

**FALKIRK COUNCIL**

**Subject: FALKIRK LOCAL DEVELOPMENT PLAN –  
SUPPLEMENTARY GUIDANCE  
FEEDBACK ON CONSULTATION ON SG16 LISTED  
BUILDINGS AND UNLISTED PROPERTIES IN  
CONSERVATION AREAS (FIFTH BATCH)**

**Meeting: EXECUTIVE**

**Date: 15 MARCH 2016**

**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1.0 INTRODUCTION**

- 1.1 Members will recall that a report outlining the process for preparing Supplementary Guidance (SG) in Falkirk was presented to the Executive on 25 February 2014. The Executive authorised officers to prepare and undertake consultation on the sixteen SG notes referred to in the Proposed Falkirk Local Development Plan (LDP). It was agreed that the outcome of these consultations and the proposed content of the finalised SGs would be reported back to the Executive on an ongoing basis.
- 1.2 Since that time the Council's intended suite of SGs linked to the LDP has increased from 16 to 17. The LDP Examination Report recommended that the Council should produce statutory SG on Renewable Energy, which should set out detailed policy considerations against which all proposals for renewable energy infrastructure developments will be assessed. On 13 May 2015 the Council agreed to accept all of the Reporters' recommendations to the LDP Proposed Plan, and in July 2015 the LDP was adopted.
- 1.3 As previously noted, consultation on the SGs is being undertaken in batches as and when they are produced or revised. Four batches of SGs have already gone through their statutory consultation process, with the results of consultation and recommendations reported to the Executive on 27 May and 19 August 2014 and 17 March and 29 September 2015. These 10 SGs have now been approved by Scottish Ministers, adopted by the Council and form part of the Development Plan.
- 1.4 The 'fifth batch' has now gone through its statutory consultation process. This time only one SG was included in the batch:
- SG16 Listed Buildings and Unlisted Properties in Conservation Areas
- 1.5 This report sets out the results of the consultation and recommends some minor amendments to Draft SG16 for clarification.

- 1.6 Once SG16 is finalised it will be submitted to the Scottish Ministers for approval. At the same time the Council must also send Scottish Ministers a statement setting out the publicity measures they have undertaken, the comments received and an explanation of how these comments have been taken into account. After 28 days have elapsed the authority may adopt the Supplementary Guidance unless Scottish Ministers have directed otherwise. At that point the supplementary guidance forms part of the Development Plan and assumes the same status as the LDP for decision making.

## **2.0 SUMMARY OF SG16**

- 2.1 For background information purposes this section of the Committee Report includes a summary of SG16.

### **SG16 Listed Buildings and Unlisted Properties in Conservation Areas**

- 2.2 SG16 is a new topic. It provides design guidance and good practice for development proposals (repair, extensions, alterations and demolition) relating to listed buildings and unlisted buildings in Conservation Areas.

## **3.0 CONSULTATION PROCESS**

- 3.1 Over 100 key agencies, organisations and individuals were notified by letter or email of the commencement of the consultation process and the availability of Consultative Draft SG16 on the Council website. All Community Councils were included in this mailing. Copies of SG16 were also deposited at Council Offices (Abbotsford House & the Municipal Buildings), all Council Libraries and One Stop Shops.
- 3.2 Consultation took place over a 7 week period between 4 December 2015 and 22 January 2016. Previous consultations have generally been 6 weeks, but this consultation was extended by one week given that the period included the Christmas break.
- 3.3 Responses were received from the following 2 organisations:

**Scottish Government Planning & Architecture Division** – No comment.

**Historic Environment Scotland** - Welcomes the SG and comments that it provides a clear and user friendly introduction to listed buildings and unlisted properties within conservation areas in Falkirk. It is considered that the Design Guidance sections dovetail with guidance provided by Historic Environment Scotland. The usefulness of the procedural flow chart in Section 3 is noted, and the refurbishment case studies included are considered to provide positive evidence of best practice and the benefits of working with the historic environment. Historic Environment Scotland note that reference is made to enabling development in Case Study 1 Larbert House, but suggest that more guidance could be provided regarding the principles of when enabling development may be appropriate.

## 4.0 PROPOSED CHANGES TO DRAFT SG16

- 4.1 In response to the comment by Historic Environment Scotland, it should be noted that detailed advice on enabling development is provided in SG01 Development in the Countryside. It is proposed that a cross-reference to this guidance be inserted into Section 6 of the document under 'Design Guidance: Setting and New Development' as follows:

- *Enabling development in the countryside which secures the restoration of historic buildings through cross-subsidy may be permitted in terms of LDP Policy CG03. The circumstances in which this will be acceptable are set out in detail in SG01 Development in the Countryside (Paragraph 3.12).*

- 4.2 A further minor change is also proposed to clarify when Conservation Design Statements will be required for proposals affecting listed buildings and unlisted properties in Conservation Areas. The Guidance set out in the Council's Conservation Area Management Plans (CAMPs) suggests that Design Statements are a mandatory requirement for proposals in conservation areas. However the Council's 'Design Statements' Supplementary Planning Guidance (SPG) describes a more pragmatic approach indicating that the need for a Design Statement will be determined on the basis of the proposal's location and proposed scale. In order to avoid any ambiguity and provide clarity the following bullet point is proposed for insertion into Section 4 Listed Buildings and Section 5 Conservation Areas.

- *A Conservation Design Statement may be required for planning applications affecting listed buildings/unlisted properties in conservation areas depending upon the scale, nature, and impact of the proposal (further Information can be found in Appendix 2).*

- 4.3 The following additional supporting information on Design Statements is also proposed for insertion in a new Appendix 2.

### ***Appendix 2 - Conservation Design Statements***

#### ***Conservation Design Statements***

#### ***For which applications will a Design Statement be required?***

*The Council will determine for which applications a Design Statement will be required, i.e. where development of any kind, including alterations to listed buildings and unlisted properties in conservation areas, will have a significant impact on the built or natural environment. The important projects will be identified according to sensitivity of the site or building and scale of proposals.*

#### ***What information should a Conservation Design Statement provide ?***

*Where the requirement for a Conservation Design Statement has been established, the Council will expect planning applications and applications for listed building consent to be mindful of the planning policies set out in its Local Development Plan and accompanied by Conservation Design Statements which should demonstrate:*

- *How the new development (or alteration) makes a positive contribution to the special architectural or historic interest of the listed building or to the special character and appearance of the conservation area: it should not detract from significant architectural or historic features of the listed building or key features of the Conservation Area as set out in the relevant Conservation Area Management Plan.*

- *How the proposal takes account of the special architectural or historic features of the listed building or the special character and appearance of the relevant conservation area.*
- *How the proposal reflects the purpose of the relevant Conservation Area Management Plan.*
- *Understanding of the historic setting by respecting the key features of the area including the established pattern of building plots, streets and spaces, density and mix, scale, materials and detailing, landscape, views and landmark buildings.*
- *How the proposal secures the repair or retention of features of historic and architectural value.*
- *How the proposal mitigates any loss of mature trees by enhancing areas of poorer townscape character.*

#### **Further Guidance**

*For further guidance or clarification on any of the above, applicants are advised to contact the Council's Development Services in advance of preparing any development proposal for listed buildings or unlisted properties in the conservation area (see contact details at Appendix 1). Application forms are also available with guidance on completion and electronic submission from the Council's website.*

*Historic Environment Scotland, formerly Historic Scotland, has guidance on the preparation of Conservation Plans - see <http://www.historic-scotland.gov.uk/conservation-plans.pdf>*

- 4.4 Subject to the insertion of these three additions into the finalised version of SG16, the SG is recommended for approval.

## **5.0 IMPLICATIONS**

- 5.1 Legal: The requirements and procedures for the preparation of SG are set out in Section 22 of the Town & Country Planning (Scotland) Act 1997, as inserted by the Planning, etc (Scotland) Act 2006, and in the Town & Country Planning (Development Planning) (Scotland) Regulations 2008.
- 5.2 Financial: None
- 5.3 Personnel: None.
- 5.4 Policy: Supplementary Guidance once adopted, will constitute a part of the statutory Development Plan for the Falkirk Council area.

## **6.0 RECOMMENDATION**

- 6.1 **That the Executive agrees to finalise:**

**SG016 Listed Buildings and Unlisted Properties in Conservation Areas including modifications in response to consultation as detailed in paragraph 4.1, 4.2 and 4.3, and to submit them to the Scottish Ministers for final approval.**

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**Director of Development Services**

**2<sup>nd</sup> March 2016**

Contact officer: Louise Blance, Planning Officer, ext 4717

**LIST OF BACKGROUND PAPERS**

SG16 Listed Buildings and Unlisted Properties in Conservation Areas

Any person wishing to inspect the background papers listed above should contact Louise Blance on 01324 504717