



---

**DEVELOPMENT &  
INFRASTRUCTURE  
COMMITTEE**

**DATE: 11 AUGUST 2009**

**REPORT NO: D&I 012-09**

**BY DIRECTOR OF DEVELOPMENT AND  
INFRASTRUCTURE**

**CONTACT OFFICER**

**BOB STEEDMAN, SENIOR PLANNER POLICY, Ext 8636**

**SUBJECT**

**HISTORIC SCOTLAND PUBLIC CONSULTATION ON THE  
IMPLEMENTATION OF THE REMOVAL OF THE DUTY OF  
PLANNING AUTHORITIES TO NOTIFY HISTORIC  
SCOTLAND ON CERTAIN TYPES OF LISTED BUILDING  
CONSENT APPLICATION**

---

**1.0 PURPOSE**

1.1 The purpose of this report is to inform Committee on the publication Historic Scotland's consultation paper on the "Implementation of the Removal of the Duty of Planning Authorities to Notify Historic Scotland on Certain Types of Listed Building Consent Application" and to agree a response.

**2.0 SUMMARY**

2.1 Historic Scotland's consultation paper on Implementation of the Removal of the Duty of Planning Authorities to Notify Historic Scotland on Certain Types of Listed Building Consent Application was published on 25 June 2009.

2.2 The aim of the consultation is to consider ways to deliver planning decisions more quickly whilst still protecting the historic environment. As such the Consultation Paper suggests that Planning Authorities need not notify Historic Scotland for certain types of applications which affect Category B Listings. The consultation seeks views on: -

- Whether and how Historic Scotland should take forward the removal of the duty to notify Scottish Ministers on certain types of listed building consent application.
- A number of specific questions to inform the design of any future scheme should it be taken forward.

**3.0 RECOMMENDATION**

It is recommended that the Committee:

3.1 Note the contents of this report, and

3.2 Submit this report as a response to the Historic Scotland Consultation.

**Director of Development and Infrastructure**

## 4.0 BACKGROUND

4.1 The consultation is based on a number of questions and this report follows the standard set of questions and provides the response.

**Question 1 – Background: In what capacity are you involved, or have you previously been involved, with the listed building consent process (e.g. applicant, agent, amenity body, planner, etc)?**

East Dunbartonshire Council as Planning Authority plays an important role in protecting and enhancing the historic environment.

**Question 2 – What criteria do you think a planning authority should meet in order to qualify for taking on sole responsibility for determining listed building consent applications and what resources do you think may be involved?**

It would seem logical, and apparent from the pilot scheme, that a Conservation/Heritage/Design officer should be employed within the Planning Authority. At present, East Dunbartonshire Council has neither a dedicated Conservation/Heritage Officer nor a Design Officer, this may hinder East Dunbartonshire Council Planning Service's ability to ensure that proposed developments, which no longer require to be notified, are appropriate to Listed Buildings. It is unlikely that resources could be made available from existing budgets to fill this role within the Planning Service, however there may be scope to look at shared services of a conservation/heritage/design officer with neighbouring local authorities. It would therefore be useful for Historic Scotland maintain at least a consultant's role for applications which would no longer require to be notified.

**Question 3 – Do you agree with the criteria proposed following the pilot?**

The criteria proposed following the pilot is set out in paragraph 5.3 below, and seems logical.

**Question 4 – It is Scottish Ministers' view that planning authority policies should be in line with national policy before they take on responsibility for determining applications. Do you agree? If not please explain why.**

East Dunbartonshire Council is in the process of replacing its existing Local Plan and has promoted the model policies for the forthcoming replacement Local Plan. East Dunbartonshire Council would have no issues with the view provided by Scottish Ministers.

**Question 6 – Do you think the method of monitoring planning authorities' decisions during the pilot was effective?**

It appears from the Monitoring Form that the monitoring exercise was effective.

**Question 7 – Do you think that planning authorities' decisions should be monitored as part of any future scheme? Please explain why/why not?**

Planning Authorities decisions should be monitored as part of any future scheme as this would provide checks to ensure the adequate decision making in relation to the historic environment.

**Question 8 – Do you think there are other ways which the monitoring could be done? If yes then how? It would be useful if you could consider: Who should carry out the monitoring? Should all cases be monitored or just a sample? How frequently should monitoring information be submitted? If a sample of cases are monitored how should the samples be selected? What would be good measures of success, i.e. what kind of information should be submitted for monitoring?**

The monitoring should be carried out by Historic Scotland. Given the requirement of 34 planning authorities to report and the potential number of listed building applications promoted, it would seem reasonable to take a random sample of (say) 10% to ensure quality of decision making. It would also seem appropriate to ensure that monitoring is carried out at least annually (or potentially bi-annually).

**Question 9 – Do you think monitoring information for planning authority decisions on C(S)-Listed Buildings should also be included? Please explain why/why not?**

Similarly to question 7, to ensure that Local Authorities are making adequate decisions it would perhaps be useful for Historic Scotland include this in any future scheme.

**Question 10 – How regularly do you think a planning authority’s overall performance should be reviewed and how do you think this should be carried out?**

To ensure that the correct levels of performance in this regard are being delivered it would perhaps be useful for the performance of planning authorities to be reviewed annually. In practice, it may well be that a random quota sample of Scotland’s planning authorities could be reviewed with the results at any one time offering a snapshot of how planning authorities are performing. This could be carried out over a (say) 3 year period and within that time all planning services could expect to be reviewed once. Once all planning authorities have been reviewed, the review process could begin anew so that performance levels remain high at all times.

**Question 11 – Do you think there are any issues that might lead to the withdrawal of the ability of planning authorities to determine applications without notifying Scottish Ministers?**

Local planning policies are in line with national planning policies and should there be a need to notify the Scottish Ministers, then East Dunbartonshire Council has no objection to this.

**Question 12 – Do you support the principle of giving planning authorities sole responsibility to issue listed buildings consent for more straightforward applications? Please explain your answer?**

With local planning policies being in line with national planning policies in regards to the historic environment, the transferring of power to planning authorities to come to their own decisions under delegated powers without consultations during the processing of applications of this nature can only improve the speed and quality of service that planning authorities can offer.

## **5.0 ADDITIONAL INFORMATION**

**5.1** The Scottish Government has recognised that the planning system is a key mechanism for the delivery of sustainable economic growth. To achieve this, decision making should be made efficiently at a local level with a clear policy framework.

- 5.2 At present planning authorities must notify Historic Scotland if they are minded to approve listed building consent for category A and B listed buildings and the demolition of category C(S) before they can issue consent. The notification period lasts 28 days and a proportion of notifications do not solicit a response from Historic Scotland.
- 5.3 Recognising this potential issue, Historic Scotland have sought ways to improve efficiency and effectiveness of the notification procedure. Historic Scotland has concluded that certain types of applications need not require notification. These include:

#### External works

The alteration, replacement, removal or installation of:

- External Doors,
- Gutters and Downpipes
- Railings
- Windows
- Roof Coverings
- Rooflights
- Stonework or masonry finishes
- Chimneys
- Steps and external stairs

Single storey extensions where:

- The floor area of the resulting building is up to 20m<sup>2</sup> greater than the original
- The height of the resulting building to be below the height of the highest part of the original, and
- The development would be less than 4m in height

Installation of:

- Modern fixings (e.g. aerials, alarm boxes, CCTV, plant ducts and associated fixtures);
- Utilities (e.g. electrics, gas, plumbing, telecommunications, etc); and
- Micro-renewables

Alteration, replacement or installation of:

- Shopfronts;
- Awnings;
- ATMs, and
- Singage

#### Internal Works

Sub-division of rooms

- Creation of openings between rooms (excluding perforation of floor plates and ceilings)
- Installation of modern fittings (e.g. suspended ceilings, kitchens, bathrooms, office furniture, bookcases, etc.)

Alteration, replacement, removal or installation of:

- Floor surfaces and finishes,
- Doors and associated joinery;
- Shutters, pelmets and rods,

- Modern services (e.g. electrics, gas, plumbing, telecommunications, etc),
- Tiles,
  
- Chimney pieces and fireplaces,
- Decorative plasterwork,
- Decorative wall coverings, fixed tapestries and decorative paints which form part on an architectural scheme.,
- Built in furniture (e.g. pews, wardrobes, cupboards) and
- Decorative timber joinery (e.g. panelling, dado rails, picture rails, skirting boards)

5.4 Historic Scotland has undertaken a pilot scheme to assess the impacts of the proposed changes to the notification procedures. In general, the pilot showed some improvements to the speed of decision making on Listed Building applications.

## **6.0 IMPLICATIONS**

6.1	Finance	None
6.2	Legal	None
6.3	Human Resources	None
6.4	Public Relations	None