



preserve

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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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Contents



Introduction

1



Designation
and Review

3

Managing Change

4



Funding and
Resources

14



Knowledge
and Skills

16



Monitoring
and Review

17

Conclusion

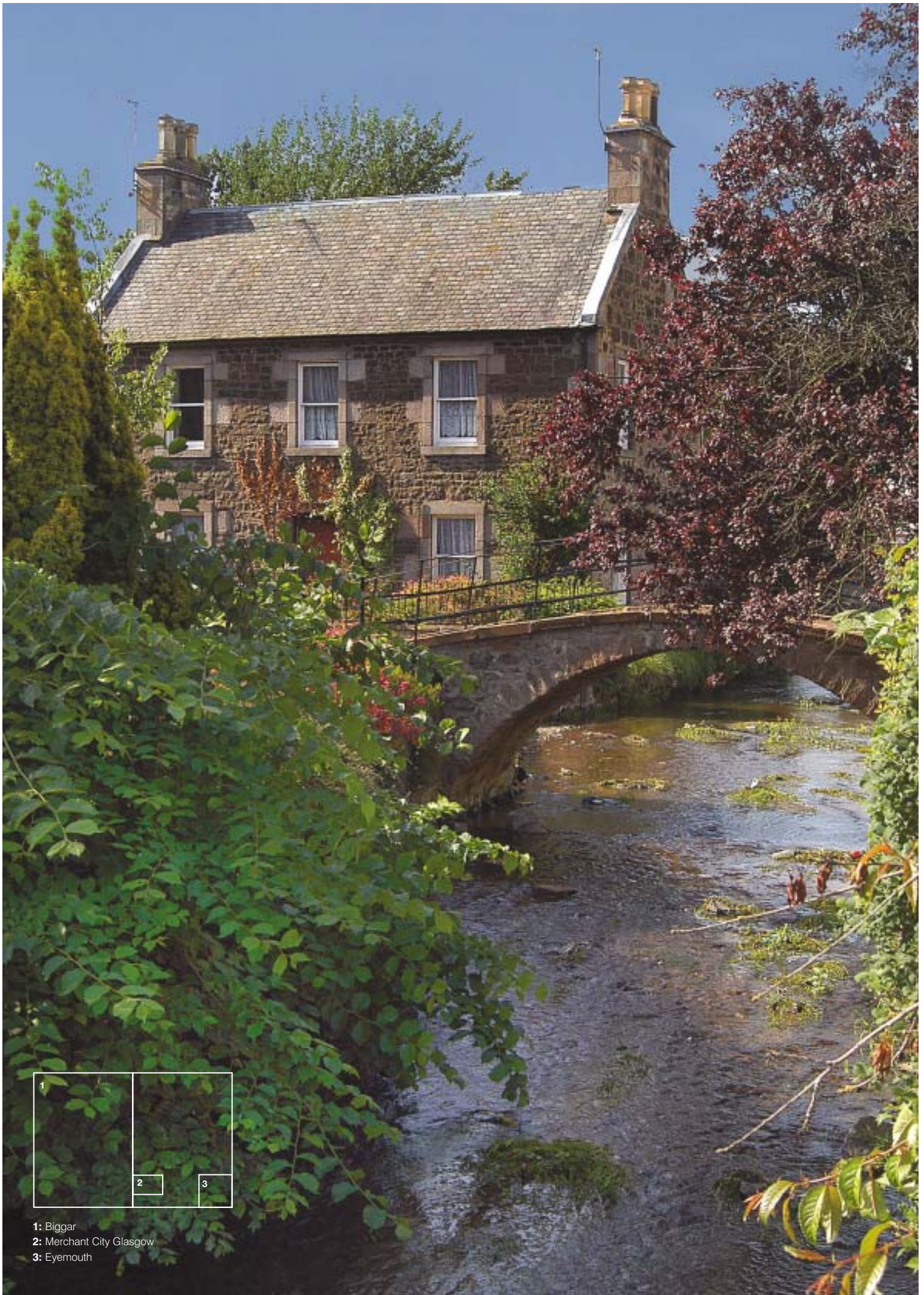
18



Annex
Conservation
Area Appraisal

20





- 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.





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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.

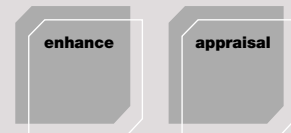
The statutory procedures for designation are well established. Proposals for designation, variation or cancellation must be publicised. The Scottish Ministers also need to be notified. Owners and occupiers of property within a proposed conservation area do not have to be specifically notified and there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

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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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Understanding and Evaluating

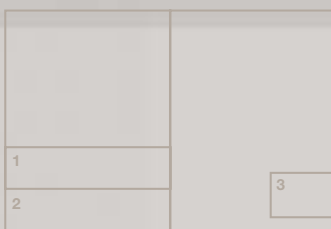
Past approaches to conservation area management have too often been based on a limited understanding of the heritage resource involved. In some cases there has also been an overemphasis on regulation and a lack of clarity over priorities for improvement. 'Facelift' schemes which offer short term visual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

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

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

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

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



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



Policy Framework

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

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

6

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

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

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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.

7



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.

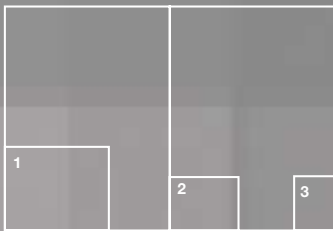
The brownfield site provided a rare opportunity for new build within the conservation area. Clackmannanshire Council recognised that wider benefits could be achieved by collectively considering the site along with two neighbouring sites which were considered to have a negative impact on the conservation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

8



1: Burgh Yard, Dollar

2: Beith

3: Beith



Protecting Vulnerable Areas

Article 4 Directions

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

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

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

Buildings at Risk

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

Urgent Works Notices

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

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

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

