

Planning Committee

10am Thursday 26 February 2015

Article 4 Direction Orders in the Colony and Pilrig Conservation Areas

Item number	8.3
Report number	
Executive	Executive
Wards	Leith, Craighentiny/Duddingston, Leith Central, City Centre, Inverleith, Sighthill/Gorgie, Fountainbridge/Craiglockhart

Executive summary

This report invites the Committee to agree to the introduction of Article 4 Direction Orders to control work by the statutory undertakers in the Pilrig and Colony Conservation Areas, prior to submission for approval by Scottish Ministers. This will make these more recently designated conservation areas consistent with other areas.

Links

Coalition pledges	P40
Council outcomes	CO19
Single Outcome Agreement	SO4

Article 4 Direction Orders in the Colony and Pilrig Conservation Areas

Recommendations

- 1.1 It is recommended that the Committee agrees to the introduction of Article 4 Direction Orders to control work by the statutory undertakers in the Colony and Pilrig Conservation Areas.

Background

- 2.1 The following Colony conservation areas were formally designated on 15 March 2013:
- Abbeyhill Colonies Conservation Area;
 - Dalry Colonies Conservation Area;
 - Hawthornbank (North Fort Street) Colonies Conservation Area;
 - Lochend (Restalrig Park) Colonies Conservation Area;
 - Rosebank Colonies Conservation Area;
 - Shaw's Place (Pilrig) Colonies Conservation Area;
 - Slateford (Flower) Colonies Conservation Area; and
 - Stockbridge Colonies Conservation Area.
- 2.2 The Pilrig Conservation Area was designated on 30 August 2013.
- 2.3 The boundaries of these areas are shown in Appendix 1.

Main report

- 3.1 The features that contribute to the character of conservation areas are extremely fragile and even minor change can have a significant effect on the overall character and appearance. Loss of special character can happen incrementally unless there are effective controls. Standard planning controls do not always provide sufficient protection to maintain or enhance the essential character of conservation areas, and the

introduction of an additional mechanism is considered appropriate for the more effective management of development.

- 3.2 Under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the planning authority can seek approval of the Scottish Ministers for Directions that restrict permitted development rights. The Directions effectively control the proliferation of relatively minor alterations in conservation areas that can cumulatively lead to erosion of character and appearance. Development is not precluded, but such alterations will require planning permission.
- 3.3 The first Article 4 Direction Orders were approved for Edinburgh conservation areas in 1971, and they have been amended and extended over the years. Restriction of Classes 1, 3, and 6 relating to householder development were formerly considered to be fundamental and essential aspects of the protection of architectural character within conservation areas. However, the enactment of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 removed permitted development rights for householders in all conservation areas. Directions for Classes 1, 3 and 6 are, therefore, no longer required.
- 3.4 A conservation area is defined not just by buildings but by the complex inter-relationship of open space, street furniture, street surfaces and signage. Controls over buildings alone are not sufficient protection. The public realm is often altered by statutory undertakers and it is important that it is well managed and works to it are controlled. The streets within the Colonies and Pilrig Conservation Areas often include historic materials such as setts and channels. The relatively small scale of the Colonies also means that minor changes can significantly alter their appearance.
- 3.5 An Article 4 Direction restricting Classes 38, 39 and 40 (development by the water, gas and electricity statutory undertakers), would provide control of the laying of pipes and electricity lines, and provision of plant which may have a significant effect on surface finishes within the Pilrig and Colony Conservation Areas in terms of their location, materials and design. The Colonies are particularly susceptible to such changes due to their domestic scale, tight layout and narrow streets. Article 4 Directions restricting Classes 38, 39 and 40 have already been approved for all other Edinburgh conservation areas. The recommended Article 4 Directions currently apply in the Shandon Colonies Conservation Area so this would ensure that a consistent approach was taken in all the Colony conservation areas.

Consultation

- 3.6 The proposals would place no restriction on individual householders and the consultation was restricted to notifying the water, gas and electricity statutory undertakers. No responses have been received from the statutory undertakers.

Next Steps

- 3.7 Article 4 Direction Orders require the approval of Scottish Ministers. The next step would be the submission of justification for the introduction of the proposed Article 4 Direction Orders to Scottish Ministers along with the results of the consultation with the statutory undertakers.

Measures of success

- 4.1 The protection of the character and appearance of the Pilrig and Colony Conservation Areas.

Financial impact

- 5.1 The implementation of the Article 4 Directions may result in a limited number of additional planning applications which will require assessment and determination. As these applications do not attract a fee, there will be pressure on resources which may lead to a requirement for extra staff.

Risk, policy, compliance and governance impact

- 6.1 There are no significant risks associated with approval of the report as recommended.

Equalities impact

- 7.1 The aim of managing conservation areas is to enhance the quality of the area. This has the potential to improve the quality of life and supports sustainable communities. There are no predicted negative impacts on equalities.

Sustainability impact

- 8.1 Management of the built environment has the potential to minimise the use of natural resources and reduce carbon emissions. The proposals in this report will help achieve a sustainable Edinburgh because the management of the historic environment contributes directly to sustainability in a number of ways. These include the energy and materials invested in a building, the scope for adaptation and reuse, and the unique quality of historic environments which provide a sense of identity and continuity.

Consultation and engagement

9.1 The proposals were the subject of a consultation with the statutory undertakers.

Background reading / external references

Report to Planning Committee on 6 December 2012 – Edinburgh Colonies Conservation Areas.

Report to Planning Committee on 8 August 2013 – Pilrig Conservation Area.

John Bury

Acting Director of Services for Communities

Contact; Jack Gillon, Senior Planning officer

Email Jack.gillon@edinburgh.gov.uk | Tel: 0131 469 3634

Links

Coalition pledges	P40 Work with Edinburgh World Heritage Trust and other stakeholders to conserve the city's built heritage.
Council outcomes	CO19 Attractive Places and Well Maintained - Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards.
Single Outcome Agreement	SO4 Edinburgh's communities are safer and have improved physical and social fabric.
Appendices *	1. Conservation Area Boundary Maps

Appendix 1 – Conservation Area Boundary Maps









