

Review of SG Historic Environment 2: Conservation Areas

1. Introduction

- 1.1 This purpose of this paper is to review Supplementary Guidance Historic Environment 2: *Conservation Areas (SG HE2)* to assess how it meets national policy requirements in view of any changes and the local context. In addition, it will consider whether SG HE2 continues to provide an effective policy and suitable basis for determining development proposals within or affecting a designated conservation area.

2. Policy Approach

- 2.1 SG HE2 stipulates that there will be a presumption against development that would have a detrimental impact on the special character or setting of a conservation area.
- 2.2 Development will only be approved partially or fully within a conservation area where it is for full planning permission for a high quality proposal which conserves and enhances the architectural and historic character of the conservation area. In addition, trees which contribute the setting and character of conservation areas should be retained.
- 2.3 The reasoned justification acknowledges the importance of protecting conservation areas as a vital record of architectural history within Aberdeenshire as well as being a cultural and economic resource. It is stated that greater material weight will be given to SG HE2 where it conflicts with other relevant policies.
- 2.4 It also acknowledges the Planning (Listed Buildings and Conservations Areas) (Scotland) Act 1997 legislation which permits Article 4 directions to increase the protection of particular conservation areas. This is done by restricting particular permitted development rights in certain areas to ensure consistency and quality of design and materials. Appendix 1 of SG HE2 lists Aberdeenshire's conservation areas and those covered by Article 4 directions.
- 2.5 Where approval of conservation area consent is being proposed for the demolition of an unlisted building, the planning authority must notify Historic Scotland. In addition, the policy refers to their 'Managing change in the Historic Environment' guidance notes for further information.
- 2.6 Finally, SG HE2 also states that planning advice will be prepared relating to the programme of review of conservation areas in 2012. However, this is still being prepared.

3. Background

National context

- 3.1 The Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (which is subject to amendments by the Historic Environment (Amendment) (Scotland) Act 2011) provides the key legislative context for conservation areas in Scotland. In addition, Scottish Planning Policy (SPP) and the Scottish Historic Environment Policy (SHEP) provide national guidance on the role of planning in protecting and enhancing these areas. This guidance should be taken into account when preparing development plans or determining applications for conservation area consent.

- 3.2 Development plans are identified as a key mechanism ‘for the protection, conservation and enhancement of all elements of the historic environment to allow the assessment of the impact of proposed development on the historic environment and its setting’ (SPP, 2010).
- 3.3 In addition, SPP states that proposals which would have a negative impact on a conservation area should not be permitted. It advises that proposals deemed to have a neutral impact should be treated as one that preserves the character of the conservation area. In addition ‘The design, materials, scale and siting of new development within a conservation area, and development outwith the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area’ (SPP, 2010).
- 3.4 Conservation area consent is required for the demolition of a building or structure within a conservation area. The 1997 Act requires Historic Scotland notification of any proposals for the demolition of an unlisted building within a conservation area. Where this is proposed, the ‘merits of the building and its contribution to the character and appearance of the conservation area are key considerations’ (SPP, 2010). SPP also refers to the Scottish Historic Environment Policy (SHEP) for further details in relation to conservation area consents.
- 3.5 SHEP states that planning authorities should consider the value of the building in relation to the character of the conservation area and the proposed future use of the site. It states that 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’ (2011).
- 3.6 SPP identifies the importance of undertaking conservation area appraisals. As part of these appraisals, the planning authority is permitted to implement Article 4 Directions which should generally be approved by Scottish Ministers (SHEP, 2011).

Strategic/regional context

- 3.7 The current draft of the Aberdeen City and Shire Strategic Development Plan does not refer to conservations areas specifically, however does acknowledge that ‘*Sites and areas valued for their contribution to the built and historic environment are just as sensitive and should be protected from the negative effects of development*’.
- 3.8 It also stipulates that Local Development Plans and associated guidance should therefore ensure that ‘*the North East’s natural environment and historic sites and buildings continue to be protected and improved*’.

4. Drivers of Change

- 4.1 The fundamental purpose of designating a conservation area still stands to ensure the continued protection and enhancement of areas which demonstrate architectural and historic merit. SG HE2 is currently consistent with national policy guidelines where it does not permit development that would have an adverse impact on the character or setting of a conservation area. It only

promotes the alteration, extension or development to buildings within conservation areas which are sympathetic and consistent with their high quality surroundings. There is also a presumption against developments or alterations that would have an adverse impact on the setting of a conservation area. In addition, SG HE2 refers to Historic Scotland's 'Managing Change in the Historic Environment' for further guidance.

- 4.2 The current policy states that new development will only be approved where 'the design is of the highest quality, and respects and enhances the architectural, historic and visual qualities'. Whilst this highlights the need for development that is compatible with its surroundings, greater emphasis could be placed on the need for development to have an appropriate layout and scale and use complimentary materials which are consistent with the conservation area. It is considered that this would be beneficial for the interpretation of the policy and provide greater consistency with SPP.
- 4.3 SG HE2, in accordance with legislation and SHEP, acknowledges the role of Article 4 directions as a means of ensuring alterations, amendments or developments retain or enhance the character of conservation areas. Article 4 directions are already in place in a number of conservation areas within Aberdeenshire and these are listed in Appendix 1 of SG HE2. The policy does state that planning advice will be prepared in relation to the programme for the review of conservation areas in 2012. This has currently not been achieved and therefore will require review or to be updated in the next plan. The appraisal of conservation areas is advised by SPP.

5. Recommendations

- 5.1 On the basis of this information it is recommended that policy SG HE2 is retained as it currently stand with the following minor amendments:
 - The statement relating to the programme for the review of conservation areas is updated to reflect its current position.
 - Where SG HE2 refers to the need for high quality design, the importance of appropriate layout, scale, siting and materials should be stated. It could read; '*the design, layout, scale and materials are of the highest quality which respect the individual characteristics for which the conservation area was designated*'.

6. Summary of Main Points

- 6.1 SG HE2 aims to conserve or enhance the quality and character of conservation areas within Aberdeenshire. It will not permit developments or alterations that would have an adverse impact on a conservation area or its setting and therefore greater material weight must be given to this policy where it conflicts with the requirements of another. Scottish Planning Policy (SPP) underpins this approach and further stipulates that the siting, design, scale and materials of proposed developments or alterations must be compatible with the conservation area. SPP also refers to the Scottish Historic Environment Policy (SHEP, 2011) which provides further guidance on the management and protection of conservation areas. It is considered that SG HE2 continues to provide a robust basis on which to determine planning decisions in relation to conservation areas. It is consistent with national legislation and policies and should be retained as it currently stands subject to two minor amendments. It is recommended that the sentence relating to the programme of review of

conservation areas should be updated as appropriate to reflect its current position.

References

Aberdeen City and Shire Strategic Development Plan Authority (2013) *Draft of the Strategic Development Plan*

Aberdeenshire Council (2012) *Aberdeenshire Local Development Plan 2012*

Historic Scotland – *Managing Change in the Historic Environment Guidance notes*

Historic Scotland (2011) *Scottish Historic Environment Policy*

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Scottish Government (2010) *Scottish Planning Policy*