

**LOCAL REVIEW BODY**

**7 FEBRUARY 2018**

**PLANNING APPLICATION FOR REVIEW**

**DR R SMYLLIE**

**ERECTION OF A NEW DWELLINGHOUSE:**

**100M SOUTHWEST OF THE MAIN HOUSE AT TORRIDON, GLENMOSSTON ROAD,  
KILMACOLM (16/0160/IC)**

**Contents**

- 1. Planning Application dated 30 May 2017 together with plans**
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- 12. Decision Notice dated 27 July 2017 issued by Head of Regeneration & Planning**
- 13. Notice of Review Form dated 5 October 2017 from Anderson Strathern LLP together with supporting documentation**

**Members are asked to note that in accordance with the criteria set out in Section 43B of the Town & Country Planning (Scotland) Act 1997 the following documents are not included with the supporting documentation:-**

**Document 5 - Scottish Wildlife Trust Reserve Agreement for Glen Moss Wildlife Reserve;**

**Document 23 – Decision Notice dated 7 June 2012 in relation to planning application 12/0030/IC;**

**Document 24 – Report to Planning Board on 6 June 2012 in relation to planning application 12/0030/IC;**

**Documents 25 A-C – North east & south west elevations, south east & north west**

**elevations and floor plans in relation to planning application 12/0030/IC; and**

**Document 26 – Listing schedule for Knapps House, Houston Road, Kilmacolm.**

- 14. Email dated 20 October 2017 from Anderson Strathern LLP in relation to new matters**
- 15. Suggested conditions should planning permission be granted on review**

**1. PLANNING APPLICATION DATED 30 MAY 2017  
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 100053710-001

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)

Erection of a new dwelling house on land 100 metres southwest of the main house at Torridon

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:	WvH Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	Elmwood
Last Name: *	Andrews	Building Number:	
Telephone Number: *	01483 284028	Address 1 (Street): *	High Park Avenue
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	East Horsley, Surrey
Fax Number:		Country: *	UK
		Postcode: *	KT24 5DD
Email Address: *	philip@wvhplanning.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Dr	Building Name:	Torridon
First Name: *	Robin	Building Number:	
Last Name: *	Smyllie	Address 1 (Street): *	Glenmosston Road
Company/Organisation		Address 2:	Kilmacolm
Telephone Number: *		Town/City: *	Renfrewshire
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:

Torridon

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

669694

Easting

236432

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

0.49

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)

residential garden curtilage

## 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)? \*

2

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

details on b120

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)

b120

## 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: Philip Andrews

On behalf of: Dr Robin Smyllie

Date: 30/05/2017

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 principal 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)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

## **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 Philip Andrews

Declaration Date: 30/05/2017

## **Payment Details**

Telephone Payment Reference: C00100001995

Created: 30/05/2017 11:25

**Roof Plan Key**

- TYPE A ROOFING
- TERAZZO ROOFING
- WOOD DECKING
- GLASS ROOFING
- FLAT ROOFING

**Direction Key**

**Schedule of Materials:**  
 The following items are proposed for the proposed project:  
 Exterior Siding: **Horizontal Slat Siding**  
 Interior Siding: **Horizontal Slat Siding**  
 Roofing: **Asphalt/Flt Shingles**  
 Windows: **Double Hung Windows**  
 Doors: **Double Hung Windows**  
 Landscaping: **Asiatic Grasses, Shrubs, Perennials**

**STATUS**

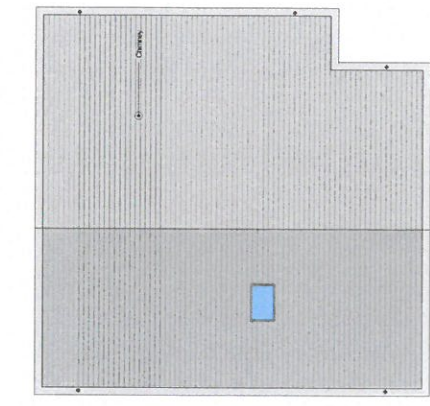
**ISSUE**

Architect: **Peter Huf Architecture**  
 Client: **Dr. Robin Smylie**  
 Site Address: **12 De Harland Drive | Brooklands  
 Wyckoff | Summit | NJ 07424**

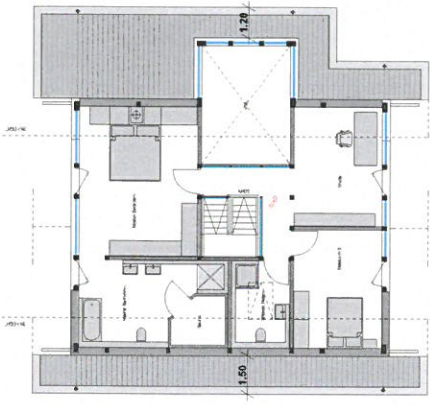
**PLANNING APPLICATION  
 NEW DWELLING**

Project: **40-00000000**  
 Plan: **Proposed Plans**  
 Scale: **1:1000 (A1)**  
 Drawing No.: **1000**

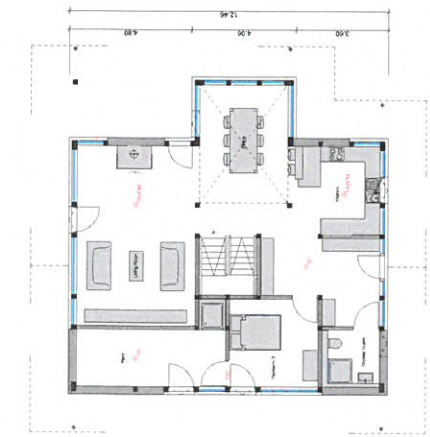
**PETER HUF  
 ARCHITECTURE**  
 The Condit Tower | 12 De Harland Drive | Brooklands  
 Wyckoff | Summit | NJ 07424



Roof Elevation



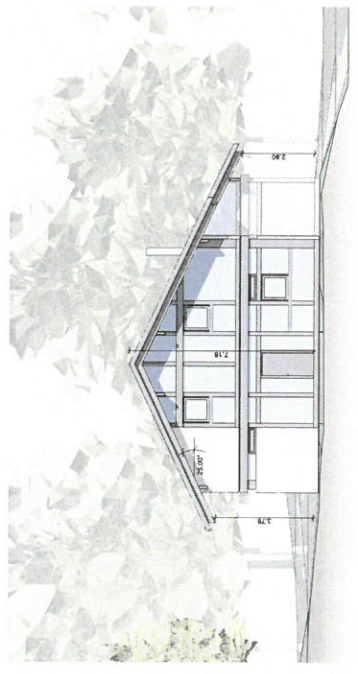
First Floor



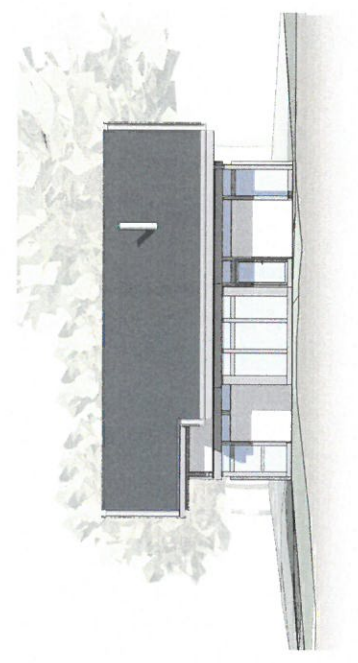
Ground Floor



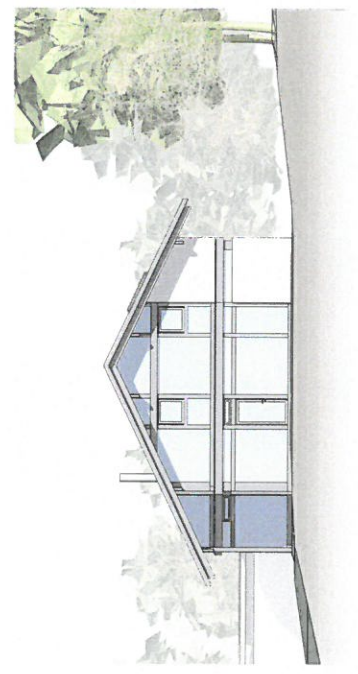
Side NE Elevation



Front NW Elevation



Side SW Elevation



Rear SE Elevation

**Site Plan Key**

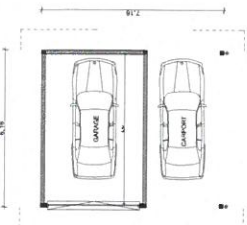
**Level Datum**  
 ALL LEVELS ARE CONTINGENT UPON THE RESULTS OF CORROBORATED GPS DATUM, COMPUTED USING LIDAR SPANLINE RTN NETWORK.

**Topo Key**

1	10' Contour
2	20' Contour
3	30' Contour
4	40' Contour
5	50' Contour
6	60' Contour
7	70' Contour
8	80' Contour
9	90' Contour
10	100' Contour
11	110' Contour
12	120' Contour
13	130' Contour
14	140' Contour
15	150' Contour
16	160' Contour
17	170' Contour
18	180' Contour
19	190' Contour
20	200' Contour
21	210' Contour
22	220' Contour
23	230' Contour
24	240' Contour
25	250' Contour
26	260' Contour
27	270' Contour
28	280' Contour
29	290' Contour
30	300' Contour
31	310' Contour
32	320' Contour
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79	790' Contour
80	800' Contour
81	810' Contour
82	820' Contour
83	830' Contour
84	840' Contour
85	850' Contour
86	860' Contour
87	870' Contour
88	880' Contour
89	890' Contour
90	900' Contour
91	910' Contour
92	920' Contour
93	930' Contour
94	940' Contour
95	950' Contour
96	960' Contour
97	970' Contour
98	980' Contour
99	990' Contour
100	1000' Contour

**Schedule of Materials:**  
 Roof: Gypsum Board  
 Exterior Wall: Brick  
 Interior Wall: Drywall  
 Floor: Concrete  
 Foundation: Foundation  
 Siding: Siding  
 Windows: Windows  
 Doors: Doors  
 Stairs: Stairs  
 Decking: Decking  
 Landscaping: Landscaping  
 Status: ISSUED

**Project Information:**  
 Architect: Peter Huf Architecture  
 Client: Dr. Robin Smythe  
 Site Address: Glenmarston Road, Inverloch, VIC 3908  
 Project: Planning Application for New Dwelling  
 Job No: 12081



Garage 1:100

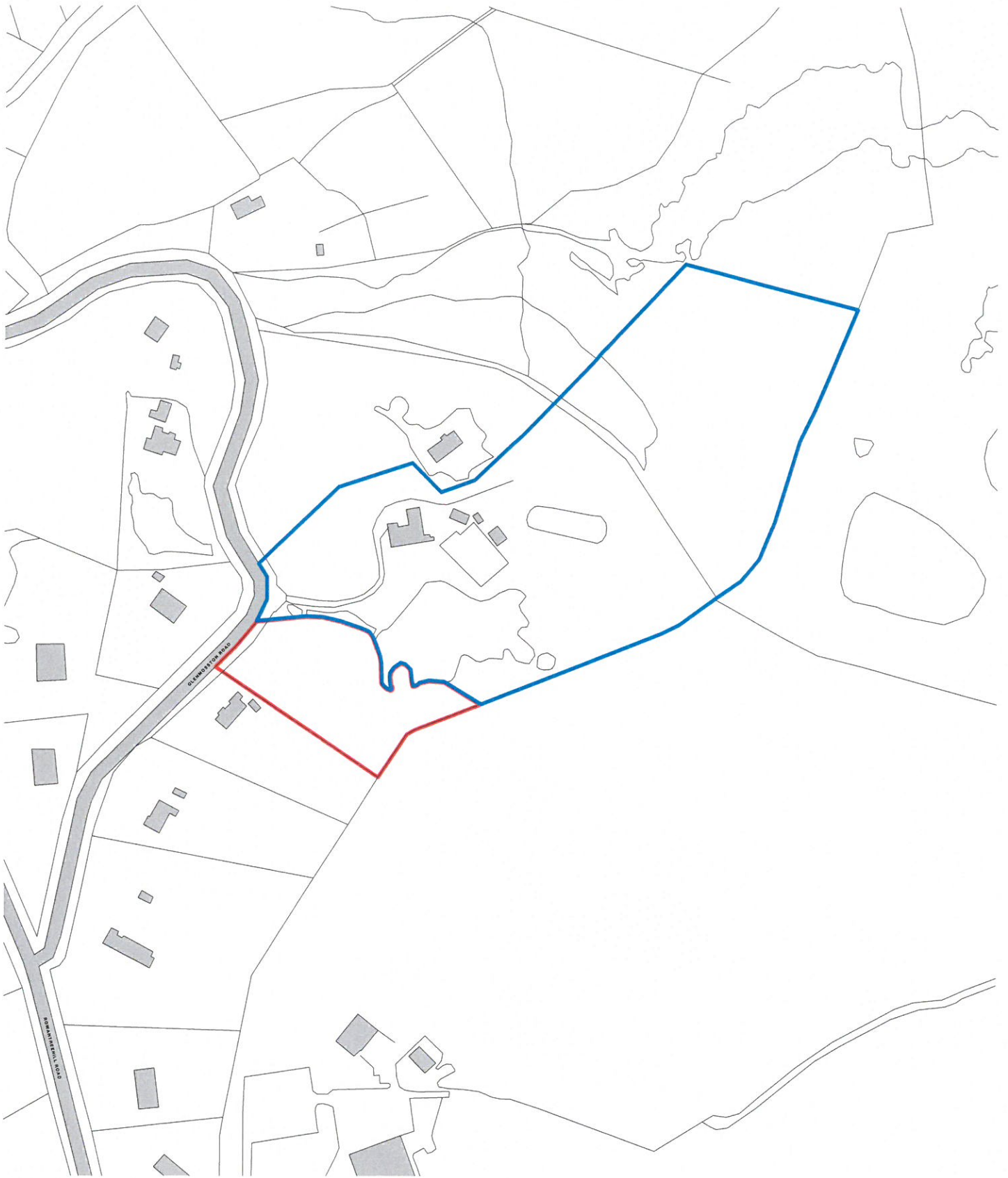
Front NE Elevation

Side SE Elevation

Rear SW Elevation

Side NW Elevation

Site Plan @ 1:200



Red Area: 4907.73m<sup>2</sup>  
 Blue Area: 32182.72m<sup>2</sup>

Site Area: 37090.45m<sup>2</sup>  
 Ordnance Survey, (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

<b>Client:</b> <b>Dr Robin Smyllie</b>		<b>Architect:</b> <b>Peter Huf, M.Arch., Dipl.-Ing. (FH)</b>	<b>Drawing Status:</b> <b>ISSUE</b>	
<b>Site Address:</b> <b>Torridon</b> Glenmosston Road Kilmacolm Inverclyde PA13 4PF	<b>Plan:</b> OS Map  <b>Scale:</b> 1:2500@A4  <b>Drawing No.:</b> b121	<b>The Control Tower</b> 12 De Havilland Drive Brooklands Weybridge Surrey, KT13 0YP  T: 01932 340145	<b>Project:</b>  <b>HUF HAUS</b>	



**Schedule of Materials:**

Proposed: Green/White  
 Proposed: Yellow/White  
 Proposed: Dark Grey  
 Proposed: Light Grey  
 Proposed: Dark Grey  
 Proposed: Light Grey  
 Proposed: Dark Grey  
 Proposed: Light Grey

**Status:**

At all stages subject to Council approval.

**ISSUE**



**PETER HUF ARCHITECTURE**  
 The Colindale Tower | 12 De Havilland Drive | Brooklands  
 Weybridge | Surrey | KT13 1YP

**PLANNING APPLICATION  
 NEW DWELLING**

**Architect:** Peter Huf Architects Ltd  
**Client:** Dr Robin Smylie  
**Site Address:** Tordoon  
 Greenpoint Road  
 Marnock  
 WA13 4PZ  
**Project:** 2/3, 4/3, 5/3, 6/3  
**Plan:** Block Plan  
**Scale:** 1:500 (A1)  
**Drawing No.:** b122

**2. APPOINTED OFFICER'S SITE PHOTOGRAPHS  
TOGETHER WITH LOCATION PLAN  
(photographs taken on 17 July 2017)**













**3. APPOINTED OFFICER'S REPORT OF HANDLING  
DATED 27 JULY 2017**

## REPORT OF HANDLING

**Report By:** David Ashman  
**Report No:** 17/0160/IC  
**Local Application Development**

**Contact Officer:** 01475 712416  
**Date:** 27<sup>th</sup> July 2017

**Subject:** Erection of a new dwelling house on land 100 metres southwest of the main house at Torridon at Glenmosston Road, Kilmacolm

## SITE DESCRIPTION

The application site is an irregularly shaped 0.49 hectare area comprising mainly woodland within the grounds of "Torridon" on Glenmosston Road, Kilmacolm. The remainder of Torridon's grounds, including a large pond feature, form the north-eastern boundary to the site. The site has a dedicated frontage of approximately 30 metres to Glenmosston Road, across which, to the north-west, is the property of "Cuil-na-Greineh", with "Ladymuir" to the south-west. Whinneyhill Wood forms the boundary to the south-east.

The application site largely comprises mature, mixed woodland dominated by conifers, with, in parts, dense undergrowth comprising largely rhododendron bushes which have colonised the few less densely planted areas. The site gently undulates throughout.

It is located within the Kilmacolm Conservation Area.

## PROPOSAL

Planning permission is sought for the construction of a two storey detached villa within the application site, set back approximately 29.5 metres from Glenmosston Road, 16.12 metres from the boundary with Ladymuir to the south-west and approximately 70 metres from Torridon. The dwelling will be 52 metres from the rear boundary of the plot.

The application plans show that the dwelling will be a HUF house. The house design is of continental Europe origin and, as illustrated in the application plans, typically consists of a greater level of fenestration and lower pitched roof than the normal Scottish vernacular, with the remainder of the external wall finish comprising white render. The roof will be finished in slate grey tiles. The main part of the dwelling measures 10.06 metres by 12.46 metres by approximately 7.18 metres to the apex of the low pitch roof. There is to be a detached garage/car port measuring 7.16 metres by 6.16 metres by 2.9 metres high between the proposed dwelling and Glenmosston Road. A dedicated vehicular access is to be formed from Glenmosston Road, approximately 18 metres to the south-west of the existing Torridon access. It is proposed to construct the dwelling within a partial clearing (some trees will still have to be removed) but it is to remain surrounded on all sides by existing mature trees.

The application is supported by a design and planning statement, a landscape appraisal and a tree survey. The tree survey concludes that the trees are generally in good condition with large sized conifers dominant. The six trees identified to be removed are all regarded as being in poor condition or of lower grade. The report also sets out tree protection measures for the remaining trees during construction. The landscape appraisal sets out the characteristics of the Kilmacolm Conservation Area and the village, that of the existing tree planting, and addresses the possibility of the development of a new house without detriment to the character and quality of the setting of the village. It concludes that mature conifer trees are an important feature in the setting of the Conservation Area and the village but that none of these will be removed and that there will be no significant impact on setting arising from the proposed removals. The remaining trees will largely screen the proposed dwelling and the appearance of Glenmosston Road will be improved by beech hedging being extended along the site frontage and the erection of stone pillars.

The design and planning statement draws on these studies and concludes that the design and siting of the dwelling and other planning considerations indicate support against the relevant planning policies. The main consideration relates to the form, scale and quality of design and minimising visual impact on neighbouring properties, the site's existing landscape features and the character and appearance of the Conservation Area, all of which are thought either to be achieved or not compromised. It considers the design to be appropriate in a secluded setting, improving the character and quality of the Conservation Area in a sustainable manner.

## **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 Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

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

## **CONSULTATIONS**

**Head of Environmental and Commercial Services** - Parking provision is acceptable. The driveway requires to be paved for a minimum of 2 metres to prevent loose driveway material being carried onto the road. The driveway shall be a minimum of 3 metres wide and the gradient shall not exceed 10%. The applicant shall produce a drawing demonstrating how a visibility splay of 2.4m by 43m by 1.05m high can be provided. Minimum garage size requires to 7m by 3m (internal dimension). The associated clear access dimensions shall be 2.1m wide by 1.98 m high.



## **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**

Three representations have been received, two of which are objections from the same individual. The points of objection may be summarised as follows:

1. The integrity and beauty of Glenmosston Road will be compromised with the loss of a considerable section of fence and wall.
2. The new entrance will lead to traffic conflict for existing residents with increased traffic levels as it is a single car [width] road with blind spots and no turning points. The latter could result in adverse impacts on existing driveways and potential damage to the perimeter of adjacent properties.
3. The design of the proposed dwelling is in conflict with the established Austin Laird design theme.
4. The removal of any trees would be unfortunate.

Kilmacolm Civic Trust fully supports the proposal, considering it high quality adventurous architecture which would add to the palate of architectural styles of quality houses in Kilmacolm. It considers the house design appropriate to the wooded environment and that its position has been carefully considered with limited or no visibility from Glenmosston Road or neighbouring properties. It also considers that the design would counterbalance existing house designs. It supports the quality of the production, eco-friendly features, the landscape appraisal and the thought given to protecting trees, with the limited number to be removed hardly noticeable.

## **ASSESSMENT**

The material considerations in determination of this application are the Inverclyde Local Development Plan, Planning Application Advice Notes (PAAN) 2 on "Single Plot Residential Development" and PAAN3 on "Private and Public Open Space in New Residential Developments", 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 representations and the applicant's supporting information.

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. There has historically been pressure for infill residential development in this area. I am content that the size of the proposed plot is commensurate with those existing in this part of the Conservation Area, albeit noting that the plot will be donated from an exceptionally large plot in Torridon, which is substantially greater than others in the immediate area.

Dwellings are generally a variation on a theme along Glenmosston Road in terms of design and materials and it is possible to discern the evolution of the architectural style with later developments taking their cues from earlier designs. Even those dwellings which have a greater element of "uniqueness" are still recognisably part of an overall design ethos. This helps define the character of this part of the Conservation Area. I consider that the proposed dwelling does not adhere to any recognisable architectural style in the immediate vicinity but will appear, in context, to be a unique house which has been developed on the site with no recognisable evolution from the established architecture. The planning statement submitted by the applicant seeks to justify the proposal, not by reference to the localised environment and the evolving design that I have identified but by reference to the much wider Conservation Area where, it is acknowledged, there is not a single vernacular. This ignores the fact that there are homogenous landscapes and townscapes within the wider expanse of the Conservation Area. These are important integral parts of the wider Conservation Area and should be acknowledged. What ties these component parts together is the maturity of the landscape and the setting it provides to the built development.

The statement goes on to extol the virtues of a "distinctive" and "eye-catching" design. I agree that the proposed dwelling is a "high quality of design" but disagree that it "improves the character and quality" of the area. I consider that it introduces too significant a contrast in design to be regarded as sympathetic to the character and amenity of this part of the Conservation Area and therefore does not, as required by PAN71, respect its surroundings. On this basis I conclude that it is not compatible with the character and amenity of the area (criterion (a)).

My conclusion in respect of criterion (a) of Policy RES1 is reflected in my assessment of Policy HER1. Policy HER1 requires, in addition to assessment of the character, pattern of development and appearance of the area, *consideration of Historic Environment Scotland's policy and guidance.* The Policy Statement 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. The most relevant guidance in this instance 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 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."

In view of my conclusions with regard to criterion (a) of Policy RES1, I consider that the proposal does not respect the design of existing buildings and would not protect the character of the area and is thus contrary to the Policy Statement and the guidance in "New Design in Historic Settings."

The application site is also notable for its tree cover, which is dense in places. The applicant proposes to erect the dwelling on a less densely populated part of the plot. Although noting 6 trees would be removed, I agree that the tree removal proposed would have limited impact on the established landscape. Most site clearance would involve the removal of rhododendron bushes and other low growing scrub of little landscape or ecological consequence. It is noted that no significant landscaping is proposed by the applicant aside from the planting of beech hedging along the site

frontage, which is characteristic of other properties along this section of Glenmosston Road and would be welcomed. Emphasis is instead laid on the retention of the existing mature trees surrounding the proposed dwelling. Whilst the landscaping proposals are acceptable (satisfying criterion (b)), I am less convinced by the ultimate retention of the existing mature trees in the vicinity of the proposed dwelling. Although the applicant proposes initially limited tree removal I consider there will be pressure for further tree removal for two reasons.

Firstly, the site is very enclosed by the existing planting. Standing on the site of the proposed dwelling the observer is struck by the imposing nature of the existing trees surrounding the site and the potential threat that they could pose to the proposed dwelling and its garden grounds. The removal of the remaining trees from this part of the site to allow for the construction of the proposed dwellinghouse will create a more open area. It has been the Council's experience elsewhere that the creation of such openings within an area of conifer planting, where typically soils are shallow and rock is close to the surface, has led to wind vortex issues in stormy conditions and the subsequent damage to trees, including their uprooting. Indeed, the applicant's arboricultural consultant notes that "some storm damage has occurred and a few larches in particular have suffered from crown damage". My concern is that future occupants of the proposed dwelling would seek the removal of trees near to the proposed dwelling and its surrounding garden space for personal safety and property insurance purposes and, therefore, the proposed limited tree removal may possibly only be the start of tree removal associated with this development.

Secondly, the imposing nature of the existing trees means that daylight and sunlight is more limited than would normally be the case. Noting that most of the trees are conifers this would be the case all year round and would be particularly noticeable in the winter months. I consider that human nature suggests that, over time and as the existing trees continue to grow and reach further maturity, there will be a demand to improve the sunlight and daylight levels received by the proposed dwelling and its associated garden grounds.

Both of these factors, potentially leading to further tree removal and greater visibility of the proposed dwelling, would adversely impact on the existing landscape and, in view of my conclusion on the matter of the dwelling's design, would be to the detriment of the character of this part of the Conservation Area (criterion (c)). Whether or not such demands would occur, it is incumbent on the Council not to allow the creation of circumstances under which this would occur and to assess potential impacts on the existing landscape on this basis.

I note no objections from the Head of Environmental and Commercial Services and additionally, from my own assessment, conclude that the proposal accords with criterion (d). 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.

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 and the established front building line is respected. 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, ensuring accordance with criterion (f) of Policy RES1.

I therefore conclude that the proposal is contrary to Policies RES1 and HER1 of the Local Development Plan and does not accord with the Historic Environment Scotland Policy Statement or the "New Design in Historic Settings" guidance note 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.

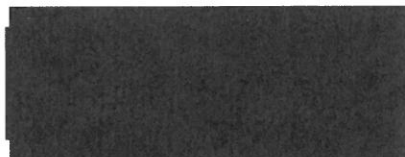
With respect to the representations not yet addressed, I would support the loss of a wall and fence in lieu of the proposed beech hedge planting, which is characteristic of the area. Furthermore, I do not consider that the proposed new access, nor the level of traffic likely to be associated with it, would adversely impact on traffic safety to the extent that refusal of planning permission would be justified on these grounds alone. I note the comments in support of the application but consider that none of these outweigh my concerns.

## **RECOMMENDATION**

That the application be refused for the following reasons:

1. That the design of the proposed dwelling is not compatible with the character and appearance of this part of the Kilmacolm Conservation Area and is thus contrary to criterion (a) of Policy RES1 and Policy HER1 of the Inverclyde Local Development Plan.
2. That the design of the proposed dwelling contrasts too significantly with nearby existing adjacent dwellings to be regarded as sympathetic to the character and amenity of the area and therefore does not, as required by Scottish Government Planning Advice Note 71, respect its surroundings and is contrary to the aims of Historic Environment Scotland's Policy Statement and the guidance in "New Design in Historic Settings."
3. That the level of tree removal likely to ultimately be required to accommodate the proposed dwelling would be unsympathetic to the character of this part of the Kilmacolm Conservation Area and, therefore, contrary to criterion (c) of Policy RES1 and Policy HER1 of the Inverclyde Local Development Plan.

Signed:



Case Officer: David Ashman



Stuart Jamieson  
Head of Regeneration and Planning

**4. 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

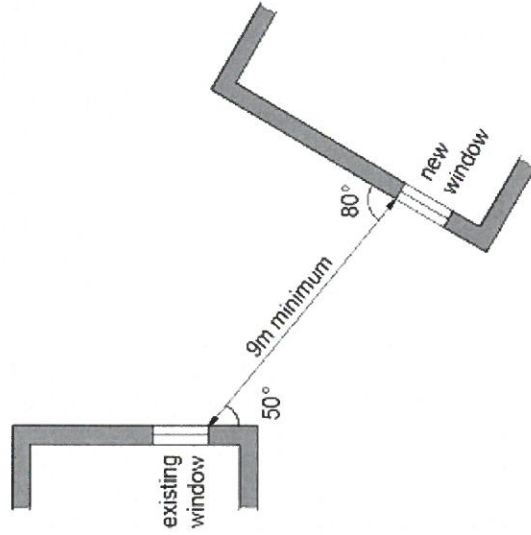
The table to the right details acceptable levels of window to window intervisibility. The distances are taken from the shortest point between the windows.



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°
Angle at window of house/extension etc. to be erected not more than:	90°	18	18	18	18	13	9	6	4	3	2
	80°	18	18	18	13	9	6	4	3	2	-
	70°	18	18	13	9	6	4	3	2	-	-
	60°	18	13	9	6	4	3	2	-	-	-
	50°	13	9	6	4	3	2	-	-	-	-
	40°	9	6	4	3	2	-	-	-	-	-
	30°	6	4	3	2	-	-	-	-	-	-
	20°	4	3	2	-	-	-	-	-	-	-
	10°	3	2	-	-	-	-	-	-	-	-
	0°	2	-	-	-	-	-	-	-	-	-



**5. 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:

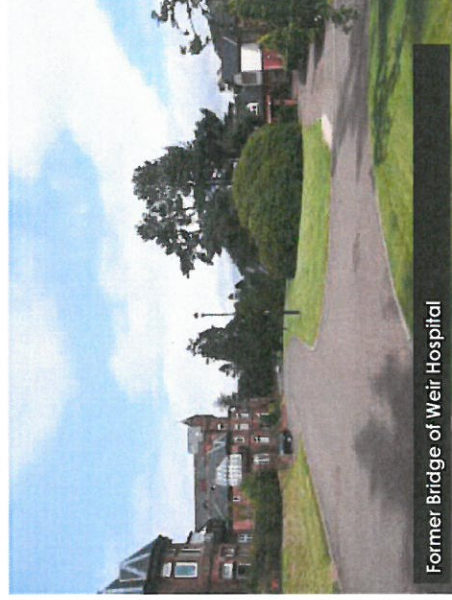
- Public open space should be provided at the indicative ratio of 1.64 ha per 1000 population. Population estimates are based upon occupancy rates of two persons per double bedroom and one person per single bedroom.
- It will be the responsibility of the developer to equip the play areas. Children's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

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

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# HISTORIC ENVIRONMENT SCOTLAND POLICY STATEMENT JUNE 2016



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

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](http://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](http://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](http://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](http://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](mailto:Planning.Decisions@gov.scot)
  - [HMConsultations@hes.scot](mailto: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](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](http://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.

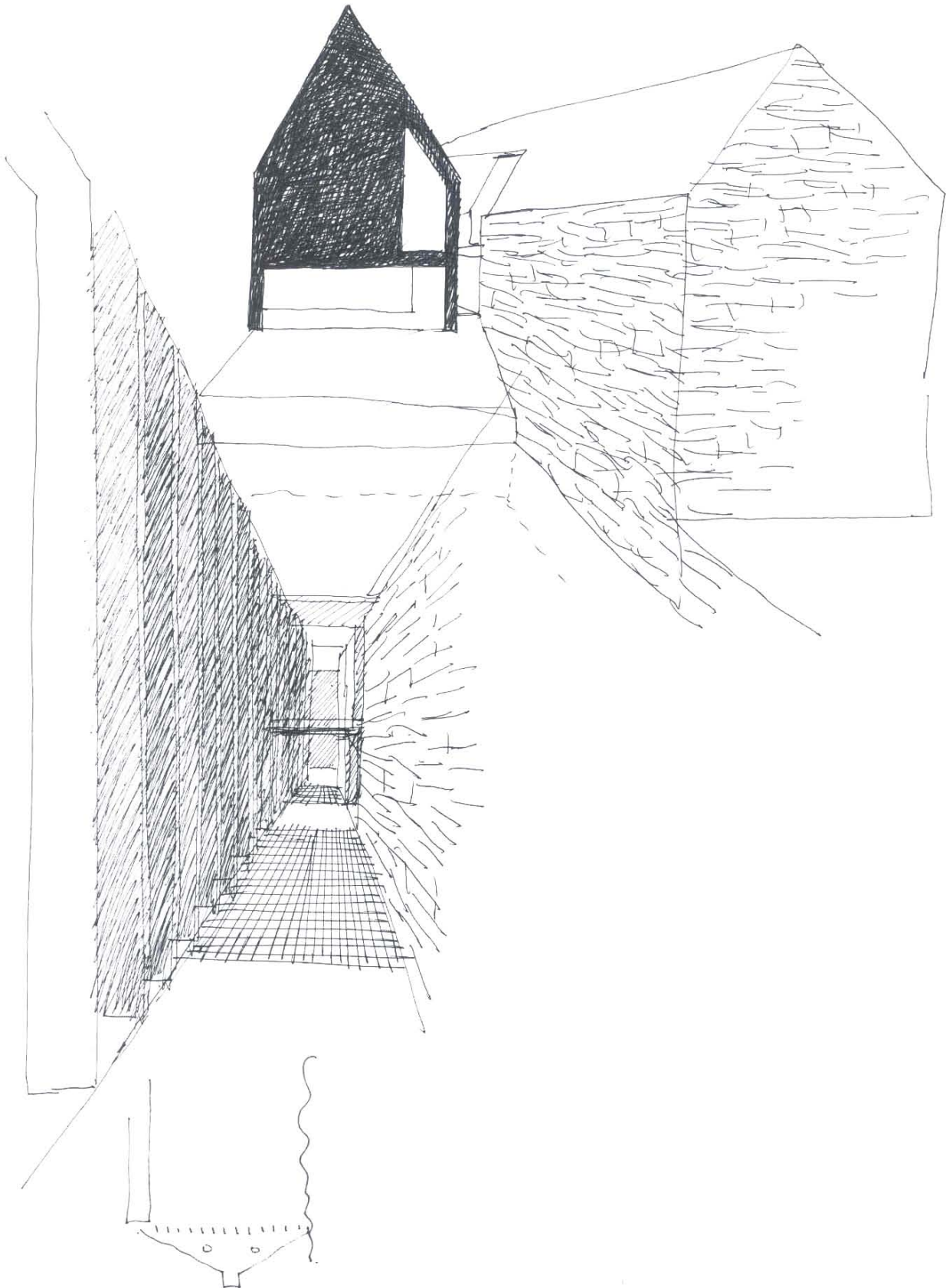
The aim of this document is to set out the means by which we can raise the standard of new design in much-loved historic settings. There are already many excellent examples throughout the country and we have included a few of these to show how the principles work in practice.

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.

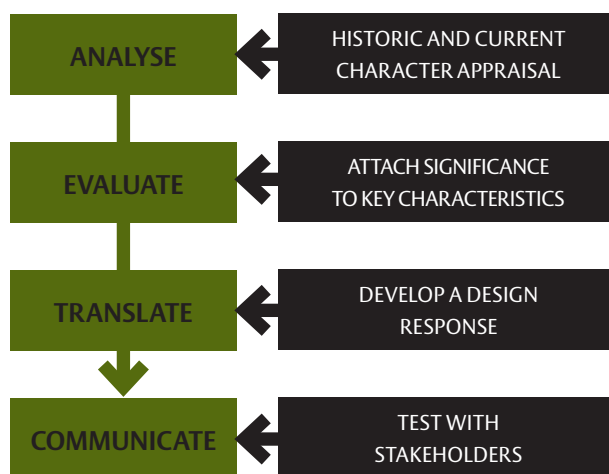
#### Stage Three

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.

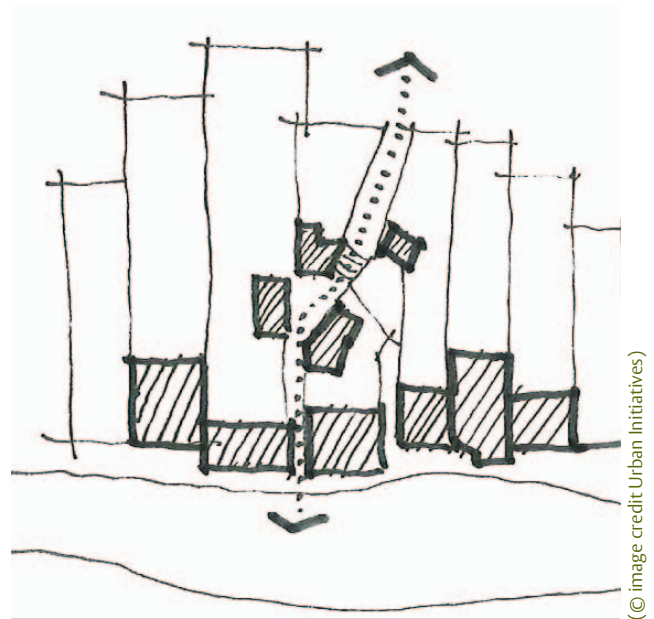
The process should follow the general principles of informed conservation. In general, change should not be made unless the impact of change is understood. The extent of analysis and the geographical area that it covers will depend on the nature and size of the project. For a small scale infill an analysis 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
<b>Urban Structure</b>	<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"> <li>• Is the urban structure coherent and well-defined?</li> <li>• Is there an obvious hierarchy of various elements?</li> <li>• Where does the development sit within this hierarchy?</li> <li>• Where was it derived from – single period or multiple factors?</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Urban Grain</b>	<p>The urban grain around the site should be examined and the general pattern established.</p> <ul style="list-style-type: none"> <li>• Does the site sit comfortably within the surrounding urban grain?</li> <li>• Is there scope to open up new routes through the site that would contribute to the urban grain?</li> </ul>	<ul style="list-style-type: none"> <li>• A record of the urban grain in the areas adjacent to the site.</li> <li>• An understanding of the need and capability of the site to contribute to that urban grain.</li> </ul>
<b>Density and Mix</b>	<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"> <li>• How does density vary in the area?</li> <li>• How high are the densities around public transport nodes, towards town centres, parks and waterfront areas?</li> <li>• What is the mix of uses in the area?</li> <li>• Is there a mix of housing types?</li> </ul>	<ul style="list-style-type: none"> <li>• An understanding of the variations in density and mix in the area and the scope to translate these to the site.</li> </ul>
<b>Scale: Height and Massing</b>	<p>The height and massing of the area should be examined.</p> <ul style="list-style-type: none"> <li>• What is the prevailing height of the area?</li> <li>• Are there any significantly taller buildings?</li> <li>• Is the size of the site large enough to require the massing to be broken down?</li> <li>• If so, are there any existing buildings that have used a particular technique to break down massing?</li> </ul>	<ul style="list-style-type: none"> <li>• A clear indication of the general height and massing in the area.</li> <li>• An indication of landmarks and taller buildings.</li> </ul>

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

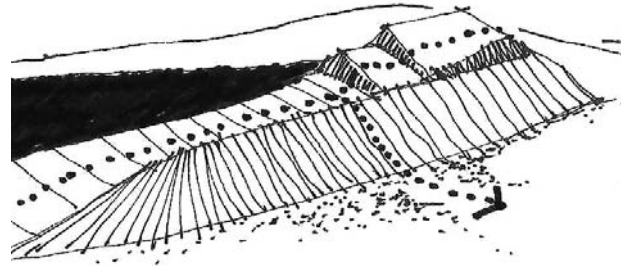
## 4.4 EVALUATE

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.

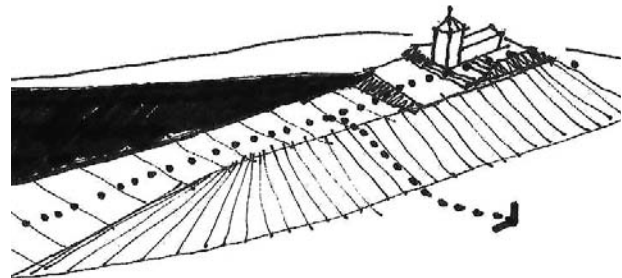
Where change impacts directly on a historic asset, we need to understand its significance to enable that change to be managed effectively. This is as true of a historic setting as it is an individual building. The evaluation can be carried out by allocating relative levels of value or significance to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

### Outputs

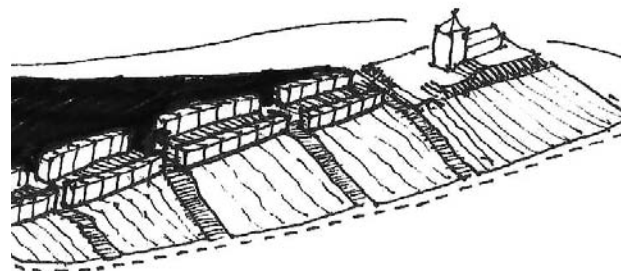
The main outputs from this stage of the process will be an enhanced understanding of the place and the historic setting through an evaluation of its significance. This should be recorded and documented, contributing to the audit trail of the decision-making process. A short report, tables which chart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



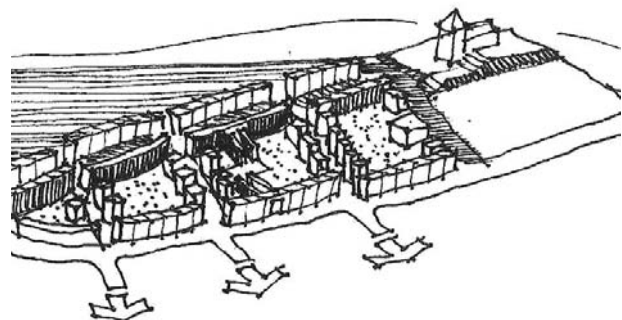
Topography and straight routes identified as significant and distinctive



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:

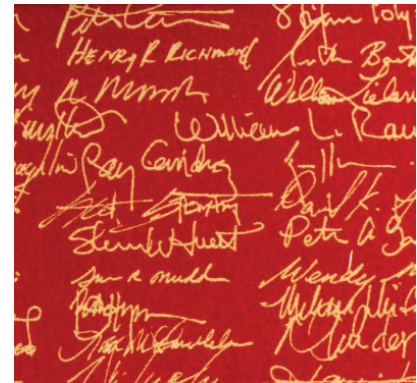
- The planning authority
- Key government agencies including Historic Scotland
- Architecture and Design Scotland
- The local community
- Other interest groups and individuals

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.



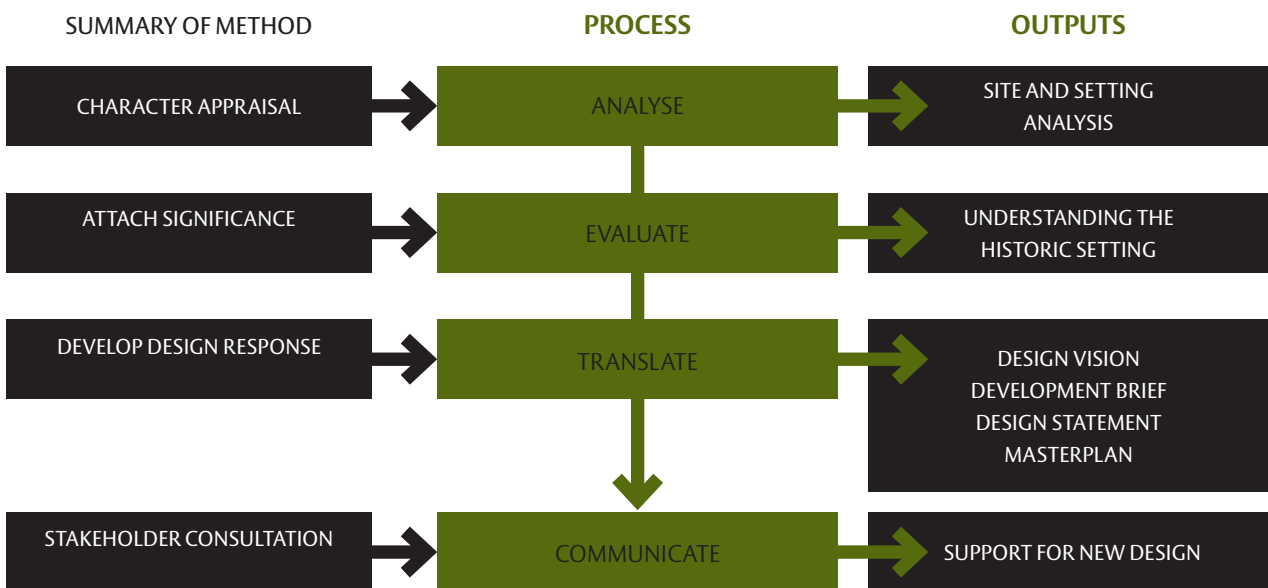
(© image credit Urban Initiatives)

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)

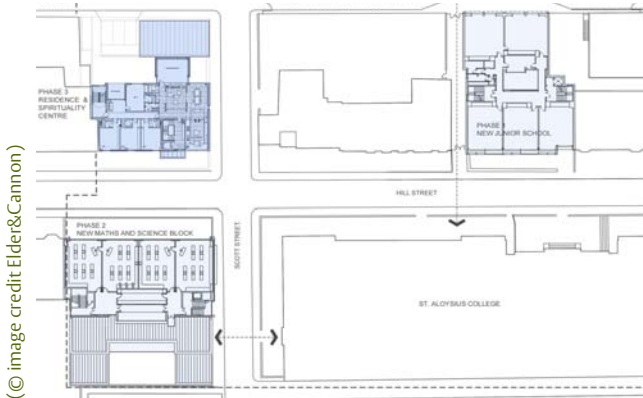
Central Glasgow grid with Garnethill, running east-west, in shadow



(© 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.

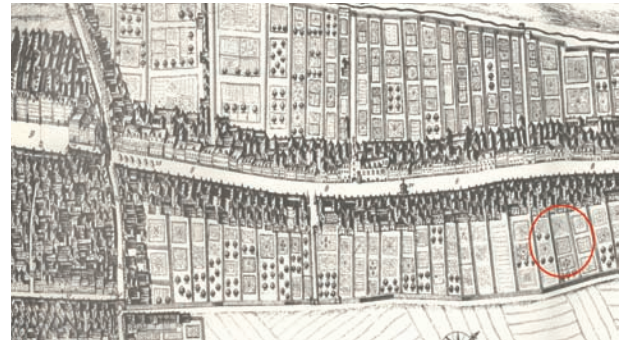
### Opportunity

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.

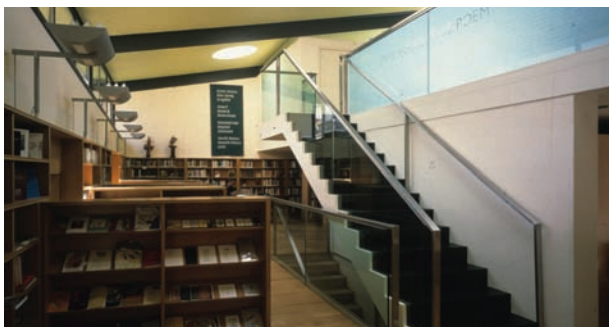


(© image credit Malcolm Fraser Architects)

**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)

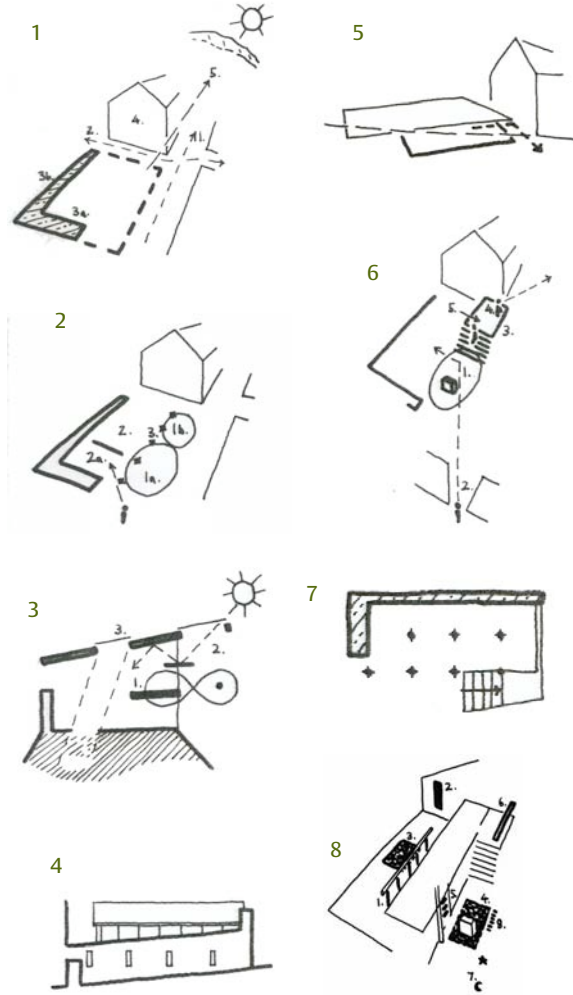


(© image credits Keith Hunter)

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

### Design Process

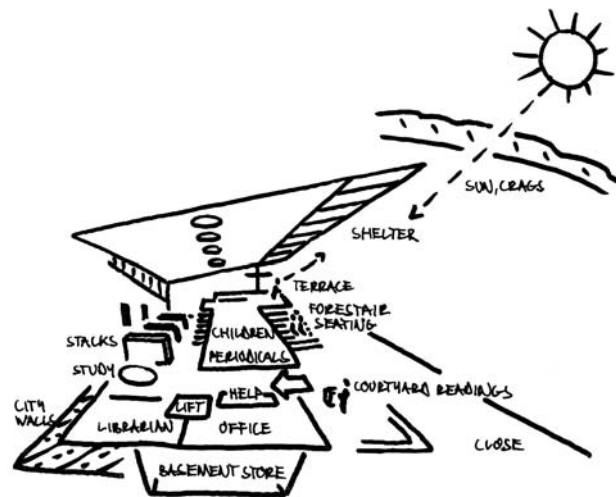
The bringing together of Project, Setting and Opportunity, and its relationship to the wider masterplan, was set-out by a Design Statement that was a series of explanatory diagrams. These showed, in summary:



- 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

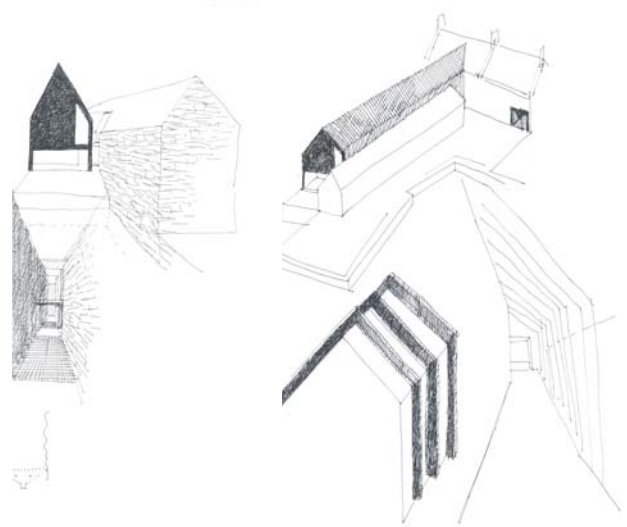
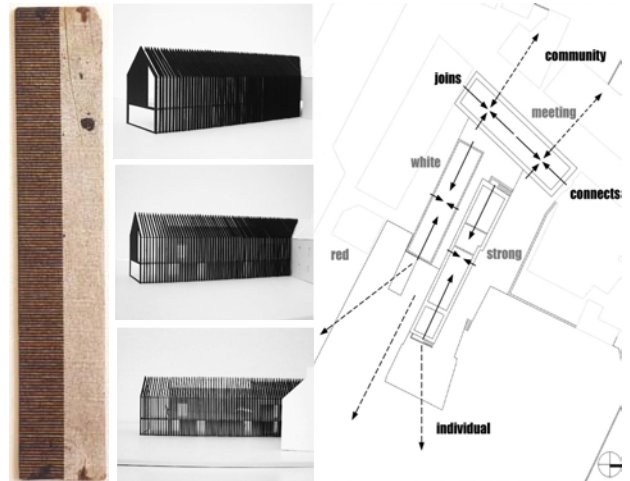


The bringing-together of setting, brief and opportunity, involved the architect reflecting on the special qualities of “a vivid, imaginative north” and on the virtues of “reticence” and “shade”. The familiar form of the new addition achieved its relevance to the brief, containing and opening-out the 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.

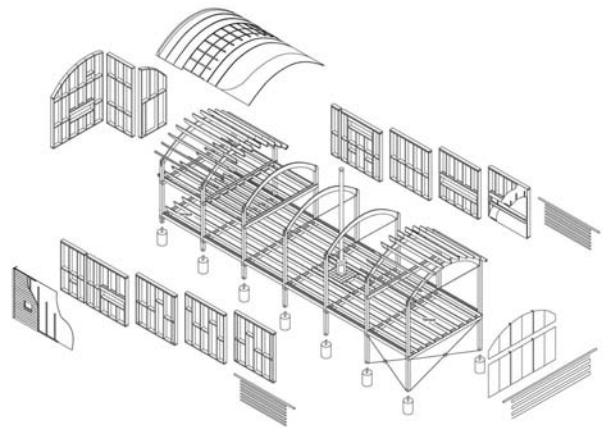
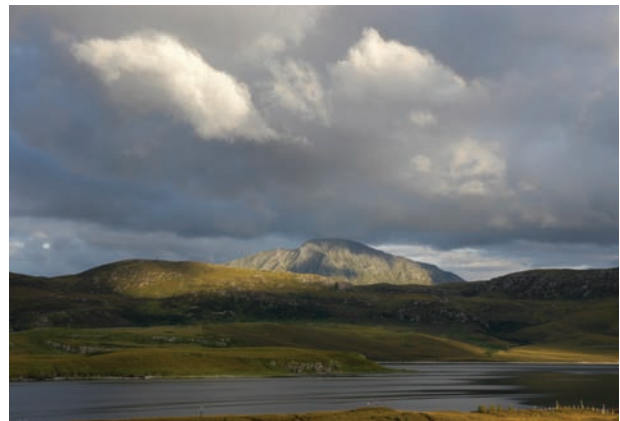
### Opportunity

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

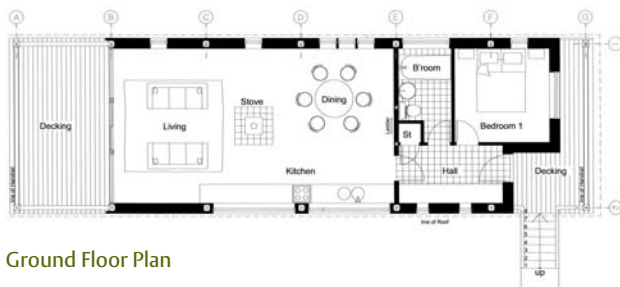
The practicalities and efficiencies of timber – as the predominant local material available today – are exploited via an engineered, laminated timber frame that allows the building to float within the landscape and focus on distant views (right). This frame is then highly-insulated and clad in timber 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.

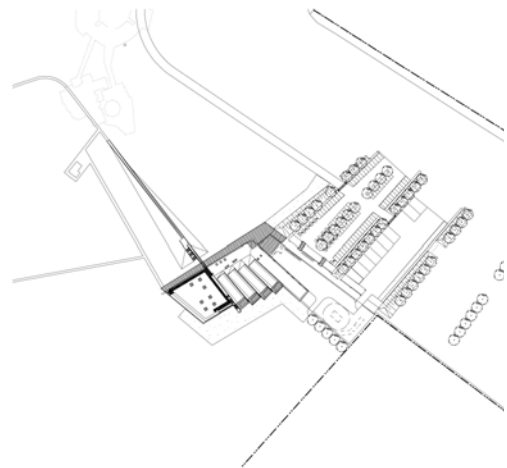


Memorial wall and berm

(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.

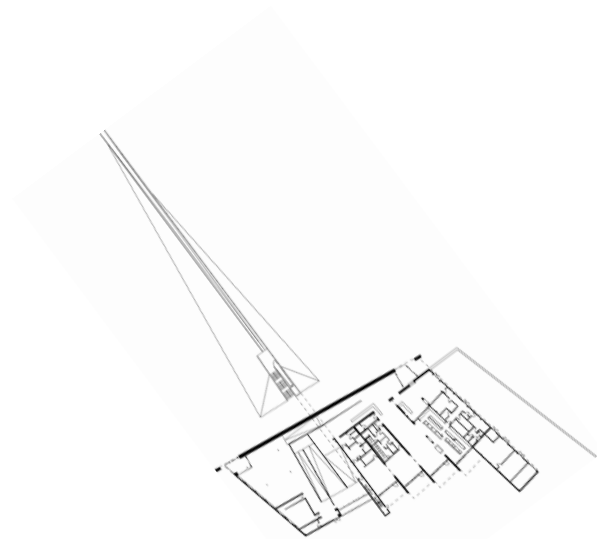
At Culloden, the siting of the new building lay at the heart of the success of the project, preserving a sense of openness to the battlefield, allowing it to dominate.

### 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.

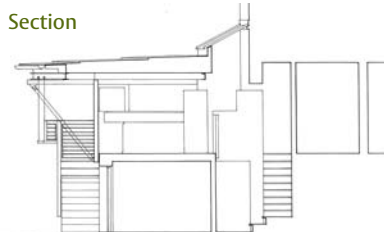
**Designer:** Richard Murphy Architects; **Client:** Mr and Mrs Francis; **Budget:** £45,000; **Completion:** 1994.

### Setting

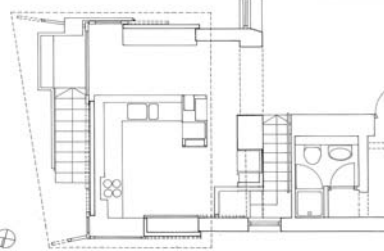
The neighbourhood is characterised by individual residential plots, and the occasional institutional building, containing substantial, stone Victorian terraces and villas with mature private gardens to the front and rear.



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.

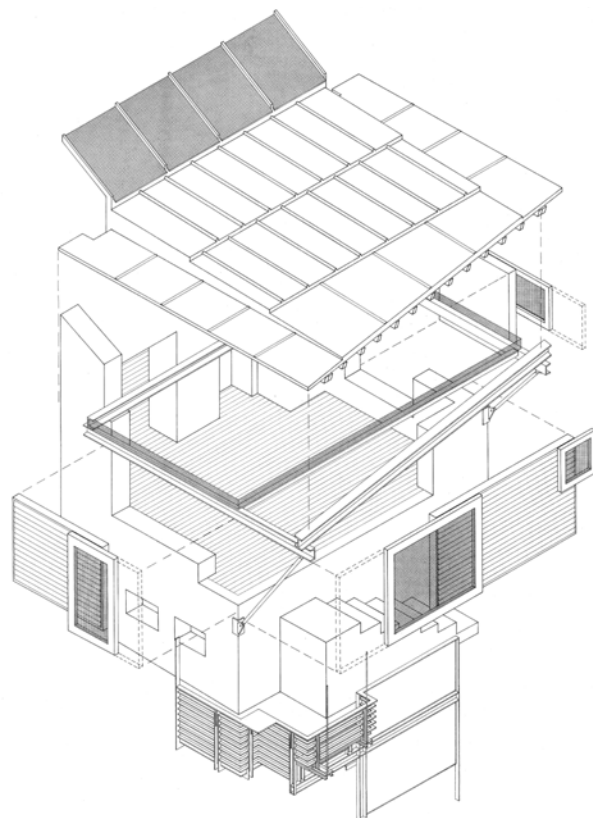
### Design Process

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.

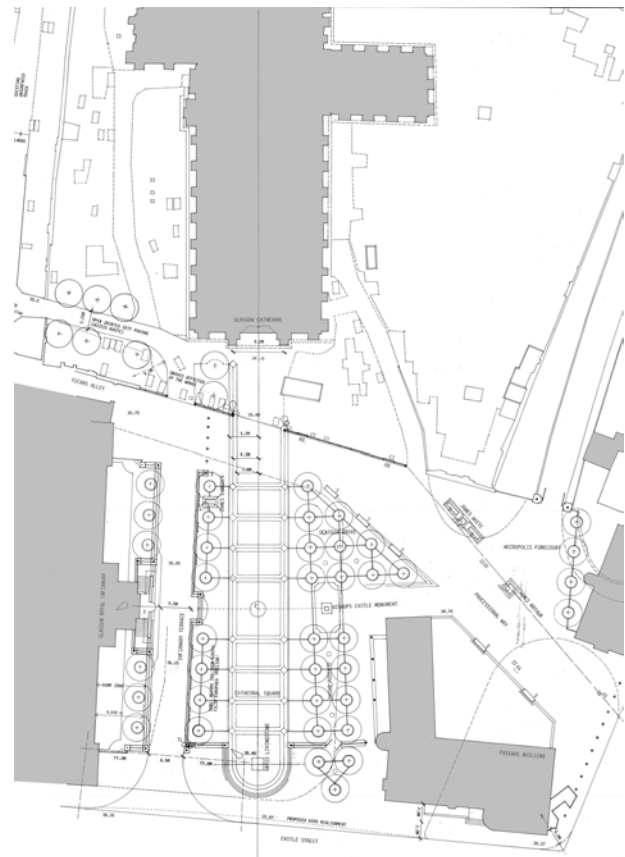
“Space” comes first rather than its decoration, allowing human interaction within the square to be its focus. This simplicity is carried through to the use of high quality, natural materials, and the simple setting of statuary and trees within the space.

### 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.

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manage

Planning Advice Note

# conservation

Area Management



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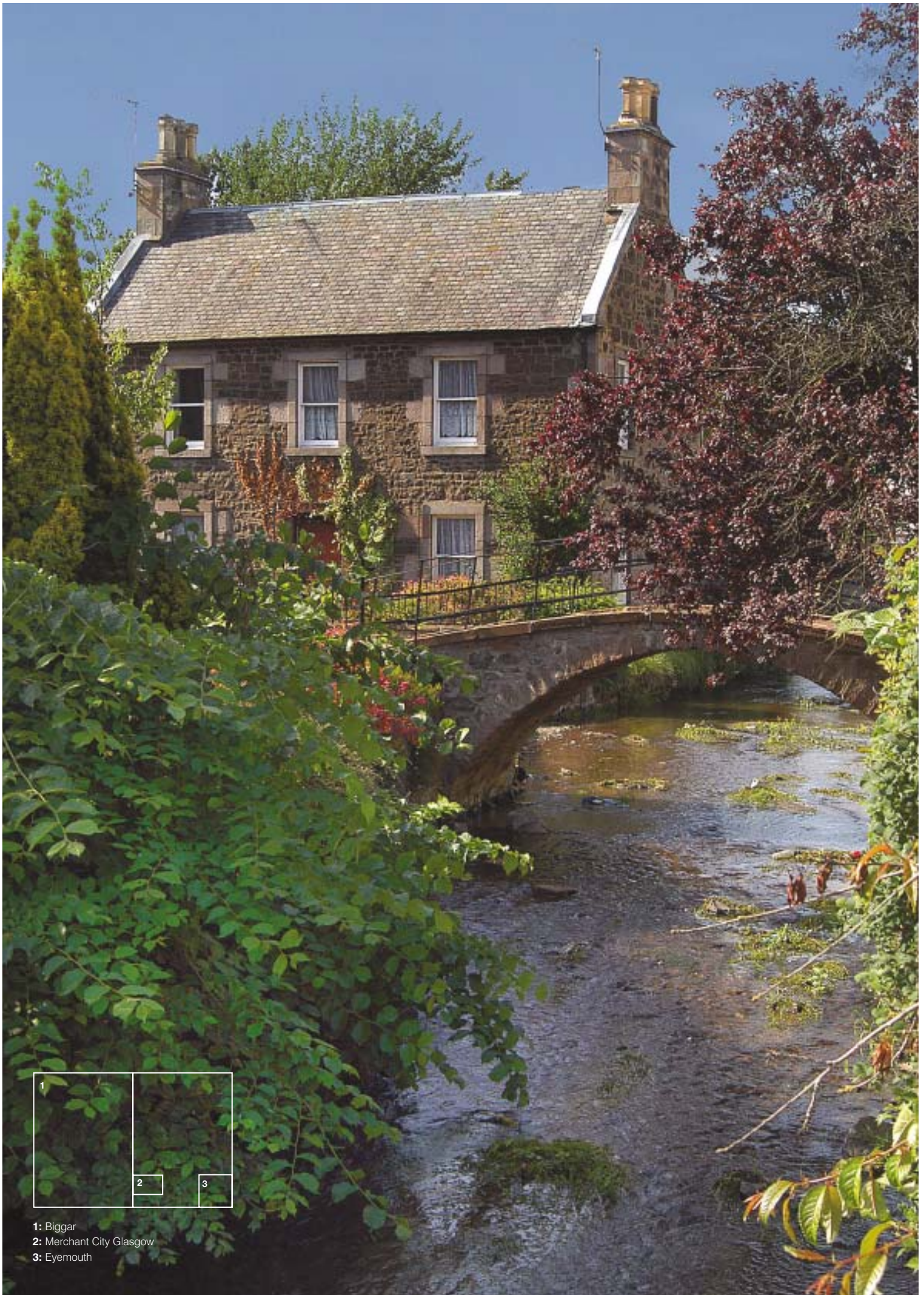
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Annex  
Conservation  
Area Appraisal

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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.

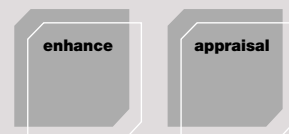
The statutory procedures for designation are well established. Proposals for designation, variation or cancellation must be publicised. The Scottish Ministers also need to be notified. Owners and occupiers of property within a proposed conservation area do not have to be specifically notified and there 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

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manage



## Understanding and Evaluating

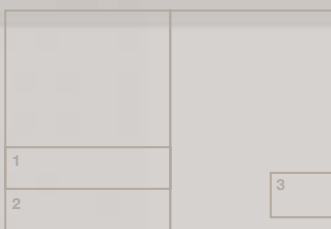
Past approaches to conservation area management have too often been based on a limited understanding of the heritage resource involved. In some cases there has also been an overemphasis on regulation and a lack of clarity over priorities for improvement. 'Facelift' schemes which offer short term visual 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.

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.

6

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.

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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.

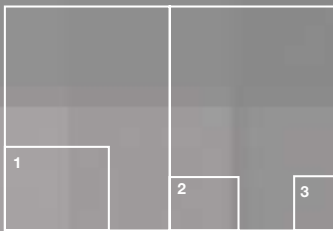
The brownfield site provided a rare opportunity for new build within the conservation area. Clackmannanshire Council recognised that wider benefits could be achieved by collectively considering the site along with two neighbouring sites which were considered to have a negative impact on the conservation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

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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](http://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

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## 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

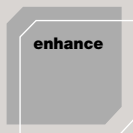
Inappropriate street furniture and a proliferation of signs and general clutter detract from the character of a conservation area.

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](http://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](http://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	<a href="http://www.historic-scotland.gov.uk">www.historic-scotland.gov.uk</a>
Heritage Lottery Fund	Townscape Heritage Initiative Public Parks Initiative Heritage Grants Programme Places of Worship Grant (jointly with Historic Scotland)	<a href="http://www.hlf.org.uk">www.hlf.org.uk</a>
Architectural Heritage Fund	Heritage Grants and Loans Feasibility Study Grants Refundable Project Development Grants Organiser Grants Annual report of the Architectural Heritage Fund	<a href="http://www.ahfund.org.uk">www.ahfund.org.uk</a>
European Union	Structural Funds Community Initiative Funding–Interrig iiiB, Leader+, Equal, Urban 11 Programme Culture 2000	<a href="http://www.scotland.gov.uk/esf">www.scotland.gov.uk/esf</a> <a href="http://www.dti.gov.uk/europe/structural.html">www.dti.gov.uk/europe/structural.html</a> <a href="http://www.culture2000.info">www.culture2000.info</a>
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	<a href="http://www.sac.org.uk">www.sac.org.uk</a> <a href="http://www.thepilgrimtrust.org.uk">www.thepilgrimtrust.org.uk</a> <a href="http://www.nts.org.uk">www.nts.org.uk</a> <a href="http://www.scottishmuseums.org.uk">www.scottishmuseums.org.uk</a> <a href="http://www.scottish-enterprise.com">www.scottish-enterprise.com</a> <a href="http://www.communitiesscotland.gov.uk">www.communitiesscotland.gov.uk</a> <a href="http://www.dta.org.uk">www.dta.org.uk</a>

## 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

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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.

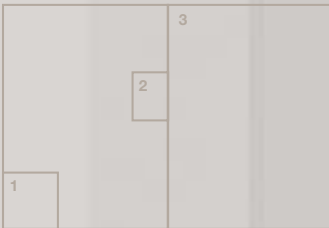
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A robust and active management strategy combined with an effective monitoring and review mechanism will ensure that valuable aspects of our heritage resource are protected and that opportunities to enhance them are delivered.



appraisal

manage



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

<b>Negative Factors</b>	<ul style="list-style-type: none"> <li>› Identify any negative factors</li> </ul>
<b>Building by Building Analysis</b>	<ul style="list-style-type: none"> <li>› 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</li> </ul>
<b>Buildings at Risk Survey</b>	<ul style="list-style-type: none"> <li>› Note vulnerable buildings that contribute to the character of the area</li> <li>› Advise the Scottish Civic Trust to add to the Buildings at Risk Register</li> <li>› Survival of traditional surfaces</li> </ul>
<b>Public Realm Audit</b>	<ul style="list-style-type: none"> <li>› Appropriateness of street furniture and signage e.g. should reflect the character of the area, be practical, be well maintained, define the area etc.</li> <li>› Effect of traffic and utilities engineering – inappropriate replacement surfaces, signage clutter, visually intrusive cabling etc.</li> </ul>
<b>Surveys of Specific Issues</b>	<ul style="list-style-type: none"> <li>› Record aspects of distinctiveness e.g. typical shopfronts, boundary treatments, building details, materials etc.</li> </ul>
<b>Sensitivity Analysis</b>	<ul style="list-style-type: none"> <li>› Highlight vulnerable areas, buildings or issues</li> </ul>
<b>Assessment of Significance</b>	<ul style="list-style-type: none"> <li>› 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</li> </ul>
<b>Opportunities for Development</b>	<ul style="list-style-type: none"> <li>› Identify sites where development could enhance the special qualities of the area</li> <li>› Reflect opportunities in the development plan</li> <li>› Prepare briefs or design statements for particularly sensitive sites</li> </ul>
<b>Opportunities for Planning Action</b>	<ul style="list-style-type: none"> <li>› Assess the need for boundary refinement</li> <li>› Assess the effects of permitted development</li> <li>› Identify the need for the implementation or review of Article 4 Directions</li> <li>› Identify need for urgent works, building repair or amenity notices</li> </ul>
<b>Opportunities for Enhancement</b>	<ul style="list-style-type: none"> <li>› 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.</li> </ul>
<b>Conservation Strategy</b>	<ul style="list-style-type: none"> <li>› 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</li> </ul>
<b>Monitoring and Review</b>	<ul style="list-style-type: none"> <li>› 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</li> </ul>

### 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  
Fife Historic Buildings Trust  
Glasgow City Council  
Historic Scotland  
Institute of Historic Building Conservation  
Royal Town Planning Institute  
Scottish Borders Council  
The Conservation Studio  
The Scottish Civic Trust

### **Enquiries**

Enquiries about the content of this Planning Advice Note should be addressed to Kester Gibson, Planning Division, Scottish Executive Development Department, 2H Victoria Quay, Edinburgh, EH6 6QQ. Telephone 0131 244 7087. Further copies of this PAN and a list of SPPs, NPPGs and PANs can be obtained by telephoning 0131 244 7543. A copy of this PAN is also available on the Scottish Executive website:

[www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning)

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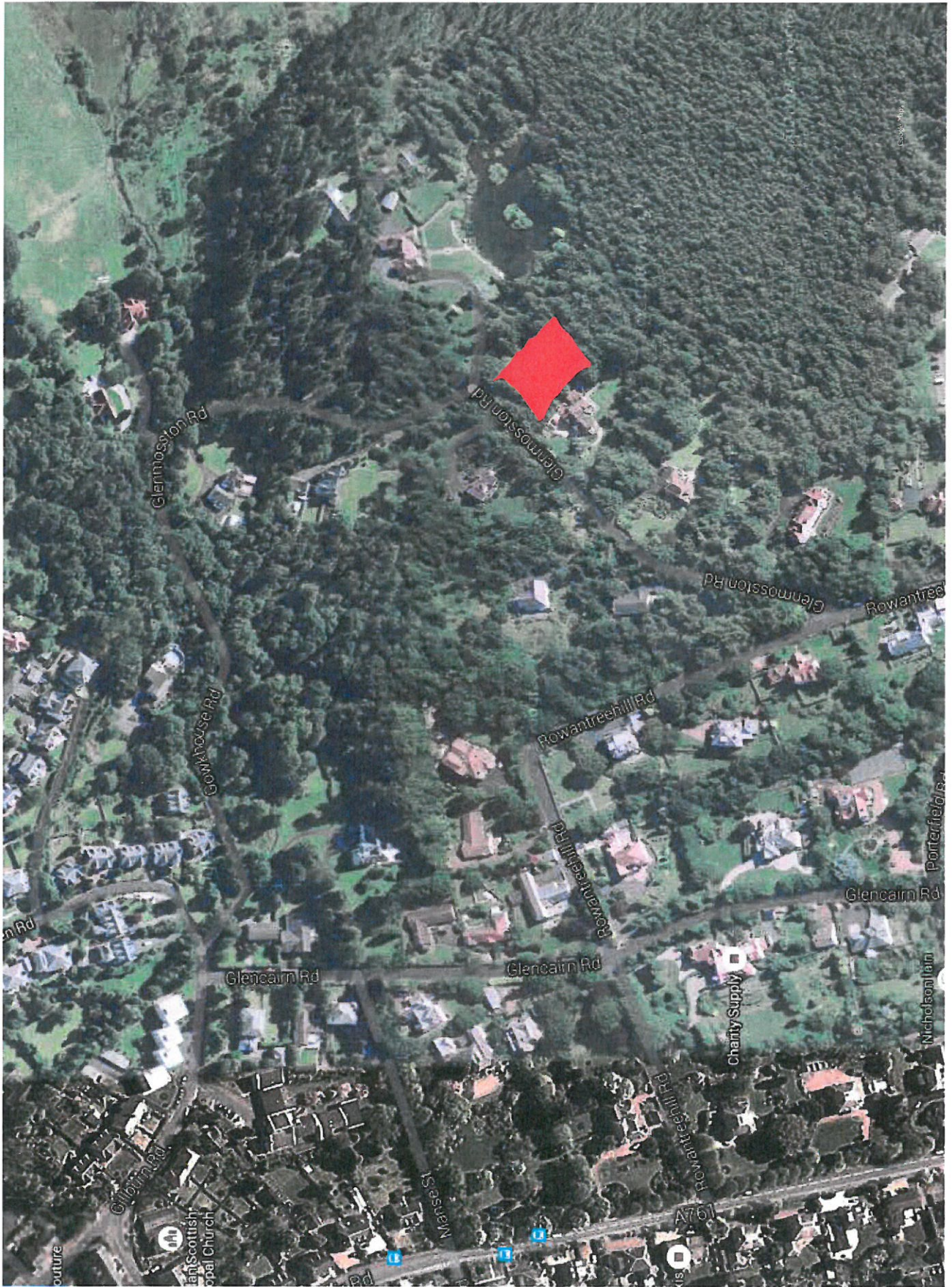
**9. APPLICANT'S LANDSCAPE APPRAISAL IN  
RELATION TO PLANNING APPLICATION**

Dr Robin Smyllie  
Proposed House at Torricon Kilmalcolm

# Landscape Appraisal



**IAN WHITE** | Landscape Consultant  
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## Introduction

I am Ian White, Fellow of the Landscape Institute and Honorary Fellow of the Royal Incorporation of Architects Scotland. In 1971 I founded Ian White Associates Landscape Architects and Planners, Stirling. I am now consultant to the practice. I act, or have acted, as landscape consultant to the National Trust for Scotland, the National Galleries of Scotland, the National Museums of Scotland, Historic Scotland, the Universities of St Andrews, Edinburgh, Glasgow and Dundee, New Edinburgh Ltd, Waterfront, Eddinburgh, Parc Craigmillar, EDI Ltd, Scottish Enterprise and a number of local authorities throughout Scotland.

In April 2016 I was instructed by Dr Robin Smyllie to carry out a landscape appraisal of the site of a proposed new house in the grounds of Torndon, Kilmacolm.

The purpose of this landscape appraisal is to establish the characteristics of the setting of Kilmacolm SE Conservation Area and the village, the characteristics of the existing tree planting and to determine whether it would be possible to provide a location for a new house without detriment to the character and quality of the setting of the village.

I have visited the site on three occasions during April and May 2016.

I have also taken the following into account:

- Tree Survey prepared by Alan Moton (Appendix 1)
- Ground Survey by L&M Surveys (Appendix 2)

This appraisal comprises four stages:

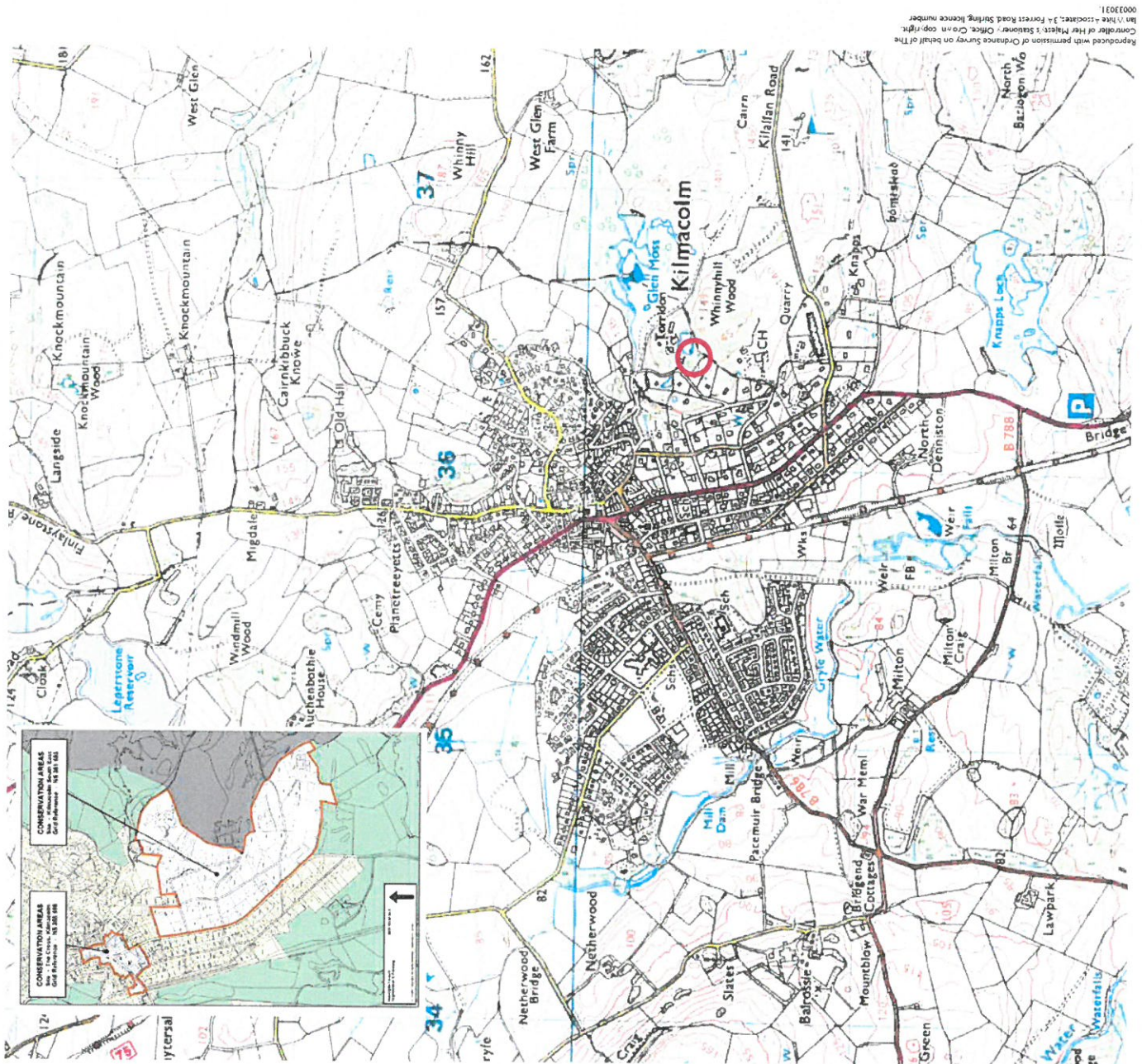
Stage 1 : Context of the site in relation to the village and the wider landscape.

Stage 2 : Site Characteristics

Stage 3 : Building requirements

Stage 4 : Visual Impact

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Stirling FK8 1UH  
07836652272





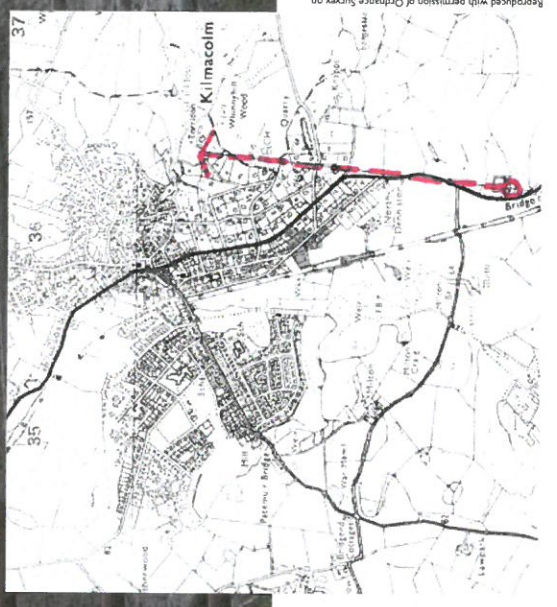
**Context :** Village Setting

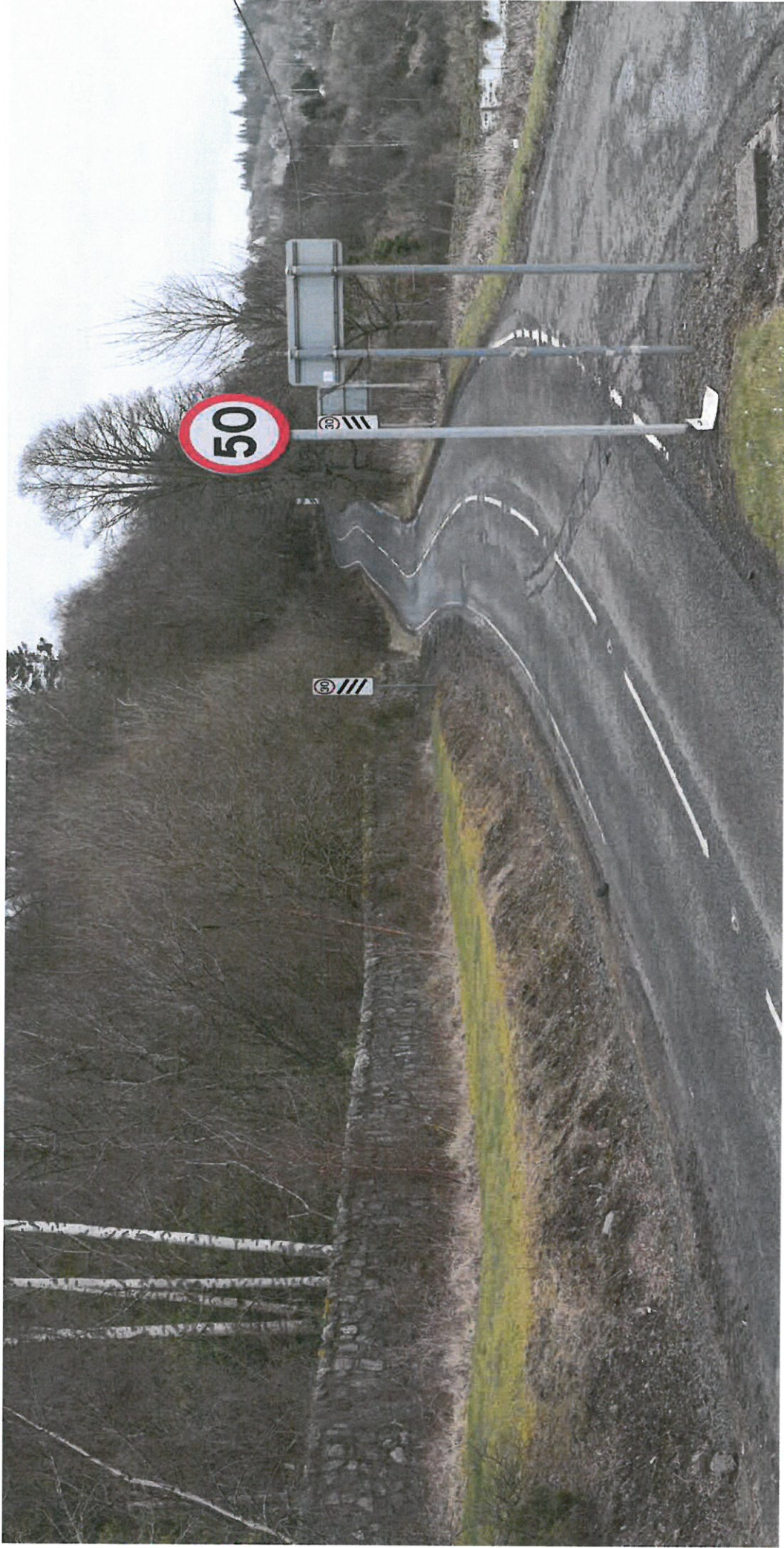
View point 1 is taken from an informal layby on the A761 at the eastern edge of the village.

# VPI

The setting of Kilmacolin Conservation Area is formed by a strong wooded ridge which runs east/west and over looks Knapps Loch, a popular area for informal countryside recreation. The character of the ridge is strongly influenced by coniferous planting both in the form of dense woodland eg Whinnihill Wood and mature conifers within large garden areas of detached houses. These conifers form an important element in this view with several mature specimens as prominent features clearly visible above the general tree line i.e. "signature" trees.

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Stirling licencenumber 00033031





Context : Village Setting continued

# VP2

On the A761 approaching the village from the west.



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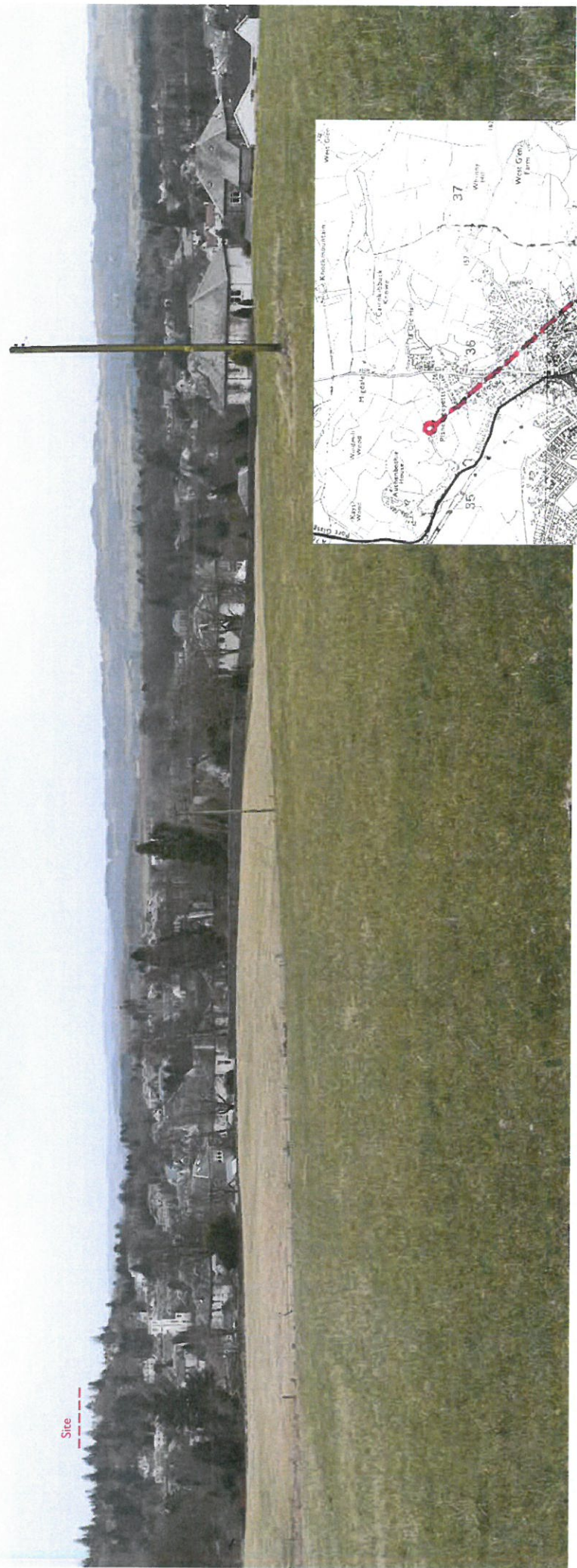
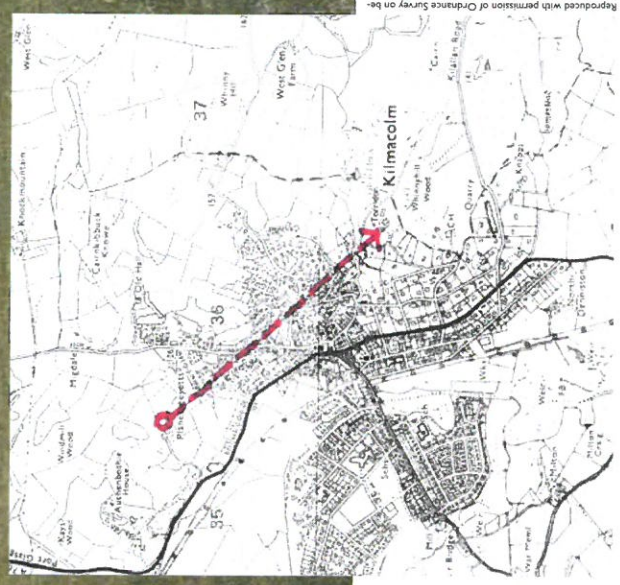


Context : Village Setting continued

Cemetery car park

# VP3

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Context : Village (containing)

B788 at Mountblow

# VP4



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Site





The gardens along Glenmosston Road are mainly enclosed by high beech hedges (except Torrindon).

**Context : Local Setting**

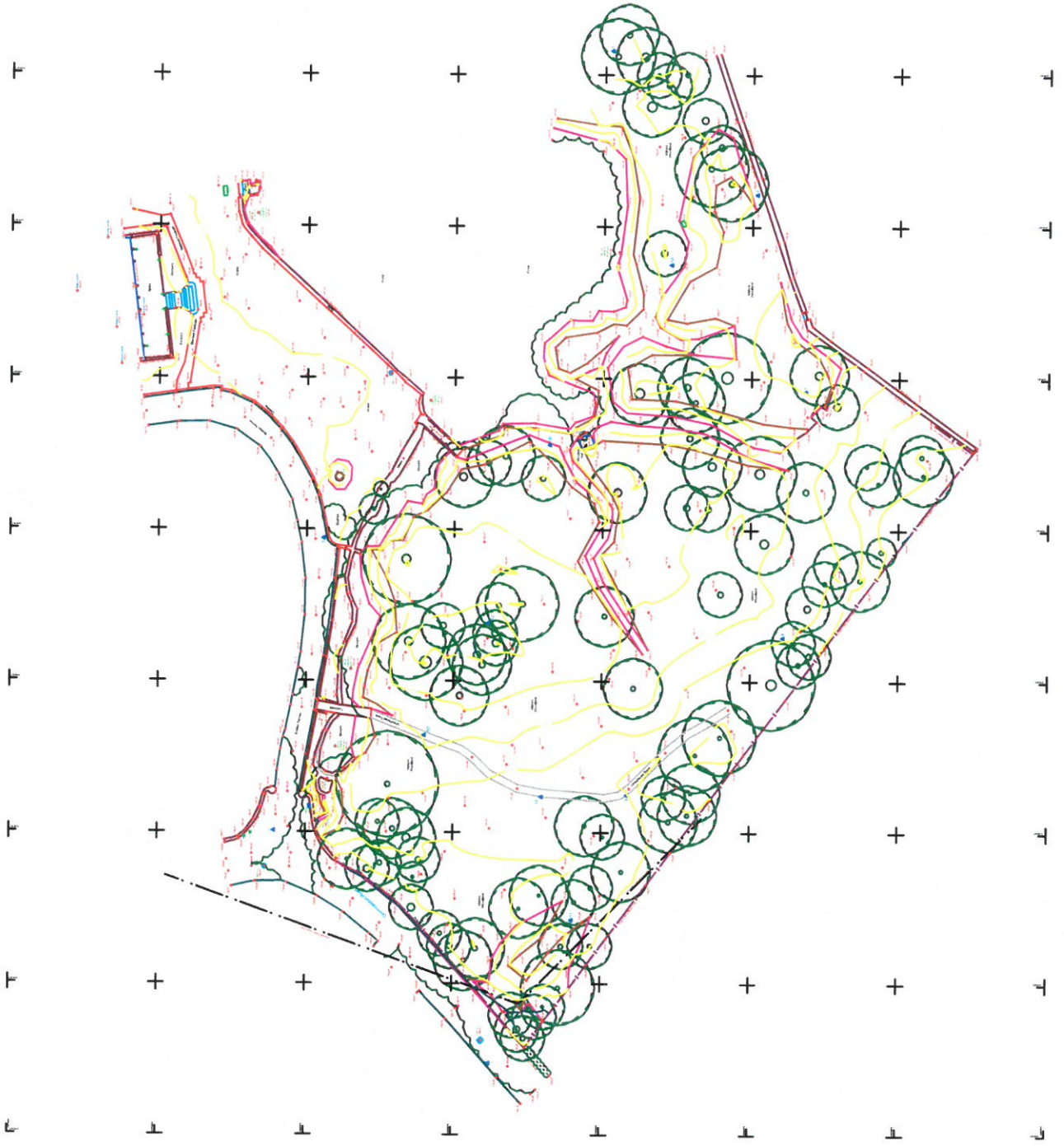




The site is well screened from Torridon by mature coniferous trees.

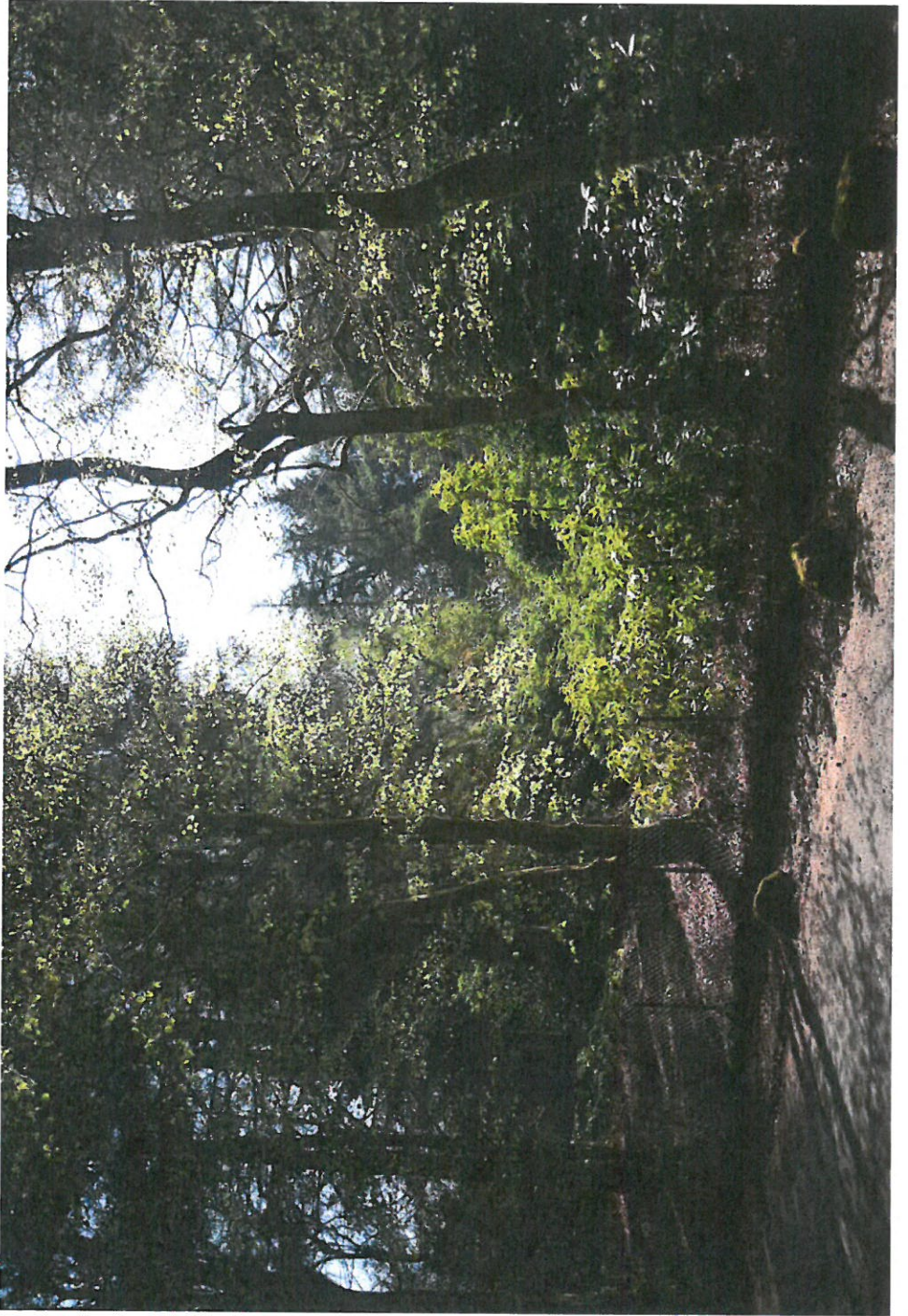
**Context : Local Setting**





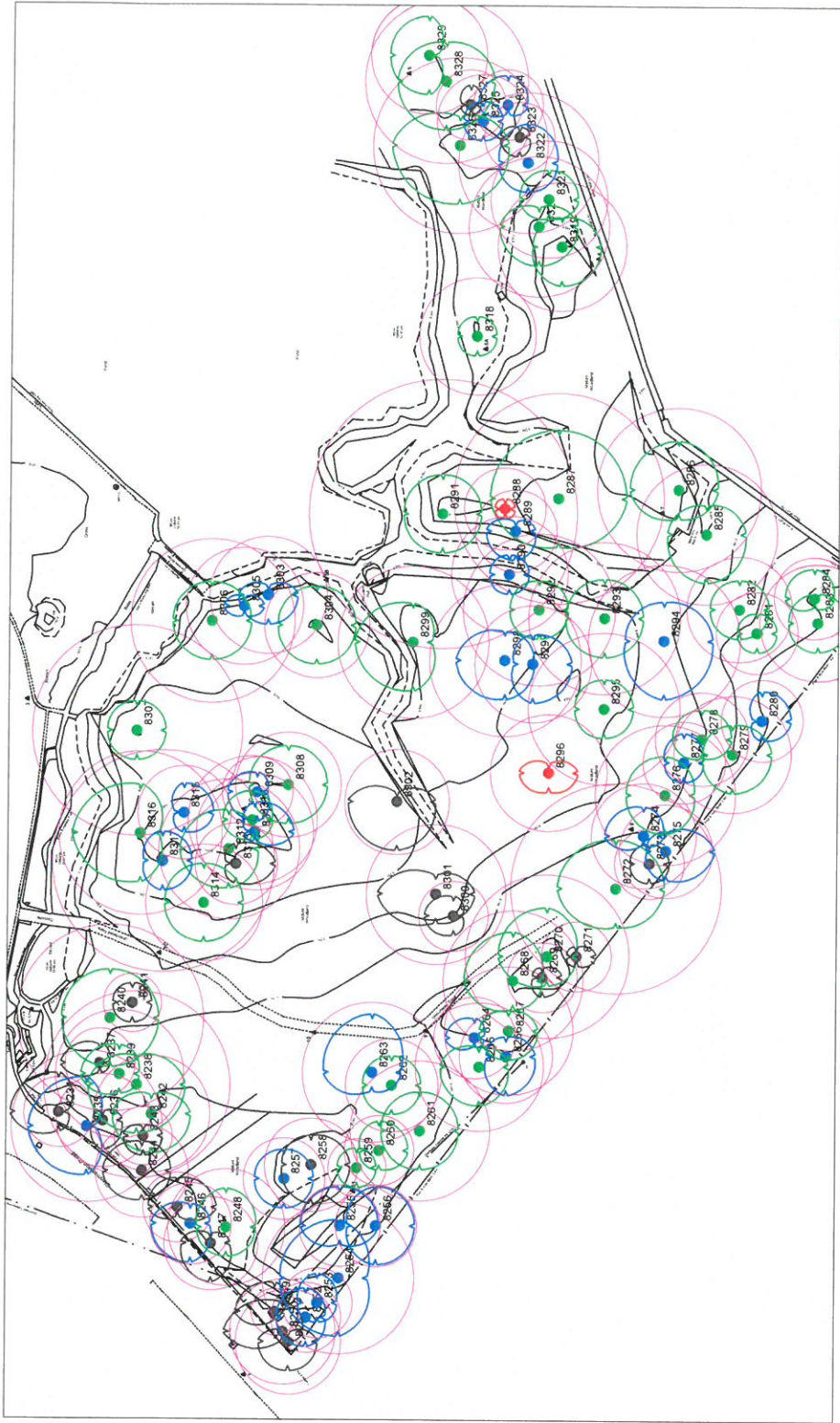
The site is a slight mound which rises from 140m at its western edge to a high point of 142m in the NE corner. Disregarding the rhododendron understorey the site is well enclosed on all sides by mature coniferous planting. The boundary to Glenmosston Road is a post and wire netting fence. Although in an elevated location the site is well sheltered by existing mature planting.

## Site Character



The full tree survey is contained in Appendix I.

The trees are generally in good condition with large-scale conifers dominant. Some storm damage has occurred and a few larches in particular have suffered crown damage. The trees within Category C are generally downgraded in quality due to canopy suppression, lack of vigour and limited long-term prospects.



Tree survey details recorded in accordance with BS5837:2012. Numbers relate to tree tags. For detailed tree information refer to the accompanying report and schedule.

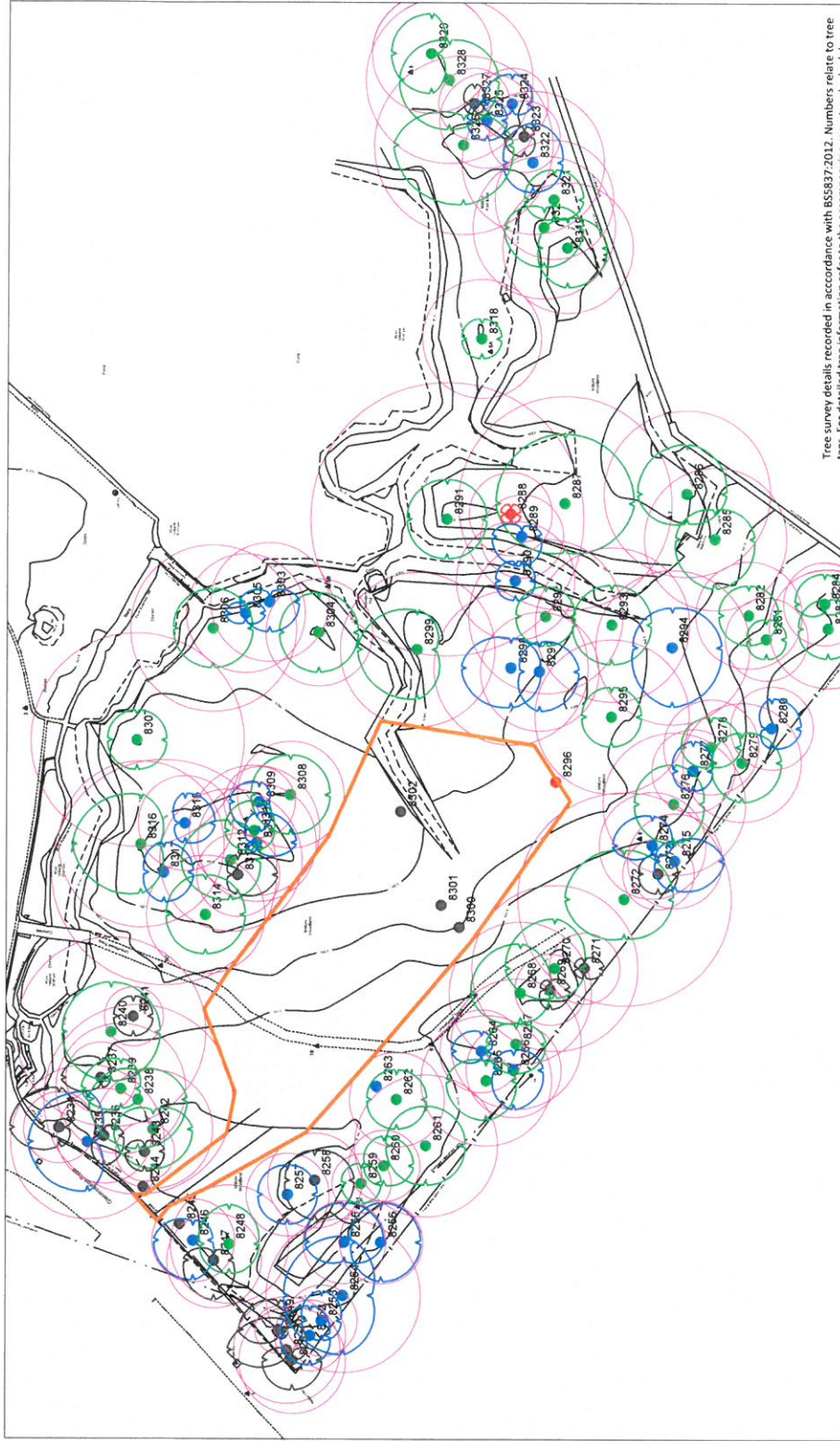
Do not scale from drawing

<p><b>Alan Molton Tree Consulting Ltd</b>  <i>Chartered Forester, Arboricultural Consultant</i></p> <p>Fairlie House, Main Street, Burchville, Strirling, FK8 3LX          Mob: 077666 389284 Tel: 01360 850534          alan@alammolton.co.uk          www.alammolton.co.uk</p>	<p><b>CLIENT:</b> Dr Robin Smyllie  <b>PROJECT:</b> Torrindon, Kilmacolm</p>	<p><b>TREES CATEGORY A</b>  </p> <p><b>TREES CATEGORY B</b>  </p> <p><b>TREES CATEGORY C</b>  </p> <p><b>TREES CATEGORY U</b>  </p>
	<p><b>DRAWING TITLE:</b> Tree Survey as existing  <b>DRAWING No:</b> IWA-TK-TS-01</p>	<p><b>DATE:</b> 30-4-16  <b>SCALE:</b> 1:500 at A4</p>

**Site Character** Continued



To provide access to the site it will be necessary to remove trees 8244 and 8245 both of which are low-quality beech with suppressed canopies. Removal of a further four trees would be required (8300-8302 all Category C and 8296 Category U). This would provide a suitable open area for the construction of a building. None of these trees are prominent "signature" trees in the setting of the village. The retention of the main trees groups in the north and south of the site will ensure that it is well screened from adjacent developments.



CLIENT: Dr Robin Smyllie  
 PROJECT: Tomdon, Kilmacolin

DRAWING TITLE: Tree Protection  
 DRAWING No: IWA-TK-TP-01  
 DATE: 30-4-16 SCALE: 1:500 at A4 REV:

TRES CATEGORIE A (Green circle)  
 TRES CATEGORIE B (Blue circle)  
 TRES CATEGORIE C (Red circle)  
 TRES CATEGORIE U (Black circle)

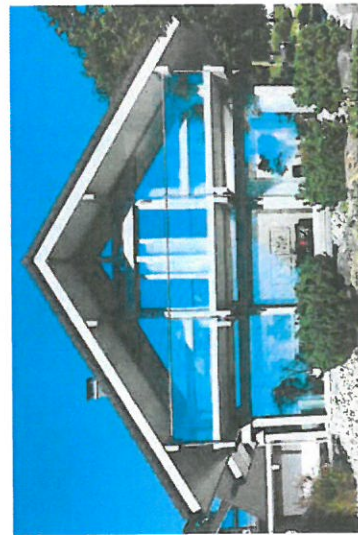
TRES REMOVED (Red star)  
 ROOT PROTECTION AREA (Pink circle)  
 CONSTRUCTION EXCLUSION ZONE (Orange line)

1:250  
 1:500  
 1:750  
 1:1000

0 5 10 20  
 Do not scale from drawing

Alan Motion Tree Consulting Ltd  
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 www.alanmotion.co.uk

The building which is envisaged is a Huf-Haus ART4 which is factory-built then erected on site. The indicative layout makes provision for a crane, working areas and a double garage. The section shows the height relationship between the existing trees and the proposed house. It also shows that the trees which are to be removed are not major elements in the main tree groupings nor are they "signature" trees in the wider landscape.



## Building Requirements

1. Mature coniferous trees are an important feature in the setting of the Conservation Area and the village. The garden at Torricon contains several "signature" trees.
2. The trees which are proposed for removal are not "signature" trees. They are in poor condition. There will be no significant visual impact on the setting of the village arising from their removal.
3. By retaining the existing strong tree groups on both the north and south sections of the site the proposed building will be visually and physically contained and screened from adjacent developments.
4. Since only six trees will be removed the impact of the proposed building is very limited and the wooded nature of the site will remain unaltered.
5. The appearance of Glenmosston Road will be improved by extending beech hedging along the frontage of the site and by erecting stone pillars at the site entrance.
6. The proposed building zone has taken into account tree root protection areas . All works necessary to protect the existing trees will be carried out in accordance with current good practice and BS 5837:2012
7. Due to the enclosed nature of the site the proposed house will only be seen in glimpsed views at the entrance off Glenmosston Road. There will not therefore be any significant adverse impact on the setting of the Conservation Area or the village.

Ian White FLI Hon FRIAS  
Landscape Consultant  
17.05.2016

## Conclusions





## GENERAL INTRODUCTION AND SUMMARY

This tree survey has been carried out for Dr Robin Smyllie, in relation to proposed development on land at Torriddon, Kilmacolm. It relates to 96 trees within the survey boundary shown on the plans appended to the report. Small trees of less than 10cm stem diameter, and areas of undergrowth are described in general terms, but are not recorded in detail. The survey has been carried out in accordance with BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations."

## STANDARD CONDITIONS RELATING TO TREE SURVEY INFORMATION

1. Tree surveys are undertaken from ground level using established visual assessment methodology. This is primarily a survey to assess the general health, condition, value and life expectancy of existing trees as part of the planning and design process. The report should not be read as a detailed tree safety assessment.
2. Where obvious defects are noted and further investigation is required, either by climbing or the use of specialised decay detection equipment, this will be identified in the report.
3. The findings and recommendations contained within this report are valid for a period of twelve months. Trees are living organisms subject to change - it is strongly recommended that they are inspected at regular intervals for reasons of safety.
4. Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees.
5. The findings and recommendations contained within this report are based on the current site conditions. The construction of roads, buildings, service wayleaves, removal of shelter, and alterations to established soil moisture conditions can all have a detrimental effect on the health and stability of retained trees. Accordingly, a re-inspection of retained trees is recommended on completion of any development operations.
6. This report has been prepared for the sole use of Dr Robin Smyllie and their appointed agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

# Tree Survey and Arbicultural Constraints

**TORRIDDON, KILMACOLM**

For

**DR ROBIN SMYLLIE**



Fairlie House, Main Street, Bieldlyvie, Stirling FK8 3LX  
 T/F: 01360 850534 • Mob: 07866 389284 • E: alan@alamotion.co.uk  
 Director: Alan R Motion BScFor, FICFor, CFav, MArborA Reg No SC396461

## GENERAL DESCRIPTION

Torricon is located off Glenmosston Road on the western edge of Kilmacolin and extends to some 10 acres. The house sits in an expansive, mature garden facing south over formal lawns to a small lake and woodland beyond. Woodland extends around the entire property with some very fine specimens of Sitka spruce and western hemlock immediately south of the access driveway. Although conifers dominate, there are some good individual specimens of beech along the western boundary, and further, less significant beech trees on the north-west edge along Glenmosston Road. The area of detailed tree survey is restricted to ground to the south and west of the access driveway end extending along the south-west edge of the lake. Although the area is dominated by mature conifers there is an open central area where *Rhododendron ponticum* is well established.

## STATUTORY PROTECTION

The site is within the Kilmacolin South-east Conservation Area. Prior to carrying out any work to the trees a minimum of six weeks' written notice must be submitted to the local planning authority.

## TREE SURVEY AND ANALYSIS

A visual assessment has been carried out from the ground level of 96 trees within the site. The location of the trees is plotted on the attached Tree Survey Plan, and their condition and recommended remedial works are recorded in detail in the schedule attached at the end of this document. This records relevant details in accordance with the recommendations contained in BS 5837:2012, and includes:

- Tree number (Tree tag number where used, or plan reference number)
- Tree species (common name)
- Stem diameter at breast height (1.5m above ground level)
- Canopy spread in metres (average)
- Tree height (estimate in metres)
- Crown height (clearance to lowest branches in metres)
- Tree Condition Category

- General condition (good, fair, poor, dead)
- Age (Young, middle-aged, mature, over-mature, veteran)
- Whether single or multi-stemmed
- Comments and observations on the overall health and condition of the tree, highlighting any problems or defects
- Recommended remedial works, where necessary.

Where appropriate, recommendations have been made on necessary remedial action such as tree surgery or felling. This is specified where there is likely to be significant risk to safety or tree health, or to abate a nuisance. The recommendations are general in nature and do not constitute a detailed work specification. Specifications, where required, can be provided to accord with the guidance and recommendations contained in BS3998:2010, "Tree work – Recommendations."

The trees have been tagged with round 4-digit tags ranging from 8234-8329, and have been categorised in accordance with the guidelines contained in BS 5837 as follows:

- 44 Category A
- 29 Category B,
- 21 Category C
- 2 Category U.

For details of the tree categorisation, refer to Table. Categorisation is carried out without reference to the proposed development or site alterations, and is based solely on tree health, condition, safe life expectancy, and amenity value. The presence of trees and their quality is only one factor in the design and planning process, and the retention of good quality, healthy trees may be inappropriate in the context of wider planning and development considerations.

The trees are generally in good condition with large-sized conifers dominant. Some storm damage has occurred and a few larches in particular have suffered from crown damage. The trees within Category C are generally downgraded in quality due to canopy suppression, lack of vigour, and limited long-term prospects.

### CONSTRAINTS POSED BY EXISTING TREES

In order to minimise the risk of long-term damage to trees from construction operations, particular care is required to protect them from physical damage. Significant damage can be caused to root systems by ground level changes; soil compaction; contamination from oils and cement; and changes in soil moisture content. For these reasons, BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' sets out a recommended Root Protection Area (RPA) in m<sup>2</sup> based on the stem diameter of the tree. The RPA represents the anticipated below-ground constraints presented by trees within the proposed development area.

Tree roots rarely follow expected patterns, and the RPA should be taken as a guide. It may be adjusted where restrictions to normal rooting patterns suggest that root growth will be minimal (e.g. adjacent to walls, sealed surfaces, watercourses, or existing utility trenches). In addition, soil type, tree species, age, vigour, canopy volume and micro-climate will all impact on root growth and the ability of individual trees to tolerate changes in rooting environment.

Above-ground constraints include ultimate tree height and canopy spread which will affect both physical presence and daylight availability to any proposed structures. Species characteristics, such as evergreen or dense foliage, potential for branch drop, fruit fall, etc, will all have an influence on the potential for development of the site. Easements for underground and above-ground apparatus; road safety and visibility; or the proposed end use of space adjacent to retained trees also needs to be fully considered.

Where it is determined that trees should be retained because of their quality and amenity importance, the impact of proposed designs must be assessed against the requirements of the tree, taking into account the RPA and all other relevant factors. Whilst the RPA should generally be protected where possible, any proposed incursion into the RPA should comply with the recommendations of BS5837, Sections 6 and 7. Site-specific method statements may be required to accompany such proposals.

### ARBORICULTURAL IMPACT ASSESSMENT

The proposed site development involves the construction of a single new dwelling house to be located to the south of the existing access driveway within the open ground dominated by rhododendron. A new access is proposed from Glenmosston Road.

This will necessitate the removal of trees numbered 8244 and/or 8245 to provide access, both of which are low-quality beech with suppressed canopies. Removal of a further 4 trees (8300-8302, all Cat C; and 8296, Cat U) would provide a significant open area suitable for development. The impact of the proposed development on existing tree cover is limited, and due to the retention of the majority of trees to the north and south, the proposed house would be well-screened from adjacent property.

### TREE PROTECTION PLAN

The Tree Protection Plan indicates appropriate Construction Exclusion Zones, which are based on the recommended Root Protection Areas and other identified constraints, including daylight shading, tree species, vigour, amenity values, and specific ground conditions which are likely to influence the rooting environment.

Trees recommended for retention must be protected barriers and/or ground protection prior to commencement of any development works, including demolition. Barriers should consist of Heras fencing with panels joined together with a minimum of two anti-tamper couplings, and braced on the inside of the CEZ with stabiliser struts in accordance with Figure 3 of BS5837:2012.

There should be no movement of machinery, stockpiling of materials, excavations (including service runs), or changes in existing ground levels within the Construction Exclusion Zone throughout the duration of the construction works. Where service runs must pass through the protected area, excavations should be dug by hand, and all tree roots encountered that are greater than 25mm diameter should be retained intact. Cables, pipes and ducts should be fed below roots, and trenches should be backfilled as soon as possible to prevent desiccation of roots.

Table 1: BS 5837:2012 Tree Categorisation

TREES FOR REMOVAL				
Category and definition	Criteria			Identification on plan
<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>-f Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other U Category trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>-d Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>-z Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> NOTE: Category U trees can have existing or potential conservation value which it might be desirable to preserve.			<b>Red</b>
TREES TO BE CONSIDERED FOR RETENTION				
Category and definition	Criteria – Subcategories			Identification on plan
	1 Mainly arboricultural values	2 Mainly landscape values	3 Mainly cultural values, including conservation	
<b>Category A</b> Trees of high quality with an estimated remaining life expectancy of 40 years	Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural features and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	<b>Green</b>
<b>Category B</b> Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in Category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention beyond 40 years; or trees lacking the special quality necessary to merit the Category A designation	Trees present in numbers, usually as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.	Trees with material conservation or other cultural value	<b>Blue</b>
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them a greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value	<b>Grey</b>

## Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations
8234	Beech	0.30	5	11	2	C1	Poor	M-A	1	Canopy suppressed. Canopy 1-sided.	
8235	Beech	0.65	6	16	2	B1	Fair	M-A	1	Included bark, compression fork at 2m.	Monitor compression fork at regular intervals.
8236	Sitka spruce	0.40	1	10	>6	C1	Poor	M-A	1	Storm damage. Lost top.	
8237	Sitka spruce	0.30	4	10	4	C2	Fair	M-A	1	Canopy suppressed.	
8239	Sitka spruce	0.55	4	30	>6	A1	Good	M	1		
8238	Sitka spruce	0.80	5	>30	5	A1	Good	M	1		
8240	Sitka spruce	0.80	5	30	2	A1	Good	M	1		
8241	Lawson cypress cv	0.25	2	8	1	C1	Fair	M-A	1	Canopy suppressed.	
8242	Sitka spruce	0.50	4	22	5	A1	Good	M	1		
8243	Sitka spruce	0.25	2	11	5	C1	Poor	M-A	1	Canopy suppressed.	
8244	Beech	0.40	4	11	2	C1	Fair	M-A	1	Minor cavity/decay in stem at ground level. Poor crown structure. Low fork, 3 main stems, shrubby specimen.	Potentially remove to provide new construction access.
8245	Beech	0.30	3	15	2	C1	Fair	M-A	1	Minor cavity/decay in stem at 4m. Decay at bend in main stem, old branch wound.	Monitor decay at regular intervals. Potentially remove to provide new construction access.
8246	Beech	0.35	4	14	2	B1	Fair	M-A	1		
8247	Beech	0.40	3	14	2	C1	Fair	M-A	1	Canopy suppressed.	
8248	Sitka spruce	0.50	3	24	4	A1	Good	M	1		
8249	Beech	0.20	4	6	3	C1	Poor	M-A	1	Canopy suppressed.	
8250	Beech	0.45	6	17	2	C1	Fair	M-A	1	Twin stem, minor cavity at 1m.	
8251	Beech	0.45	3	17	4	C1	Fair	M-A	1	Included bark, compression fork at 2m. Minor cavity/decay in main scaffold limb at 3m.	
8252	Beech	0.30	3	18	3	B1	Fair	M-A	1	Limited crown development. Would benefit from removal of adjacent stems.	
8253	Beech	0.30	2	14	4	B1	Fair	M-A	1		
8254	Beech	0.65	6	14	1	B1	Good	M-A	1		
8255	Beech	0.35	4	16	1	B1	Good	M-A	1		
8256	Beech	0.35	3	12	2	B1	Fair	M-A	1	Included bark, compression fork at 2m.	
8257	Larch	0.35	3	17	5	B1	Good	M-A	1		
8258	Larch	0.40	3	15	3	C1	Poor	M	1	Storm damage. Lost top.	
8259	Sitka spruce	0.25	2	17	3	A1	Good	M-A	1		

## Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations
8260	Sitka spruce	0.30	2	17	4	A1	Good	M-A	1		
8261	Larch	0.60	4	27	4	A1	Good	M	1		
8262	Larch	0.40	3	25	3	A1	Good	M	1		
8263	Larch	0.60	5	28	5	B1	Fair	M-A	1	Canopy 1-sided. Bias to NE.	Potentially remove to allow new building construction.
8264	Sitka spruce	0.35	3	19	4	B1	Fair	M-A	1		
8265	Sitka spruce	0.55	4	28	5	A1	Good	M	1		
8266	Beech	0.40	2	13	2	B1	Fair	M-A	1	Canopy suppressed.	
8267	Sitka spruce	0.55	3	28	>6	A1	Good	M	1		
8268	Sitka spruce	0.60	5	29	>6	A1	Good	M	1		
8269	Sitka spruce	0.30	1	16	4	C1	Fair	M-A	1	Canopy suppressed.	
8270	Sitka spruce	0.70	5	28	>6	A1	Good	M	1		
8271	Beech	0.30	1	14	3	C1	Fair	M-A	1	Canopy suppressed.	
8272	Sitka spruce	0.90	6	>30	6	A1	Good	M	1		
8273	Beech	0.30	2	19	>6	C1	Poor	M-A	1	Limited crown development, tall, drawn.	
8274	Sitka spruce	0.45	4	20	6	B1	Fair	M-A	1		
8275	Beech	0.40	2	18	4	B1	Fair	M-A	1		
8276	Sitka spruce	0.60	4	25	4	A1	Good	M	1		
8277	Norway spruce	0.35	2	21	4	B1	Fair	M-A	1		
8278	Norway spruce	0.40	3	22	2	A1	Good	M	1		
8279	Beech	0.50	3	16	1	A1	Good	M-A	1		
8280	Beech	0.35	1	15	4	B1	Fair	M-A	1	Canopy 1-sided.	
8281	Sitka spruce	0.35	2	23	>6	A1	Good	M	1		
8282	Larch	0.45	3	25	>6	A1	Good	M	1		
8283	Sitka spruce	0.50	3	25	>6	A1	Good	M	1		
8284	Sitka spruce	0.35	3	23	>6	A1	Good	M	1		
8285	Western hemlock	0.60	4	21	1	A1	Good	M	1		
8286	Sitka spruce	0.70	5	25	4	A1	Good	M	1		
8287	Sitka spruce	0.90	7	>30	1	A1	Good	M-A	1		
8288	Lawson cypress cv	0.35	1	13	1	U	Dead	M-A	1		Fell.
8289	Spruce sp	0.35	3	16	2	B1	Good	M-A	1	Possibly Brewer's spruce? No positive id.	
8290	Lawson cypress cv	0.50	2	16	1	B1	Fair	M	1		
8291	Wellingtonia	1.15	4	27	2	A1	Good	M	1		
8292	Norway spruce	0.65	3	27	>6	A1	Good	M	1		
8293	Western hemlock	0.65	4	25	1	A1	Good	M	1		

Tree Survey at Torridon, Kilmacolm

9

## Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations
8294	Larch	0.65	4	28	6	B1	Fair	M	1	Developed heavy secondary leader to SW.	
8295	Noble fir	0.65	3	26	>6	A1	Good	M	1		
8296	Larch	0.50	3	18	>6	U	Dying	M-A	1	Significant dieback, stag-headed. Stem arisen from old stump.	Fell.
8297	Larch	0.50	2	25	>6	B1	Good	M	1		
8298	Sitka spruce	0.65	5	23	>6	B1	Good	M	1		
8299	Larch	0.65	6	25	2	A1	Good	M	1		
8300	Norway spruce	0.30	3	12	2	C1	Poor	M-A	1	Canopy suppressed.	Potentially remove to allow new building construction.
8301	Larch	0.60	6	17	4	C1	Poor	M	1	Storm damage. Damaged, hanging branch.	Potentially remove to allow new building construction.
8302	Larch	0.45	5	16	2	C1	Poor	M	1	Poor crown structure. Damaged, hanging branch. Lost top, multiple leaders from old point of damage.	Potentially remove to allow new building construction.
8304	Larch	0.45	4	17	2	A1	Good	M-A	1		
8303	Sawara cypress	0.50	3	12	1	B1	Good	M	1		
8305	Lawson cypress cv	0.50	2	14	1	B1	Good	M	1		
8306	Oriental spruce	0.70	4	18	1	A1	Good	M	1		
8307	Wellingtonia	0.90	3	23	2	A1	Good	M	1		
8308	Beech	0.45	4	17	1	A1	Good	M-A	1		
8309	Lawson cypress cv	0.30	3	11	1	B1	Fair	M	1		
8310	Wellingtonia	0.55	3	25	>6	A1	Good	M-A	1		
8311	Larch	0.50	1	22	2	B1	Fair	M	1	Suppressing adjacent Wellingtonia.	Consider removal to allow better development of Wellingtonia
8312	Larch	0.60	5	25	4	A1	Good	M	1	Suppressing Wellingtonia.	Consider removal to allow better development of Wellingtonia
8313	Larch	0.35	1	16	5	C1	Fair	M	1	Canopy 1-sided. Minor crown dieback.	Consider removal as part of general management.
8314	Western hemlock	0.50	4	22	1	A1	Good	M-A	1		
8315	Japanese red cedar	0.40	1	13	2	B1	Fair	M-A	1	Slightly suppressed.	
8316	Western hemlock	0.70	7	30	2	A1	Good	M	1		
8317	Lawson cypress cv	0.95	2	21	1	B1	Good	M	1		
8318	Lawson cypress cv	0.50	2	16	1	A1	Good	M	1		
8319	Sitka spruce	0.55	3	25	5	A1	Good	M	1		

Tree Survey at Torridon, Kilmacolm

10



## Tree Survey Schedule

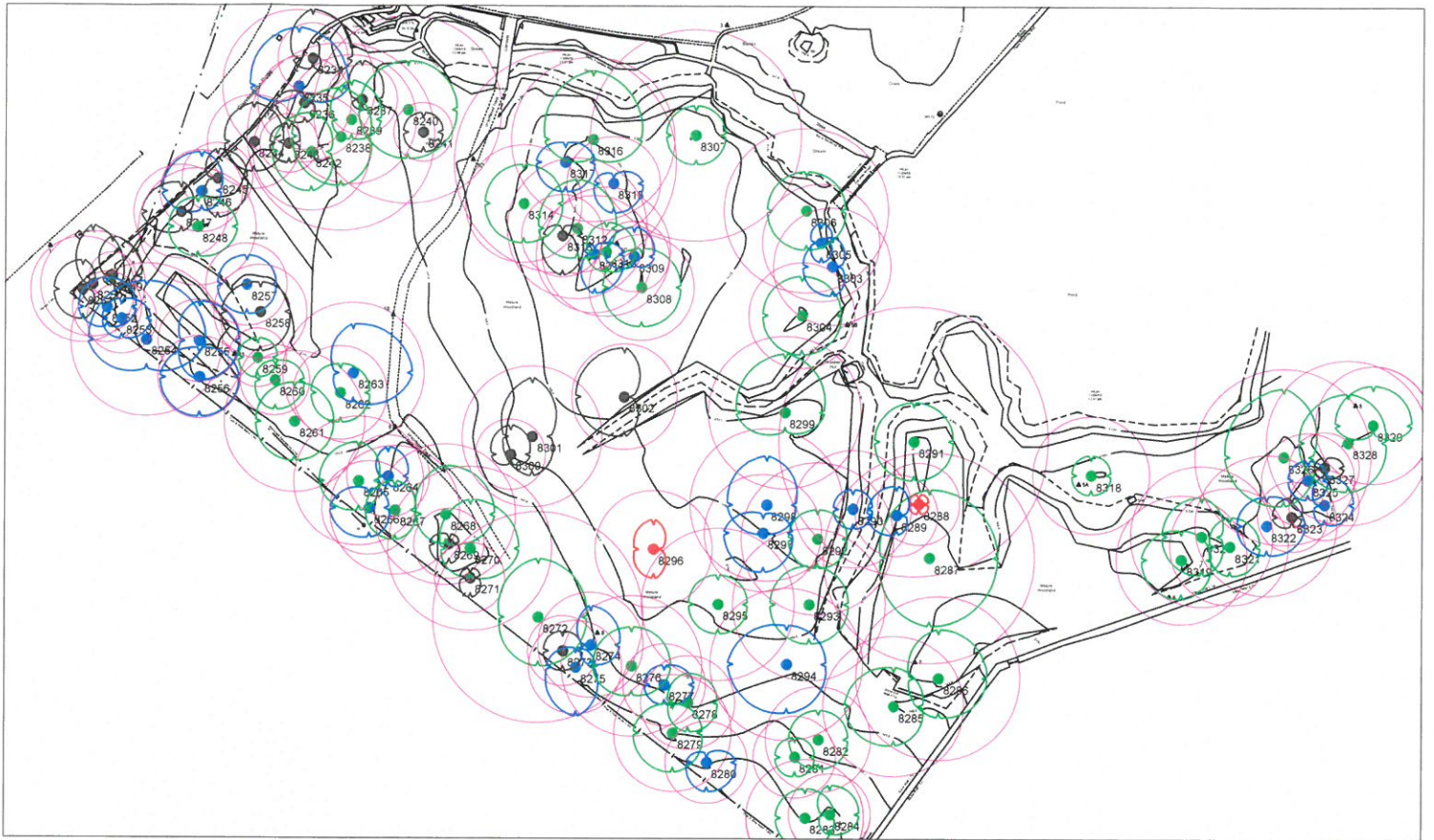
Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations
8320	Western hemlock	0.60	4	24	5	A1	Good	M	1		
8321	Sitka spruce	0.50	3	25	>6	A1	Good	M	1		
8322	Sitka spruce	0.60	3	26	6	B1	Good	M	1	Fork at 7m.	
8323	Sitka spruce	0.30	2	19	6	C1	Fair	M-A	1	Canopy suppressed.	
8324	Sitka spruce	0.30	3	24	>6	B1	Fair	M	1		
8325	Larch	0.40	2	25	>6	B1	Fair	M	1	Canopy suppressed.	
8326	Sitka spruce	0.75	7	30	3	A1	Good	M	1		
8327	Larch	0.30	1	23	>6	C1	Fair	M	1	Canopy suppressed. Limited crown development	
8328	Sitka spruce	0.70	5	30	6	A1	Good	M	1		
8329	Sitka spruce	0.50	4	20	3	A1	Good	M	1		

**NOTE:** Recommendations given in the foregoing schedule do not constitute a detailed tree work specification. This schedule should not be used for tendering or instructing tree surgery operations. A detailed Tree Works Specification can be provided in accordance with BS3998:2010, "Tree Work – Recommendations" where required.

## Tree Survey Schedule

## KEY TO TREE SURVEY SCHEDULE

No	Number as shown on survey plan (refers to tree tags where used)		
Species	Common name		
DBH	Stem Diameter at Breast Height, measured at 1.5m above ground level. Diameter measured in 0.05m bands and <b>rounded up</b> to next 0.05m.		
Canopy	Average canopy radius in metres (survey drawing shows actual canopy radius at 4 cardinal points).		
Ht	Approximate tree height in metres		
C Ht	Crown height, indicating clearance from ground level to lowest branches, measured in metres		
BS Cat	British Standard 5837:2012 tree categorisation (See Table 1)		
Condition	General overall description of condition:	Good:	Healthy tree with no major defects Trees with significant safe life expectancy Trees of good shape and form for the species
		Fair:	Healthy trees with minor defects Trees with moderate safe life expectancy Trees of average shape and form for the species
		Poor:	Trees with significant defects Trees with a limited safe life expectancy Trees of low vigour, stressed, in decline Trees of poor shape and form, suppressed, structurally weak
		Dying/Dead:	Dead, dying, unsafe or dangerous Trees with little or no safe life expectancy
Age	Age class (Young, Early-mature, Middle-Aged, Mature, Over-Mature, Veteran)		
Stems	Single (1) or multiple (M) stems from below 1.5m, used to determine the appropriate Root Protection Area.		
Comments	Specific comments on any observed defects within the root zone or affecting visible buttress root system; on the main stem up to and including the point of the first main fork; and affecting main scaffold branch system or secondary branch structure. Will be left blank where no defects are noted and growth characteristics are normal		
Recommendations	Description of any recommended remedial tree work operations required to ensure safety or for cultural reasons. General description of works, not a detailed tree work specification. Any recommended works should be carried out in accordance with BS3998:2010 <i>Tree work – Recommendations</i>		



**Alan Motion Tree Consulting Ltd**  
 Chartered Forester, Arboricultural Consultant

Fairlie House - Main Street - Buchlyvie - Stirling - FK8 3LX  
 Mob-07866 389284 Tel-01360 850534  
 alan@alanmotion.co.uk  
 www.alanmotion.co.uk

CLIENT: Dr Robin Smyllie  
 PROJECT: Torridon, Kilmacolm

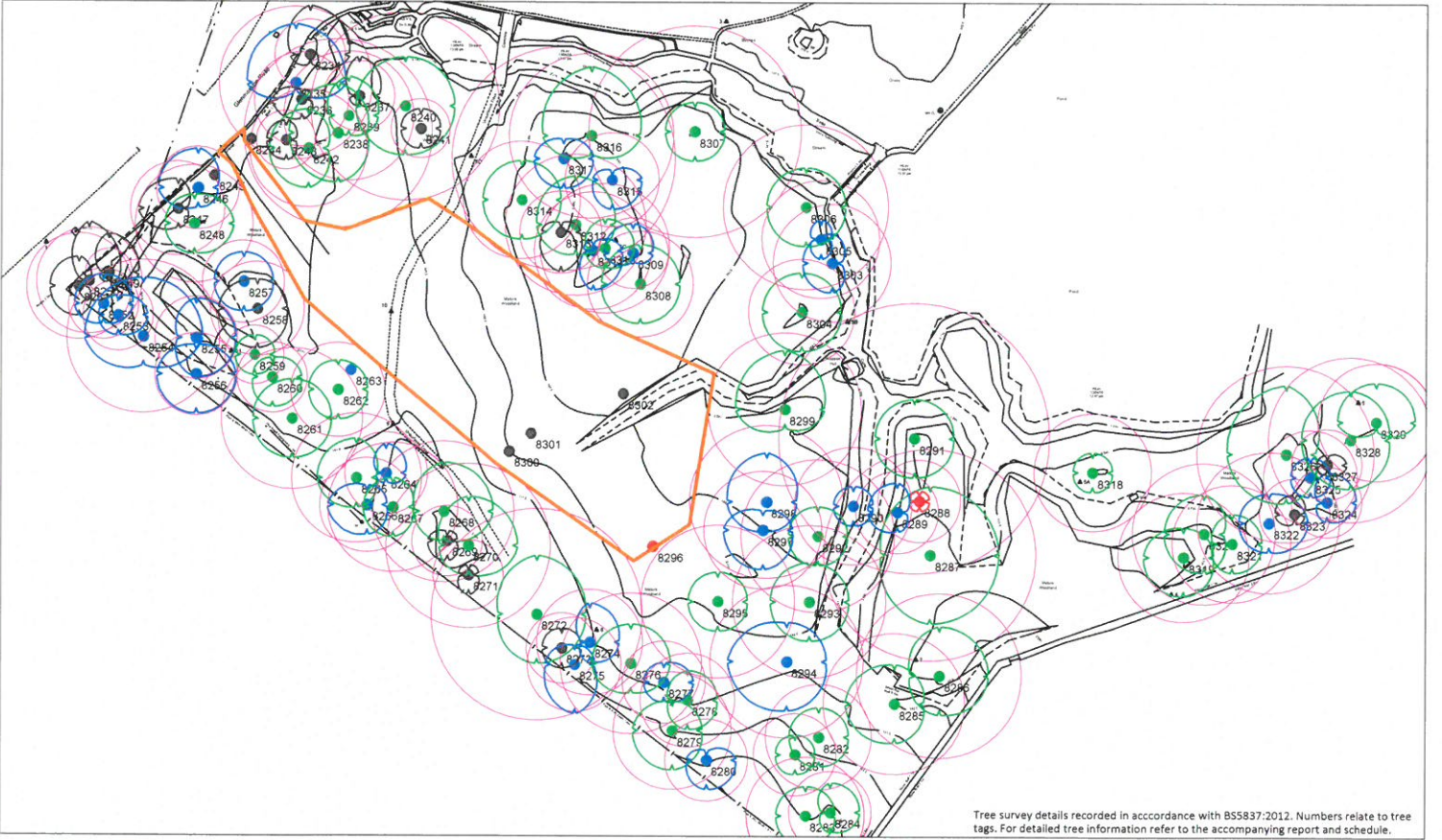
DRAWING TITLE: Tree Survey as existing  
 DRAWING No: IWA-TK-TS-01

DATE: 30-4-16 SCALE: 1:500 at A4 REV:

- 1234 TREES CATEGORY A
- 1234 TREES CATEGORY B
- 1234 TREES CATEGORY C
- 1234 TREES CATEGORY U

Tree survey details recorded in accordance with BS5837:2012. Numbers relate to tree tags. For detailed tree information refer to the accompanying report and schedule.

Do not scale from drawing



**Alan Motion Tree Consulting Ltd**  
 Chartered Forester, Arboricultural Consultant

Fairlie House - Main Street - Buchlyvie - Stirling - FK8 3LX  
 Mob-07866 389284 Tel-01360 850534  
 alan@alanmotion.co.uk  
 www.alanmotion.co.uk

CLIENT: Dr Robin Smyllie  
 PROJECT: Torridon, Kilmacolm

DRAWING TITLE: Tree Protection  
 DRAWING No: IWA-TK-TP-01

DATE: 30-4-16 SCALE: 1:500 at A4 REV:

- 1234 TREES CATEGORY A
- 1234 TREES CATEGORY B
- 1234 TREES CATEGORY C
- 1234 TREES CATEGORY U

Tree survey details recorded in accordance with BS5837:2012. Numbers relate to tree tags. For detailed tree information refer to the accompanying report and schedule.

- 1234 TREES REMOVED
- ROOT PROTECTION AREA
- CONSTRUCTION EXCLUSION ZONE

Do not scale from drawing



## **10. CONSULTATION RESPONSES IN RELATION TO PLANNING APPLICATION**

To: Head of Regeneration & Planning Your Ref: 17/0160/IC  
 Our Ref: EP/14/04/17/0160/IC  
 From: Head of Environmental & Commercial Services Contact: E Provan  
 Tel: (01475) 714814  
 Subject: Observations On Planning Application PA Ref: 17/0160/IC  
 Detail: Erection of a new dwelling house on land 100 metres southwest of the main house at Torridon Dated: 06/06/2017  
 Received: 06/06/2017  
 Site: Torridon, Glenmosston Road, Kilmacolm, PA13 4PF Applicant: Dr Robin Smyllie

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: <table border="1"> <tr> <td>1 bedroom</td> <td>1 parking space</td> </tr> <tr> <td>2-3 bedrooms</td> <td>2 parking spaces</td> </tr> <tr> <td>4 bedrooms</td> <td>3 parking spaces</td> </tr> </table>	1 bedroom	1 parking space	2-3 bedrooms	2 parking spaces	4 bedrooms	3 parking spaces
1 bedroom	1 parking space						
2-3 bedrooms	2 parking spaces						
4 bedrooms	3 parking spaces						
2.	The minimal dimensions for a garage as detailed in the National Guidelines are: <table> <tr> <td>Minimum Garage size for Cars</td> <td>7.0 m x 3.0 m (internal dimension)</td> </tr> <tr> <td>Associated minimum clear access dimensions</td> <td>2.1m wide x 1.98m height</td> </tr> </table>	Minimum Garage size for Cars	7.0 m x 3.0 m (internal dimension)	Associated minimum clear access dimensions	2.1m wide x 1.98m height		
Minimum Garage size for Cars	7.0 m x 3.0 m (internal dimension)						
Associated minimum clear access dimensions	2.1m wide x 1.98m height						
3.	The proposed development has 3 bedrooms which requires 2 parking spaces. The applicant has demonstrated that a minimum of 2 vehicles can park within the site (excluding the driveway) which is acceptable.						
4.	Driveways to be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road.						
5.	Driveway shall be a minimum of 3.0m and the gradient shall not exceed 10%. The proposed driveway meets these requirements.						
6.	The applicant shall produce a drawing demonstrating how a visibility splay of 2.4m x 43.0m x 1.05m will be achieved for approval by the Roads Authority.						

Notes For Intimation To Applicant

Construction Consent (S21)*	Not Required/ <del>Required for all road works</del>
Road Bond (S17)*	Not Required/ <del>Required if building works are to be undertaken before roads are completed</del>
Road Opening Permit (S56)*	Not Required/ <del>Required for all works in the public road</del>
Other	Not Required/ ***

\*Relevant Section of the Roads (Scotland) Act 1984

Signed:  .....  
 Steven Walker, Service Manager (Roads)

Date: 20/06/2017 .....

Inverclyde Landscape Consultancy

Project: Proposed New House  
Inverclyde Planning Ref: 17/0160/IC  
CDC Ref: 1309/14  
IC Ref: David Ashman  
CDC Lead: Richard East  
Date: 27 07 2017

---

- 1.0 Nature of proposal:  
Erection of a new dwelling house on land 100m south west of the main house at Torridon, 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:  
  
170160 IC Location Plan-295062  
170160 IC Full Planning Application-295064  
17 0160 IC NN Planner Checklist-297128  
170160 IC Block Plan-295057  
170160 IC Planning and Design Statement-295063  
170160 IC Landscape Appraisal-295060  
170160 IC Tree Survey 295065  
170160 IC Proposed Plans-295058  
170160 IC Proposed Site and Garage Plan-296120
- 1.3 It is noted that the Planning Application indicates that a Landscape Plan has not been prepared.
- 1.4 Reference has been made in the application to water supply, drainage and waste water management and refers to drawing b120 for information. The drawing examined (b120 rev b) does not appear to show any detail in respect of these elements.
- 1.5 A habitat survey has not been presented.
- 2.0 Site description
- 2.1 CDC visited the site on July 10<sup>th</sup> 2017 and made the following observations relating to the site and its context:
- 2.2 The site, on eastern the edge of Kilmacolm, is open fronted to Glenmosston Road but

remains secluded amongst a mature, predominately coniferous tree planting. This has been ornamental rather than commercial. The understory is characterised as Rhododendron thicket. Neighbouring properties are well enclosed and the overall impression of the area is of a limited number of substantial residences served from Glenmosston Road set amongst mature woodland. Many of the frontages to these properties are bounded by mature and high, clipped Beech hedges.

- 2.3 Topography: The site rises gently from the road edge giving the proposed house a slightly elevated position. The back of the site falls away towards a small lake.
- 2.4 Trees: The trees on the proposed site have been recently surveyed (2016) and a full survey has been submitted with the planning application. The report lists species, size and condition of the trees and their locations within the site.

The area supports a mixture of broadleaf and conifer trees with Beech trees along the frontage at the roadside. Behind these are Sitka Spruce and Larch (some of which are wind damaged) and a number of specimen trees including Wellingtonia, Lawsons Cypress, Noble Fir, Japanese Red Cedar and Western Hemlock. The diversity of the species and the non indigenous make up of the group presents the character of a woodland garden rather than a natural wood.

The vegetation overall is mixed and produces areas of open canopy as well as darker, shaded spaces. It has the potential to support a relatively diverse flora and fauna. An appraisal of the ecology of the development site is not included in the planning application.

- 3.0 The proposal:
- 3.1 As proposed the house will sit approximately 30m from the road with the garage, car port and bin area lying midway between the house and the road
- 3.2 A landscape proposal plan is not included with the proposals.
- 3.3 Services: The development is promoted as a green, low carbon footprint, sustainable proposal. The design statement notes that there will be no connection to the public drainage system and that a private water supply will be used. Detail of how water supply and drainage is to be managed is not given in the application.

There is no indication of where, or indeed whether power will be brought into the site or what route it will take to reach the house and outbuildings.

- 3.4 The application suggests 6 trees are to be removed, 2 at the entrance and four at the centre of the area to be developed. It is noted that the tree report identifies 9 trees to be felled and includes 3 trees in the vicinity of the garage, carport and bin-store that will be affected by construction.

The tree report details measures to be taken during the construction process and defines areas of temporary ground protection, the position of a “no dig” zone to be observed on the drive way and a clear Construction Exclusion Zone.

The proposed house will lie within 10m of the group of trees on its the northern side. This group includes trees up to 25m high. The proposed Air Source Heat Pump is located under the canopy of these trees in the area designated as requiring temporary

ground protection during the construction period.

- 3.5 While no plans have been provided indicating landscape treatment of the development it is noted that a Beech hedge with formal gateposts is proposed for the frontage at Glenmosston Road. This would be under the canopy of the existing Beech trees; possibly a challenging position for a new hedge.

4.0 Comment

- 4.1 The position of the proposed house in relation to the road and neighbouring properties acknowledges an established pattern of development in the area.

Tree removal is limited and some of the trees designated for removal are in poor condition. The overall impact of the removal of 9 trees within the wooded area will not be hugely significant. It is noted however that no ecological or habitat appraisal has been provided so potential impacts on flora and fauna cannot be assessed.

The proposed house will be close to a group of large trees on its northern side and the future relationship between the building and these trees should be considered carefully. It would not be unreasonable for future residents of the property to consider these trees to be a threat to the building and to seek their removal. Removal of these trees may have a detrimental impact on the stability of the group of ornamental conifers on their northern side.

The location of the Air Source Heat Pump should be reexamined.

It is noted that wind damage to the tops of trees on the site is recorded in the tree survey.

- 4.2 9 trees will be removed under the proposal and the house would occupy the central area of the site where there is an opening in the canopy. The design statement records that due to existing trees the proposed house would have a very low level of impact on neighbouring properties. The aerial view below would appear to bear this out.



*Approximate position of site boundary shown in yellow*



However, the location of the plot will be over shadowed by the existing trees, particularly during the winter months when the sun is low. It is not unlikely that residents in the new house may seek to improve the opportunity for greater light within the site. Further tree removal may, depending upon the position of those trees removed, affect the stability of the neighbouring trees.

- 5.0 Recommendation
- 5.1 We recommend further information must be provided before a decision regarding approval is made.
- 5.2 Detail should be provided in respect of drainage arrangements, water and power supply. These elements may not be problematical but there is a need to understand the likely impact they will have on trees in both the short and longer term. The impact of a natural drainage and sewage system should be assessed in relation to the proximity of the nearby small lake.
- 5.3 Information is required in respect of the potential ecological impacts of the scheme. A Phase I Habitat Survey should be undertaken by a qualified ecological assessor. The survey should indicate the extent of any ecological impacts of the proposal and these should be part of the consideration in assessing the application.
- 5.4 The extent of tree removal should be agreed and binding. Future removals should be considered on a tree by tree basis and must not prejudice the retention of the remaining trees on the site. This acknowledges that the stability of trees may be affected by the removal of their immediate neighbours.
- It is recommended that a tree management plan be drawn up and that the implementation of the plan is a condition of an approval if granted.
- 5.5 The additional information required above should be issued before a determination on the application is made.

Response prepared by Richard East Dip LA MA Urb Des CMLI  
on behalf of City Design Co-operative for Inverclyde Council  
27 07 2017

## **11. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION**

[REDACTED]

---

**From:** Irene Johnstone [REDACTED]  
**Sent:** 25 June 2017 19:22  
**To:** Devcont Planning  
**Subject:** For the attention of Mr David Ashman.

Cuil-Na-Greine  
Glenmosston Road  
Kilmacolm  
PA13 4PF  
26/06/17

Dear Mr Ashman,

**Case7/0160/IC**

**Torridon, Glenmosston Road Kilmacolm PA13 4PF**

I would like to comment on the following:

**New Entrance:** The proposed plan indicates that a new entrance to the property is created on Glenmosston Road. This entrance will be opposite my property and I have two concerns:

1. That the integrity to the beauty of Glenmosston road will be comprised, with a considerable section of the fence and wall surrounding Torridon being removed. The existing owner of Torridon and proposer, has for many years sought to protect this area of land by placing large boulders along the perimeter. Whilst not ideal, this has been tolerated, but consequently has had an impact on the perimeter of land surrounding my property with larger vehicles having to divert onto grass verge under the beech hedges surrounding my property and increase use of my drive entrance as a turning point.
2. That the creation of a new entrance will lead to traffic conflict for the residents of Glenmosston Road and most probably entrance to and from my drive. This is a single car road, with no turning points and I am concerned that this will also exacerbate the points raised above.impact

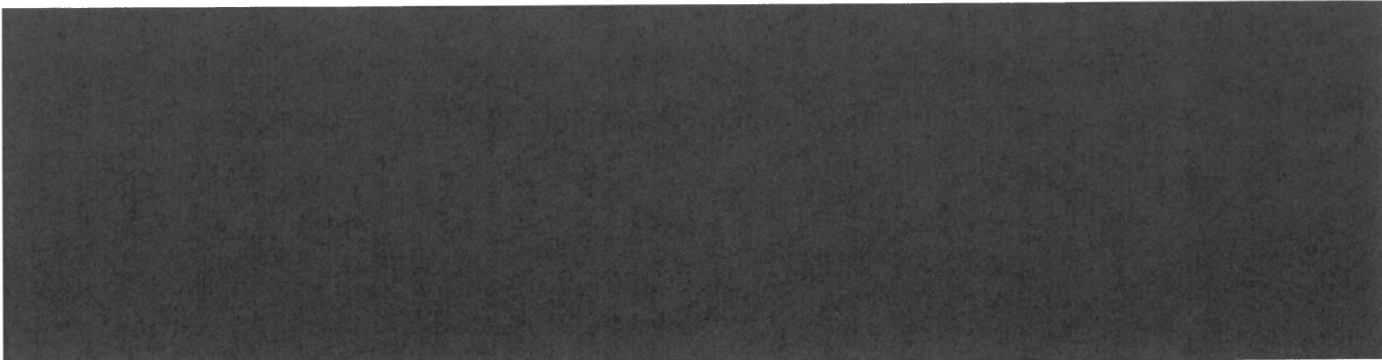
**Traffic Management:** An additional property in Glenmosston Road will increase traffic to a small road with blind spots and no passing places. In addition, I have concerns on the impact of the construction traffic required to support this build and the impact and possible disruption this will have to this private road.

**New Build and Tree Management:** The majority of properties on Glenmosston Road are traditional Austin Laird properties. The introduction of new build, including a flat roof garage, visible from a significant position on the road, will be at significant odds to the surrounding properties. Removal of any trees is unfortunate and once more all seeks to compromise the integrity of Glenmosston Road,

I would be happy to discuss any of the above with you,

Yours Sincerely,

Irene M Johnstone.



---

**From:** Nicol Cameron [REDACTED]  
**Sent:** 26 June 2017 11:00  
**To:** Stuart Jamieson; Devcont Planning  
**Subject:** PLANNING APPLICATION 17/0160/IC - KILMACOLM CIVIC TRUST FORMAL COMMENT

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

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

Dear Mr Jamieson.

**PLANNING APPLICATION 17/0160/IC: KILMACOLM CIVIC TRUST FORMAL COMMENT**  
**(Torridon, Glenmosston Road, Kilmacolm)**

The Kilmacolm Civic Trust Executive Committee met at 7.30pm on Thursday 22nd June 2017.

In addition to other business we considered:

**Planning Application 17/0160/IC (Torridon, Glenmosston Rd, Kilmacolm).**

You will recall that in an email that I sent you at 14:12 on Friday 23rd June 2017 regarding another application I said that our comment on 17/0160/IC '*will follow shortly (over the weekend)*'.

**Our Formal Comment on Planning Application 17 0160/IC is attached.**

Kind Regards,

*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

Kaladan  
Lochwinnoch Road  
Kilmacolm  
PA13 4DY

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

25<sup>th</sup> June 2017

Dear Mr Jamieson

**KILMACOLM CIVIC TRUST COMMENT ON PLANNING APPLICATION 17/0160/IC**  
**(Torridon, Glenmosston Road, Kilmacolm)**

The Kilmacolm Civic Trust Executive Committee considered this application at its monthly Executive Committee meeting at 7.30pm on Thursday 22<sup>nd</sup> June 2017.

We fully support the proposal. This is high quality adventurous architecture. The concept and design are interesting and exciting, and would add to the variety and interest of the palette of architectural styles of existing quality houses in Kilmacolm as a whole. Much thought has been given to the fact that the site is in a heavily wooded part of the original Conservation Area. A HUF Haus is an unique modern architectural style that is well suited to the woodland environment and setting. It is clear that the new dwelling is to be positioned in such a way that it will be only glimpsed from Glenmosston road, and neither be seen from the main house (Torridon itself) nor from the neighbouring property (Ladymuir).

Introducing a HUF Haus into this part of Kilmacolm will add as a counterbalance to 4 existing very mundane houses that sit in awkward spaces on Glenmosston Road and Rowantreehill Road. It would provide a considerable and improving uplift to the Glenmosston Road architectural flavour and would not overpower or encroach on neighbouring houses.

The proposal is also good because it is the best example of high quality off-site production; incorporates many eco-friendly features; will not take long to erect. We have studied the Landscape Appraisal carefully. We note that considerable thought has been given to the protection of the on-site trees and root structure that may be affected by the construction process and note and are content that 6 trees will have to be removed. Considering the extent, variety and density of the woodland in this part of the Conservation Area the removal of those 6 trees will be hardly noticeable and will have little impact.

Yours Sincerely,

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

# Comments for Planning Application 17/0160/IC

## Application Summary

Application Number: 17/0160/IC

Address: Torridon Glenmosston Road Kilmacolm PA13 4PF

Proposal: Erection of a new dwelling house on land 100 metres southwest of the main house at Torridon

Case Officer: David Ashman

## Customer Details

Name: Ms Irene Johnstone

Address: Cuil-Na-Greine Glenmosston Road Kilmacolm

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Key Points

- 1)That the integrity to the beauty of Glenmosston road will be comprised, with a considerable section of the fence and wall surrounding Torridon being removed.
- 2)New Entrance will lead to traffic conflict for the residents of Glenmosston Road and most probably entrance to and from my drive.
- 3)Traffic Management: An additional property in Glenmosston Road will increase traffic to a small private road with blind spots and no passing places.
- 4)New Build: The majority of properties on Glenmosston Road are traditional Austin Laird properties. The introduction of new build, including a flat roof garage, visible from a significant position on the road, will be at significant odds to the surrounding properties.
- 5)Damage to my property perimeter. Please also see email.

**12. DECISION NOTICE DATED 27 JULY 2017 ISSUED  
BY HEAD OF REGENERATION & PLANNING**

# DECISION NOTICE

## *Refusal of Planning Permission*

Issued under Delegated Powers

Inverclyde  
council

Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY

Planning Ref: 17/0160/IC

Online Ref:100053710-001

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

Dr Robin Smyllie  
Torridon  
Glenmosston Road  
KILMACOLM  
PA13 4PF

WvH Planning  
Philip Andrews  
Elmwood  
High Park Avenue  
East Horsley  
SURREY  
KT24 5DD

With reference to your application dated 30th May 2017 for planning permission under the above mentioned Act and Regulation for the following development:-

**Erection of a new dwelling house on land 100 metres southwest of the main house at Torridon at**

**Torridon, 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 reasons for the Council's decision are:-

1. That the design of the proposed dwelling is not compatible with the character and appearance of this part of the Kilmacolm Conservation Area and is thus contrary to criterion (a) of Policy RES1 and Policy HER1 of the Inverclyde Local Development Plan.
2. That the design of the proposed dwelling contrasts too significantly with nearby existing adjacent dwellings to be regarded as sympathetic to the character and amenity of the area and therefore does not, as required by Scottish Government Planning Advice Note 71, respect its surroundings and is contrary to the aims of Historic Environment Scotland's Policy Statement and the guidance in "New Design in Historic Settings."
3. That the level of tree removal likely to ultimately be required to accommodate the proposed dwelling would be unsympathetic to the character of this part of the Kilmacolm Conservation Area and, therefore, contrary to criterion (c) of Policy RES1 and Policy HER1 of the Inverclyde Local Development Plan.



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

Dated this 27th 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:
B100		30.05.2017
B120B	Rev B	08.06.2017
B121		
B122		30.05.2017

**13. NOTICE OF REVIEW FORM DATED 5 OCTOBER  
2017 FROM ANDERSON STRATHERN LLP  
TOGETHER WITH SUPPORTING DOCUMENTATION**

# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.  
Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be  
through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

We consider that it would be helpful for the Local Review Body Members to undertake an accompanied site inspection.

### Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

### Summary

Dr Robin Smyllie ("Applicant") has applied for this review because it is considered that his application (17/0160/IC) ("Application"- Documents 1A-1H) for planning permission for a new dwelling (a "HUF House") at "Torridon" should not have been refused because it is consistent with the relevant policies of the Council's Local Development Plan and the material considerations on the whole favour the development being approved.

It is contended that the reasoning of the planning officer who refused the development in relation to alleged impacts to Kilmacolm Conservation Area (Document 2), is flawed and that planning permission ought to be granted subject to appropriate planning conditions.

Three representations were received in relation to the Application, two of which are objections from the same individual. Importantly, Kilmacolm Community Council (Document 3) considered the Application and did not object. Kilmacolm Civic Trust (Document 4) fully support the Application on architectural grounds, which they consider will respect the conservation area and consider that it is of an appropriate design in a secluded wooded environment. They also state that the proposed HUF House is of a high quality with many sustainable and energy saving features and that a planning condition can be imposed protecting trees with the limited number (6) to be removed being hardly noticeable.

Overall, it is considered that there is a compelling planning case in favour of approval of the Application subject to an appropriate planning condition to protect the trees.

### Site History and Design of Proposed House (HUF House)

Dr Smyllie has owned and lived in Torridon for 25 years. He is a widower who lives alone and although active is increasingly finding the house at Torridon too large and its garden too big to manage. He therefore wishes to "down size" and develop a modest house in the grounds of Torridon (100m to the south west) which will enable him to retain a close and immediate connection with the area which he dearly loves. Therefore, if permission is granted it is his intention to move into the new house (HUF House), which will enable him to continue his close association with the area.

Dr Smyllie cares about the environment and has entered into a long term Management Agreement (Document 5) with Scottish Wildlife Trust in relation to the wider policies of Torridon and that Management Agreement will be unaffected should approval of the HUF House be given.

Dr Smyllie's decision to make the Application was based on professional advice from a respected team of consultants to ensure that the resultant development would respect the immediate and the wider Kilmacolm Conservation Area. He appointed a qualified landscape architect (Ian White) who is a fellow of the Landscape Institute and an Honorary Fellow of the Royal Incorporation Architects Scotland. Mr White has experience in delivering well designed development that respects both the local environment and the landscape setting. Mr White has made a detailed study of wider Kilmacolm Conservation Area and the more immediate vicinity and this study has informed the location of the proposed HUF House which is in a relatively open area, involves minimal tree loss and respects the conservation area. Mr White has worked closely with Mr Alan Motion a respected Arboriculturist who has undertaken a compliant Tree Survey. The Application was also supported by a Design and Planning Statement prepared by Philip Andrews, Planning Consultant. These documents are all contained within the Application (**Documents 1A-1H**).

The proposed new dwelling house is a "HUF House" which is distinctive, is of a high quality design, and offers a plethora of benefits relating to sustainability and energy efficiency. It has been designed by an architect who has paid close regard to the advice of Mr White and Mr Motion and is of modest proportions. It is 10.06m (to max 12.46m) wide 12.46m deep x 7.18m high with side eaves heights of 3.78m and 2.8m respectively. The detached garage /carport will be 7.16m wide x 6.16m deep x 2.9 m high.

The Planning Officer states in his Report of Handling (**Document 6**) that he would support the loss of a wall and fence in lieu of the proposed beech hedge planting. We would point out that there is no wall that requires to be demolished but Dr Smyllie is content to provide beech hedging which is consistent with the boundary features of Glenmosston Road.

The proposed HUF House will comprise dark grey stained timber frame with white rendered walls and slate grey roof tiles. The materials used will include areas of glazing allowing for a reflective quality ensuring that the new building will visually recede into its surrounding environment. Wooden beams teamed with generous glazing form a visual gateway to the surrounding nature thus creating a unique living space and experience. It will offer advanced technologies including an air source heat pump and will provide significant benefits in terms of energy efficiency and heat retention. It will incorporate extremely efficient modern and sustainable technologies, which are in line with the Council's requirements for sustainable development and those of the Scottish Government. Of considerable benefit is the very fast on site construction process with a very short on site construction period (which will minimise construction impacts) followed by typically less than two weeks to erect and then roof the building to be fully water tight. The total build time is expected to be around 15 weeks, which includes the fit out process. This will ensure a minimum of construction impacts.

The proposed HUF House will involve the loss of six trees. Two trees (8244 and 8245- both of which are low quality beech with suppressed canopies) are required to be removed for the access. Removal of a further four trees (8300-8302-all category C-low quality) and 8296 (category dying) would also be required. The Kilmacolm Civic Trust (**Document 4**) who fully support the proposal have endorsed the involvement of a landscape architect, the thought given to protecting trees and they have observed that the limited number of trees to be removed will be "hardly noticeable".

The site provides a natural open space for the HUF House and will not diminish separation distances between neighbouring properties at Ladymuir or the host property at Torridon. It will be set back 32m from Glenmosston Road and will not be prominent from roadside views. The positioning of the house has been carefully considered with limited or no visibility from Glenmosston Road or neighbouring properties.

### **Consideration of Reasons for Refusal and Grounds for this Review**

There are three reasons for the refusal of planning permission set out in the Decision Notice (**Document 2**). It is contended that the reasoning of the planning officer who refused the development in regard to his assessment of the impacts to Kilmacolm Conservation Area, is flawed and that planning permission ought to be granted subject to appropriate planning conditions. We consider each of the reasons for refusal below and set out why they do not (in our opinion) provide a justified basis for refusing the Application. Dr

Smyllie is respectfully requesting that the Local Review Body Members exercise their own planning judgement and experience on the matter and accordingly grant permission.

*Reason for Refusal 1*

*"That the design of the proposed house is not compatible with the character and appearance of this part of the Kilmacolm Conservation Area and is thus contrary to Criterion (1) of Policy RES1 and Policy HER1 of the Inverclyde Local Development Plan. "*

The Planning Officer has set out in the Report of Handling (**Document 6**) his reasoning (for refusal) that the:-

*"dwellings are generally a variation on theme along Glenmosston Road in terms of design and materials and it is possible to discern the evolution of the architectural style with later developments taking their cues from earlier designs."*

He states further that :-

*"even those dwellings which have greater elements of "uniqueness" are still recognisably part of an overall design ethos".*

The Planning Officer's reasoning is not borne out by the facts and held on a flawed evidential basis as explained below.

We have carefully examined the architectural style and provenance of all of the existing houses along Glenmosston Road in the immediate area. We attach as **Document 7** a copy of the Kilmacolm Conservation Area Plan on which the relevant houses are plotted. A photograph of each of the houses is also enclosed as **Documents 8-22**. We would respectfully ask the Local Review Body Members to examine each of these photographs to establish if there is indeed a common architectural style or ethos that is evident.

It is our contention that there is no common architectural design theme or ethos that is identifiable nor can it be said that it is possible to discern the evolution of a particular architectural style. The Planning Officer in his reasoning has purported to identify a pattern that simply does not exist in reality. There is no homogenous style of housing architecture or design ethos and within this context the HUF House suitably relates to the character of the conservation area.

It is completely unjustified, on the evidence, to state (as the Planning Officer has) that the proposed HUF House is not compatible with the character and appearance of this part of the conservation area. To further support our arguments we would offer the following observations on each of the dwelling houses on Glenmosston Road closest to the proposed HUF House and from which the Local Review Body Members will be able to discern that there is no homogenous style of housing architecture or design within this part of the conservation area:-

**Torridon (Document 8)** – This was the first house to be built on the main part of Glenmosston Road. Designed by Austen Laird. It is a house designed to a traditional English form with windows almost flush with the roughcast outer walls. The chimneys have a hint of perhaps Art Deco. It has a tiled roof.

**Dunfraioch (Document 9)**-This house built shortly after Torridon. It was designed by Austen Laird for himself on a traditional Scottish form with windows recessed from the outer walls and surrounded by a stone frame. In addition the house has crow stepped gables hinting at Scottish Baronial design. The roughcast is different from that on Torridon. It also has a slate roof.

**Firhill (Document 10)** -Unknown Architect built around 1950-1960 in the Scottish vernacular. It has recently been extended with a triple Garage and rooms above. White finish. Only the gable wall and extension is seen from Glenmosston Road.

**Cul na Greine (Document 11)**-This house was designed by Austen Laird and built around 1930-40. It has similar roughcast and chimney style to Torrison otherwise it is different. It was designed in the style of a Bungalow and when viewed from the gable end it has the look of a Chalet. The house has a tile roof and white plastic double glazing

**Ladymuir (Document 12)**-This house was designed by Austen Laird. It has one or two similar features to Torrison such as the chimneys, a tiled gable and roughcast but an altogether different symmetry and design. It has a mock Georgian doorway and no similarity to Dunfraioch nor any evolution. It has white PVC double glazing throughout and a tiled roof.

**Mosswood (Document 13)** This house was designed by Austen Laird but different to all the others apart from the roughcast. It is a nondescript building and much extended and certainly no evolution. It has been recently been reroofed with tiles.

**Durisdeer (Document 14)**-A Dorran Bungalow recently extended and altered to give a chalet like appearance.

**Cairngorm (Document 15)**-Unknown Architect built in the Scottish vernacular style around 1900. It is grey sandstone and bears no resemblance to other houses in Glenmosston Road

**Rowantreehill (Document 16)**-Facing the entry to Glenmosston Road and designed by Salmond is clearly Scottish Baronial. It has a tiled roof and bears no resemblance to the other properties.

**Ardfruoch (Document 17)**-This house was designed by Austen Laird and probably built in the 1930's. It has white roughcast and windows are in the Scottish style. It has little resemblance to other houses.

**Windyhill (Document 18)**-This house is beside Rowantreehill is the Rennie McIntosh house designed in the Art Nouveau style and bears no resemblance to the other houses on Glenmosston Road.

**Heath House (Document 19)**-Unknown Architect but built around 1920. It has a style of its own and bears no resemblance to the other houses on Glenmosston Road.

**Heatheryknowe (Document 20)**-Unknown Architect but the house is built in the Scottish vernacular style. Probably built around 1900 and it has a tile roof and white roughcast. It bears no resemblance to other houses on Glenmosston Road

**Shuna Cottage (Document 21)**-A modern bungalow, probably a Dorran Bungalow, finished in white render with tiled roof.

**Woodacre (Document 22)**- A modern two storey house in white render with considerable glazing. It bears no resemblance to the other properties but is very similar in design to the proposed HUF House.

We maintain that even if one were to restrict the comparison to the six nearest properties (Torrison, Dunfraioch, Cul na Greine Ladymuir, Firhill, Mosswood) there is simply no discernible common architectural style or ethos. It is contended that each of these houses exhibits a very different architectural style with no discernible "evolution". It is therefore untenable on the evidence to take the view (as the Planning Officer has done) that these are "*variations on a theme*" or that "*despite having a greater element of uniqueness are still recognisably part of an overall design ethos*". There is no theme and nor is there an overall design ethos. Other consented properties at Durisdeer, Shuna Cottage and Woodacre are of modern design.



Woodacre to which the Planning Officer has not referred is very similar in design to the proposed HUF House and provides a basis for approving the Huf House.

On the evidence and because there is clearly is no identifiable common architectural style or design along Glenmosston Road it cannot be properly said that the proposed HUF House is incompatible with the character and appearance of this part of the conservation area. It is contended that the proposed HUF House in its proposed location and setting respects the conservation area.

It would be important for the Local Review Body Members to undertake a site visit and examine all of the above properties which can be seen from Glenmosston Road.

*Stance of Kilmacolm Community Council and The Kilmacolm Civic Trust*

On the issue of the design of the HUF House it is also notable that Kilmacolm Community Council carefully considered the application and decided not to object (**Document 3**). The Kilmacolm Civic Trust (**Document 4**) fully support the proposed HUF House considering it high quality and adventurous architecture that would add to the palate of architectural styles of quality houses in Kilmacolm. They consider that the house design is appropriate to the wooded environment and that its position has been carefully considered with limited or no visibility from Glenmosston Road. It supports the quality of the production, eco-friendly features the landscape appraisal and the thought given to protecting trees with the limited number to be removed being hardly noticeable.

*Consideration of Planning Officer's decision to support a very modern and futuristic dwelling house at the Knapps, Houston Road Kilmacolm (12/0030/IC)*

Whilst each application must normally be judged on its own planning merits it is relevant in this particular case for the Local Review Body Members to consider the same Planning Officer's recent decision to support a very modern and futuristic dwelling house at the Knapps, Houston Road Kilmacolm (12/0030/IC) (**Documents 23, 24 and 25 A-C** which includes the plans and elevations of what on any view is futuristic and modern architecture). We also include the Decision Notice (**Document 23**) and the Planning Officer's Report (**Document 24**) which critically includes his comments on the architecture and design in relation to the conservation area. This development was approved by the Council's Planning Board and we consider that its approval and the reasoning for that approval are material considerations weighing strongly in favour of the proposed HUF House. There are similarities between the two including a proposal to develop part of a plot of a large house in the conservation area with a modern house in a wooded area. However, in contrast to Torridon (which is not listed), Knapp's is a category B Listed building (**Document 26**) and thus a more sensitive site. The Planning Officer in his Report to the Planning Board states that in regard to design of that proposed house :-

[REDACTED]

We maintain that as matter of important planning balance this statement should be applied equally to the assessment of the proposed HUF House. (i.e. there is no consistently applied architectural theme)

[REDACTED] Similarly, the proposed HUF House would be set in a secluded setting with only glimpsing views from Glenmosston Road. Whilst each application should normally be considered on its own planning merits, we do consider that the Planning Officer's decision to support what on any informed view is a more radical design in the grounds of a listed building (which was accepted by the Planning Board) is wholly inconsistent with his current negative assessment of the proposed HUF House.

We respectfully invite the Local Review Body Members to conclude that there is no discernible architectural style or recognisable design ethos in the conservation area and that the proposed HUF House in its secluded wooded setting respects the conservation area.

Accordingly Reason for Refusal 1 is not justified nor a sound basis for refusing the Application.

#### *Reason for Refusal 2*

*"2. That the design of the proposed dwelling contrasts too significantly with nearby existing adjacent dwellings to be regarded as sympathetic to the character and amenity of the area and therefore does not, as required by Scottish Government Planning Advice Note 71, respect its surroundings and is contrary to the aims of Historic Scotland Policy Statement and guidance "New design in Historic Settings"*

This is closely related to Reason for Refusal 1 and we have largely addressed this in our response to Reason 1 above. We do not disagree with the advice given in PAN 71 (Document 27) which is general planning advice but consider that the proposed HUF House respects its surroundings and the conservation area in particular and is consistent with that advice. It is important to observe that PAN 71 in its introduction states that:-

*"Conservation areas are living environments that despite their history, will continue to adapt and develop. Designating a conservation area does not mean that there is 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."*

Approving the Application would be in line with this advice.

This Reason for Refusal 2 also relies upon Historic Environment Scotland's publication "New design in Historic Settings" (Document 28) and indicates that it is contrary to its aims. We do not agree. The front page, pages 4, 6 and images throughout the advice document shows modern architecture in the setting of historic buildings or in historic settings. We would respectfully request that the Local Review Body Members examine this document. The foreword in that advice document recognises that new designs in historic environment will always generate debate. The stated aim is to set out the means by which we can raise the standards of the design in historic settings. It is stated that good quality architecture and planning is vital and can make a significant difference in how people use space. We consider that the proposed HUF House although modern is an exemplar of good design that is fully in line with the aims of this advice. The Huf House and its positioning respect the conservation area and amenity of the area. It is therefore difficult to understand the Planning Officer's basis for refusal as this guidance document, in our view, lends support to the approval of the proposed HUF House rather than opposition.

We respectfully invite the Local Review Body Members to conclude that proposed HUF House is consistent with PAN 71 and in line with the aims of "New Design in Historic Settings".

Accordingly, Reason for Refusal 2 is not justified nor a sound basis for refusing the Application.

#### *Reason for Refusal 3*

*"3. That the level of tree removal likely to ultimately be required to accommodate the proposed dwelling would be unsympathetic to the character of this part of the Kilmacolm Consideration Area and therefore contrary to criterion ( c ) of Policy RES 1amd HER 1 of the Inverclyde Local Development Plan."*

The site of the proposed HUF House is on an open area but will involve the removal of six low quality trees. The Planning Officer's concern is that the future owner will in time approach the Council for further tree removal to the detriment of the area. He has concerns that the proposed tree removal will lead to "wind vortex" issues in stormy conditions with tree damage and a request for felling. Additional concerns

are raised by the Planning Officer in relation to the effect of the existing trees on daylight and sunlight particularly around the winter months. It is important for the Local Review Body Members to be aware that Dr Smyllie has observed the proposed site for approximately 18 months and is fully satisfied with the level of daylight and sunlight. Torricon itself is subject to this issue where in one or two of the winter months the sun does not rise above the trees in Whinneyhill wood. On the matter of the "wind vortex" issues, it is considered that the removal of four or five trees will not significantly alter the airflow pattern such as would lead to "vortexes" damaging trees. The storm damage to the trees noted by the arboriculturist occurred 20 years ago when a storm caused damage all over Scotland. The presence of the proposed HUF House would also mitigate against such effects as the structure would act as a windbreak for any vortex altering the wind flow pattern.

In terms of tree removal to perhaps secure wider views the Local Review Body Members should be aware that this is not an issue as the principal view from the HUF House is to the pond at Torricon, which will be clearly visible through tree cover. It is therefore considered that tree removal is unlikely and it must be remembered that all trees in conservation area are protected and it is an offence to fell a tree in a conservation area without the consent of the planning authority. The matter is therefore in the control of the Council.

Whilst the Planning Officer is correct to raise the issue of future tree removal and we have satisfactorily and hopefully allayed any concerns that the Local Review Body Members may have. It is important to note that the Planning Officer has no issue with the removal of the six low quality trees to enable the HUF House to be built and occupied.

It is also relevant that the Council have already formally authorised the removal 3 sitkas spruce trees (and others across the site) at Torricon, close to the southern boundary of the neighbouring property Ladymuir in terms of a letter dated 13 January 2011 (Document 29) from Senior Planner Mike Martin to Dr Smyllie's late wife. That formal consent remains extant although Dr Smyllie has chosen not to act upon this due to the respect he has for the trees. What this does demonstrate is that trees in this immediate area do require to be managed and have a natural lifespan.

Given that further tree removal is on the evidence considered unlikely, we do not consider that the refusal of the HUF House is justified on this basis of future tree loss. Further and as the Local Review Body Members will be aware all trees in a conservation area are protected with penalties for unauthorised felling. Obtaining consent for further tree removal would have to be made by an applicant and issuing that consent lies firmly with the control of the Council who are able to refuse consent.

We respectfully invite the Local Review Body Members to conclude that future tree removal is not reasonably foreseeable and is not required in the interests of amenity or safety of the future occupants of the HUF House. In any event future tree removal lies within the control of the Council.

Accordingly, Reason for Refusal 3 is not justified nor a sound basis for refusing the Application.

## Conclusion

It is considered that the proposed HUF House is consistent with the relevant policies of the Council's Local Development Plan and the material considerations overall favour the development being approved. The reasoning of the Planning Officer who refused the development, primarily on alleged impacts to Kilmacolm Conservation Area, is flawed and that planning permission ought to be granted subject to appropriate planning conditions. Kilmacolm Community Council considered the application and did not object. Kilmacolm Civic Trust fully support the Application on architectural grounds, which will (in their view) respect the conservation area and they consider that it is of an appropriate design in a secluded wooded environment. The advice documents identified in the reason for refusal 2 support rather than oppose the proposed HUF House and the likelihood of further tree removal is, for the reasons given, is low and insufficient to warrant refusal.

We therefore, respectfully invite the Local Review Body Members to grant planning permission for the proposed HUF House subject to appropriate planning conditions.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

#### List of documents and evidence

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.

1. A-1H Copy Planning Application (17/0160/IC)
2. Copy Decision Notice dated 27 July 2017
3. Copy Minute of meeting of Kilmacolm Community Council
4. Copy letter of support from Kilmacolm Civic Trust
5. Copy Management Agreement between Dr R Smyllie and The Scottish Wildlife Trust.
6. Copy Report of Handling in relation to Planning Application (17/0160/IC)
7. Copy Map showing Properties in immediate Conservation Area (Glenmosston Road)
8. Photograph of "Torridon"
9. Photograph of "Dunfraioch"
10. Photograph of Firhill
11. Photograph of Cul Na Greine"
12. Photograph of "Ladymuir "
13. Photograph of "Mosswood"
14. Photograph of "Durisdeer"
15. Photograph of "Cairngorm"
16. Photograph of "Rowantreehill"
17. Photograph of "Ardfuoch"
18. Photograph of "Windyhill"
19. Photograph of "Heath House"
20. Photograph of "Heatheryknowe"
21. Photograph of "Shuna Cottage"
22. Photograph of "Woodacre"
23. Copy Decision Notice of approval in relation to new house at Knapp's, Houston Road Kilmacolm (12/0030/IC)
24. Copy of Planning Board Report and Decision Notice of approval in relation to new house at Knapp's, Houston Road Kilmacolm (12/0030/IC)
- 25A-25C. Copy Plans and elevations of new house at Knapps, Houston Road Kilmacolm (12/0030/IC)
26. Listing Schedule for Knapps, Houston Road
27. Copy of PAN 71

- |     |  |
|-----|--|
| 28. | Copy of guidance "New design in Historic Settings"           |
| 29. | Letter dated 13 January 2011 from Senior Planner Mike Martin |

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

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### Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

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### Declaration

I the agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

 Alastair McKie , Agent for Dr Robin Smyllie
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Date

5 <sup>th</sup> October 2017
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# Inverclyde council

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 100053710-001

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)

Erection of a new dwelling house on land 100 metres southwest of the main house at Torridon

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

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:	WvH Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	Elmwood
Last Name: *	Andrews	Building Number:	
Telephone Number: *	01483 284028	Address 1 (Street): *	High Park Avenue
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	East Horsley, Surrey
Fax Number:		Country: *	UK
		Postcode: *	KT24 5DD
Email Address: *	philip@wvhplanning.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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

## Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing  Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Site Area

Please state the site area:

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)

## 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)? \*

2

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

details on b120

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)

b120

## 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: Philip Andrews

On behalf of: Dr Robin Smyllie

Date: 30/05/2017

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 principal 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)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

## **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.

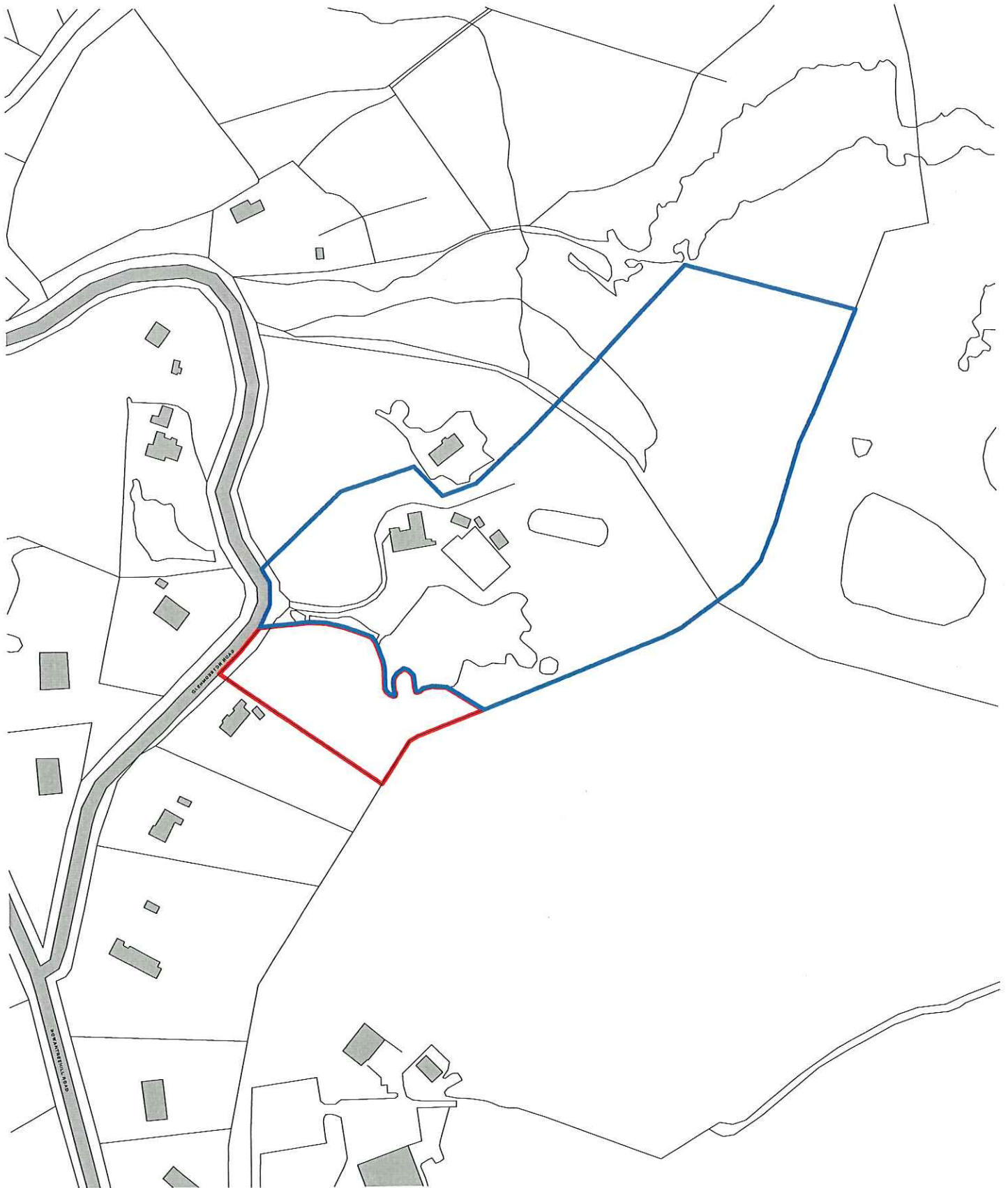
Declaration Name: Mr Philip Andrews

Declaration Date: 30/05/2017

## **Payment Details**

Telephone Payment Reference: C00100001995

Created: 30/05/2017 11:25



Red Area: 4907.73m<sup>2</sup>  
 Blue Area: 32182.72m<sup>2</sup>

Site Area: 37090.45m<sup>2</sup>  
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<b>Client:</b> Dr Robin Smyllie		<b>Architect:</b> Peter Huf, M.Arch., Dipl.-Ing. (FH)	<b>Drawing Status:</b> ISSUE	
<b>Site Address:</b> Torridon Glenmosston Road Kilmacolin Inverclyde PA13 4PF	<b>Plan:</b> OS Map  <b>Scale:</b> 1:2500@A4  <b>Drawing No.:</b> b121	<b>The Control Tower</b> 12 De Havilland Drive Brooklands Weybridge Surrey, KT13 0YP  T: 01932 340145	<b>Project:</b>  HUF HAUS	



# Design and Planning Statement

Site address: Land 100 metres southwest of the main house at  
Torridon, Glenmosston Rd, Kilmacolm, Inverclyde PA13 4PF

Proposal: Erection of a new dwelling house

## 1.0 Site characteristics

- 1.1 The site, approx 100m southwest of the existing property at Torridon will be accessed directly off Glenmosston Road on the western edge of the Kilmacolm conservation area. The main house extends to some 10 acres and sits in an expansive and mature garden facing south over formal lawns to a small lake and woodland beyond. The mature woodland setting extends around the entire property and although the area is dominated by mature conifers there is an open central area where that forms the proposal site. The site is within the Kilmacolm South-East Conservation Area.
- 1.2 There are a variety of house designs and sizes in the surrounding area reflective of their eras, including more modern and contemporary designs within conservation area itself.

## 2.0 Policy framework and design guidance

- 2.1 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Application Advice Notes (PAAN), Creating Places, Designing Streets, and a series of Circulars. The Development Plan for the area comprises the Inverclyde Local Development Plan 2014.

- The relevant policy considerations include:
- 2.2 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 need 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.
- 2.3 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 Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.
- 2.4 Planning Application Advice Note No. 2 (PAAN2) Single Plot Residential Development applies. Kilmacolm Conservation Area is characterised by substantial villas set within their own large gardens areas. In recent years there has been pressure for infill residential development within the conservation area and 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.

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 9m, 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.

2.5 Planning Application Advice Note No. 3 (PAAN3) Private and public open space in new residential development applies, providing guidance on the required levels of private garden ground that should be included in new residential developments where standards vary dependant on the scale of the development. For 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.

### 3.0 Proposal

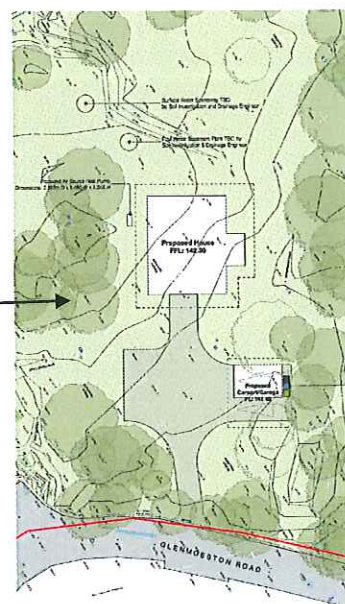
3.1 Prior to engaging with the architect to consider the design and layout of the house itself, the applicant appointed Ian White (Landscape Consultant) to carry out a landscape appraisal that also includes in its appendices the relevant Alan Motion tree survey that identifies the associated arboricultural constraints of the site as well. Ian White's completed document accompanies this application. Note also that Alan Motion's final arboricultural report dated May 2017 that identifies the final design and layout is attached as a separate final document.

3.2 The proposal relates to the erection of a new dwellinghouse 10.06m (to max 12.46m) wide x 12.46m deep x 7.18m high with side eaves heights of 3.78m and 2.8m respectively. The detached garage/carport will be 7.16m wide x 6.16m deep x 2.9m high. The main house will comprise a dark grey stained timber frame with white rendered walls and slate-grey roof tiles.



The proposed front elevation

and the layout with access off Glenmosston Road



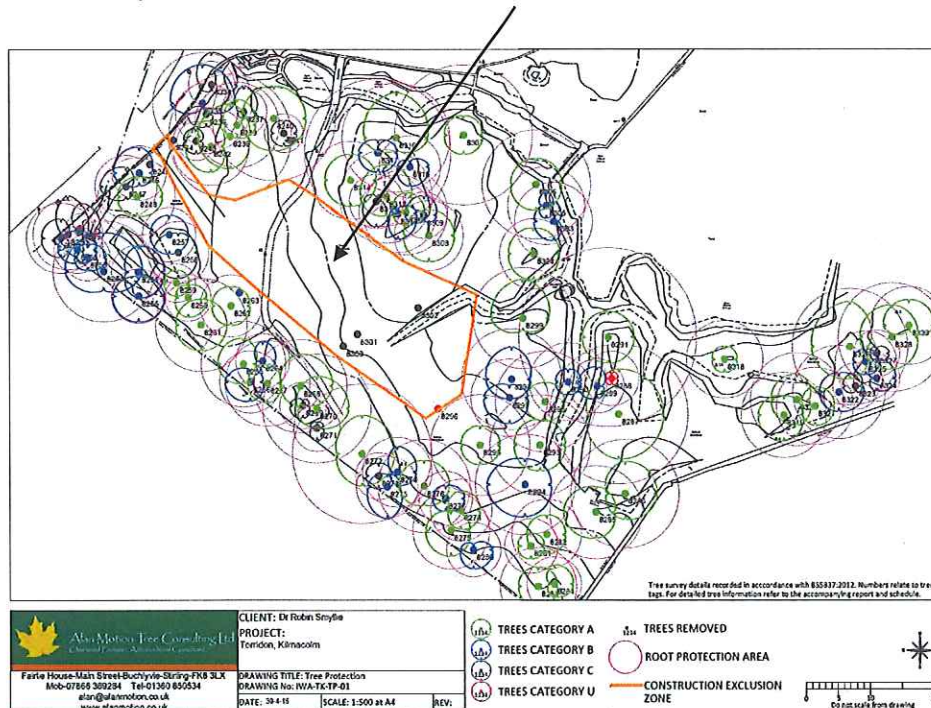
## 4.0 Planning considerations

4.1 The material planning considerations in the determination of this application will be:

- The principle of the single plot residential development – PAAN2.
- Whether the new dwelling is acceptable in terms of scale, form and quality of design and impact on the visual appearance, setting and the character of the conservation area and the criteria as set out on RES1 and, in relation to the conservation area, HER1.
- Whether the design and layout of the proposed development is acceptable ensuring due consideration is given to plot size, plot ratio and separation to boundaries and potential impact on neighbour residential amenities as set out in PAAN2.

### The principle of development

4.2 With regards to the merits of the site being considered appropriate in terms of providing a single residential development plot, the findings attached to Ian White's landscape appraisal and to Alan Motion's arboricultural constraints reports are referred to. The site then provides a natural open space for a new detached house such that its siting and layout will not impose on the identified boundaries, will not diminish separation distances between the adjacent property to the SW at Ladymuir in excess of 25m away, or the host property to the NE at Torridon circa 100m away. Also being set back approx. 32m from Glenmosston Road in front it will not be prominent from roadside views either.



**Impact on the conservation area in terms of design and scale**

- 4.3 The more recent planning approvals for new houses within this part of the conservation area identifies relevancy in terms of the current era for more modern and contemporary detached houses and it would appear that there is not a single vernacular within the wider conservation area itself. The design detailing associated with the proposed house will provide a simple timber framed building with white rendered walls with a slate grey dual-pitched roof appropriate in the context to the area, to the scale and secluded nature of the site and will ensure that the building itself will recede into its well-established sylvan setting. In context of the prevailing character of development in the conservation area, due regard has been given to ensure that the new house maintains and improves the local environment connecting positively to its surrounding with regard to good design principles including layout, form, scale and materials. In addition the new house will not appear overly large and will not overshadow the adjacent property at Ladymuir or the host dwelling at Torridon.

**Design and appearance**

- 4.4 The proposed architecture is acknowledged as being distinctive and eye-catching however such high-quality design also forms the principles of favourable consideration within the relevant PAAN guidance. As indicated, all development should seek to achieve a high quality of design that improves the character and quality of an area. It is considered that the modern design concept will provide a visual enhancement to the conservation area as a whole. Further, the site itself is not only isolated in its own right from other development, it also remains visually secluded in context of the surrounding wooded areas with mature boundary screening at the front and on both sides.
- 4.5 For this application the architect's design brief has been to ensure that the new house should meet the expectations of the applicant while being sensitive in terms of the form, scale and positioning of the new house such that the special visual sensitivities of the conservation area also protected and enhanced.
- 4.6 The proposals will provide a modern house and detached garage/carport that will remain secluded in its setting and will not provide a visually prominent form of development, as detailed in the sections above. Consequently, the proposal is considered to accord with the LPA's relevant design policies.

**Quality of residential accommodation**

- 4.7 The proposed layout provides a high standard of accommodation and will be acceptable in allowing adequate natural lighting and ventilation and in full compliance with the required Building Regulations.

### **Sustainability**

- 4.8 The design and modern construction techniques also offer a plethora of benefits relating to both sustainability and resource efficiency in erecting a building that will accord with the overarching relevant guidance for sustainable forms of development. The materials used are those associated with a modern form of the development and will include areas of glazing allowing for a reflective quality ensuring that the new building itself will visually recede into its surrounding environment.
- 4.9 The new building will provide a high-quality form of development that will incorporate a number of energy-efficient features in order to achieve a sustainable form of development. The house will be able to generate a high proportion of its energy requirements from renewable sources with the use of an air source heat pump. Together with other advanced technologies it will provide significant benefits to energy efficiency, heat retention including triple glazed windows and principles of solar gain and cross ventilation.
- 4.10 HUF Haus also ensures that the building will provide a very high EPC rating. It will also be ensured that the relevant Lifetime Homes standards will also be complied with such that the new house will provide for high rated development in terms of sustainability with an efficient use of renewable energy sources. It will also incorporate extremely efficient, modern and sustainable technologies with a highly-insulated timber framed building cutting energy consumption, minimizing CO<sup>2</sup> emissions and helping to protect the environment through sustainable off-site construction methods. These goals are also reflected in guidance given in both the council's expectations for sustainability and requirements for new development. The design also incorporates the use of cutting-edge LED lighting, which is considerably more efficient than the use of traditional lighting methods. As such the whole development has been designed and will be constructed with resource efficiency in mind where energy use is minimized and opportunity to harness renewable energy is optimized.
- 4.11 Of further benefit is the very fast on-site construction process. One of the greatest advantages to a HUF Haus build project includes a very short on-site construction period including the appropriate ground and site preparation including time to set the slab foundation, followed by typically less than two weeks to erect and roof the building to be fully watertight. The only disruption of large delivery vehicles and a crane is normally limited to no more than 2 weeks. The total build time will be around 15 weeks for a house of this size, which includes the fit-out process.
- 4.12 In respect of the impact on parking and on transport, the new house and its associated parking will not be considered to have a material impact on the road

network or on traffic within the conservation area. On-site car parking is provided, being appropriately incorporated within the development and as such the proposal should be considered acceptable and in accordance with the council's relevant parking and transportation standards.

**Impact on neighbour amenities**

- 4.13 With regards neighbourliness, sunlighting and daylighting the site is completely secluded such that even the closest neighbour to the SW at Ladymuir would not be seen such that there is no likelihood that the new house could have any detrimental impact on other properties in terms of privacy, visual intrusion, noise or disturbance.

**Landscaping**

- 4.14 The site benefits from its mature boundary screening and any proposed soft landscaping will provide a 'light touch' as it is intended only to augment boundary planting where and if necessary.

**Trees**

- 4.15 The accompanying Alan Motion arboricultural report identifies all the relevant trees on site and further identifies the required tree protection and method statement demonstrating that they will not be impacted by the development.

**5.0 Summary**

- 5.1 This application demonstrates a clear and logical process for the development with particular attention paid to the design and siting of the new house and the other planning considerations directly in relation to the relevant Policies and to the relevant Supplementary Planning Documents on design as identified above.
- 5.2 The main consideration is in terms of erecting a house on this plot relates to the appropriate form, scale and quality of design and that the new house will have a minimal visual impact on neighbour amenities, or on the character and appearance of the wider conservation area.
- 5.3 The simple form of the house and its design detailing will provide an appropriate contemporary design in context of its secluded setting. As such the development has been carefully considered to achieve a high quality of design that improves the character and quality of the conservation area in the most sustainable manner possible.
- 5.4 The scale and positioning of the proposed house will not be detrimental to neighbouring property's residential amenities and will be respectful of the site's existing landscape features. The general design detailing and appearance of



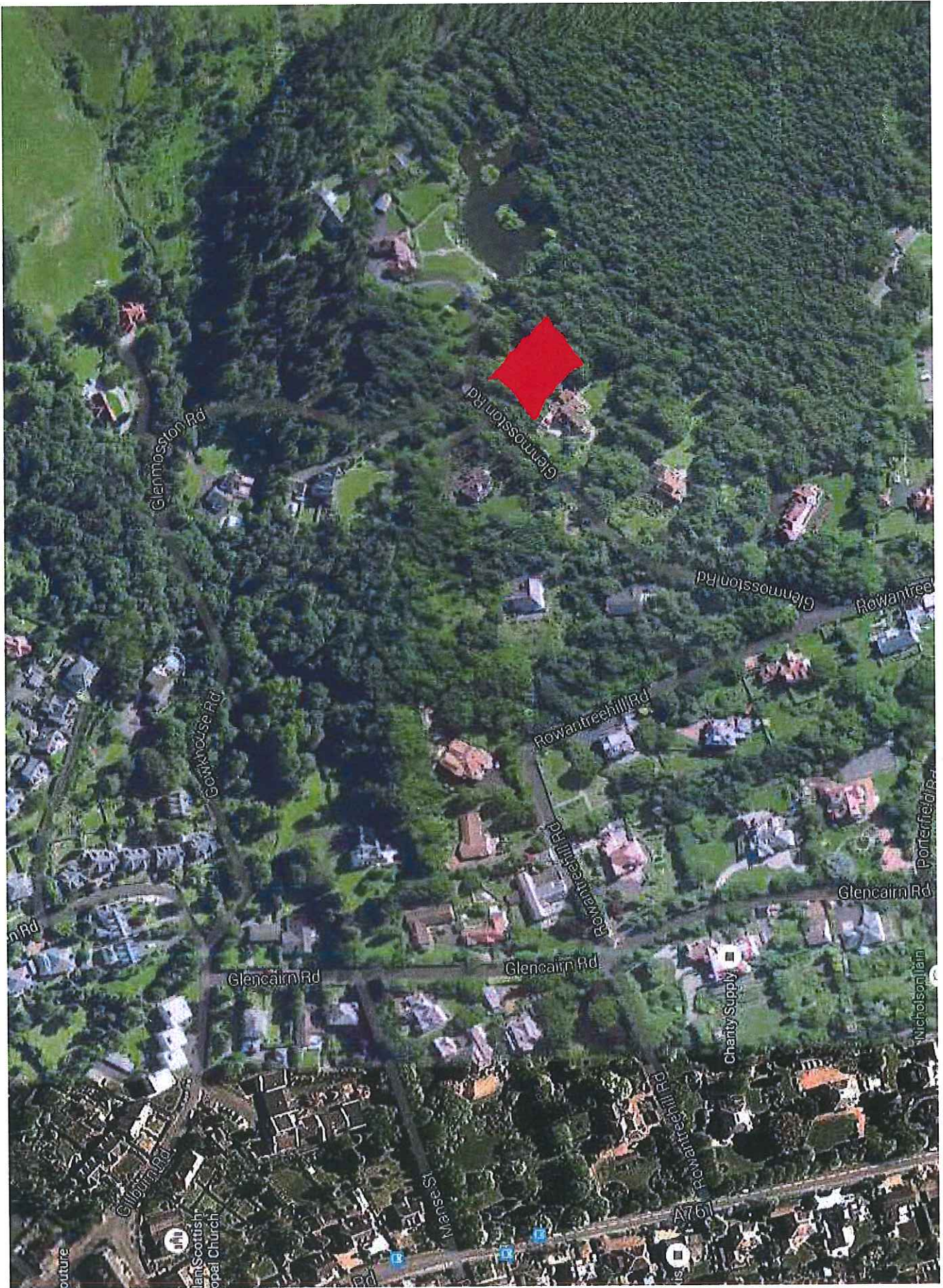
the new house in this position will be appropriate in the area and has been designed to ensure that the new dwelling will not dominate the site and that adequate degrees of separation are retained between site boundaries to be in accordance with guidelines as detailed above.

- 5.5 As such the overall scheme respects the relevant local and regional policy requirements while also ensuring that the Council's necessary design guidelines are respected.

# Landscape Appraisal







## Introduction

I am Ian White, Fellow of the Landscape Institute and Honorary Fellow of the Royal Incorporation of Architects Scotland. In 1971 I founded Ian White Associates, Landscape Architects and Planners, Strirling. I am now consultant to the practice. I act or have acted, as landscape consultant to the National Trust for Scotland, the National Galleries of Scotland, the National Museums of Scotland, Historic Scotland, the Universities of St Andrews, Edinburgh, Glasgow and Dundee, New Edinburgh Ltd, Waterfront Edinburgh, Parc Craigmillar, EDI Ltd, Scottish Enterprise and a number of local authorities throughout Scotland.

In April 2016 I was instructed by Dr Robin Smylie to carry out a landscape appraisal of the site of a proposed new house in the grounds of Torridon, Kilmacolm.

The purpose of this landscape appraisal is to establish the characteristics of the setting of Kilmacolm SE Conservation Area and the village, the characteristics of the existing tree planting and to determine whether it would be possible to provide a location for a new house without detriment to the character and quality of the setting of the village.

I have visited the site on three occasions during April and May 2016.

I have also taken the following into account:

Tree Survey prepared by Alan Morton (Appendix 1)  
Ground Survey by L&M Surveys (Appendix 2)

This appraisal comprises four stages:

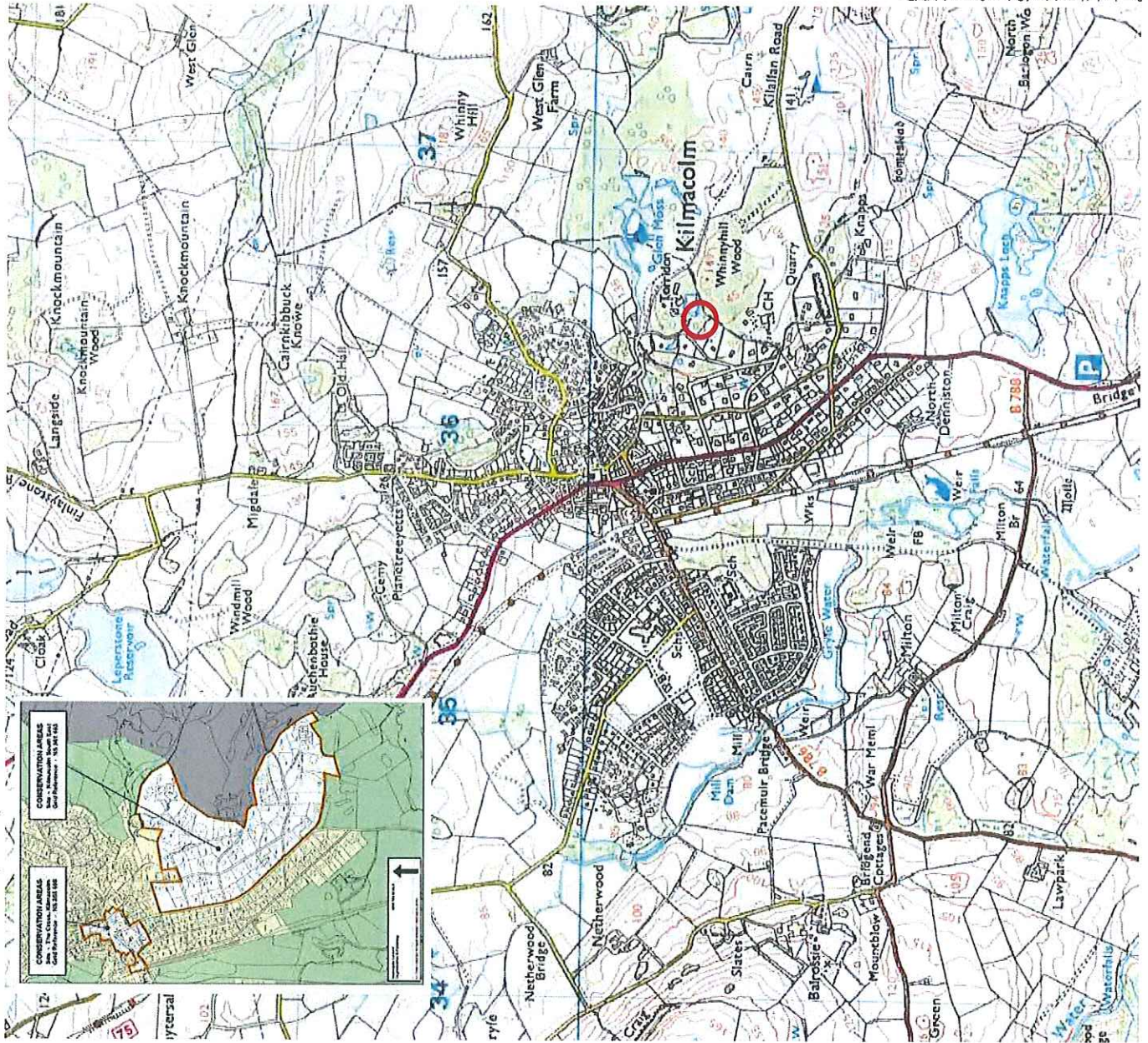
Stage 1 : Context of the site in relation to the village and the wider landscape.

Stage 2 : Site Characteristics

Stage 3 : Building requirements

Stage 4 : Visual Impact

Ian White FIJ HonFRAS  
Landscape Consultant  
3A Forrest Road  
Strirling FK8 1JH  
07836652272



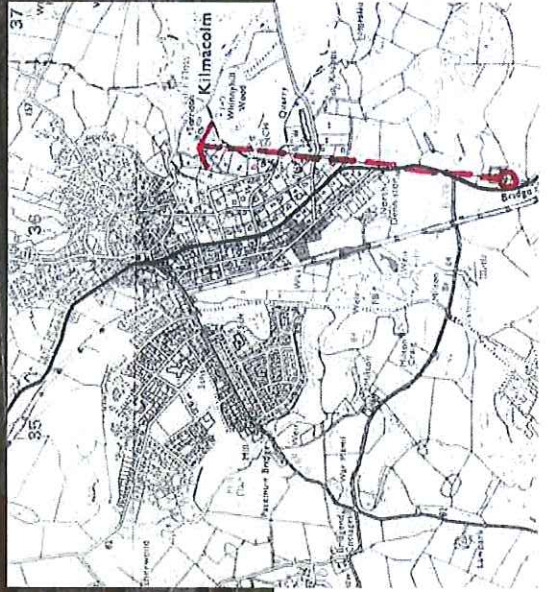


**Context :** Village Setting

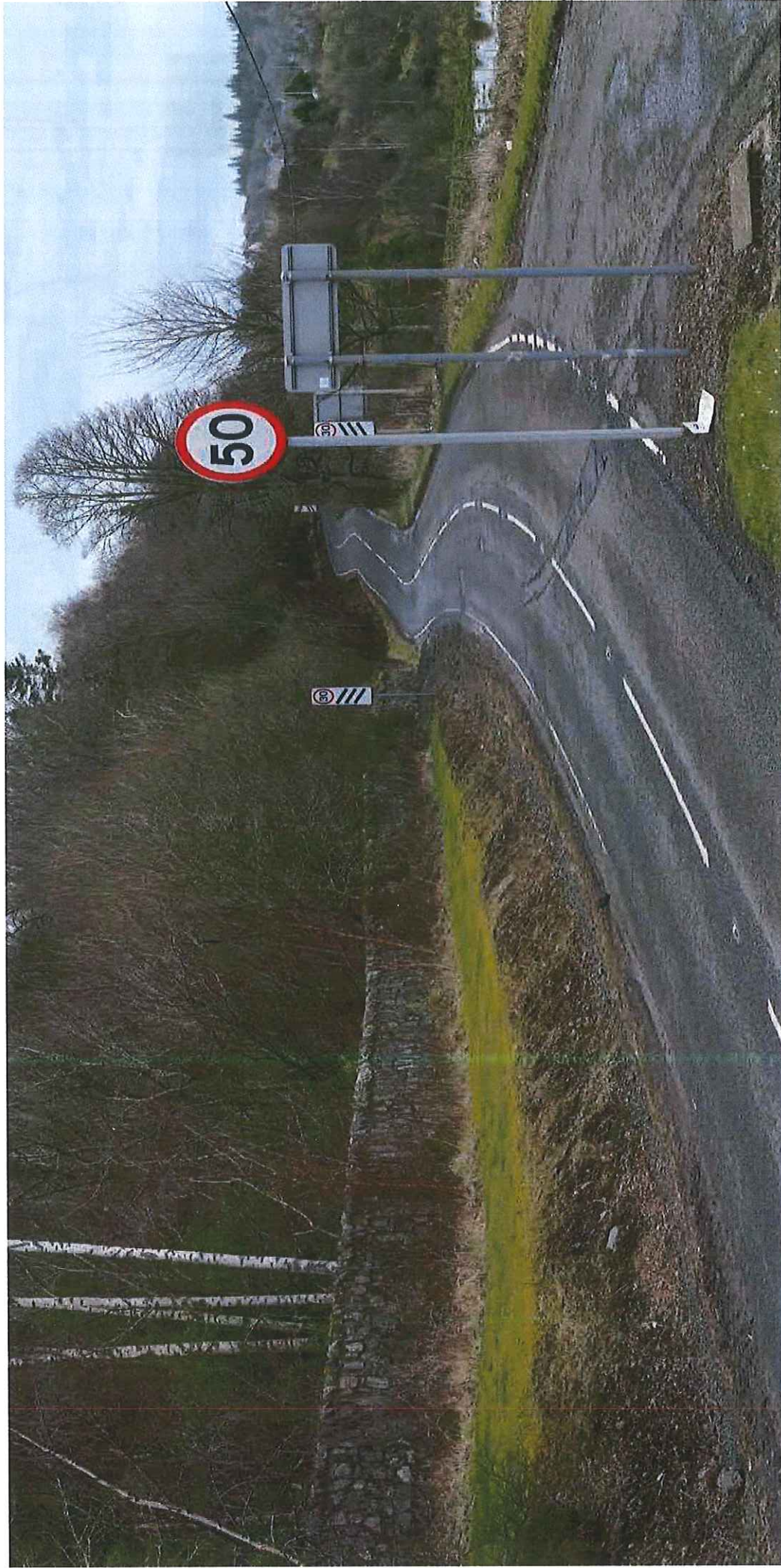
View point | is taken from an informal layby on the A761 at the eastern edge of the village.

# VPI

The setting of Kilmacolm Conservation Area is formed by a strong wooded ridge which runs east/west and over looks Knapps Loch, a popular area for informal countryside recreation. The character of the ridge is strongly influenced by coniferous planting both in the form of dense woodland eg Whinnhill Wood and mature conifers within large garden areas of detached houses. These conifers form an important element in this view with several mature specimens as prominent features clearly visible above the general tree line i.e. "signature" trees.



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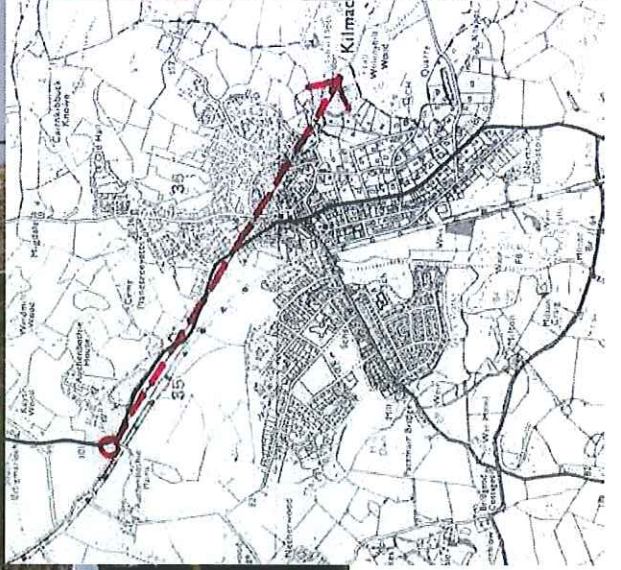
Context : Village Setting continued

# VP2

On the A761 approaching the village from the west.



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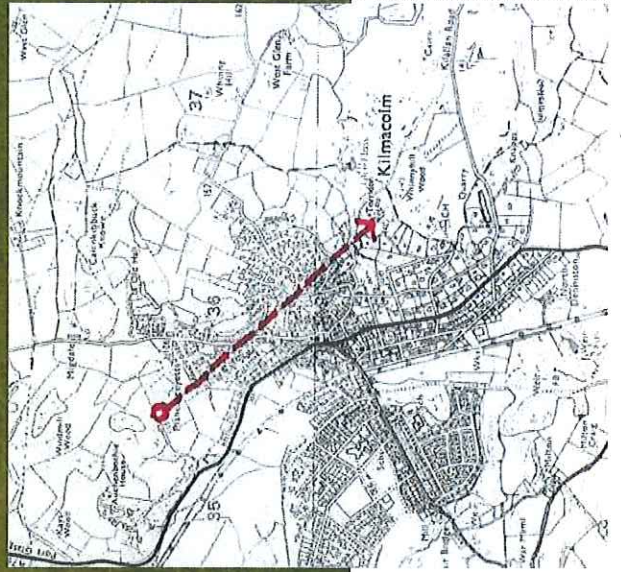
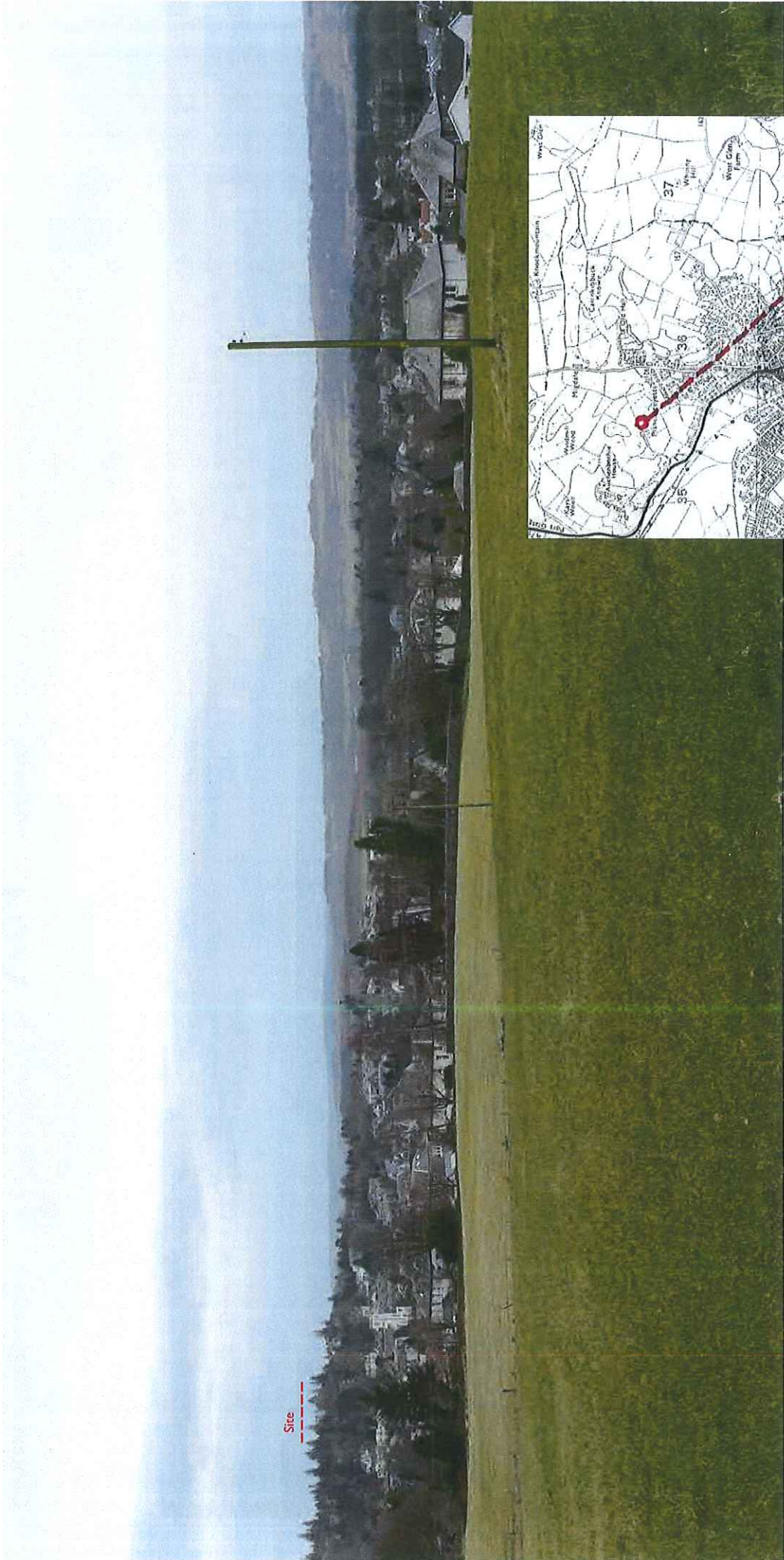
Site



Context : Village Setting continued

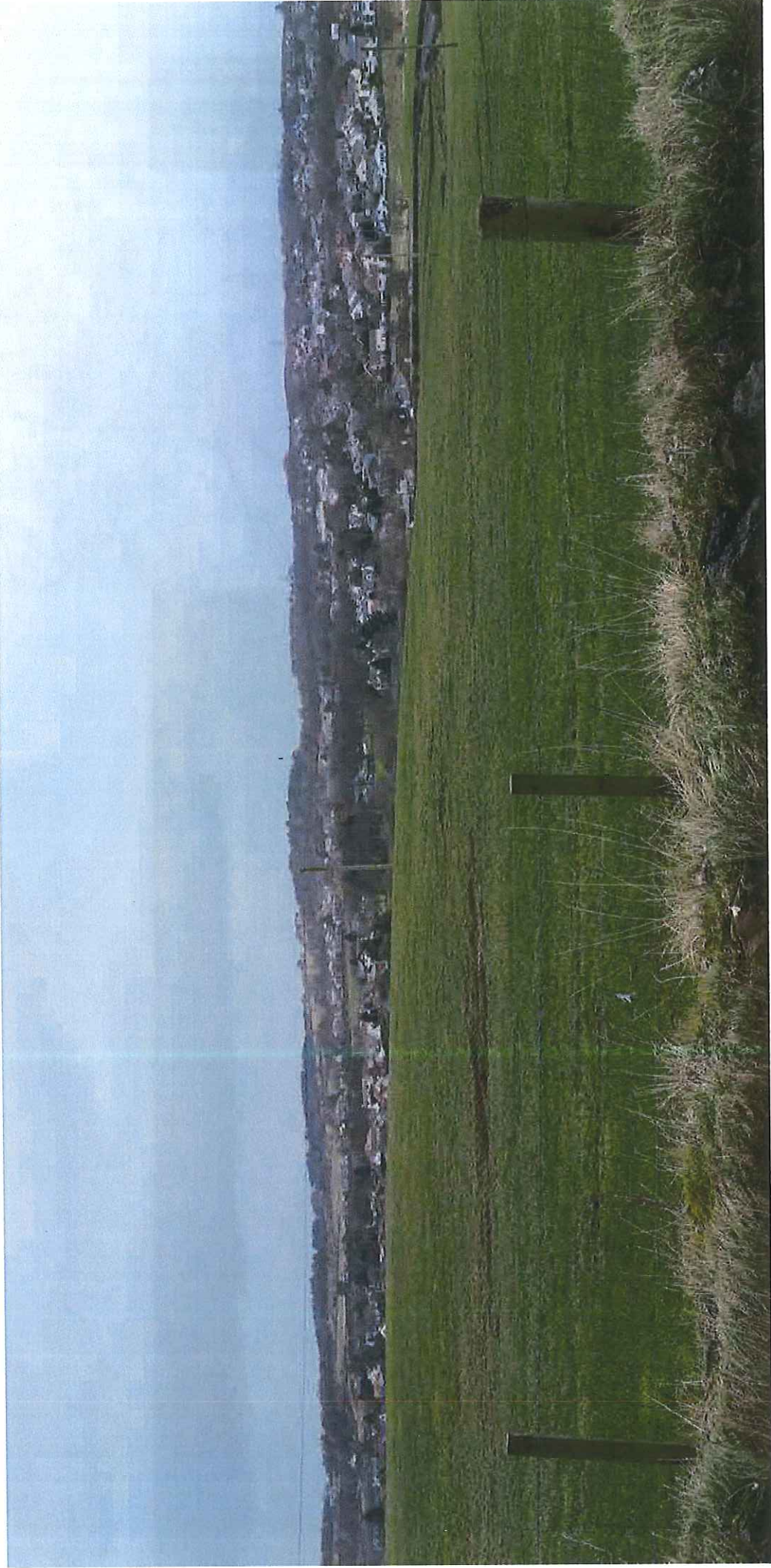
Cemetery car park

# VP3



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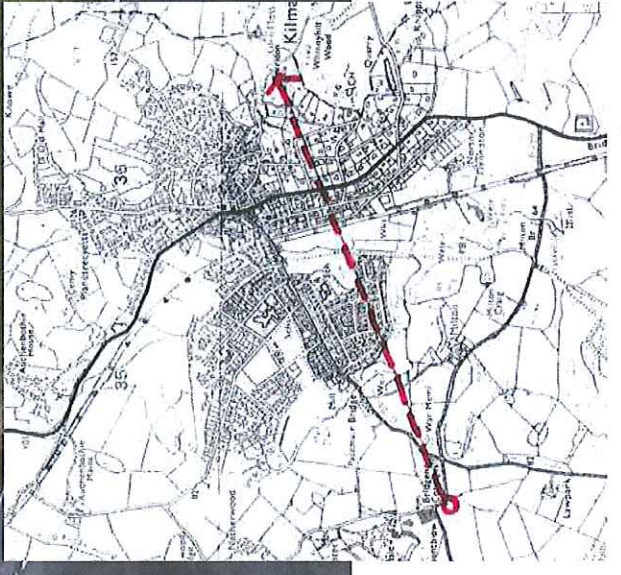


Context : Village Setting continued

B788 at Mountblow

# VP4

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The gardens along Glenmosston Road are mainly enclosed by high beech hedges (except Torrindon).

## Context : Local Setting

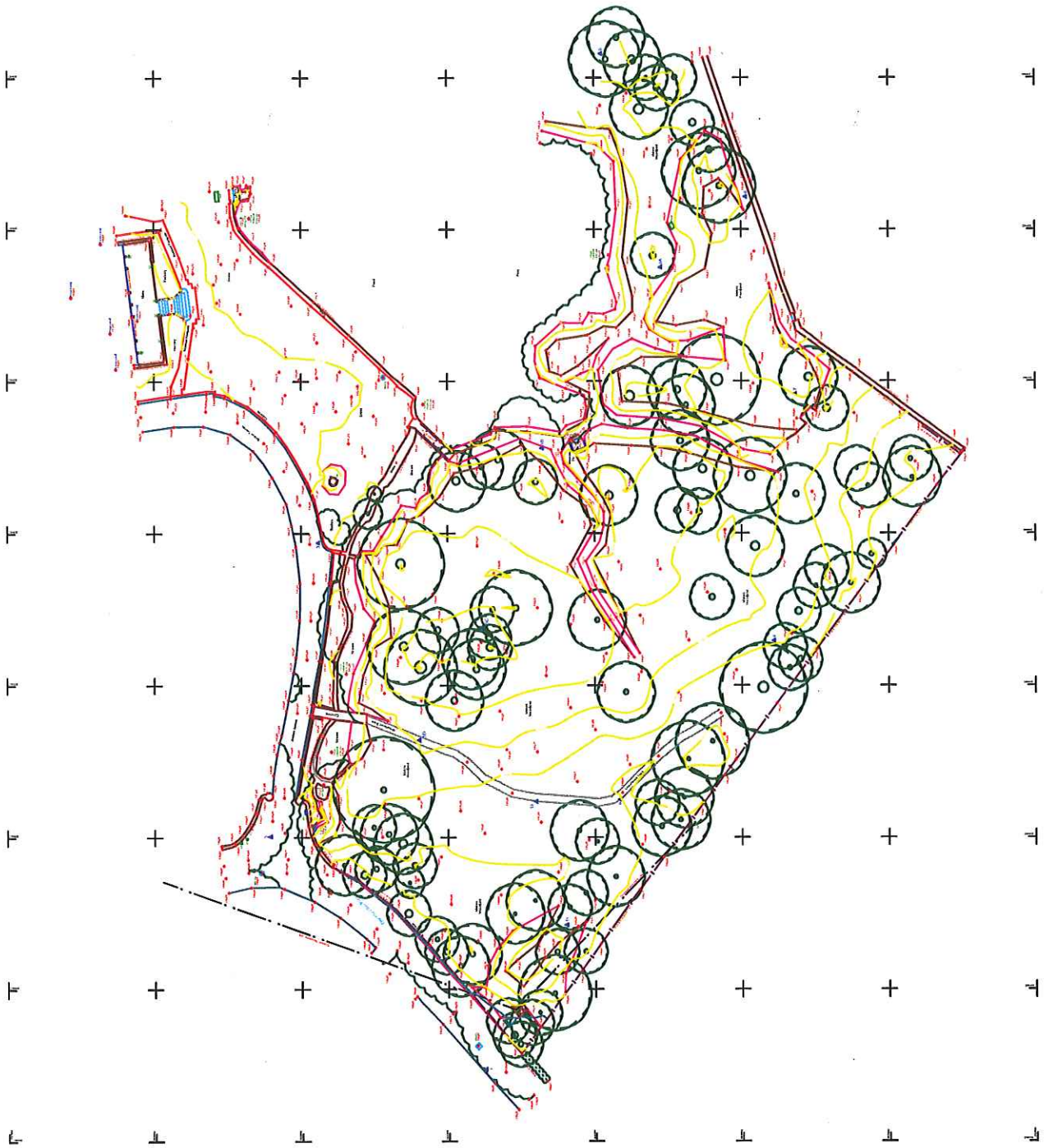




The site is well screened from Torndon by mature coniferous trees.

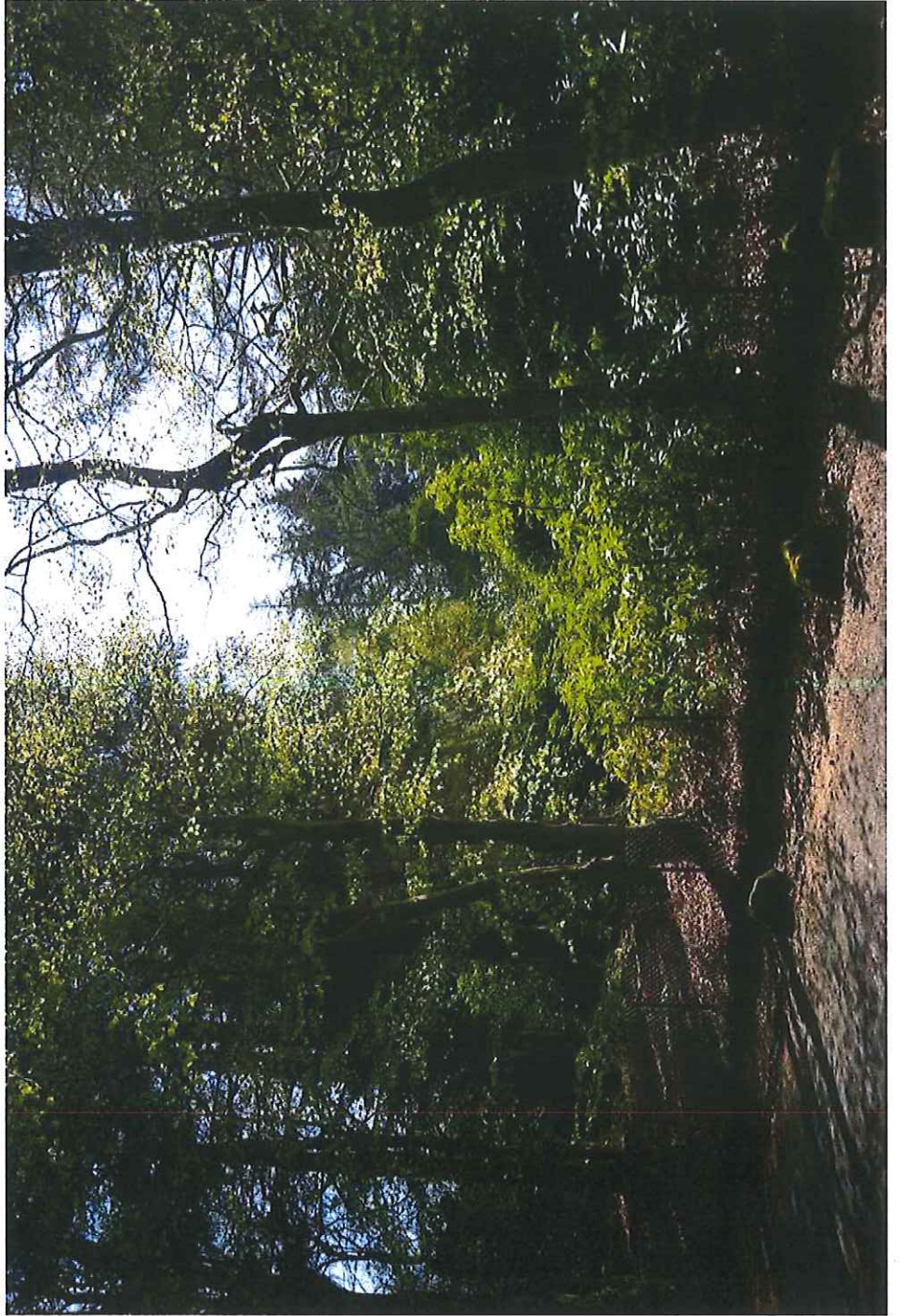
Context : Local Setting





The site is a slight mound, which rises from 140m at its western edge to a high point of 142m in the NE corner. Disregarding the rhododendron understorey the site is well enclosed on all sides by mature coniferous planting. The boundary to Glenmosston Road is a post and wire netting fence. Although in an elevated location the site is well sheltered by existing mature planting.

### Site Character

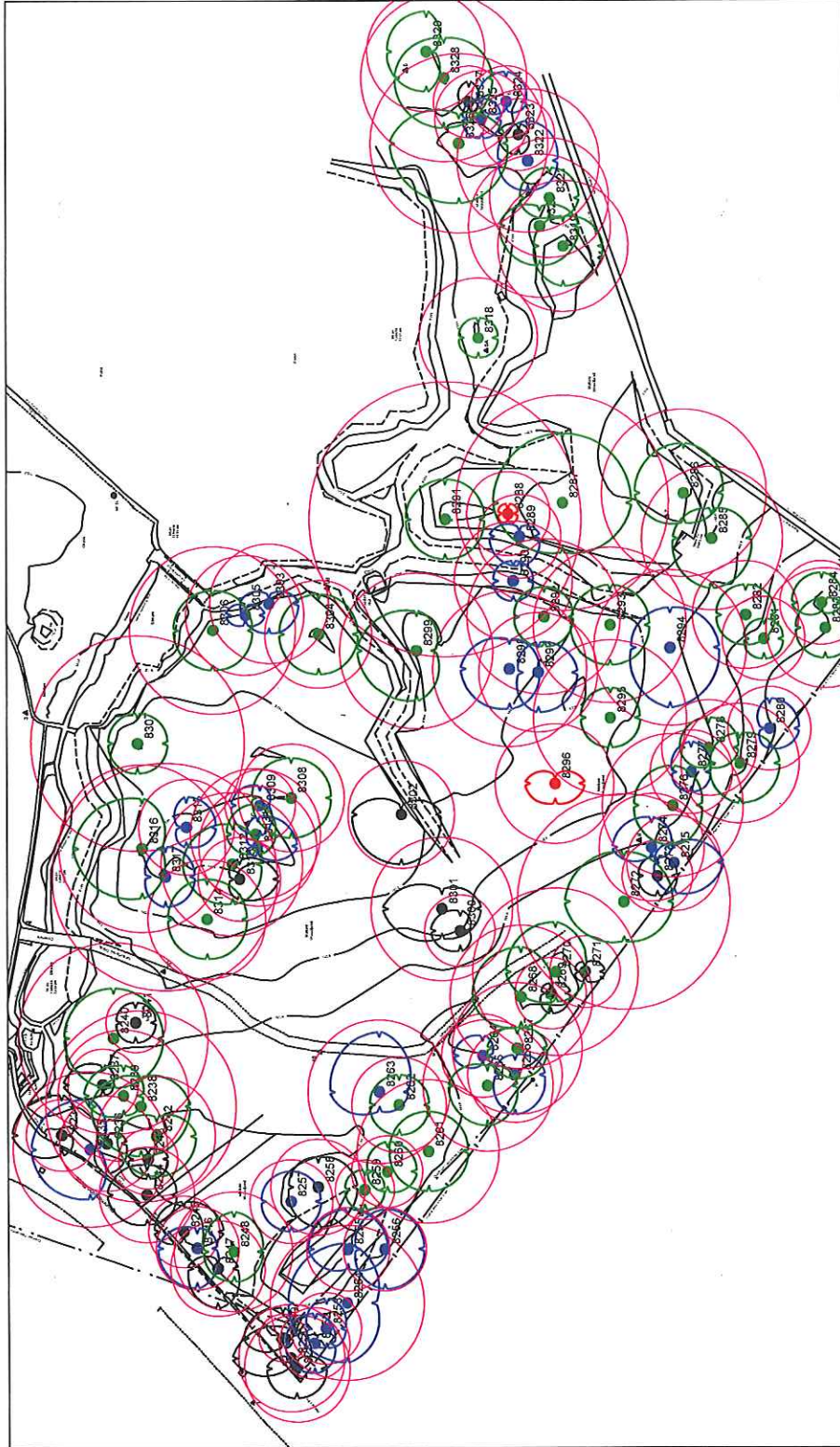




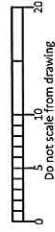
The full tree survey is contained in Appendix 1.  
 The trees are generally in good condition with large-scale conifers dominant. Some storm damage has occurred and a few larches in particular have suffered crown damage. The trees within Category C are generally downgraded in quality due to canopy supression, lack of vigour and limited long-term prospects.






## Site Character

Continued



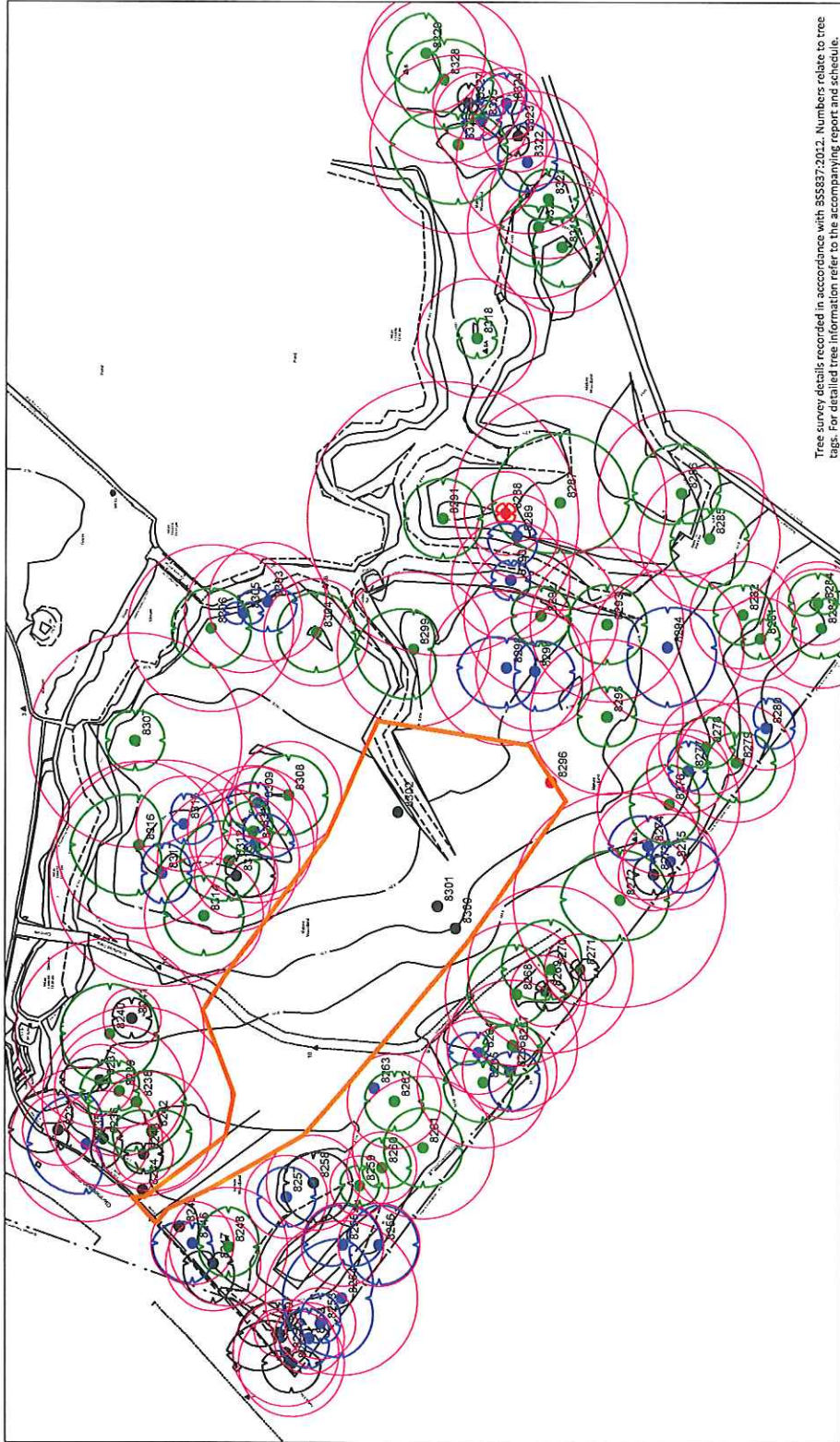
Tree survey details recorded in accordance with BS5857:2012. Numbers relate to tree tags. For detailed tree information refer to the accompanying report and schedule.



 <b>Alan Motion Tree Consulting Ltd</b> <small>Chartered Forester - Arboricultural Consultant</small> Fairlie House - Main Street - Buchlyvie - Strirling - FK3 3LX Mob-07886 385284. Tel-01360 850534 alan@alanmotion.co.uk www.alanmotion.co.uk	<b>CLIENT:</b> Dr Robin Snyllie <b>PROJECT:</b> Torridon, Kilmacollm	<b>TREES CATEGORY A</b>  <b>TREES CATEGORY B</b>  <b>TREES CATEGORY C</b>  <b>TREES CATEGORY U</b> 
	<b>DRAWING TITLE:</b> Tree Survey as existing <b>DRAWING No:</b> IWA-TK-TS-01 <b>DATE:</b> 30-4-16 <b>SCALE:</b> 1:500 at A4 <b>REV:</b>	



To provide access to the site it will be necessary to remove trees 8244 and 8245 both of which are low-quality beech with suppressed canopies. Removal of a further four trees would be required (8300-8302 all Category C and 8296 Category U). This would provide a suitable open area for the construction of a building. None of these trees are prominent 'signature' trees in the setting of the village. The retention of the main trees groups in the north and south of the site will ensure that it is well screened from adjacent developments.


**Site Character** continued



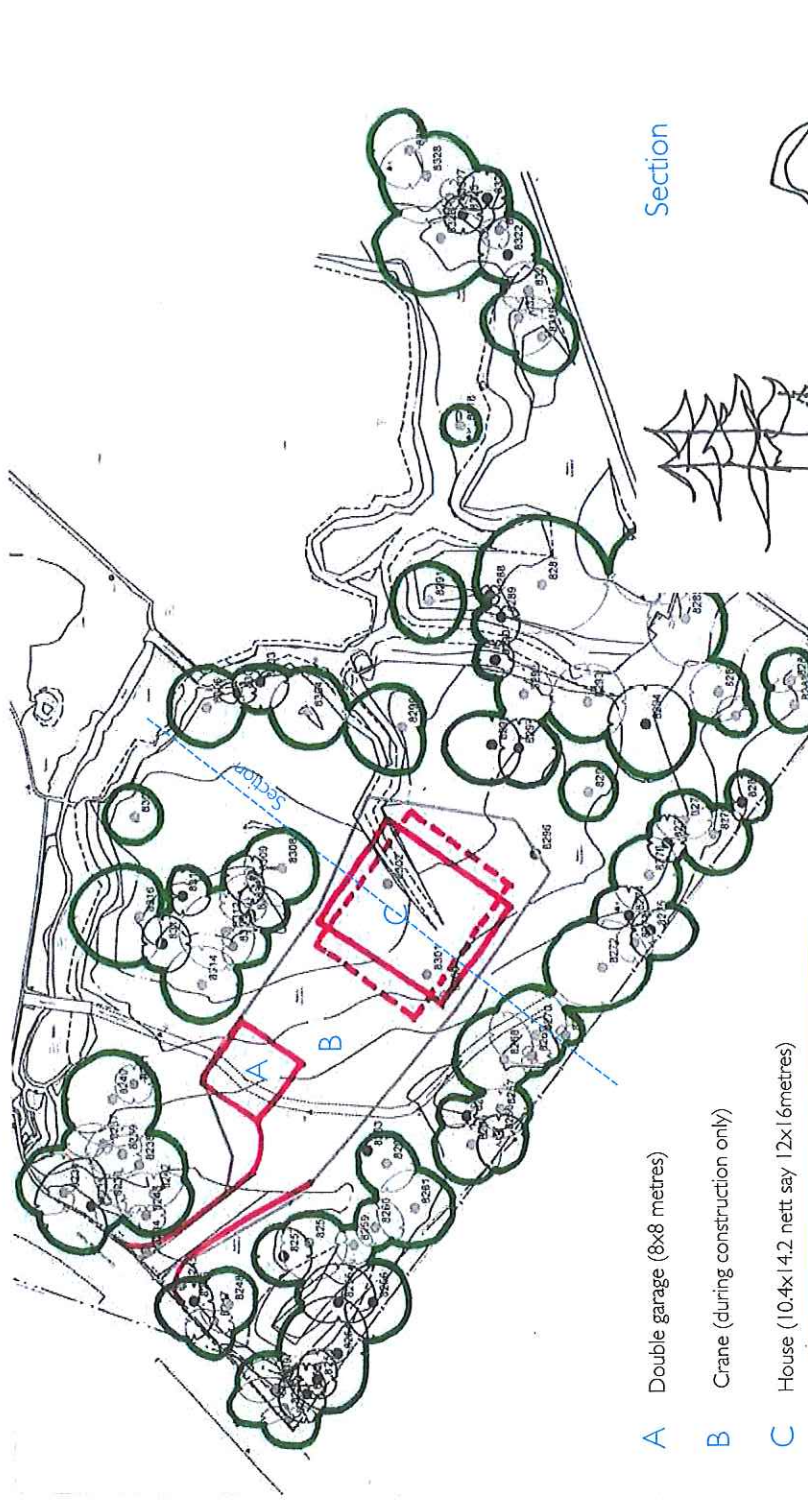
Tree survey details recorded in accordance with BS5837:2012. Numbers relate to tree tags. For detailed tree information refer to the accompanying report and schedule.

● TREES REMOVED  
○ ROOT PROTECTION AREA  
— CONSTRUCTION EXCLUSION ZONE  
● TREES CATEGORY A  
● TREES CATEGORY B  
● TREES CATEGORY C  
● TREES CATEGORY U

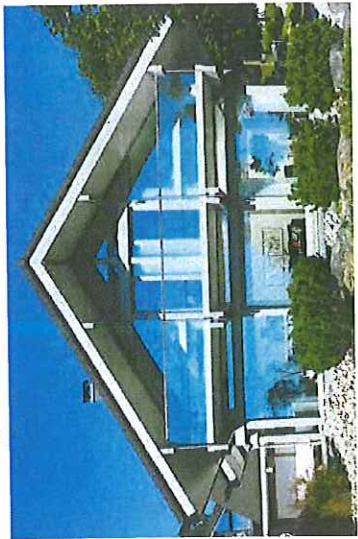
  
  
 Do not scale from drawing

 <b>Alan Motion Tree Consulting Ltd</b> <small>Chartered Forester / Arboricultural Consultant</small>	<b>CLIENT:</b> Dr Robin Smyllie <b>PROJECT:</b> Terridon, Kilmacollm
	<b>DRAWING TITLE:</b> Tree Protection <b>DRAWING NO:</b> TWA-TK-TP-01 <b>DATE:</b> 30-4-16 <b>SCALE:</b> 1:500 at A4
Fairlie House - Main Street - Buchlyvie - Stirling - FK8 3LX Mob-07866 389284 Tel-01360 650534 alan@alanmotion.co.uk www.alanmotion.co.uk	<b>REV:</b>

The building which is envisaged is a Huf-Haus ART4 which is factory-built then erected on site. The indicative layout makes provision for a crane, working areas and a double garage. The section shows the height relationship between the existing trees and the proposed house. It also shows that the trees which are to be removed are not major elements in the main tree groupings nor are they "signature" trees in the wider landscape.



- A Double garage (8x8 metres)
- B Crane (during construction only)
- C House (10.4x14.2 net, say 12x16 metres)

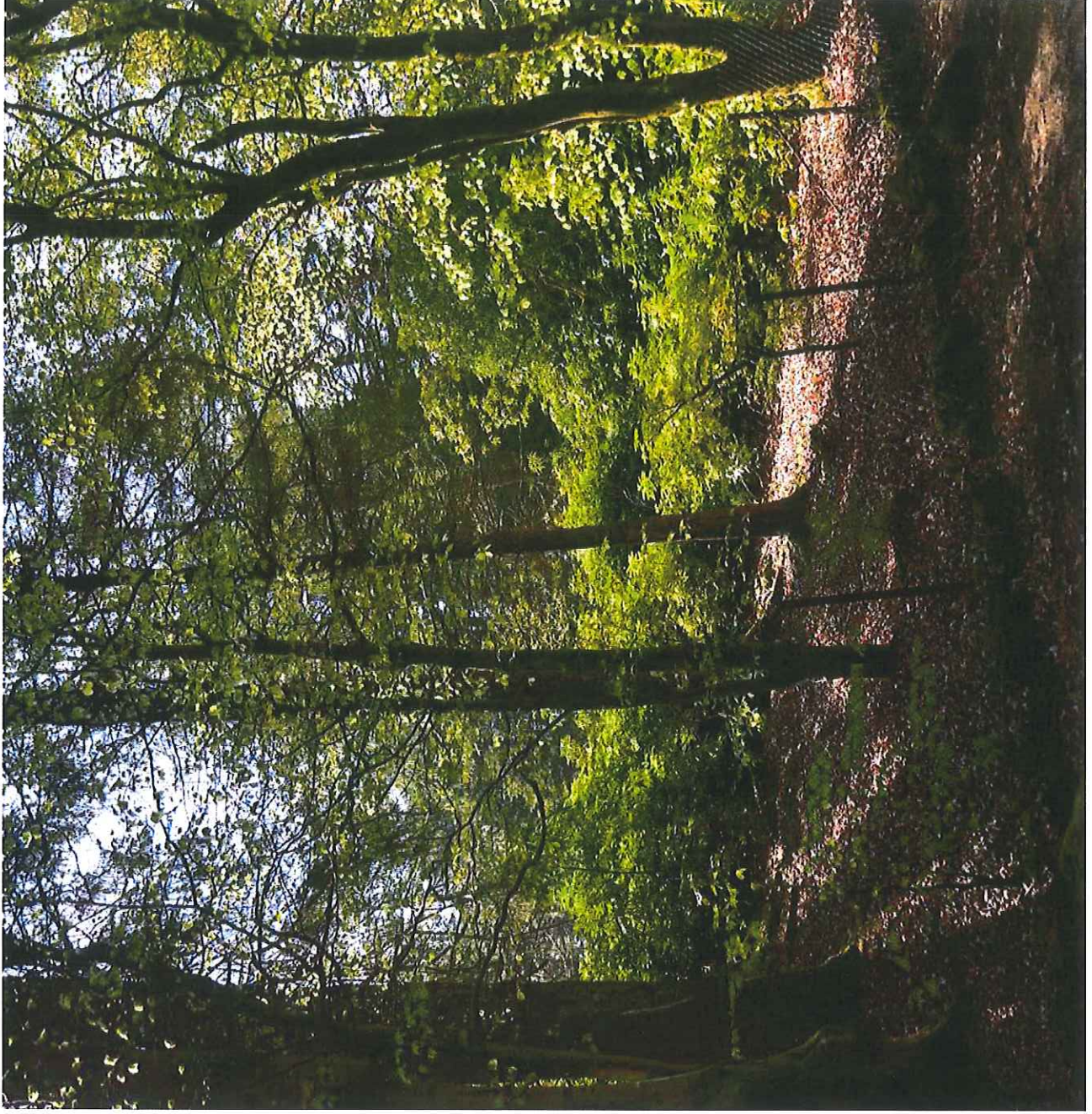


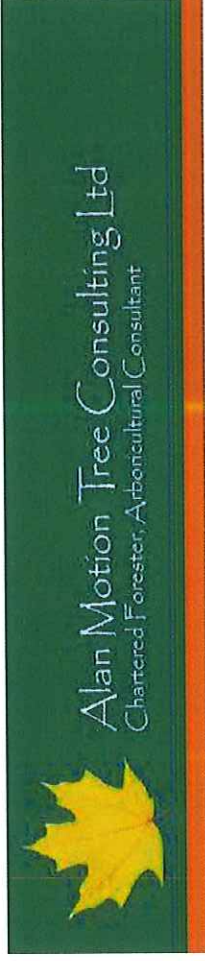
## Building Requirements

1. Mature coniferous trees are an important feature in the setting of the Conservation Area and the village. The garden at Torridon contains several "signature" trees.
2. The trees which are proposed for removal are not "signature" trees. They are in poor condition. There will be no significant visual impact on the setting of the village arising from their removal.
3. By retaining the existing strong tree groups on both the north and south sections of the site the proposed building will be visually and physically contained and screened from adjacent developments.
4. Since only six trees will be removed the impact of the proposed building is very limited and the wooded nature of the site will remain unaltered.
5. The appearance of Glenmosston Road will be improved by extending beech hedging along the frontage of the site and by erecting stone pillars at the site entrance.
6. The proposed building zone has taken into account tree root protection areas. All works necessary to protect the existing trees will be carried out in accordance with current good practice and BS 5837:2012
7. Due to the enclosed nature of the site the proposed house will only be seen in glimpsed views at the entrance off Glenmosston Road. There will not therefore be any significant adverse impact on the setting of the Conservation Area or the village.

ian White FLI Hon FR/AS  
Landscape Consultant  
17.05.2016

## Conclusions





**Alan Motion Tree Consulting Ltd**  
Chartered Forester, Arboricultural Consultant

## GENERAL INTRODUCTION AND SUMMARY

This tree survey has been carried out for Dr Robin Smyllie, in relation to proposed development on land at Torridon, Kilmacolm. It relates to 96 trees within the survey boundary shown on the plans appended to the report. Small trees of less than 10cm stem diameter, and areas of undergrowth are described in general terms, but are not recorded in detail. The survey has been carried out in accordance with BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations."

## STANDARD CONDITIONS RELATING TO TREE SURVEY INFORMATION

1. Tree surveys are undertaken from ground level using established visual assessment methodology. This is primarily a survey to assess the general health, condition, value and life expectancy of existing trees as part of the planning and design process. The report should not be read as a detailed tree safety assessment.
2. Where obvious defects are noted and further investigation is required, either by climbing or the use of specialised decay detection equipment, this will be identified in the report.
3. The findings and recommendations contained within this report are valid for a period of twelve months. Trees are living organisms subject to change - it is strongly recommended that they are inspected at regular intervals for reasons of safety.
4. Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees.
5. The findings and recommendations contained within this report are based on the current site conditions. The construction of roads, buildings, service wayleaves, removal of shelter, and alterations to established soil moisture conditions can all have a detrimental effect on the health and stability of retained trees. Accordingly, a re-inspection of retained trees is recommended on completion of any development operations.
6. This report has been prepared for the sole use of Dr Robin Smyllie and their appointed agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

# Tree Survey and Arboricultural Constraints

**TORRIDON, KILMACOLM**

For

**DR ROBIN SMYLLIE**



Fairlie House, Main Street, Buchlyvie, Stirling FK8 3LX  
T/F: 01360 850534 • Mob: 07866 389284 • E: alan@alamotion.co.uk  
Director: Alan R Motion BScFor, FICFor, CEInv, MA ArborA, Reg No SC396461

## GENERAL DESCRIPTION

Torrion is located off Glenmosston Road on the western edge of Kilmacolm and extends to some 10 acres. The house sits in an expansive, mature garden facing south over formal lawns to a small lake and woodland beyond. Woodland extends around the entire property with some very fine specimens of Sitka spruce and western hemlock immediately south of the access driveway. Although conifers dominate, there are some good individual specimens of beech along the western boundary, and further, less significant beech trees on the north-west edge along Glenmosston Road. The area of detailed tree survey is restricted to ground to the south and west of the access driveway end extending along the south-west edge of the lake. Although the area is dominated by mature conifers there is an open central area where *Rhododendron ponticum* is well established.

## STATUTORY PROTECTION

The site is within the Kilmacolm South-east Conservation Area. Prior to carrying out any work to the trees a minimum of six weeks' written notice must be submitted to the local planning authority.

## TREE SURVEY AND ANALYSIS

A visual assessment has been carried out from the ground level of 96 trees within the site. The location of the trees is plotted on the attached Tree Survey Plan, and their condition and recommended remedial works are recorded in detail in the schedule attached at the end of this document. This records relevant details in accordance with the recommendations contained in BS 5837:2012, and includes:

- Tree number (Tree tag number where used, or plan reference number)
- Tree species (common name)
- Stem diameter at breast height (1.5m above ground level)
- Canopy spread in metres (average)
- Tree height (estimate in metres)
- Crown height (clearance to lowest branches in metres)
- Tree Condition Category

- General condition (good, fair, poor, dead)
- Age (Young, middle-aged, mature, over-mature, veteran)
- Whether single or multi-stemmed
- Comments and observations on the overall health and condition of the tree, highlighting any problems or defects
- Recommended remedial works, where necessary.

Where appropriate, recommendations have been made on necessary remedial action such as tree surgery or felling. This is specified where there is likely to be significant risk to safety or tree health, or to abate a nuisance. The recommendations are general in nature and do not constitute a detailed work specification. Specifications, where required, can be provided to accord with the guidance and recommendations contained in BS3998:2010, "Tree work – Recommendations."

The trees have been tagged with round 4-digit tags ranging from 8234-8329, and have been categorised in accordance with the guidelines contained in BS 5837 as follows:

- 44 Category A
- 29 Category B,
- 21 Category C
- 2 Category U.

For details of the tree categorisation, refer to Table. Categorisation is carried out without reference to the proposed development or site alterations, and is based solely on tree health, condition, safe life expectancy, and amenity value. The presence of trees and their quality is only one factor in the design and planning process, and the retention of good quality, healthy trees may be inappropriate in the context of wider planning and development considerations.

The trees are generally in good condition with large-sized conifers dominant. Some storm damage has occurred and a few larches in particular have suffered from crown damage. The trees within Category C are generally downgraded in quality due to canopy suppression, lack of vigour, and limited long-term prospects.

### CONSTRAINTS POSED BY EXISTING TREES

In order to minimise the risk of long-term damage to trees from construction operations, particular care is required to protect them from physical damage. Significant damage can be caused to root systems by ground level changes; soil compaction; contamination from oils and cement; and changes in soil moisture content. For these reasons, BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' sets out a recommended Root Protection Area (RPA) in m<sup>2</sup> based on the stem diameter of the tree. The RPA represents the anticipated below-ground constraints presented by trees within the proposed development area.

Tree roots rarely follow expected patterns, and the RPA should be taken as a guide. It may be adjusted where restrictions to normal rooting patterns suggest that root growth will be minimal (e.g. adjacent to walls, sealed surfaces, watercourses, or existing utility trenches). In addition, soil type, tree species, age, vigour, canopy volume and micro-climate will all impact on root growth and the ability of individual trees to tolerate changes in rooting environment.

Above-ground constraints include ultimate tree height and canopy spread which will affect both physical presence and daylight availability to any proposed structures. Species characteristics, such as evergreen or dense foliage, potential for branch drop, fruit fall, etc., will all have an influence on the potential for development of the site. Easements for underground and above-ground apparatus; road safety and visibility; or the proposed end use of space adjacent to retained trees also needs to be fully considered.

Where it is determined that trees should be retained because of their quality and amenity importance, the impact of proposed designs must be assessed against the requirements of the tree, taking into account the RPA and all other relevant factors. Whilst the RPA should generally be protected where possible, any proposed incursion into the RPA should comply with the recommendations of BS5837, Sections 6 and 7. Site-specific method statements may be required to accompany such proposals.

### ARBORICULTURAL IMPACT ASSESSMENT

The proposed site development involves the construction of a single new dwelling house to be located to the south of the existing access driveway within the open ground dominated by rhododendron. A new access is proposed from Glenmosston Road.

This will necessitate the removal of trees numbered 8244 and/or 8245 to provide access, both of which are low-quality beech with suppressed canopies. Removal of a further 4 trees (8300-8302, all Cat C; and 8296, Cat U) would provide a significant open area suitable for development. The impact of the proposed development on existing tree cover is limited, and due to the retention of the majority of trees to the north and south, the proposed house would be well-screened from adjacent property.

### TREE PROTECTION PLAN

The Tree Protection Plan indicates appropriate Construction Exclusion Zones, which are based on the recommended Root Protection Areas and other identified constraints, including daylight shading, tree species, vigour, amenity values, and specific ground conditions which are likely to influence the rooting environment.

Trees recommended for retention must be protected barriers and/or ground protection prior to commencement of any development works, including demolition. Barriers should consist of Heras fencing with panels joined together with a minimum of two anti-tamper couplings, and braced on the inside of the CEZ with stabiliser struts in accordance with Figure 3 of BS5837:2012.

There should be no movement of machinery, stockpiling of materials, excavations (including service runs), or changes in existing ground levels within the Construction Exclusion Zone throughout the duration of the construction works. Where service runs must pass through the protected area, excavations should be dug by hand, and all tree roots encountered that are greater than 25mm diameter should be retained intact. Cables, pipes and ducts should be fed below roots, and trenches should be backfilled as soon as possible to prevent desiccation of roots.

Table 1: BS 5837:2012 Tree Categorisation

TREES FOR REMOVAL		Criteria			Identification on plan
Category and definition					
<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>-f Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other U Category trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>-f Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>-f Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> NOTE: Category U trees can have existing or potential conservation value which it might be desirable to preserve.				Red
TREES TO BE CONSIDERED FOR RETENTION					
Category and definition	Criteria – Subcategories			Identification on plan	
	1 Mainly arboricultural values	2 Mainly landscape values	3 Mainly cultural values, including conservation		
<b>Category A</b> Trees of high quality with an estimated remaining life expectancy of 40 years	Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural features and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	Green	
<b>Category B</b> Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in Category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention beyond 40 years; or trees lacking the special quality necessary to merit the Category A designation	Trees present in numbers, usually as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.	Trees with material conservation or other cultural value	Blue	
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them a greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value	Grey	

## Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations
8234	Beech	0.30	5	11	2	C1	Poor	M-A	1	Canopy suppressed, Canopy 1-sided.	
8235	Beech	0.65	6	16	2	B1	Fair	M-A	1	Included bark, compression fork at 2m.	Monitor compression fork at regular intervals.
8236	Silka spruce	0.40	1	10	>6	C1	Poor	M-A	1	Storm damage, Lost top.	
8237	Silka spruce	0.30	4	10	4	C2	Fair	M-A	1	Canopy suppressed.	
8239	Silka spruce	0.55	4	30	>6	A1	Good	M	1		
8238	Silka spruce	0.80	5	>30	5	A1	Good	M	1		
8240	Silka spruce	0.80	5	30	2	A1	Good	M	1		
8241	Lawson cypress cv	0.25	2	8	1	C1	Fair	M-A	1	Canopy suppressed.	
8242	Silka spruce	0.50	4	22	5	A1	Good	M	1		
8243	Silka spruce	0.25	2	11	5	C1	Poor	M-A	1	Canopy suppressed.	
8244	Beech	0.40	4	11	2	C1	Fair	M-A	1	Minor cavity/decay in stem at ground level. Poor crown structure. Low fork, 3 main stems, shrubby specimen.	Potentially remove to provide new construction access.
8245	Beech	0.30	3	15	2	C1	Fair	M-A	1	Minor cavity/decay in stem at 4m. Decay at bend in main stem, old branch wound.	Monitor decay at regular intervals. Potentially remove to provide new construction access.
8246	Beech	0.35	4	14	2	B1	Fair	M-A	1		
8247	Beech	0.40	3	14	2	C1	Fair	M-A	1	Canopy suppressed.	
8248	Silka spruce	0.50	3	24	4	A1	Good	M	1		
8249	Beech	0.20	4	6	3	C1	Poor	M-A	1	Canopy suppressed.	
8250	Beech	0.45	6	17	2	C1	Fair	M-A	1	Twin stem, minor cavity at 1m.	
8251	Beech	0.45	3	17	4	C1	Fair	M-A	1	Included bark, compression fork at 2m. Minor cavity/decay in main scaffold limb at 3m.	
8252	Beech	0.30	3	18	3	B1	Fair	M-A	1	Limited crown development. Would benefit from removal of adjacent stems.	
8253	Beech	0.30	2	14	4	B1	Fair	M-A	1		
8254	Beech	0.65	6	14	1	B1	Good	M-A	1		
8255	Beech	0.35	4	16	1	B1	Good	M-A	1		
8256	Beech	0.35	3	12	2	B1	Fair	M-A	1	Included bark, compression fork at 2m.	
8257	Larch	0.35	3	17	5	B1	Good	M-A	1		
8258	Larch	0.40	3	15	3	C1	Poor	M	1	Storm damage. Lost top.	
8259	Silka spruce	0.25	2	17	3	A1	Good	M-A	1		



## Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations
8260	Sitka spruce	0.30	2	17	4	A1	Good	M-A	1		
8261	Larch	0.60	4	27	4	A1	Good	M	1		
8262	Larch	0.40	3	25	3	A1	Good	M	1		
8263	Larch	0.60	5	28	5	B1	Fair	M-A	1	Canopy 1-sided. Bias to NE.	Potentially remove to allow new building construction.
8264	Sitka spruce	0.35	3	19	4	B1	Fair	M-A	1		
8265	Sitka spruce	0.55	4	28	5	A1	Good	M	1		
8266	Beech	0.40	2	13	2	B1	Fair	M-A	1	Canopy suppressed.	
8267	Sitka spruce	0.55	3	28	>6	A1	Good	M	1		
8268	Sitka spruce	0.60	5	29	>6	A1	Good	M	1		
8269	Sitka spruce	0.30	1	16	4	C1	Fair	M-A	1	Canopy suppressed.	
8270	Sitka spruce	0.70	5	28	>6	A1	Good	M	1		
8271	Beech	0.30	1	14	3	C1	Fair	M-A	1	Canopy suppressed.	
8272	Sitka spruce	0.90	6	>30	6	A1	Good	M	1		
8273	Beech	0.30	2	19	>6	C1	Poor	M-A	1	Limited crown development, tall, drawn.	
8274	Sitka spruce	0.45	4	20	6	B1	Fair	M-A	1		
8275	Beech	0.40	2	18	4	B1	Fair	M-A	1		
8276	Sitka spruce	0.60	4	25	4	A1	Good	M	1		
8277	Norway spruce	0.35	2	21	4	B1	Fair	M-A	1		
8278	Norway spruce	0.40	3	22	2	A1	Good	M	1		
8279	Beech	0.50	3	16	1	A1	Good	M-A	1		
8280	Beech	0.35	1	15	4	B1	Fair	M-A	1	Canopy 1-sided.	
8281	Sitka spruce	0.35	2	23	>6	A1	Good	M	1		
8282	Larch	0.45	3	25	>6	A1	Good	M	1		
8283	Sitka spruce	0.50	3	25	>6	A1	Good	M	1		
8284	Sitka spruce	0.35	3	23	>6	A1	Good	M	1		
8285	Western hemlock	0.60	4	21	1	A1	Good	M	1		
8286	Sitka spruce	0.70	5	25	4	A1	Good	M	1		
8287	Sitka spruce	0.90	7	>30	1	A1	Good	M-A	1		
8288	Lawson cypress cv	0.35	1	13	1	U	Dead	M-A	1		Fell.
8289	Spruce sp	0.35	3	16	2	B1	Good	M-A	1	Possibly Brewer's spruce? No positive id.	
8290	Lawson cypress cv	0.50	2	16	1	B1	Fair	M	1		
8291	Wellingtonia	1.15	4	27	2	A1	Good	M	1		
8292	Norway spruce	0.65	3	27	>6	A1	Good	M	1		
8293	Western hemlock	0.65	4	25	1	A1	Good	M	1		

Tree Survey at Torridon, Kilmacollm

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## Tree Survey Schedule

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations
8294	Larch	0.65	4	28	6	B1	Fair	M	1	Developed heavy secondary leader to SW.	
8295	Noble fir	0.65	3	26	>6	A1	Good	M	1		
8296	Larch	0.50	3	18	>6	U	Dying	M-A	1	Significant dieback, stag-headed. Stem arisen from old stump.	Fell.
8297	Larch	0.50	2	25	>6	B1	Good	M	1		
8298	Sitka spruce	0.65	5	23	>6	B1	Good	M	1		
8299	Larch	0.65	6	25	2	A1	Good	M	1		
8300	Norway spruce	0.30	3	12	2	C1	Poor	M-A	1	Canopy suppressed.	Potentially remove to allow new building construction.
8301	Larch	0.60	6	17	4	C1	Poor	M	1	Storm damage. Damaged, hanging branch.	Potentially remove to allow new building construction.
8302	Larch	0.45	5	16	2	C1	Poor	M	1	Poor crown structure. Damaged, hanging branch. Lost top, multiple leaders from old point of damage.	Potentially remove to allow new building construction.
8304	Larch	0.45	4	17	2	A1	Good	M-A	1		
8303	Sawara cypress	0.50	3	12	1	B1	Good	M	1		
8305	Lawson cypress cv	0.50	2	14	1	B1	Good	M	1		
8306	Oriental spruce	0.70	4	18	1	A1	Good	M	1		
8307	Wellingtonia	0.90	3	23	2	A1	Good	M	1		
8308	Beech	0.45	4	17	1	A1	Good	M-A	1		
8309	Lawson cypress cv	0.30	3	11	1	B1	Fair	M	1		
8310	Wellingtonia	0.55	3	25	>6	A1	Good	M-A	1		
8311	Larch	0.50	1	22	2	B1	Fair	M	1	Suppressing adjacent Wellingtonia.	Consider removal to allow better development of Wellingtonia
8312	Larch	0.60	5	25	4	A1	Good	M	1	Suppressing Wellingtonia.	Consider removal to allow better development of Wellingtonia
8313	Larch	0.35	1	16	5	C1	Fair	M	1	Canopy 1-sided. Minor crown dieback.	Consider removal as part of general management.
8314	Western hemlock	0.50	4	22	1	A1	Good	M-A	1		
8315	Japanese red cedar	0.40	1	13	2	B1	Fair	M-A	1	Slightly suppressed.	
8316	Western hemlock	0.70	7	30	2	A1	Good	M	1		
8317	Lawson cypress cv	0.95	2	21	1	B1	Good	M	1		
8318	Lawson cypress cv	0.50	2	16	1	A1	Good	M	1		
8319	Sitka spruce	0.55	3	25	5	A1	Good	M	1		

Tree Survey at Torridon, Kilmacollm

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## Tree Survey Schedule

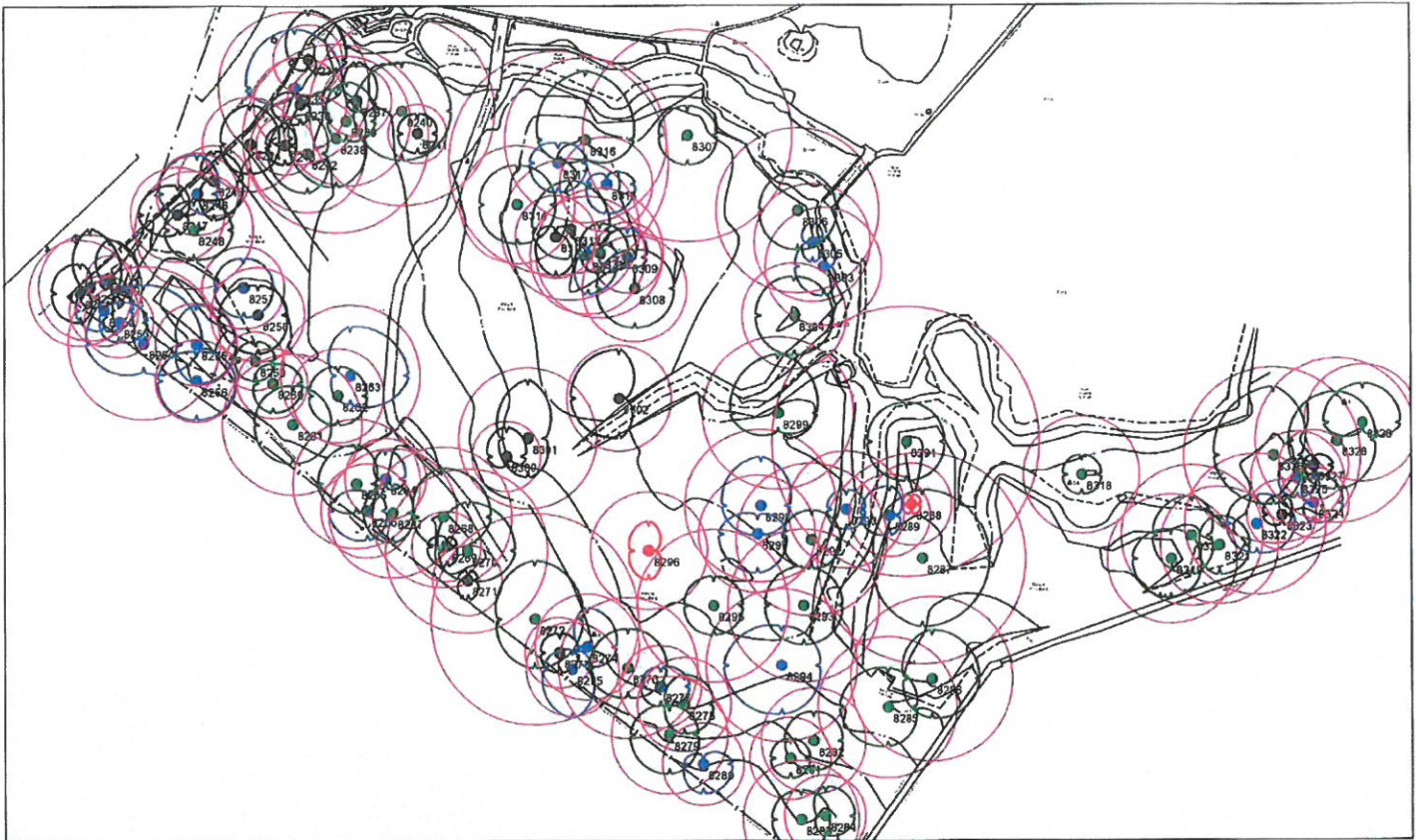
Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations
8320	Western hemlock	0.60	4	24	5	A1	Good	M	1		
8321	Sitka spruce	0.50	3	25	>6	A1	Good	M	1		
8322	Sitka spruce	0.60	3	26	6	B1	Good	M	1	Fork at 7m.	
8323	Sitka spruce	0.30	2	19	6	C1	Fair	M-A	1	Canopy suppressed.	
8324	Sitka spruce	0.30	3	24	>6	B1	Fair	M	1		
8325	Larch	0.40	2	25	>6	B1	Fair	M	1	Canopy suppressed.	
8326	Sitka spruce	0.75	7	30	3	A1	Good	M	1		
8327	Larch	0.30	1	23	>6	C1	Fair	M	1	Canopy suppressed. Limited crown development	
8328	Sitka spruce	0.70	5	30	6	A1	Good	M	1		
8329	Sitka spruce	0.50	4	20	3	A1	Good	M	1		


NOTE: Recommendations given in the foregoing schedule do not constitute a detailed tree work specification. This schedule should not be used for tendering or instructing tree surgery operations. A detailed Tree Works Specification can be provided in accordance with BS3998:2010, "Tree Work – Recommendations" where required.

## Tree Survey Schedule

## KEY TO TREE SURVEY SCHEDULE

No	Number as shown on survey plan (refers to tree tags where used)		
Species	Common name		
DBH	Stem Diameter at Breast Height, measured at 1.5m above ground level. Diameter measured in 0.05m bands and rounded up to next 0.05m.		
Canopy	Average canopy radius in metres (survey drawing shows actual canopy radius at 4 cardinal points).		
Ht	Approximate tree height in metres		
C Ht	Crown height, indicating clearance from ground level to lowest branches, measured in metres		
BS Cat	British Standard 5837:2012 tree categorisation (See Table 1)		
Condition	General overall description of condition:	Good:	Healthy tree with no major defects Trees with significant safe life expectancy Trees of good shape and form for the species
		Fair:	Healthy trees with minor defects Trees with moderate safe life expectancy Trees of average shape and form for the species
		Poor:	Trees with significant defects Trees with a limited safe life expectancy Trees of low vigour, stressed, in decline Trees of poor shape and form, suppressed, structurally weak
		Dying/Dead:	Dead, dying, unsafe or dangerous Trees with little or no safe life expectancy
Age	Age class (Young, Early-mature, Middle-Aged, Mature, Over-Mature, Veteran)		
Stems	Single (1) or multiple (M) stems from below 1.5m, used to determine the appropriate Root Protection Area.		
Comments	Specific comments on any observed defects within the root zone or affecting visible buttress root system; on the main stem up to and including the point of the first main fork; and affecting main scaffold branch system or secondary branch structure. Will be left blank where no defects are noted and growth characteristics are normal		
Recommendations	Description of any recommended remedial tree work operations required to ensure safety or for cultural reasons. General description of works, not a detailed tree work specification. Any recommended works should be carried out in accordance with BS3998:2010 <i>Tree work – Recommendations</i>		

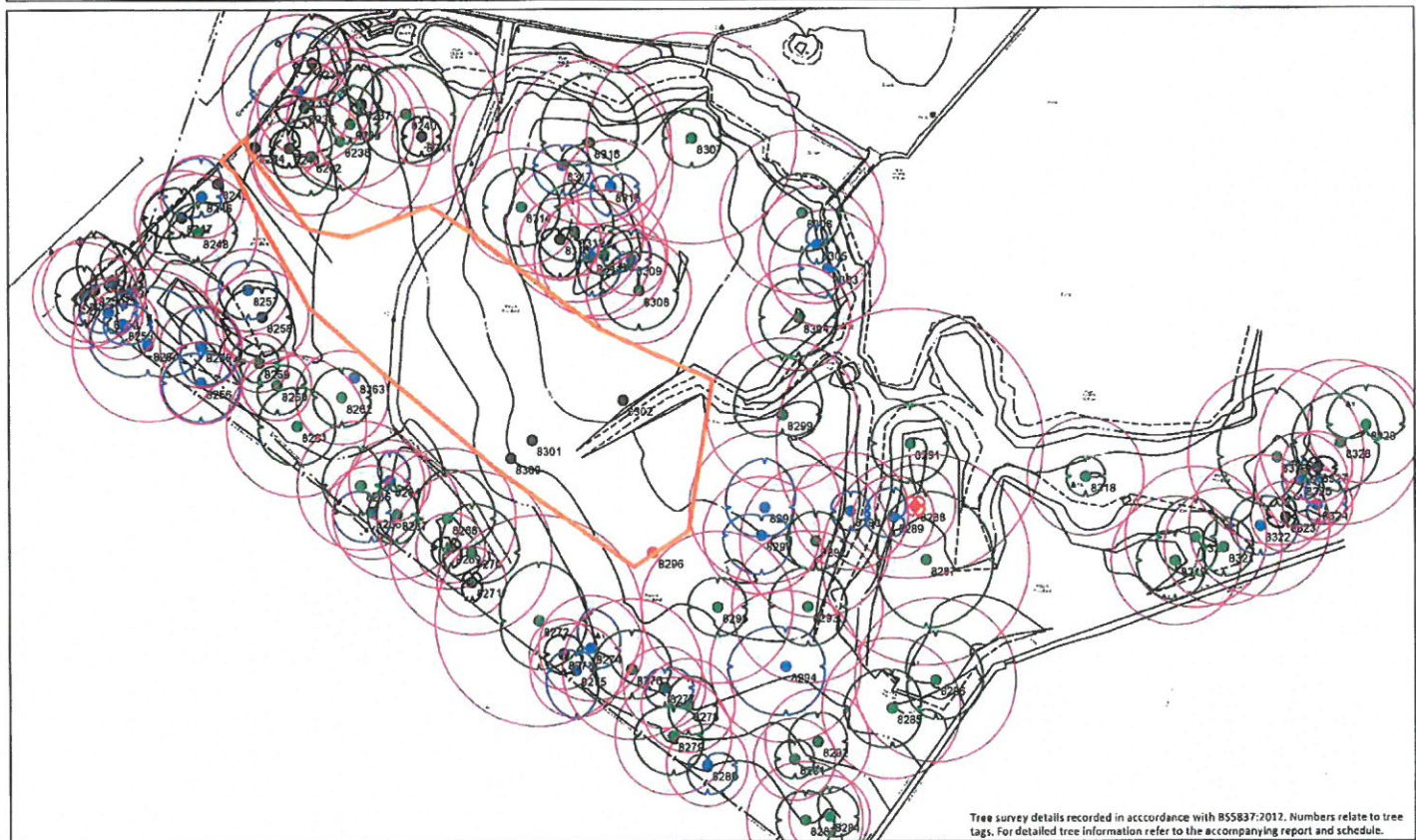
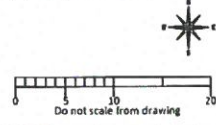




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**CLIENT:** Dr Robin Smyllie  
**PROJECT:** Torridon, Kilmacolm  
**DRAWING TITLE:** Tree Survey as existing  
**DRAWING No:** IWA-TK-TS-01  
**DATE:** 30-4-16 **SCALE:** 1:500 at A4 **REV:**

-  TREES CATEGORY A
-  TREES CATEGORY B
-  TREES CATEGORY C
-  TREES CATEGORY U




Tree survey details recorded in accordance with BS5837:2012. Numbers relate to tree tags. For detailed tree information refer to the accompanying report and schedule.

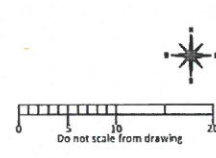



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**CLIENT:** Dr Robin Smyllie  
**PROJECT:** Torridon, Kilmacolm  
**DRAWING TITLE:** Tree Protection  
**DRAWING No:** IWA-TK-TP-01  
**DATE:** 30-4-16 **SCALE:** 1:500 at A4 **REV:**

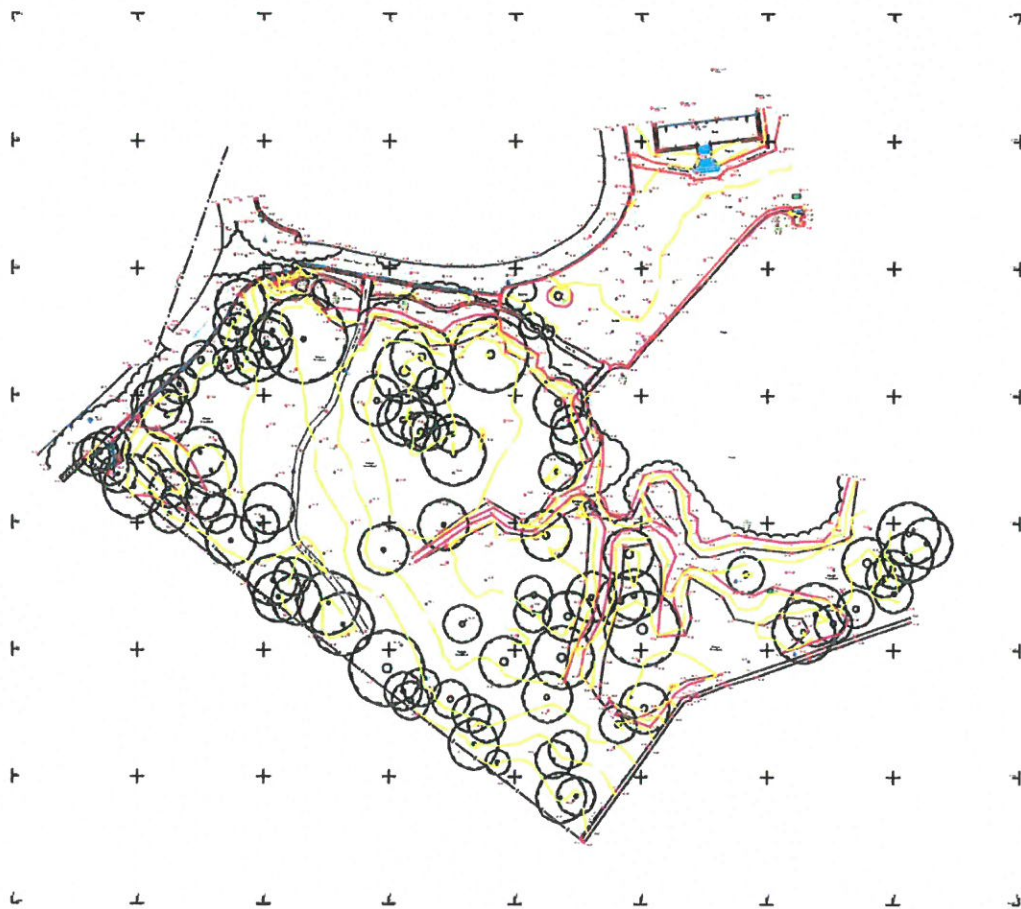
-  TREES CATEGORY A
-  TREES CATEGORY B
-  TREES CATEGORY C
-  TREES CATEGORY U

-  TREES REMOVED
-  ROOT PROTECTION AREA
-  CONSTRUCTION EXCLUSION ZONE



Tree survey details recorded in accordance with BS5837:2012. Numbers relate to tree tags. For detailed tree information refer to the accompanying report and schedule.

Appendix 2



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North Arrow

Scale: 1:1000

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Client: ...

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Drawn: ...

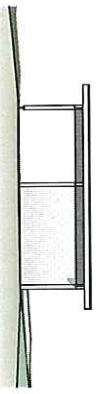
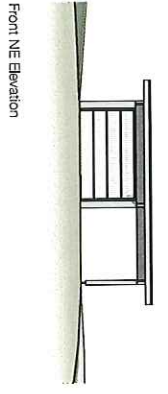
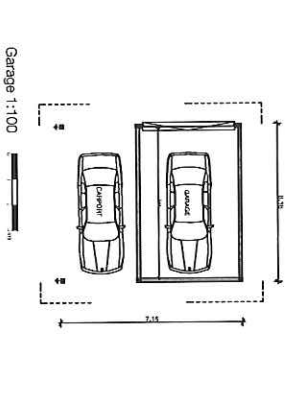
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Approved: ...

Date: ...







**Level Datum**  
 ALL LEVELS ARE EQUIVALENT TO HEIGHTS RELATED TO GEODIN  
 DATUM. COMMENTS UNDER LEGEND SHOWN IN NETWORK.

**Topo Key**

Symbol	Description
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2	Contour Interval
3	Spot Elevation
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100	Spot Elevation



**Standards of Materials:**  
 Materials to be used shall be as specified in the  
 Red Book of the American Institute of Architects.  
 The contractor shall be responsible for obtaining  
 all necessary permits and licenses.  
 The contractor shall be responsible for obtaining  
 all necessary permits and licenses.  
 The contractor shall be responsible for obtaining  
 all necessary permits and licenses.

**ISSUE**

No.	Description	Date
1	Issue	1/20/2021

**PETER HUF ARCHITECTURE**  
 The Central Tower 1200 Broadway New York, NY 10036  
 Telephone: 212 675 1200  
 Fax: 212 675 1201  
 Email: ph@peterhuf.com  
 Website: www.peterhuf.com

**PLANNING APPLICATION  
 NEW DWELLING**

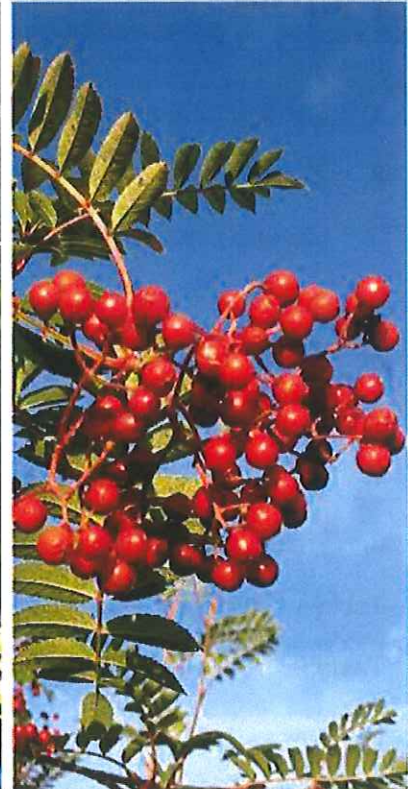
**Architect:** Peter Huf Architecture, Inc.  
**Client:** Dr. Robin Sample  
**Site Address:** Tilden  
 Jefferson  
 Knoxville  
 TN 37912

**Project:** New Dwelling  
**Plan:** Proposed Site Plan & Garage Plans  
**Scale:** 1:200 & 1:100/NA1  
**Drawing No.:** 01200

Site Plan @ 1:200



Alan Motion Tree Consulting Ltd  
Chartered Forester, Arboricultural Consultant



## Tree Survey and Arboricultural Constraints

### TORRIDON, KILMACOLM

For

**DR ROBIN SMYLLIE**

10 May 2017

 Institute of  
Chartered Foresters  
Registered Consultant

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Director: Alan R Motion MBE, BScFor, FICFor, CEnv, MArborA. Reg No SC396461



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## **1. GENERAL INTRODUCTION**

- 1.1. Alan Motion Tree Consulting Ltd has been instructed to carry out a tree survey for Dr Robin Smyllie, in relation to proposed development on land at Torridon, Kilmacolm. This report relates to 96 trees within the survey boundary shown on the plans appended to this document. The report describes the extent and condition of tree cover within and immediately adjacent to the site and highlights the above and below ground constraints presented by existing tree cover.
- 1.2. The survey has been carried out in accordance with BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations." Small trees of less than 10cm stem diameter, and areas of undergrowth are described in general terms but are not recorded in detail, except where their condition or presence merits particular attention. Within larger groups and woodlands, trees are described collectively except where dominant specimens merit individual recording.

## **2. STANDARD CONDITIONS RELATING TO TREE SURVEYS**

- 2.1. Tree surveys are undertaken from ground level using established visual assessment methodology. This is primarily a survey to assess the general health, condition, value and life expectancy of existing trees as part of the planning and design process. The report should not be read as a detailed tree safety or risk assessment.
- 2.2. Where obvious defects are noted and further investigation is required, either by climbing or the use of specialised decay detection equipment, this will be identified in the report.
- 2.3. The findings and recommendations contained within this report are valid for a period of twelve months. Trees are living organisms subject to change - it is strongly recommended that they are inspected at regular intervals for reasons of safety.

- 2.4. Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees.
- 2.5. The findings and recommendations contained within this report are based on the current site conditions. The construction of roads, buildings, service wayleaves, removal of shelter, and alterations to established soil moisture conditions can all have a detrimental effect on the health and stability of retained trees. Accordingly, a re-inspection of retained trees is recommended on completion of any development operations.
- 2.6. This report has been prepared for the sole use of Dr Robin Smyllie and their appointed agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

### **3. GENERAL DESCRIPTION**

- 3.1. Torrison is located off Glenmosston Road on the western edge of Kilmacolm and extends to some 10 acres. The house sits in an expansive, mature garden facing south over formal lawns to a small lake and woodland beyond. Woodland extends around the entire property with some very fine specimens of Sitka spruce and western hemlock immediately south of the access driveway. Although conifers dominate, there are some good individual specimens of beech along the western boundary, and further, less significant beech trees on the north-west edge along Glenmosston Road. The area of detailed tree survey is restricted to ground to the south and west of the access driveway end extending along the south-west edge of the lake. Although the area is dominated by mature conifers there is an open central area where *Rhododendron ponticum* is well established.

### **4. STATUTORY PROTECTION**

- 4.1. The site is within the Kilmacolm south-east conservation area. Prior to carrying out any work to the trees a minimum of six weeks' written notice must be submitted to the local planning authority.

## 5. TREE SURVEY AND ANALYSIS

5.1. A visual assessment has been carried out from the ground level of 96 trees within and immediately adjacent to the site. The location of the trees is plotted on the attached Tree Survey Plan, and their condition and any recommended remedial works are recorded in detail in Table 2 attached at the end of this document. This records relevant details in accordance with the recommendations contained in BS 5837:2012, and includes:

- Tree number (Tree tag number where used, or plan reference number)
- Tree species (common name)
- Stem diameter at breast height (1.5m above ground level)
- Canopy spread in metres (average)
- Tree height (estimate in metres)
- Crown height (clearance to lowest branches in metres)
- Tree Condition Category
- General condition (good, fair, poor, dead)
- Age (Young, Early-mature, middle-aged, mature, over-mature, veteran)
- Whether single or multi-stemmed
- Estimated Remaining Contribution in years
- Comments and observations on the overall health and condition of the tree, highlighting any problems or defects
- Recommended remedial works, where necessary
- Impacts of any development proposals

5.2. Where appropriate, recommendations have been made on necessary remedial action such as tree surgery or felling. This is specified where there is likely to be significant risk to safety or tree health, or to abate a nuisance. The recommendations are general in nature and do not constitute a detailed work specification. Specifications, where

required, can be provided to accord with the guidance and recommendations contained in BS3998:2010, "Tree work – Recommendations." Any recommendations are made on the basis that they are undertaken by a suitably qualified arboricultural contractor.

5.3. The trees have been tagged with round 4-digit tags ranging from 8234-8329, and have been categorised in accordance with the guidelines contained in BS 5837 as follows:

44 Category A

29 Category B,

21 Category C

2 Category U.

5.1. For details of the tree categorisation, refer to Table 1.

5.2. The purpose of the tree categorisation method is to identify the quality and value of the existing tree stock, allowing informed decisions to be made concerning which trees should be removed or retained in the event of development occurring. The presence of trees and their quality is only one factor in the design and planning process, and the retention of good quality, healthy trees may be inappropriate in the context of wider planning and development considerations.

5.3. The trees are generally in good condition with large-sized conifers dominant. Some storm damage has occurred and a few larches in particular have suffered from crown damage. The trees within Category C are generally downgraded in quality due to canopy suppression, lack of vigour, and limited long-term prospects.

5.4. Young trees of <15cm stem diameter, and trees in Category C with limited safe life or poor health and/or structure, are not normally considered to be a significant constraint on development.

## 6. CONSTRAINTS POSED BY EXISTING TREES

- 6.1. In order to minimise the risk of long-term damage to trees from construction operations, particular care is required to protect them from physical damage. Significant damage can be caused to root systems by ground level changes; soil compaction; contamination from oils and cement; and changes in soil moisture content. For these reasons, BS 5837:2012 '*Trees in relation to design, demolition and construction – Recommendations*' sets out a recommended Root Protection Area (RPA) in m<sup>2</sup> based on the stem diameter of the tree. The RPA represents the anticipated below-ground constraints presented by trees within the proposed development area.
- 6.2. Tree roots rarely follow expected patterns, and the RPA should be taken as a guide. It may be adjusted where restrictions to normal rooting patterns suggest that root growth will be minimal (*e.g.* adjacent to walls, sealed surfaces, watercourses, or existing utility trenches). In addition, soil type, tree species, age, vigour, canopy volume and micro-climate will all impact on root growth and the ability of individual trees to tolerate changes in rooting environment.
- 6.3. Above-ground constraints include ultimate tree height and canopy spread which will affect both physical presence and daylight availability to any proposed structures. Species characteristics, such as evergreen or dense foliage, potential for branch drop, fruit fall, *etc.*, will all have an influence on the potential for development of the site. Easements for underground and above-ground apparatus; road safety and visibility; or the proposed end use of space adjacent to retained trees also needs to be fully considered.
- 6.4. Where it is determined that trees should be retained because of their quality and amenity importance, the impact of proposed designs must be assessed against the requirements of the tree, taking into account the RPA and all other relevant factors. Whilst the RPA should generally be protected where possible, any proposed incursion into the RPA should comply with the recommendations of BS5837, Sections 6 and 7. Site-specific method statements may be required to accompany such proposals.

## 7. ARBORICULTURAL IMPACT ASSESSMENT

- 7.1. The proposed site development involves the construction of a single new dwelling house and detached garage to be located to the south of the existing access driveway within the open ground dominated by rhododendron. A new access is proposed from Glenmosston Road.
- 7.2. This will necessitate the removal of trees numbered 8244 and 8245 to provide access, both of which are low-quality beech with suppressed canopies. Removal of a further 6 trees (8257 and 8263, Cat B; 8258, 8300, 8301, and 8302, Cat C; and 8296, Cat U) would provide a significant open area suitable for development. The impact of the proposed development on existing tree cover is limited, and due to the retention of the majority of trees to the north and south, the proposed house would be well-screened from adjacent property.
- 7.3. The new access driveway will encroach into the RPAs of tree numbers 8238, 8239, 8242 and 8243. This will necessitate the use of a no-dig construction and root protection system (*e.g.* Cellweb by Geosynthetics) to ensure that roots are not compromised during construction.
- 7.4. The new house and garage encroaches slightly into the RPAs of trees 8262, and 8308-8314. This will require the installation of temporary ground protection measures during construction.

## 8. TREE PROTECTION PLAN

- 8.1. The Tree Protection Plan indicates appropriate Construction Exclusion Zones, which are based on the recommended Root Protection Areas and other identified constraints, including daylight shading, tree species, vigour, amenity values, and specific ground conditions which are likely to influence the rooting environment.
- 8.2. Trees recommended for retention must be protected by barriers and/or ground protection prior to commencement of any development works, including demolition. Barriers should consist of Heras Fencing with panels are joined together using a minimum of two anti-tamper couplings, and braced on the inside of the CEZ with stabiliser struts in accordance with Figure 3(a) of BS5837:2012.

- 8.3. There should be no movement of machinery, stockpiling of materials, or changes in existing ground levels within the Construction Exclusion Zone throughout the duration of the construction works.
- 8.4. Where excavations are necessary and approved within the CEZ (*e.g.* for service runs), excavations should be dug by hand, and all tree roots encountered that are greater than 25mm diameter should be retained intact. Cables, pipes and ducts should be fed below roots, and trenches should be backfilled as soon as possible to prevent desiccation of roots.
- 8.5. Temporary construction access within the CEZ will only be permissible where adequate ground protection measures are installed, in accordance with Section 6.2.3.3 of BS5837:2012. Where construction working space or temporary construction access is required and justified within the RPA, temporary ground protection should be installed as part of the implementation of physical tree protection measures prior to work starting on site. This should be capable of supporting any traffic entering or using the site without being distorted or causing compaction of underlying soil. For pedestrian movements only, a single thickness of scaffold boards placed either on top of a driven scaffold frame, so as to form a suspended walkway, or on top of a compression-resistant layer (*e.g.* 100 mm depth of woodchip), laid onto a geotextile membrane is recommended.
- 8.6. For the new access driveway, the use of Cellweb Tree Root Protection system (Geosynthetics Ltd, <http://www.geosyn.co.uk>) is recommended. The location of any required ground protection measures is clearly indicated on the Tree Protection Plan.



TABLE 1 BS 5837:2012 TREE CATEGORISATION

Category and definition	Criteria	Identification on plan
<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>⚡ Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other U Category trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>⚡ Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>⚡ Trees infested with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p>NOTE : <i>Category U trees can have existing or potential conservation value which it might be desirable to preserve.</i></p>	<b>Red</b>
<b>TREES TO BE CONSIDERED FOR RETENTION</b>		
<b>Category and definition</b>	<b>Criteria – Subcategories</b>	
	<b>1 Mainly arboricultural values</b>	<b>2 Mainly landscape values</b>
<b>Category A</b> Trees of high quality with an estimated remaining life expectancy of 40 years	Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural features and/or landscape features.
<b>Category B</b> Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in Category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention beyond 40 years; or trees lacking the special quality necessary to merit the Category A designation	Trees present in numbers, usually as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them a greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits
	<b>3 Mainly cultural values, including conservation</b>	<b>Identification on plan</b>
	Trees, groups or woodlands of significant historical, commemorative or other value (e.g. veteran trees or wood-pasture)	<b>Green</b>
	Trees with material conservation or other cultural value	<b>Blue</b>
	Trees with no material conservation or other cultural value	<b>Grey</b>

TABLE 2 TREE SURVEY SCHEDULE

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations/impacts
8234	Beech	0.30	5	11	2	C1	Poor	M-A	1	Canopy suppressed. Canopy 1-sided.	
8235	Beech	0.65	6	16	2	B1	Fair	M-A	1	Included bark, compression fork at 2m.	Monitor compression fork at regular intervals.
8236	Sitka spruce	0.40	1	10	>6	C1	Poor	M-A	1	Storm damage. Lost top.	
8237	Sitka spruce	0.30	4	10	4	C2	Fair	M-A	1	Canopy suppressed.	
8239	Sitka spruce	0.55	4	30	>6	A1	Good	M	1		
8238	Sitka spruce	0.80	5	>30	5	A1	Good	M	1		
8240	Sitka spruce	0.80	5	30	2	A1	Good	M	1		
8241	Lawson cypress cv	0.25	2	8	1	C1	Fair	M-A	1	Canopy suppressed.	
8242	Sitka spruce	0.50	4	22	5	A1	Good	M	1		
8243	Sitka spruce	0.25	2	11	5	C1	Poor	M-A	1	Canopy suppressed.	
8244	Beech	0.40	4	11	2	C1	Fair	M-A	1	Minor cavity/decay in stem at ground level. Poor crown structure. Low fork, 3 main stems, shrubby specimen.	Remove to provide new construction access.
8245	Beech	0.30	3	15	2	C1	Fair	M-A	1	Minor cavity/decay in stem at 4m. Decay at bend in main stem, old branch wound.	Remove to provide new construction access.
8246	Beech	0.35	4	14	2	B1	Fair	M-A	1		
8247	Beech	0.40	3	14	2	C1	Fair	M-A	1	Canopy suppressed.	
8248	Sitka spruce	0.50	3	24	4	A1	Good	M	1		
8249	Beech	0.20	4	6	3	C1	Poor	M-A	1	Canopy suppressed.	
8250	Beech	0.45	6	17	2	C1	Fair	M-A	1	Twin stem, minor cavity at 1m.	
8251	Beech	0.45	3	17	4	C1	Fair	M-A	1	Included bark, compression fork at 2m. Minor cavity/decay in main scaffold limb at 3m.	

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations/Impacts
8252	Beech	0.30	3	18	3	B1	Fair	M-A	1	Limited crown development. Would benefit from removal of adjacent stems.	
8253	Beech	0.30	2	14	4	B1	Fair	M-A	1		
8254	Beech	0.65	6	14	1	B1	Good	M-A	1		
8255	Beech	0.35	4	16	1	B1	Good	M-A	1		
8256	Beech	0.35	3	12	2	B1	Fair	M-A	1	Included bark, compression fork at 2m.	
8257	Larch	0.35	3	17	5	B1	Good	M-A	1		Remove for construction
8258	Larch	0.40	3	15	3	C1	Poor	M	1	Storm damage. Lost top.	Remove for construction
8259	Sitka spruce	0.25	2	17	3	A1	Good	M-A	1		
8260	Sitka spruce	0.30	2	17	4	A1	Good	M-A	1		
8261	Larch	0.60	4	27	4	A1	Good	M	1		
8262	Larch	0.40	3	25	3	A1	Good	M	1		
8263	Larch	0.60	5	28	5	B1	Fair	M-A	1	Canopy 1-sided. Bias to NE.	Remove for construction
8264	Sitka spruce	0.35	3	19	4	B1	Fair	M-A	1		
8265	Sitka spruce	0.55	4	28	5	A1	Good	M	1		
8266	Beech	0.40	2	13	2	B1	Fair	M-A	1	Canopy suppressed.	
8267	Sitka spruce	0.55	3	28	>6	A1	Good	M	1		
8268	Sitka spruce	0.60	5	29	>6	A1	Good	M	1		
8269	Sitka spruce	0.30	1	16	4	C1	Fair	M-A	1	Canopy suppressed.	
8270	Sitka spruce	0.70	5	28	>6	A1	Good	M	1		
8271	Beech	0.30	1	14	3	C1	Fair	M-A	1	Canopy suppressed.	
8272	Sitka spruce	0.90	6	>30	6	A1	Good	M	1		
8273	Beech	0.30	2	19	>6	C1	Poor	M-A	1	Limited crown development, tall, drawn.	
8274	Sitka spruce	0.45	4	20	6	B1	Fair	M-A	1		
8275	Beech	0.40	2	18	4	B1	Fair	M-A	1		

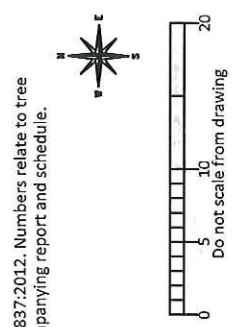
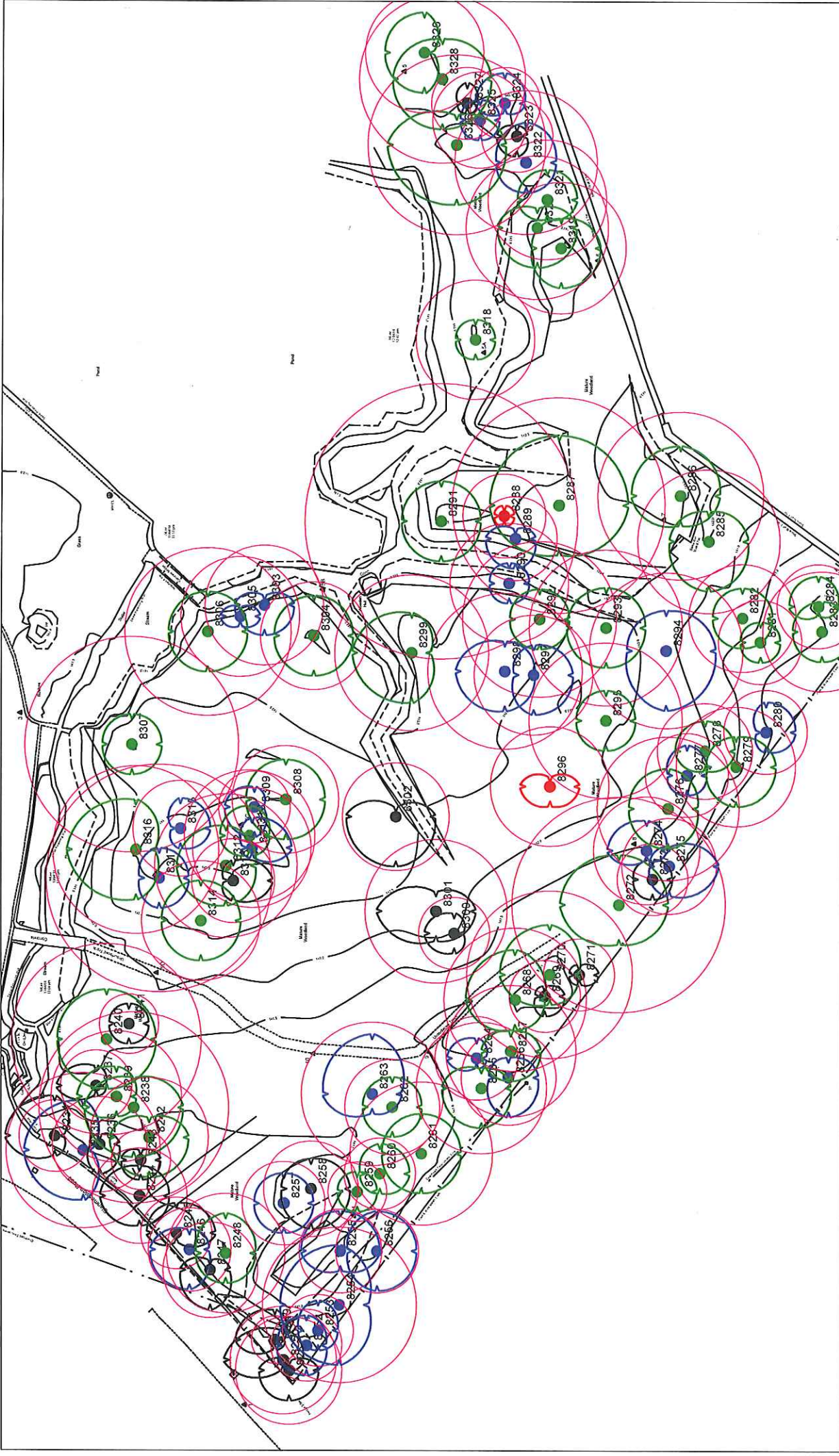
Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations/Impacts
8276	Sitka spruce	0.50	4	25	4	A1	Good	M	1		
8277	Norway spruce	0.35	2	21	4	B1	Fair	M-A	1		
8278	Norway spruce	0.40	3	22	2	A1	Good	M	1		
8279	Beech	0.50	3	16	1	A1	Good	M-A	1		
8280	Beech	0.35	1	15	4	B1	Fair	M-A	1	Canopy 1-sided.	
8281	Sitka spruce	0.35	2	23	>6	A1	Good	M	1		
8282	Larch	0.45	3	25	>6	A1	Good	M	1		
8283	Sitka spruce	0.50	3	25	>6	A1	Good	M	1		
8284	Sitka spruce	0.35	3	23	>6	A1	Good	M	1		
8285	Western hemlock	0.60	4	21	1	A1	Good	M	1		
8286	Sitka spruce	0.70	5	25	4	A1	Good	M	1		
8287	Sitka spruce	0.90	7	>30	1	A1	Good	M-A	1		
8288	Lawson cypress cv	0.35	1	13	1	U	Dead	M-A	1		Fell.
8289	Spruce sp	0.35	3	16	2	B1	Good	M-A	1	Possibly Brewer's spruce? No positive id.	
8290	Lawson cypress cv	0.50	2	16	1	B1	Fair	M	1		
8291	Wellingtonia	1.15	4	27	2	A1	Good	M	1		
8292	Norway spruce	0.65	3	27	>6	A1	Good	M	1		
8293	Western hemlock	0.65	4	25	1	A1	Good	M	1		
8294	Larch	0.65	4	28	6	B1	Fair	M	1	Developed heavy secondary leader to SW.	
8295	Noble fir	0.65	3	26	>6	A1	Good	M	1		
8296	Larch	0.50	3	18	>6	U	Dying	M-A	1	Significant dieback, stag-headed. Stem arisen from old stump.	Fell.
8297	Larch	0.50	2	25	>6	B1	Good	M	1		
8298	Sitka spruce	0.65	5	23	>6	B1	Good	M	1		
8299	Larch	0.65	6	25	2	A1	Good	M	1		

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations/Impacts
8300	Norway spruce	0.30	3	12	2	C1	Poor	M-A	1	Canopy suppressed.	Remove for construction
8301	Larch	0.60	6	17	4	C1	Poor	M	1	Storm damage. Damaged, hanging branch.	Remove for construction
8302	Larch	0.45	5	16	2	C1	Poor	M	1	Poor crown structure. Damaged, hanging branch. Lost top, multiple leaders from old point of damage.	Remove for construction
8304	Larch	0.45	4	17	2	A1	Good	M-A	1		
8303	Sawara cypress	0.50	3	12	1	B1	Good	M	1		
8305	Lawson cypress cv	0.50	2	14	1	B1	Good	M	1		
8306	Oriental spruce	0.70	4	18	1	A1	Good	M	1		
8307	Wellingtonia	0.90	3	23	2	A1	Good	M	1		
8308	Beech	0.45	4	17	1	A1	Good	M-A	1		
8309	Lawson cypress cv	0.30	3	11	1	B1	Fair	M	1		
8310	Wellingtonia	0.55	3	25	>6	A1	Good	M-A	1		
8311	Larch	0.50	1	22	2	B1	Fair	M	1	Suppressing adjacent Wellingtonia.	Consider removal to allow better development of Wellingtonia
8312	Larch	0.60	5	25	4	A1	Good	M	1	Suppressing Wellingtonia.	Consider removal to allow better development of Wellingtonia
8313	Larch	0.35	1	16	5	C1	Fair	M	1	Canopy 1-sided. Minor crown dieback.	Consider removal as part of general management.
8314	Western hemlock	0.50	4	22	1	A1	Good	M-A	1		
8315	Japanese red cedar	0.40	1	13	2	B1	Fair	M-A	1	Slightly suppressed.	
8316	Western hemlock	0.70	7	30	2	A1	Good	M	1		
8317	Lawson cypress cv	0.95	2	21	1	B1	Good	M	1		
8318	Lawson cypress cv	0.50	2	16	1	A1	Good	M	1		
8319	Sitka spruce	0.55	3	25	5	A1	Good	M	1		

Tag No	Species	DBH	Canopy	Ht	C.Ht	BS Cat	Condition	Age	Stems	Comments	Recommendations/Impacts
8320	Western hemlock	0.60	4	24	5	A1	Good	M	1		
8321	Sitka spruce	0.50	3	25	>6	A1	Good	M	1		
8322	Sitka spruce	0.60	3	26	6	B1	Good	M	1	Fork at 7m.	
8323	Sitka spruce	0.30	2	19	6	C1	Fair	M-A	1	Canopy suppressed.	
8324	Sitka spruce	0.30	3	24	>6	B1	Fair	M	1		
8325	Larch	0.40	2	25	>6	B1	Fair	M	1	Canopy suppressed.	
8326	Sitka spruce	0.75	7	30	3	A1	Good	M	1		
8327	Larch	0.30	1	23	>6	C1	Fair	M	1	Canopy suppressed. Limited crown development	
8328	Sitka spruce	0.70	5	30	6	A1	Good	M	1		
8329	Sitka spruce	0.50	4	20	3	A1	Good	M	1		

## KEY TO TREE SURVEY SCHEDULE

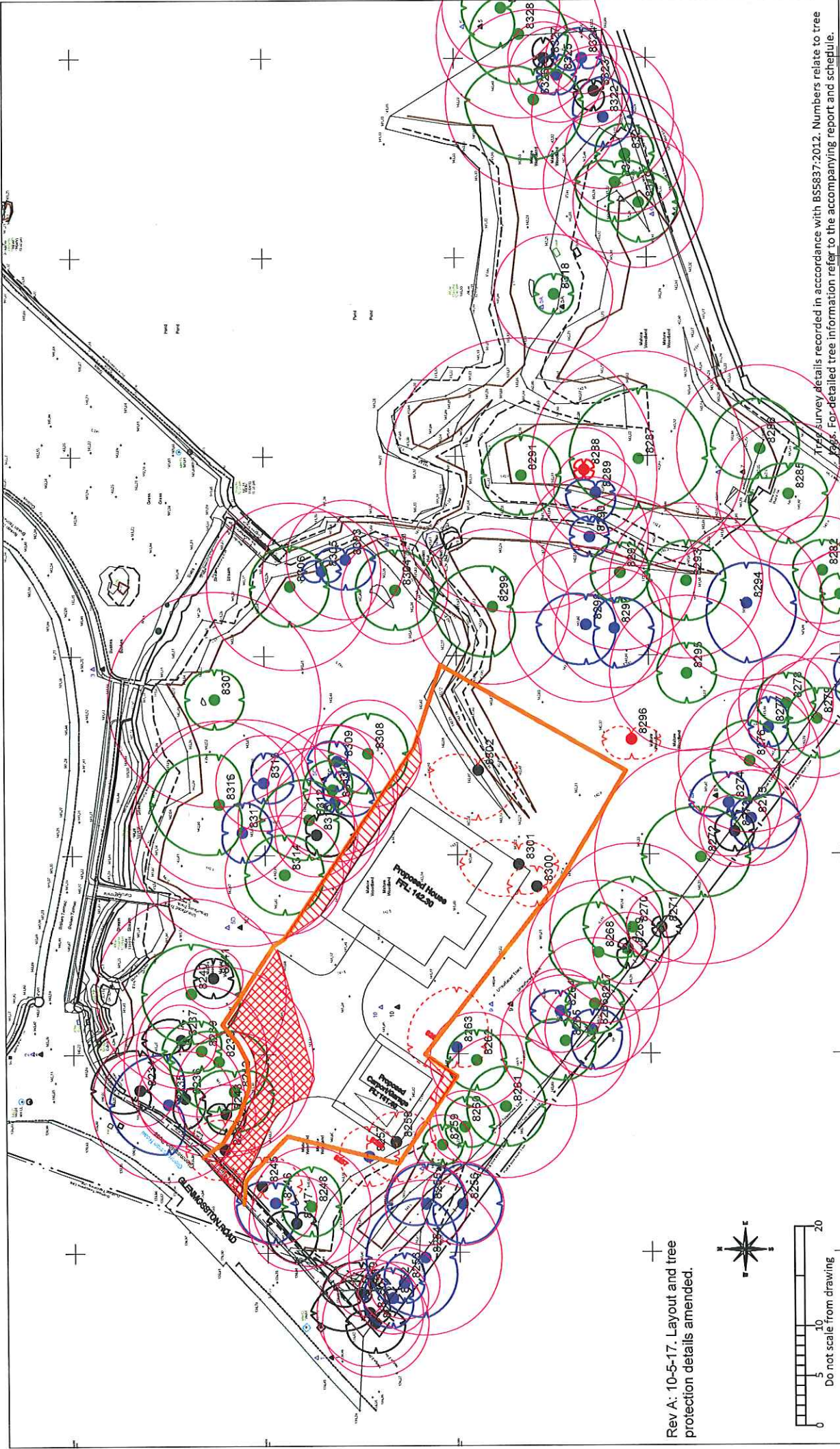
No	Number as shown on survey plan (refers to tree tags where used)
Species	Common name
DBH	Stem Diameter at Breast Height, measured at 1.5m above ground level. Diameter measured in 0.05m bands and <b>rounded up</b> to next 0.05m.
Canopy	Average canopy radius in metres (survey drawing shows actual canopy radius at 4 cardinal points).
Ht	Approximate tree height in metres
C Ht	Crown height, indicating clearance from ground level to lowest branches, estimated in metres
BS Cat	British Standard 5837:2012 tree categorisation (See Table 1)
Condition	General overall description of condition:    Good: Healthy tree with no major defects Trees with significant safe life expectancy Trees of good shape and form for the species  Fair: Healthy trees with minor defects Trees with moderate safe life expectancy Trees of average shape and form for the species  Poor: Trees with significant defects Trees with a limited safe life expectancy Trees of low vigour, stressed, in decline Trees of poor shape and form, suppressed, structurally weak  Dying/Dead: Dead, dying, unsafe or dangerous Trees with little or no safe life expectancy
Age	Age class (Young, Early-mature, Middle-Aged, Mature, Over-Mature, Veteran)
Stems	Single (1) or multiple (M) stems from below 1.5m, used to determine the appropriate Root Protection Area.
ERC	Estimated Remaining Contribution in years, based on species, age, physiological condition and environmental factors.
Comments	Specific comments on any observed defects within the root zone or affecting visible buttress root system; on the main stem up to and including the point of the first main fork; and affecting main scaffold branch system or secondary branch structure. Will be left blank where no defects are noted and growth characteristics are normal
Recommendations/Impacts	Description of any recommended remedial tree work operations required to ensure safety or for cultural reasons. Or the impact of current designs or development proposals on the tree and required works to accommodate the proposals. General description of works, not a detailed tree work specification. Any recommended works should be carried out in accordance with BS3998:2010 <i>Tree work – Recommendations</i> .



Tree survey details recorded in accordance with BS5837:2012. Numbers relate to tree tags. For detailed tree information refer to the accompanying report and schedule.

	TREES CATEGORY A
	TREES CATEGORY B
	TREES CATEGORY C
	TREES CATEGORY U
<b>CLIENT:</b> Dr Robin Smyllie <b>PROJECT:</b> Torridon, Kilmacolm	<b>DRAWING TITLE:</b> Tree Survey as existing <b>DRAWING No:</b> IWA-TK-TS-01 <b>DATE:</b> 30-4-16
<b>Alan Motion Tree Consulting Ltd</b> Chartered Foresters, Arboricultural Consultant	<b>SCALE:</b> 1:500 at A4 <b>REV:</b>
Fairlie House-Main Street-Buchlyvie-Stirling-FK8 3LX Mob-07866 389284 Tel-01360 850534 alan@alanmotion.co.uk www.alanmotion.co.uk	





**Alan Motion Tree Consulting Ltd**  
*Chartered Forester, Arboricultural Consultant*

Fairlie House-Main Street-Buchlyvie-Stirling-FK8 3LX  
 Mob-07866 389284 Tel-01360 850534  
 alan@alanmotion.co.uk  
 www.alanmotion.co.uk

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**CLIENT:** Dr Robin Smyllie  
**PROJECT:** Torridon, Kilmacolm

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**DRAWING TITLE:** Tree Protection  
**DRAWING No:** IWA-TK-TP-01

---

**DATE:** 30-4-16 **SCALE:** 1:500 at A4 **REV:** A

**TREES REMOVED**  
 1234

**TREES CATEGORY A**  
 1234

**TREES CATEGORY B**  
 1234

**TREES CATEGORY C**  
 1234

**TREES CATEGORY U**  
 1234

**ROOT PROTECTION AREA**

**CONSTRUCTION EXCLUSION ZONE**

**TEMPORARY GROUND PROTECTION DURING CONSTRUCTION**

**NO-DIG DRIVEWAY CONSTRUCTION (CELLWEB)**

# CellWeb TRP®



Tree Root Protection Guaranteed



**Geosynthetic**

[www.geosyn.co.uk](http://www.geosyn.co.uk)

# CellWeb TRP® System

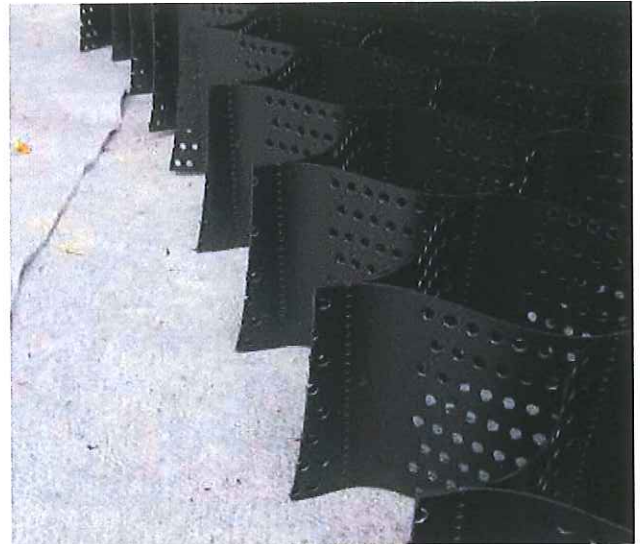
## Tree Root Protection System



### The Consequences Of Tree Root Damage During Construction

It is an offence to cut down, lop, uproot, top, wilfully damage or destroy a protected tree without authorisation. Trees can be protected under the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999. Trees are protected when they are the subject of Tree Preservation Orders (T.P.O) or within Conservation Areas, subject to certain exemptions. Retention and protection of trees on development sites is also secured through the use of planning conditions.

On a construction site all trees with a Tree Preservation Orders need to be managed in accordance with BS5837 2005 (Trees in relation to construction); failure to comply with these orders can be a costly affair as many parties have discovered.

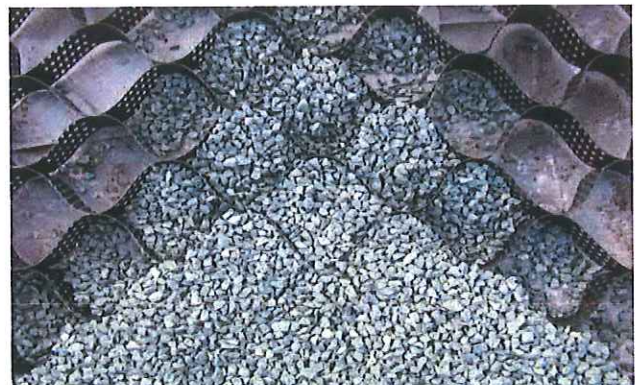


*Fishponds, Ketton*

There are two offences which apply equally to trees protected by Tree Preservation Orders and those within Conservation Areas:

- Firstly, anyone who cuts down, uproots or wilfully destroys a tree, or who lops, tops or wilfully damages it in a way that is likely to destroy it is liable, if convicted in the Magistrates Court, to pay a fine of up to £20,000. If the person is committed for trial in the Crown Court, they are liable on conviction to an unlimited fine. The Courts have held that it is not necessary for a tree to be obliterated for it to be "destroyed" for the purposes of the legislation. It is sufficient for the tree to have been rendered useless as an amenity.
- Secondly, anyone who carries out works on a tree that are not likely to destroy it is liable, if convicted in the Magistrates Court, to a fine of up to £2,500. In addition to directly carrying out unauthorised works on protected trees, it is an offence to cause or permit such works.

Developers and building contractors are often completely unaware that 'compaction of soils within the Root Protection Area (RPA)' constitutes wilful damage to the tree. When vehicular or pedestrian access within the RPA is necessary, either for the construction operation or final site access, the effects of this activity must be addressed and the ground must be protected. When tracked or wheeled traffic movements are involved, the ground protection system should be designed by an engineer and take into account the loading involved.



*Shelton Road, Shewsbury*

# The Solution:

## Geosynthetics CellWeb TRP® System



### The Solution According to BS 5837:2012

"Appropriate sub-base options for new hard surfacing include three-dimensional cellular confinement systems ....."

(BS 5837 2012 section 7.4.2 Note 1)

### The CellWeb TRP® Solution

CellWeb TRP® is the market leader in the United Kingdom and Ireland for tree root protection. CellWeb TRP® cellular confinement system protects tree roots from the damaging effects of compaction and desiccation, while creating a stable, load bearing surface for vehicular traffic. CellWeb TRP® complies with BS 5837:2005 and APN 1. It provides a no-dig solution, is tried and tested having been used successfully since 1998. It is the only tree root protection system which has been independently tested and it is the only tree root protection system which is guaranteed for 20 years. See page 6 for the full terms and conditions of the guarantee.



*Fishponds, Ketton*

### Field Trials

Geosynthetics Limited are the only company in the UK and Ireland to carry out live, completely independent field tests on the performance of a 3 dimensional cellular confinement system when used in a no-dig tree root protection system application. The results prove that CellWeb TRP® significantly reduces the compaction of sub-soils within the root growth limiting parameters established by K D Coder, 'Soil damage from compaction'. University of Georgia. July 2000. A copy of the report is available upon request.

### CellWeb TRP® Product Guarantee

Geosynthetics Limited prides itself on a providing a reliable, consistent service; including technical advice, on site support and installation guidance. Geosynthetics Limited provides a 20 year guarantee for the CellWeb TRP® tree root protection system. This guarantee gives the client, the tree officer and arboricultural consultant the confidence that the designed system will perform as intended without damaging the health of the tree.

See page 6 for the full terms and conditions of the guarantee.

# CellWeb TRP® System

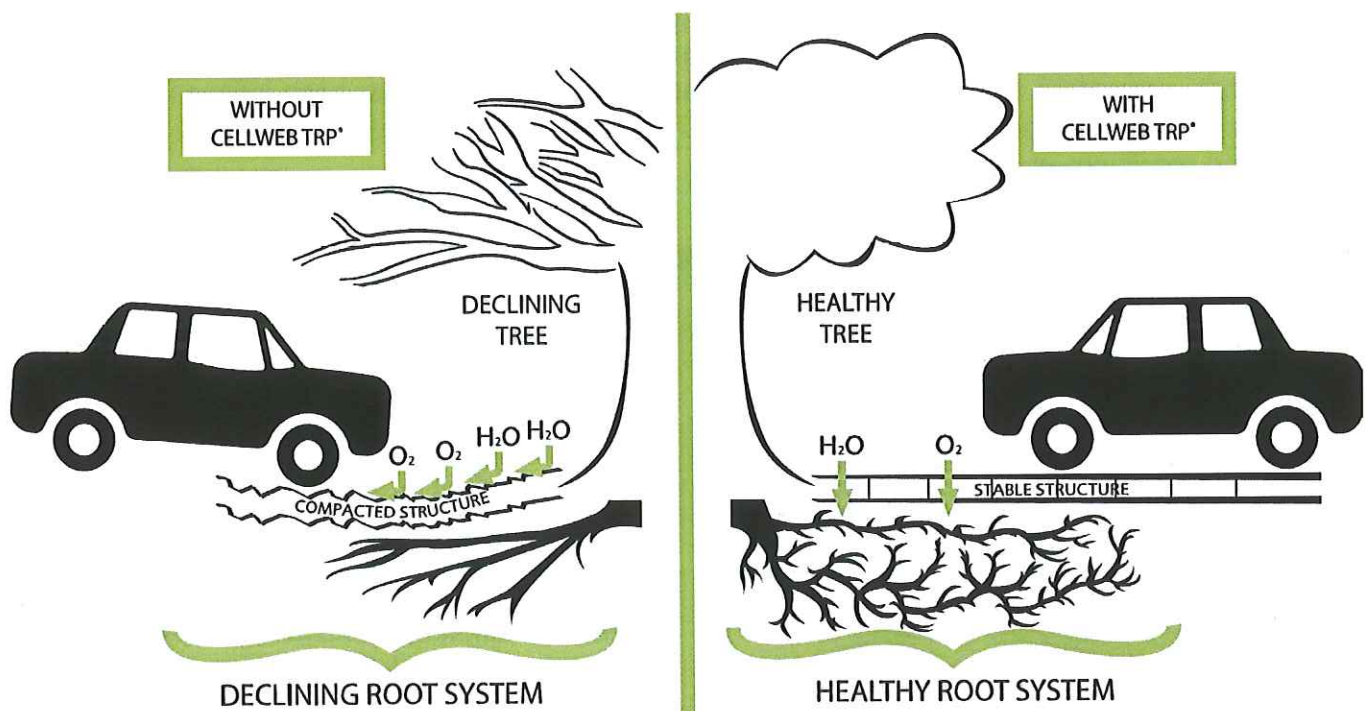


## How the System Works

### How CellWeb TRP® Works

CellWeb TRP® is a cellular confinement system that confines aggregate materials and makes them stronger, thus increasing the bearing capacity of the sub base materials. Research shows that CellWeb TRP® acts as a stiff raft to distribute wheel loads and reduce their magnitude at the base of the construction, thus maintaining the soil bulk density at levels that are suitable for tree root growth.

CellWeb TRP® is used around the world to provide cost effective hard surface construction over tree roots and is the system of choice for Tree Officers and Arboriculturists. For more information on this subject see CellWeb TRP® Fact Sheet No 1.



### Water and Oxygen Transfer Through the CellWeb TRP® System

The CellWeb TRP® system is constructed using open aggregate infill and CellWeb TRP® has perforated cell walls. The pore spaces between the aggregate particles are greater than 0.1mm in diameter. This open structure is far more permeable than typical soils and allows the free movement of water and oxygen so that supplies to trees are maintained.

For more information on this subject see CellWeb TRP® Fact Sheet No 2.

# CellWeb TRP® and Pollution

## How CellWeb TRP® Deals With Catastrophic Oil Spills



### How CellWeb TRP® Deals With Pollution

Where possible a permeable pavement system should always be constructed above the CellWeb TRP® system. The effective removal of pollution from runoff by permeable pavements is well known. Worldwide research has shown runoff that has passed through permeable pavements has low concentrations of pollutants.

Small spills of oil will be dealt with within the joints between the paving blocks and in the aggregate used within the system. However, large catastrophic spills are a different matter.

For more information on this subject see CellWeb TRP® Fact Sheet No 3.



Castle Gardens



Ambleside Lake District



Harcourt Aboretum

The Treetex® geotextile used in the CellWeb TRP® system has two functions. Treetex® separates the sub base aggregates from the soil beneath and it traps oil within its structure and allows it to degrade aerobically within the pavement construction. The structure, thickness and weight of Treetex® creates the perfect environment for this to happen. Most importantly tests prove that Treetex® will absorb 1.7 litres of oil per square metre, this is 4 times more effective than standard geotextiles.

Treetex® is an intrinsic part of the CellWeb TRP® system; and must be in conjunction with the CellWeb TRP® in order to guarantee the success of the system.

Please see page 6 for full details of the guarantee.

# Geosynthetics CellWeb TRP® System:



## A Proven No Dig Solution

### Advice, Design and Product Selection

Geosynthetics Limited has been supplying the CellWeb TRP® system since 1998 and has vast experience in its application. No two contracts are the same and we understand the factors that need to be taken into account to specify the correct CellWeb TRP® product.

We provide a free consultation, design and advisory service to find the solution that is most cost effective and beneficial for your site. Our service includes product selection, engineering calculations, CAD drawings and full instructions to help you from project conception to completion.



Fallbarrow Park, Windermere:  
Prior to CellWeb TRP® Installation



Fallbarrow Park, Windermere:  
CellWeb TRP® Installation



Fallbarrow Park, Windermere:  
Completed CellWeb TRP® Installation

### Final Surfacing

The benefits of the CellWeb TRP® system can only be maintained if a suitably porous final surface is selected. An ideal surfacing is the Golpla grass reinforcement and gravel retention system, a visually attractive surface that has the advantage of being fully porous. Alternatives include block paviors, porous asphalts and loose or bonded gravel.

### Always Use CellWeb TRP®

The CellWeb TRP® system is the only research backed system of its kind in the UK with a 100% success rate. CellWeb TRP® has been specifically developed for the Tree Root Protection market. The system is supported by 15 years of data and thousands of installations making it the system of choice for the majority of Tree Officers and Arboriculturists in the UK.

CellWeb TRP® is uniquely identifiable. It is manufactured with a bright green panel on each side. When installed the green panels are laid adjacent, creating a green band across the construction.



Woodcock Hall, Yorkshire

# CellWeb TRP® Product Guarantee



We hereby guarantee CellWeb TRP® against the death of any tree caused by a failure of CellWeb TRP® which its installation was intended to protect for a period of 20 years starting from the date of this guarantee.

## Conditions of Guarantee

1. The details set out below must be correct in all respects.
2. We can only guarantee CellWeb TRP® where its installation has been carried out to high standards. Therefore our guarantee will only be applicable where:
  - (a) we have provided the designs in relation to the installation,
  - (b) the installation has been carried out by suitably proficient contractors,
  - (c) the installation has been carried out strictly in accordance with the installation specification/method statement available at the time of the installation,
  - (d) CellWeb TRP® has been incorporated into the installation above (and where specified as necessary, below) a Treetex® T300 Geotextile (or such updated replacement product as we may recommend), and
  - (e) the installation has been carried out using pins and panel staplers purchased from us or using similar products which are of the same or a higher quality.
3. If you experience any problems with the installation, you must tell us immediately. You must allow us onto the site at all reasonable times so that we can inspect the site and the installation to determine whether the CellWeb TRP® as failed.
4. As we need to determine whether the CellWeb TRP® has failed or whether the tree has been killed or damaged by another cause, you must not allow anyone else to examine the installation before we have the opportunity to inspect it as damage could be caused to the installation by any other inspection. If you do let third parties onto the site or you or your agents interfere with the installation this guarantee will lapse.
5. Your use of the surface and the traffic flow over the installation must be (and at all times have been) in accordance with the information provided to us at the time of the design of the installation. We can only provide designs based on the information you give to us and will have recommended the relevant CellWeb TRP® product according to that information.
6. This guarantee is for the benefit of the landowner of the site from time to time provided that you give us notice of the new owner on any transfer of ownership. We suggest you provide a copy of this guarantee to your solicitor when transferring the property.
7. Where a tree which was intended to be protected by the installation dies and we conclude that this was caused by a failure of CellWeb TRP® then we shall:
  - replace the dead tree with a tree as close to the dead tree (as available generally in the marketplace) as possible subject to a maximum replacement cost of £10,000; and
  - replace the CellWeb TRP® which has failed (but not any other part of the installation where the CellWeb TRP® has not failed) subject to a maximum replacement cost of £50,000.
8. Our total liability to you under the terms of this guarantee shall be limited to our obligations set out above and our liability to you for any other losses you may suffer is excluded to the fullest extent permitted by law. For the avoidance of doubt, we shall have no liability to you whatsoever for any damage to trees or a CellWeb TRP® installation caused by anything reasonably beyond our control, including for instance pollution.



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or email [sales@geosyn.co.uk](mailto:sales@geosyn.co.uk) for more technical advice.

Visit our website [www.geosyn.co.uk](http://www.geosyn.co.uk) for further information.

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**DECISION NOTICE***Refusal of Planning Permission*

Issued under Delegated Powers

**Inverclyde**  
council**Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY****Planning Ref: 17/0160/IC****Online Ref:100053710-001*****TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND)REGULATIONS 2013*****Dr Robin Smyllie  
Torridon  
Glenmosston Road  
KILMACOLM  
PA13 4PF****WvH Planning  
Philip Andrews  
Elmwood  
High Park Avenue  
East Horsley  
SURREY  
KT24 5DD**

With reference to your application dated 30th May 2017 for planning permission under the above mentioned Act and Regulation for the following development:-

**Erection of a new dwelling house on land 100 metres southwest of the main house at Torridon at  
Torridon, 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 reasons for the Council's decision are:-

1. That the design of the proposed dwelling is not compatible with the character and appearance of this part of the Kilmacolm Conservation Area and is thus contrary to criterion (a) of Policy RES1 and Policy HER1 of the Inverclyde Local Development Plan.
2. That the design of the proposed dwelling contrasts too significantly with nearby existing adjacent dwellings to be regarded as sympathetic to the character and amenity of the area and therefore does not, as required by Scottish Government Planning Advice Note 71, respect its surroundings and is contrary to the aims of Historic Environment Scotland's Policy Statement and the guidance in "New Design in Historic Settings."
3. That the level of tree removal likely to ultimately be required to accommodate the proposed dwelling would be unsympathetic to the character of this part of the Kilmacolm Conservation Area and, therefore, contrary to criterion (c) of Policy RES1 and Policy HER1 of the Inverclyde Local Development Plan.

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

Dated this 27th 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:
B100		30.05.2017
B120B	Rev B	08.06.2017
B121		
B122		30.05.2017

**KILMACOLM COMMUNITY COUNCIL**  
Minute of Meeting: Tuesday 27 June 2017

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**Kilmacolm Community Council Meeting**

**Tuesday 27 June 2017 at 7.30pm in Room 205 Kilmacolm Community Centre**

**Present:**

Helen Cook – Vice Chair  
David Goddard – Secretary  
Jan Johnston – Treasurer  
Alda Clark  
Edwin Fisher  
Helen MacConnacher  
David Madden

Cllr Christopher Curley – Ex Officio Member  
Cllr Stephen McCabe – Ex Officio Member

**Attending:**

PC John Jamieson - Police Scotland - and those listed on the attached  
*Attendance Register*

**Apologies:**

1. Mike Jefferis - Chair; Dale McFadzean; Cllr David Wilson - Ex Officio Member; Ronnie Cowan MSP -Ex Officio Member

**2. Welcome**

The Vice Chair opened the June 2017 meeting of the Kilmacolm Community Council and welcomed those attending.

**3. Minute of the Kilmacolm Community Council Meeting – 25 April 2017**

The minute of the 25 April 2017 meeting was approved.

**4. Police Scotland**

Seven crimes in the Kilmacolm and Quarriers Village area had been recorded in June 2017. The crimes included one serious assault, a motor vehicle theft, three acts of vandalism and two road traffic offences.

**5. Inverclyde Council Community Warden Service**

Inverclyde Council Community Warden Service had, in May, dealt with twenty five incidents of antisocial behaviour in the Kilmacolm area. These included eight incidents involving the misuse of drugs and alcohol and seventeen public nuisance and disorder incidents.

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*Subject to Approval at the May 2017 Meeting of the Kilmacolm Community Council*

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Minute of Meeting: Tuesday 27 June 2017

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Residents were encouraged to contact the Community Wardens and Police to report incidents of antisocial, dangerous or criminal behaviour and supplying as much information - including vehicle registration numbers - as possible.

*The Inverclyde Antisocial Behaviour Helpline contact telephone number - 0800 01 317 01.*

## **6. Planning/Licensing**

The KCC members considered the following planning applications that had been validated since the last meeting:

- *17/0160/IC - Torridon Glenmosston Road Kilmacolm PA13 4PF - Erection of a new dwelling house on land 100 metres southwest of the main house at Torridon*
- *17/0158/IC - The Grange Porterfield Road Kilmacolm PA13 4NT - Rear extension to dwellinghouse, extension of decking and erection of fence*
- *17/0156/IC - Springfield Duchal Road Kilmacolm PA13 4AY - Proposed detached garage*
- *17/0011/CA - 10 St James Terrace - RBS Lochwinnoch Road Kilmacolm PA13 4HB - 1no. 1500mm high internally illuminated ATM surround*
- *17/0148/IC - Lukeston Farm Branchal Road Quarriers Village PA11 3SL - Erection of farm workers house*
- *17/0140/IC - Land At Knockbuckle Road Kilmacolm PA13 4JT - One year temporary use of site for storage of materials, equipment and machinery*
- *17/0010/CA - The Kilmacolm Institute Lochwinnoch Road Kilmacolm PA13 4HA - Erection of illuminated fascia and projecting signs*
- *17/0095/IC - The Haven Kilmacolm Horsecraigs Auchenfoil Road Kilmacolm PA13 4TH - Siting of two caravans (in retrospect)*
- *17/0159/IC - Craigmarloch South Port Glasgow Road Kilmacolm PA13 4SG - Realignment of access road*

The KCC were not opposed to the applications nor did they feel that they required any formal comment.

Pauline Macklin addressed the meeting and presented her concerns in regard to *Planning Application 17/0039/IC - Glebe Court Gillburn Road Kilmacolm PA13 4NG - Installation of biomass heating system unit*. She had expressed these concerns, shared by near neighbours, to various Inverclyde Council departments. She also explained the difficulties she had experienced in her attempts to get clarification on aspects of the proposal. Of major concern was the erection of an 'industrial style' biomass unit with a tall flue on the Glebe Court site which was in full view of the nearby residents. This unit had been erected without planning permission and neighbour notification.

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***Subject to Approval at the May 2017 Meeting of the Kilmacolm Community Council***

**KILMACOLM COMMUNITY COUNCIL**  
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After discussion it was agreed that the KCC would inform Inverclyde Council Planning and River Clyde Homes of their concerns that the Biomass Unit had been erected without planning permission and requesting that appropriate actions were taken to rectify the situation.

A number of those in attendance the meeting were members of the newly formed Kilmacolm Residents Association who were opposed to the proposal, contained in the Main Issues Report, that the land West of Quarry Drive, that at Planetreeyetts and other greenbelt sites should be designated as land for any possible future housing development in Kilmacolm. They were also concerned about the KCC's response to the Main Issues Report Issue 10 - *Housing Land Supply: Kilmacolm & Quarriers*.

The Secretary clarified the position that the KCC had adopted on Issue 10. The KCC position was that *if* land currently designated greenbelt in and around Kilmacolm has to be released to meet housing needs then the KCC were supportive of the Inverclyde Planning favoured option of releasing the *Land West of Quarry Drive* for house building. It was the KCC view that this would best contain any further encroachment on the greenbelt. In their response to the Main Issues Report the KCC had requested Inverclyde Planning to revisit their housing needs calculations as it is believed they are overstated in the report. This overstatement and other factors may well influence the proposals put forward in the draft Local Development Plan which will be submitted for consultation. The Main Issues Report and the subsequent consultation are important stages in the lengthy Local Development Plan process.

It was also explained that the KCC - in compliance with its Standing Orders - could not consider, for a period of six months, an approach contrary to that already adopted. Nevertheless it was agreed that it would be useful to convene a meeting of Kilmacolm Community Councillors and representatives of the Kilmacolm Residents Association to discuss concerns and the future actions in regard to the Local Development Plan process. The meeting was scheduled for 7:00pm on Tuesday 29 August in the Kilmacolm Community Centre.

The Vice Chair invited the Kilmacolm Residents Association to nominate one or two of their members to join the Kilmacolm Community Council and participate as Associate Members. The KCC would be advised of any nomination for their consideration.

#### **6. Roads, Pavements, Street Lighting, Parks and Open Spaces**

The Secretary undertook to report the pothole hazards on the Kilmacolm roads.

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*Subject to Approval at the May 2017 Meeting of the Kilmacolm Community Council*

**KILMACOLM COMMUNITY COUNCIL**  
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It was suggested that the Kilmacolm Community Council should publicise the need for homeowners to trim back the foliage overhanging their property boundaries. These overgrowths were hazardous and in some cases compromised the safety of pedestrians.

**7. Kilmacolm Community Council Finances**

Prior to the meeting the Secretary had circulated to the community councillors the June 2017 Budget v Actual Report.

The 2017/2018 expenditure to June was shown as £342.54 and the year end bank balance forecast as £3,098.

The 2017/2018 budget includes a proposed £250 donation towards the funding of the Community Access Defibrillator to be situated in Birkmyre Park. It had been agreed with the Birkmyre Fitness Gym Manager that this donation would be gratefully received.

**8. Grass Cutting in 'Shared Area' In Nursery Grove: Kilmacolm**

Fiona Cherry addressed the meeting explaining that there was a small strip of land in Nursery Grove for which a number of householders have a shared responsibility - by dint of their title deeds - to maintain. Despite this some of those with this responsibility were not prepared to contribute to the cost of the 'strip' grass cutting. Fiona was seeking the support and intervention of the KCC to resolve the situation.

Although in sympathy with those who were contributing to the grass cutting costs it was explained the KCC could not become involved in what was essentially a 'neighbourhood dispute'.

**9. Kilmacolm Village Centre Community Access Defibrillator**

Jan Johnston undertook to pursue the proposal for the provision of a Community Access Defibrillator sited, ideally, in the Cargill Centre area.

**10. Dates of Next Meetings of Kilmacolm Community Council**

- Tuesday 29 August 2017 - 7:30pm
- Tuesday 26 September 2017 - 7:30pm

**Kilmacolm Community Council**  
**Meeting : 27 May 2017**  
**Attendees**

Print Name/Organisation	Signature
CL. WALKER SDW	
LOUISE LEADIE KLT	
JILL RUSSELL	
PAULINE MACKLIN	
Aileen Watson	
FIONA CHERRY	
JOAN WATSON	
MARGIE MCCALLUM	
F. Hughes	
J. CARSON	
C Hancock	
C Hancock	
A. VITRANO	
DAVID SCOTT	
Shula THOMPSON.	
Maxie THOMPSON	
MARIC SIMPSON / COMMUNITY WARDEN	
MICHAEL LEWIS / COMMUNITY WARDEN	



**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

25<sup>th</sup> June 2017

Dear Mr Jamieson

**KILMACOLM CIVIC TRUST COMMENT ON PLANNING APPLICATION 17/0160/JC**  
**(Torridon, Glenmosston Road, Kilmacolm)**

The Kilmacolm Civic Trust Executive Committee considered this application at its monthly Executive Committee meeting at 7.30pm on Thursday 22<sup>nd</sup> June 2017.

We fully support the proposal. This is high quality adventurous architecture. The concept and design are interesting and exciting, and would add to the variety and interest of the palette of architectural styles of existing quality houses in Kilmacolm as a whole. Much thought has been given to the fact that the site is in a heavily wooded part of the original Conservation Area. A HUF Haus is a unique modern architectural style that is well suited to the woodland environment and setting. It is clear that the new dwelling is to be positioned in such a way that it will be only glimpsed from Glenmosston road, and neither be seen from the main house (Torridon itself) nor from the neighbouring property (Ladymuir).

Introducing a HUF Haus into this part of Kilmacolm will add as a counterbalance to 4 existing very mundane houses that sit in awkward spaces on Glenmosston Road and Rowantreehill Road. It would provide a considerable and improving uplift to the Glenmosston Road architectural flavour and would not overpower or encroach on neighbouring houses.

The proposal is also good because it is the best example of high quality off-site production; incorporates many eco-friendly features; will not take long to erect. We have studied the Landscape Appraisal carefully. We note that considerable thought has been given to the protection of the on-site trees and root structure that may be affected by the construction process and note and are content that 6 trees will have to be removed. Considering the extent, variety and density of the woodland in this part of the Conservation Area the removal of those 6 trees will be hardly noticeable and will have little impact.

Yours Sincerely,

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



The application is supported by a design and planning statement, a landscape appraisal and a tree survey. The tree survey concludes that the trees are generally in good condition with large sized conifers dominant. The six trees identified to be removed are all regarded as being in poor condition or of lower grade. The report also sets out tree protection measures for the remaining trees during construction. The landscape appraisal sets out the characteristics of the Kilmacolm Conservation Area and the village, that of the existing tree planting, and addresses the possibility of the development of a new house without detriment to the character and quality of the setting of the village. It concludes that mature conifer trees are an important feature in the setting of the Conservation Area and the village but that none of these will be removed and that there will be no significant impact on setting arising from the proposed removals. The remaining trees will largely screen the proposed dwelling and the appearance of Glenmosston Road will be improved by beech hedging being extended along the site frontage and the erection of stone pillars.

The design and planning statement draws on these studies and concludes that the design and siting of the dwelling and other planning considerations indicate support against the relevant planning policies. The main consideration relates to the form, scale and quality of design and minimising visual impact on neighbouring properties, the site's existing landscape features and the character and appearance of the Conservation Area, all of which are thought either to be achieved or not compromised. It considers the design to be appropriate in a secluded setting, improving the character and quality of the Conservation Area in a sustainable manner.

## **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 Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

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

## **CONSULTATIONS**

**Head of Environmental and Commercial Services** - Parking provision is acceptable. The driveway requires to be paved for a minimum of 2 metres to prevent loose driveway material being carried onto the road. The driveway shall be a minimum of 3 metres wide and the gradient shall not exceed 10%. The applicant shall produce a drawing demonstrating how a visibility splay of 2.4m by 43m by 1.05m high can be provided. Minimum garage size requires to 7m by 3m (internal dimension). The associated clear access dimensions shall be 2.1m wide by 1.98 m high.

## **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**

Three representations have been received, two of which are objections from the same individual. The points of objection may be summarised as follows:

1. The integrity and beauty of Glenmosston Road will be compromised with the loss of a considerable section of fence and wall.
2. The new entrance will lead to traffic conflict for existing residents with increased traffic levels as it is a single car [width] road with blind spots and no turning points. The latter could result in adverse impacts on existing driveways and potential damage to the perimeter of adjacent properties.
3. The design of the proposed dwelling is in conflict with the established Austin Laird design theme.
4. The removal of any trees would be unfortunate.

Kilmacolm Civic Trust fully supports the proposal, considering it high quality adventurous architecture which would add to the palate of architectural styles of quality houses in Kilmacolm. It considers the house design appropriate to the wooded environment and that its position has been carefully considered with limited or no visibility from Glenmosston Road or neighbouring properties. It also considers that the design would counterbalance existing house designs. It supports the quality of the production, eco-friendly features, the landscape appraisal and the thought given to protecting trees, with the limited number to be removed hardly noticeable.

## **ASSESSMENT**

The material considerations in determination of this application are the Inverclyde Local Development Plan, Planning Application Advice Notes (PAAN) 2 on "Single Plot Residential Development" and PAAN3 on "Private and Public Open Space in New Residential Developments", 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 representations and the applicant's supporting information.

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. There has historically been pressure for infill residential development in this area. I am content that the size of the proposed plot is commensurate with those existing in this part of the Conservation Area, albeit noting that the plot will be donated from an exceptionally large plot in Torridon, which is substantially greater than others in the immediate area.

Dwellings are generally a variation on a theme along Glenmosston Road in terms of design and materials and it is possible to discern the evolution of the architectural style with later developments taking their cues from earlier designs. Even those dwellings which have a greater element of "uniqueness" are still recognisably part of an overall design ethos. This helps define the character of this part of the Conservation Area. I consider that the proposed dwelling does not adhere to any recognisable architectural style in the immediate vicinity but will appear, in context, to be a unique house which has been developed on the site with no recognisable evolution from the established architecture. The planning statement submitted by the applicant seeks to justify the proposal, not by reference to the localised environment and the evolving design that I have identified but by reference to the much wider Conservation Area where, it is acknowledged, there is not a single vernacular. This ignores the fact that there are homogenous landscapes and townscapes within the wider expanse of the Conservation Area. These are important integral parts of the wider Conservation Area and should be acknowledged. What ties these component parts together is the maturity of the landscape and the setting it provides to the built development.

The statement goes on to extol the virtues of a "distinctive" and "eye-catching" design. I agree that the proposed dwelling is a "high quality of design" but disagree that it "improves the character and quality" of the area. I consider that it introduces too significant a contrast in design to be regarded as sympathetic to the character and amenity of this part of the Conservation Area and therefore does not, as required by PAN71, respect its surroundings. On this basis I conclude that it is not compatible with the character and amenity of the area (criterion (a)).

My conclusion in respect of criterion (a) of Policy RES1 is reflected in my assessment of Policy HER1. Policy HER1 requires, in addition to assessment of the character, pattern of development and appearance of the area, consideration of Historic Environment Scotland's policy and guidance. The Policy Statement 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. The most relevant guidance in this instance 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 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."

In view of my conclusions with regard to criterion (a) of Policy RES1, I consider that the proposal does not respect the design of existing buildings and would not protect the character of the area and is thus contrary to the Policy Statement and the guidance in "New Design in Historic Settings."

The application site is also notable for its tree cover, which is dense in places. The applicant proposes to erect the dwelling on a less densely populated part of the plot. Although noting 6 trees would be removed, I agree that the tree removal proposed would have limited impact on the established landscape. Most site clearance would involve the removal of rhododendron bushes and other low growing scrub of little landscape or ecological consequence. It is noted that no significant landscaping is proposed by the applicant aside from the planting of beech hedging along the site

frontage, which is characteristic of other properties along this section of Glenmosston Road and would be welcomed. Emphasis is instead laid on the retention of the existing mature trees surrounding the proposed dwelling. Whilst the landscaping proposals are acceptable (satisfying criterion (b)), I am less convinced by the ultimate retention of the existing mature trees in the vicinity of the proposed dwelling. Although the applicant proposes initially limited tree removal I consider there will be pressure for further tree removal for two reasons.

Firstly, the site is very enclosed by the existing planting. Standing on the site of the proposed dwelling the observer is struck by the imposing nature of the existing trees surrounding the site and the potential threat that they could pose to the proposed dwelling and its garden grounds. The removal of the remaining trees from this part of the site to allow for the construction of the proposed dwellinghouse will create a more open area. It has been the Council's experience elsewhere that the creation of such openings within an area of conifer planting, where typically soils are shallow and rock is close to the surface, has led to wind vortex issues in stormy conditions and the subsequent damage to trees, including their uprooting. Indeed, the applicant's arboricultural consultant notes that "some storm damage has occurred and a few larches in particular have suffered from crown damage". My concern is that future occupants of the proposed dwelling would seek the removal of trees near to the proposed dwelling and its surrounding garden space for personal safety and property insurance purposes and, therefore, the proposed limited tree removal may possibly only be the start of tree removal associated with this development.

Secondly, the imposing nature of the existing trees means that daylight and sunlight is more limited than would normally be the case. Noting that most of the trees are conifers this would be the case all year round and would be particularly noticeable in the winter months. I consider that human nature suggests that, over time and as the existing trees continue to grow and reach further maturity, there will be a demand to improve the sunlight and daylight levels received by the proposed dwelling and its associated garden grounds.

Both of these factors, potentially leading to further tree removal and greater visibility of the proposed dwelling, would adversely impact on the existing landscape and, in view of my conclusion on the matter of the dwelling's design, would be to the detriment of the character of this part of the Conservation Area (criterion (c)). Whether or not such demands would occur, it is incumbent on the Council not to allow the creation of circumstances under which this would occur and to assess potential impacts on the existing landscape on this basis.

I note no objections from the Head of Environmental and Commercial Services and additionally, from my own assessment, conclude that the proposal accords with criterion (d). 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.

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 and the established front building line is respected. 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, ensuring accordance with criterion (f) of Policy RES1.

I therefore conclude that the proposal is contrary to Policies RES1 and HER1 of the Local Development Plan and does not accord with the Historic Environment Scotland Policy Statement or the "New Design in Historic Settings" guidance note 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.

With respect to the representations not yet addressed, I would support the loss of a wall and fence in lieu of the proposed beech hedge planting, which is characteristic of the area. Furthermore, I do not consider that the proposed new access, nor the level of traffic likely to be associated with it, would adversely impact on traffic safety to the extent that refusal of planning permission would be justified on these grounds alone. I note the comments in support of the application but consider that none of these outweigh my concerns.

### **RECOMMENDATION**

That the application be refused for the following reasons:

1. That the design of the proposed dwelling is not compatible with the character and appearance of this part of the Kilmacolm Conservation Area and is thus contrary to criterion (a) of Policy RES1 and Policy HER1 of the Inverclyde Local Development Plan.
2. That the design of the proposed dwelling contrasts too significantly with nearby existing adjacent dwellings to be regarded as sympathetic to the character and amenity of the area and therefore does not, as required by Scottish Government Planning Advice Note 71, respect its surroundings and is contrary to the aims of Historic Environment Scotland's Policy Statement and the guidance in "New Design in Historic Settings."
3. That the level of tree removal likely to ultimately be required to accommodate the proposed dwelling would be unsympathetic to the character of this part of the Kilmacolm Conservation Area and, therefore, contrary to criterion (c) of Policy RES1 and Policy HER1 of the Inverclyde Local Development Plan.

Signed:

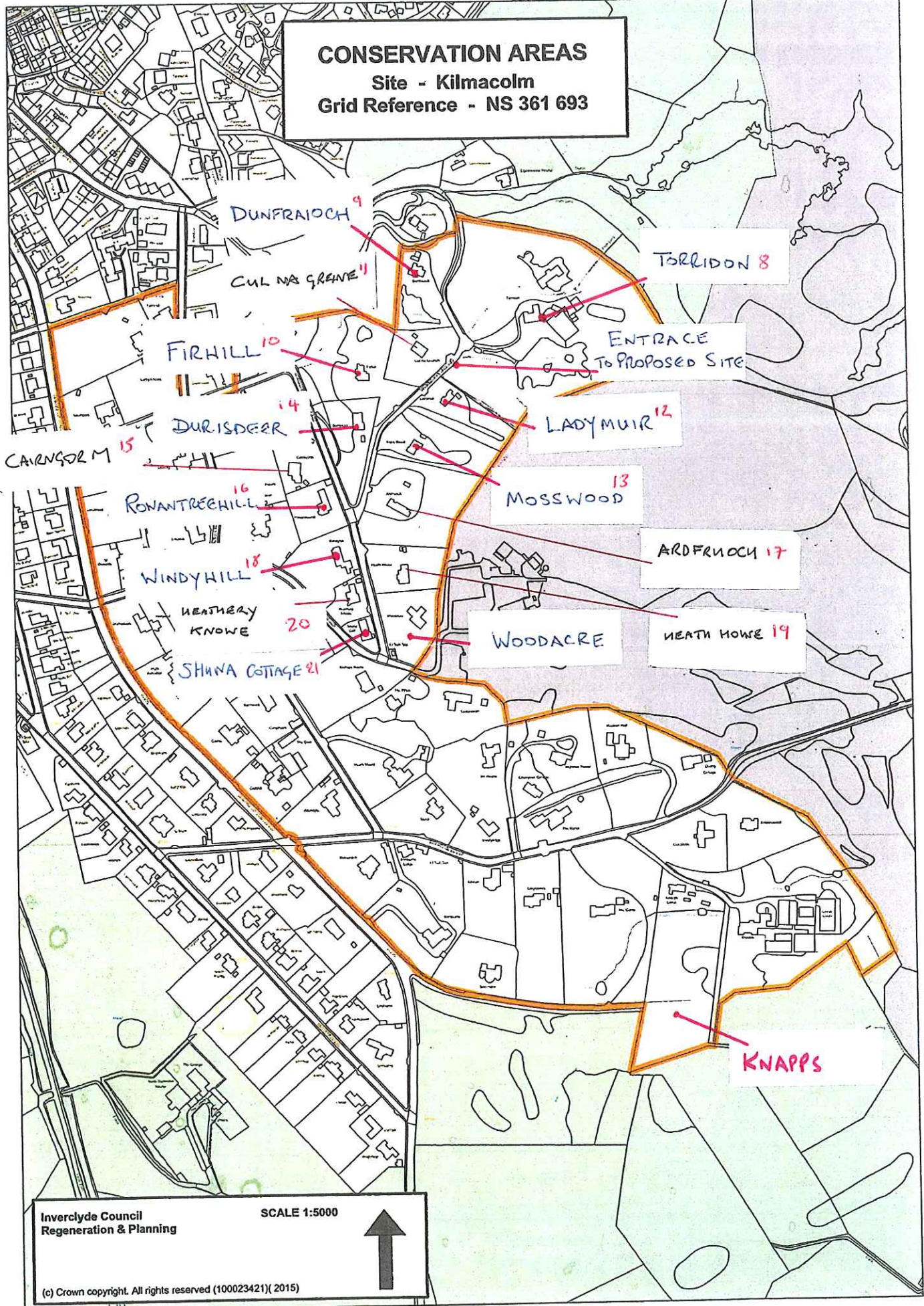


Case Officer: David Ashman



Stuart Jamieson  
Head of Regeneration and Planning

**CONSERVATION AREAS**  
Site - Kilmacolm  
Grid Reference - NS 361 693



Inverclyde Council  
Regeneration & Planning

SCALE 1:5000

↑

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TORRIDON

8



DUNFRAIOCH

9



# FIRHILL 10



CUL NA GREINE II



LADYMUIR 12



# MOSSWOOD 13



# DURISDEER 14



CARNGORM 15





# ROWANTREEHILL 16



ARDFRUCH. 17



# WINDY HILL 18



HEATH HOUSE 19





Shuna Cottage 21



# WOODACRE 22





Planning Advice Note

# conservation

Area Management

Research and Scottish Government  
**conservation areas** - Government of Scotland  
Planning and Communities Work Programme





# 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.



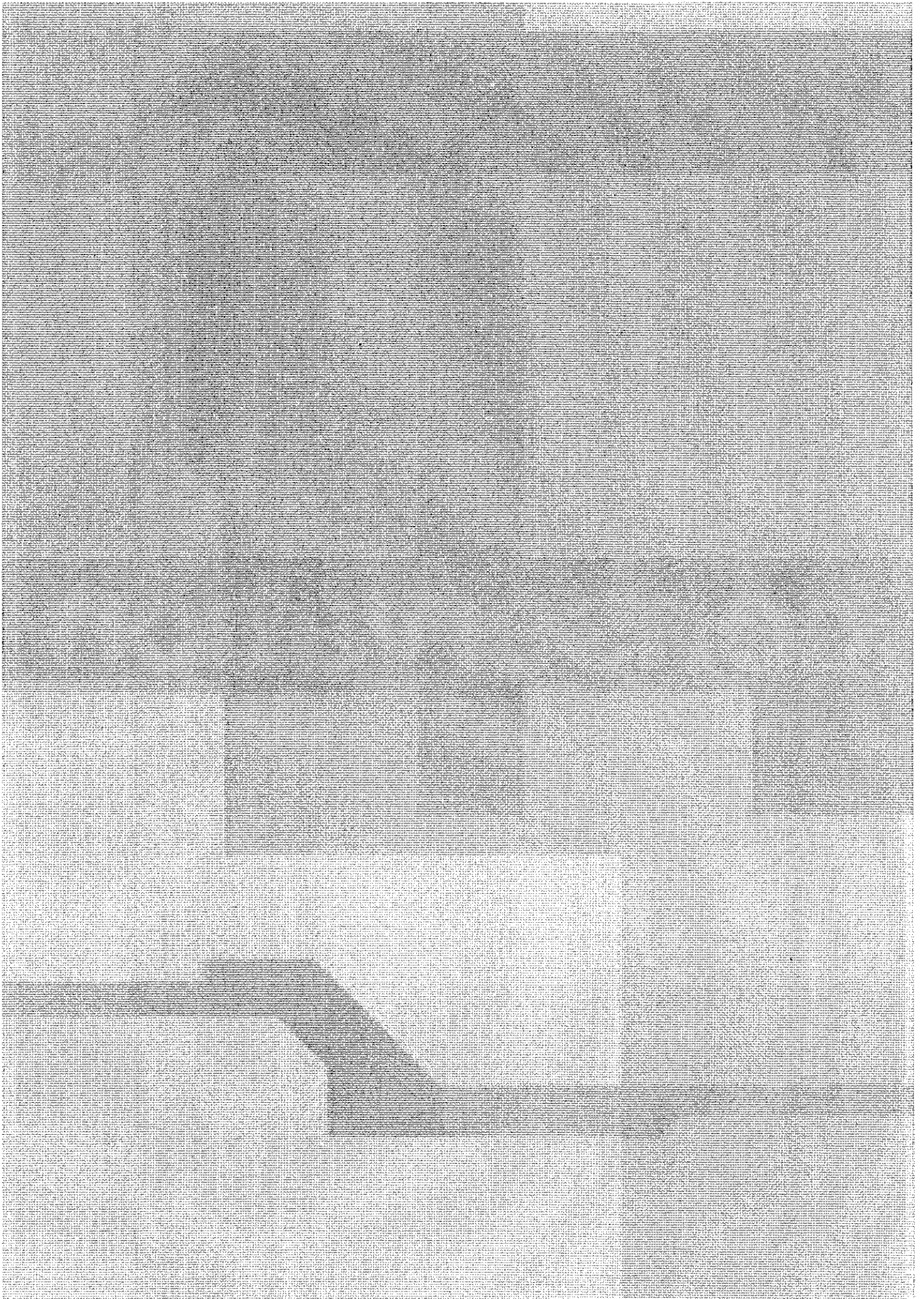
Planning Advice Note

# conservation

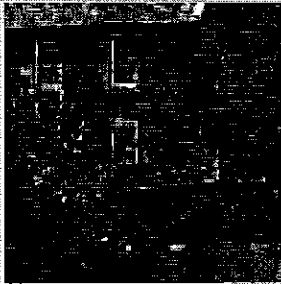
Area Management

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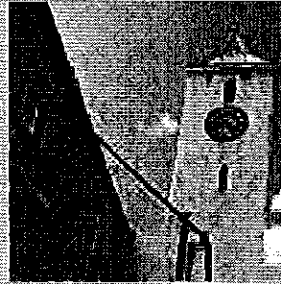


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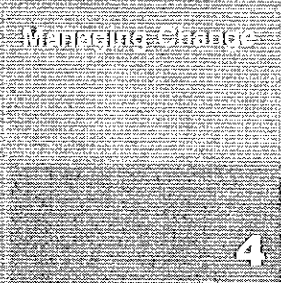
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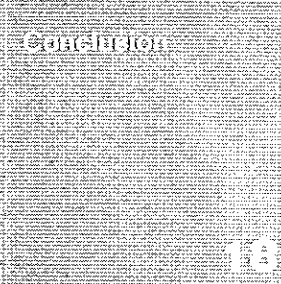
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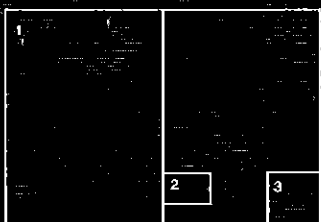
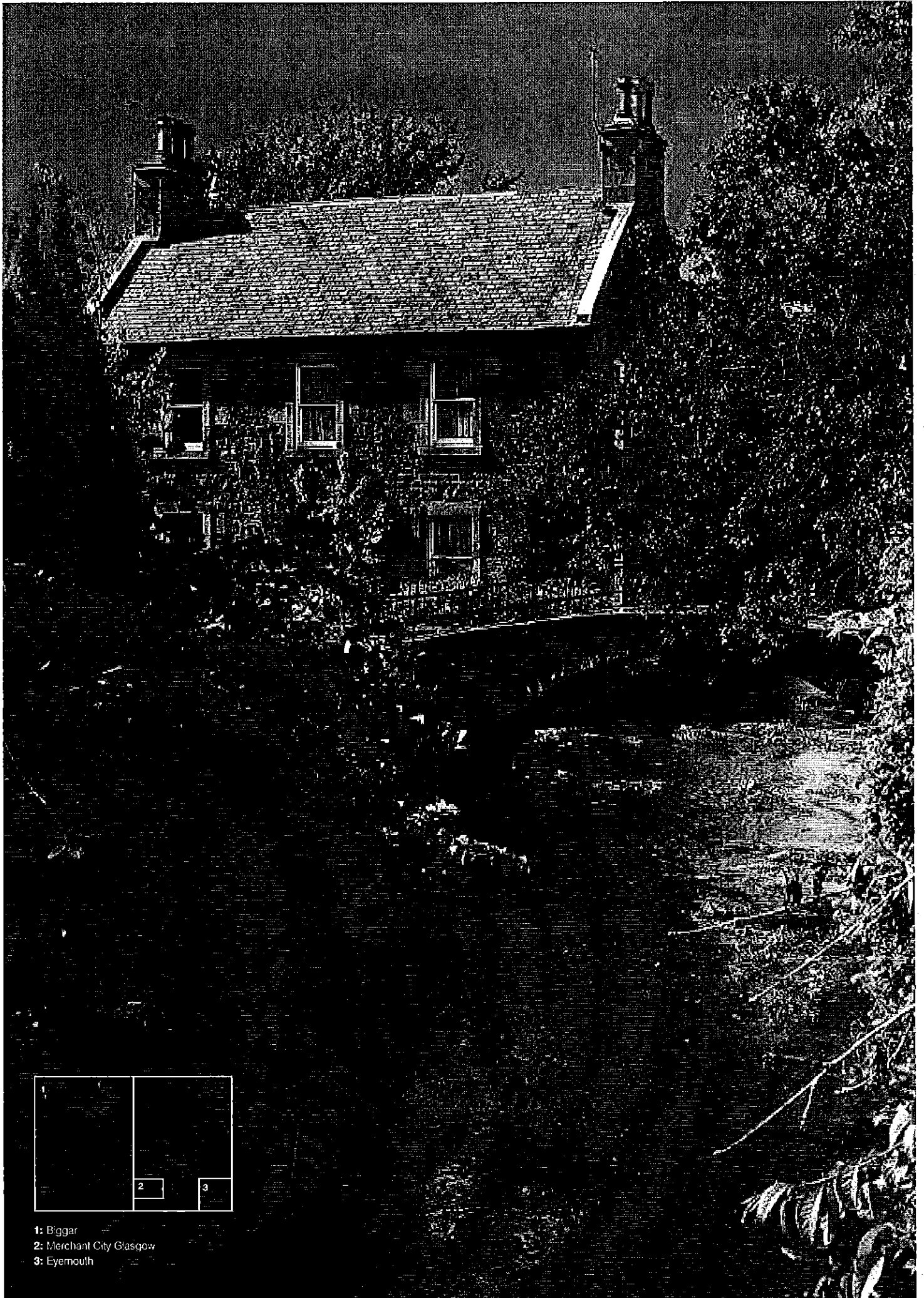
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- 3: Eyemouth

## 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.

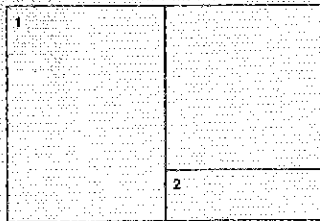
## Designation and Review

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.

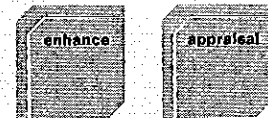
Special architectural interest can be interpreted broadly. As well as the settings of architectural set pieces and the spaces between buildings, designation can give recognition to groups of individual buildings or characteristic forms of urban development and evolution. Equally, conservation area designation 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.



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.



## 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	
2	3

- 1: Perth, 1960's to present
- 2: Perth, 1830'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.

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.



## 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	2

1: Inverness  
2: Dunkeld



## Case Study

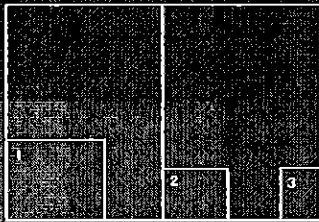
**Burgh Yard, Dollar**, is a quality development on a key site within an outstanding conservation area. The success of the development is attributable to Clackmannanshire Council's active management process, which was recognised in 1997 with a Scottish Award for Quality in Planning.

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

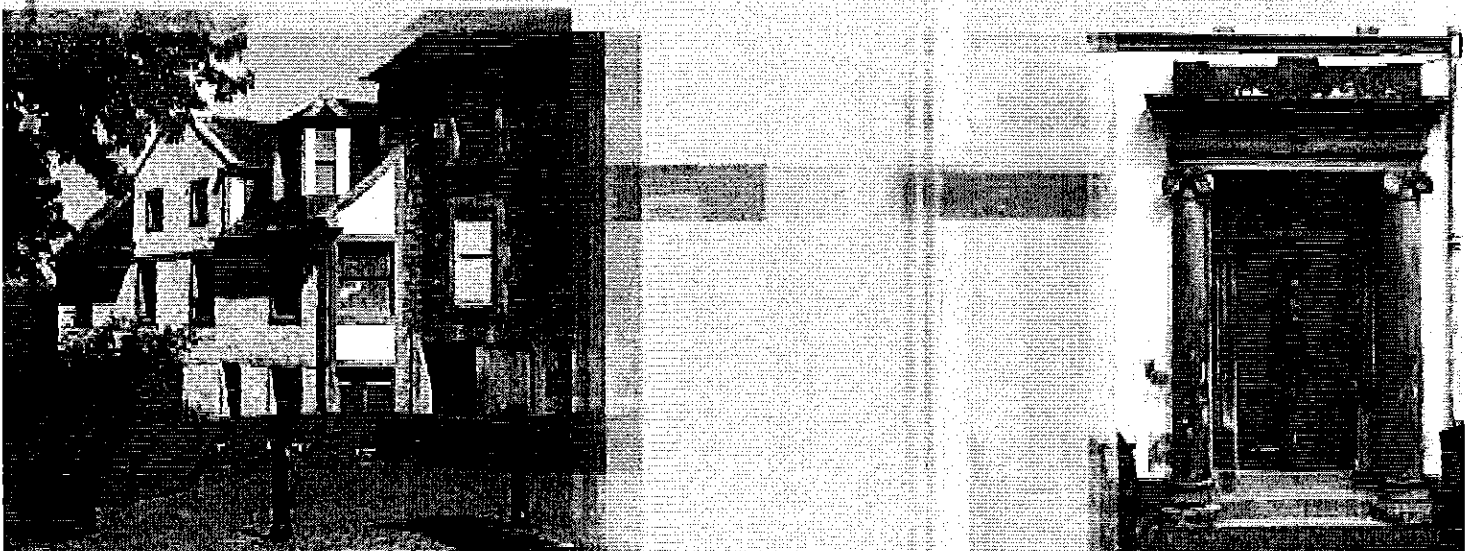
Where appraisals identify listed or significant properties which are at risk from neglect, authorities should alert the Scottish Civic Trust, which maintains the Buildings at Risk Register on behalf of Historic Scotland. The register aims to unite owners of neglected properties with those who have the 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](http://www.buildingsatrisk.org.uk)

### Urgent Works Notices

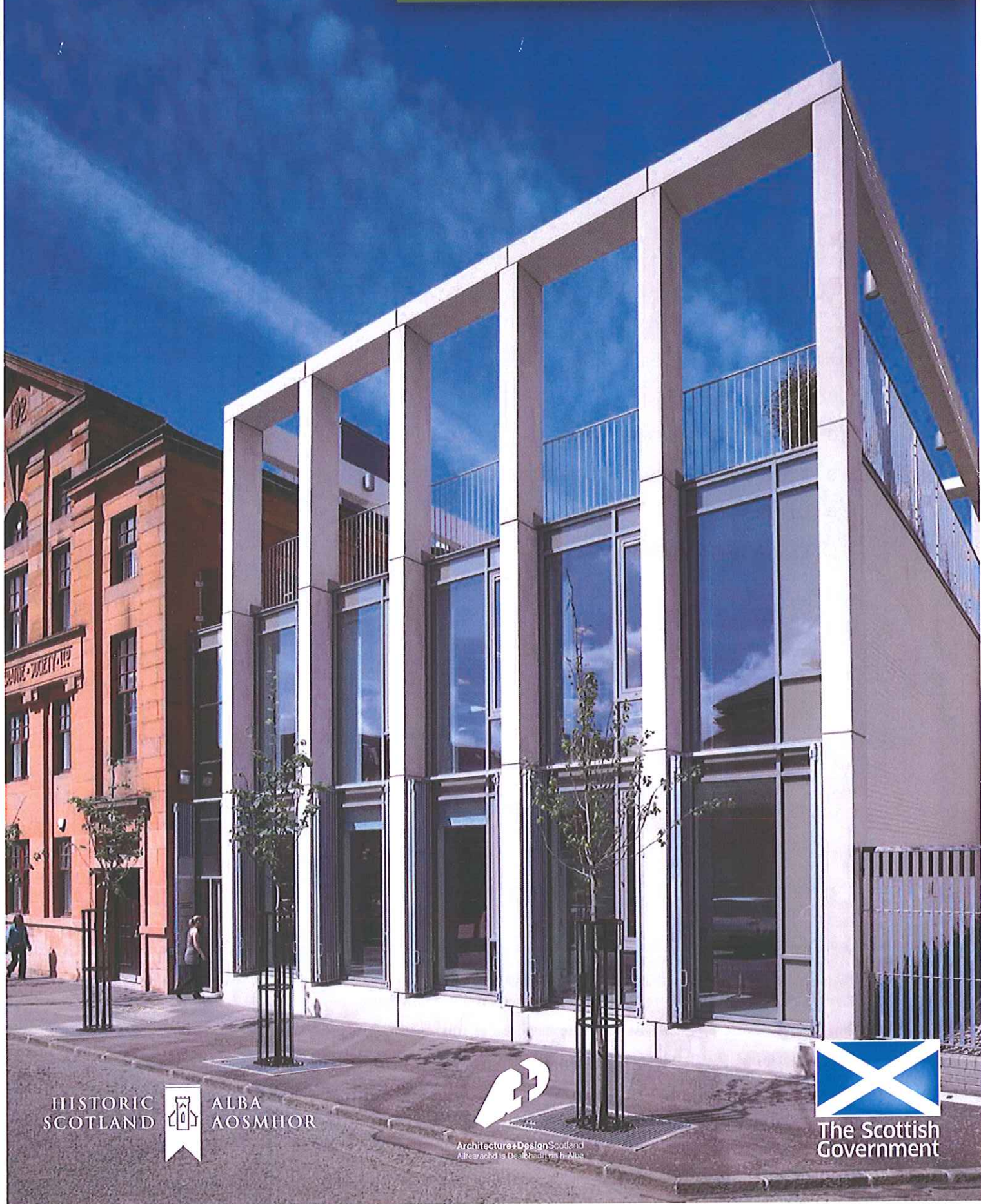
Urgent works notices allow local authorities to carry out works which they feel are necessary to preserve a historic building suffering from neglect. The notice may be used to deal with listed and unlisted buildings in conservation areas. Notices should, however, only be served on unlisted buildings 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.



# NEW DESIGN IN HISTORIC SETTINGS



HISTORIC SCOTLAND



ALBA  
AOSMHOR



Architecture+DesignScotland  
Ailleannd is Dealbhachais ri Alba



The Scottish Government

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## Acknowledgments

We would like to express our thanks to Urban Initiatives, Malcolm Fraser Architects and Andrew Wright Heritage Consultants for their work in preparing the Initial report for this publication.

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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.

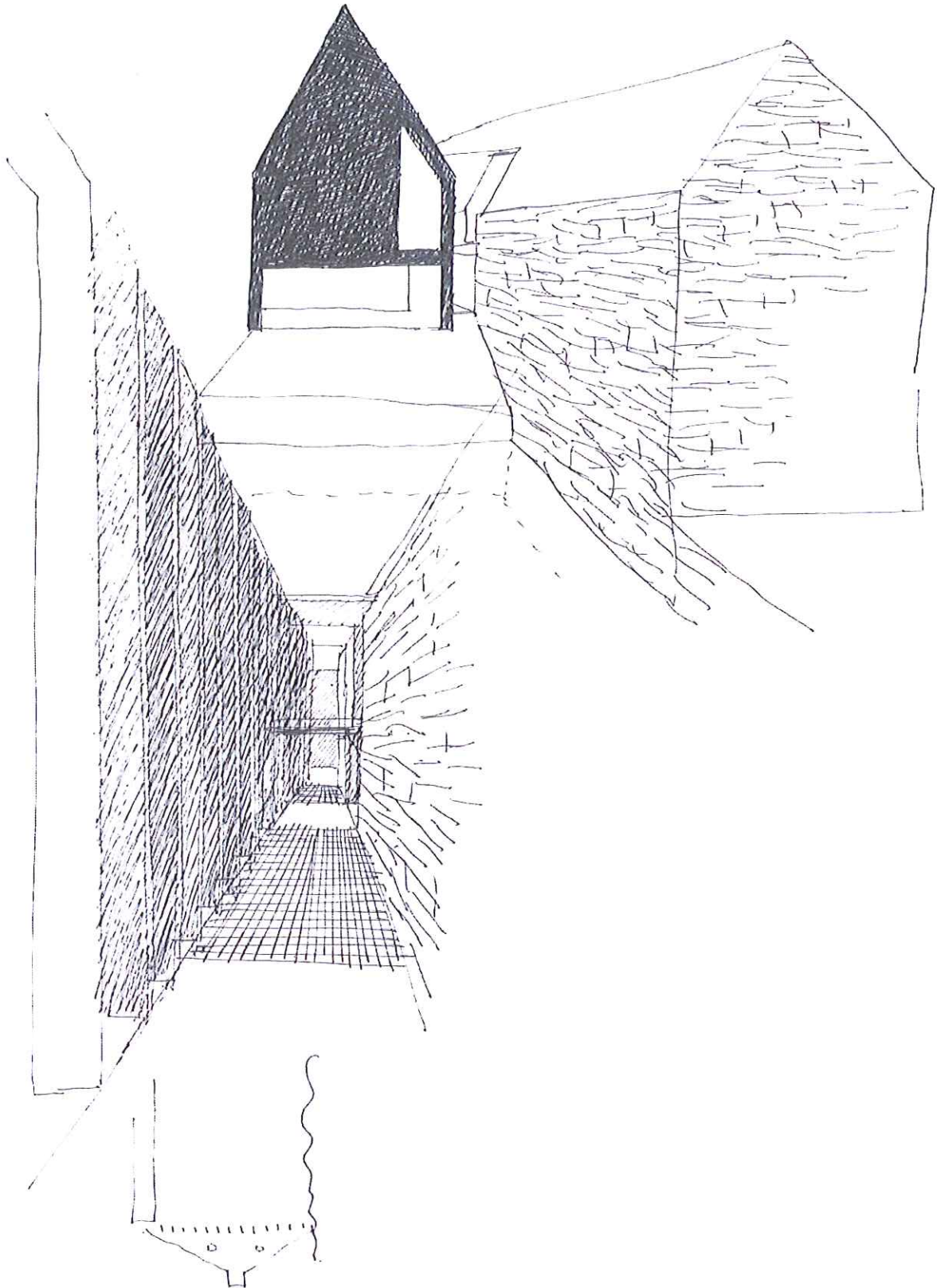
It is not a checklist or a one-stop shop. It has looked at successful projects and how what they did might be replicated to enhance the design process.

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:

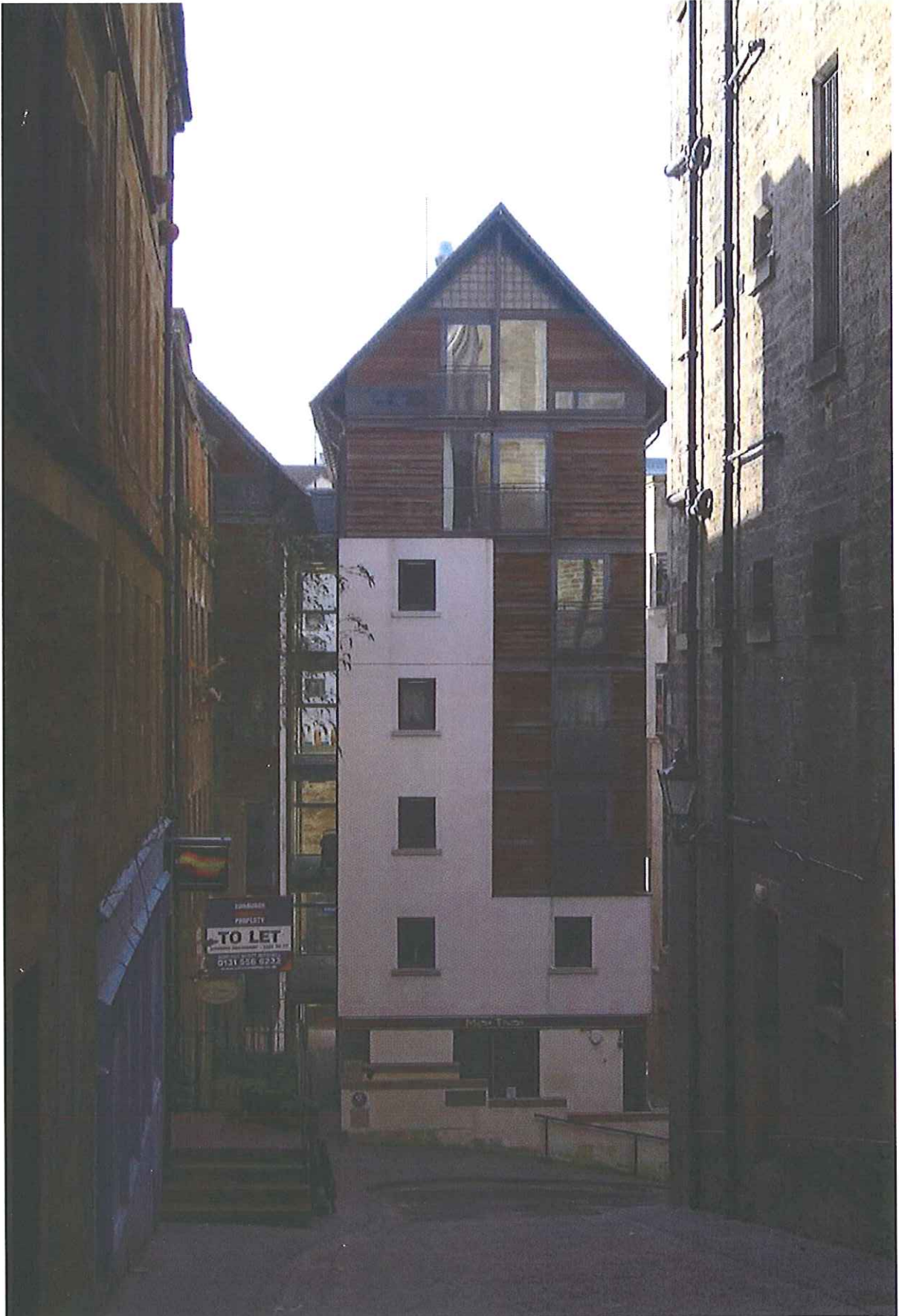
- Designers
- Developers and other clients
- Local Authorities
- Other stakeholders such as amenity bodies and community groups
- Other built environment professionals

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

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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

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'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

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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

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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

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



Reidvale Centre, Dennistoun, Glasgow, JMArchitects, 2008

## 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.

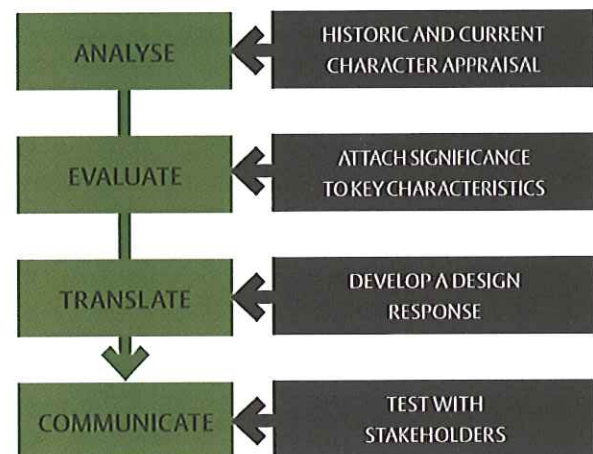
#### Stage Three

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.

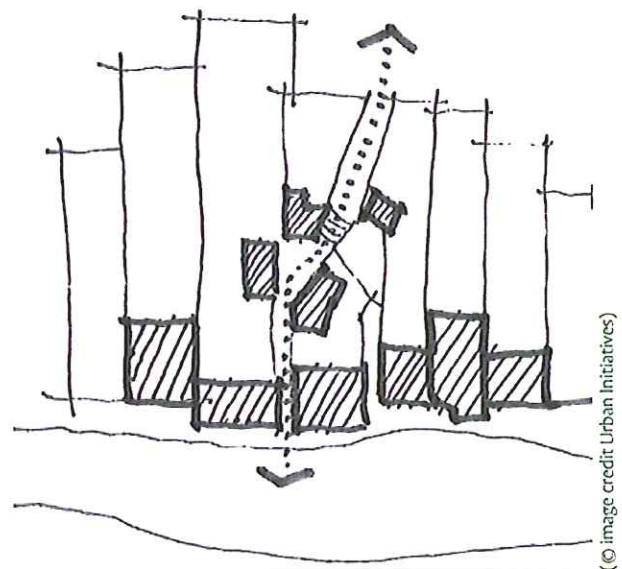
The process should follow the general principles of informed conservation. In general, change should not be made unless the impact of change is understood. The extent of analysis and the geographical area that it covers will depend on the nature and size of the project. For a small scale infill an analysis 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

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"> <li>• Is the urban structure coherent and well-defined?</li> <li>• Is there an obvious hierarchy of various elements?</li> <li>• Where does the development sit within this hierarchy?</li> <li>• Where was it derived from – single period or multiple factors?</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
Urban Grain	<p>The urban grain around the site should be examined and the general pattern established.</p> <ul style="list-style-type: none"> <li>• Does the site sit comfortably within the surrounding urban grain?</li> <li>• Is there scope to open up new routes through the site that would contribute to the urban grain?</li> </ul>	<ul style="list-style-type: none"> <li>• A record of the urban grain in the areas adjacent to the site.</li> <li>• An understanding of the need and capability of the site to contribute to that urban grain.</li> </ul>
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"> <li>• How does density vary in the area?</li> <li>• How high are the densities around public transport nodes, towards town centres, parks and waterfront areas?</li> <li>• What is the mix of uses in the area?</li> <li>• Is there a mix of housing types?</li> </ul>	<ul style="list-style-type: none"> <li>• An understanding of the variations in density and mix in the area and the scope to translate these to the site.</li> </ul>
Scale: Height and Massing	<p>The height and massing of the area should be examined.</p> <ul style="list-style-type: none"> <li>• What is the prevailing height of the area?</li> <li>• Are there any significantly taller buildings?</li> <li>• Is the size of the site large enough to require the massing to be broken down?</li> <li>• If so, are there any existing buildings that have used a particular technique to break down massing?</li> </ul>	<ul style="list-style-type: none"> <li>• A clear indication of the general height and massing in the area.</li> <li>• An indication of landmarks and taller buildings.</li> </ul>

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

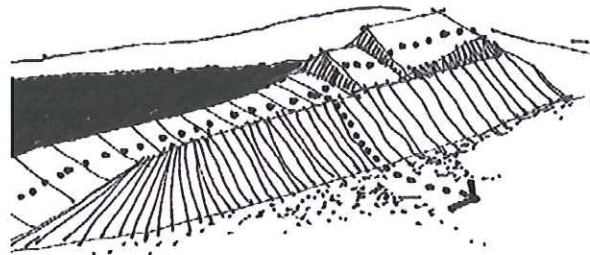
## 4.4 EVALUATE

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.

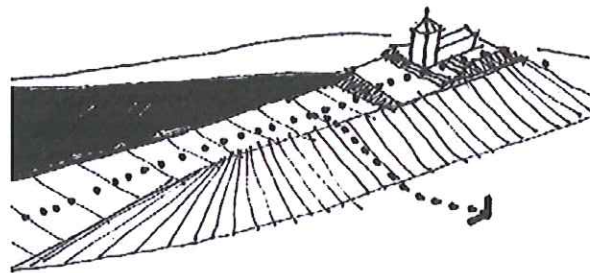
Where change impacts directly on a historic asset, we need to understand its significance to enable that change to be managed effectively. This is as true of a historic setting as it is an individual building. The evaluation can be carried out by allocating relative levels of value or significance to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

### Outputs

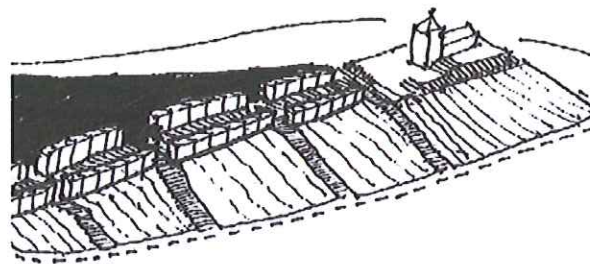
The main outputs from this stage of the process will be an enhanced understanding of the place and the historic setting through an evaluation of its significance. This should be recorded and documented, contributing to the audit trail of the decision-making process. A short report, tables which chart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



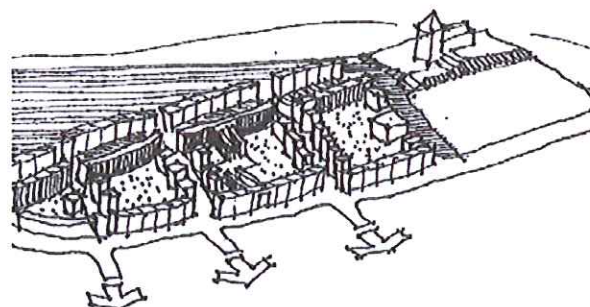
Topography and straight routes identified as significant and distinctive



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

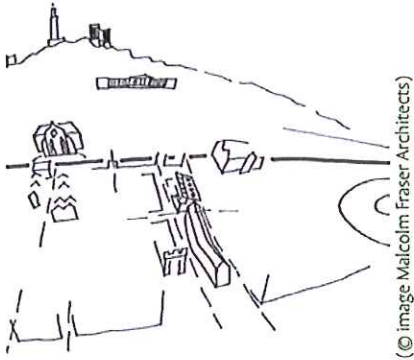
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The information and lessons learnt about the historic setting and its character needs to be translated into sympathetic design solutions through the development of a design vision.

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.



## 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:

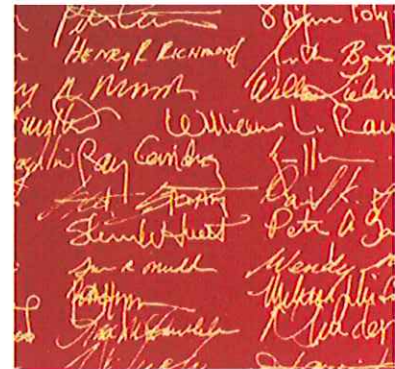
- The planning authority
- Key government agencies including Historic Scotland
- Architecture and Design Scotland
- The local community
- Other interest groups and individuals

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.



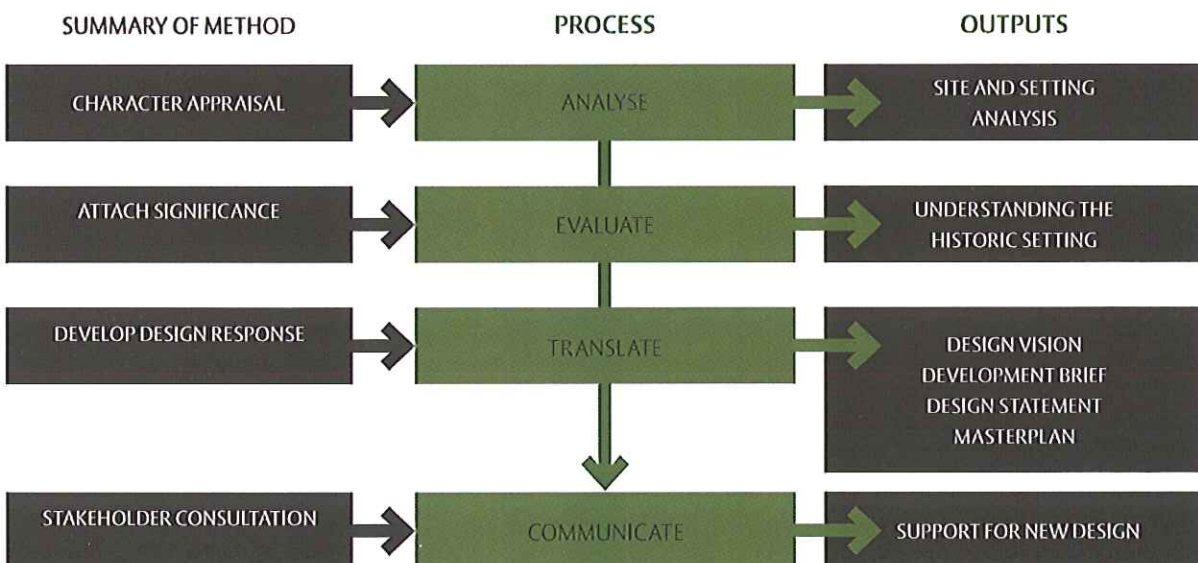
A community consultation event

(© image credit Urban Initiatives)



Community endorsement of proposal by signing a charter

(© image credit Urban Initiatives)





## 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.

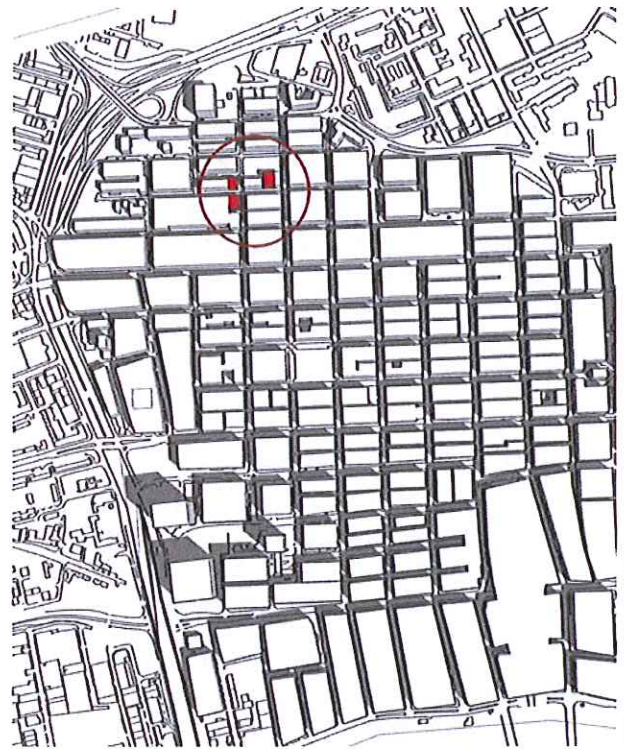
**Setting**

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.

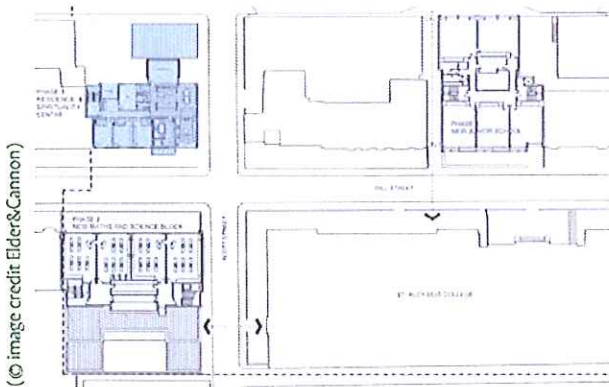
**Phases**

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: Elder&Cannon)



(© 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

### 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

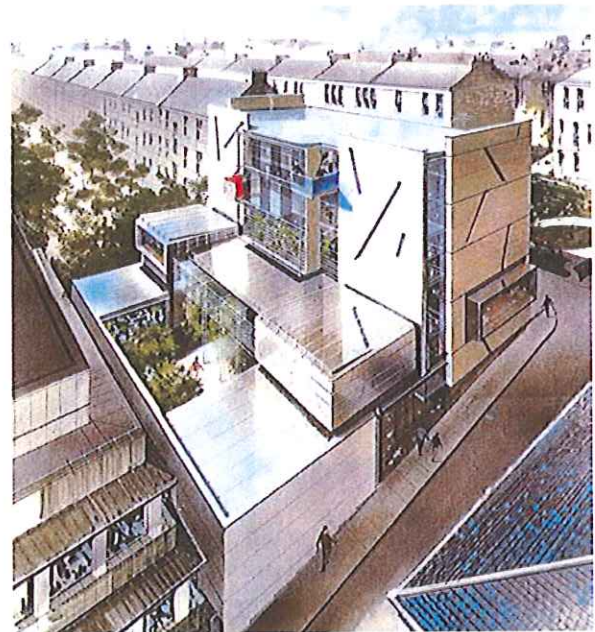
The architects were clear that the task of repair and renewal of the urban fabric meant following the general urban scale and pattern. Re-affirming the urban wall to the street in the mid-terrace, primary school site, by infill, was straightforward. For the Clavius and Residence buildings, at the two corner sites, the terrace form was robustly terminated. In the backs of the buildings, in the space analagous 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 Elders&Cannon)

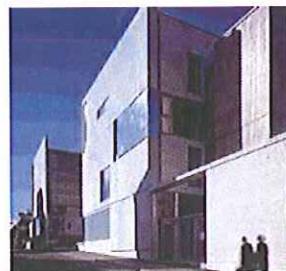


(© image credit Keith Hunter)

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.

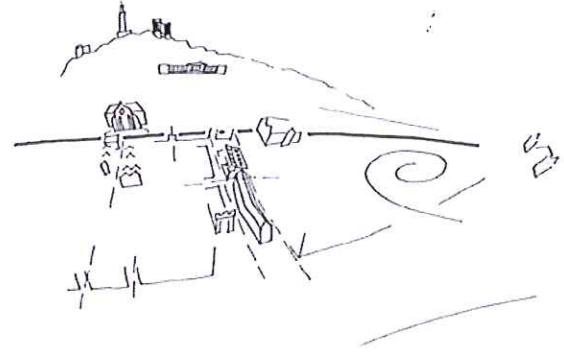
### Setting

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.

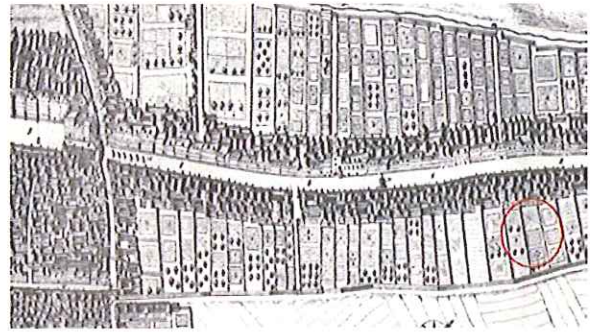
### Opportunity

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 Crags, allowed a contemporary concentration on orientation towards sun and landscape and the exploitation of the social-placemaking that a close offers.

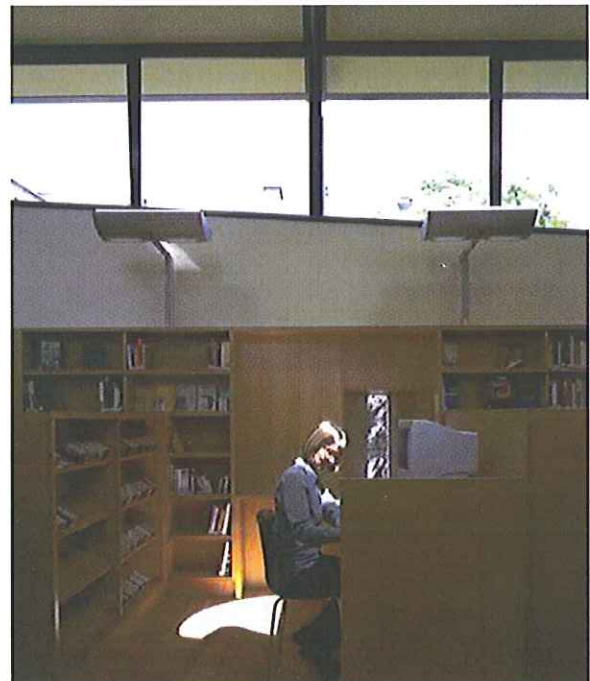


(© image credit Malcolm Fraser Architects)

Above: the site as seen from Salisbury Crags, 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)

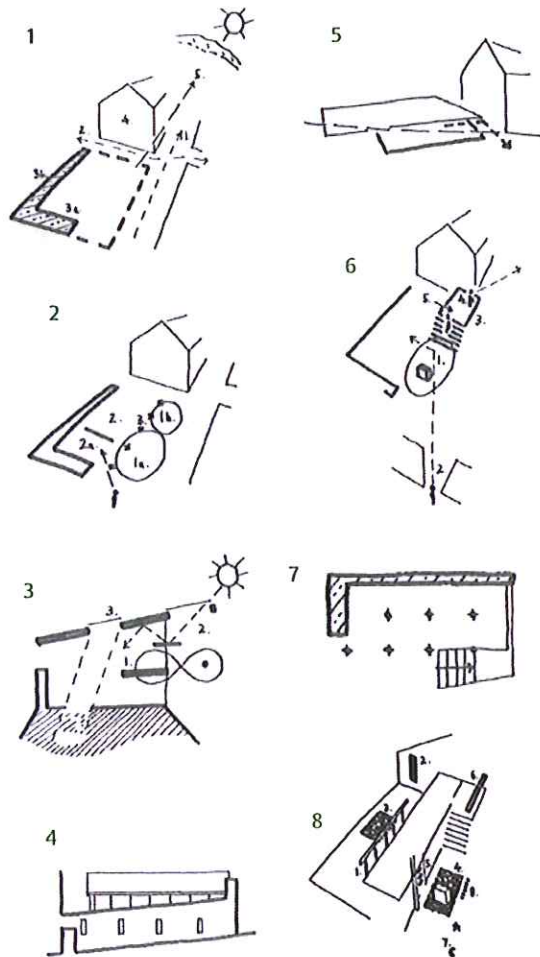


(© image credits Keith Hunter)

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

## Design Process

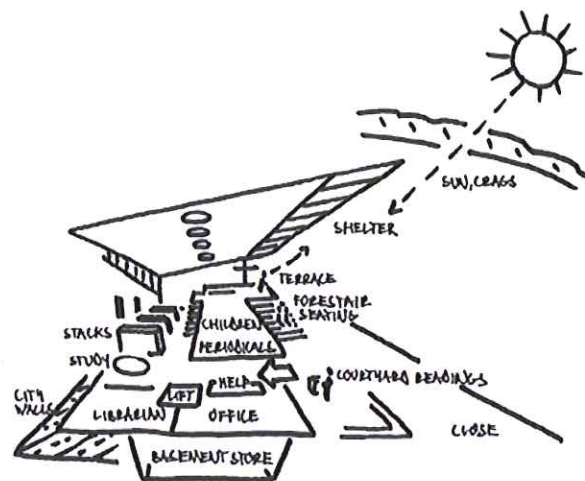
The bringing together of Project, Setting and Opportunity, and its relationship to the wider masterplan, was set-out by a Design Statement that was a series of explanatory diagrams. These showed, in summary:



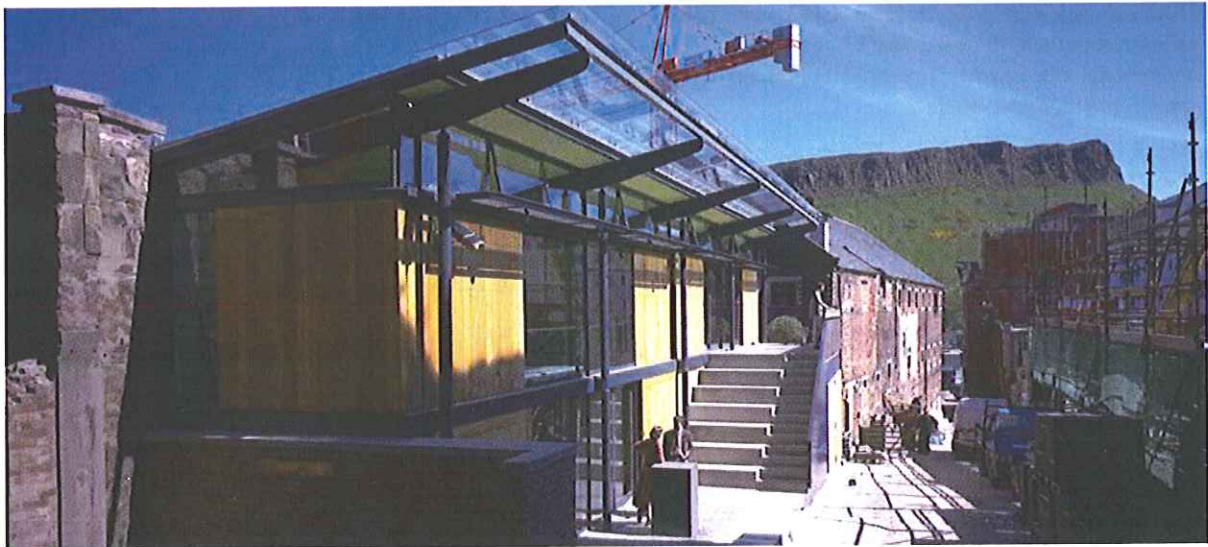
- 1 the setting and opportunity;
- 2 how the spaces the brief demanded settled into this;
- 3 how light was accepted into the building's section;
- 4 how the new building settled over the historic wall behind it;
- 5 the slope exploited;
- 6 the social realm defined by a forestair and the forestair's 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

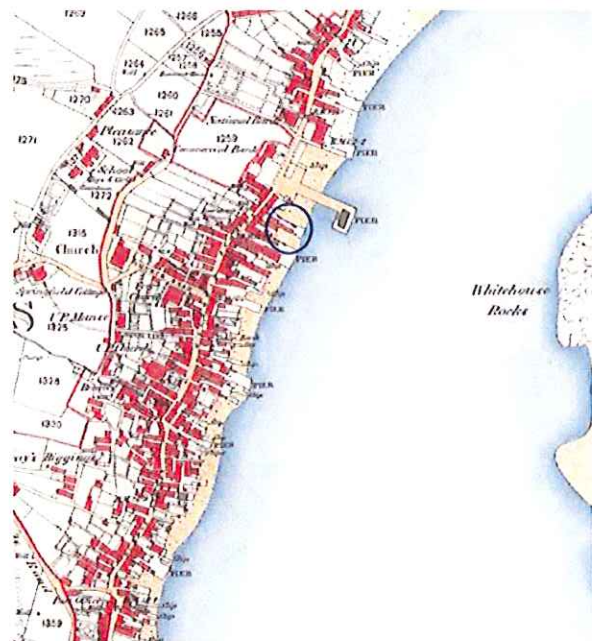
Scotland's small towns are principally formed and adapted around the agricultural, fishing and associated trading lives of their inhabitants. In the far north these patterns are mediated, to a greater extent than normal, by the pressing need for shelter – for modifying the prevailing climate. Buildings 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 "doughnuted", 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

(National Library of Scotland)



Below: Competition Drawing



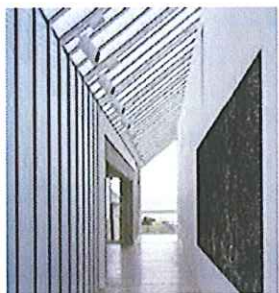
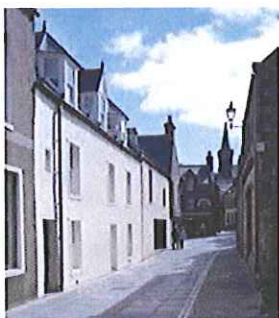
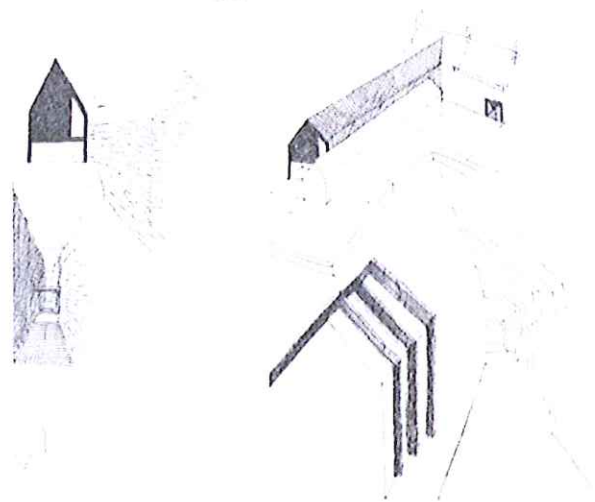
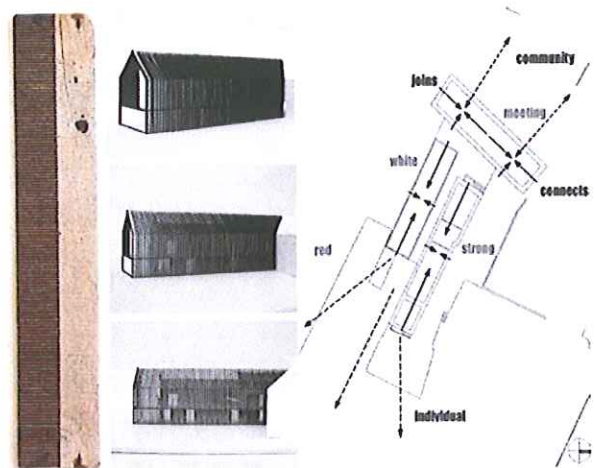
(© image credits Reiach and Hall)

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.

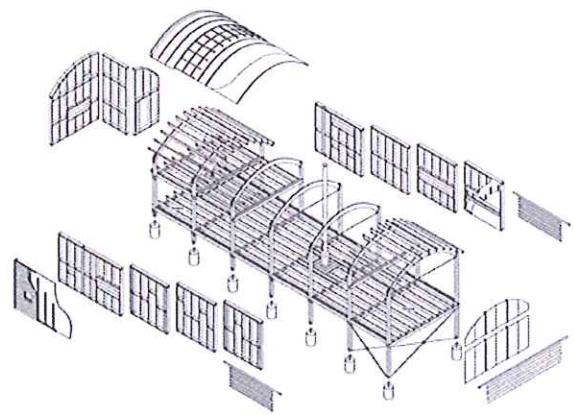
### Opportunity

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.



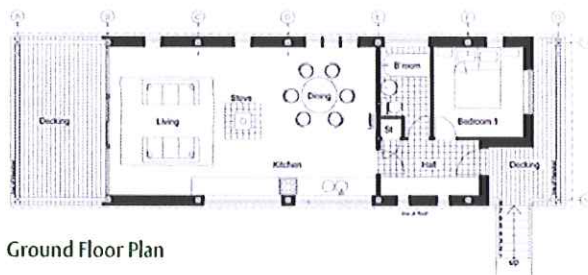
(© image credits Gokay Deveci)



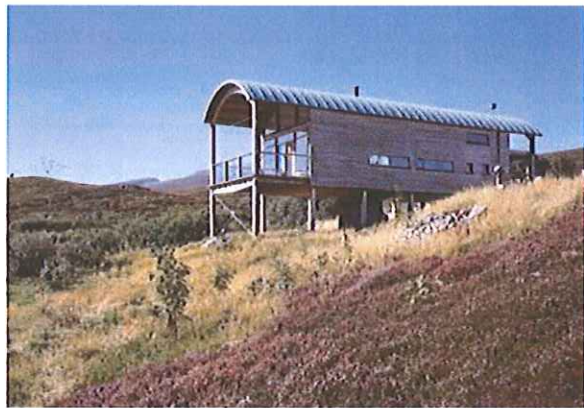
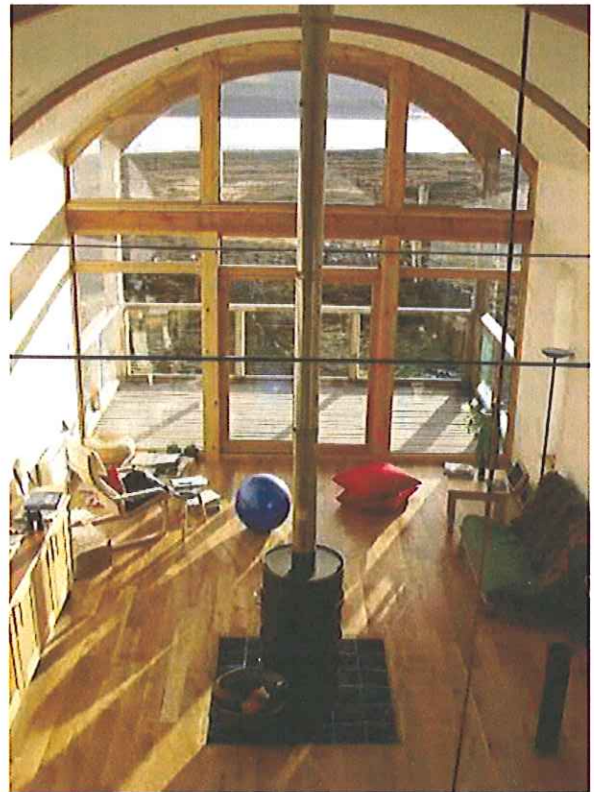
**Overview and Lessons**

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.

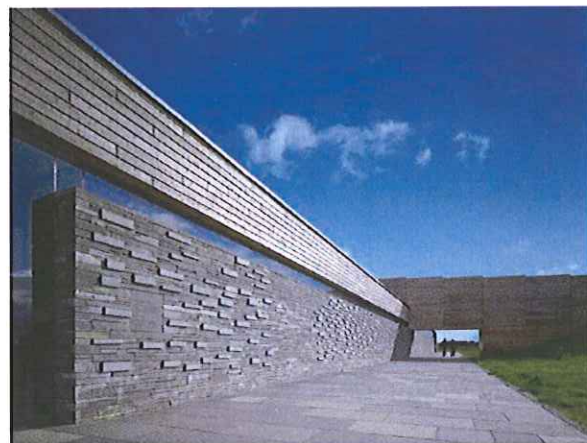
**Location:** Culloden Moor, east of Inverness, within a Conservation Area, containing a number of Scheduled Monuments and a war grave.

**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.

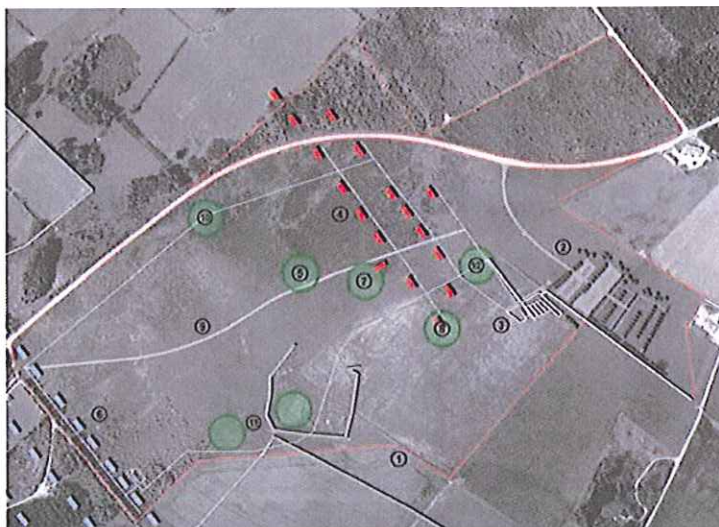
The previous visitor centre was found, through recent research, to be sitting close to the edge of the battlefield. The National Trust for Scotland has resolved over a number of years to reinstate the full battlefield and recover its haunting context while increasing access and visitor numbers to enhanced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



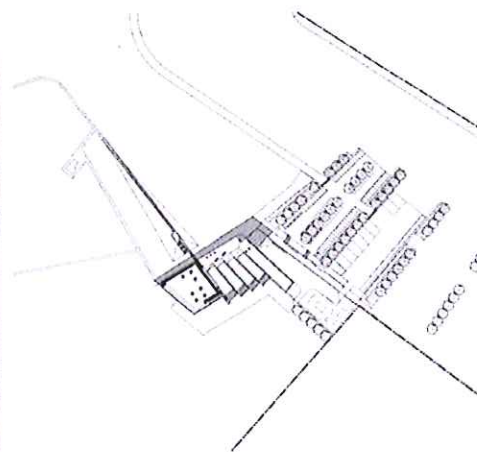
Memorial wall and berm

(image credits Andrew Lee)

(© image credit Gareth Hoskins Architects)



- 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 Collage



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

(© image credit Gareth Hoskins Architects)

Left: Battlefield Plan

**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.

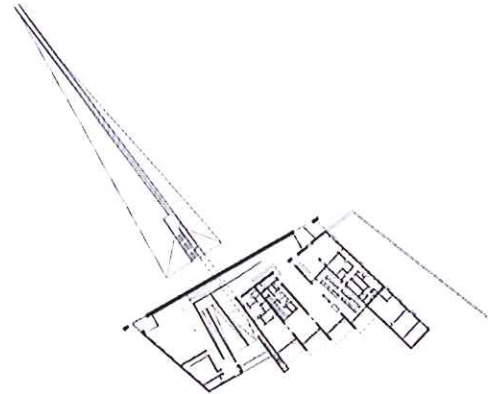
At Culloden, the siting of the new building lay at the heart of the success of the project, preserving a sense of openness to the battlefield, allowing it to dominate.

**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.



(© image credits Gareth Hoskins Architects)

Ground Floor Plan



(© image credit Andrew Lee)

Roof form



(© image credit Andrew Lee)

Path back from the Battlefield

## 06 EXTENSION: 49 GILMOUR ROAD

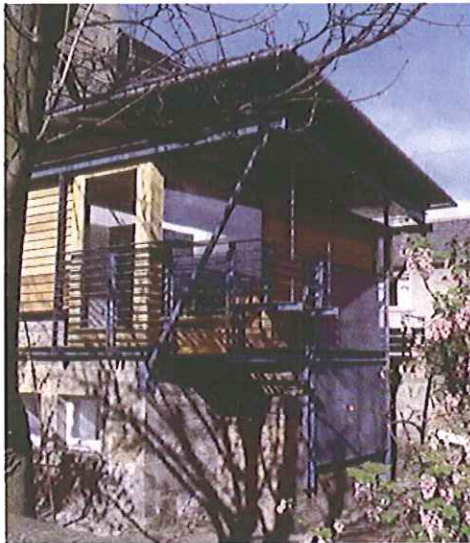
**Project:** a study and new kitchen extension to a private, unlisted, end-terrace house, reflecting the reality that, today, the occupants of such properties tend to make their everyday living spaces in the less-formal backs of their homes (in the former maid's quarters and workplace), opening out to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

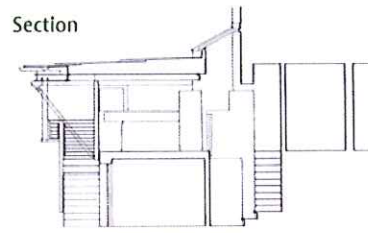
**Designer:** Richard Murphy Architects; **Client:** Mr and Mrs Francis; **Budget:** £45,000; **Completion:** 1994.

### Setting

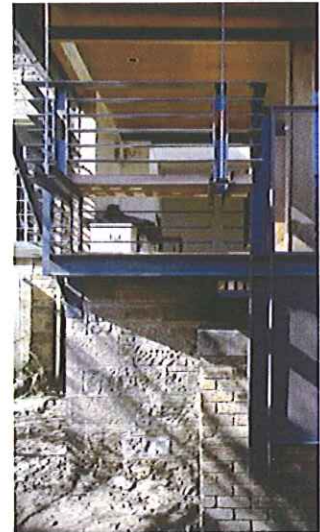
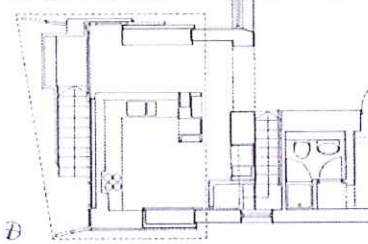
The neighbourhood is characterised by individual residential plots, and the occasional institutional building, containing substantial, stone Victorian terraces and villas with mature private gardens to the front and rear.



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.

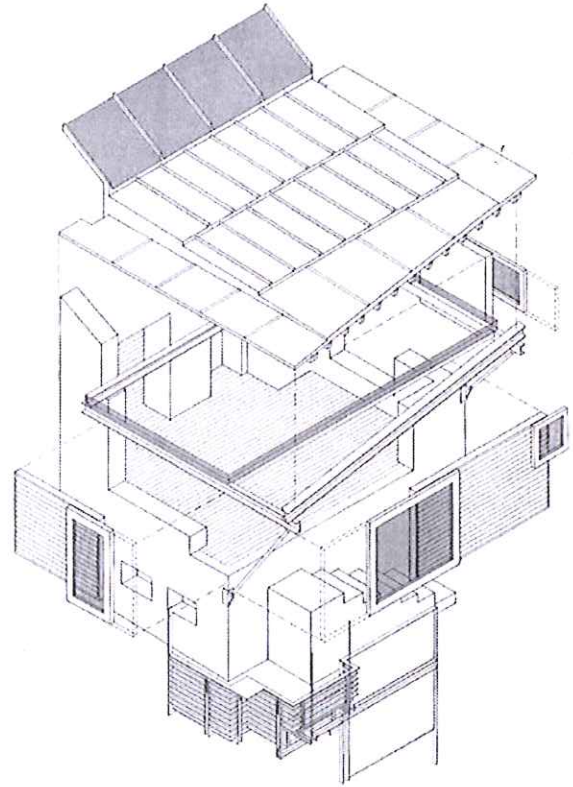
### Design Process

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.

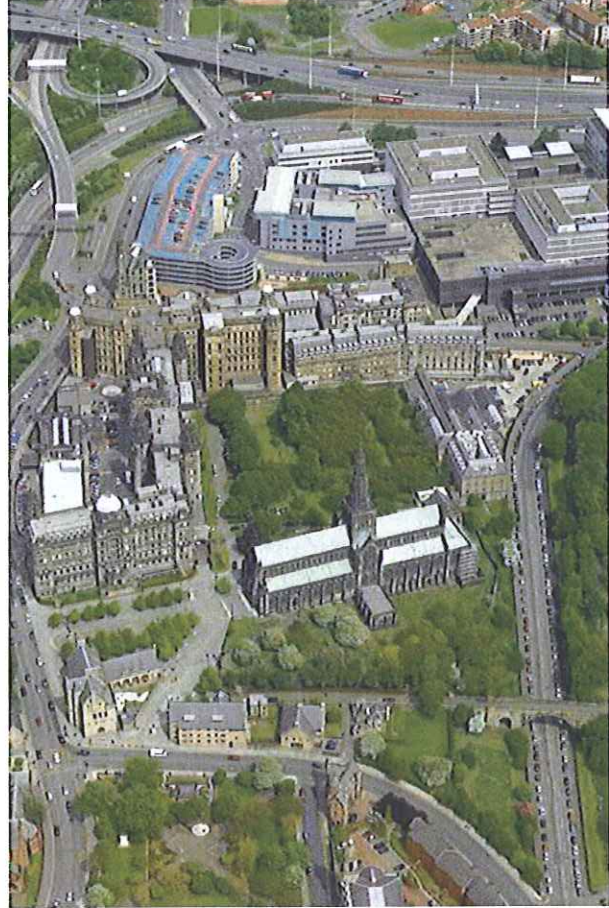
**Designer:** Page\Park Architects and Ian White Associates Landscape Architects; **Client:** Glasgow City Council; **Budget:** £1.5m; **Completion:** 1988.

### 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.

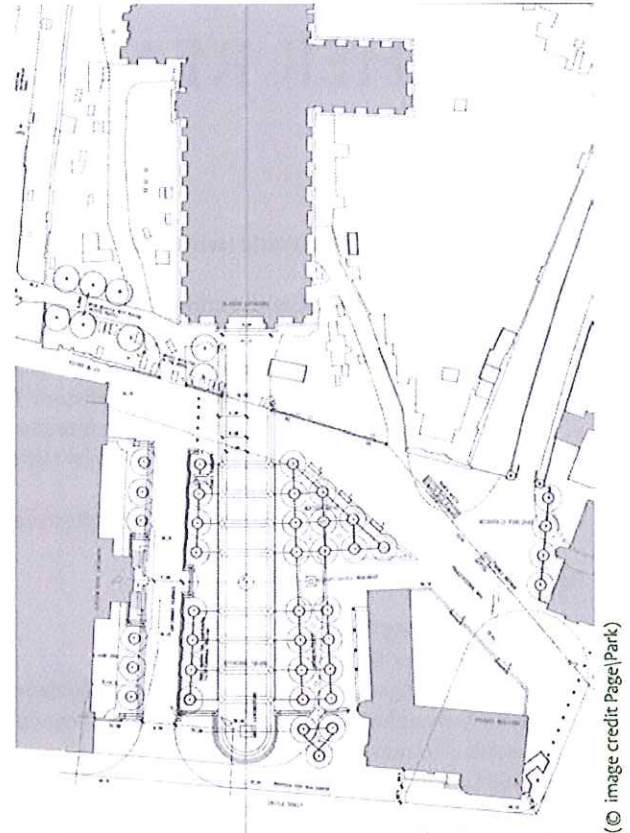
“Space” comes first rather than its decoration, allowing human interaction within the square to be its focus. This simplicity is carried through to the use of high quality, natural materials, and the simple setting of statuary and trees within the space.

### 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.



(© image credit Page|Park)

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



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)

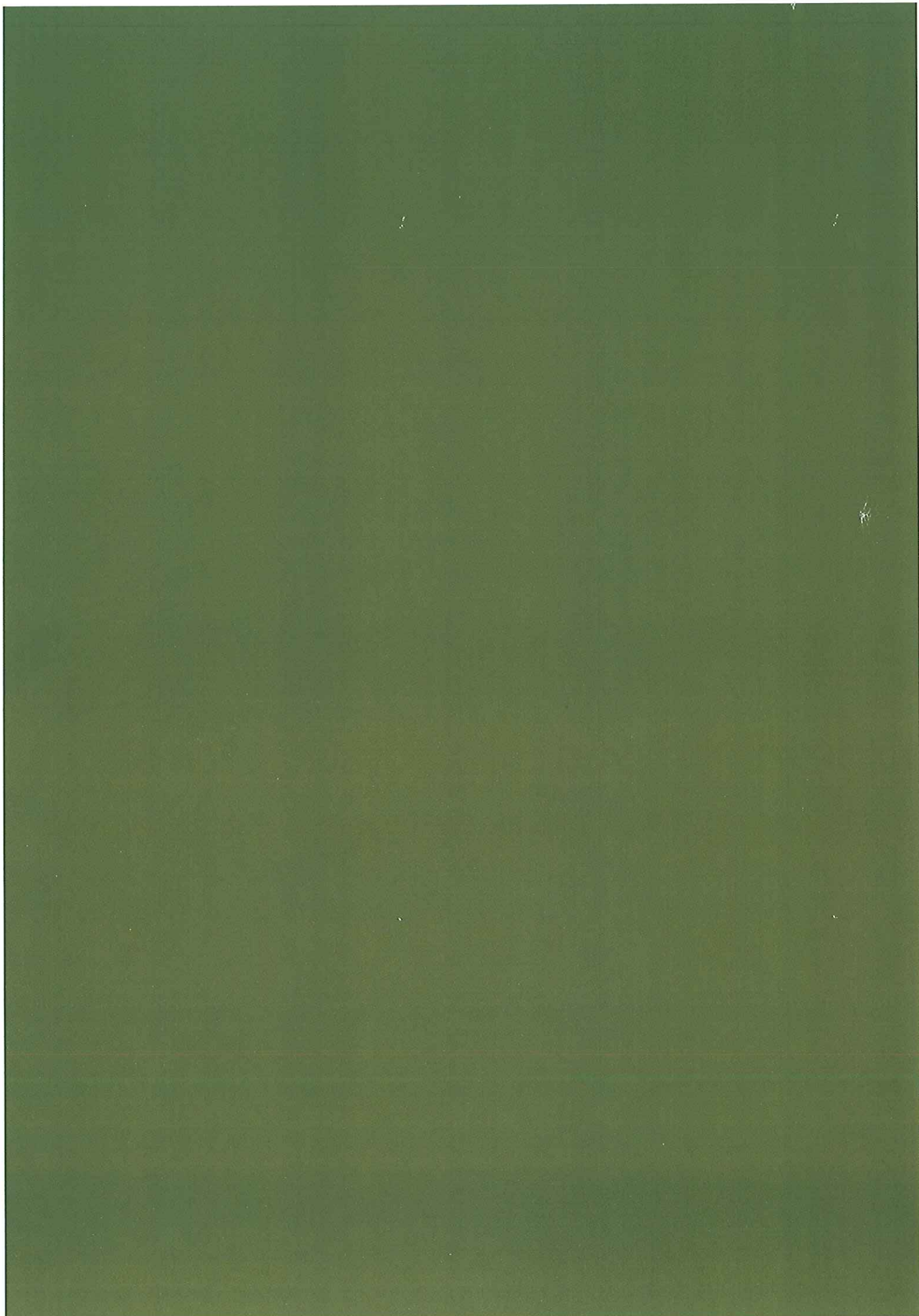
## Policy and Guidance

- 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*





Our Ref: DC24(Kil)Glenmosston Road (Torridon)  
Your Ref:

**Regeneration & Environment**  
Corporate Director: Aubrey Fawcett

Date: 13th January 2011

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY  
Tel: 01475 712764  
Fax: 01475 712731

[aubrey.fawcett@inverclyde.gov.uk](mailto:aubrey.fawcett@inverclyde.gov.uk)

Jenny Smylie  
Torridon  
Glenmosston Road  
KILMACOLM  
PA13 4PF

Dear Mrs Smylie,

**Town and Country Planning (Scotland) Act 1997.**  
**Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas)**  
**(Scotland) Amendment Regulations 1981/84.**

I thank you for your letter of 12<sup>th</sup> December 2011 and to our recent site meeting which was arranged shortly thereafter and took place on 10<sup>th</sup> January 2012.

As you are aware your property is located within a Conservation Area and, as a consequence the consent of the planning authority is required in respect of the lopping, topping and felling of trees. I note that you have serious concerns regarding the potential stability of a number of large trees within the grounds at Torridon. In particular, I note that these concerns relate to Sitka spruce which are often grown for commercial purposes and, in this instance, the specimens concerned have all attained a considerable size at which they would otherwise have been likely to have been felled. One group is situated within a heavily wooded area to the west of the house. A total of 5 no. Sitka spruce are proposed for felling there. All have attained a considerable height and girth and are in an area where soil depth is limited, rock being evident close to the surface. Additionally, within an area of similar ground conditions lying to the north of the house, and close to the boundary with the neighbouring property lie another 8 of such trees in close to native broadleaves which are being crowded out. You have note with concern the movement occurring in these particular trees and bearing in mind their proximity to both dwellings, have justifiable concerns regarding future safety. In view of these circumstances I would advise that there are no objections to these trees being felled in the interests of safety. I would therefore confirm the issuing of formal consent on this basis. Their removal will be likely to result in the beneficial development of the nearby beech trees which appear to have been planted as a perimeter treatment for the site.

Additionally, you have expressed similar concerns regarding certain of the Sitka spruce situated close to the southern boundary with neighbouring property (Ladymuir). However our discussions, at this stage, concerned mainly the subordinate specimens which have struggled to develop in close proximity to the dominant trees. In view of their poor structure and their tendency to sway considerably in strong winds I would confirm that here is no objection to them being removed and consent is issued on this basis. From site inspection this relates to approximately 3 such specimens which are within a crowded area of woodland.

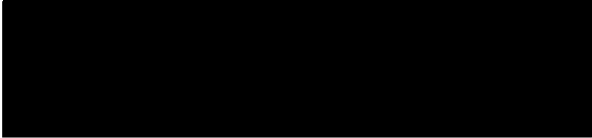
In confirming consent to the above tree felling works I have considered the matter of replacement tree planting. Given the generally dense coverage of the woodland and the existence of other, preferred specimens, I would dispense with any request for such works. I note that you intend to allow the established landscape of rhododendron to develop, which is now more likely to occur.



I would agree that any future tree planting should include significantly native species which would complement the elements of previously planned landscape.

I trust that you find my response to be of assistance. Should you wish to discuss further any related matter please do not hesitate to contact me.

Yours faithfully,



Mike Martin  
Senior Planner

Enquiries To: Mike Martin Cathcart House, 6 Cathcart Square, Greenock PA15 1LS  
01475 712412

cc Ronnie Barker T/a PurpleTree Care.

**14. EMAIL DATED 20 OCTOBER 2017 FROM  
ANDERSON STRATHERN LLP IN RELATION TO  
NEW MATTERS**

## Rona McGhee

---

**From:** Alastair McKie <Alastair.McKie@andersonstrathern.co.uk>  
**Sent:** 20 October 2017 13:00  
**To:** Rona McGhee  
**Subject:** RE: Review of Decision to Refuse Planning Permission - Erection of a New Dwelling House, 100 Metres Southwest of the Main House at Torridon, Glenmosston, Kilmacolm (17/0160/IC) [AS-MATTERS.FID2827958]

Dear Rona

Further to your email dated 19 October and respond as follows:-

### **43B Matters which may be raised in a review under section 43A(8)**

(1) In a review under section 43A(8), a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate—

- (a) that the matter could not have been raised before that time, or
- (b) that its not being raised before that time was a consequence of exceptional circumstances.

(2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—

- (a) the provisions of the development plan, or
- (b) any other material consideration.

I am aware of the restrictions placed on raising a new matter in the context of a Review under s43B of the Town and Country Planning (Scotland) Act 1997. I considered this before I submitted the Notice of Review and maintain that none of the matters that you have raised in your email (a)-(e) are “new matters.” within the meaning of s43B. What is a “new matter” is not defined in the 1997 Planning Act although Scottish Government Guidance for Reporters provides advice on what is a “new matter” in the context of a planning appeal- that is considered under s47A of the 1997 Planning Act which is expressed in almost identical terms to s43B. It is therefore considered that this Guidance that applies in the present case.

That Guidance on the interpretation of what is a “new matter” advises:-

“‘Matter’ is not defined in the Act. It is, however, a term used throughout the Act in various contexts. It is a term which denotes an issue or a topic rather than any particular item of evidence or any document. “

See <http://www.gov.scot/Resource/0049/00499414.pdf>

What this means in practice is that there is no prohibition on introducing a new document provided it relates to a matter or topic already in existence in relation to the application and its determination.

Applying the proper definition of what is a “new matter” to paragraphs (a) to (e) of your email I comment as follows:-

- (a) The Design and Planning Statement (Document 1C) which accompanied the Application refers in para 1.1 to the overall size of Dr Smyllie’s holding at Torridon (10 acres). It is this area that contains the SSSI. I therefore contend that Document 5 is not a “new matter” (issue or topic) but a document to further explain of the

use of the land in relation to a topic or issue that has already been identified during the processing of the Application (i.e. in the Design and Planning Statement).

( b)-( e) All of these documents relate to an existing matter (topic or issue ) that is already evident in the Application and in the Officer's Report of Handling (Document 6). That topic or issue (which is central to this Review) is the correct approach to the planning assessment of the impact of new housing development in Kilmacolm Conservation Area. All of these documents relate to this central matter. These documents are being used to further explain that topic or issue and are not "new matters".

As no "new matters" have been raised It is Dr Smyllie's stance that all of the documents (a) – (e) should be included in the LRB Members assessment of the Review.

If it is not accepted that no new matters are being raised then it is considered that all of the documents (b) – (e) (23, 24, 25A-C and 26) arise as a consequence of exceptional circumstances within the meaning of s43B 1(b). These exceptional circumstances arise because the same Planning Officer (Mr Ashman-who refused the Application at Review) recommended approval of a radically designed house (12/0030/IC ) in Kilmacolm conservation area (but within the grounds of a listed building (Knapps, Houston Road)) in circumstances where he made relative planning judgements regarding the architecture in the conservation area and reached the opposite conclusion to the one he reached on the Application to which this Review relates. The report of the Planning Officer (Document 24) and the decision of the Planning Board (Document 23) are relevant to this Review as is the design of the house itself (Documents 25A-C and the Listing Schedule of Knapps ( Document 26)). These documents demonstrate an inconsistency in planning approach and assessment which is **exceptional** and should be brought before the LRB Members as part of the Review. As stated in the Notice of Review these matters are also "material considerations" and in terms of s43B s 2(b) regard must be had to them- see also para 25 of Circular 5/2013 Schemes of Delegation and Local Reviews. These documents ought to be admitted into the Review.

### **Proposed Redactions**

Whilst I appreciate your intention to redact personal information on the Notice of Review I have discussed this with Dr Smyllie and he has no difficulty with this information being made public. It is factual information and should remain unredacted.

In regard to the text that you have highlighted I would oppose redaction of this (if that is what you intend) for the reasons given above.

Kind regards and acknowledge safe receipt.

**Alastair McKie**

**Partner**

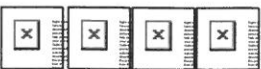


**Anderson Strathern**

DD 0131 625 7257 (Ext. 1257)

M 07739 300896

W andersonstrathern.co.uk



---

**From:** Alastair McKie

**Sent:** 19 October 2017 13:29

**To:** 'Rona McGhee' <Rona.McGhee@inverclyde.gov.uk>

**Subject:** RE: Review of Decision to Refuse Planning Permission - Erection of a New Dwelling House, 100 Metres Southwest of the Main House at Torridon, Glenmosston, Kilmacolm (17/0160/IC) [AS-MATTERS.FID2827958]

Thank you Rona

All noted. I will take instructions and revert to you as soon as possible.

Kind regards

---

**From:** Rona McGhee [mailto:[Rona.McGhee@inverclyde.gov.uk](mailto:Rona.McGhee@inverclyde.gov.uk)]

**Sent:** 19 October 2017 10:34

**To:** Alastair McKie <[Alastair.McKie@andersonstrathern.co.uk](mailto:Alastair.McKie@andersonstrathern.co.uk)>

**Subject:** Review of Decision to Refuse Planning Permission - Erection of a New Dwelling House, 100 Metres Southwest of the Main House at Torridon, Glenmosston, Kilmacolm (17/0160/IC)

Dear Mr McKie

I refer to previous correspondence in connection with the above

As you will be aware, Section 43B of the Town & Country Planning (Scotland) Act 1997 restricts the introduction of matter which was not before the planning officer at the time of the determination now under review (or at the time of the expiry of the period of determination). New matter will only be permitted where the applicant can demonstrate that the matter could not have been introduced earlier in the process, or that the matter arises as a consequence of exceptional circumstances. Having reviewed the documents submitted with the Notice of Review, I would advise that the following documents have been identified as a new matters:-

- (a) document 5 - Scottish Wildlife Trust Reserve Agreement for Glen Moss Wildlife Reserve;
- (b) document 23 – Decision Notice dated 7 June 2012 in relation to planning application 12/0030/IC;
- (c) document 24 – Report to Planning Board on 6 June 2012 in relation to planning application 12/0030/IC and the references to this on page 7 of the Notice of Review form as shown highlighted on the attached copy;
- (d) documents 25 A-C – North east & south west elevations, south east & north west elevations and floor plans in relation to planning application 12/0030/IC; and
- (e) document 26 – Listing schedule for Knapps House, Houston Road, Kilmacolm.

In the circumstances, I should be obliged if you would either (i) demonstrate that the above matters could not have been introduced earlier in the process, or (ii) that they arise as a consequence of exceptional circumstances. In this regard, I should be pleased to hear from you within 14 days of the date of this email.

In addition, I note there are personal comments in relation to your client on page 3 of the Notice of Review form, again shown highlighted on the attached, and it would be my intention to redact this personal information from the review papers uploaded to the Council's website and from the agenda papers for the meeting of the Local Review Body at which the application for review is considered.

The Local Review Body is required to notify all those who submitted comment on the planning application, giving 14 days to make any further representation. Should any representations be received I shall write to you providing copy of any correspondence and allow you the opportunity to make comment.

I look forward to hearing from you.

Regards,  
Rona

**Rona McGhee**  
**Senior Committee Officer**  
**Legal & Property Services**  
**Inverclyde Council**  
**Municipal Buildings**  
**Clyde Square**  
**Greenock**  
**Inverclyde**  
**PA15 1LX**

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e-mail – [rona.mcghee@inverclyde.gov.uk](mailto:rona.mcghee@inverclyde.gov.uk)

Inverclyde Council website – [www.inverclyde.gov.uk](http://www.inverclyde.gov.uk)

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**15. SUGGESTED CONDITIONS SHOULD PLANNING  
PERMISSION BE GRANTED ON REVIEW**

**ERECTION OF A NEW DWELLINGHOUSE, 100 METRES SOUTHWEST OF THE MAIN HOUSE AT TORRIDON, GLENMOSSTON ROAD, KILMACOLM (17/0160/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 dwellinghouse 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 two vehicles to pass.

11. That the driveway gradient shall not exceed 10%.

12. That the first 2 metres of the driveway, as measured from the edge of the carriageway, shall be finished in a hard sealed surface.

13. That a visibility splay of 2.4m by 43m by 1.05m high shall be provided at all times.

14. That the minimum internal dimensions for the garage shall be 7 metres by 3 metres.

15. 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.

### **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 to 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. To prevent deleterious materials being carried onto the carriageway.

13. In the interests of traffic safety.

14. To accord with the adopted National Roads Guidelines.
15. To avoid the creation of flooding.