guild records, RCAHMS, SCRAN, PASTMAP, local authority historic environment records)
- Oral history

A multi-disciplinary approach may be required using the skills and experience of a variety of environmental professionals, from urban designers to landscape architects, archaeologists and conservation specialists.



Analysis of typology of streets and blocks

(© image credit: Urban Initiatives)

ANALYSIS	HOW	OUTCOME
Urban Structure	<p>Carry out an analysis of how the development's streets, blocks, buildings and open spaces link together.</p> <ul style="list-style-type: none"> • Is the urban structure coherent and well-defined? • Is there an obvious hierarchy of various elements? • Where does the development sit within this hierarchy? • Where was it derived from – single period or multiple factors? 	<ul style="list-style-type: none"> • An understanding of the urban structure and an initial idea of whether the site needs to 'fit in' or to help re-establish structural coherence.
Urban Grain	<p>The urban grain around the site should be examined and the general pattern established.</p> <ul style="list-style-type: none"> • Does the site sit comfortably within the surrounding urban grain? • Is there scope to open up new routes through the site that would contribute to the urban grain? 	<ul style="list-style-type: none"> • A record of the urban grain in the areas adjacent to the site. • An understanding of the need and capability of the site to contribute to that urban grain.
Density and Mix	<p>Historic environments, particularly in urban locations, are often densely built up. The assessment should examine the site, which may be in an area which has a mix of uses or where the mix is defined by a single predominant use.</p> <ul style="list-style-type: none"> • How does density vary in the area? • How high are the densities around public transport nodes, towards town centres, parks and waterfront areas? • What is the mix of uses in the area? • Is there a mix of housing types? 	<ul style="list-style-type: none"> • An understanding of the variations in density and mix in the area and the scope to translate these to the site.
Scale: Height and Massing	<p>The height and massing of the area should be examined.</p> <ul style="list-style-type: none"> • What is the prevailing height of the area? • Are there any significantly taller buildings? • Is the size of the site large enough to require the massing to be broken down? • If so, are there any existing buildings that have used a particular technique to break down massing? 	<ul style="list-style-type: none"> • A clear indication of the general height and massing in the area. • An indication of landmarks and taller buildings.

NB These questions are not exhaustive but are indicative of the design process.

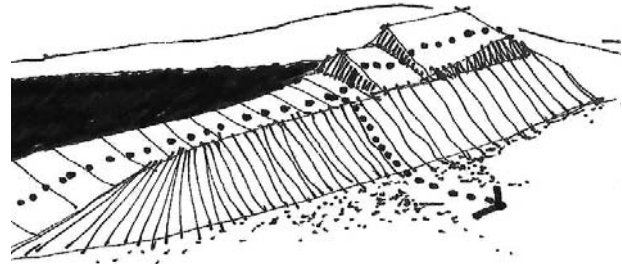
4.4 EVALUATE

The results of the analysis (information, images, maps etc.) should be evaluated in order to draw out and assess the significance of the individual elements of the historic setting. The evaluation should enable the designer to identify which elements of the historic setting play a key role, for example building heights, materials, open space. Some places will be able to accommodate a greater degree of change than others. The evaluation should make this clear.

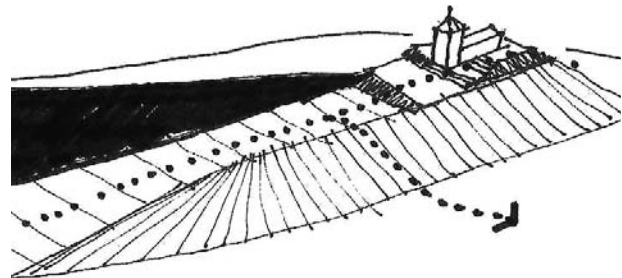
Where change impacts directly on a historic asset, we need to understand its significance to enable that change to be managed effectively. This is as true of a historic setting as it is an individual building. The evaluation can be carried out by allocating relative levels of value or significance to each element of the setting (street width, block size etc.).

Outputs

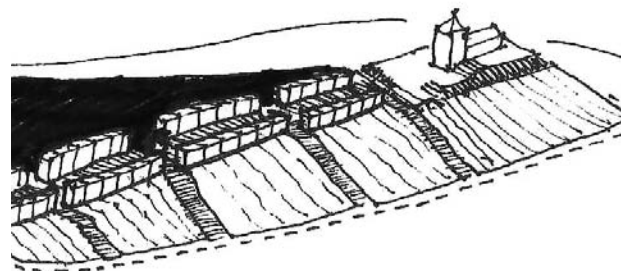
The main outputs from this stage of the process will be an enhanced understanding of the place and the historic setting through an evaluation of its significance. This should be recorded and documented, contributing to the audit trail of the decision-making process. A short report, tables which chart significance and diagrams and illustrations will help clarify the process.



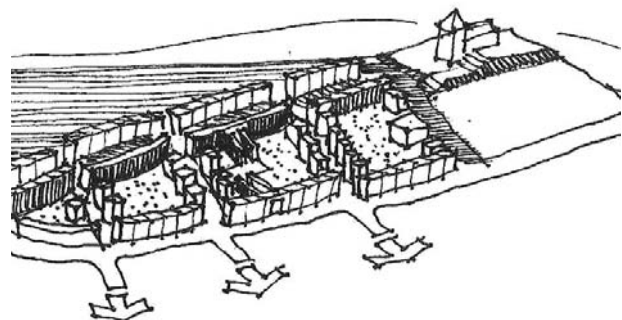
Topography and straight routes identified as significant and distinctive



Cultural significance of landmarks, located along straight routes which capitalises on the topographic setting



Existing urban form informed by history and geography



Development of urban form, cultural significance and geographical opportunities influence decisions for future development

4.5 TRANSLATE

The information and lessons learnt about the historic setting and its character needs to be translated into sympathetic design solutions through the development of a design vision.

A justification for the selected design response and a clear audit trail of the steps that have led to these decisions is required.

Outputs

The likely output of this stage is a report setting out the design vision, concepts, objectives or principles that have informed the design solution. It may be in the form of a design brief, development brief, masterplan or set of annotated diagrams – in essence a design statement. This should form a part of the documentation supporting a planning application. The report should give a clear expression of how the designer arrived at the proposed solution through a series of linked stages.



(© image credit Elder & Cannon)



(© image Malcolm Fraser Architects)

4.6 COMMUNICATE

The key to the success of the whole process is communication to key stakeholders and consultees. The nature and scale of the project will determine which bodies should be consulted. These are likely to be:

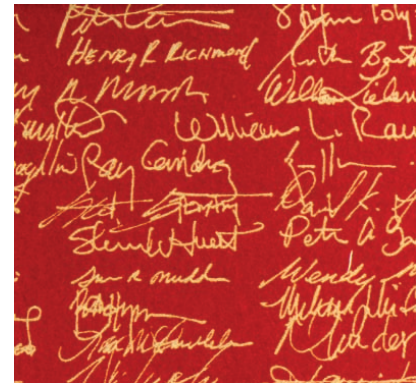
- The planning authority
- Key government agencies including Historic Scotland
- Architecture and Design Scotland
- The local community
- Other interest groups and individuals

In order to communicate effectively the outputs from Stage 1, 2 and 3 need to be appropriate for the target audience, concise and easily understood.



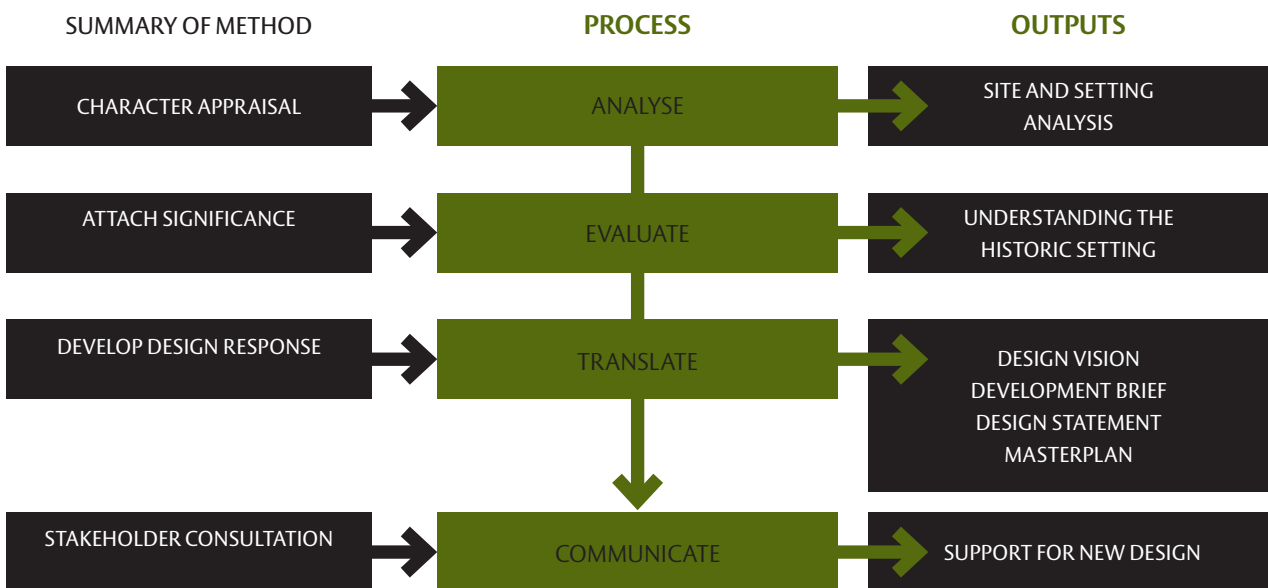
(© image credit Urban Initiatives)

A community consultation event



(© image credit Urban Initiatives)

Community endorsement of proposal by signing a charter



5.0 CASE STUDIES: AN OVERVIEW

Contexts

Seven case studies have been selected that demonstrate design excellence in a historic setting, falling into the following themes: Urban Grid, Loose-fit Urban, Small Town, Rural, Historic Landscape, Extension and Public Space. Within each of these types there are, of course, many different settings, but this publication, and the case studies it features, is about an attitude towards understanding a place, rather than being a catalogue of good buildings or a precise instruction manual.

Choosing the Case Studies

The seven projects are chosen as being good exemplars from the seven settings. First – this being a study of contemporary practice – a start date of the mid 1990s was chosen. This date coincides with a recovery of some confidence in the craft of building following the uncertainties of post-modernism. Next, while all settings have a “history”, the setting for the buildings chosen were demonstrably historical.

The long list was then chosen. Post-1994 buildings, embracing historic contexts, were scanned from Prospect magazine’s “100 Best Modern Scottish Buildings”. As it was published in 2005, the list was then augmented by the shortlists for the RIAS Doolan Building of the Year Awards from recent years.

Exemplars from the long list were then chosen and examined at workshops and confirmed as being useful for this exercise. Some of these case study exemplars are from very early in the timeframe and were pioneering projects, providing lasting lessons. For example, Richard Murphy’s early work, such as the rear “Extension”, introduced (or reintroduced) a concentration on qualities of light, view and openness to landscape that characterises much of the best work on these pages; while Page\Park’s “Public Space” at Glasgow Cathedral Precinct, from 1988, promoted a contemporary approach using simply-detailed materials.

01 URBAN GRID: ST ALOYSIUS SCHOOL

Project: three new buildings to augment the campus of Glasgow's St Aloysius School.

Location: three sites on Hill Street in Garnethill, north of Sauchiehall Street and close to the Glasgow School of Art, in the Glasgow Central Conservation Area.

Designer: Elder & Cannon Architects; **Client:** St Aloysius;
Budgets: £3m, £4m, £3m; **Completions:** 1998, 2003, 2007.

Setting

The Glasgow grid has been one of the city's most significant exports, informing the development of the urban plan that enabled the growth of America's towns and cities.

This long, east-west ridge is one of Glasgow's better preserved areas, with a background of good stone tenements (including the National Trust for Scotland's historic Tenement House) and some fine, stone, institutional buildings (some of them part of the School's existing campus) including Charles Rennie Mackintosh's Glasgow School of Art, located on the next block to the south. These institutional buildings, usually 19th/20th century, tend to be 'object' buildings, conforming to the general city pattern in terms of massing and materials.

Phases

St Aloysius is a private, Roman Catholic school, in Garnethill. The school commissioned Elder and Cannon Architects to carry out an estate strategy, and an Options Appraisal to evaluate where their growing school roll could be accommodated. While the options included moving to a new campus, the school reaffirmed its commitment to the centre of Glasgow and set out a programme for securing nearby sites, and a phased programme for three new buildings on each of these sites. The school returned to Elder & Cannon for each phase.



(© image credit Elder&Cannon)

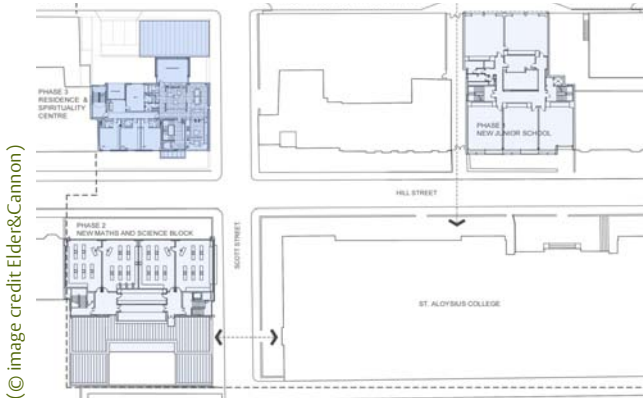
Central Glasgow grid with Garnethill, running east-west, in shadow



(© image credit Keith Hunter)

The Junior School

Left: Site Plan: Primary School (1998) right; Clavius Building (2003)
bottom left; Residence (2007) top left, all facing onto Hill Street



(© image credit Elder&Cannon)

Opportunity

It is unusual for institutions facing such major change to commit to urban environments, and very positive that the school should see the value in its pupils being taught within the hurly-burly of the city. The setting of Garnethill demanded new buildings that repaired and enhanced their urban context, while demonstrating how the dense, integrative city enhanced, in turn, its pupils' learning experiences.

Design Process

The architects were clear that the task of repair and renewal of the urban fabric meant following the general urban scale and pattern. Re-affirming the urban wall to the street in the mid-terrace, primary school site, by infill, was straightforward. For the Clavius and Residence buildings, at the two corner sites, the terrace form was robustly terminated. In the backs of the buildings, in the space analogous to the tenements' back greens, all the buildings offer a sophisticated series of open or enclosed courts, each differing according to their orientation and the need to ensure the amenity of their neighbours, as well as their monumentality.

With the form of the buildings set, the articulation of these forms is driven by their concentration on providing spaces which enhance and encourage a rich learning experience for the school's pupils. The density, incident and connectivity of the city is embraced, with the classrooms and gathering-spaces of the school shielded, then opened-up, to the richness of the urban townscape, as appropriate.

The buildings are constructed in pre-cast concrete and glass, with patterns of louvres to large south-facing glazed elevations. The concrete is fine quality and in its weight and density, as in its austerity, it matches the fine stone work of its neighbours.

Overview and Lessons

These three buildings represent a powerful recovery of the urban grid, taking its structure and grain and uncovering fresh virtues in its form, while showing it due respect. The buildings demonstrate that, while the dense, nucleated city possesses virtues as an urban 'stage set', it is in the designers' concentration on creating humane, connected places within it, that its civility is revealed.



(© image credit: Elder&Cannon)



(© image credit: Keith Hunter)

The Back Courts, Clavius Building



The Clavius Building



The Residence



Hill Street, looking east along Garnethill's ridge

(© image credits: Keith Hunter)

02 LOOSE-FIT URBAN: SCOTTISH POETRY LIBRARY

Project: a small reference and lending library for Scottish and international poetry, with an evolving brief that sought a contemporary building, rooted in its context, to demonstrate poetry's living heritage.

Location: the Canongate area of Edinburgh's Old Town, within the Old Town Conservation Area and the UNESCO World Heritage Site. The building is set within the wider, masterplanned, "Holyrood North" redevelopment.

Designer: Malcolm Fraser Architects; **Client:** The Scottish Poetry Library; **Budget:** £560,000; **Completion:** 1999.

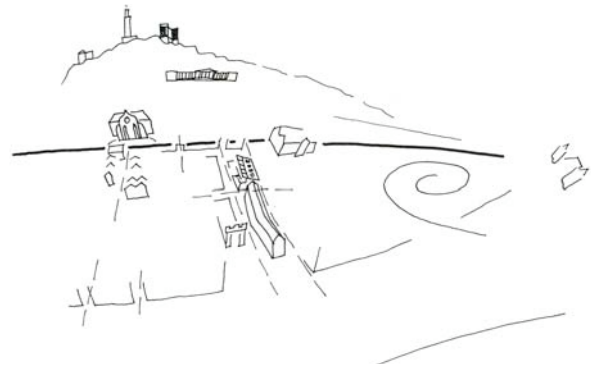
Setting

Although now seamlessly connected along the Royal Mile Cannongate was formerly a separate burgh with its own character. It was developed in a similar way to Edinburgh with narrow frontages and long narrow 'rigs' or gardens but it retained its suburban character until a huge influx of industry and workers in the 19th century created a very densely-packed urban area, later penetrated by major streets lined with 'improved' tenements.

By the late 20th century the area was in decline, with its many breweries closing and population departing. Civic agencies collaborated to promote regeneration with a masterplanning competition for redundant brewery land. The award-winning Holyrood North masterplan by John Hope Architects, was instrumental in guiding sensitive development by reintroducing the close pattern and promoting a mix of uses in this historic setting.

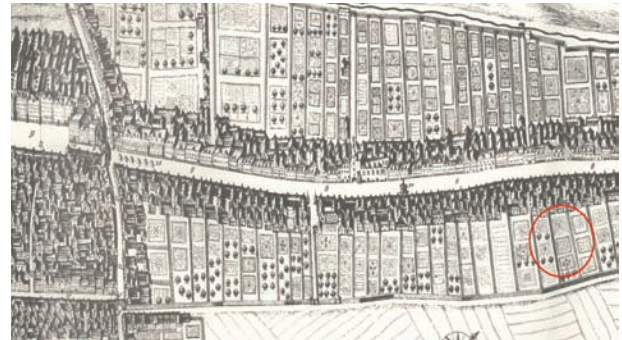
Opportunity

The topography of the site, south-facing down the close, with historic walls at its back and a sunny outlook to the iconic landscape of Salisbury Crag, allowed a contemporary concentration on orientation towards sun and landscape and the exploitation of the social-placemaking that a close offers.



(© image credit Malcolm Fraser Architects)

Above: the site as seen from Salisbury Crag, with Calton Hill to the north and the new Parliament, and Holyrood Palace, to the East. Below: the tail-end of Edinburgh's High Street and Netherbow Port (left), and the Canongate, with its gardens, in 1647.



(Edinburgh City Libraries)

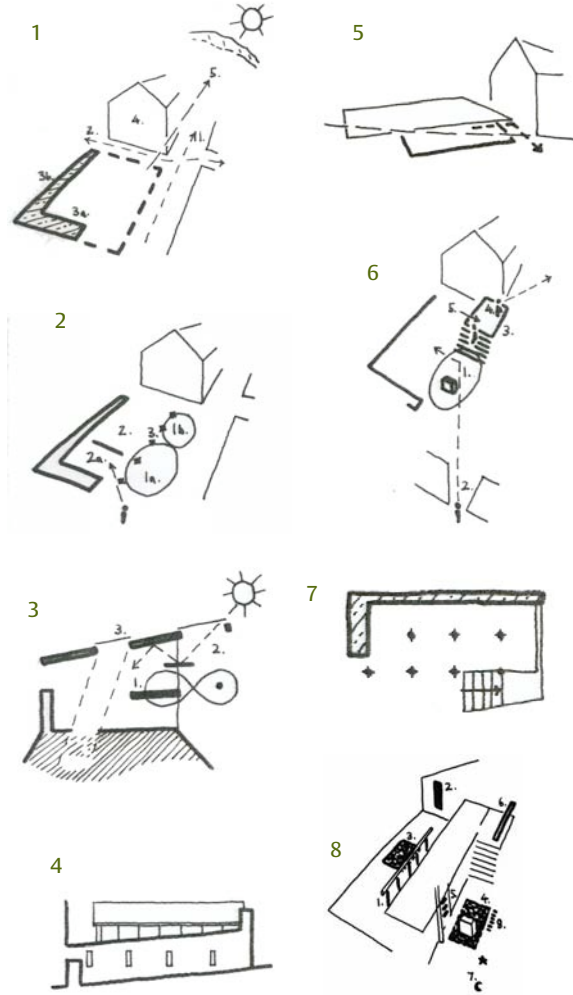


(© image credits Keith Hunter)

Interiors showing the descending, 17th-century close wall and its arrowslits, glazed to form intimate windows to study carrels

Design Process

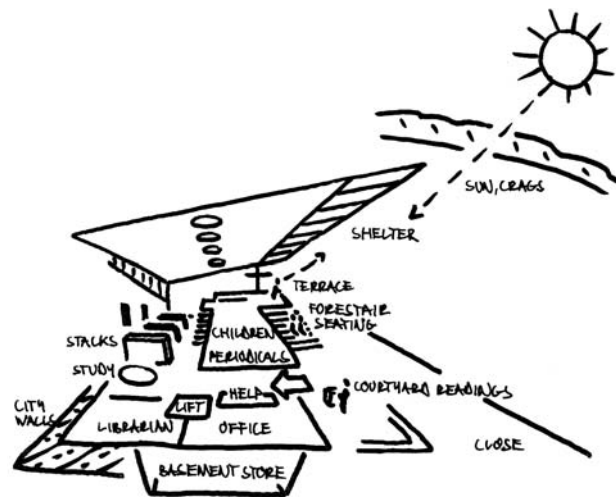
The bringing together of Project, Setting and Opportunity, and its relationship to the wider masterplan, was set-out by a Design Statement that was a series of explanatory diagrams. These showed, in summary:



- 1 the setting and opportunity;
- 2 how the spaces the brief demanded settled into this;
- 3 how light was accepted into the building's section;
- 4 how the new building settled over the historic wall behind it;
- 5 the slope exploited;
- 6 the social realm defined by a forestair and the forestair's other uses;
- 7 the frame and enclosing masonry; and
- 8 how work with artists clarified an understanding of the interrelationship of building, language and landscape.

Overview and Lessons

Analysis of, and respect for, the site's historic urban grain and structure, combined with a contemporary concentration on the building's relationship to views and landscape, has produced a building whose modernity is rooted in tradition. In addition the use of good quality materials, some traditional and some novel, has meant this project is successful on a number of levels.



(© image credits Malcolm Fraser Architects)



(© image credit Keith Hunter)

03 SMALL TOWN: PIER ARTS CENTRE

Project: an expanded home for the Pier Arts Centre, focussed on the outstanding Margaret Gardiner collection of 20th-century British modern art, with its emphasis on small pieces and art works that look to the sea. The commission was won in competition.

Location: visible on the approach from the ferry, between the main street and the foreshore, Victoria Street, Stromness, Orkney, within the Conservation Area.

Designer: Reiach and Hall Architects; **Client:** The Pier Arts Centre; **Budget:** £2.9m; **Completion:** 2007.

Setting

Scotland's small towns are principally formed and adapted around the agricultural, fishing and associated trading lives of their inhabitants. In the far north these patterns are mediated, to a greater extent than normal, by the pressing need for shelter – for modifying the prevailing climate. Buildings tend to be formed perpendicular to each other, to shelter and enclose space, often with the first gable set to the wind. The raggedy nature of Stromness' resulting town fabric not only provides shelter, but snags and disperses the wind. While the main street has both buildings with gables and buildings with fronts onto it, it is gable ends that face out onto the bay at Hamnavoe: boatsheds, saillofts and fishstores that fringe the foreshore – making use of the Udal Law, a Norse derived legal system, that still applies in the Northern Isles. The Pier Arts Centre's site and old buildings were once the offices and stores of the Hudson Bay Company, and face both the main street and the foreshore.

Opportunity

Small towns have largely lost the intimate commercial uses that articulated and enlivened their cores. This has left these traditional contexts admired by most, but often degraded and underused. Towns have, as a result, become "doughnuttred", with bungalows surrounding emptying cores. There is an opportunity for the value of these cores to be recaptured. Through new uses that combine careful repair and renewal with openness to their natural contexts, the core can be enlivened once more.

Design Process

The competition was won with a single, very simple drawing, that communicated the architects' understanding of the town structure, their respect for the old, adapted buildings the Gallery used, and the introduction of a new element, familiar in form yet strange in aspect and detail.



Stromness Plan from 1880



Below: Competition Drawing

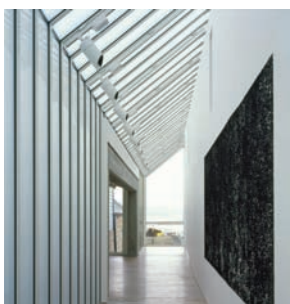
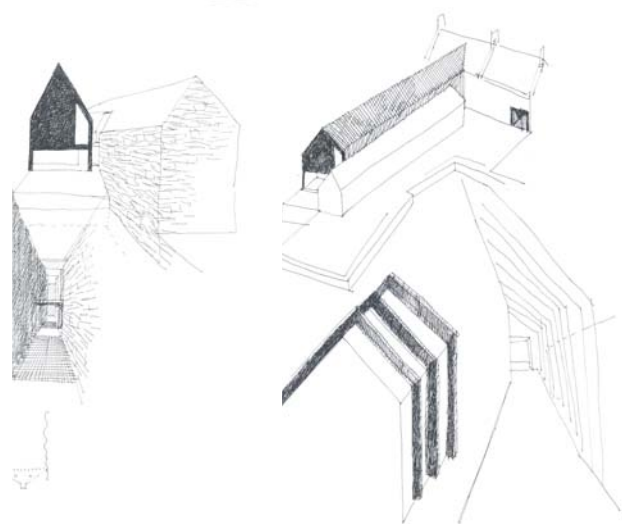
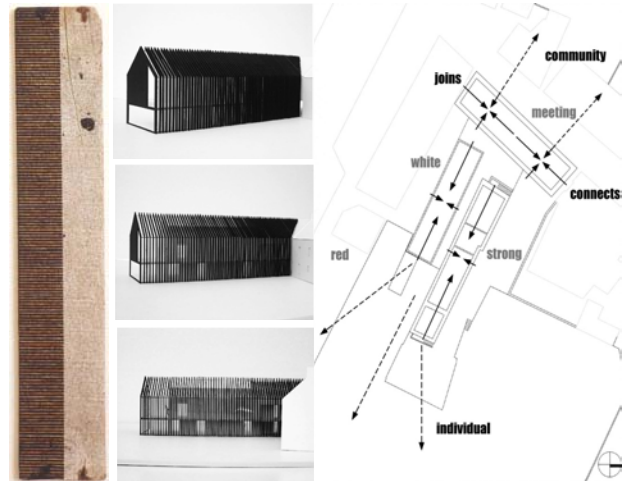


The bringing-together of setting, brief and opportunity, involved the architect reflecting on the special qualities of “a vivid, imaginative north” and on the virtues of “reticence” and “shade”. The familiar form of the new addition achieved its relevance to the brief, containing and opening-out the collection to its setting. The architect references the artist Roger Ackling, who focuses the sun to burn lines in driftwood, suggesting ribbed cladding whose veiling or revelatory qualities were investigated in sketch and model form. The new form, and its ribs, were clad in black patented zinc, chosen for its “softness” and for “a quality that is ambivalent and melancholic”.

The architect has written: “The culture we have experienced in the North is suited to our need to work quietly and thoroughly, attempting to understand a situation and work with it to create buildings that are not only useful but also poetic; buildings that are still.”

Overview and Lessons

The setting is enhanced not only by the cultural use but by the demonstration that the virtues and values of the old town – the tight, quiet entry from the street and the long view out to sea, the slap of the waves against the pier and the rocking of the boats – enrich our daily lives.



(© image credits Reich and Hall)

04 RURAL: LOTTE GLOB HOUSE, SUTHERLAND



Project: the far north-west has come to support a community of artists and craftspeople. The brief was for a new house and studio for the ceramic artist Lotte Glob, that would be affordable and sensitive to its context, and to the relationship of her and her work to the landscape of north-west Scotland.

Location: site beside Loch Eriboll, Sutherland, in the far north-west of Scotland, in a non-designated landscape.

Designer: Gokay Deveci Architect; **Client:** Lotte Glob; **Budget:** £75,000; **Completion:** 2004.

Setting

A bleak landscape swept by icesheets, but with a history of human occupation that ranges from the early marks of civilisation, through the highland clearances and surrender of the German U-boat fleet in Loch Eriboll at the end of the Second World War, to the present day.

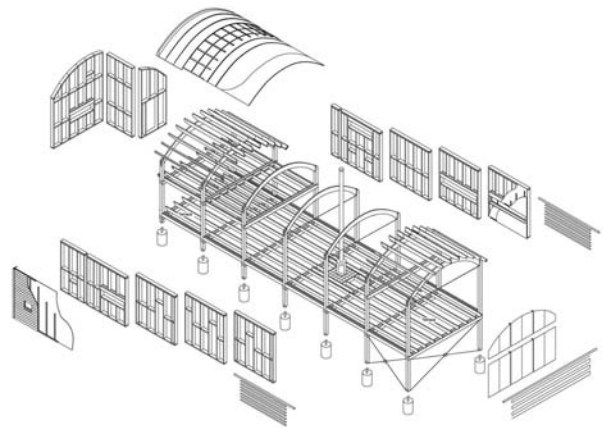
Opportunity

Much of the best Scottish building is simple and plain, making virtue out of the necessity of using local materials and available technology in efficient, cost-effective ways. Today, however, the technology and materials available to us are skewed with “vernacular” interpreted as style, rather than as an efficient, rooted means of production.

The limited £75,000 budget, coupled with the client’s wish for the house to complement her lifestyle and relationship to the landscape, focussed attention on what a contemporary vernacular might be.

Design Process

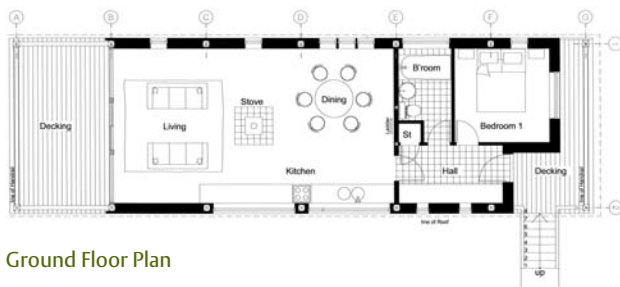
The practicalities and efficiencies of timber – as the predominant local material available today – are exploited via an engineered, laminated timber frame that allows the building to float within the landscape and focus on distant views (right). This frame is then highly-insulated and clad in timber and copper – materials that will age and weather – and the ability of a frame construction to accept different window configurations is exploited, to engage the interior with the landscape.



Overview and Lessons

The house sits in its landscape with the self-possession and lack of self-awareness of a harled stone cottage, matching it in its relevance to its time and place.

The lessons learned from this simple response to time, place and the pragmatics of supply and technology could inform rural development anywhere. It is in projects like this, through their efficiency, cost-effectiveness, use of local materials and available technologies married with today's patterns of living, such as the desire for a warm and light-filled living space which engages with the landscape, that a truly contemporary vernacular will be found.



Ground Floor Plan



05 HISTORIC LANDSCAPE: CULLODEN VISITOR CENTRE

Project: a replacement visitor and memorial centre, won in competition, in association with exhibition designer Ralph Appelbaum, comprising exhibition spaces, education space, restaurant, shop and support facilities. The building is part of the wider reinterpretation and reinstatement of the landscape of the Culloden Battlefield, to inspire and inform around 250,000 visitors a year.

Location: Culloden Moor, east of Inverness, within a Conservation Area, containing a number of Scheduled Monuments and a war grave.

Designer: Gareth Hoskins Architects; **Client:** National Trust for Scotland; **Budget:** £9.4m; **Completion:** 2007.

Setting

The bleak battlefield site of Culloden is that of the last pitched battle fought on British soil, where in 1746 the Hanoverian Army defeated Charles Edward Stuart’s forces to end the final Jacobite Rising. The site is the final resting place for over 1800 soldiers, and there is little to mark the battle site physically apart from a memorial cairn and modest graves and markers.

The previous visitor centre was found, through recent research, to be sitting close to the edge of the battlefield. The National Trust for Scotland has resolved over a number of years to reinstate the full battlefield and recover its haunting context while increasing access and visitor numbers to enhanced visitor facilities.

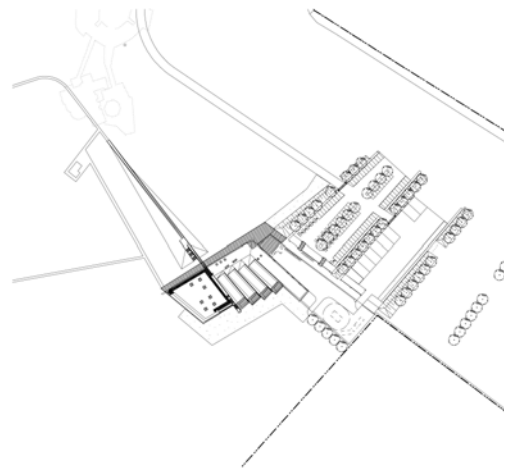


Memorial wall and berm

(image credits Andrew Lee)



(© image credit Gareth Hoskins Architects)



(© image credit Gareth Hoskins Architects)

Above: Site Plan showing the 150 metre landscaped berm leading out to the Battlefield

Left: Battlefield Plan

- ① Site boundary
- ② Access road and car park
- ③ Location of new visitor centre
- ④ Government troops
- ⑤ Clan graves and memorial cairn
- ⑥ Jacobite troops
- ⑦ 'Well of the dead'
- ⑧ Government graves (tbc)
- ⑨ Old road (reinstated as footpath)
- ⑩ Failure of Jacobite charge
- ⑪ Leanach enclosure (charge of Argyll militia)
- ⑫ Leanach Cottage

Opportunity

Visitor Centres today are expected to explain a site without detracting from it, while providing the essential facilities that visitors have come to expect. The challenge is to make a building that does not divert attention, but has its own integrity.

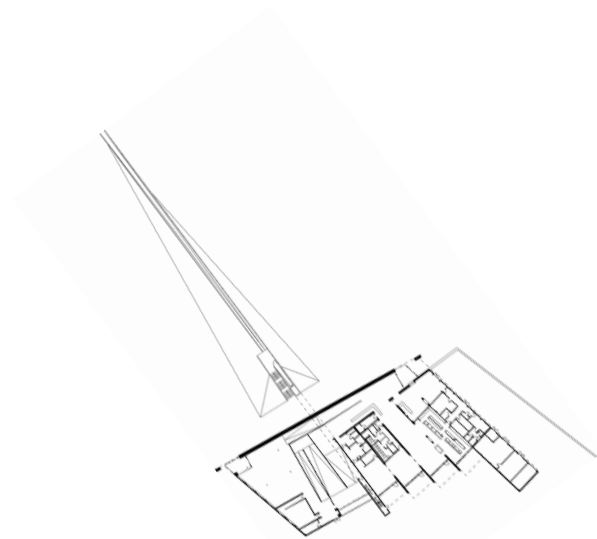
At Culloden, the siting of the new building lay at the heart of the success of the project, preserving a sense of openness to the battlefield, allowing it to dominate.

Design Process

Given the extreme sensitivity of the site and international significance of the project there were many partners and consultees. The Trust's own archaeologists were involved in the design development of the project. In this sensitive location, the materials are, in the main, locally sourced with an emphasis on sustainability.

Overview and Lessons

While the designed earthen platform directs visitors out into, and back from, the battlefield, the building turns its main spaces and exuberant roof away from it to address the stunning views from Strathnairn, placing the "memorial wall" between the building and the moor. The detached relationship continues with the exhibition, which provides a different, more controlled, visitor experience. The aspect from the moor is very muted, with the result that the buildings have significantly less impact than the previous visitor centre, which sat on the skyline and was a fraction of the size of the present building. The careful choice of materials, locally-sourced and used in their natural state, further settles the building into its context.



Ground Floor Plan

(© image credits Gareth Hoskins Architects)



Roof form

(© image credit: Andrew Lee)



Path back from the Battlefield

(© image credit: Andrew Lee)

06 EXTENSION: 49 GILMOUR ROAD

Project: a study and new kitchen extension to a private, unlisted, end-terrace house, reflecting the reality that, today, the occupants of such properties tend to make their everyday living spaces in the less-formal backs of their homes (in the former maid's quarters and workplace), opening out to the garden.

Location: south of the Edinburgh city centre, originally just outside the Craigmillar Park Conservation Area. This designation has now been extended to include Gilmour Road.

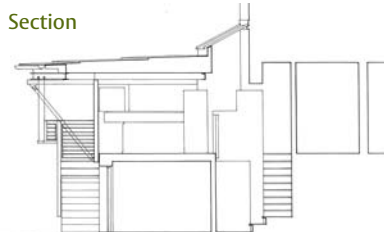
Designer: Richard Murphy Architects; **Client:** Mr and Mrs Francis; **Budget:** £45,000; **Completion:** 1994.

Setting

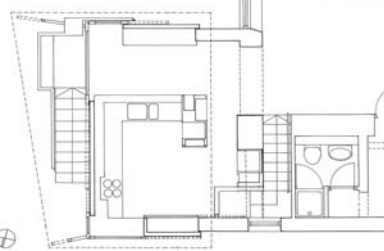
The neighbourhood is characterised by individual residential plots, and the occasional institutional building, containing substantial, stone Victorian terraces and villas with mature private gardens to the front and rear.



Section



Ground Floor Plan



(© image credits Richard Murphy Architects)

The open character of the area affords fine views outwards towards Arthur's Seat, Blackford Hill and Craigmillar Castle.

The formal street facades, and general urban grain of walls and gardens, are little-altered, giving an impression of quiet, residential solidity. The project's immediate setting is the less-formal, garden elevation of a historic villa. The garden is tight, compared to surrounding properties, but gives onto a communal lawn. Beyond is a long view of Arthur's Seat, Edinburgh's urban mountain.

Opportunity

The building is typical of many that are traditional in that they are constrained in their ability to "open-up" to views, landscape and sunshine by the limitations of the materials available in the past. This project allowed an opportunity, on the less-formal rear of the house, to exploit the qualities of modern materials and construction, in contrast to the virtues of the historic building being extended.

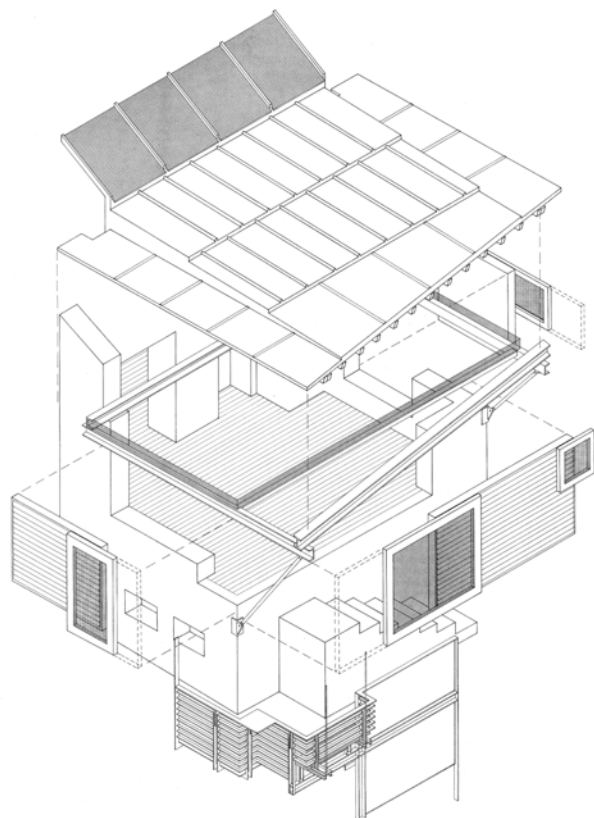
Design Process

The turning-away from modernism that the standard housebuilder's "vernacular" represents, is contradicted by the patio door; a continuation of the Arts and Crafts desire for a direct connection with the garden and a Modernist concern for light and air. Here, an opportunity exists to reintroduce these simple qualities to the upper end of the housing market via spatial and structural dynamism and excellent craftsmanship.

Overview and Lessons

Although designed and approved prior to the introduction of the Conservation Area, conservation designations need not imply a blanket protectionism. Here, respect for the quiet, formality of the street scene complements a more relaxed opening-up at the rear – an understanding that the grain and structure of the area has a hierarchy which may prohibit or encourage bold interventions.

The work has been carried out with care, craft and exuberance, a contemporary solution guided by respect for, and exploitation of, the qualities of landscape and view that are so important to the Conservation Area designation, using good quality, contemporary materials whose contrast to the materials of the original house is justified by their appropriateness to the new brief.



07 PUBLIC SPACE: GLASGOW CATHEDRAL PRECINCT

Project: an urban design masterplan won in competition, in association with the artist Jack Sloan, which proposed public realm improvements around a new axial approach to the front of Glasgow's historic Cathedral.

Location: Townhead, at the northern end of the city's High Street, set within Glasgow's Central Conservation Area.

Designer: Page|Park Architects and Ian White Associates Landscape Architects; **Client:** Glasgow City Council; **Budget:** £1.5m; **Completion:** 1988.

Setting

The site is bounded by the founding, and religious and urban development of Glasgow, and was one half of the city's medieval "twin burgh". As the area developed the precinct came to contain, and be surrounded by, very significant historic buildings, routes and burial sites (including the city's famous Necropolis). The adjacent, towering Victorian Royal Infirmary added a challenging scale-shift and the change brought about by 20th-century slum clearance and roads projects represented a regeneration challenge.

Opportunity

The situation at the precinct was typical of the glory and planning blight that often co-exist in historic settings. Addressing this area was one of the key urban design and public realm projects that led the renaissance of Glasgow's city centre. The landscaped square offered the opportunity to act as a catalyst to repair and renew the surroundings, mediating the varied uses and scale shifts within a cohesive structure. The proposals, post-competition, were linked to neighbouring initiatives, encouraging further regeneration through a mix of buildings with public, private and institutional uses.



Aerial view of the Cathedral precinct with the Royal Infirmary complex to the north



Design Process

The form proposed was simple and geometric, giving each of the disparate surrounding historic buildings and burial sites their setting. It also creates setting for the new buildings, which are by various architects and in various styles, and has completed the regeneration of the precinct while re-establishing its historic urban form.

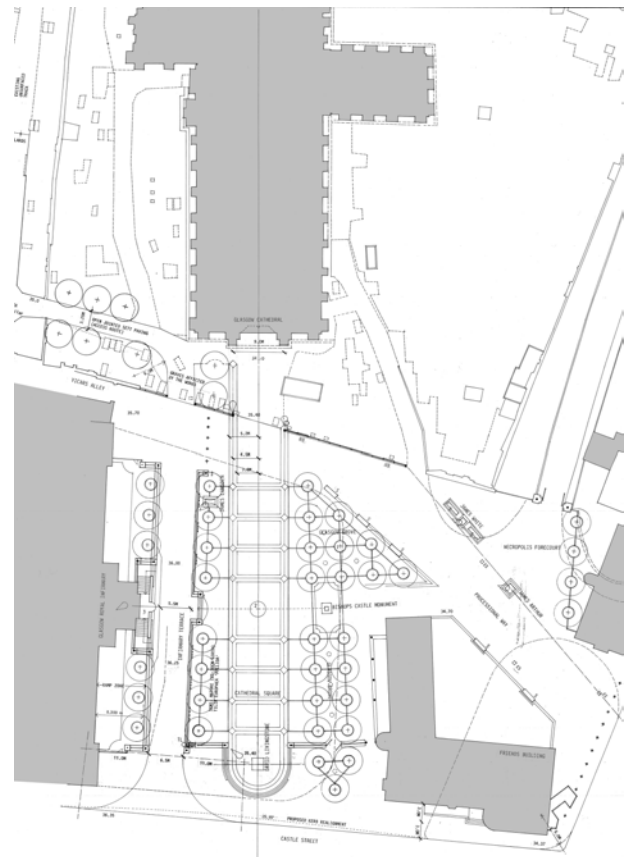
“Space” comes first rather than its decoration, allowing human interaction within the square to be its focus. This simplicity is carried through to the use of high quality, natural materials, and the simple setting of statuary and trees within the space.

Overview and Lessons

The masterplan has retained its integrity through the variety of new building styles that have completed and augmented it. The simple, contemporary style of the residential blocks and the neo-baronial of the Museum of Religion are unified by the use of sandstone and the strong, simple form of the central space.

Completed at a time when the “public realm” was being filled with busy mosaics, blacksmithwork and elaborate street furniture, the simplicity and solid quality of the work, understanding of the important history of the site and focus on open, usable space at its heart was ahead of its time.

This has ensured the longevity of the design and led to the re-established city focal point’s success as a visitor attraction, while enabling the historic site to be re-established as a loved, significant space for the people of Glasgow.



Site Plan (c. 1980) with the Cathedral top, Royal Infirmary to the left, Museum of Religion (Ian Begg Architect) to the bottom right and Housing Association flats (Page|Park) far right

(© image credit Page|Park)



Re-sited statuary on the axis from the High Street



St Mungo Museum of Religion by Ian Begg

FURTHER READING

International

- Vienna Memorandum on World Heritage and Contemporary Architecture - Managing the Historic Urban Landscape (2005)
- Xi'an' Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas (2005)
- European Convention for the Protection of Archaeological Heritage (the 'Valetta Convention') (1992)
- Charter for the Protection and Management of the Archaeological Heritage (the 'Lausanne Charter') (1990)
- International Charter for the Conservation of Historic Towns and Urban Area (the 'Washington Charter') (1987)
- European Convention for the Protection of Architectural Heritage (the 'Granada Convention') (1985)
- Bruges Resolution on the Conservation of Smaller Historic Towns (1975)
- World Heritage Convention (1972)
- International Charter for the Conservation and Restoration of Monuments and Sites (the 'Venice Charter') (1964)

Policy and Guidance

- Scottish Planning Policy
- Scottish Historic Environment Policy
- Managing Change in the Historic Environment Guidance Notes Series
- PAN 42 Archaeology: The Planning Process and Scheduled Monument Procedures
- Scheduled Monument Procedures
- PAN68 Design Statements
- PAN71 Conservation Area Management
- PAN81 Community Engagement - Planning with People
- PAN83 Masterplanning

Other Reading

- Clark, K, (2001). *Informed Conservation: Understanding historic buildings and their landscapes for conservation.* English Heritage.
- Cowan, R. (2005). *Dictionary of Urbanism*, Streetwise Press.
- Dennison, E, (1999). *Conservation and Change in Historic Towns: research directions for the future*, Council for British Archaeology.
- English Historic Towns Forum (1998). *Conservation Area Management*
- English Heritage and CABE (2001) *Building in Context: new development in historic areas*,
- Rodwell, D, (2007) *Conservation and Sustainability in Historic Cities*, Blackwell
- Scottish Executive (2001) *Designing Places: a policy statement for Scotland*

8. PLANNING ADVICE NOTE 71 – CONSERVATION AREA MANAGEMENT



preserve

enhance

appraisal

manage



Planning Advice Note

conservation

Area Management

Designation alone will not secure the protection and enhancement of **conservation areas**. Active management is vital to ensure that change can be accommodated for the better



protection and enhancement

Planning series:

- › **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- › **Circulars**, which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- › **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development control.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

preserve

enhance

appraisal

manage

Planning Advice Note

conservation

Area Management



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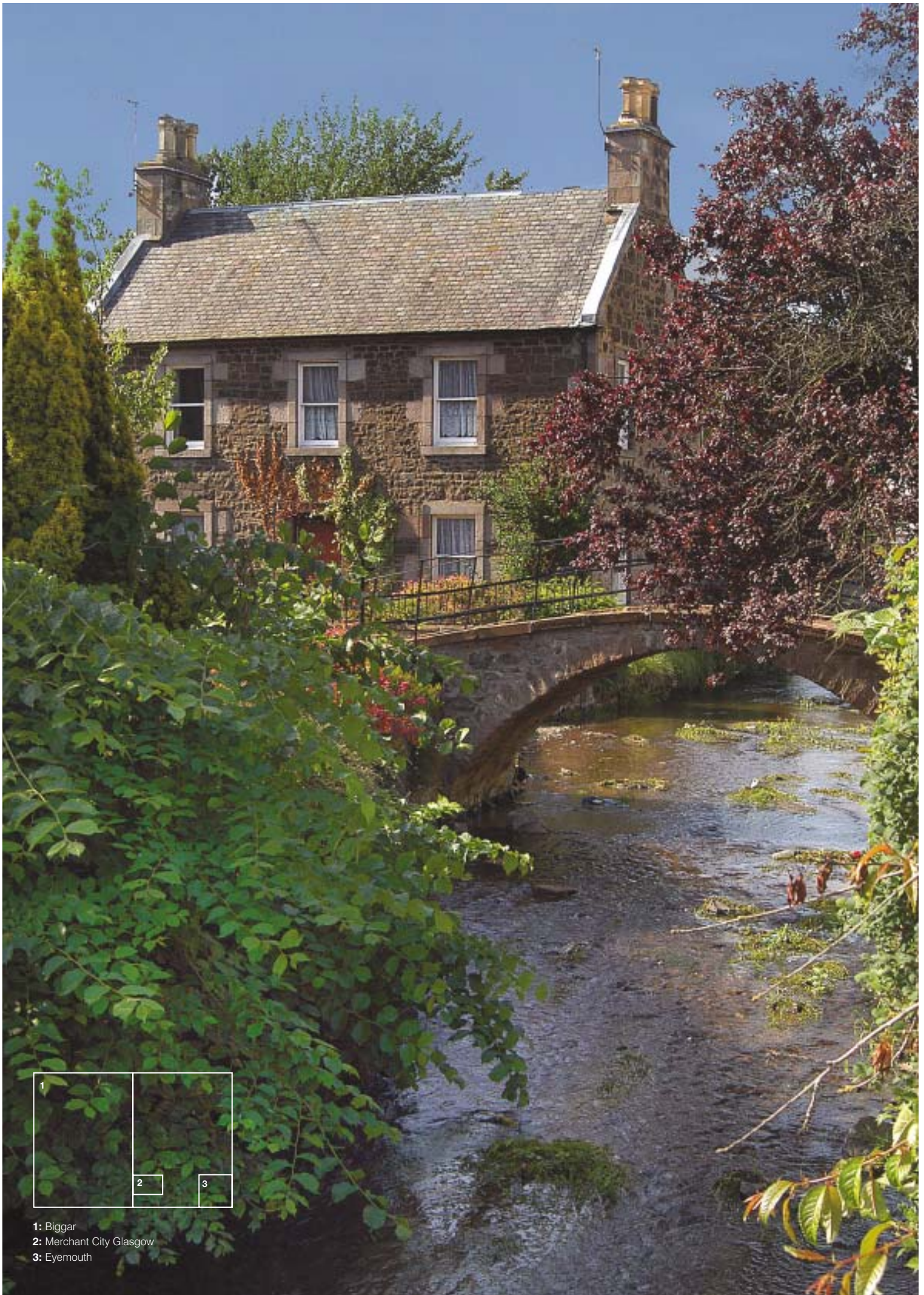
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- 1: Biggar
- 2: Merchant City Glasgow
- 3: Eyemouth

Introduction

Designing Places, published in November 2001, sets out the Scottish Executive's expectations of the planning system to deliver high standards of design and quality. This Planning Advice Note (PAN) fits with Designing Places and forms part of the design series of Advice Notes, which together strive to provide the foundations for tomorrow's conservation areas.

There are over 600 conservation areas in Scotland. They can be found in our cities, towns, villages and in some rural settings, and can play an important role in economic and community regeneration and environmental enhancement. The designation of a conservation area is a means to safeguard and enhance the sense of place, character and appearance of our most valued historic places. Buildings of character, listed buildings, scheduled monuments, trees, historic street patterns, open spaces and designed gardens and landscapes are important components of these areas. The overall layout and pattern of development may be just as important to the character as individual buildings. The activities that go on inside conservation areas are also important. Conservation areas are living environments that despite their history, will continue to adapt and develop. Designating a conservation area does not mean a prohibition on development. It does mean carefully managing change to ensure that the character and appearance of these areas are safeguarded and enhanced for the enjoyment and benefit of future generations.

This PAN complements existing national policy and provides further advice on the management of conservation areas. It identifies good practice for managing change, sets out a checklist for appraising conservation areas and provides advice on funding and implementation.

This PAN should be read in conjunction with other national policy and advice. Of particular relevance are: The Memorandum of Guidance on Listed Buildings and Conservation Areas, NPPG 18 Planning and the Historic Environment, Designing Places: A Policy Statement for Scotland, PAN 52 Planning in Small Towns, and PAN 68 Design Statements.

The advice in this PAN will be of particular relevance to planning authorities, but effective management of conservation areas requires support and input from other stakeholders. This advice is also intended as a guide for other local authority interests, developers, heritage trusts, utility companies, public sector agencies, residents, property owners, community organisations and amenity bodies. Effective co-ordination of the knowledge, enthusiasm, commitment and resources of these interests can contribute significantly to the effective conservation and enhancement of Scotland's historic environment and the quality of life of those who live in, use and enjoy these places.





enhance

Designation of a conservation area should not be regarded principally as a means of increasing control but rather as a commitment to take positive action to safeguard and enhance the character and appearance of the conservation area. Memorandum of Guidance, sect 4.21.

Designation and Review

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that conservation areas “are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. Local authorities have a statutory duty to identify and designate such areas.

Special architectural interest can be interpreted broadly. As well as the settings of architectural set pieces and the spaces between buildings, designation can give recognition to groups of individual buildings or characteristic forms of urban development and evolution. Equally, conservation area designation provides scope for special recognition of the best examples of town planning and urban design. Special historic interest relates to areas with a connection to events or themes of historic or cultural significance.

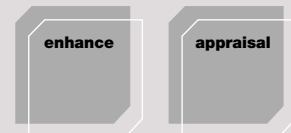
The statutory procedures for designation are well established. Proposals for designation, variation or cancellation must be publicised. The Scottish Ministers also need to be notified. Owners and occupiers of property within a proposed conservation area do not have to be specifically notified and there is no right of appeal against a designation, variation or cancellation. Wherever possible, proposals to designate, cancel or redefine the boundaries of conservation areas should first be subject to public consultation through the local plan process, thus providing opportunity for the views of stakeholders to be taken into account.

Whilst designation is a valuable tool in the protection of important areas, authorities should be careful not to assume that designation alone will secure protection and enhancement. Review of existing areas is required and provides an opportunity to assess the justification for designation, consider the validation of boundaries, identify opportunities for enhancement and set management priorities.

3



1: West Wemyss
2: Inverness



Managing Change

When effectively managed, conservation areas can anchor thriving communities, sustain cultural heritage, generate wealth and prosperity and add to quality of life. To realise this potential many of them need to continue to adapt and develop in response to the modern-day needs and aspirations of living and working communities. This means accommodating physical, social and economic change for the better.

Physical change in conservation areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area. Physical and land use change in conservation areas should always be founded on a detailed understanding of the historic and urban design context.

Whilst the scope for new development may be limited in many conservation areas, all will present some opportunities for enhancement. Most will contain buildings, vacant sites or inappropriate street furniture that have a negative impact on the character and appearance of the area. These represent opportunities for improvement and when managed effectively, can act as a catalyst for economic, community and environmental regeneration.

4

appraisal

manage



Understanding and Evaluating

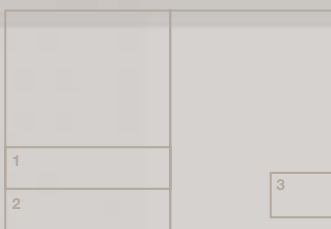
Past approaches to conservation area management have too often been based on a limited understanding of the heritage resource involved. In some cases there has also been an overemphasis on regulation and a lack of clarity over priorities for improvement. 'Facelift' schemes which offer short term visual gain rather than more enduring, sustainable conservation, are common. Opportunities for positive planning and enhancement may be missed as a result. A pro-active approach is required.

An overall strategy or vision for each conservation area will help to determine priorities. Townscape audits and conservation area appraisals are useful tools for developing and implementing a management strategy.

Townscape audits do not just apply to the historic environment but provide an analysis of the physical characteristics of the entire settlement. An understanding of the wider area is vital in the management of conservation areas. Townscape audits will identify the context, use and function of a conservation area and its relationship and importance to the surrounding settlement. Further information regarding townscape audits can be found in NPPG 18 and PAN 52.

Conservation area appraisals focus on areas which lie within existing or proposed conservation area boundaries. They analyse what makes a place special and assist managers in: defining and reviewing boundaries; identifying opportunities and priorities for enhancement; assisting policy formulation; ensuring consistent decision making and supporting funding bids. An appraisal is a vital tool to enable the active management of conservation areas. Authorities should prepare one for each conservation area to assist the management process. Further guidance on conservation area appraisals can be found in NPPG 18 and an appraisal checklist is set out in the annex to this PAN.

The management strategy for each conservation area should have shared ownership, involving all the stakeholders in an open and inclusive way. There should also be an understanding of what is achievable and what can be delivered in the short, medium and long term.



- 1: Beith: 1950's to present
- 2: Beith: 1950's to present
- 3: Glasgow



Policy Framework

Once an understanding of the special characteristics, pressures and priorities of a conservation area has been established, it is vital that they are fed into the development plan or supplementary guidance.

NPPG 18 sets out the requirements for structure and local plans. In the past, authorities have tended to rely on general local plan policies for the protection of conservation areas. Whilst these are important, NPPG 18 also requires that local plans go a step further and set out opportunities and priorities for enhancement. These need not be overly prescriptive but should identify sites of opportunity and areas where the Council and other stakeholders will be taking action. The detail of this, which will be informed by a conservation area appraisal, should be set out in action plans or supplementary guidance. Such detailed guidance will provide more certainty to the decision making process. Local plan policies should promote positive development.

6

Whilst NPPG 18 states that development which would have a neutral effect upon the conservation area should be treated as one which preserves the area's character or appearance, this should be considered as the minimum standard. Local plan policies and supplementary guidance should promote and reflect this commitment to quality.

Supplementary planning guidance also plays a fundamental role in the protection and enhancement of conservation areas. Appraisals are likely to be the main form of conservation guidance and will identify issues which require further supplementary guidance.

preserve

enhance



Development Control

Development control has a fundamental role in the management of conservation areas. It is vital that decision makers have the knowledge, skills and confidence to ensure high design quality in conservation areas. Clear information and guidance is essential for planners, politicians and local communities to come to a quick and considered view on the merits of proposals for change. A clear policy framework and supporting guidance will encourage the submission of quality proposals and promote consistent decision making.

Design statements are a way to explain how specific proposals will enhance the quality of an area. For significant applications within conservation areas, local authorities should encourage applicants to submit design statements based on conservation area appraisals.

Planning applications in outline will rarely provide the level of detail required to assess whether the proposal will harm the character of a conservation area or not. It is important to avoid outline consents for large residential or commercial developments without any understanding or realistic assessment of whether they can be accommodated sensitively within the setting of the area. The submission of a design statement will aid the assessment and consideration of proposals in outline and can be used to inform the preparation of planning conditions. Appropriate conditions and effective enforcement should provide confidence that the desired level of quality can be secured.

Conservation area consent for demolition will not normally be granted in the absence of a detailed application, approved in parallel, for the replacement development. This is to avoid the formation of gap sites and to ascertain that the development will enhance or preserve the character of the area, as defined in the conservation area appraisal.

Conditions attached to a planning permission can assist the effective regulation of development. They should meet the tests set out in Circular 4/1998 The Use of Conditions in Planning Permissions. Use of standard conditions may not be sufficient to maintain and enhance the special character of the conservation area.

Enforcement

Enforcement has a key role to play in the protection of conservation areas. Local authority enforcement strategies are generally reactive, resulting in investigation only when a formal complaint is made. For conservation areas, local authorities should consider a more proactive approach including monitoring development activity and ensuring compliance with the terms of planning permissions. A positive and active approach to enforcement will help to reduce the number of contraventions and secure sustained improvements in environmental quality.



1: Inverness
2: Dunkeld



Case Study

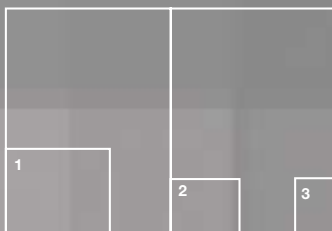
Burgh Yard, Dollar, is a quality development on a key site within an outstanding conservation area. The success of the development is attributable to Clackmannanshire Council's active management process, which was recognised in 1997 with a Scottish Award for Quality in Planning.

The brownfield site provided a rare opportunity for new build within the conservation area. Clackmannanshire Council recognised that wider benefits could be achieved by collectively considering the site along with two neighbouring sites which were considered to have a negative impact on the conservation area.

A detailed development brief was prepared and a design competition launched. A panel of conservation experts (including the Royal Fine Art Commission for Scotland, The Scottish Civic Trust, the Architectural Heritage Society and the Dollar Civic Trust) acted as judges and unanimously chose the winning scheme.

The Council's management strategy also had a number of safeguards to ensure that a quality development was achieved. This included tying detailed drawings into feuing conditions for the site and using the Builder's Licence Scheme.

Clackmannanshire Council displayed excellent management skills by considering not just the opportunity site but the interests of the conservation area as a whole. The brief set out the detailed requirements for the area and the Council were committed to ensuring that a high quality development was secured.



1: Burgh Yard, Dollar

2: Beith

3: Beith



Protecting Vulnerable Areas

Article 4 Directions

The objectives of conservation area management can for the most part be met through an effective policy framework and the positive use of existing development control and enforcement powers.

There will, however, also be a place for further regulation to ensure that the character and appearance of the conservation area is not eroded through incremental change.

Proposals for Article 4 Directions to remove or reduce permitted development rights should be advertised or progressed through local plans. Local authorities should be clear about the classes of development they want to bring within planning control and provide appropriate justification. They should not resort to blanket restrictions of regulation but should relate to the character defined in the specific conservation area appraisal. Further policy guidance on the use of Article 4 Directions is set out in NPPG 18.

Buildings at Risk

Where appraisals identify listed or significant properties which are at risk from neglect, authorities should alert the Scottish Civic Trust, which maintains the Buildings at Risk Register on behalf of Historic Scotland. The register aims to unite owners of neglected properties with those who have the resources to restore them. Further information regarding buildings at risk can be found in NPPG 18, the Memorandum of Guidance on Listed Buildings and Conservation Areas and from the Scottish Civic Trust. A dedicated website which provides information on many of the properties on the Register can be accessed at www.buildingsatrisk.org.uk

Urgent Works Notices

Urgent works notices allow local authorities to carry out works which they feel are necessary to preserve a historic building suffering from neglect. The notice may be used to deal with listed and unlisted buildings in conservation areas. Notices should, however, only be served on unlisted buildings that make a positive contribution to the character or appearance of the conservation area. Any costs incurred in carrying out the works can be recovered from the owners. Urgent works notices are confined to those parts of a building which are unoccupied.

The scope of the works covered by the notice should be restricted to the minimum necessary to secure the building rather than comprehensive repair and restoration. For example, it may be adequate to install a temporary roof covering over a building rather than undertake the full repair of the roof.

The use of urgent works notices should not be reserved solely for buildings in an advanced state of disrepair. They can also target relatively inexpensive works where a building is at an early stage of decline. Addressing relatively minor issues such as blocked gutters or rhones can halt deterioration to a more serious and expensive condition. Further advice on the procedures for urgent works notices can be found in the Memorandum of Guidance on Listed Buildings and Conservation Areas.





effective

Effective management of the public realm is not just an issue of funding, it is equally about the skills deployed, the way in which regulations are used and the way in which the design process is managed



- 1: Dundee
- 2: Biggar
- 3: Eyemouth

Enhancing the Public Realm

Many of the challenges for local authorities lie with changes to the public realm. The focus in conservation areas must be on the careful maintenance of public space, and the use of appropriate signage and materials for traffic management and street furniture. Conflicts between the interests of residents, local businesses and visitors must be sensitively managed, with solutions tailored to the specific circumstances of the place. Good working relationships between council departments and with relevant external agencies, especially public utility companies, are vital.

Traffic and Movement

Traffic dominates the character of many conservation areas and often poses the biggest challenge for conservation area management. Standardised transport engineering solutions rarely relate to the special character of the area and present a major challenge to local authorities in their duty to protect and enhance conservation areas.

In certain cases, the solution may be to reduce or divert traffic away from particular conservation areas thereby lessening the need for traffic calming measures, extensive parking or loading arrangements. Caution should, however, be exercised if considering

such an approach as the area may have been characterised historically by the movement of people and goods. Reducing such movement may have a detrimental effect on the special character of the area and may impact upon its vitality and viability. In order to manage traffic in the conservation area, it is important to gain an understanding, through the appraisal process, about how the area works and what aspects sustain activity and movement. Seasonal variation should also be taken into account. Conflicts may arise between the needs of residents, businesses, pedestrians and motorists. Multi-disciplinary teams will be required to consider how best to manage traffic within conservation areas. These teams must work together to provide a solution which meets the operational needs of the conservation area whilst protecting and enhancing its character.

Parking can also pose problems in conservation areas. New parking areas may have implications for visual amenity and traffic flow. Lack of parking can lead to other problems, such as illegal parking on pavements or the removal of gates, fences and walls to provide off street parking. Consideration should be given to the most appropriate location, design and materials for parking areas which will minimise the impact on the conservation area.

appraisal

enhance



Utilities

Another common problem for local authorities can be managing the impact of work undertaken by utility companies who benefit from 'permitted development rights' for various works, including the laying of underground pipes or other apparatus. This can have significant effects on the character of the conservation area, for example, a traditional cobbled street may be reinstated with tarmac. It is essential for planning authorities, roads authorities and utility companies to work together to identify sensitive areas and agree a commitment to sensitive reinstatement.

The Scottish Road Works Register system is used by utility companies to notify road authorities of their intention to carry out works. If the conservation area is identified on the system as an area of 'special designation', the local authority may, in certain cases, be able to prescribe the specification for reinstatement. This should be based on an agreed maintenance schedule. Local authorities should ensure that the Register contains up to date and accurate information.

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Street Furniture and Signage

Inappropriate street furniture and a proliferation of signs and general clutter detract from the character of a conservation area.

The provision of new or replacement street furniture represents an opportunity for local authorities to define and enhance the historic character of the conservation area. However, standard, off-the-shelf designs are usually inappropriate to the historic environment and authorities should consider the need for high quality, custom-designed solutions. In certain conservation areas, well designed modern street furniture may be the most appropriate solution.

The problem of street clutter can easily be tackled by establishing the extent of the problem through the appraisal process, removing any unnecessary objects and then ensuring that a regular monitoring programme is in place.



- 1: reinstatement
- 2: Milngavie
- 3: Wigtown



Open Spaces

PAN 65 Planning and Open Space recognises the important role of open space in setting the landscape and townscape structure of urban areas and in contributing to the character of the historic environment. Areas of open space can be a defining element in a conservation area. Appraisals should consider the different types, functions and benefits of open space and identify opportunities to extend and enhance open space networks.

Trees

Trees contribute greatly to the character and quality of many conservation areas. As woodlands, planted avenues, or individual specimens, they can enhance the landscape setting of conservation areas, soften streetscapes and bring life and colour to gardens. Trees may also have historic or cultural significance.

Trees in conservation areas are protected through the Town and Country Planning (Scotland) Act 1997. Before carrying out any work on a tree in a conservation area, owners are required to notify the local authority giving details of the intended works. Councils can serve a Tree Preservation Order if they consider a tree to be under threat, but they can also protect and promote tree planting through conditions in planning consents.

Individuals, organisations and local authorities should take responsibility for ensuring that trees and woodlands in conservation areas remain healthy through good management. Management plans and appraisals will help to determine when and where new planting is appropriate, what form it should take and the species to be planted.

Maintenance of the Public Realm

Capacity and responsibility for short, medium and long term maintenance, involving such services as street cleaning and landscaping as well as highways and public utilities, should be programmed and regularly reviewed. A range of advice on maintenance is available from Historic Scotland.



Funding and Resources

The Scottish Executive provides around £14.5 million each year to help offset the cost of the care, repair and conservation of the historic environment. This is administered through Historic Scotland and a significant proportion is targeted to conservation area enhancement. Grants are awarded for the comprehensive repair of key buildings. Town schemes also operate in a number of outstanding conservation areas and provide grants for small scale repairs to property.

Significant parts of Scotland's urban areas are covered by City Heritage Trusts, which benefit from a combined annual grant from Historic Scotland of around £2.6 million. Additional funding is provided from local authorities and a range of other sources. Active Heritage Trusts also exist in Perth and Kinross, New Lanark and Dumfries and Galloway. These can operate local grant schemes and co-ordinate a range of other activity to promote, safeguard and enhance the character and appearance of conservation areas. Their staff are an important source of advice on funding for conservation.

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The Heritage Lottery Fund also contributes significant amounts of money to area conservation projects, particularly through its Townscape Heritage Initiative which focuses on the regeneration of conservation areas that face economic or social problems. The Heritage Lottery Fund generally meets up to 50% of a comprehensive and concentrated programme of building repairs, reinstatement of architectural detail, re-use of vacant floorspace, appropriate filling of key gap sites and conservation and enhancement of the public realm, all based on a conservation area appraisal and action plan. Match funding is generally provided by a combination of grants from Historic Scotland, the local authority, local enterprise company, European Regional Development Fund and Communities Scotland.

Building Preservation Trusts also play a significant role in overcoming the challenges presented by buildings at risk and adding value to wider management strategies. Building Preservation Trusts can access loans and grants to tackle development projects on a 'revolving fund' basis where a market solution is not possible. Through developing a relationship with a Building Preservation Trust, a local authority can manage the financial risks associated with urgent works notices, repair notices and compulsory purchase orders. The work of Building Preservation Trusts can also be a catalyst for wider regeneration.

enhance

manage



1: Beith

The recently published "Sources of Financial Help for Scotland's Historic Buildings", published by the Scottish Civic Trust on behalf of Historic Scotland, provides advice on a range of other funding possibilities. The Architectural Heritage Fund sponsored website www.fundsforhistoricbuildings.org.uk is another useful source of information.

Although in recent years resources have become fairly limited, local authorities have powers to make grants and loans for the improvement of conservation areas. Good examples of initiatives which have won external validation include Lesmahagow (1985) and Biggar (with Scottish Civic Trust) (1975) for European Architectural Year and more recently with the Scottish Awards for Quality in Planning for West Wemyss, Fife and Crichton Campus, Dumfries.

Where no dedicated funds exist for conservation area enhancement, it is still possible to achieve outcomes and deliver conservation policies through influencing and aligning the spend of other agencies and organisations with a clearly communicated vision for the area.

Increasing numbers of Development Trusts are being established and can play a useful role in conservation area management. Development Trusts are community-led enterprises which seek to bring about social, economic and environmental change for the better. They can, for example, be set up to acquire and manage a historic building or historic community asset. Further information about Development Trusts can be found at www.dta.org.uk

Given that there are over 600 conservation areas, competition will be high in securing financial assistance. Applications for funding which are accompanied by supporting documents such as townscape audits and conservation area appraisals will strengthen the basis of any grant application.

The following table lists some of the sources of funding available:

Funding Sources	Grant Programme	Further Information
Local Authority Grants	Local Authority Discretionary Grants including Improvement/Repairs Grant schemes.	Relevant local planning authority.
Historic Scotland	Various	www.historic-scotland.gov.uk
Heritage Lottery Fund	Townscape Heritage Initiative Public Parks Initiative Heritage Grants Programme Places of Worship Grant (jointly with Historic Scotland)	www.hlf.org.uk
Architectural Heritage Fund	Heritage Grants and Loans Feasibility Study Grants Refundable Project Development Grants Organiser Grants Annual report of the Architectural Heritage Fund	www.ahfund.org.uk
European Union	Structural Funds Community Initiative Funding–Interrig iiiB, Leader+, Equal, Urban 11 Programme Culture 2000	www.scotland.gov.uk/esf www.dti.gov.uk/europe/structural.html www.culture2000.info
Others	The Scottish Arts Council The Pilgrim Trust National Trust of Scotland The Scottish Museums Council The Scottish Enterprise Network Communities Scotland Development Trusts Association	www.sac.org.uk www.thepilgrimtrust.org.uk www.nts.org.uk www.scottishmuseums.org.uk www.scottish-enterprise.com www.communitiesscotland.gov.uk www.dta.org.uk

Knowledge and Skills

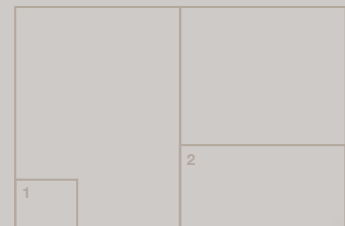
Conservation officers, or their equivalents, are critical to the success and quality of conservation area management and often have responsibility for a range of statutory and project work. Where specialist expertise is lacking, pooling resources with neighbouring authorities or employing consultants is encouraged. The benefits of having specialist input to decision making, local planning and project work is invaluable. Once an appraisal has been compiled, monitoring and review should be less demanding on staff resources, but will still require the input of a specialist.

Community organisations and amenity bodies often take a strong interest in conservation area issues. Their involvement in the planning process is strongly encouraged as a way of capturing local knowledge and expertise and helping local authorities in their efforts to enhance environmental quality. In particular, they have an important role to play in the appraisal process. Historic Scotland, in the form of the Area Inspector of Historic Buildings, is another source of stakeholder advice on the creation and monitoring of conservation area appraisals and conservation area management generally.

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appraisal

manage



1: East Dunbartonshire Council
2: Dollar



Monitoring and Review

Monitoring and review is essential in validating the continuing relevance of designations, their boundaries and the success of management strategies. Useful indicators of the impact of a management strategy might include the:

- › extent of repair needs of buildings and the public realm, the progress made towards addressing them, and the quality of repairs undertaken;
- › design quality of new buildings, alterations and extensions;
- › cumulative effect of erosive small-scale changes and the use of planning tools, such as Article 4 Directions, to combat them;
- › vitality and viability of any commercial areas; and
- › the level of investment and progress in the implementation of particular schemes of enhancement, such as shopfronts or streetscape enhancement.

Monitoring indicators should be set out in the conservation management strategy. As most of the indicators are qualitative and hard to measure, it may be necessary to develop assessment methods using external audits or community juries. There are, of course, other indicators of management performance that go beyond conservation, such as litter, graffiti, vandalism, community safety and maintenance standards.

It is necessary to establish a review cycle in order to give continuing support to conservation area management. The local community should be actively involved in the monitoring and review process.



Conclusion

Designation alone does not fulfil a local authority's responsibilities for conservation areas. An active culture of management can deliver quality if it is based on the character and needs of individual areas.

When local authorities have evaluated and understood the issues, it is vital that action is taken to manage change effectively. This may require new policies in local plans, the publication of supplementary guidance, improvements to the public realm or design and conservation training. Management objectives need to be realistic, taking into account: available staff resources and funding; the feasibility of enhancement opportunities; the development plan review timetable and methods to involve the community and other stakeholders.

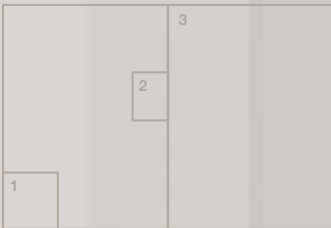
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A robust and active management strategy combined with an effective monitoring and review mechanism will ensure that valuable aspects of our heritage resource are protected and that opportunities to enhance them are delivered.



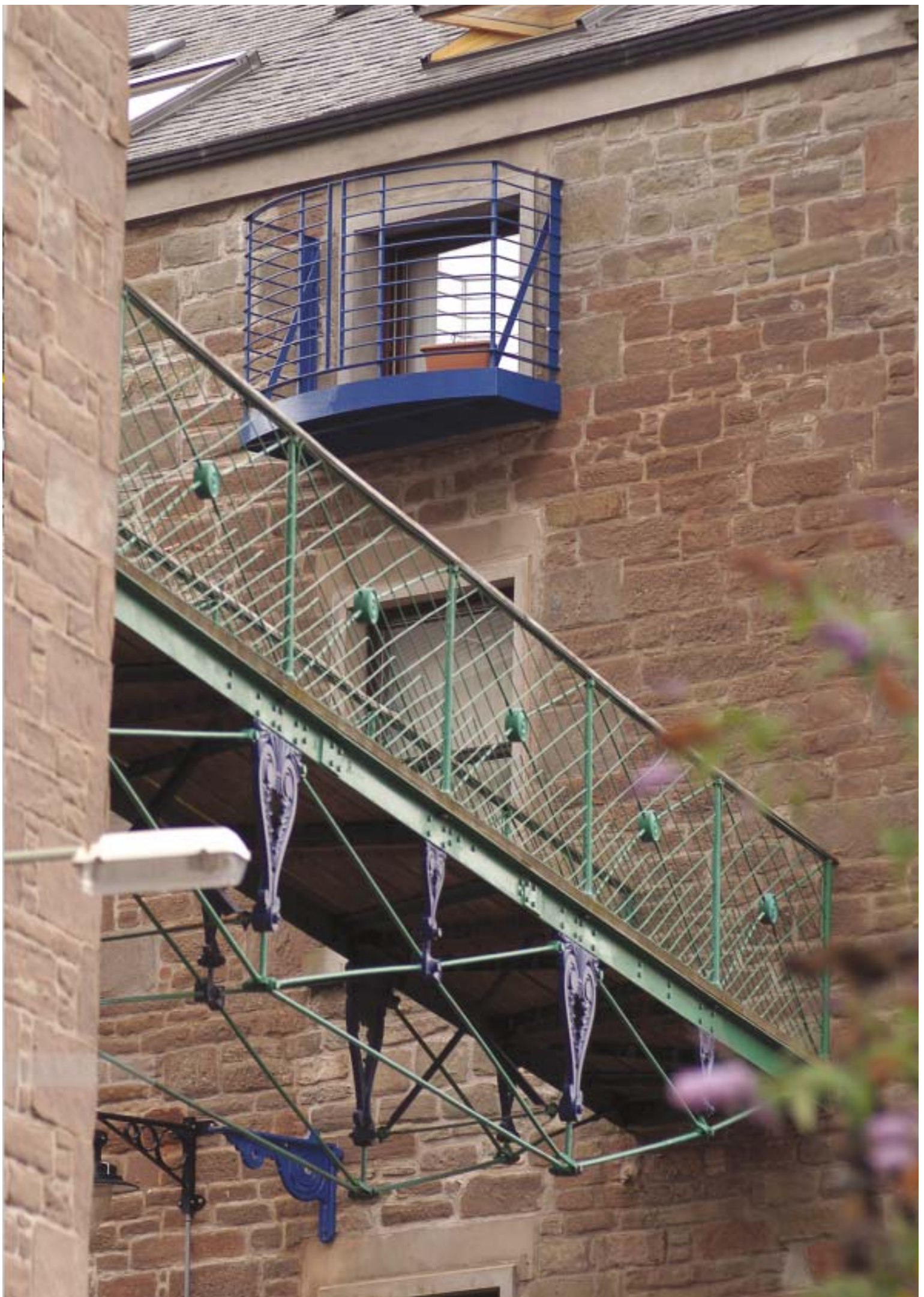
appraisal

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- 1: Glasgow
- 2: Dunkeld
- 3: Dundee





Annex: Conservation Area Appraisal

What is a conservation area appraisal and why is it useful?

A conservation area appraisal is a management tool which helps to identify the special interest and changing needs of an area. An appraisal provides the basis for the development of a programme of action that is compatible with the sensitivities of the historic area and enables local authorities to fulfil their statutory duties to protect and enhance conservation areas. Appraisals also inform policy and assist development control. They provide an opportunity to educate residents about the special needs and characteristics of the area and help developers identify and formulate development proposals.

A conservation area appraisal should not be included in a local plan. It is more appropriate as supplementary planning guidance.

Who should prepare a conservation area appraisal?

Local authorities are encouraged to prepare appraisals for all their conservation areas on a priority basis and in consultation with the local community.

In cases where an appraisal is required to assist the consideration and determination of a major development proposal, the developer may wish to carry out the appraisal or may be willing to pay for its independent production in order to improve the decision making process.

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How do you prepare a conservation area appraisal?

Conservation areas are unique. It is therefore not practical to prescribe a method of appraisal that will be applicable to all. The following checklist, however, provides a starting point for local authorities. The list is not exhaustive but can be adapted to meet the specifics of individual conservation areas and can be updated over time. The left hand column outlines elements which will be likely to form an essential part of the appraisal. Consideration of the significance and importance of each element to the conservation area is vital. The right hand column provides further suggested issues for assessment.

Before commencing the appraisal, authorities should consider the format in which it is going to be presented. Findings should be set out clearly and concisely and seek to analyse and draw conclusions rather than simply describe an area. Publication of appraisals on the internet will give further accessibility and allow for simple updating.

Many of the themes and issues addressed in an appraisal are best communicated through pictures, maps and diagrams.

Appraisal Checklist

<p>Introduction, Purpose and Justification</p>	<ul style="list-style-type: none"> ‣ Date of appraisal ‣ Purpose of appraisal ‣ Date and reason for designation ‣ Location map showing area in context with the surrounding area (including any adjacent conservation areas) ‣ Boundary map
<p>Location, History and Development</p>	<ul style="list-style-type: none"> ‣ Reasons for location - natural landforms, strategic defence, river crossing, religious foundations etc ‣ Regional context ‣ Geology ‣ Topography ‣ Historic pattern of land use ‣ Settlement development ‣ Planned landscapes
<p>Character and Appearance</p> <p>Setting</p> <p>Activity and Movement</p> <p>Street Pattern and Topography</p> <p>Buildings and Townscape</p> <p>Spaces</p> <p>Trees and Landscaping</p> <p>Character Areas</p>	<ul style="list-style-type: none"> ‣ Assessment of the landscape and surroundings ‣ The area in relation to its form and function ‣ Significance of views into, across and from the conservation area ‣ Direction, mode, volume, circulation and levels of activity ‣ Day & night variations ‣ Seasonal variations ‣ Changes to previous street patterns and surfaces ‣ Way in which streets and buildings relate to ancient man-made and landscape features ‣ Scheduled monuments ‣ Key listed and unlisted buildings ‣ Buildings considered to be of townscape merit (including modern examples) ‣ Parks, historic gardens and designed landscapes ‣ Distinctive architectural style and detailing ‣ Building types ‣ Materials ‣ Past and current uses ‣ Orientation and density – possibly reflecting past uses ‣ Types of public and private open space (advice available in PAN 65 Planning and Open Space) ‣ Characteristics of each area of open space – changes in level, surface materials, planting, degree of enclosure, feature or focal points ‣ Tree Preservation Orders ‣ Extent of tree and hedge cover ‣ Nature of any dominant species ‣ Landmark trees ‣ Parks, gardens and designed landscapes. ‣ Record and explain any different character areas – Individual policies and action plans may be required for different character areas.

Negative Factors	<ul style="list-style-type: none"> › Identify any negative factors
Building by Building Analysis	<ul style="list-style-type: none"> › Record (in written and photographic format) details, condition and alterations at a particular point in time – this can inform decision making and provide a valuable monitoring indicator and enforcement tool
Buildings at Risk Survey	<ul style="list-style-type: none"> › Note vulnerable buildings that contribute to the character of the area › Advise the Scottish Civic Trust to add to the Buildings at Risk Register › Survival of traditional surfaces
Public Realm Audit	<ul style="list-style-type: none"> › Appropriateness of street furniture and signage e.g. should reflect the character of the area, be practical, be well maintained, define the area etc. › Effect of traffic and utilities engineering – inappropriate replacement surfaces, signage clutter, visually intrusive cabling etc.
Surveys of Specific Issues	<ul style="list-style-type: none"> › Record aspects of distinctiveness e.g. typical shopfronts, boundary treatments, building details, materials etc.
Sensitivity Analysis	<ul style="list-style-type: none"> › Highlight vulnerable areas, buildings or issues
Assessment of Significance	<ul style="list-style-type: none"> › Compare significance of the conservation area in the local, national and international context – this can be a useful tool when sourcing funding and considering development applications
Opportunities for Development	<ul style="list-style-type: none"> › Identify sites where development could enhance the special qualities of the area › Reflect opportunities in the development plan › Prepare briefs or design statements for particularly sensitive sites
Opportunities for Planning Action	<ul style="list-style-type: none"> › Assess the need for boundary refinement › Assess the effects of permitted development › Identify the need for the implementation or review of Article 4 Directions › Identify need for urgent works, building repair or amenity notices
Opportunities for Enhancement	<ul style="list-style-type: none"> › Bring forward proposals for enhancement identified earlier in the appraisal e.g. new or restored surfaces, street furniture, planting, underground wires, traffic management changes etc.
Conservation Strategy	<ul style="list-style-type: none"> › A strategy may include: guidance on many aspects of managing change, details of any changes required to development plan policies, funding sources and opportunities; staffing resources, briefing for specific developments or sites, links with other strategic aspirations, and details of a monitoring and review mechanism
Monitoring and Review	<ul style="list-style-type: none"> › Consider and put in place appropriate monitoring indicators and agree a mechanism for review. Photographic surveys are an excellent means of recording change – they can also be a useful development control and enforcement tool

Information Sources

For historical information, the lists of buildings of special historic or architectural interest, the inventories published by the Royal Commission on the Ancient and Historical Monuments of Scotland, books in the Buildings of Scotland series, the RIAS guides, Burgh Survey and other local histories are a useful starting point. Local Authority Sites and Monuments Records provide information, particularly on archaeology, and references to further material. The National Monuments Record, held by the Royal Commission on the Ancient and Historical Monuments of Scotland, includes drawings, historical photographs and aerial photographs as well as historical accounts. For some specific places there may be archives or transactions of historical societies, which are usually held in the local history section of public libraries. The National Library of Scotland Map Library has a vast collection of historical maps.

Acknowledgements

Clackmannanshire Council
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Institute of Historic Building Conservation
Royal Town Planning Institute
Scottish Borders Council
The Conservation Studio
The Scottish Civic Trust

Enquiries

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www.scotland.gov.uk/planning

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9. APPLICANT'S SUPPORTING STATEMENT IN RELATION TO PLANNING APPLICATION

**PROPOSED NEW DWELLINGHOUSE IN CURTILAGE OF
FIR COTTAGE, GLENMOSSTON ROAD, KILMACOLM
STATEMENT OF DESIGN**



The Site

Fir Cottage is a traditional single storey dwelling located on a large plot of ground to the east side of Glenmosston Road, Kilmacolm. Fir Cottage is accessed by a winding driveway from the narrow Glenmosston Road. The application site forms the southmost part of the grounds of Fir Cottage and consists of a heavily wooded area elevated from the road located on a west facing slope with several large rock outcrops.

The site lies within Kilmacolm South East Conservation Area and within an area zoned **RES1** and **HER1**. The site is not covered by a Tree Preservation Order and the proposed dwelling is located some 100m from a local Site of Importance for Nature Conservation and 60m from an area designated **ENV1** (formed by the Glen Moss SSSI).





House Siting

The house is sited to minimise any negative impact from the loss of woodland and is designed to be seen in the context of a woodland environment, i.e. to be glimpsed through the trees on the approach from Glenmosston Road. The house will sit on the flattest part of the site which coincidentally has the least mature tree growth. The access driveway is designed to affect the least number of mature trees and will be constructed to minimise the effect on tree roots. Issues relating to the woodland siting of the house are fully explored in the report **Tree Survey, Arboricultural Constraints and Implication Assessment by Donald Rodger Associates Ltd., Arboricultural Consultants**. The applicant intends to implement all measures contained in this report for the retention and management of trees on site.

Analysis in relation to Planning Policies

Policy **ENV1** sets out the criteria against which development affecting SSSIs will be permitted. The proposed dwelling is located 60m from the nearest part of the SSSI and is not visible from any part of the designated area. As access, services etc. from the house will be from the south, it is clear that the development *will not adversely affect the integrity of the area or the qualities for which it has been designated* either during construction or occupation.

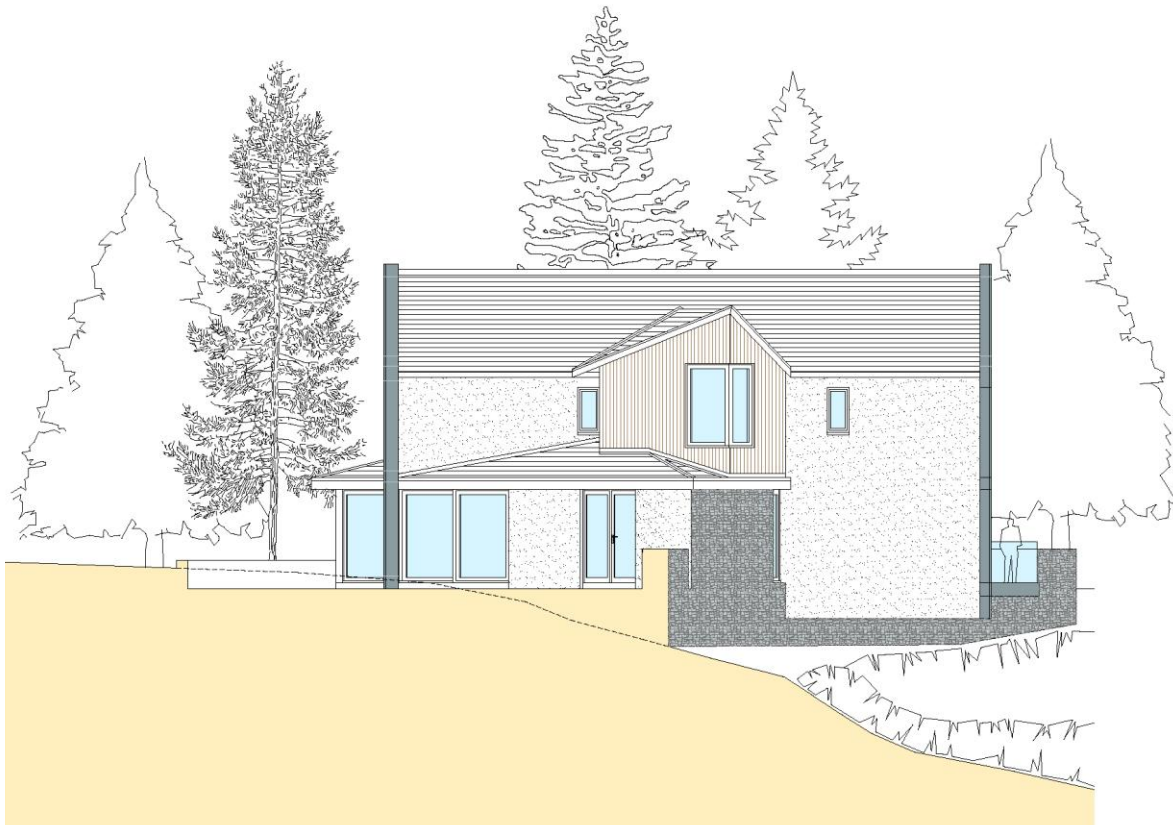
Similarly, the Site of Importance for Nature Conservation located some 100m north of the site will be unaffected by the development either physically or visually.

Policy **HER1** regulates development within Conservation Areas. The design of the proposed dwelling is unashamedly modern, but has a form and scale complementing surrounding dwellings. The design must also be viewed in the context of the relative visual seclusion of the proposed property and its woodland setting. Although modern, the house is modestly scaled and will be constructed using high quality natural materials. The ground allocated to the dwelling is commensurate with that of surrounding plots. We believe that the development will not adversely affect the character of the Conservation Area.

Policy **RES1** sets out the criteria against which development will be assessed to safeguard existing residential amenity. Our proposal, by dint of its secluded and discrete location, will have very little impact on the residential amenity of the immediate or wider locale. Our strategy for managing woodland, together with our adherence to the local authorities adopted roads guidance and the PAANs, will result in a development that fits seamlessly with the local environment.

Summary

Our proposal is for a modest, modern, high quality house discretely located in a visually unobtrusive woodland setting. Treatment of the existing woodland will be sensitive and well planned and managed and will leave the character of the area largely unaffected. The nearby sites of scientific interest are sufficiently remote so as not to be affected by the proposed house either physically or visually.



DN

10-11-16

10. CONSULTATION RESPONSES IN RELATION TO PLANNING APPLICATION

To: Head of Regeneration & Planning **Your Ref:** 16/0305/IC
Our Ref: EP/14/04/16/0305/IC
From: Head of Environmental & Commercial Services **Contact:** E Provan
Tel: (01475) 714814
Subject: Observations On Planning Application **PA Ref:** 16/0305/IC
Detail: Proposed new single dwellinghouse within the **Dated:** 31/10/2016
Received: 01/11/2016
Site: Fir Cottage, Glenmosston Road, Kilmacolm, **Applicant:** Mrs Betty Bowie
PA13 4PF

Type of Consent: Detailed Permission/ ~~In Principle/ Approval of Matters/ Change of Use~~

Comments:

1.	Parking should be provided in accordance with the National Guidelines:	
	1 bedroom	1 parking space
	2-3 bedrooms	2 parking spaces
	4 bedrooms	3 parking spaces
2.	The proposed development is 4 bedroom dwelling which require a total of 3 parking spaces. The application has provided a driveway capable of accommodating a minimum of 3 parking spaces. This is acceptable.	
3.	Driveway should be a minimum of 4.8m wide to allow 2 vehicles to pass.	
4.	Driveway to be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road.	
5.	Driveway gradient should not exceed 10%.	
6.	The applicant should demonstrate that a minimum visibility of 2.4m by 43m by 1.05m high can be provided.	
7.	All surface water must be contained within the site. Drainage arrangements should be submitted to demonstrate how this will be achieved.	
Notes For Intimation To Applicant		
Construction Consent (S21)*	Not Required/ Required for all road works	
Road Bond (S17)*	Not Required/ Required if building works are to be undertaken before roads are completed	
Road Opening Permit (S56)*	Not Required/ Required for all works in the public road	
Other	Not Required/ ***	

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 
Steven Walker, Service Manager (Roads)

Date: 30/11/2016

From:Charlie Cairns
Sent:22 Jun 2017 13:07:16 +0100
To:Guy Phillips
Cc:Alan Williamson
Subject:RE: GROUND ADJACENT TO FIR COTTAGE, GLENMOSSTON RD, KILMACOLM; 16/0305/IC

Hello Guy,

I am happy with the contents of this Report. With regards to their recommendations;

1. Need for further surveys – the Report mentions the need for further survey work. However, given the findings of this Report and the limited interest uncovered by their phase 1 habitat survey, I actually see no need for this and would not expect us to ask for it.
2. Mitigation measures relating to mammals are simple and inexpensive, and should be followed.
3. The list of enhancement stated should be regarded as advisory and not compulsory.

In essence we recommend they accept the advice of the Report but are not obliged to carry out further surveys [REDACTED]

Charlie

Charlie Cairns

Area Manager - Lower Clyde Greenspace

tel 01475 712464

LOWER CLYDE GREENSPACE IS A PARTNERSHIP BETWEEN INVERCLYDE AND ARGYLL & BUTE COUNCILS

From: Guy Phillips
Sent: 22 June 2017 08:44

To: Charlie Cairns
Cc: Alan Williamson
Subject: FW: GROUND ADJACENT TO FIR COTTAGE, GLENMOSSTON RD, KILMACOLM; 16/0305/IC

Charlie,

Could I please trouble you to cast your eye over the attached ecology report and advise whether or not you are content with its findings.

Thanks.

Guy Phillips

Municipal Buildings

Clyde Square

Greenock

PA15 1LY

01475 712422

Let us know how satisfied you are with the service received from our Development Management section by completing our customer survey at

[Survey Monkey - Development Management](#)

From: Douglas Nicholson [<mailto:douglas@canseg.co.uk>]
Sent: 21 June 2017 14:32
To: Guy Phillips; Devcont Planning
Subject: Fwd: GROUND ADJACENT TO FIR COTTAGE, GLENMOSSTON RD, KILMACOLM; 16/0305/IC

With the report this time!

Regards,

Douglas

----- Forwarded message -----

From: **Douglas Nicholson** <douglas@canseg.co.uk>

Date: Wed, Jun 21, 2017 at 2:29 PM

Subject: GROUND ADJACENT TO FIR COTTAGE, GLENMOSSTON RD, KILMACOLM;
16/0305/IC

To: Guy Phillips <guy.phillips@inverclyde.gov.uk>, devcont.planning@inverclyde.gov.uk

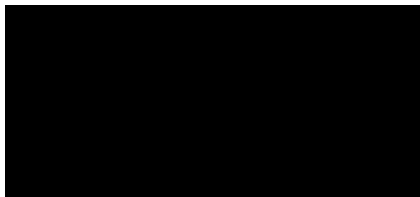


Good afternoon Guy,

We have now received the final version of the Phase 1 Habitat Survey for the above and attach this herewith.

We trust that this will enable you to conclude the processing of our application.

Regards,



D. NICHOLSON B.Arch (Hons.) M.Arch. RIBA. ARIAS.

Canata and Seggie Chartered Architects

7 Union Street

Greenock

PA16 8JH

Tel. 01475-784517

Fax. 01475-888344

Email. info@canseg.co.uk

URL. www.canseg.co.uk

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From:Graeme Blackie
Sent:29 Jun 2017 09:34:53 +0100
To:Guy Phillips
Cc:Elaine Provan;Graeme Blackie
Subject:RE: HOUSE IN GROUNDS OF FIR COTTAGE, GLENMOSSTON ROAD, KILMACOLM; 16/0305/IC

Guy,

Having further examined the proposal, I agree that the sightlines can be relaxed to a 20mph standard...
2.4m x 25m x 1.05m.

Regards,

Graeme Blackie, Team Leader (Consultancy)

Inverclyde Council, Environmental & Commercial Services (Roads),
Vehicle Maintenance Facility, 8 Pottery Street, Greenock PA15 2UH

eMail: graeme.blackie@inverclyde.gov.uk

Tel: 4817

From: Guy Phillips
Sent: 29 June 2017 08:44
To: Graeme Blackie
Cc: Elaine Provan
Subject: FW: HOUSE IN GROUNDS OF FIR COTTAGE, GLENMOSSTON ROAD, KILMACOLM; 16/0305/IC

Graeme,

In Elaine's absence, are you able to confirm if the sightline which Douglas Nicolson advises can be achieved is acceptable? The points which he has put forward in his email below appear to me to make good sense. Elaine had recommended a sightline of 2.4m x 43m x 1.05m be achieved.

In any event, I shall be submitting a report recommending that planning permission be refused due to the adverse impact upon the character and pattern of development in the Conservation Area. There remains, however, the possibility that an appeal to the Council's Review Body may be successful. Planning permission has been refused twice before for the erection of a house on this site and the issue of sightlines has not previously arisen.

I look forward to your reply.

Guy Phillips

Municipal Buildings

Clyde Square

Greenock

PA15 1LY

01475 712422

Let us know how satisfied you are with the service received from our Development Management section by completing our customer survey at

[Survey Monkey - Development Management](#)

From: Douglas Nicolson [<mailto:douglas@canseg.co.uk>]

Sent: 28 June 2017 17:03

To: Guy Phillips; Devcont Planning

Subject: HOUSE IN GROUNDS OF FIR COTTAGE, GLENMOSSTON ROAD, KILMACOLM; 16/0305/IC



Good afternoon Guy,

Further to your email, I attach herewith our revised drawing 2513_D.SP revision B. This shows the sight lines that can be achieved from the new entrance, i.e. 26.80m to the north west and 38.87m to the south east.

We would point out that Glenmosston Road is narrow and constricted and that it is practically impossible to drive along this road at a speed anywhere near 30mph. 17m to the north west of the site, the road width is severely restricted to little more than a cars width, reducing traffic speed to walking pace. Similarly, a tight bend around 28m to the south east of the site seriously limits traffic speed approaching the site from this direction. We therefore contend that the achievable sight lines are perfectly safe.

With regard to material finishes of the house, we would confirm the following:

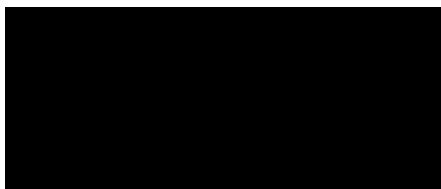
Walls: Smooth render finish, white; stained timber cladding, grey aluminium edge panels to gables.

Roof: grey slate effect concrete tiles.

Window frames: grey powder coated aluminium.

We trust that this is in order.

Regards,



D. NICHOLSON B.Arch (Hons.) M.Arch. RIBA. ARIAS.

Canata and Seggie Chartered Architects

7 Union Street

Greenock

PA16 8JH

Tel. 01475-784517

Fax. 01475-888344

Email. info@canseg.co.uk

URL. www.canseg.co.uk

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Memorandum		
Safer Communities Planning Application Consultation Response		
To: Planning Services For the Attention of GUY PHILLIPS		
From: Safer and Inclusive Communities	Planning response date 15.12.16	Date sent 5.12.16

Lead Officer:	JIM BLAIR
Tel: 01475 71 4305	Email: jim.blair@inverclyde.gov.uk

Safer Communities Reference (optional):	
Planning Application Reference:	16/0305/IC
Planning Application Address:	FIR COTTAGE, GLENMOSSTON RD, Kilmacolm, PA13 4PF
Planning Application Proposal:	PROPOSED NEW SINGLE DWELLINGHOUSE WITHIN CURTILAGE OF FIR COTTAGE

Team	Officer	Date
Food & Health	Michael Lapsley	
Air Quality <i>Contaminated Land</i>	Sharon Lindsay Roslyn McIntosh	30.11.16 5/12/2016
Public Health & Housing	Jim Blair	28.11.16
Noise	Sharon Lindsay	30.11.16

Amend table entries as appropriate and insert date when each officer review is completed.



Recommended Conditions:

It is recommended that the undernoted conditions be placed on any consent the council may grant:

Delete or amend as appropriate

Food & Health

No Comments

Air Quality

No Comments

Contaminated Land

Contaminated Land

1. That prior to the start of development, a brief statement confirming the absence or presence of Japanese Knotweed within the site shall be submitted to and approved, in writing by the Planning Authority. In the event Japanese Knotweed is identified this statement should be accompanied with a suitable treatment methodology. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.

Reason: To help arrest the spread of Japanese Knotweed in the interests of environmental protection.

Public Health & Housing

Public Health & Housing

2. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

Reason: To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

Noise

Noise

No Comments

No Comments

Recommended Advisory Notes

It is strongly recommended that the undernoted Advisory Notes be placed on any consent the Council may grant:

- i. **Site Drainage:** Suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
- ii. **Rats, drains and sewers:** Prior to the construction phase it is strongly recommended that any existing, but redundant, sewer/drainage connections should be sealed to prevent rat infestation and inhibit the movement of rats within the area via the sewers/drains.
- iii. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2015 (CDM 2015)** and it's implications on client duties etc.

Rona McGhee

From: David Ashman on behalf of Devcont Planning
Sent: 28 November 2016 13:27
To: Laura Graham
Subject: FW: Planning Consultation Request - Fir Cottage, Glenmosston Road, Kilmacolm, PA13 4PF

From: Charlie Cairns
Sent: 28 November 2016 10:58
To: Ashley J. Hamilton; Devcont Planning
Subject: RE: Planning Consultation Request - Fir Cottage, Glenmosston Road, Kilmacolm, PA13 4PF

Hello'

I have no biodiversity concerns here, although I would recommend that the applicant has dialogue with the Scottish Wildlife Trust, who manage the adjacent Glen Moss Nature Reserve.

The tree survey is very impressive and Donald Roger has an excellent reputation.

Core Path 48 runs nearby (Gowkhouse Road) and many people also use Glenmosston Road to access the nature reserve. I would expect this to be considered during the construction phase and there to be no impediment to people taking responsible access, either on the core path or elsewhere.

Regards

Charlie

*Charlie Cairns
Area Manager - Lower Clyde Greenspace
tel 01475 712464*

LOWER CLYDE GREENSPACE IS A PARTNERSHIP BETWEEN INVERCLYDE AND ARGYLL & BUTE COUNCILS

From: Ashley J. Hamilton
Sent: 25 November 2016 15:15
To: Charlie Cairns
Subject: FW: Planning Consultation Request - Fir Cottage, Glenmosston Road, Kilmacolm, PA13 4PF

Hi Charlie

I think this one is for you.

Kind Regards

Ash Hamilton
Policy Planner
Regeneration and Planning
Inverclyde Council
Municipal Buildings
Clyde Square
Greenock

PA15 ILY
01475 712463

From: Nicol Robertson **On Behalf Of** Devcont Planning
Sent: 24 November 2016 09:18
To: Roads; safer communities; Devplan Planning; Building Standards; richardeast@citydesign.coop
Subject: Planning Consultation Request - Fir Cottage, Glenmosston Road, Kilmacolm, PA13 4PF

Consultation Request - Planning Application Ref – **16/0305/IC**
Please can you comment on the application detailed in the attachment.
Could you reply at devcont.planning@inverclyde.gov.uk

Nicol Robertson
Regeneration & Planning
Inverclyde Council
Municipal Buildings
[10 Clyde Square](#)
Greenock
Inverclyde
PA15 1LY

Phone (office) – 01475 712418
e-mail – nicol.robertson@inverclyde.gov.uk

Inverclyde Council website – www.inverclyde.gov.uk
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Inverclyde Landscape Consultancy

Project: Proposed New House
Inverclyde Planning Ref: 16/0305/IC
CDC Ref: 1309/12
IC Ref: Guy Phillips
CDC Lead: Richard East
Date: 13 12 2016

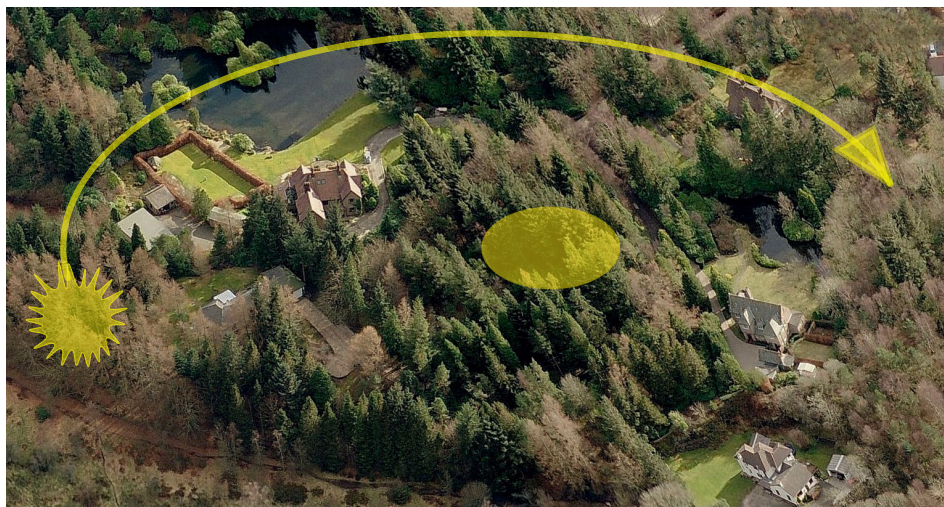
- 1.0 Nature of proposal:
Proposed new dwelling house within the curtilage of Fir Cottage, Glenmosstan Road, Kilmacolm, PA13 4PF
- 1.1 Brief to City Design Co-operative
Inverclyde Council has requested City Design Co-operative (CDC) to comment on aspects of the application that relate to the landscape context of the proposal. In this respect the proposal has been examined in relation to the site including location, topography, existing conditions including vegetation and the detail of the proposal itself as submitted for approval.
- 1.2 CDC has viewed all the documents presented but in particular has focused on the following:
- Elevation to East as Proposed 278901
 - Elevation to North as Proposed 278903
 - Elevation to South as Proposed 278902
 - Elevation to West as Proposed 278904
 - Ground Floor Plan as Proposed
 - Upper Floor Plan as Proposed
 - Location Plan 279159
 - Model Images as Proposed 278907
 - Section AA as Proposed 278905
 - Section BB as Proposed
 - Site Plan as Proposed 279160
 - Statement of Design 278910
 - Tree Survey Arboricultural Constraints and Implication Assessment 278913
 - Full Planning Application 78912
- 1.3 It is noted that the Planning Application indicates that a Landscape Plan has been submitted as part of the application. This has not been seen and it is not clear whether this has been prepared.
- 2.0 CDC visited the site on December 11th 2016 and made the following observations relating to the site and its context:
- 2.1 The site is secluded and located amongst a mature, predominately coniferous woodland. The understory where it exists is dominated by Rhododendron planting. There are a number of other residential properties in the area but they are

substantially screened by mature trees. The landscape context can be characterised as mature woodland with clearings in which can be found well established residential properties. The woodland gives way on its eastern edge to the 19.5 acre Glen Moss SSSI just beyond the property boundary of Fir Cottage. The Moss is noted for its Dragon Fly populations and for rare plants. The proposed development site is separated from the Moss by two other residential properties.

- 2.2 Topography: the proposed site for the new building is relatively level with an “escarpment” along the north western edge, It is noted that part of the building shown in the proposal is cantilevered out over this slope.
- 2.3 Trees: The trees on the proposed site have been recently surveyed and a professional report has been formally submitted as part of the planning application. The report indicates species, size and condition of the trees. Trees that are dead or in poor condition are scheduled for removal as are trees in the direct line of the proposed driveway to the new house. Within the area of the footprint of the proposed house is a group of regenerating conifers. This group will be lost in its entirety. The tree report is clear on precautions to be taken during the construction process to protect the woodland around the site and techniques to be employed to construct the new access road. It is noted that it is the intention to retain the tree consultant throughout the construction period to advise on, and monitor the works.
- 2.4 An ecological assessment of the site has not been submitted.
- 3.0 The proposal:
- 3.1 The plans and sections illustrating the scheme show a single dwelling located substantially in a “clearing” in the existing woodland. The light getting through the clearing has encouraged regenerative growth of conifers at this point. These young trees will be removed under the proposal.
- 3.2 It is noted that a landscape listed in the Planning Application plan for the proposal has not been seen. There is no indication of any landscape treatment – other than tree removal and subsequent management within the scheme as presented
- 3.3 The proposal for utilities and services is to make connections to the existing utilities in the vicinity of the site. No indication is given on the plans of where service runs will be located. In a proposal located in woodland it is clear that cutting trenches close to trees may have a detrimental effect on the health and stability of the trees. The roadway to the new house is being developed as a no dig structure and therefore will not have the capacity for service trenches beneath the surface.
- 3.4 The design statement undertakes to follow the advice set out in the tree survey report and to retain the services of the arboricultural consultant. The site location within the woodland will be overshadowed by the trees to be retained and will enjoy restricted views.
- 4.0 Comment
- 4.1 A new dwelling in the proposed location is unlikely in itself to have a negative impact on the landscape character or close neighbours. The removal of a limited number of trees as detailed in the tree report may be beneficial to the overall health of the woodland which has not been managed in the past. However great care will need to

be taken with the removal of trees at the edges of the existing canopy (and around the clearing) as edge trees with better developed root systems will be providing some shelter to trees deeper in the wood which will have shallower root systems. It is noted that generally trees are likely to be shallow rooted as the underlying rock is close to the ground surface. "Root pruned" and "unsheltered" trees will be inherently unstable and may be susceptible to wind blow.

- 4.2 The location of the plot amongst the trees will be relatively dark and over shadowed. It is noted that the developer proposes to retain trees outwith the immediate house plot and this intent is welcomed. However it is reasonably foreseeable that future residents may wish to improve light penetration to the plot and indeed views out. If this means further trees are removed there are two potential implications; the stability of the existing wood land may be further compromised and the impact of the new house on neighboring properties may be increased.



Sun path in relation to the proposed development site

- 4.3 No data has been provided in terms of the site ecology and the potential impact of the proposed development. It is possible that bat roosts exist in the older trees and that there may be impacts on significant flora and fauna in the area. Potential impacts are unknown.
- 5.0 Recommendation
- 5.1 We recommend further information is provided before a decision regarding approval is made
- 5.2 Detail should be given of the proposed routes of services to the new dwelling together with the likely impact they will have on trees. Any trees likely to be affected are to be identified and consideration made of any further tree removals prior to approval.
- 5.3 Further information is required in respect of the potential ecological impacts of the scheme. At the very least we recommend a Phase I Habitat survey be undertaken by

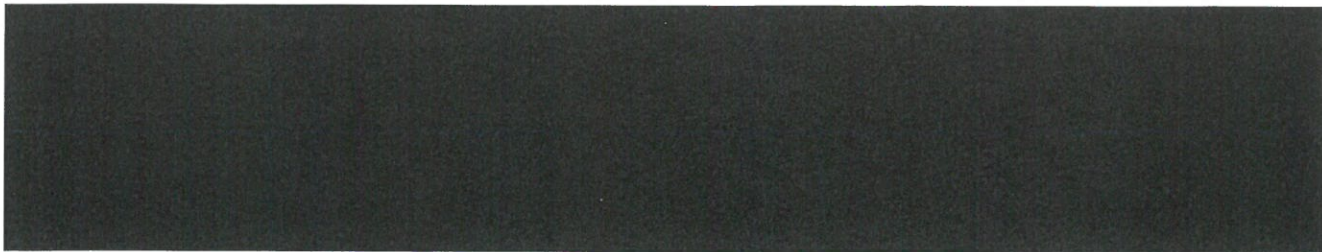
qualified personnel in the appropriate season. The outcome of this survey may have a bearing on the suitability of the proposal in terms of ecological impacts.

- 5.4 If the outcome of the ecological assessment finds that the proposal is not detrimental to the ecology of the site and unlikely to have unacceptable negative impacts we recommend that the development only be approved on condition that further tree removal beyond the immediate footprint of the building will only be allowable as part of an agreed ongoing woodland management plan. This plan is to be focused on the health of the woodland rather than the amenity of the house plot which is a new imposition on the existing established wood.
- 5.5 The information noted above should be presented and assessed prior to a decision being made on the application for approval of the development.

Response prepared by Richard East Dip LA MA Urb Des CMLI
on behalf of City Design Co-operative for Inverclyde Council

13 12 2016

11. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION



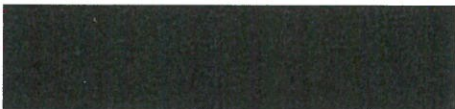
In case you've not seen these...

From: Stuart Jamieson
Sent: 09 December 2016 19:29
To: Devcont Planning
Subject: FW: KILMACOLM CIVIC TRUST COMMENT ON LATEST PLANNING APPLICATIONS

Stuart W. Jamieson

Head of Service
Regeneration and Planning
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY

Tele:
e-mail:



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From: Nicol Cameron [Redacted]
Sent: 09 December 2016 15:52
To: Stuart Jamieson
Subject: KILMACOLM CIVIC TRUST COMMENT ON LATEST PLANNING APPLICATIONS

From: Mr R.N. Cameron (Chairman Kilmacolm Civic Trust)

To: Mr Stuart Jamieson (Head of Regeneration and Planning, Inverclyde Council)

Dear Mr Jamieson.

KILMACOLM CIVIC TRUST COMMENT ON LATEST PLANNING APPLICATIONS

The next Kilmacolm Civic Trust Executive Committee monthly meeting is not until Thursday 15th December 2016 (i.e next week).

There are 7 planning applications for us to consider.

As 4 of the applications are straightforward we have considered them Out of Committee and have a decision. The committee is comprised of 11 people. 3 of them are at present not available. The remaining 8 have all responded. Our decisions (which are unanimous in the case of each application) are:

- **16/0291/IC:** Flat B, Cottage 35, Peace Ave, Quarriers Village. **Comment:** **No Objection.**
- **16/0303/IC:** 9 Myreton Avenue, Kilmacolm. **Comment:** **No Objection.**
- **16/0304/IC:** 1 Leperstone Avenue, Kilmacolm. **Comment:** **No Objection.**
- **16/0306/IC:** Broomlea, Pacemuir Rd. Kilmacolm. **Comment:** **No Objection.** (provided that minimum distance rules to boundaries and adjacent dwellings are met)

We shall have to consider the remaining 3 applications (see below) 'In Committee' on Thursday 15th December as they are complicated/controversial:

- **16/0238/IC: 5 Juniper Avenue, Quarriers Village.** Now that various issues have at last been clarified (by email to me this morning by James McColl) I can prepare and send a briefing paper to our committee members on what is proposed.
- **16/0305/IC: Fir Cottage, Glenmosston Rd, Kilmacolm.** This is in the original Conservation area and requires careful consideration and discussion.
- **16/0313/IC: Woodberry House, Castlehill Crescent, Kilmacolm.** We are delighted that the original very run-down dwelling is to be demolished. However the proposed replacement building has not been well received 'Out of Committee' and clearly requires discussion.

Yours Sincerely,

Nicol Cameron

(Mr R.N. Cameron - Chairman Kilmacolm Civic Trust)



From: Nicol Cameron [REDACTED]
Sent: 16 December 2016 17:02
To: Stuart Jamieson; Devcont Planning
Subject: KILMACOLM CIVIC TRUST COMMENT ON PLANNING APPLICATION 16/0305/IC (CORRECTED LETTER)

From: Mr R.N. Cameron (Chairman Kilmacolm Civic Trust)

To: Mr Stuart Jamieson (Head of regeneration and Planning, Inverclyde Council)

Dear Mr Jamieson

Kilmacolm Civic Trust Comment on Planning Application 16/0305/IC) - Corrected Letter

The Kilmacolm Civic Trust Executive Committee held its monthly meeting at 7.30pm on Thursday 15th December 2016.

In addition to other business we considered Planning Application **16/0305/IC (Fir Cottage - proposal to build a dwelling house within the curtilage).**

Decision: We have no objection. However we have several comments which we wish you to take into account.

Our corrected letter of comment is attached.

Yours Sincerely,

Nicol Cameron

(Mr R.N. Cameron, Chairman Kilmacolm Civic Trust)

KILMACOLM CIVIC TRUST
(Scottish Charity No SC 032744)

From:

Mr RN Cameron
Chairman Kilmacolm Civic Trust

Mr S Jamieson
Head of Regeneration and Planning
Inverclyde Council
Municipal Buildings
Greenock

Kaladan
Lochwinnoch Road
Kilmacolm
PA13 4DY

16th December 2016

Dear Mr Jamieson

KILMACOLM CIVIC TRUST COMMENT ON PLANNING APPLICATION 16/0305/IC
(New single dwelling within curtilage of Fir Cottage, Glenmosston Road, Kilmacolm)

The Kilmacolm Civic Trust Executive Committee considered this application at its monthly Executive Committee meeting at 7.30pm on Thursday 15th December 2016.

We support this application.

This is a contemporary and vital design that will enhance and update the rich architectural heritage and diversity of Kilmacolm. The form and materials are considered, imaginative and appropriate to the site.

Although the site is within the Conservation area, very few trees will be removed to create a driveway. As the driveway is to be sinuous and the trees between the house and Glenmosston Road are mature and the tree belt between the house and the road will be quite broad, the new house will not be noticeable to or impose on other properties on that road.

We would like to point out, for the edification of the Roads Department, that Glenmosston Road is a **private road**. It has never been adopted by Inverclyde Council, nor by any of its predecessor organisations. All the residents who have properties on that road contribute their own money to pay for its upkeep and maintenance. Indeed two sections of that road have been resurfaced by them at their expense within the past 12 – 18 months.

There are numerous striking architectural styles within Kilmacolm designed by well-known architects over the past 120 years. A recent (approved) application (work not started yet) is the proposal to demolish and build a new house in a very modern style in place of 'South Lodge' at the top of Barclaven Road where an entry route to Overton Hall meets it. Another recent (approved) application was the proposal to build a house designed by Page Park, in part of the grounds of Knapps House – which is in the Conservation Area. That design was very imaginative and striking and gave the impression of a Scottish Broch. It would have hardly been glimpsed through the trees in that part of the Conservation Area when approaching Kilmacolm from Bridge of Weir. This new dwelling in the woodland of Fir Cottage will add to the diversity of unique styles.

Kind Regards,

Nicol Cameron
(R.N. Cameron, Chairman Kilmacolm Civic Trust)

**12. DECISION NOTICE DATED 20 JULY 2017 ISSUED BY
HEAD OF REGENERATION & PLANNING**

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 16/0305/IC

Online Ref:100030967-001

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)REGULATIONS 2013**

Mrs Betty Bowie
Fir Cottage
Glenmosston Road
KILMACOLM
PA13 4PF

Canata And Seggie
Douglas Nicholson
Chartered Architects
7 Union Street
GREENOCK
PA16 8JH

With reference to your application dated 14th November 2016 for planning permission under the above mentioned Act and Regulation for the following development:-

Proposed new single dwellinghouse within the curtilage of Fir Cottage at

Fir Cottage, Glenmosston Road, Kilmacolm

Category of Application: Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

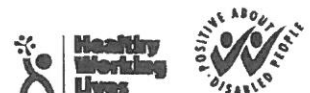
The reason for the Council's decision is:-

1. That the level of tree removal likely to ultimately be required to accommodate the proposed dwelling would be unsympathetic to the character and amenity of this part of the Kilmacolm Conservation Area and would, therefore, be contrary to Policy HER1 and criteria (a) and (c) of Policy RES1 of the Inverclyde Local Development Plan.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 20th day of July 2017


Head of Regeneration and Planning



- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 2 If permission to develop land is refused or granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
2513_D.LP	Rev A	11.10.2016
2513_D.SP	Rev B	26.06.2017
2513_D.001		11.10.2016
2513_D.002		11.10.2016
2513_D.003		11.10.2016
2513_D.004		11.10.2016
2513_D.005		11.10.2016
2513_D.006		11.10.2016
2513_D.007		11.10.2016
2513_D.008		11.10.2016
2513_D.009		11.10.2016

**13. NOTICE OF REVIEW FORM DATED 26 SEPTEMBER 2017
TOGETHER WITH SUPPORTING DOCUMENTATION**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100068355-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Nicholson McShane Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	Ladyburn Business Centre
Last Name: *	Nicholson	Building Number:	10
Telephone Number: *	01475325025	Address 1 (Street): *	Unit 10
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Greenock
Fax Number:		Country: *	Scotland
		Postcode: *	PA15 2UH
Email Address: *	consents@nicholsonmcshane.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Fir Cottage"/>
First Name: *	<input type="text" value="Betty"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Bowie"/>	Address 1 (Street): *	<input type="text" value="Glenmosston Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kilmacolm"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA13 4PF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="Fir Cottage"/>
Address 2:	<input type="text" value="Glenmosston Road"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="Kilmacolm"/>
Post Code:	<input type="text" value="PA13 4PF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="669732"/>	Easting	<input type="text" value="236450"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Appeal to the Local Review Body against refusal of application for detailed planning permission for the erection of a new single dwellinghouse (ref. 16/0305/IC).

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

A Statement of Appeal document is included with this Notice of Review as an attachment.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Review to the Local Review Body (this includes a statement from the arboricultural consultant as an appendix)

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/0305/IC

What date was the application submitted to the planning authority? *

14/11/2016

What date was the decision issued by the planning authority? *

20/07/2017

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Although the application site adjoins the public road much of it cannot be seen due to the tree cover and topography. And although the site isn't fenced to the road or to the driveway of Fir Cottage, parts are heavily overgrown, steeply sloping and extremely slippery.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Douglas Nicholson

Declaration Date: 26/09/2017



Proposed new single dwellinghouse within the curtilage of Fir Cottage, Glenmosston Road, Kilmacolm; 16/0305/IC



Statement of Review to the Local Review Body

Introduction

1. The applicant is the owner of Fir Cottage, Glenmosston Road, Kilmacolm. Fir Cottage sits in an elevated position on a large, generally wooded site.
2. Planning application 16/0305/IC concerned the construction of a modern 2-storey 4 bedroom house to the west of Fir Cottage, occupying a site in the middle of a large area of woodland. The careful design of the house will retain the large majority of the woodland to preserve the character of the plot and the immediate surroundings.
3. As the visual character of the site was clearly apparent, and as this character is largely the result of the woodland cover, a specialist arboriculturalist was requested to provide a detailed report as part of the application. This report, the “Tree Survey, Arboricultural Constraints and Implications Assessment” noted the details of 92 trees on the site of the proposed dwelling, including their position, size, age and condition. This report served as the guideline for the positioning of the house and for the limited tree removal required to accommodate the house and its access whilst maintaining the wooded feel of the site. The



application was further supported by a habitat report submitted during the processing of the application.

4. Our application, 16/0305/IC, was refused under delegated powers on 20th July 2017. Our request for a review to the Local Review Body is in respect of this refusal.

Reason for Refusal

5. The reason for refusal set out in the decision notice is as follows:
“That the level of tree removal likely to ultimately be required to accommodate the proposed dwelling would be unsympathetic to the character and amenity of this part of the Kilmacolm Conservation Area and would, therefore, be contrary to Policy HER1 and criteria (a) and (c) of Policy RES1 of the Inverclyde Development Plan”.

Analysis of Report of Handling and Reason for Refusal

6. There are many positive features of the principal of the siting of a house on the site, and of its design, highlighted in the Report of Handling. These include the following:
 - a. The fact that only one public written representation was received (from Kilmacolm Civic Trust) and that this was in support of the proposal, noting that it “considers the design to be vital and contemporary and that it will enhance and update the rich architectural heritage of Kilmacolm”.
 - b. That the design of the dwelling is found to be “compatible with the character and amenity of the area...”.
 - c. That the “... design guidance within Historic Environment Scotland’s “Managing Change in the Historic Environment” guidance note “New Design in Historic Settings” is met”.
 - d. That the “plot size, the proportion of built ground to garden ground and distance to boundaries are reflective of the locality”.
 - e. That the Head of Commercial and Environmental Services has no objection to the proposal and that it accords with the roads guidance “Designing Streets”.
 - f. That the proposal complies with the requirements of the PAANs applicable to it, including PAAN 2 (Single Plot Residential Development), PAAN3 (Private and



Public Open Space in New Residential Developments) and PAAN5 (Balconies and Garden Decking).

- g. That the Council's Lower Clyde Greenspace Manager is content with the Extended Phase 1 Habitat Survey.
- 7. On detailed reading of the Report of Handling, the reasons for refusal appear to stem solely from two concerns regarding the treatment of the woodland and the removal and protection of trees, namely:
 - a. That future occupiers of the house may seek the removal of further trees to enhance the availability of light and the views from the property.
 - b. That the tree protection measures, which have been proposed in detail by the arboriculturalist, cannot be adequately policed and regulated by the department and are therefore unacceptable.
- 8. Neither of these reasons finds any aspect of our proposal unacceptable; instead they rely on supposition by Planning and lack of faith in the applicant's willingness to carry out the work as per the documentation submitted.
- 9. With regard to 7.a., the felling of trees by future occupants of the house is supposition on the part of the council's landscape advisor and processing officer. In any event, under Section 172 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the planning authority six weeks prior notice. The purpose of this requirement is to give the planning authority an opportunity to consider whether a TPO should be made in respect of the tree. Thus the indiscriminate felling of trees is controlled by the Planners themselves.
- 10. With regard to 7.b., the implication in the Report of Handling is that the tree protection measures are satisfactory but are being deemed to be unacceptable as the Planners cannot police their implementation on a full-time basis. We find this argument confusing as it questions the professionalism and intent of those committed to this work being carried out properly, including the applicant, the arboriculturalist and ourselves. This aspect of the works could (and in the arboriculturalist's experience usually is) conditioned such that it is



undertaken under the direct supervision of the arboriculturalist, with regular monitoring and reporting to Planning.

11. A letter from the arboriculturalist is attached as Appendix 1 outlining his comments on the reason for refusal.

Summary

12. The proposal forming the basis of the applicant's submission for Planning Permission is, in terms of the Report of Handling, found to acceptable in terms of design, consultees' comments, HES guidance, and public participation. Indeed it also appears to be largely acceptable in terms of the handling of the woodland environment. Yet the application was refused due to supposition about the actions of future residents of the proposed house, and a lack of faith in the applicant and professionals to properly implement the acceptable tree protection strategy. These reasons are spurious as both are under the control of the local authority. We therefore seek the overturning of the refusal of Planning Permission.

DN

Nicholson McShane Architects

21 September 2017



Appendix A – Letter from arboriculturalist.



DONALD
RODGER
ASSOCIATES

Mr Douglas Nicholson
Nicholson McShane Architects
10 Ladyburn Business Centre
Pottery Street
Greenock
PA15 2UH

6 September 2017

Dear Douglas

Fir Cottage, Glenmosston Road, Kilmacolm - Appln no 16/0305/IC

I refer to the above site and to the recent refusal of planning permission. I am pleased to provide some additional comments on some of the points raised in the council's Report of Handling.

Firstly, it is positive to note that the council's landscape advisors are of the opinion that a new dwelling "...is unlikely in itself to have a negative impact on the landscape character or close neighbours" and that "The removal of a number of trees may be beneficial to the overall health of the woodland which has not been managed in the past." This statement acknowledges the need for proactive management of the area of tree cover. The application provides the necessary impetus and opportunity for this.

The trees which it proposed to remove to create the development plot consist in the main of relatively young regeneration which is of small size and stature (G1, as shown on the tree survey plan). This generally lies below the main dominant and mature tree canopy. As such, the removal of this recent growth is unlikely to significantly expose the adjacent edge trees and increase the risk of windblow or tree instability. The potential impact of tree removal on the integrity of the adjacent retained trees has been carefully considered in this case. It is asserted that the tree removals as proposed, which are few in number and mostly small trees, will not unreasonably predispose the adjacent trees to windblow.

Suggestion is made that there will be future pressure from residents for additional tree removal. This is based purely on supposition and cannot be substantiated. There are many examples locally where houses are set within a wooded environment and these co-exist quite happily. A property within a wooded setting is viewed as an asset by many homeowners and there is no reason to assume that there will be pressure for further removal. To raise an issue regarding something which may or may not happen seems

ARBORICULTURAL CONSULTANTS

DONALD RODGER BSc HONS (FOR), DMS, FARBORA, MICFOR, CBIOL, MIBIOL

REGISTERED CONSULTANT OF THE ARBORICULTURAL ASSOCIATION

39A MAIN STREET GULLANE EAST LOTHIAN EH31 2AP

TEL/FAX 01620 842656 MOBILE 07710 781888

e-mail donald.rodger@virgin.net www.donaldrodger.co.uk

VAT REG No. 790 0818 24

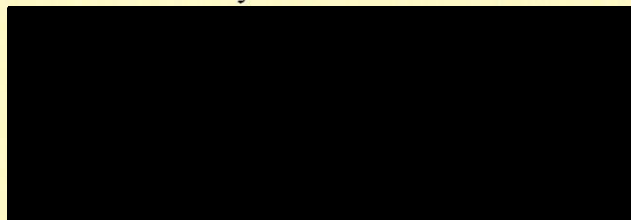
somewhat nebulous and not a valid reason for removal. Regardless, as the trees are within a Conservation Area, any tree removal will remain under the direct control of the council.

It is also suggested by the council that it "...is impractical to enforce the proposed tree protection measures and specialised method of driveway construction". This is not a valid reason for refusal. It could easily be conditioned that this aspect must be carried out under direct supervision by the project arboriculturalist, who will monitor and report on progress. This is not an uncommon scenario.

In conclusion, it would appear that the reasons for refusal on arboricultural grounds are weak, indefensible or could be addressed by appropriate conditions.

I trust that this is of assistance.

Yours sincerely



Donald Rodger

**14. SUGGESTED CONDITIONS SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

PROPOSED NEW SINGLE DWELLINGHOUSE WITHIN THE CURTILAGE OF FIR COTTAGE, GLENMOSSTON ROAD, KILMACOLM (16/0305/IC)

Suggested conditions should planning permission be granted on review

Conditions:

1. That the development to which this permission relates must be begun within three years from the date of this permission.
2. That prior to the commencement of development, samples of all facing materials shall be submitted to and approved in writing by the Planning Authority. The approved samples shall thereafter be used unless any alternatives are approved in writing by the Planning Authority.
3. That prior to the commencement of development, full details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. The boundary treatments shall be erected in full prior to occupation of the associated dwellinghouse hereby approved.
4. That prior to the commencement of development, full details of all soft and hard landscaping shall be submitted to and approved in writing by the Planning Authority. The approved landscaping shall be carried out in full prior to occupation of the associated dwellinghouse hereby approved.
5. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
6. That the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.
7. That before the first of the residential units hereby permitted is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness.

8. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and amendments to the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
9. That tree protection measures in accordance with the latest BS 5837 guidance shall be erected prior to the commencement of development and shall remain in place thereafter until the completion of all elements of construction.
10. That the driveway shall be a minimum of 4.8 metres wide to allow 2 vehicles to pass.
11. That the driveway gradient shall not exceed 10%.
12. That a visibility splay of 2.4m by 43m by 1.05m high shall be provided at all times.
13. That all surface water must be contained within the site. Drainage arrangements shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.
14. That development shall not commence on site until the recommendations of the "Extended Phase 1 Habitat Survey" are implemented in full, especially in relation to protected species.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In the interests of visual amenity.
3. In the interests of the privacy of adjoining residents.
4. In the interests of amenity and to prevent deleterious materials being carried onto the carriageway.
5. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
6. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
7. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.
8. To ensure that all contamination issues are recorded and dealt with appropriately.
9. To ensure the protection of trees.
10. In the interests of traffic safety.
11. To ensure the driveway will be usable.
12. In the interests of traffic safety.

13. To avoid the creation of flooding.

14. In the interests of nature conservation.