

Deputations

Planning Committee

2.00 pm Wednesday, 19th May, 2021

Virtual Meeting - via Microsoft Teams

Deputations

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Andrew Kerr

Chief Executive

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17 May 2021

For the Attention of the Planning Committee

Meeting 19th May 2021

Item 11.1 Impact of Road Interventions on Conservation Areas

Dear Councillors and Officials,

Newington Hotels Group does not oppose Active Travel in principal as we can see great benefits in cycling for our guests and our community. We do however oppose the design of the Cycle Lane Defenders and the scale of installation along the Craigmillar Park Corridor.

1. Inappropriate Cycle Lane Defenders for Conservation Areas:

- a) The current Cycle Lane Defender, installed on the current scale are inappropriate development for Conservation Areas.

It is City of Edinburgh Council's Statutory Duty under planning law to protect the Character and Appearance of the Craigmillar Park, Waverley Park and Blacket Conservation Areas and an alternative cycle lane option, more suitable to maintaining the character and appearance of the Conservation Areas must be found.

We believe City of Edinburgh Council in partnership with Sustrans are endangering Edinburgh's Historic Environment.

- b) 'Cycle Lane Defenders' of poor design quality, constructed of rubber and plastic have been installed in an excessive layout throughout Craigmillar Park, Waverley Park and Blacket Conservation Areas. This development is not sympathetic to the Historic Environment.
- c) City of Edinburgh Council in partnership with Sustrans have used the Emergency Covid-19 TTRO's to change the way our roads function. The TTRO's enable the change of traffic flow, loading and parking permissions but **do not cover the 'Cycle Lane Defenders'**.

City of Edinburgh Council have confirmed, the 'Cycle Lane Defender' used for cycle segregations and pedestrian social distancing measures have been installed on a temporary basis under 'Class 30' of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2014.



**The Town and Country Planning (General Permitted Development) (Scotland)
Order 1992**

**SCHEDULE 1
CLASSES OF PERMITTED DEVELOPMENT**

**PART 12
DEVELOPMENT BY LOCAL AUTHORITIES**

Class

30. The erection or construction and the maintenance, improvement or other alteration by a local authority of— (a) any building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity on land belonging to or maintained by them, being building works or equipment required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, refuse bins, public shelters and similar structures or works required in connection with the operation of any public service administered by them.

- d) Class 30 General Development Order, in which the Cycle Lane Defenders are installed, is for the use of small development on a small scale. The Council are abusing the use of Class 30 GDO to install unsympathetic Cycle Lane Defenders on the current scale. This large scale of development, specifically the prolific installation of Cycle lane Defenders throughout the Craigmillar Park, Waverley Park and Blasket Conservation Areas, significantly degrades the character and appearance of the Historic Environment.

The use of 'Class 30' General Development Order above, does not automatically give the right to install anything one likes in any fashion. All planning requirements for the completed article, in relation to Conservation Areas must still be adhered to. Local Authorities can use 'permitted development' to physically install infrastructure, however any building works completed must still comply with requirements under a Conservation Area in the relevant planning acts.

Planning Law states:

'General duties of planning authorities'

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

General duty as respects conservation areas in exercise of planning functions.

- (1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), **special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.**



- (2) Those provisions are—
- (a) the planning Acts, and
 - (b) Part I of the [M1](#) Historic Buildings and Ancient Monuments Act 1953.

e) Historic Environment Scotland’s ‘Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent April 2019’

3. It is the character of an area, either architectural or historic, created by buildings and open spaces and their relationship with one another which the designation of a conservation area seeks to preserve. Elements such as the street layout, open spaces and the public realm all contribute to an area’s special character.

5. National planning policy sets out that local authorities are expected to ensure that local development plans and supplementary guidance provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. In this regard, local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed Article 4 Directions. This should be supported by Conservation Area Appraisals and Management. As part of this process, planning authorities are encouraged undertake a thorough appraisal of any area before designation to ensure that its character or appearance is understood.

f) Scottish Planning Policy ‘SPP 2014, revised Dec 2020, p33’ states:

Valuing the Historic Environment

136. The historic environment is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.

137 (Point 2) enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

g) The Scottish Government ‘NPF3 2014’ states:

The Scottish Government “will respect, enhance and make responsible use of our natural and cultural assets” (NPF3 2014, 42) and that the “historic environment is an integral part of our well-being and cultural identity” (NPF3 2014, 43).



h) CEC's own guidance in 'Edinburgh Street Design Guidance 2018', p118 states:

Edinburgh has a legacy of original street layouts, fabrics, materials and furniture. Locally quarried sandstone, Caithness paving, original whinstone kerbs, granite setts, honored paving, original cast iron street lamps and street features such as mounting blocks, lighting plinths and coal chutes have been retained in many parts of the city.

These features form part of the overall values that underpin World Heritage status and create the essential character of the city's conservation areas. **It is important that changes to streets aim to preserve and enhance this historic fabric.**

Further CEC guidance 'Guidelines for Managing Edinburgh's Built Heritage' states:

- 2.7 Special attention must be paid to the character and appearance of the conservation area when Planning controls are being exercised
- 4.1 The aim should be to preserve the spatial and structural patterns of the historic urban fabric
- 4.5 New development should only be considered when compatible
- 4.6 Interventions need to be familiar and compatible within the historic context, not overwhelming and imposing. Excessively dominant interventions are rarely appropriate, they often result in harmful intrusions and disruption, even when the architectural quality is very high.

2. Reinstatement of Class 30 Permitted Development as an Article 4 Direction Order

a) The Planning Committee on 9 August 2007 approved a number of changes to Article 4 Direction Orders. These included:

'The removal of the restriction of **Classes 30** and **33** (development by the local authority) which was first introduced at the time of the dual local and regional authorities. **The main intention of restricting these Classes was to provide control over additional street furniture.** This has been unnecessary since Edinburgh became a single unitary authority and the Standards for Streets and the Streetscape Working Group were put in place. The extensive management arrangements introduced in the Council for Streetscape, involving members and an independent advisor, and including a Streetscape Board, Delivery Group and Working Group, provide sufficient reassurance on the quality of streetworks being progressed. The restriction on Classes 30 and 33 were rescinded for all conservation areas on 6th June 2008'



Please refer to Appendix A for a copy of **Report no PC/O19/07-08/CD** and Appendix B or subsequent report for the Planning Committee on 6 August 2009.

- b) It is clear, the original reason for restricting class 30 **‘The main intention of restricting these Classes was to provide control over additional street furniture.’** is relevant once more. Cycle lane defenders have been installed down 40klm of Edinburgh’s roads, many of these roads are located in Conservation Areas.

CEC have shown they are incompetently managing the use of ‘Class 30 General Development Order’ and are failing their statutory duty to **Maintain or Enhance the Character and Appearance of Conservation areas** through Spaces for People with the development of inappropriate Cycle Lane Defenders.

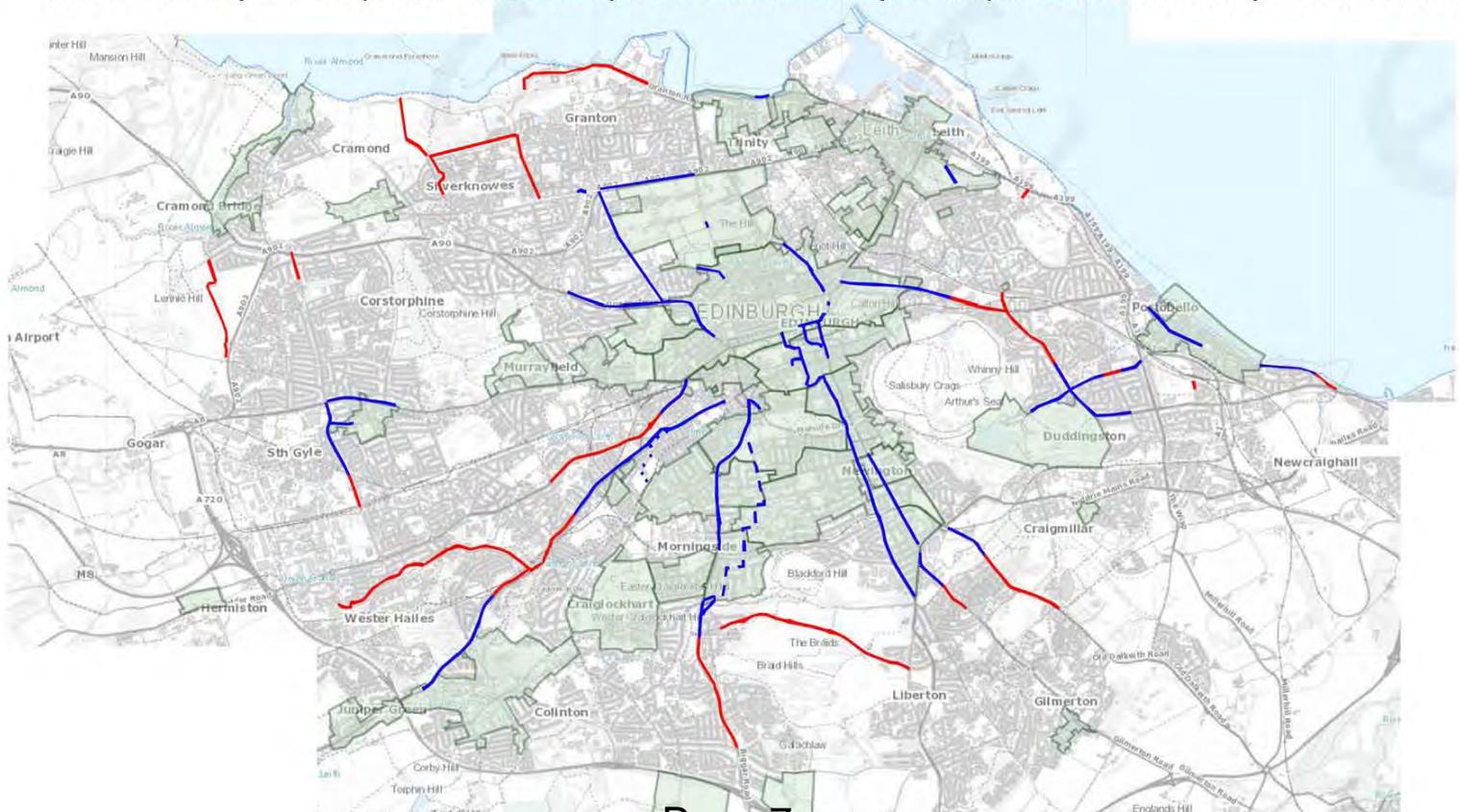
This abuse is causing material damage to our protected Conservation Areas.

- c) We urge the Planning Committee to reinstate ‘Class 30’ as an Article 4 Direction Order to enable the essential preservation of Edinburgh’s Historic Environment.

█ Conservation areas as found on: <https://www.edinburgh.gov.uk/conservation-2/listed-buildings>

— Selection of Spaces for People measures (current or planned) as found on: <https://www.edinburgh.gov.uk/roads-travel-parking/spaces-people-interactive-map-measures/1>

— Selection of Spaces for People measures (current or planned) located in or surrounding a Conservation Area where any ‘Bike Bollards/Cycle Lane Defenders’ are unlawfully installed and require immediate removal. A sufficient boundary must be kept free of ‘Bike Bollards/Cycle Lane Defenders’ so they do not impact on the surrounds of any Conservation Area.





3. Not Acceptable on a Temporary Timeframe

- a) The placement of the Cycle Lane Defenders along the Craigmillar Park Corridor are overbearing on the historic environment.
- b) Sustrans provides guidance for support partners on the implementation of temporary active travel facilities in Scotland, through Scottish Government’s Spaces for People fund, which is administered by Sustrans. (Source: <https://www.showcase-sustrans.org.uk/design-guidance/>)

Sustrans highlights ‘Conservation Area considerations’ when ‘Separation Features’ are considered.

Sustrans Design Guidance | <https://www.showcase-sustrans.org.uk/design-guidance/> Version: CR_001 Published 07.20

Cycling Routes 2.1 Temporary Cycle Lanes (One-way Travel)

Separation Features

Separation features improve the level of service afforded to users by increasing the perception of safety and helping avoid conflict. These include features both within and between user groups.

Options for cycle lanes may include markings, lines, moveable infrastructure (e.g. cones) and physical infrastructure.

Key Considerations

- Markings and easily moved objects such as cones are likely to be subject to misuse.
- Continuous separation removes possibility for users to extend into other areas to maintain social distancing and could also restrict permeability in some cases.
- Length of time segregation will be in place (e.g. short-term, medium term, long term).
- Procurement, installation, and maintenance.
- Conservation area considerations**
- Some separation features may have an adverse on other road users such as motorcyclists.



Figure 11. Cycle lane separators



Figure 12. Temporary lines in Berlin



Figure 13. Cycle lane defenders



Figure 14. Lining and cones in Glasgow

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- c) Temporary or otherwise, all of the above designs of ‘Segregation Materials’ do not comply with preserving Edinburgh’s Conservation Areas. Rubber and plastic are not acceptable Materials, and should not be used on the current scale of development. The placement of the ‘Cycle Lane Defenders’ are dominant and overbearing on the Historic Environment.
- d) Visual evidence of damage to the preservation of the character and appearance of the Craigmillar Park, Waverley Park and Blasket Conservation Areas along the Craigmillar Park Corridor.

Cycle Lane Segregators of inappropriate design have been placed in an overwhelming manner, severely impacting on the Historic Environment:







4. Absence of Heritage Statement and/or Conservation Plan

- a) City of Edinburgh Council has been repeatedly asked to provide evidence of what measures have been taken to ensure the protection of the Historic Environment. To date, no evidence has been produced.
- b) For a development of this type and scale a Heritage Statement and/or Conservation Plan should have been undertaken by CEC. We request the publication of the Heritage Statement and/or Conservation Plan detailing the impacts of the Craigmillar Park Corridor Spaces for People scheme on the protected Historic Environment.
- c) Cycle Lanes need to be created with minimal impact on Conservation Areas in mind, this has not been achieved under the current City of Edinburgh Council and Sustans 'Spaces for People' scheme along the Craigmillar Park Corridor.
- d) The use of the current 'Cycle Lane Defenders' is causing material damage to the Historic Environment. Temporary or otherwise, they should never have been installed. It is the Statutory Duty of City of Edinburgh Council in partnership with Sustrans to find an unobtrusive cycle lane measure to maintain the integrity of the protected Historical Environment.



5. Adverse Impact on the Tourism Sector:

- a) The presence of the 'Cycle Lane Defenders' in Craigmillar Park, Waverley Park and Blasket Conservation Areas are causing damage every single day. The Tourism sector is due to reopen in less than one week and the impact of the 'Cycle Lane Defender's on Edinburgh's Historic Environment through tourism will be felt immediately.
- b) Immediate removal is required as they have been installed using an abuse of 'Class 30' General Development Order powers, dishonouring City of Edinburgh Council's statutory duty to preserve or enhance the character or appearance of Conservation Areas.
- c) There is an economic cost to defacing Edinburgh's Conservation Areas. Tourism relies heavily on Edinburgh's Historic Environment, tourists visit Edinburgh to specifically experience the UNESCO World Heritage Site and Conservation Areas.

UNESCO States:

"Research has shown that World Heritage status can have a major socio-economic impact. For instance, in a recent report published in 2015, the UK National Commission for UNESCO finds that UNESCO projects in Scotland generated an estimated £10.8 million from April 2014 to March 2015 through their association with UNESCO"

(Source: <https://whc.unesco.org/en/socio-economic-impacts>)

'UNESCO World Heritage Site' status can be revoked or inscribed on the 'List of World Heritage in Danger' if UNESCO finds that the condition of an area corresponds to at least one of a list of criteria.

Edinburgh Council in partnership with Sustrans have caused damage to Edinburgh's World Heritage Site under the following UNESCO criteria:

- serious deterioration of architectural or town-planning coherence;
- serious deterioration of urban or rural space, or the natural environment;
- significant loss of historical authenticity
- threatening effects of town planning

(Source: <https://whc.unesco.org/en/158/>)

d) Built Environment Forum Scotland states:

The historic environment is one of Scotland's most precious assets:

- Edinburgh as a World Heritage Site is worth between £1.2 – £1.4 billion (EWH 2016)
- 68% of visitors to Edinburgh come because of its historic vernacular, bringing an estimated expenditure of £1.16 billion p. a. (EWH 2016)
- The historic environment contributes in excess of £2.3 billion to Scotland's economy, with £1.9 billion in Gross Value Added (SHEA 2018)



- The historic environment receives 18 Million visits per year, and these visits support a network of 66,000 jobs (SHEA 2018)
- Total spend by visitors to Scotland in 2015 was £8.87 billion.

(Source: <https://www.befs.org.uk/scotlands-historic-environment/facts-figures/>)

Damage to Edinburgh’s Old Town World Heritage Site:



Thank you for taking your valuable time to read our deputation.

Our best wishes,

Article 4 Direction Orders

Planning Committee
9 August 2007

1 Purpose of report

- 1.1 To present a summary of the present Article 4 Direction Orders.

2 Summary

- 2.1 This report summarises the current position regarding Article 4 Direction Orders following the completion of the programme of Conservation area Character Appraisals and recommends progressing these for approval by the Scottish Executive. It also recommends the deletion of existing Article 4 restrictions on local authority development.

3 Main report

- 3.1 The character of a conservation area is defined by the complex inter-relationship between buildings, open space, street furniture, trees, roads and surface treatments, which all combine to create a sense of place. However, 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 of the area. 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 Article 4 Direction Orders 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 Executive for Directions that restrict permitted development rights. The Directions effectively control the proliferation of relatively minor alterations to buildings 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 (Details of the Classes of Permitted Development which have been restricted by article 4 Direction Order are detailed in appendix 1). NPPG 18: Planning and the Historic Environment, published in 1999, specified that Article 4 Direction Orders would not be confirmed unless a Conservation Area Character Appraisal was in place for the area involved. Conservation Area Character Appraisals have now been finalised and approved by the Planning Committee for all of Edinburgh's conservation areas. The Character Appraisals, which have included proposals for Article 4 Direction Orders, have been the subject of consultation with City wide and local amenity groups. The Character Appraisals have identified boundary changes and Article 4 Direction Orders for the conservation areas. The current position with the article 4 Direction Orders for each conservation area is detailed in Appendix 2.
- 3.4 Restriction of Classes 1, 3, 6 and 7 relating to the enlargement or alteration of dwelling houses, the erection of ancillary buildings, the erection of satellite dishes and the erection of walls fences and other means of enclosure are considered to be fundamental and essential aspects of the protection of architectural character within conservation areas. Such alterations, although minor in their own right, can have a significant incremental affect on the appearance of the conservation area.
- 3.5 Restriction of Class 18 (agricultural buildings and operations) is considered appropriate in view of the rural nature and setting of a number of the conservation areas.
- 3.6 Restriction of Classes 24 and 25 relating to industrial land and buildings, and Class 35 relating to harbour and dock works apply in the Leith Conservation Area and are considered appropriate to effectively control such works and protect the character of the conservation area.
- 3.7 Restriction of Classes 30 and 33 (development by the local authority) was first introduced at the time of the dual local and regional authorities. The main intention of restricting these Classes was to provide control over additional street furniture. It is now anachronistic in terms of the single unitary authority, the Standards for Streets and the Streetscape Working Group. It is recommended that restriction of these Development Classes is rescinded for existing conservation areas and is not submitted for Scottish Executive approval for proposed new Article 4 Directions. The extensive management arrangements introduced in the Council for Streetscape, involving members and an independent advisor, and including a Streetscape Board, Delivery Group and Working Group, provide sufficient reassurance on the quality of streetworks being progressed.

- 3.8 Restriction of Classes 38, 39 and 40 (development by the water, gas and electricity statutory undertakers), provides control of installations and surface treatments which may have a significant affect on public spaces within conservation areas in terms of their location, materials and design.
- 3.9 Restriction of Class 67 (development by telecommunications code systems operators) was considered appropriate to allow more effective control of the design and location of telecommunication installations and assist in maintaining an uncluttered street scene. However, the Town and Country Planning (General Permitted Development) (Scotland) Amendment (No 2) Order 2001 restricts telecommunication permitted development rights in conservation areas. The restriction on Class 67 is, therefore, no longer required.
- 3.10 Conservation area boundary changes were identified in the approved Character Appraisals for the following areas: Colinton, Coltbridge & Wester Coates, Craigmillar Park, Dean, Duddingston, Juniper Green, Morningside, Morton Mains and West Murrayfield. The boundary changes were implemented in March 2007. All of these conservation areas have existing Article 4 Direction Orders restricting Permitted Development Classes, as detailed. It is recommended that Scottish Executive approval is sought for Article 4 Direction Orders to cover the extent of the revised boundaries of the conservation areas. The Article 4 Direction Orders to restrict the Classes of Permitted Development detailed in appendix 2, with the exception of Classes 30 and 33.
- 3.11 The Barnton Avenue, Craiglockhart Hills, Cramond, Gilmerton, Corstorphine and Thistle Foundation Village Conservation Areas have no Article 4 Direction Orders. It is recommended that Scottish Executive approval is sought for Article 4 Direction to restrict the Classes of Permitted Development detailed in appendix 2, with the exception of Classes 30 and 33.
- 3.12 The Marchmont, Meadows and Bruntsfield Conservation Area, which is the subject on a separate report on this agenda, will require an Article 4 Direction across its extended area, consistent with the proposals in this report.

4 Financial Implications

- 4.1 There are no immediate financial implications from the introduction of the Article 4 Direction Orders. The approval of Article 4 Directions by the Scottish Executive will result in additional planning applications which will require assessment and determination.

5 Conclusions

- 5.1 The proposed Article 4 Direction Orders will result in the more effective management of development, which will assist in safeguarding the historic and architectural character of conservation areas.

6 Recommendations

- 6.1 It is recommended that the Committee approves this report as a basis for seeking Article 4 Direction Orders from the Scottish Executive.



Andrew M Holmes
Director of City Development

1.8.07.

Appendices	Appendix 1: Classes of Permitted Development Appendix 2: Conservation Area Character Appraisal Summary
Contact/tel	Jack Gillon (469 3634)
Wards affected	City Wide
Background Papers	None

Appendix 1

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 - Permitted Development Classes

- Class 1 The enlargement, improvement or other alteration of a dwellinghouse.
- Class 3 The provision within the curtilage of a dwellinghouse of any building or enclosure
- Class 6 The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.
- Class 7 The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class 18 The carrying out on agricultural land comprised in an agricultural unit of works for the erection, extension or alteration of a building; the formation, alteration or maintenance of private ways; or any excavation or engineering operations, for the purposes of agriculture.
- Class 24 Development carried out on industrial land for the purposes of an industrial process.
- Class 25 The creation of a hard surface within the curtilage of an industrial building or warehouse.
- Class 30 The erection or construction and the maintenance, improvement or other alteration by a local authority of building, works or equipment, lamp standards, refuse bins, public shelters and similar structures or works.
- Class 33 Works by the local authority for the erection of dwellinghouses and any development the estimated cost of which does not exceed £100,000.
- Class 35 Development on operational land by statutory undertakers in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings.
- Class 38 Development by statutory undertakers for the purposes of water undertakings.
- Class 39 Development by public gas supplier.
- Class 40 Development by electricity statutory undertaker.
- Class 67 Development by or on behalf of a telecommunications code system operator for the purpose of the operator's telecommunication system.

Appendix 2

The Article 4 Direction Orders identified in the Character Appraisals for the conservation areas included in the rural west and north east areas were approved by the Scottish executive and implemented in 2004. The restricted Permitted Development Classes are detailed below:

Balerno	1 3 6 7 18 30 33 38 39 40
Currie	1 3 6 7 18 30 33 38 39 40
Dalmeny	1 3 6 7 18 30 33 38 39 40
Hermiston	1 3 6 7 18 30 33 38 39 40
Kirkliston	1 3 6 7 18 30 33 38 39 40
Queensferry	1 3 6 7 18 30 33 38 39 40
Ratho	1 3 6 7 18 30 33 38 39 40

Leith	1 3 6 7 23 24 25 30 33 35 38 39 40
Newhaven	1 3 6 7 30 33 38 39 40
Portobello	1 3 6 7 30 33 35 38 39 40
Trinity	1 3 6 7 30 33 38 39 40
Victoria Park	1 3 6 7 30 33 38 39 40

The boundaries of the following conservation areas have not been subject to amendment and have the current ranges of restricted Permitted Development Classes under the Article 4 Direction Order:

Blacket	1 3 6 7 30 38 39 40 41 67
Grange	1 3 6 7 30 38 39 40 41 67
Inverleith	1 3 6 7 30 33 38 39 40 41 67
Merchiston Greenhill	1 3 6 7 30 33 38 39 40 67
New Town	1 3 6 7 30 33 38 39 40 41 67
Old Town	1 3 6 7 30 33 38 39 40 41 67
Shandon	1 3 6 7 30 33 38 39 40 41 67
South Side	1 3 6 7 30 33 38 39 40 41 67
Waverley Park	1 3 6 7 30 38 39 40 41 67
West End	1 3 6 7 30 33 38 39 40 41 67
Marchmont & Meadows	1 3 6 7 38 39 40 67
Swanston	1 3 6 7 18 38 39 40 67

Conservation area boundary changes were identified in the approved Character Appraisals for the following areas, and the boundary changes were implemented in March 2007. All of these conservation areas have existing Article 4 Direction Orders restricting Permitted Development Classes, as detailed. A new Article 4 Direction Order is now required to cover the extent of the revised boundaries of the conservation areas.

Colinton	1 3 6 7 38 39 40 67
Coltbridge & Wester Coates	1 3 6 7 30 38 39 40 67
Craigmillar Park	1 3 6 7 30 33 38 39 40 67
Dean	1 3 6 7 30 33 38 39 40 67

Duddingston	1 3 6 7 30 33 38 39 40 67
Juniper Green	1 3 6 7 38 39 40 67
Morningside	1 3 6 7 30 33 38 39 40 67
Morton Mains	1 3 6 7 18 38 39 40 67
West Murrayfield	1 3 6 7 38 39 40 67

The following conservation areas have no Article 4 Direction Orders. The following proposed restricted Permitted Development Classes were approved by the Committee following the Character Appraisals for each area.

Barnton Avenue	1 3 6 7 30 33 38 39 40 41 67
Craiglockhart Hills	1 3 6 7 30 38 39 40 41
Cramond	1 3 6 7 30 33 38 39 40 41 67
Gilmerton	1 3 6 7 18 30 38 39 40 67
Corstorphine	1 3 6 7 30 33 38 39 40 41 67
Thistle Foundation Village	1 3 6 7

Article 4 Direction Orders

Planning Committee 6 August 2009

1 Purpose of report

- 1.1 To present a summary of the present Article 4 Direction Orders, following approval by the Scottish Government.

2 Summary

- 2.1 This report summarises the current position regarding Article 4 Direction Orders following the completion of the programme of Conservation Area Character Appraisals and approval from the Scottish Government of new and extended Article 4 directions for 16 conservation areas.

3 Main report

- 3.1 The Planning Committee on 9 August 2007 approved a range of changes to Article 4 Direction Orders. These changes have now been approved by the Scottish Government.
- 3.2 The character of a conservation area is defined by the relationship between buildings, open space, street furniture, trees, roads and surface treatments, which all combine to create a sense of place. However, the features that contribute to the character of conservation areas are often fragile and minor change can have a significant effect on the overall character and appearance of the area. 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 Article 4 Direction Orders is considered appropriate for the more effective management of development.
- 3.3 Under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the planning authority can seek approval of the Scottish Executive for Directions that restrict permitted

development rights. The Directions effectively control the proliferation of relatively minor alterations to buildings in conservation areas that can cumulatively lead to erosion of character and appearance. Development is not precluded, but such alterations will require planning permission.

3.4 The first Article 4 Direction Orders were approved for Edinburgh conservation areas in 1971, and they have been amended and extended over the years. The Character Appraisals, which have included proposals for Article 4 Direction Orders, were the subject of consultation with city wide and local amenity groups. The Character Appraisals identified boundary changes and Article 4 Direction Orders for the conservation areas. Such applications do not, however, attract fees.

3.5 The Planning Committee on 9 August 2007 approved a number of changes to Article 4 Direction Orders. These included:

- The removal of the restriction of Classes 30 and 33 (development by the local authority) which was first introduced at the time of the dual local and regional authorities. The main intention of restricting these Classes was to provide control over additional street furniture. This has been unnecessary since Edinburgh became a single unitary authority and the Standards for Streets and the Streetscape Working Group were put in place. The extensive management arrangements introduced in the Council for Streetscape, involving members and an independent advisor, and including a Streetscape Board, Delivery Group and Working Group, provide sufficient reassurance on the quality of streetworks being progressed. The restriction on Classes 30 and 33 were rescinded for all conservation areas on 6th June 2008
- The removal of the restriction of Class 67 (development by telecommunications code systems operators) was considered appropriate to allow more effective control of the design and location of telecommunication installations and assist in maintaining an uncluttered street scene. However, the Town and Country Planning (General Permitted Development) (Scotland) Amendment (No 2) Order 2001 restricts telecommunication permitted development rights in conservation areas. The restriction on Class 67 is, therefore, no longer required. The restriction on Class 67 was rescinded for all conservation areas on 6th June 2008
- Conservation area boundary changes were identified in the approved Character Appraisals for the following areas: Colinton; Marchmont, Meadows and Bruntsfield; Coltbridge & Wester Coates; Craigmillar Park; Dean; Duddingston; Juniper Green; Morningside; Morton Mains and West Murrayfield. The boundary changes were implemented in March 2007. All of these conservation areas have existing Article 4 Direction Orders restricting Permitted Development Classes. The extension of the Article 4 Directions to cover the extent of the revised boundaries of the conservation areas was also agreed. The Scottish

Government has now approved these Article 4 Direction Order extensions

- The Barnton Avenue, Craiglockhart Hills, Cramond, Gilmerton, Corstorphine and Thistle Foundation Village Conservation Areas had no Article 4 Direction Orders. The Planning Committee agreed that Article 4 Directions should be introduced to cover these conservation areas. The Scottish Government has also approved Directions to restrict Permitted Development in these conservation areas.

3.6 A comprehensive list of conservation areas and the relevant Article 4 Directions are included as Appendix 1.

4 Financial Implications

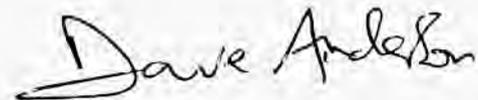
4.1 There are no immediate financial implications from the introduction of the Article 4 Direction Orders. However, the implementation of the Article 4 Directions is likely to result in additional planning applications which will require assessment and determination. Such applications do not attract fees.

5 Conclusions

5.1 The Article 4 Direction Orders will result in the more effective management of development, which will assist in safeguarding the historic and architectural character of conservation areas.

6 Recommendations

6.1 It is recommended that the Committee notes this report.



Dave Anderson
Director of City Development

Appendices Appendix 1: Conservation Areas and Article 4 Directions

Contact/tel Jack Gillon (469 3634)

Wards affected City Wide

Background Papers None

JKG/FK/PLANCOM/Article 4 Directions
28 July 2009

Appendix 1- Conservation Areas and Article 4 Directions

Balerno	1 3 6 7 18 38 39 40
Barnton Avenue	1 3 6 7 38 39 40 41
Blacket	1 3 6 7 38 39 40 41
Colinton	1 3 6 7 38 39 40 67
Coltbridge & Wester Coates	1 3 6 7 38 39 40
Corstorphine	1 3 6 7 38 39 40 41
Craiglockhart Hills	1 3 6 7 38 39 40 41
Craigmillar Park	1 3 6 7 38 39 40
Cramond	1 3 6 7 38 39 40 41
Currie	1 3 6 7 18 38 39 40
Dalmeny	1 3 6 7 18 38 39 40
Dean	1 3 6 7 38 39 40
Duddingston	1 3 6 7 38 39 40
Gilmerton	1 3 6 7 18 38 39 40
Grange	1 3 6 7 38 39 40 41
Hermiston	1 3 6 7 18 38 39 40
Inverleith	1 3 6 7 38 39 40 41
Juniper Green	1 3 6 7 38 39 40 67
Kirkliston	1 3 6 7 18 38 39 40
Leith	1 3 6 7 23 24 25 35 38 39 40
Marchmont & Meadows	1 3 6 7 38 39 40
Merchiston Greenhill	1 3 6 7 38 39 40
Morningside	1 3 6 7 38 39 40
Morton Mains	1 3 6 7 18 38 39 40
Newhaven	1 3 6 7 38 39 40
New Town	1 3 6 7 38 39 40 41
Old Town	1 3 6 7 38 39 40 41
Portobello	1 3 6 7 35 38 39 40
Queensferry	1 3 6 7 18 38 39 40
Ratho	1 3 6 7 18 38 39 40
Shandon	1 3 6 7 38 39 40 41
South Side	1 3 6 7 38 39 40 41
Swanston	1 3 6 7 18 38 39 40
Thistle Foundation Village	1 3 6 7
Trinity	1 3 6 7 38 39 40
Victoria Park	1 3 6 7 38 39 40
Waverley Park	1 3 6 7 38 39 40 41
West End	1 3 6 7 38 39 40 41
West Murrayfield	1 3 6 7 38 39 40

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 - Permitted Development Classes

Class 1 The enlargement, improvement or other alteration of a dwellinghouse.

Class 3 The provision within the curtilage of a dwellinghouse of any building or enclosure

- Class 6 The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.
- Class 7 The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class 18 The carrying out on agricultural land comprised in an agricultural unit of works for the erection, extension or alteration of a building; the formation, alteration or maintenance of private ways; or any excavation or engineering operations, for the purposes of agriculture.
- Class 24 Development carried out on industrial land for the purposes of an industrial process.
- Class 25 The creation of a hard surface within the curtilage of an industrial building or warehouse.
- Class 35 Development on operational land by statutory undertakers in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings.
- Class 38 Development by statutory undertakers for the purposes of water undertakings.
- Class 39 Development by public gas supplier.
- Class 40 Development by electricity statutory undertaker.
- Class 41 Tramway or road transport undertaking.

Restriction of Classes 1, 3, 6 and 7 relating to the enlargement or alteration of dwelling houses, the erection of ancillary buildings, the erection of satellite dishes and the erection of walls fences and other means of enclosure are considered to be fundamental and essential aspects of the protection of architectural character within conservation areas. Such alterations, although minor in their own right, can have a significant incremental affect on the appearance of the conservation area.

Restriction of Class 18 (agricultural buildings and operations) is considered appropriate in view of the rural nature and setting of a number of the conservation areas.

Restriction of Classes 24 and 25 relating to industrial land and buildings, and Class 35 relating to harbour and dock works apply in the Leith Conservation Area and are considered appropriate to effectively control such works and protect the character of the conservation area.

Restriction of Classes 38, 39, 40 and 41 (development by the water, gas, electricity and road transport statutory undertakers and), provides control of installations and surface treatments which may have a significant affect on public spaces within conservation areas in terms of their location, materials and design.