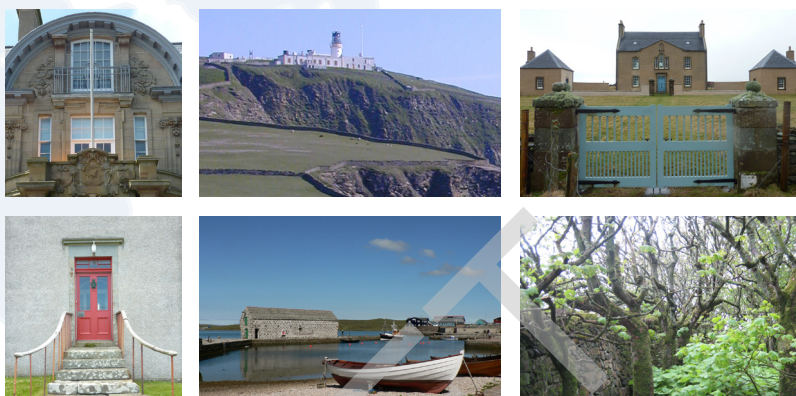


Supplementary Guidance Historic Environment

Shetland

Local Development Plan 2012



Shetland Islands Council

Supplementary Guidance - Historic Environment

Policy HE 1 Historic Environment

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Appendix. Legislative and policy framework for proposals affecting the historic environment and sources of further information

Introduction

The Shetland Local Development Plan, together with any Supplementary Guidance, sets out the policies and criteria against which applications submitted under the Planning (Scotland) Acts will be considered.

This Supplementary Guidance sets out the policies relating to developments that affect the historic environment and the setting of individual elements of the historic environment.

Most local environments have an historic dimension that contributes to its quality and character. The historic environment covers ancient monuments, archaeological sites and landscapes, historic buildings, townscapes, gardens and designed landscapes, as well as our marine heritage. All these assets are recognised as having particular value, and through the planning system the Council will seek to manage these elements in a sustainable way.

Policy HE 1 Historic Environment

The Council should presume in favour of the protection, conservation and enhancement of all elements of Shetland's historic environment, which includes buildings, monuments, landscapes and areas.

Justification

The historic environment includes ancient monuments, archaeological sites and landscapes, historic buildings, townscapes, gardens and designed landscapes and our marine heritage. The context and setting of historic features in the landscape and the patterns of past use are also part of the historic environment.

The historic environment is a key part of Shetland's cultural heritage, enhancing regional and local distinctiveness and providing a sense of identity and continuity for communities. It contributes to economic growth, and can act as a catalyst for successful regeneration and community-building. It also contributes to sustainable development through the energy and material invested in older buildings, and their scope for adaptation and re-use.

Policy HE2 Listed Buildings

Development affecting a listed building, or its setting, should preserve the building, its setting, and any features of special architectural or historic interest that it possesses.

The layout, design, materials, scale, siting and use of any development should be appropriate to the character and appearance of the listed building and its setting.

Proposals for the total or substantial demolition of a listed building should only be supported where it can be clearly demonstrated that every effort has been made to retain it.

Justification

Listing is the process that identifies, designates and provides statutory protection for buildings of special architectural or historic interest. In assessing applications under the Planning (Scotland) Acts that affect a listed building 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 that it possesses.

Once lost, listed buildings cannot be replaced; they can be robbed of their special interest either by inappropriate alteration or by demolition. Therefore

there is a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

Policy HE 3 Conservation Areas

Development within a conservation area or affecting its setting should preserve or enhance its character. The design, materials, scale, siting and use of any development should be appropriate to the character of the conservation area and its setting.

Where an existing building contributes positively to the character of the conservation area, proposals for total or substantial demolition should only be supported where it can be clearly demonstrated that every effort has been made to retain it.

The planning authority should preserve the amenity value of trees in conservation areas.

Justification

Conservation areas are areas of special architectural or historic interest. In assessing applications under the Planning (Scotland) Acts the planning authority is required to have special regard to the desirability of preserving or enhancing the character and appearance of the area.

The importance of the building and its contribution to the character and appearance of any part of the conservation area are key considerations when assessing demolition proposals. If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should be made to achieve its retention, restoration and sympathetic conversion to some other compatible use. Where demolition is deemed acceptable, careful consideration should be given to the design and quality of the replacement scheme.

The planning authority also has powers to preserve trees in conservation areas in the interests of amenity.

Policy HE 4 Archaeology

Scheduled monuments, designated wrecks and other identified nationally important archaeological resources should be preserved in situ, and within an appropriate setting. Developments that have an adverse effect on scheduled monuments and designated wrecks or the integrity of their settings should not be permitted unless there are exceptional circumstances.

All other significant archaeological resources should be preserved in situ wherever feasible. Where preservation in situ is not possible the planning authority should ensure that developers undertake appropriate archaeological excavation, recording, analysis, publication and archiving in advance of and / or during development.

Justification

Scheduled monuments are archaeological sites, buildings or structures of national or international importance. Where works requiring consent under the Planning (Scotland) Acts affect a scheduled monument, the protection of the monument and its setting are important considerations. Where planning controls extend offshore, the planning authority should ensure that development will not adversely affect the integrity and setting of wrecks designated under the Protection of Wrecks Act 1973 or as Historic Marine Protected Areas under the Marine (Scotland) Act 2010.

Archaeological sites and monuments are an important and finite resource that has the potential to increase our knowledge of the past, and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by the planning authority when making decisions on applications. Where preservation in situ is not possible the planning authority should ensure that developers undertake appropriate excavation and / or recording of the site.

Policy HE 5 Gardens and Designed Landscapes

Development affecting gardens and designed landscapes should protect, preserve and enhance such places and should not impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.

Justification

Gardens and designed landscapes are defined as grounds that have been laid out for artistic effect. 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.

An Inventory of Gardens and Designed Landscapes of national importance is compiled by Historic Scotland. The planning authority has a role in protecting, preserving and enhancing gardens and designed landscapes included in the Inventory and gardens and designed landscapes of regional and local importance.

The effect of a proposed development on a garden or designed landscape should be a consideration in decisions on planning applications. Change should be managed to ensure that the significant elements justifying designation are protected or enhanced.

Policy HE 6 Trees and Woodlands

The planning authority should protect trees, groups of trees and areas of woodland by making Tree Preservation Orders where this appears expedient in the interests of amenity and / or that the trees, groups of trees or woodlands are of cultural or historical significance.

The planning authority should ensure that, through the development management process, adequate provision is made for the preservation and planting of trees.

Justification

The planning authority may make Tree Preservation Orders to protect individual and groups of trees considered important for amenity or for their cultural or historic interest.

The planning authority has a duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made for the preservation and planting of trees.

Policy SGHE 1 Demolition of Listed Buildings

Proposals for the total or substantial demolition of a listed building should be supported by a Statement of Justification setting out the applicant's case based on one or more of the following:

Where the applicant believes the building is not of sufficient interest to be listed, a statement outlining the evidence to support this assertion should be provided;

Where the applicant believes the building is incapable of repair, a detailed survey should be provided highlighting the issue(s) that cannot be resolved;

Where the applicant believes that the building is capable of repair but that this is not economically viable to achieve, a detailed survey should be provided together with a priced schedule of works for the repair of the building and evidence of the value of the building once repaired. In addition it will normally be important to show that the

building has been marketed for a reasonable period, normally not less than 6 months; and

Where the applicant believes that the replacement scheme offers significant benefits to economic growth or the wider community, a statement should be provided which explains the nature of these benefits and how they cannot be realised if the building is retained.

In cases where the Planning Authority is minded to grant consent for the demolition of a listed building it will consider attaching conditions in respect of:

The recording of the building;

The conservation, retention or salvaging of architectural or other features, and other materials; and

The method of demolition to be employed.

Justification

Listed buildings make a significant contribution to our cultural heritage and to the quality of our built environment. The loss of any listed building leads to the erosion of an area's character, distinctiveness and sense of place. There is therefore a strong presumption against the demolition of any listed building.

Only where it can be shown that all efforts to retain a building have been exhausted will consent to demolish be considered.

If consent for demolition is granted, salvage and reuse of the materials can ensure the retention of architectural features and materials. Shetland Amenity Trust operates an architectural salvage store, and a commercial market exists for items such as roofing slate.

Policy SGHE 2 Demolition of unlisted buildings in Conservation Areas

Proposals for the total or substantial demolition of an unlisted building in a Conservation Area should be supported by a Statement of Justification setting out the applicant's case based on one or more of the following:

Where the applicant believes the building fails to make a positive contribution to the character of the conservation area, a statement outlining the evidence to support this assertion should be provided;

Where the applicant believes the building is incapable of repair, a detailed survey should be provided highlighting the issue(s) that cannot be resolved;

Where the applicant believes that the building is capable of repair but that this is not economically viable to achieve, a detailed survey should be provided together with a priced schedule of works for the repair of the building and evidence of the value of the building once repaired. In addition it will normally be important to show that the building has been marketed for a reasonable period, normally not less than 6 months; and

Where the applicant believes that the replacement scheme offers significant benefits to economic growth or the wider community, a statement should be provided which explains the nature of these benefits and how they cannot be realised if the building is retained.

Proposals for demolition should not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves the character of the conservation area. Demolition should not begin until evidence is given of contracts let for the approved development.

In cases where the Planning Authority is minded to grant consent for the demolition of an unlisted building in a Conservation Area it will consider attaching conditions in respect of:

The recording of the building;

The conservation, retention or salvaging of architectural or other features, and other materials; and

The method of demolition to be employed.

Justification

There is a presumption in favour of the retention of unlisted buildings in conservation areas where they make a positive contribution to the character, appearance, or history of the area. The Council has prepared conservation area character appraisals and these can be used to identify unlisted buildings which contribute positively to the character and appearance of an area.

Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. This allows consideration to be given to the potential contribution that the replacement scheme may make to the area's character and appearance.

Policy SGHE 3 Archaeological assessment

Where archaeological remains are known or thought likely to exist the developer may be requested to supply a report of an archaeological evaluation prior to determination of a planning or listed building consent application.

Justification

The presence and potential presence of archaeological assets is a material consideration in the planning process. On sites where archaeological remains are known or thought likely to exist the Planning Authority may request that an archaeological evaluation be undertaken to help inform the decision-making process.

Policy SGHE 4 Shopfronts in Conservation Areas

There should be a presumption against the removal or alteration of traditional shopfronts that contribute to the architectural quality and historic interest of a Conservation Area.

Justification

Traditional shopfronts add interest and variety to the streetscape, their distinct identity reflecting the social and cultural history of an area. Original shopfronts should be repaired and reinstated using traditional materials. Victorian or Edwardian shopfronts, whether an integral part of the building or later additions, should be retained and restored.

SGHE 5 Advertisements and signs

Advertisements and signs on or associated with the commercial use of, buildings should respect the character of the building and the area within which they are located. Within Conservation Areas painted signboards and the use of individual letters attached to fascias should be permitted where they do not have an adverse impact on the character of the area. Projecting signs are rarely required, particularly where the property already has fascia signs, and should not be permitted within Conservation Areas unless the applicant can demonstrate a genuine need. Where their presence is justified, the size, materials and design of projecting signs should be carefully controlled. Illumination should not be permitted unless the developer can show a genuine need. In Conservation Areas internal illumination should always be refused.

Justification

The Planning Authority has powers to control the display of advertisements and signs in the interests of amenity and public safety. The Planning Authority recognises the importance of advertising in promoting commercial activities, however a proliferation of poorly designed and unnecessary signage can have a detrimental effect on the character and amenity of an area. This is particularly the case in sensitive areas such as within Conservation Areas.

The most successful signs generally respect the original design of a building, whatever its period. New signage should be carefully designed and appropriately located. Within Conservation Areas signs should preferably be painted and should be applied directly to the masonry above shop windows or onto timber fascias in this position. The use of highly-coloured plastic letters, box signs or internally illuminated signs can seriously detract from the character of the area. One sign should be adequate for each business, and a proliferation of signs on two or more elevations should be avoided.

Policy SGHE 6 Closure of Lanes and Closes

Proposals that would result in the closure of lanes or closes within the Lerwick Lanes Conservation Area should not be permitted.

Justification

The historic pattern of lanes and closes within the centre of Lerwick are important elements in the townscape, adding interest and vitality, and allowing movement through the area. Any proposal that would restrict this access will therefore be resisted.

Appendix. Legislative and policy framework for proposals affecting the historic environment and sources of further information

Legislation

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

Ancient Monuments and Archaeological Areas Act 1979

Historic Environment (Amendment) Scotland Act 2011

The Town and Country Planning (Scotland) Act 1997

Planning Etc. (Scotland) Act 2006

Protection of Wrecks Act 1973

Marine (Scotland) Act 2010

The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010

Policy

Scottish Historic Environment Policy (SHEP)

Scottish Planning Policy

Guidance and Advice

Managing Change in the Historic Environment guidance notes (Historic Scotland)

Planning Advice Note PAN 2/2011 Planning and Archaeology

Planning Advice Note PAN 71: Conservation Area Management

Lerwick Lanes Conservation Area Character Appraisal

Lerwick New Town Conservation Area Character Appraisal

Scalloway Conservation Area Character Appraisal

Information Sources

The Council's Planning Service is able to advise on historic environment designations and related consent procedures. It also holds copies of the Statutory Lists of Buildings of Special Architectural or Historic Interest, Conservation Areas boundary maps and Character Appraisals, and Tree Preservation Orders. Much of this information is also available on the Council's website at www.shetland.gov.uk

The Regional Archaeologist, based at Shetland Amenity Trust, can provide advice on archaeological matters. The Trust also holds the local Sites and

Monuments Record (SMR), which contains details of all known monuments and archaeological sites and finds in Shetland.

Information on Scheduling, Listing, Conservation Areas, Protected Wrecks and Historic Marine Protection Areas, and Inventory Gardens & Designed Landscapes can be found on Historic Scotland's website www.historic-scotland.gov.uk

PASTMAP is a web-based data resource on the historic environment providing a range of information www.pastmap.org.uk

The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) collects, records and interprets information on the architectural, industrial, archaeological and marine heritage of Scotland. It maintains a national inventory and holds the national collection of the built and historic environment of Scotland. Further information can be found on its website www.rcahms.gov.uk