

Notice of meeting and agenda

Development Management Sub-Committee of the Planning Committee

9:00am, Wednesday 20 June 2018

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **10.00am on Monday 18 June 2018** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 Development Management Sub-Committee of 25 April 2018 (circulated) - submitted for approval as a correct record.

4. General Applications, Miscellaneous Business and Pre-Application Reports

The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1

- 4.1 Baxter's Place Edinburgh (Telephone Kiosk) – Installation of x1 InLink and the removal of x1 BT payphone. Additionally, x1 BT payphone will be removed from a nearby location as part of this proposal – application no 18/01327/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.2 Baxter's Place Edinburgh (Telephone Kiosk) – Two digital LED screens, one on each side of the InLink – application no 18/01329/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.3 11 Bowmont Place Edinburgh (Proposed Telecoms Apparatus 33 Metres Northwest Of) – Site already in-situ. Extension to allow replacement mast to be integrated in the Network – application no 17/05913/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.4(a) 15 Braid Road Edinburgh – Change of use of existing Class 10 premises to mixed use of nursery and wedding venue, (Sui Generis) – application no 18/05806/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.4(b) 15 Braid Road Edinburgh – Internal and external alterations including installation of acoustic glazing and formation of new escape door – application no 18/00605/LBC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.5 4 Calder Road Edinburgh (Advertising Station) – Internally illuminated digital advertisement to underside - application no 18/01095/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.6 4 Castle Street Edinburgh (Street Traders Land 20 Metres East Of) – Installation of 1 x InLink Unit and the removal of 2 x BT payphones - application no 18/01305/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.7 4 Castle Street Edinburgh (Street Traders Land 20 Metres East Of) – Two digital LED display screens, one on each side of the InLink unit - application no 18/01306/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.8 22A Findhorn Place Edinburgh – Single storey extension to rear of property - application no 18/01618/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.9 159 Fountainbridge Edinburgh (Site At Former) – Mixed use development comprising offices, hotel and other commercial uses including classes 1, 2, 3 and 11 with associated access roads, and landscaping/public realm (as amended) - application no 17/05997/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.10 5 Frederick Street Edinburgh (Proposed Telecoms Apparatus 9 Metres West Of) – Installation of x1 InLink and the removal of x2 BT payphones - application no 18/01310/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.11 5 Frederick Street Edinburgh (Proposed Telecoms Apparatus 9 Metres West Of) – Two digital LED display screens, one on each side of the InLink - application no 18/01311/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.12 32 George Street Edinburgh (Proposed Telecoms Apparatus 7 Metres North Of) – Installation of x1 InLink and removal of x2 BT payphones - application no 18/01312/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.13 32 George Street Edinburgh (Proposed Telecoms Apparatus 7 Metres North Of) – Two digital LED display screens, one on each side of the InLink - application 18/01313/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.14 77B George Street Edinburgh (Proposed Advertising Panel 8 Metres South Of) – Removal of 2 x existing BT Payphones and the installation of 1 x InLink unit - application no 18/01307/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.15 77B George Street Edinburgh (Proposed Advertising Panel 8 Metres South Of) – Two digital LED display screens, one on each side of the InLink unit - application 18/01308/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.16 111 George Street Edinburgh (Proposed Digital Advertising 12 Metres South Of) – Two digital LED display screens, one on each side of the InLink – application no 18/01338/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.17 111 George Street Edinburgh (Proposed Digital Advertising 12 Metres South Of) – Two digital LED display screens, one on each side of the InLink – application no 18/01339/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.18 10 Gilmerton Station Road Edinburgh (Land 292 Metres West Of) – Approval of matters specified in conditions 1 (b)-(j)i, iv and 6 of Planning Permission in Principle 14/01649/PPP for the erection of 293 residential units with associated infrastructure works (as amended) – application no 17/05883/AMC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **APPROVED**.

- 4.19 10 Gilmerton Station Road Edinburgh (Land 292 Metres West Of) – Approval of matters specified in conditions 1 (b), (d), (e), (f), (g), (h), (i), 6 and 10 of Planning Permission in Principle 14/01649/PPP for the erection of 315 residential units (as amended) – application no 17/05925/AMC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **APPROVED**.

- 4.20 Hanover Street Edinburgh (Bus Shelters) – Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter – application no 18/00948/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.21 Hanover Street Edinburgh (Bus Shelters) – Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter - application no 18/01019/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.22 Hanover Street Edinburgh (Bus Shelters) – Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter - application no 18/ 01023/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.23 27 Hanover Street Edinburgh (Proposed Telecoms Apparatus 8 Metres West Of) – Installation of x1 InLink and removal of x2 BT payphones – application no 18/01320/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.24 27 Hanover Street Edinburgh (Proposed Telecoms Apparatus 8 Metres West Of) – Two digital LED display screens, one on each side of the InLink – application no 18/01321/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.25 104 Hanover Street Edinburgh (Proposed Telecoms Apparatus 9 Metres East Of) – Installation of x1 InLink and the removal of x2 BT payphones - application no 18/01322/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.26 104 Hanover Street Edinburgh (Proposed Telecoms Apparatus 9 Metres East Of) – Two digital LED display screens, one on each side of the InLink - application 18/01323/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.27 6 Picardy Place Edinburgh (Proposed Telecoms Apparatus 14 Metres South Of) – Installation of x1 InLink and the removal of x2 BT payphones - application no 18/01325/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.28 6 Picardy Place Edinburgh (Proposed Digital Advertising 14 Metres South Of) – Two digital LED display screens, one on each side of the InLink - application no 18/01326/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.29 63 Queen Street Edinburgh (Proposed Telecoms Apparatus 12 Metres North Of) – Installation of x1 InLink and the removal of x1 BT Payphone – application no 18/01336/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.30 63 Queen Street Edinburgh (Proposed Telecoms Apparatus 12 Metres North Of) – Two digital LED display screens, one on each side of the InLink – application no 18/01337/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.31 South St Andrew Street Edinburgh (Telephone Kiosk) – Installation of x1 InLink and the removal of x4 BT payphones – application no 18/01334/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.32 South St Andrew Street Edinburgh (Telephone Kiosk) – Two digital LED display screens, one on each side of the InLink – application no 18/01335/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.33 2 South Charlotte Street Edinburgh (Proposed Telecoms Apparatus 17 Metres East Of) – Installation of x1 InLink and the removal of x2 BT payphones - application no 18/01303/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.34 2 South Charlotte Street Edinburgh (Proposed Telecoms Apparatus 17 Metres East Of) – Two digital LED display screens, one on each side of the InLink - application no 18/01304/ADV – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 4.35 20 The Wisp Edinburgh (Land 90 Metres West Of) – Proposed residential development – application no 16/00216/PPP – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

5. Returning Applications

These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 5.1 Applications for Planning Permission and Listed Building Consent (18/00563/FUL, 18/00568/LBC and 18/00569/LBC) at 42 Henderson Row, Edinburgh EH3 5BL: Appeals against non-determination – report by the Chief Planning Officer (circulated)

6. Applications for Hearing

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

- 6.1 None.

7. Applications for Detailed Presentation

The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

- 7.1 GF 15 Belgrave Place Edinburgh – Convert existing rear window to form new external door. Fit new metal stair with glass balustrade - application no 18/01270/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **REFUSED**.

- 7.2 7 Canaan Lane Edinburgh – Erection of five storey building to replace a disused public toilet comprising 10 flats – application no 18/01506/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

7.3(a) National Galleries Of Scotland 1 The Mound Edinburgh – Alterations and extension to the 1978 Property Services Agency (PSA) wing with adjoining interior alterations to the Scottish National Gallery (SNG) and the 2004 Weston Link, new and improved service and pedestrian access, landscaping , public realm and other works to achieve improved connections between galleries, gardens and the city beyond – application no 17/05832/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

7.3(b) National Galleries Of Scotland 1 The Mound Edinburgh – Alterations and extension to the 1978 Property Services Agency (PSA) wing with adjoining interior alterations to the Scottish National Gallery (SNG) and the 2004 Weston Link, new and improved service and pedestrian access, landscaping , public realm and other works to achieve improved connections between galleries, gardens and the city beyond – application no 17/05842/LBC – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

8.1 None.

Laurence Rockey

Head of Strategy and Insight

Committee Members

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Graczyk, Griffiths, Mitchell, Mowat, Osler and Staniforth.

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and usually meets twice a month. The Sub-Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

A summary of the recommendations on each planning application is shown on the agenda. Please refer to the circulated reports by the Chief Planning Officer or other Chief Officers for full details. Online Services – planning applications can be viewed online by going to [view planning applications](#) – this includes letters of comments received.

The items shown in part 6 on this agenda are to be considered as a hearing. The list of organisations invited to speak at this meeting are detailed in the relevant Protocol Note. The Development Management Sub-Committee does not hear deputations.

The Sub-Committee will only make recommendations to the full Council on these applications as they are major applications which are significantly contrary to the Development Plan.

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4210, email committee.services@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <http://www.edinburgh.gov.uk/cpol>.

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Item 3.1 – Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 25 April 2018

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Graczyk, Mitchell, Mowat, Osler and Staniforth.

1. Minutes

Decision

To approve the minute of the meeting of the Development Management Sub-Committee of 7 March 2018 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Section 4, 5, 6 and 7 of the agenda for the meeting.

Requests for Presentations

The Chief Planning Officer gave presentations on the following:

Item 4.1 – 50 Baberton Avenue, Juniper Green, Edinburgh (Land 48 Metres West Of) – as requested by Councillors Booth and Staniforth.

Item 4.2 – 50 Broughton Street, Edinburgh – as requested by Councillor Mowat.

Item 4.6 – 37 Drum Street, Candlemaker's Park, Edinburgh (Land 126 Metres North Of) – as requested by Councillor Osler.

Item 4.7 – 236 Gorgie Road, Edinburgh – as requested by Councillor Dixon and Osler.

Item 4.9 – 540A Lanark Road, Edinburgh – as requested by Councillors Mowat and Staniforth.

Item 4.14 – 156, 158B, 160 And 162 Leith Walk, Edinburgh – as requested by Councillors Booth and Staniforth.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

3. 1 Riccarton Mains Cottages, Riccarton Mains Road, Currie (Land 320 Metres Southeast Of)

The Sub-Committee had agreed to hold a pre-determination hearing under the procedures set out in the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008 for consideration of the application for planning permission in principle for proposed residential development (class 9), flats (sui generis) (including affordable housing provision, university halls of residence), neighbourhood centre inc. retail (class 1), services (class 2), food and drink (class 3), non-residential (class 10) and assembly and leisure (class 11) with associated access, parking, open space, public realm and infrastructure works (inc. demolition of overhead and relaying of power lines) at 1 Riccarton Mains Cottages, Riccarton Mains Road, Currie (Land 320 Metres Southeast Of) be dealt with by means of a hearing (application no 16/05217/PPP).

(a) Report by the Chief Planning Officer

The development of the site for residential purposes was not supported by the Edinburgh Local Development Plan (LDP) and is contrary to the provisions of LDP Policy Env 10 (Development in the Green Belt and Countryside).

The site was outwith the West Edinburgh Strategic Development Area (SDA) as defined by the Strategic Development Plan (SDP). As such, its development would be inconsistent with the SDA's spatial strategy which sought to prioritise in the first instance, the development of brownfield land and land within identified SDAs.

The proposal was contrary to LDP Policy Hou 1 (Housing Development). Using the method described in the Housing Land Audit 2017 to assess unconstrained housing land with support, there was a five-year effective housing land supply in the Council's area. Even if there was a deficiency in the five year housing land supply, and considering the proposal against LDP policy Hou1 and the wide aims of the development plan, the proposal was not acceptable. It would have an adverse impact on the landscape setting of the city, would not provide suitable green belt boundaries and would not be in keeping with the character of the settlement and local area. It had poor public transport accessibility for pedestrians and there was no guarantee that this could be improved.

Insufficient information had been submitted to fully assess the transport impacts of the proposal and whether the pylons could be removed and the overhead powerlines could be successfully redirected or buried.

In summary, the proposal was unacceptable in principle, in terms of sustainable location, impact on city setting and area character and setting, and in terms of sufficiency of information.

The proposal was contrary to the development plan and there were no material considerations which justified approval.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971

(b) Presentation by Currie Community Council

Dr Keith Symington and Vivian Granton gave a presentation on behalf of Currie Community Council.

Dr Keith Symington outlined the strategic context, the transport links, education and healthcare and the environment.

Strategic Context

- Riccarton Mains Village (RMV) was one of many applications that were not in the Local Development Plan (LDP).
- The Community Council believed that an overarching plan was essential.
- RMV was, therefore, not a sustainable development.

Transport Links

- RMV was poorly integrated into transport infrastructure
- There was no cycleway to Currie, the consequence of this would be a reliance on cars.
- Lack of integration and transport links outweighed the benefit of development.

Education and Healthcare

- Currie and Nether Currie primary schools were nearly at capacity.
- The four surgeries within reach were almost at capacity.
- There was no strategic integration.

Environment

- CCC felt that the large student blocks were inappropriate.
- This development would have a negative impact on Heriot-Watt's "rural" feel.
- There was not enough evidence that the lines could, and would, be sunk.

In conclusion, the Community Council agreed with development in a considered and careful context and the LDP provided this framework. However, RMV was not an expansion of their community, this was a new village on prime farmland in the green belt that was not in the LDP. Therefore, the Community Council agreed with the assessment that this proposal should be refused.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971

(c) Presentation by Davidson Robertson Rural

Martin Hall and Michael Reid Thomas gave a presentation on behalf of Davidson Robertson Rural.

Martin Hall indicated that they objected to the proposed development. (Michel Reid Thomas and Davidson and Robertson had been located at Riccarton Mains since the 1970's and 1990's respectively).

The traffic on Riccarton Mains had increased substantially in recent years and at times was at capacity. This development would add yet further congestion unless an alternative access was used to help alleviate bottlenecks and further road junctions onto Riccarton Mains Road between Herriot Watt and Currie.

Riccarton Mains Road had for many years been quite a dangerous road, with blind corners and an adverse camber. In addition, there was little provision for pedestrians and cyclists to travel safely, with poor connectivity to the railway station.

On this basis they objected to the proposed development. It was their view the if consent was granted then an access to this site should be directly off the existing branches of Riccarton Mains Roundabout. He then thanked the Sub-Committee.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971

(h) Presentation by Applicant – Tim Ferguson (Ferguson Planning)

Tim Ferguson (Ferguson Planning) and Alex Ferguson (Transport Planning) gave a presentation on behalf of the applicant the H&H Group PLC.

He advised that the H&H Group were by way of background Property and Farmstock Brokers who operated across Scotland and the north of England.

The H&H Group had acquired the land as part of the overall John Swann takeover back in 2015, but soon realised on the review of their land portfolio that, due to the large overhead pylons and general low quality of the land, that the overall value of the subject site for agricultural purposes was low.

Following the press report on a housing shortfall within the city and in particular in the proximity of the university, park and ride and Currie Train Station. This had led to the appointment of the project team to pursue the Riccarton Mains Village proposal.

It should be noted that the proposal had no direct relationship with the Garden District Proposals. It was a stand-alone village concept that was being promoted by their clients.

The proposal was of a scale that they considered could be delivered within a reasonable time period and that could go towards the growing housing shortfall in the city.

Considerable time and consultation had gone into the provision of detailed supporting documentation on the overall design of Riccarton Mains Village Masterplan. All of which came after any such review of the site during the LDP review.

The proposal again had been subjected to an environmental impact assessment and the design concept together with 3D images were contained within the Design and Access Statement and which had followed core placemaking principles.

The Master Plan was generally made up of three core parts:

- a. Approximately 200 residential dwellings with strong “rural feel” and which would promote high-quality build materials such as stone timber natural slate.
- b. The focal point being a large village green together with a village centre to cater for community needs such a small shops, village hall and space for the GP practice.
- c. University halls of residence again formed a core part given the extreme close proximity to the Heriot Watt Campus and something encouraged by policy Hou 8 of the LDP.

The village was intended to have an extensive boundary woodland which doubled up as informal recreation walkways for local people. It again sought to connect in with the local cycle and footways that bordered the site and which would encourage links on foot to nearby bus and train stops.

It was appreciated that the lands in question were designated as green belt, it was important however, to understand whether it would significantly impact on green belt principles. The proposal was a standalone village with significant boundary woodland/landscaping to contain it and ensure it did not significantly impact on the wider landscape or encourage urban sprawl.

In physical terms it could be seen as a form of an extension to the significant build form that neighboured it at the Heriot Watt Campus which again should be noted was allocated outwith the greenbelt.

As shown in the reporter’s finding to the current SESPLAN it was clear that if and when there was a continued housing shortfall, more must be done to meet that shortfall, including allowing further housing sites to come forward on suitable greenfield land. That included looking at sites within the green belt which were considered sustainable located and which would not have significant visual or landscape impacts.

There continued to be both mainstream and affordable housing shortfalls within Edinburgh and there were numerous large housing sites allocated within the LDP that were slow to deliver or constrained and in overall terms, there being an inadequate five and ten year housing land supply. This then continued to push houses prices up locking many out of the housing market. For this site the applicant had committed to 25% affordable housing on site and which would equate to approximately 54 of the 214 units proposed.

The reporter’s conclusions on the green belt when considering the current LDP, was that there was significant time lag in the delivery of sites and that brownfield sites alone were highly unlikely to enable the housing land requirement to be met. The reporter also alluded to ensure a continued compliance with SESPLAN and a continual monitoring of housing delivery and, if required, additional Greenfield sites would need to be considered.

This had been furthered in SESPLAN2, currently at examination. Contrary to the position within the officer’s report, they considered it still be a strong material consideration. SESPLAN2 placed strong emphasis on housing delivery and that it remained under constant review. Reference was made to an annual supply of some 2,662 homes per year being needed between 2018 and 30 should be provided and that a generosity margin should again be applied.

The subject site as shown within their transport assessment could quickly avail of a variety of modes of transport other than the private car. Bus provision and a park and ride facility was within 5 minutes' walk from the site. It had a cycle path along its boundary and which acted as a definable edge and again with easy reach was the nearby Currie Tran Station.

The sentiments made with regard to the visual and landscape impact on the proposal had been grossly exaggerated and lacking in true appreciation of the current landscape within which the proposal was set. The site was undulating but largely low lying it was contained within the confines of current built form – that being an existing cycle/footpath and road network together with houses located beyond the site to the north, east and west. Further to this, the development would sit well below and within the wider context of the neighbouring white Oriam Sports Centre which could be seen from a considerable distance.

In addition to this, the landscape right across the subject site was significantly scarred as a result of three extremely high power lines that ran right across it. A landscape impact assessment had been undertaken by independent landscape architects and had shown that the landscape in this area was not of a high quality and while there might be some localised or modest impact – on the whole there would be no significant or detrimental visual impact on the wider landscape.

Significant woodland boundary treatment which would have walkways intertwined would actually enhance one of the green belt principles by providing better recreational access while softening any visual impact. Again, one would note in the SNH consultation no significant concerns regarding visual impact or ecology were raised.

Within reason for refusal 2, there was reference to not demonstrating what additional infrastructure was required and delivery within a reasonable timescale. They presumed this was in reference to the burial of the pylons on the site. They were unclear given this was a PPP Application why such detailed information was being sought and not being conditioned as they had sought.

It was important to point out they provided the Case Officer and Environmental Health Officer an e-mail, showing that dialogue was ongoing with Scottish Power and that the principle of the pylon burial was indeed possible. Desktop investigations had been undertaken and options provided by Scottish Power, all of which gave comfort that the concept was technically viable. The detail of such was a private matter between the landowner and the provider.

To go to the next stage required extremely detailed plans and exact confirmation on position of the built form. That was for the next stage in the planning process. They had provided the Case Officer and Environmental Health Officer with correspondence for Scottish Power and Network Rail had also provided their consultation to this application. Neither raised an issue with the concept of the burial of the pylons. This was what they sought to do and had outlined that within their proposal description and that was what they sought to be conditioned.

It was again worthy of note of other greenfield sites that had been granted PPP permission that had pylons running across them.

For example, at Brunstane, on that occasion neither the Environmental Health nor Planning Department sought the detailed investigations that were being sought of them.

Indeed they recommended a condition be applied in relation to such matters relating to pylons.

Reason 3 stated: “The proposal was contrary to the provision of the LDP Policy Tra8 as it had not fully demonstrated the cumulative effects of the proposal and that it could be addressed within a relevant timeframe.” They considered this to be incorrect. An extensive amount of dialogue occurred between the applicants and the Council between 21st April 2016, when the first (of two) Transport Assessment scoping meeting was held with CEC.

The protracted nature of this dialogue related to the inclusion of so called “cross border/cross boundary” traffic effects within the Transport Assessment and this had been done in accordance with the Council’s requirements and using data extracted from the Council’s traffic model. Additionally, the site lay within the Calder and Hermiston transport contributions zone as laid out in current developer contribution guidance. This was acknowledged in the transport consultation response to the application and the applicants were content to discuss appropriate contribution in the same manner as many other sites across the City which also lay within transport contribution zones.

Refusal reason 4, an Air Quality Assessment that linked with the Transport Assessment had been undertaken. It showed the existing air quality in the study area was good and well within the statutory ECT limit values and was predicted to comply with all Scottish Air Quality Objectives. SEPA again touched upon the subject of air quality and had no objection on such grounds. Given mitigation measures could be provided, it was again assumed the matter of noise related to the overhead pylons raised by Environmental Health had been addressed previously. They were not seeking that they remained “In Situ” and thus when buried, no such noise issues would arise or indeed the need to be tested.

Clarity was required on the validity or reasoning for refusal 5. The Masterplan had built in a form of Neighbourhood Centre for local people. This included units that could be used of such purposes as a GP practice should the demand be there from doctors wishing to set up in the area. Again, complimentary services were planned to sit alongside this, together with community space.

In relation to refusal number 6, they did not consider the lands in question to be prime agricultural land. The lands were undulating, some of which fell within Grade 3 and this together with the pylons running across the lands could in no way be deemed prime land. This was low level grazing land at best as a result of the aforementioned restrictions.

On refusal reason 7, they acknowledged that the lands were currently not designated but it equally needed to be acknowledged in relation to the Strategic Development Plan that there was a need to meet the growing housing needs and where there was not, consideration of sustainable located greenfield land must be considered.

They considered that there was a growing housing shortfall and that housing identified in the Local Development Plan was not keeping pace with that demand – many being constrained and unable to fully deliver within the LDP timeframe. The proposal was in a sustainable location with no significant impacts. It could be delivered within a reasonable time period and the appropriate flexibility to allow such sites should be applied should be

applied in accordance with SDP principles.

In conclusion, they cited some very strong material considerations that had been given very little coverage within the officer's report. This was the economic benefits that the proposal would bring, which included:

- Approximately 100 million of new capital investment.
- In the region of 495 man years of construction and injecting an additional £22 million pounds into the economy.
- The creation of jobs within the proposed local centre.
- The provision of new community facilities and an additional £2m in retail spend.
- 214 new homes and halls of residence that would bolster existing services in areas such as Currie.
- They had read the detail in the officer's report and on this occasion they considered the reasoning for refusal to be lacking for the reasons outlined.
- Significant detailed and technical documentation had been provided in support of this application and this outlined the compliance with core material considerations and as to why the proposed Riccarton Mains Village should be approved.

They thanked the Sub-Committee for their time and requested that they overturned the recommendations by the Chief Planning Officer and grant the application.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/293971

Decision

To recommend to the Council meeting on 31 May 2018 to refuse planning permission in principle as detailed in section 3 in the report by the Chief Planning Officer.

(Reference – report by the Chief Planning Officer, submitted.)

4. 540A Lanark Road, Edinburgh

The Chief Planning Officer provided details on an application for proposals for extension of existing class 2 use premises to form new Class 3 Hot Food Takeaway (Sui Generis). (Change of Use from Bank Class 2 to Class 1 was permitted development) at 540A Lanark Road, Edinburgh – (Application no. 17/04434/FUL).

Motion

To grant planning permission subject to conditions and reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer

- moved by Councillor Booth, seconded by Councillor Osler.

Amendment

To refuse planning permission as the proposal would be contrary to Local Plan Policy RET 5 (c) due the piecemeal nature of the proposals and the development did not make a positive contribution to the shopping environment and appearance of the centre, and ENV 6 as the proposals were detrimental to the character and appearance of the conservation area.

- moved by Councillor Gardiner, seconded by Councillor Child.

Voting

For the motion - 3 votes

(Councillors Booth, Osler and Staniforth.)

For the amendment - 7 votes

(Councillors Child, Dixon, Gardiner, Gordon, Graczyk, Mitchell and Mowat.)

Decision

To refuse planning permission as the proposal would be contrary to Local Plan Policy RET 5 (c) due the piecemeal nature of the proposals and the development did not make a positive contribution to the shopping environment and appearance of the centre, and ENV 6 as the proposals were detrimental to the character and appearance of the conservation area.

(Reference – report by the Chief Planning Officer, circulated)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><u>Item 4.1 – 50 Baberton Avenue, Juniper Green, Edinburgh (Land 48 Metres West Of)</u></p>	<p>Construction of four new dwelling houses, including excavation to level site - application no 17/04719/FUL</p>	<p>To CONTINUE consideration of the matter for the developer to clarify the community benefit derived from the development as defined in policy ENV18</p>
<p><u>Item 4.2 – 16 Barnton Park View, Edinburgh</u></p>	<p>Create Enclosure (in retrospect) – application no 18/00095/FUL</p>	<p>To REFUSE planning permission as detailed in section 3 of the report by the Chief Planning Officer and to take ENFORCEMENT ACTION</p>
<p><u>Item 4.3 – 50 Broughton Street, Edinburgh</u></p>	<p>Proposed change of use from Grocer's shop to unlicensed takeaway. Fit new door and erection of flue both on rear elevation (as amended) - application no 17/00629/FUL</p>	<p>To REFUSE planning permission for the reason that the proposals were contrary to Local Development Plan policy RET 11 due to the detrimental impact on existing residential amenity.</p>
<p><u>Item 4.4 – 1 Cliftonhall Road, Newbridge</u></p>	<p>Illuminated Hoarding Signs x2 - application no 18/00210/ADV</p>	<p>To GRANT advertisement consent subject to conditions, reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer</p>
<p><u>Item 4.5 – 14 Cumberland Street South East Lane, Edinburgh (Land 8 Metres West Of)</u></p>	<p>Construction of mews property for use of Theosophical Society in Scotland Charity SCIO - Class 10 non-residential institution - application no 17/04898/FUL</p>	<p>To GRANT planning permission subject to conditions and reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.6 – 137 Drum Street, Candlemaker’s Park, Edinburgh (Land 126 Metres North Of)</u>	Approval of matters specified in conditions application for residential development including associated roads and landscaping (matters listed in condition one of planning consent 14/01238/PPP) - application no 17/05802/AMC	<ol style="list-style-type: none"> 1) To APPROVE matters specified in conditions as detailed in section 3 of the report by the Chief Planning Officer. 2) To include an additional informative to investigate the provision of additional accessible visitor parking spaces throughout the development.
<u>Item 4.7 – 236 Gorgie Road, Edinburgh</u>	Forthcoming application by Scotmid Co-operative / Structured House (Edinburgh West) Ltd for the demolition of existing (Class 1) retail store and erection of purpose-built student accommodation (Sui Generis) with (Class 1) retail on the ground floor level - application no 18/00851/PAN	<ol style="list-style-type: none"> 1) To note the key considerations. 2) That consideration be given to design, materials and the height of the building. 3) Consideration be given to protecting the daylighting to neighbouring gable ends, by recessing upper part of the new building. 4) Ensure retention of the active street frontages.
<u>Item 4.8(a) – 32 -36 Great King Street, Edinburgh</u>	Change of Use + alteration of existing hotel to form 9x dwellings; works include single storey extensions to rear + associated external works to form private gardens with access from adjacent parking area (as amended) - application no 17/05879/FUL	To GRANT planning permission subject to conditions and reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.8(b) – 32-36 Great King Street, Edinburgh</u>	Change of Use + alteration of existing hotel to form 9x dwellings; works include single storey extensions to rear + associated external works to form private gardens with access from adjacent parking area (as amended) - application no 17/05880/LBC	To GRANT listed building consent subject to conditions and reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer
<u>Item 4.9 – 540A Lanark Road, Edinburgh</u>	Extension of Existing Class 2 Use Premises to form new Class 3 Hot Food Takeaway (Sui Generis). (Change of Use from Bank Class 2 to Class 1 is permitted development) - application no 17/04434/FUL	To REFUSE planning permission as the proposal would be contrary to Local Plan Policy RET 5 (c) due the piecemeal nature of the proposals and the development did not make a positive contribution to the shopping environment and appearance of the centre, and ENV 6 as the proposals were detrimental to the character and appearance of the conservation area. (On a division)
<u>Item 4.10 – Leith Street, Edinburgh (Bus Shelters)</u>	Double sided advertisement panel forming part of a new bus shelter - application no 17/05303/ADV	To GRANT advertisement consent subject to conditions and reasons as detailed in section 3 of the report by the Chief Planning Officer
<u>Item 4.11 – Leith Street, Edinburgh (Bus Shelters)</u>	Foster bus shelter unit incorporating illuminated double digital display double sided advertising screen - application no 17/05443/ADV	To GRANT advertisement consent subject to conditions and reasons as detailed in section 3 of the report by the Chief Planning Officer

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.12 – Leith Street, Edinburgh (Bus Shelters)</u>	Foster bus shelter unit incorporating illuminated double digital display double sided advertising screen - application no 17/05444/ADV	To GRANT advertisement consent subject to conditions and reasons as detailed in section 3 of the report by the Chief Planning Officer
<u>Item 4.13 – Leith Street, Edinburgh (Bus Shelters)</u>	Foster bus shelter unit incorporating illuminated double digital display double sided advertising screen - application no 17/05445/ADV	To GRANT advertisement consent subject to conditions and reasons as detailed in section 3 of the report by the Chief Planning Officer

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><u>Item 4.14 – 156, 158B, 160 and 162 Leith Walk, Edinburgh</u></p>	<p>Forthcoming application by Drum (Steads Place) Ltd for the demolition of existing buildings and erection of a mixed use development including affordable housing (flats), post graduate student accommodation, hotel (Class 7), restaurant (Class 3), space for potential community (Class 10 & 11), retail (Class 1), public house or commercial uses (Class 2 & 4). Includes associated infrastructure, landscaping and car parking - application no 18/01015/PAN</p>	<ol style="list-style-type: none"> 1) To note the key considerations. 2) That developer provide justification in accordance with policies ENV 2 and ENV 4 for the loss of any buildings in the conservation area. 3) Details of the housing mix. 4) Consideration be given to potential for developer contributions towards the proposed cycle link and tram. 5) That consideration be given to active travel links and the bus network. 6) That consideration be given for the provision of smaller commercial hubs for use by business start-ups. 7) That consideration be given to the provision of space for a live music venue and other uses that would enhance the cultural life of the area 8) That consideration be given to retaining the façade of the red sandstone building on Leith Walk.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.15 – Lochside Way, Edinburgh (Land Adjacent To)</u>	Forthcoming application by Parabola Edinburgh Ltd for PPP proposing the development of the southern phase of Edinburgh Park to comprise a mix of uses including offices (Class 4), residential (Class 9 houses & Sui Generis flats), creche (Class 10) leisure (Class 11), hotel (Class 7), ancillary Class 1, 2 and 3, energy centre, car parking, landscaping and associated works - application no 18/01012/PAN	To note the key considerations
<u>Item 4.16 – 142 Lothian Road, Edinburgh</u>	Erection of additional office floor with adjusted elevational details and plant area - application no 17/05827/FUL	To REFUSE planning permission as detailed in section 3 of the report by the Chief Planning Officer.
<u>Item 4.17 – 6-8 Market Street, Edinburgh</u>	Application to Discharge the Planning Obligation (Section 75 Agreement) attached to granting of planning permission 14/04962/FUL - application no 17/03909/OBL	To ACCEPT the application to discharge the planning obligation as detailed in section 3 of the report by the Chief Planning Officer.
<u>Item 4.18 – New Street, Edinburgh (Land Adjacent To)</u>	To discharge various obligations in S75 agreement (2013) - application no 17/05746/OBL	To ACCEPT the application to discharge the planning obligation as detailed in section 3 of the report by the Chief Planning Officer.
<u>Item 4.19 – New Street, Edinburgh (Land Adjacent To)</u>	To discharge various obligations in S75 agreement (2014) - application no 17/05747/OBL	To ACCEPT the application to discharge the planning obligation as detailed in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 4.20 – 80 Newcraighall Road, Edinburgh (Proposed Advertising 69 Metres North Of)</u>	Internally illuminated LED 48 sheet advertisement hoarding in landscape orientation - application no 18/00810/ADV	To GRANT advertisement consent subject to conditions and reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer
<u>Item 4.21 – 63 Nile Grove, Edinburgh</u>	Sub-divide basement from ground floor to form separate dwelling. Internal alterations to basement floor layout. Form external glazed french doors from ground floor with new access staircase to rear garden. Form new entrance doorway from enlarged existing window opening at basement level - application no 18/00594/FUL	To GRANT planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer
<u>Item 4.22 – 6 Pilton Drive North, Edinburgh (Advertising Hoarding 8 Metres North Of)</u>	Internally LED illuminated 48 sheet digital advertisement in landscape orientation - application no 18/00526/ADV	To NOTE the application had been withdrawn
<u>Item 4.23 – 67 Whitehill Street, Mussleburgh (Newcraighall Primary School)</u>	Installation of modular unit building to provide 3 no. classrooms and associated ancillary spaces. Demolition of existing temporary unit with area made good to form additional play area (as amended) - application no 17/05955/FUL	To GRANT planning permission subject to conditions and reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer
<u>Item 4.24 – West Register Street, Edinburgh</u>	Stopping Up Order - reference no PO/18/01	To CONFIRM to stopping up order

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 5.1 – GF 2 Stoneycroft Road, South Queensferry</u>	Demolition of existing building on site and erection of five terraced townhouses on sloping site- application no 16/04716/FUL	To REFUSE planning permission as detailed in section 3 of the report by the Chief Planning Officer.
<u>Item 6.1 – 1 Riccarton Mains Cottages, Riccarton Mains Road, Currie (Land 320 Metres Southeast Of)</u>	Protocol Note by the Head of Strategy and Insight	Noted.
<u>Item 6.2 – 1 Riccarton Mains Cottages, Riccarton Mains Road, Currie (Land 320 Metres Southeast Of)</u>	Residential development (class 9), flats (sui generis) (including affordable housing provision, university halls of residence), neighbourhood centre inc. retail (class 1), services (class 2), food and drink (class 3), non-residential (class 10) and assembly and leisure (class 11) with associated access, parking, open space, public realm and infrastructure works (inc. demolition of overhead and relaying of power lines)– application no 16/05217/PPP	To recommend to the Council meeting on 31 May 2018 to REFUSE planning permission in principle as detailed in section 3 in the report by the Chief Planning Officer.
<u>Item 7.1 – 1 Craigpark, Ratho, Newbridge (Craigpark Quarry)</u>	Outdoor leisure complex incl. water sport and training facilities infrastructure, access (pedestrian and vehicular), landscaping and ancillary works (full planning permission), ancillary class 1 (retail)+class 3 (food and drink) uses, tourism accommodation facilities (PPP) – application no 17/02471/FUL	<ol style="list-style-type: none"> 1. To GRANT planning permission subject to conditions and reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer 2. The Chief Planning Officer to communicate with local members/community council re the phasing details of the development.

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01327/FUL
At Telephone Kiosk, Baxter's Place, Edinburgh.
Installation of x1 InLink and the removal of x1 BT payphone.
Additionally, x1 BT payphone will be removed from a nearby
location as part of this proposal.**

Item number	4.1
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LEN06, LEN03, LEN01, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

**Application for Planning Permission 18/01327/FUL
At Telephone Kiosk, Baxter's Place, Edinburgh.
Installation of x1 InLink and the removal of x1 BT payphone.
Additionally, x1 BT payphone will be removed from a nearby
location as part of this proposal.**

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a single BT phone boxes located on the outer edge of the pavement on the south side of Baxter's Place adjacent to 1 - 8 Baxter's Place.

The closest listed buildings to the site are as follows:

- 1 - 8 Baxter's Place - category A listed, listed on 14 December 1970 (ref: 28279);
- 18 - 22 Greenside Place (Playhouse Theatre) - category A listed, listed on 12 December 1974 (ref: 30029); and
- 23 - 27 Greenside Place - category B listed, listed on 19 June 2001 (ref: 48035).

Baxter's Place contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along Baxter's Place, either associated with bus stops/shelters or freestanding. There is non- digital advertising associated with the box office and frontage of the Playhouse Theatre.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing phone box with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;
- e) any impacts on equalities or human rights are acceptable;
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both east and west will be interrupted by the structure due to its height (2.9 metres) and visual impact.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 1- 8 Baxter's Place, which are category A listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them. The structure will also distract from the approach and setting of the listed buildings to the west of the site at Greenside Place. Whilst the listed Playhouse contains advertising this is recessed within the building frontage and is functional to the use of the building as one of the key entertainment venues within the city.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

It is recognised within this area of Baxter's Place there is a more open commercial characteristic and there is no negative impact on the Outstanding Universal Value of the World Heritage Site.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail: clare.macdonald@edinburgh.gov.uk Tel: 0131 529 6121

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

**Application for Planning Permission 18/01327/FUL
At Telephone Kiosk, Baxter's Place, Edinburgh.
Installation of x1 InLink and the removal of x1 BT payphone.
Additionally, x1 BT payphone will be removed from a nearby
location as part of this proposal.**

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

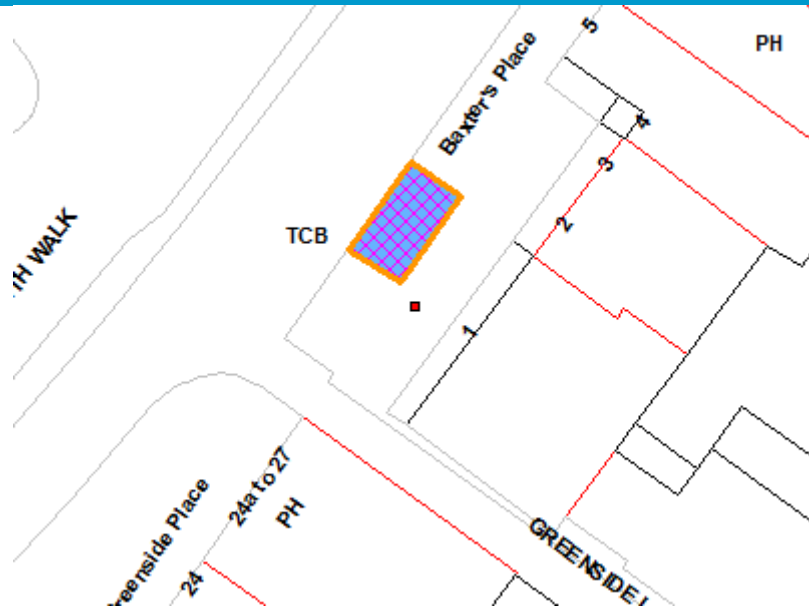
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

Application for Advert Consent 18/01329/ADV At Telephone Kiosk, Baxter's Place, Edinburgh Two digital LED screens, one on each side of the InLink

Item number	4.2
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,
--	--

Report

Application for Advert Consent 18/01329/ADV At Telephone Kiosk, Baxter's Place, Edinburgh Two digital LED screens, one on each side of the InLink

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a single BT phone boxes located on the outer edge of the pavement on the south side of Baxter's Place adjacent to 1 - 8 Baxter's Place.

The closest listed buildings to the site are as follows:

- 1 - 8 Baxter's Place - category A listed, listed on 14 December 1970 (ref: 28279);
- Greenside Place (Playhouse Theatre) - category A listed, listed on 12 December 1974 (ref: 30029); and
- 23 - 27 Greenside Place - category B listed, listed on 19 June 2001 (ref: 48035).

Baxter's Place contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along Baxter's Place, either associated with bus stops/shelters or freestanding. There is non- digital advertising associated with the box office and frontage of the Playhouse Theatre.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing single phone box with a BT "InLink" unit comprising a double-sided digital display unit with rotating content and an integral telecommunications interface. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The overall dimensions of the InLink structure are 2900mm high by 890mm wide (tapering at the lower section to 790mm) and 280mm deep. The digital display panels measure 1210mm by 690mm and the telecommunications interface is on the side elevation. The structure will be aligned horizontally so the digital displays are visually prominent.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace two existing phone boxes, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone boxes have static adverts on the sides facing the road only. The proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The double-sided digital advertising panel will be set perpendicular to the street within the InLink structure. Views both east and west will be interrupted by this panel, the bottom edge of which will sit approximately 1.4 metres above pavement level. The height of the proposed advert is 1.21 metres. Due to its alignment, height and illuminated digital nature, the advert will therefore have significantly greater impact than the existing static adverts on the existing phone boxes on both short and long distance views. The advertising panel will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

It is recognised within this area of Baxter's Place there is a more open commercial characteristic and there is no negative impact on the Outstanding Universal Value of the World Heritage Site.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed advertisement will be located adjacent to 1 - 8 Baxter's Place which are category A listed.

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that Advertisements should not adversely affect the settings of listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them. The structure will also distract from the approach and setting of the listed buildings to the west of the site at Greenside Place. Whilst the listed Playhouse contains advertising this is recessed within the building frontage and is functional to the use of the building as one of the key entertainment venues within the city.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01329/ADV At Telephone Kiosk, Baxter's Place, Edinburgh Two digital LED screens, one on each side of the InLink

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
- c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
- d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

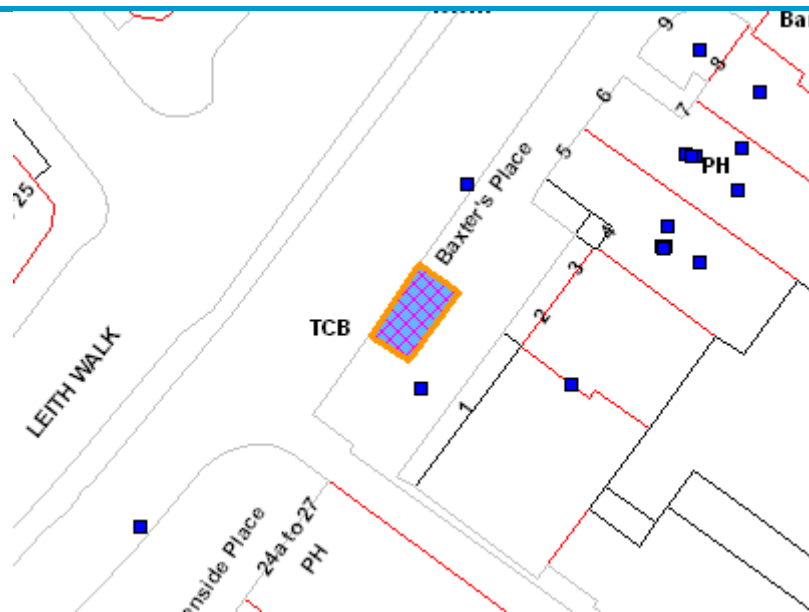
- 2. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 4. There should be no message sequencing where a message is spread across more than one screen;*
- 5. Phone numbers, web addresses details etc should be avoided;*
- 6. It is recommended that the speed of change of image should be set to be in effect instantaneous;*
- 7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*
- 8. Adverts should not resemble existing traffic signs or provide directional advice;*

9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;

10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;

11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 17/05913/FUL
At Proposed Telecoms Apparatus 33 Metres Northwest Of
11, Bowmont Place, Edinburgh
Site already in-situ. Extension to allow replacement mast to
be integrated in the Network.**

Item number	4.3
Report number	
Wards	B15 - Southside/Newington

Summary

The proposal will not harm the built or natural heritage of the city or have an unacceptable visual impact. The proposed extension of time is acceptable to allow a replacement mast to fully integrate into the network, after which the development will be removed and the site returned to its original state.

Links

[Policies and guidance for this application](#) LDPP, LRS07,

Report

Application for Planning Permission 17/05913/FUL At Proposed Telecoms Apparatus 33 Metres Northwest Of 11, Bowmont Place, Edinburgh Site already in-situ. Extension to allow replacement mast to be integrated in the Network.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site lies within a group of semi-mature trees at the east end of Bowmont Place in proximity to Salisbury Crags. A public footpath leading to the Dumbiedykes estate runs along the east side of the trees. The site includes fencing around the mast and telecommunication cabinets within the fenced area.

2.2 Site History

19th April 2016 - Planning permission granted for a temporary telecoms mast until 11th May 2017 (application reference 15/05256/FUL).

3rd March 2017 - Planning permission granted for an extension of 12 months for a temporary telecoms mast until 13th May 2018 (application reference 16/05662/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for a 12 month extension for an existing temporary mast to allow a replacement mast located at The Pleasance to be integrated into the network. The physical parts of the development will remain unchanged, the mast will still be approximately 24 metres in height. The site includes security fencing on the north side of Bowmont Place, with telecommunication cabinets included within the fenced area.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The proposal is acceptable in principle;
- b) The proposal is detrimental to visual amenity of the area;
- c) Any other relevant considerations are addressed;
- d) Any representations received have been addressed; and
- e) The proposal has an impact on equalities and human rights.

(a) Principle

The Edinburgh Local Development Plan (LDP) recognises that the provision of new telecommunications infrastructure is essential to economic competitiveness. Policy RS 7 in the LDP sets out criteria for assessing telecommunication proposals. Given that the mast is already in situ, criterion b) in relation to alternative sites is not relevant. The impact on visual amenity and in particular on Salisbury Crag is assessed in section 3.3 c).

(b) Visual Impact

The mast lies within a group of trees which helps screen its appearance from adjacent pedestrian routes. The existing mast has not caused harm to these trees.

The LDP states that there will be a limited number of locations, including city landmarks such as Arthur's Seat and Salisbury Crag, where the impact of an installation cannot be satisfactorily minimised, and where it will therefore be unacceptable in principle. Due to its height the upper section of the mast is visible above the trees in several views. However, this section of the structure is very slim and given the temporary nature of the proposal, it will not have an unacceptable long term impact upon the outlook of the Crag from Bowmont Place. When viewed from Salisbury Crag, the mast does not penetrate the skyline and is read against a backdrop of buildings.

On a temporary basis, the visual impact of the proposal is acceptable and will not harm the built or natural heritage of the city. It therefore accords with LDP policy RS7.

(c) Other Considerations

A number of representations have raised concerns that temporary permission for this mast has been extended on previous occasions and that the mast has now been in position for a long time. The applicant has indicated that this further extension is needed until a replacement mast is operational. This replacement mast is now in position at The Pleasance and is just awaiting a power connection. It is understood that this will take place in the next few months which will allow this mast to be removed. A condition is proposed requiring the removal of the mast within 12 months of the date of consent.

(d) Representations

This application received a total of 11 letters of representation. All eleven were objections to the proposal.

Material Representations - Objection

- Loss of visual amenity - addressed in section 3.3(b) of the assessment.
- Trees - addressed in section 3.3(b) of the assessment.
- Renewal of temporary permission - addressed in section 3.3(c) of the assessment.

Non Material Representations - Objection

- Loss of private view - this is not a planning matter.
- Impact on health - the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guideline has been satisfied.

(e) Equalities and human rights

The proposal has no impact on human rights or equalities.

Conclusion

The proposal will not harm the built or natural heritage of the city or have an unacceptable visual impact. The proposed extension of time is acceptable to allow a replacement mast to fully integrate into the network, after which the development will be removed and the site returned to its original state.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Permission limited to a period of 12 months from date of issue after which the mast should be removed and the land returned to its original condition.

Reasons:-

1. The condition is applied due to the temporary nature of the development, and to ensure the mast does not become permanent.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The proposal received a total of eleven letters of representation. These have been assessed in section 3.3 of the report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site lies within an urban area as defined within the Local Development Plan.

Date registered

19 December 2017

Drawing numbers/Scheme

01 - 05,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Steven Sinclair, Planning Officer

E-mail: steven.sinclair@edinburgh.gov.uk Tel:

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy RS 7 (Telecommunications) sets criteria for assessing telecommunication developments.

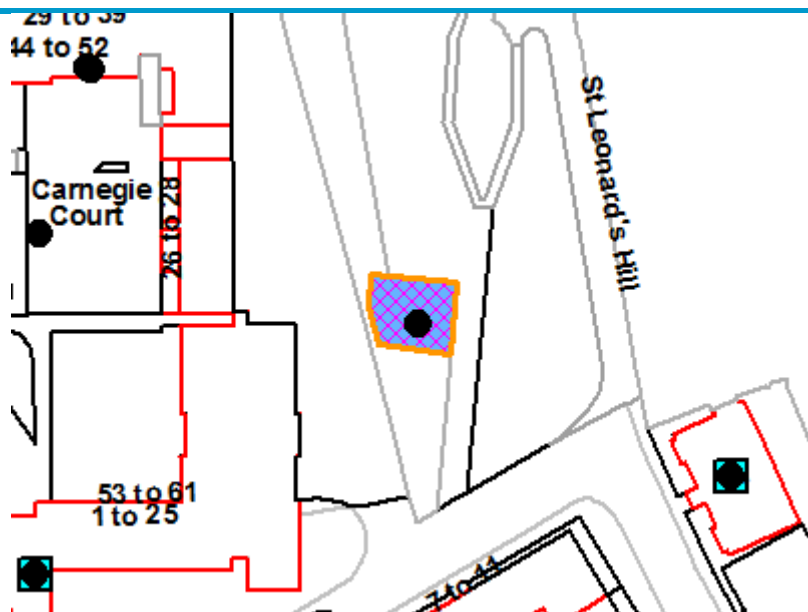
Appendix 1

**Application for Planning Permission 17/05913/FUL
At Proposed Telecoms Apparatus 33 Metres Northwest Of
11, Bowmont Place, Edinburgh
Site already in-situ. Extension to allow replacement mast to
be integrated in the Network.**

Consultations

No Consultations received.

Location Plan



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Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 17/05806/FUL
At 15 Braid Road, Edinburgh, EH10 6AE
Change of use of existing Class 10 premises to mixed use of
nursery and wedding venue, (Sui Generis).**

Item number	4.4(a)
Report number	
Wards	B10 - Morningside

Summary

The use of the premises as a mixed use events venue and childrens nursery would be an acceptable use of the building in principle. It would allow for the continued active use of the Category A listed building without the need for further sub-division of the internal spaces which would detrimentally impact on the historic character of the premises. However, the proposed noise attenuating glazing is not to a sufficient standard and potential late night operating hours of the premises would have an adverse impact on neighbouring residential amenity. Therefore, the proposal fails to comply with policies Hou 7 and Ret 8 of the LDP as it would have a materially detrimental effect on the living conditions of nearby residents. In addition, the proposals would significantly increase demand for on street parking spaces during evening hours which would have an adverse impact on the amenity of neighbouring occupiers and is contrary to LDP policy Tra 2.

Links

<u>Policies and guidance for this application</u>	LDES05, LEN04, LEN06, LRET08, LHOU07, LTRA02, LTRA03, NSLBCA, NSBUS, NSGD02, CRPMON,
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Report

Application for Planning Permission 17/05806/FUL At 15 Braid Road, Edinburgh, EH10 6AE Change of use of existing Class 10 premises to mixed use of nursery and wedding venue, (Sui Generis).

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site comprises the former South Morningside Free Church which has until recently been run as the church centre to Cluny Parish Church, and previously as an annex to South Morningside Primary School. The building was constructed in the 1890's and comprises a tower with the main church building and adjoining hall area. The property is category A listed (reference 26810, 14/12/1970).

The interior of the building was extensively altered when ecclesiastical use of the building ceased in the 1970's. The main church space has been sub-divided into two levels, with a hall remaining at upper storey and smaller rooms formed at lower level. The upper storey hall retains views to the original timber vaulted roof form and stained glass windows.

This application site is located within the Morningside Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes a change of use of the existing building from a vacant school/community centre (Class 11), to a mixed use children's nursery and wedding/events venue (Sui Generis). The building is currently split over 2 levels and it is proposed that the nursery use would occupy approximately 50% of the ground floor level, with the remainder of the space occupied by the events space. The proposed uses would be physically separated by new internal walls and would utilise different existing access points to the building.

There are no physical alterations proposed to the property which would constitute development requiring the benefit of planning permission. Internal and external alterations have been assessed in concurrent application 18/00605/LBC.

Supporting Documents

The applicant has submitted a Noise Impact Assessment and Transport Statement relating to the proposals. These can be viewed on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the use of the premises for a mixed use events venue and childrens nursery is acceptable in principle in this location;
- b) the proposals will adversely impact on the character of the conservation area and its appearance or the special interest of the listed building;
- c) there will be any loss of privacy or amenity to local residents;
- d) there are any transport or highway issues;
- e) the issues raised in the representations have been addressed; and
- f) there are any equalities or human rights issues.

a) Principle

The application proposes a mixed use of the premises of an events venue and childrens nursery (Sui Generis).

Policy Ret 8 of the Local Development Plan (LDP) advises that planning permission will be granted for leisure developments outwith the defined preferred locations where a sequential approach has been taken, the site is easily accessible by a variety of transport modes and will not lead to an unacceptable increase in traffic locally, the design safeguards the existing character of the area and the proposal is compatible with surrounding uses.

The supplementary information submitted states that the main use of the premises is intended as a wedding venue. Given that the property has a historical ecclesiastical and was built for this purpose, a use associated within the holding of weddings would be a logical purpose for the building. There are no vacant properties within the neighbouring designated Morningside Town Centre which would provide the same opportunities to host this use. The boundary of the Comiston Local Centre is located 80 metres to the north of the site less than 150 metres to the Morningside Town Centre area beyond. The proposal therefore meets the essence of the sequential tests.

There are no physical alterations to the appearance of the property requiring planning permission proposed and the existing building design would be safeguarded through the proposed use. The impact of the proposals in terms of neighbouring residential amenity has been addressed in section 3.3c below. The accessibility of the site is addressed in section 3.3d below.

The proposed nursery use would fall within the existing lawful Class 10 use of the premises and the principle of this part of the proposed use is therefore acceptable.

The proposals are acceptable in principle subject to compliance with other policies in the plan.

b) Impact on the listed building and Morningside Conservation Area

Policy Env 4 of the LDP advises that proposals to alter a listed building will be permitted where these alterations are justified, there will be no unnecessary damage to historic features and additions are in keeping with other parts of the building. Policy Env 6 advises that development will be permitted where it preserves or enhances the special character or appearance of the conservation area.

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

There are no physical alterations proposed which would require the benefit of planning permission. The proposal therefore complies with policies Env 4 and Env 6 of the LDP.

c) Impact on neighbouring amenity

Policy Hou 7 of the LDP advises that changes of use will not be permitted which would have a materially detrimental effect on the living conditions of nearby residents. It is located within a predominantly residential area, and has been a site of public congregation since the residential properties were built.

The proposed change of use to an events venue would have the potential to materially affect the character of the existing use. Although there are currently no restrictions on the hours of operation, the Class 10 use does not regularly operate during late evening hours. The current application proposes an operational time until 1am, 7 days a week. Although the main potential noise generating activities proposed would be subject to licensing regimes, including public entertainment licences and alcohol licences, it is deemed appropriate in this instance to restrict hours of operation through the planning system should Committee be minded to grant this application.

Environmental Protection has raised concerns that the proposed secondary glazing would provide insufficient protection against noise breakout from the proposed use to the closest affected residential properties. It was also noted that the application fails to propose any ventilation from the premises, which would have the potential to increase levels of predicted noise breakout. The noise impact assessment has also failed to take into account potential external street noise and disturbance created from the proposed events use which could have an adverse impact on neighbouring amenity. In this regard, the proposed change of use would fail to meet the requirements of policy Hou 7 of the LDP.

The application indicates that the nursery will have a maximum occupancy of 108 and up to 220 attendees for the events space. Given the historical uses of the building, this level of occupancy is not out of character with the existing lawful use, where large groups could utilise the building. However, what the application does propose is the potential for a large volume of users exiting the premises at a similar time during night time hours. The proposed use would also involve live/recorded music significantly later in the evening than the existing Class 10 use currently operates within. All of these aspects of the proposed use would have the potential to adversely impact on the amenity of existing neighbouring residential properties.

There is a large kitchen area (82 sq/m) proposed on the ground floor of the building associated with the proposed events use. No details of proposed cooking or ventilation equipment associated with this facility have been submitted as part of the application. As this area is situated on the Cluny Drive facing principal elevation of the building, this would not be a suitable area for any proposed extract flues and there are no existing chimneys on the building which could be utilised for this purpose.

An alternative Noise Impact Assessment has also been submitted as part of the representations made by neighbours which reiterates the concerns raised by Environmental Protection.

d) Transport issues

Policy Tra 2 of the LDP relates to the provision of private car parking for new development and Policy Tra 3 relates to the provision of private cycle parking. The Edinburgh Design Guidance identifies that there are no minimum standards for the provision of off street car or cycle parking for an events venue of the nature proposed. Although there are minimum standards relating to the provision of private cycle and motorcycle parking for the nursery part of the proposed use, this is established in the existing building and no specific change of use would be required to continue this use without the formation of new off street cycle and motorcycle parking.

A transport assessment has been submitted as part of the supporting documents. The report identifies that the building is situated within an area which is widely accessible by foot and the public transport network.

In terms of the neighbouring road network, it is not considered that the proposal will introduce a significant increase in overall traffic movements. The site has retained 'keep clear' restrictions directly around the building, which were introduced during a previous school use. These will restrict the ability of the area immediately adjacent to the site to be used for taxi movements and deliveries. However, what the proposed use would introduce is a greater demand for on street parking during evening hours than the existing situation where parking restrictions on neighbouring streets are aimed at reducing commuter parking. Although there will be little change in the capacity of the building from the existing use, the proposal would be likely to generate a significant demand for on street parking at times of day/evening which cannot be adequately mitigated through on-street parking control.

No details of proposed waste collections have been submitted as part of the application. However, this is likely to utilise an existing waste storage facility at the eastern end of the site. In addition, given the presence of the existing 'keep clear' restrictions directly around the site, the transport statement submitted has made no mention of how the proposed events venue in particular would be serviced.

Given that the proposed use is expected to have an adverse impact on the amenity of neighbouring occupiers through the impact on on-street parking, which cannot be adequately mitigated through on-street parking control, the proposed use is contrary to LDP policy Tra 2.

e) Representations

Material Comments – Objection

- Insufficient parking provision (addressed in Section 3.3d);
- Noise impact on neighbouring amenity (addressed in Section 3.3c);
- Anti social behaviour creation (addressed in Section 3.3c);
- Significant increase in traffic movements (addressed in Section 3.3d);
- Smells (addressed in Section 3.3c);
- No detail of proposed waste collections and deliveries (addressed in Section 3.3d);
- Fails to preserve or enhance character of conservation area (addressed in Section 3.3b);

- Failure to comply with Policies Ret 8 and Hou 7 of the LDP (addressed in Section 3.3c);
- Impact on special interest of listed building (addressed in Section 3.3b);
- Contrary to policy Env 6 (addressed in Section 3.3b);
- Contrary to policy Tra 2 (addressed in Section 3.3d); and
- Impact on human rights (addressed in Section 3.3f).

Material Comments - Support

- Secures use of redundant listed church building

Non Material Comments

- Contrary to policies Des 5, Des 12, Ret 6 & Ret 7 of the LDP (not relevant to the proposals);
- Proximity of representations to site (not relevant to the proposals);
- Litter (not relevant to the proposals);
- Would allow for unlimited Class 11 uses (not relevant to the proposals);
- Insufficient information (sufficient information has been submitted to make an assessment of the proposals);
- Not advertised as a bad neighbour development (application advertised in accordance with The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013);
- Loss of existing community resource (not relevant to the proposals);
- Suitable alternative uses of listed building (not relevant to the proposals); and
- Contrary to local transport strategy (not relevant to the proposals).

Community Council

Morningside Community Council has objected to the proposals on a number of grounds which are set out in the appendix section of the report.

f) Equalities

The application raises no issues in terms of equalities. Representations submitted raised concerns that the proposal fails to comply with Article 1 and Article 8 of the Human Rights Act. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. The proposed development has been assessed against the LDP which is compatible with the Human Rights Act.

Conclusion

The use of the premises as a mixed use events venue and childrens nursery would be an acceptable use of the building in principle. It would allow for the continued active use of the Category A listed building without the need for further sub-division of the internal spaces which would detrimentally impact on the historic character of the premises. However, the proposed noise attenuating glazing is not to a sufficient standard and potential late night operating hours of the premises would have an adverse impact on neighbouring residential amenity. Therefore, the proposal fails to comply with policies Hou 7 and Ret 8 of the LDP as it would have a materially detrimental effect on the living conditions of nearby residents. In addition, the proposals would significantly increase demand for on street parking spaces during evening hours which would have an adverse impact on neighbouring occupiers and is contrary to LDP policy Tra 2.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas and Policy Ret 8 in respect of Entertainment and Leisure Developments as the proposed use would have a materially detrimental effect on the living conditions of nearby residents.
2. The proposal is contrary to the Local Development Plan Policy Tra 2 in respect of Private Car Parking, as the proposed change of use would have an adverse impact on the amenity of neighbouring occupiers as a result of an increased demand for on street parking which cannot be adequately mitigated.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received 193 comments in objection to the proposals, and 33 comments in support. An objection was submitted by The Community Council. A summary of the matters raised can be found in the assessment section of the report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Located within the urban area as defined in the Local Development Plan, also in the Morningside Conservation Area.

Date registered

11 January 2018

Drawing numbers/Scheme

01-4, 05A, 06,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer

E-mail: rachel.webster@edinburgh.gov.uk Tel: 0131 529 3442

Links - Policies

Relevant Policies:

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

Appendix 1

Application for Planning Permission 17/05806/FUL At 15 Braid Road, Edinburgh, EH10 6AE Change of use of existing Class 10 premises to mixed use of nursery and wedding venue, (Sui Generis).

Consultations

Morningside Community Council

I now write on behalf of the Community Council to advise you of the decision taken at its public meeting on Wednesday 21st March 2018.

Members noted the following at the above meeting:

- a) 193 objections had been submitted against the application 33 supporting comments.
- b) An analysis of the comments revealed that 97% of the local (EH10) comments were against the application, as against a mere 3% supporting.
- c) More distant comments were split almost equally between objections and support.
- d) Overall, objections outweighed supporting comments by 86% to 14%.
- e) All comments received from residents by the Community Council were objections.

The former church premises are located a short distance from the Morningside Town Centre in a quiet predominantly residential area of family houses and some flatted properties. The premises have been used for many years by a variety of community clubs and societies, including a period as an annexe to South Morningside Primary School. Late evening activities (up to 10.45 pm) are reported to have been infrequent - 2 to 3 times a year and these had not given rise to complaint. Attendances had primarily been local and on foot.

Members:

- I. Have previously expressed their desire to see these Grade A-listed former church premises put to a new use, preferably one that supports the local community.
- II. Did not consider that the present application was appropriate nor was it likely to be the only option for the premises.
- III. Recognised that new uses for the former church are likely to lead to some parking and loading demand
- IV. Considered that there could be few other uses that would be likely to generate more parking demand than that as a wedding venue.
- V. Considered that wedding guests would be the least likely users of the premises to use public transport or bicycles as their preferred means of transport.

Consequently, members determined unanimously that an objection should be submitted against the above Change of Use application on the five principal grounds set out below.

1) Unacceptable Noise:

The applicant has submitted an Environmental Noise Assessment prepared by the Robin Mackenzie Partnership. This document is seen as inadequate as it only addresses noise break-out from within the premises. It thus fails to address many of the sources of noise of concern to neighbours and which will be generated by the proposed use of the premises, specifically noise -

- a) From people standing around smoking, drinking or just cooling off outside the building.
- b) From people and vehicles as they depart the premises at 1.00 am or later.
- c) From staff and, for example a band, clearing up and leaving quite some time after that.
- d) From taxis and buses sitting outside the premises and in adjacent streets with engines running.
- e) From daytime glass collections and beer lorry deliveries.
- f) From emptying of glass into bins late at night.
- g) From forced ventilation/air handling units which the new uses would require.

2) Non-availability of Parking:

There is no off-street parking possible at this property. All parking demand is therefore imposed on surrounding streets. This is unacceptable for the undernoted reasons:

- a) With the exception of the part-time priority parking spaces during daytime, surrounding streets are already usually full of parked cars, day and night.
- b) There are no parking spaces for the large numbers of people quoted by the applicant as likely to be attending the premises, i.e. up to 220 guests, or even an average 120 guests, for a wedding. This would be likely to cause parking chaos.
- c) An afternoon wedding coinciding with the nursery in use could mean numbers of people attending the premises could be up to 350.
- d) Weddings are considered likely to generate car-borne visitors from a distance with an expectation of local parking.

3) Anticipated Traffic

The applicant has submitted a Traffic Assessment prepared by Traffic Planning Ltd. This document appears incorrect or inapplicable in the following respects:

- a) The notion that the traffic to the venue will be similar to that when the church or the school was in use is not accepted. Guests come from far and wide to a wedding. The previous church and primary school attendees were mainly local and hence on foot.
- b) Further, the notion that people will come and go to an evening wedding using the regular bus service is considered impractical as the regular bus services quoted do not run until 1.00 am.
- c) The number of wedding guests likely to attend weddings by bicycle in their best party wear can be discounted.

d) The numbers referred to above will clearly cause a large number of vehicle movements, particularly as attempts are made to find parking spaces. Some 50 to 100 people could well be trying to park as near as possible to the building with consequent risk of traffic incidents around the tight street junctions where parked vehicles already reduce sight lines and road width.

e) If prospective wedding guests are advised of the absence of car parking facilities then there will be a significant demand for taxis and hired buses which are likely to have to double park, engines running and causing obstructions in the surrounding streets. It can be anticipated that a 1.00am closure of a wedding function could generate demand for 50 to 100 taxis. This level of servicing of the location cannot be reasonably accommodated around these premises.

f) Regular brewery and catering deliveries and waste collections are likely to cause an obstruction to traffic due to the vehicle size and the narrowness of the surrounding streets.

g) Community Council members consider that, contrary to the submitted Traffic Assessment statements, the proposed use is a significant travel generating use and that it will have a detrimental effect on the capacity of the strategic road network.

4) Dispersal of Cooking Odours

The provision of a ground floor bar and large kitchen will require the introduction of forced ventilation, leading to cooking smells being distributed to neighbouring properties.

5) Non-Compliance with Planning Policies:

There is direct conflict between the proposed development and the adopted policies in the Edinburgh Local Development Plan November 2016, specifically:

a) It would clearly be "damaging to the character or appearance of the area around it", contrary to Policy Des 1.

b) It would be detrimental to neighbourhood amenity and character, contrary to Policy Des 12.

c) It would fail to "preserve or enhance the special character or appearance of the conservation area" and would not be "consistent with the relevant area character appraisal" contrary to Policy Env 6.

d) It would "have a materially detrimental effect on the living conditions of nearby residents", contrary to Policy Hou 7.

e) The quoted use levels suggest that the criteria in Policy Tra 1 would require this venue to be located elsewhere than in a quiet residential area.

f) Compliance with Policy Tra 2 is not possible due to the impact on the residential occupiers and the local bus travel proposals have been shown to be impracticable due to the late closing time proposed.

The Morningside Conservation Area Character Assessment refers to the contrast between the busyness of the Morningside Town Centre and the "general tranquillity in the residential hinterland of the conservation area". The "Essential Character" of the area is described as "The peaceful Victorian environment of high quality and high amenity residential uses".

The whole purpose of a Conservation Area designation is to preserve and enhance the environment. Any development in a Conservation Area is required to contribute to the character and amenity of the area. The issues outlined above will be very detrimental to the character and amenity of this very quiet part of the Morningside Conservation Area.

We note that the definition of a "Bad Neighbour Development", as defined in The Town and Country Planning (General Permitted Development)(Scotland) Order 1992, whilst not directly applicable to this application, is nonetheless a most apt summary of what residents feel about the present application, namely:

"the construction of buildings, operations, and use of buildings or land which will—

- (a) affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting, or discharge of any solid or liquid substance;
- (b) alter the character of an area of established amenity;
- (c) bring crowds into a generally quiet area;
- (d) cause activity and noise between the hours of 8pm and 8am; and
- (e) introduce significant change into a homogeneous area."

Morningside Community Council members request that in the light of the above issues the Development Management Sub-Committee refuses planning consent for the proposed Change of Use of the Cluny Centre.

Environmental Protection

The applicant proposes using an existing church building for a mixed-use children's nursery and wedding venue. It is understood that the building already provides a degree of childcare as is permitted under the existing class 10 consent. The building is in an established residential area. The proposed building/venue is set over two floors, with bar & reception area proposed on the ground floor and stage and seating on the first-floor level.

The nearest noise sensitive locations are the residential dwellings located to the north and west on Braid Road, and to the south and east on Cluny Drive. The applicant has submitted a supporting noise impact assessment and provided detailed drawings showing the specific details of the required secondary acoustic glazing.

The noise impact assessment indicates that there could be a high level of noise breakout from the existing windows on the northern, western, and southern elevations. There are also two vents on the eastern façade which will be a pathway for noise breakout. It was noted that this could not be verified during the noise impact assessment as they are located too high near the roof-level. The noise impact assessment could not establish the level of noise breakout through the roof structure. This is a cause of concern for Environmental Protection as in an old building such as this the noise breakout via the roof could be significant.

It is understood that the proposals for the venue will include entertainment activities such as live bands and DJs, so predictions of noise breakout have been carried out using library measurements of reverberant noise levels for a similarly sized entertainment venue. As with any modelling there are always elements of doubt.

The noise impact assessment has predicted that internal noise levels in the most affected rooms of the neighbouring dwelling to the north would be expected to significantly exceed the required noise criterion, based on the measured noise breakout from the existing building envelope. Exceedances were also predicted for the western (up to 15 dB) and Southern (up to 11 dB) residential dwellings. This has been modelled with 91dB as a typical DJ noise level, for a venue of this size it may be possible for bands and DJ's to exceed this level and therefore raises doubt if the worst-case scenario has been modelled.

The predicted internal noise levels in the most affected rooms of the neighbouring dwelling to the east is expected to comply with the required criterion, based on the measured noise breakout from the existing building envelope. The noise impact assessment believes this is due to the screening provided by the pitched roof of the Lower Hall building.

The applicants noise impact assessment has recommended that noise mitigation measures will be required to ensure that proposed entertainment activities would be inaudible inside the nearest residential dwellings, the noise impact assessment recommends that 10.4 mm laminate secondary acoustic glazing spaced at least 200 mm behind the existing windows on the north, south and west elevations is installed.

Furthermore, the noise impact assessment recommends that all existing vents and outlets through the external walls and roof should be blocked unless they are to be utilised in the ventilation scheme, in which case they would need to be attenuated appropriately to provide equivalent attenuation to the glazing. The noise impact assessment has not provided specific details regarding the ventilation. A ventilation strategy would need to be considered as without adequate ventilation the property may be required to open windows and doors to ventilate during events. If ventilation is installed then plant noise would need to be fully considered.

The applicants noise impact assessment has correctly recognised that the windows are the weakest element in the current building fabric, however the noise impact assessment has also recognised that following the proposed upgrading the overall sound insulation achieved may be limited as other elements such as the eastern windows or roof structure may not be capable of containing the music/crowd noise.

Currently the building is a reasonably well utilised during the day. However, the area quietens at night and with all the commercial aspects of the premises closing during the evening. Using the building as a wedding venue will cause external street noise and disturbance should they operate late into the evening and night time and can impact upon localised residential amenity. Noise of this type is also difficult to mitigate and can result in complaints being received from residents. In this respect, the applicant has not considered this as a possible noise impact on residents.

Following consideration of the results and conclusions of the noise impact assessment, it is not accepted that the surrounding residential properties will still have a reasonable level of amenity, without a requirement for possible unknown further mitigation measures as well as possible street noise that could not be easily mitigated. Therefore, Environmental Protection recommends the application is refused.

Waste Services

No response.

Transport Planning

The application should be refused.

Reasons:

The wedding venue use is proposed to operate between 11am and 1am daily. The existing waiting and loading restrictions and controlled parking measures operate over a limited timescale, aimed particularly at addressing the impact of commuter parking. The proposed wedding use is considered to be contrary to Transport Policy Tra 2 Private Car Parking in that parking is expected to have an adverse impact on the amenity of neighbouring occupiers through the impact on on-street parking. It is considered that these adverse impacts cannot be adequately mitigated through on-street parking control. In addition, the proposed use is considered likely to attract a high proportion of car users who are unlikely to be able to be served by public transport or other non-car modes.

Should you be minded to approve the application, the following should be included as conditions or informatives as appropriate:

1. Contribute the sum of £2,000 to progress a suitable order to amend the existing waiting and loading restrictions and school keep clear markings as appropriate;
2. The applicant should be required to provide 14 cycle parking spaces and 1 motorcycle space for the nursery use in a secure and undercover location;
3. The applicant should be required to provide 4 cycle parking spaces and 1 motorcycle space for staff use for the wedding venue in a secure and undercover location;
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan.

Note:

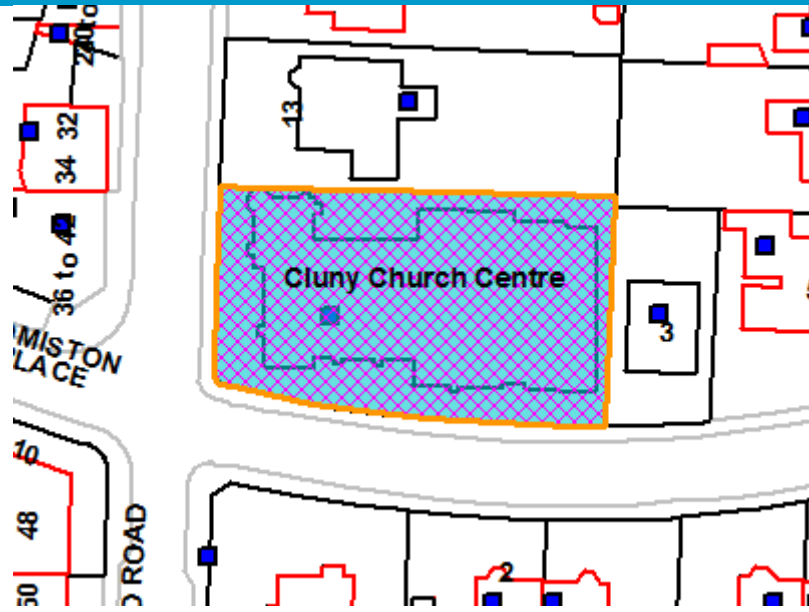
The proposed nursery use is considered to be a continuation of the existing school use and the impact on traffic and parking is considered to be largely neutral. The Council's parking standards permit up to 1 car parking space per 3 staff, with cycle parking required to be 2 spaces plus 1 per 7 staff and 1 per 10 pupils.

Existing parking controls restrict parking bays to permit holders only between the hours of 1.30pm and 3pm on Monday to Friday. Other yellow line restrictions and school keep clear markings apply.

Historic Environment Scotland

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Listed Building Consent 18/00605/LBC
At 15 Braid Road, Edinburgh, EH10 6AE
Internal and external alterations including installation of
acoustic glazing and formation of new escape door.**

Item number	4.4(b)
Report number	
Wards	B10 - Morningside

Summary

The proposed physical alterations to the Category A listed building comply with Edinburgh Local Development Plan policy Env 4 and would have no detrimental impact on the special interest and historic character of the property.

Links

[Policies and guidance for this application](#) LDPP, LEN04, LEN06, NSG, NSLBCA, CRPMON,

Report

Application for Listed Building Consent 18/00605/LBC At 15 Braid Road, Edinburgh, EH10 6AE Internal and external alterations including installation of acoustic glazing and formation of new escape door.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site comprises the former South Morningside Free Church which has until recently been run as the church centre to Cluny Parish Church, and previously as an annex to South Morningside Primary School. The building was constructed in the 1890's and comprises a tower with the main church building and adjoining hall area. The property is category A listed (reference 26810, 14/12/1970).

The interior of the building was extensively altered when ecclesiastical use of the building ceased in the 1970's. The main church space has been sub-divided into two levels, with a hall remaining at upper storey and smaller rooms formed at lower level. The upper storey hall retains views to the original timber vaulted roof form and stained glass windows.

This application site is located within the Morningside Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes both internal and external alterations to the listed building. These works involve:

- Formation of a new external door to the north elevation at ground floor level;
- Installation of internal secondary glazing to windows at first floor level on the north, west and south elevations; and
- Various layout alterations at ground floor level involving the removal of existing, and erection of new, partition walls.

3.2 Determining Issues

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The impact on the character of the listed building as one of special architectural or historic importance is acceptable;
- b) The impact on the character and appearance of the Morningside Conservation Area is acceptable; and
- c) Any issues raised in public comments have been addressed.

a) Impact on the listed building

Policy Env 4 of the Local Development Plan (LDP) advises that proposals to alter a listed building will be permitted where these alterations are justified, there will be no unnecessary damage to historic features and additions are in keeping with other parts of the building.

The proposed external alterations involve the formation of a new opening and door to the north elevation of the building. The door itself will be formed in solid hardwood with a new lintel and reveals to match the existing stonework. This is a relatively concealed elevation of the building and the new door will have an appropriate design which will not detract from the special interest of this part of the building which is of relatively plain design at ground floor level.

Internally, extensive alterations are proposed at ground floor level, involving the removal of existing, and erection of new partition walls. Given that none of the existing interior affected forms part of the original plan form of the building, these alterations would have an acceptable impact on the special character of the building.

At first floor level, the only alteration to the existing layout involves the removal of a non-original kitchenette and formation of a new 'bar' area. No sectional details have been submitted to show this feature in detail. In addition, it is proposed that new secondary glazing is installed to all windows at this level, with the exception of the main stained glass windows on the eastern elevation. To the windows on the north and south elevation, this will involve the building up of the existing cill level to create a flat base for the new frames. The glazing system will feature aluminium framing with a 10.4mm cavity and will be located 200mm from the existing windows.

Non-statutory guidance on Listed Buildings and Conservation Areas states that secondary glazing should be fitted within existing ingoes and should not disrupt architectural features. Given that the existing glazing features leaded panes, the internal areas are already partially obscured from external views. The secondary glazing will match the width of the majority of the stone mullions, with an additional transom level required on the west windows. As the proposed aluminium is a relatively lightweight framing material, this aspect of the proposals will not unnecessarily detract from the appearance of these features.

As a result, the proposed alterations are justified in that they will not have an undue impact on the special character of the listed building and will not result in the significant loss of any historic fabric of the building, in accordance with Env 4 of the LDP.

b) Impact on the character and appearance of the conservation area

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

The proposed external alterations to the building are relatively minor in scale, and will utilise appropriate materials to the age and style of the building. There will be no adverse impact on the character or appearance of the Morningside Conservation Area.

c) Public Comments

Material Representations - Objection

- The works are not justified (assessed in section 3.3a).
- Failure to preserve or enhance listed building (assessed in section 3.3a).
- Existing windows should not be modified (assessed in section 3.3a).
- Failure to comply with Env 4 of the LDP (assessed in section 3.3a).
- Inappropriate materials which fail to match existing (assessed in section 3.3a).
- Inappropriate modern internal alterations (assessed in section 3.3a).

Material Representations – Support

- Works are an appropriate intervention to the listed building (assessed in section 3.3a).

Non-Material Representations – Objection

- Impact on traffic;
- Impact on parking;
- Noise;
- Surrounding area residential in character;
- Impact from deliveries;
- Insufficient detail submitted relating to ventilation/bin stores/odour;

- Application is premature;
- Failure to comply with building standards;
- No neighbour notification;
- Support from outwith local area; and
- Antisocial behaviour.

These issues are not material to the assessment of this application.

Community Council

- Failure to protect the character and appearance of the conservation area (assessed in section 3.3b).

Conclusion

The proposed physical alterations to the Category A listed building comply with Edinburgh Local Development Plan policy Env 4 and would have no detrimental impact on the special interest and historic character of the property.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of any works to the building, internal elevation/sectional drawings showing the proposed bar area shall be submitted to and approved in writing by the Planning Authority.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Nineteen objection comments and one support comment were received.

A further 85 objections and 30 support comments were received which were either not valid or failed to raise any comments material to the assessment of this application.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

Local Development Plan defined Urban Area.
Morningside Conservation Area.

Date registered

9 February 2018

Drawing numbers/Scheme

01-04, 05A, 06, 07A,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer

E-mail:rachel.webster@edinburgh.gov.uk Tel:0131 529 3442

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

Appendix 1

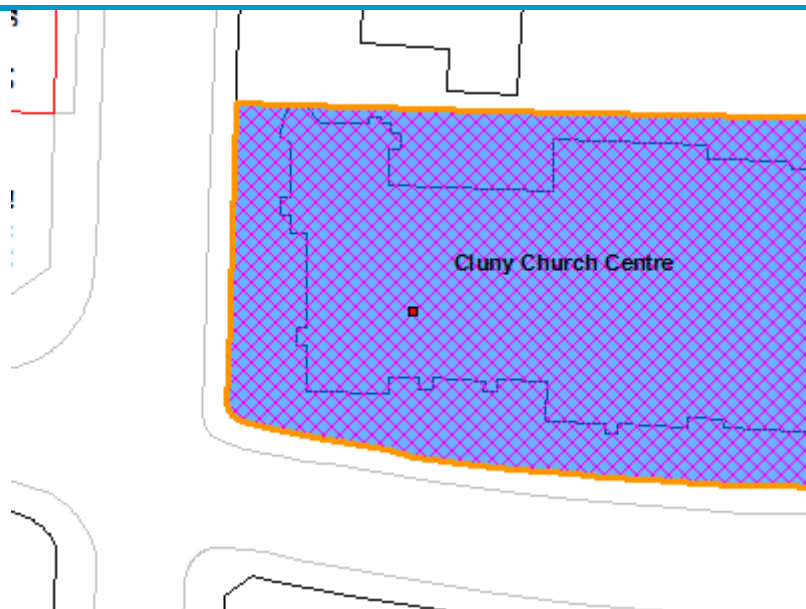
Application for Listed Building Consent 18/00605/LBC At 15 Braid Road, Edinburgh, EH10 6AE Internal and external alterations including installation of acoustic glazing and formation of new escape door.

Consultations

Historic Environment Scotland

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, together with related policy guidance.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01095/ADV
At Advertising Station 4, Calder Road, Edinburgh
Internally illuminated digital advertisement to underside.**

Item number	4.5
Report number	
Wards	B07 - Sighthill/Gorgie

Summary

The proposed advertisement complies with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984. The proposed advertisement will not harm the amenity of the area and are acceptable in terms of road and public safety.

Links

[Policies and guidance for this application](#) NSG, NSADSP, NSBUS,

Report

Application for Advert Consent 18/01095/ADV At Advertising Station 4, Calder Road, Edinburgh Internally illuminated digital advertisement to underside.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is an established roadside advertisement station located on a grass verge to the north of Calder Road. Calder Road is a busy arterial route both into and out of the city centre. The immediate area surrounding the application site has a mixed nature, with commercial, industrial and residential uses. To the north of the application site is a BP Petrol Station, to south is the designated Sighthill Local Centre as defined by the Edinburgh Local Development Plan (LDP) and to the west is the designated Sighthill Industrial Estate.

2.2 Site History

26.06.2015 - Advertisement consent granted to erect 1 digital display static advertisement hoarding at the roadside (application number 15/00304/ADV).

19.11.2014 - Advertisement consent granted to erect 2 illuminated Premiere 200 advertisement displays (application number 14/03272/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of an existing roadside advertisement with an internally illuminated digital advertising board. The board is double sided, pole mounted and of the dimensions 6218 mm length x 3100 mm length x 1630 mm depth, with a total advert area of 20 square metres. The display is a fabricated steel frame which is clad with steel sheet. The Light Emitting Diodes (LEDs) are protected by a toughened plastic shade.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal will have a detrimental impact on amenity;
- b) the proposal will have an adverse impact on road or public safety; and
- c) any public comments made have been addressed.

a) Amenity

The Council's non-statutory Guidance for Advertisements, Sponsorship and City Dressing (ASCD) states that proposals for the erection of roadside advertisements will not normally be acceptable within a conservation area or where overlooked by residential properties. Roadside advertising by means of a pole mounted panel or display on a verge will only be considered in non-residential areas with a commercial backdrop. Digital advertising is acceptable in principle in all forms in established advertising locations provided that there will be no adverse impact on amenity and public safety as stated in the ASCD Guidance.

The application site is an established advertising location. The site is not located within the boundary of a designated conservation area and has a commercial backdrop. Although there are a number of residential dwellings surrounding the site, the nearest residential properties are approximately 40 metres away to the south on Calder Road. This is a sufficient distance to ensure that the amenity of these residents is not adversely affected by the proposed panel. In addition, the advertisements proposed have been angled to face north east and south west, which will mean that they do not directly face any residential dwellings.

The scale and size of the advertisement panel will not change. This will have a minimal visual impact on the existing streetscape.

Conditions have been imposed to control the levels of luminance of the signage to protect residential amenity.

The proposal will have an acceptable impact on the amenity of the location, in accordance with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

b) Public and Road Safety

The Roads Authority was consulted and raised no objections to the application subject to a number of conditions being imposed. These conditions will protect the safety of the public and road users.

The proposal will have an acceptable impact on public and road safety, in accordance with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

c) Public Comment

No comments have been received in regards to this application.

Conclusion

The proposed advertisement will not harm the amenity of the area and is acceptable in terms of road and public safety. The advertisement proposed complies with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Consent is granted for a period of five years from the date of consent.
2. Advertisements shall be static images only.
3. The intensity of illumination of the advertisement display shall be restricted to 75 candelas per square metre during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. To safeguard public safety.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. a) Adverts must not contain moving images or sequencing of images over more than one advert;

b) Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;

c) There should be no message sequencing where a message is spread across more than one screen;

- d) Phone numbers, web addresses details etc should be avoided;
- e) It is recommended that the speed of change of image should be set to be in effect instantaneous;
- f) Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
- g) Adverts should not resemble existing traffic signs or provide directional advice;
- h) Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits; and
- i) The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered 14 March 2018

Drawing numbers/Scheme 01 - 02,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Rachel Mushet, Trainee Planning Officer

E-mail: rachel.mushet@edinburgh.gov.uk Tel:

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Appendix 1

Application for Advert Consent 18/01095/ADV At Advertising Station 4, Calder Road, Edinburgh Internally illuminated digital advertisement to underside.

Consultations

ROADS AUTHORITY ISSUES

Further to the memorandum of 13 April 2018, there are no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. With respect to Note 2.a) below, images, animation, video or full motion images are not permitted and with respect to Note 2.b) below, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If these conditions are not adhered to, it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;*
- 2. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m². Day time levels of luminance may need to be higher. This should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;*
- 3. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign or take any other steps required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover costs for undertaking such action and the applicant should note that the display of any moving images is likely to result in immediate action under Section 93.*

Note:

- 1. This location has been assessed as medium risk. A combined Stage 1 and 2 Road Safety Audit has been carried out and submitted with the Designer's Response;*
- 2. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The Code reflects planning regulations in place throughout the UK. This states that:*
 - a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
 - b) digital roadside billboards / hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;*
 - c) the luminance level of digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No.5 (2003);*

d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;

3. Adverts must not contain moving images or sequencing of images over more than one advert;

4. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;

5. There should be no message sequencing where a message is spread across more than one screen;

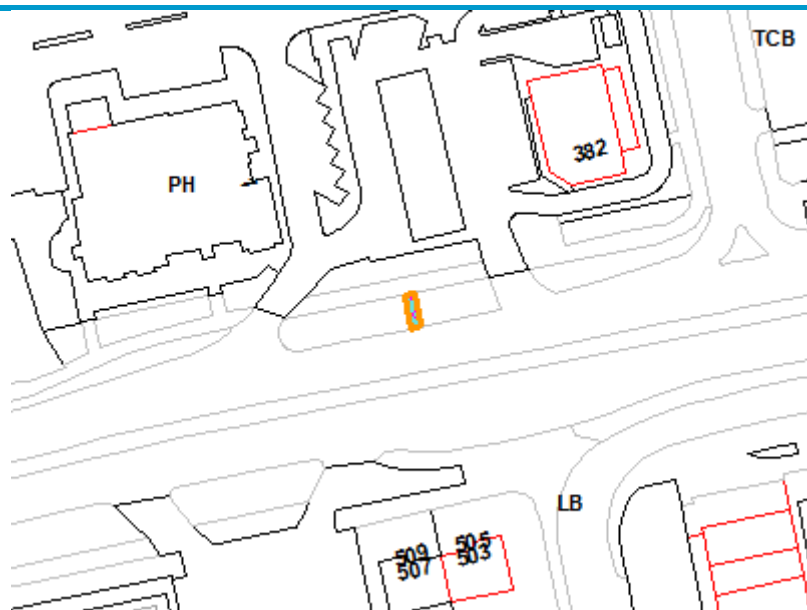
6. Phone numbers, web addresses details etc should be avoided;

7. It is recommended that the speed of change of image should be set to be in effect instantaneous;

8. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;

9. Adverts should not resemble existing traffic signs or provide directional advice.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

Application for Planning Permission 18/01305/FUL At Street Traders, Land 20 Metres East Of 4, Castle Street Installation of 1 x InLink Unit and the removal of 2 x BT payphones

Item number	4.6
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LEN06, LEN03, LEN01, NSG, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

Application for Planning Permission 18/01305/FUL At Street Traders, Land 20 Metres East Of 4, Castle Street Installation of 1 x InLink Unit and the removal of 2 x BT payphones

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the original pavement on the west side of Castle Street, opposite no. 4, close to the junction with Princes Street.

The majority of buildings on Castle Street are category B listed.

The closest listed buildings to the site are as follows:

- 4 Castle Street - category B listed, listed on 20 February 1985 (ref: 28469); and
- Princes Street and 2 Castle Street - category B listed, listed on 28 March 1996 (ref: 43325).

Castle Street is partly pedestrianised and contains a mix of uses including retail, office, leisure and residential. Currently there is no digital advertising on the pavements of Castle Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing two phone boxes with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;

- e) any impacts on equalities or human rights are acceptable; and
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

Castle Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with George Street and Queen Street (via North Castle Street). Planned views north and south and form an essential part of the special and unique character of Castle Street.

The New Town Conservation Area Character Appraisal makes specific reference to the southern views from the First New Town across Princes Street Gardens.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Castle Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both north and south will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views up and down Castle Street to George Street and Old Town landmarks.

The existing poster drum on the same side of the street, closer to Princes Street, is noted. Although, this drum is not dissimilar in height to the proposed InLink structure, only non-illuminated, non-digital adverts are displayed on the drum, so its visual impact is acceptable in this sensitive context.

The proposals therefore have an adverse impact on the character or appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 118 Princes Street/2 Castle Street and 4 Castle Street, which are category B listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed structure will also disrupt views to the category A listed statue of Thomas Chalmers at the junction of George Street with Castle Street.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposal will therefore have a detrimental impact on the setting of and views to the aforementioned listed buildings and structure, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as Castle Street which provide key views from the New Town to the Old Town. The southwards view across Princes Street Gardens from Castle Street is dominated by Edinburgh Castle. This view is framed by the built frontages on either side of Castle Street which add further focus to the view.

This proposed InLink structure will detract from these views particularly at street level, and will interrupt the linearity of these views and will therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan Policy Env 1.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.
3. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it will harm the Outstanding Universal Value of the World Heritage Site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01305/FUL At Street Traders, Land 20 Metres East Of 4, Castle Street Installation of 1 x InLink Unit and the removal of 2 x BT payphones

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

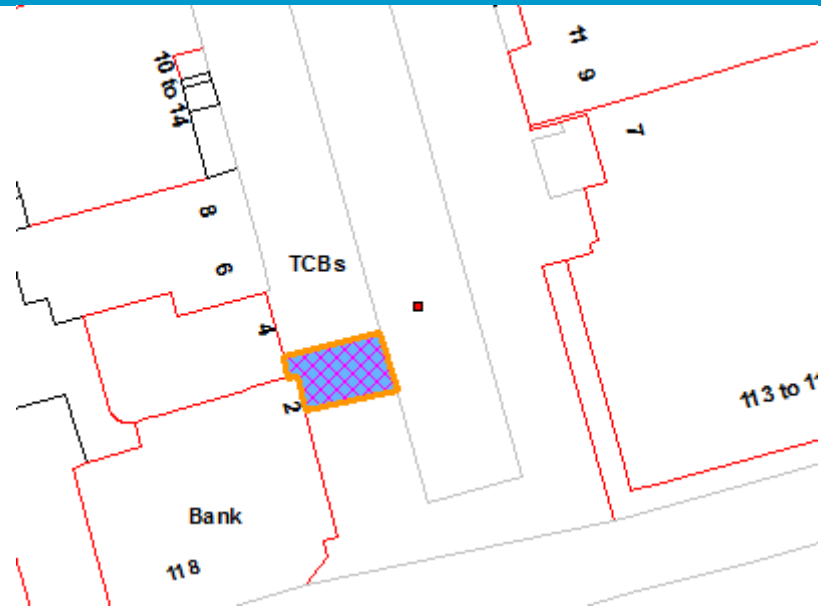
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01306/ADV
At Street Traders, Land 20 Metres East Of 4, Castle Street.
Two digital LED display screens, one on each side of the
InLink unit.**

Item number	4.7
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,
---	--

Report

Application for Advert Consent 18/01306/ADV At Street Traders, Land 20 Metres East Of 4, Castle Street. Two digital LED display screens, one on each side of the InLink unit.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the original pavement on the west side of Castle Street, opposite no. 4, close to the junction with Princes Street.

The closest listed buildings to the site are as follows:

- 4 Castle Street - category B listed, listed on 20 February 1985 (ref: 28469); and
- 118 Princes Street and 2 Castle Street - category B listed, listed on 28 March 1996 (ref: 43325).

Castle Street is partly pedestrianised and contains a mix of uses including retail, office, leisure and residential. Currently there is no digital advertising on the pavements of Castle Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the erection of a double-sided digital advertising display unit with rotating content measuring 1210mm by 690mm. The advert will be housed within a BT "InLink" unit which will replace the existing two phone boxes.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The InLink unit comprises a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

Castle Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with George Street and Queen Street (via North Castle Street). Planned views north and south and form an essential part of the special and unique character of Castle Street.

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace two existing phone boxes, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone boxes have BT logos only. The proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

The New Town Conservation Area Character Appraisal makes specific reference to the southern views from the First New Town across Princes Street Gardens.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as Castle Street which provide key views from the New Town to the Old Town. The southwards view across Princes Street Gardens from Castle Street is dominated by Edinburgh Castle. This view is framed by the built frontages on either side of Castle Street which add further focus to the view.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Castle Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both north and south will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views up and down Castle Street to George Street and Old Town landmarks. The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The existing poster drum on the same side of the street, closer to Princes Street, is noted. Although, this drum is not dissimilar in height to the proposed InLink structure, only non-illuminated, non-digital adverts are displayed on the drum, so its visual impact is acceptable in this sensitive context.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 118 Princes Street/2 Castle Street and 4 Castle Street, which are category B listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed structure will also disrupt views to the category A listed statue of Thomas Chalmers at the junction of George Street with Castle Street.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structure and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and Castle Street is a principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of Castle Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running west and east, and from the setting of and views to a number of listed buildings and structures.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal, The Edinburgh World Heritage Site Management Plan or the emerging vision and design principles for George Street as set out in the Council's '*George Street - A Special Place*' report.

The proposal will have an unacceptable impact on the amenity of the location, contrary to Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01306/ADV At Street Traders, Land 20 Metres East Of 4, Castle Street. Two digital LED display screens, one on each side of the InLink unit.

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;

b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);

c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);

d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

2. Adverts must not contain moving images or sequencing of images over more than one advert;

3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;

4. There should be no message sequencing where a message is spread across more than one screen;

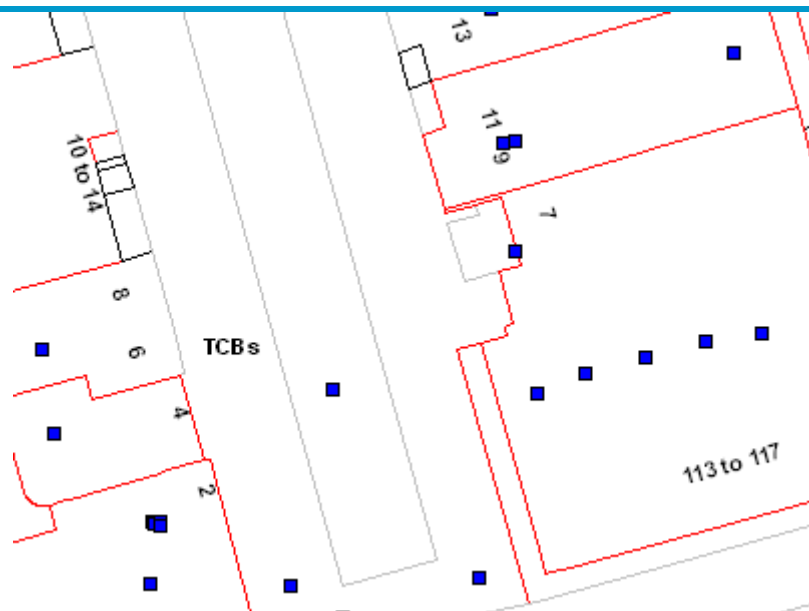
5. Phone numbers, web addresses details etc should be avoided;

6. It is recommended that the speed of change of image should be set to be in effect instantaneous;

7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;

8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01618/FUL
At 22A Findhorn Place, Edinburgh, EH9 2JP
Single storey extension to rear of property.**

Item number	4.8
Report number	
Wards	B15 - Southside/Newington

Summary

The design, scale and form of the proposal is acceptable and would have a neutral impact on the character and appearance of the Grange Conservation Area. It accords with Policies Des 12 and Env 6 of the Edinburgh Local Development Plan and broadly accords with the non-statutory Guidance for Householders and the non-statutory guidance Listed Buildings and Conservation Areas. A minor infringement of the overshadowing criterion is justifiable and there would be no unreasonable loss of neighbouring amenity. There are no material planning considerations which would justify refusal.

Links

[Policies and guidance for this application](#) LDES12, LEN06, CRPGRA, NSLBCA, NSHOU,

Report

Application for Planning Permission 18/01618/FUL At 22A Findhorn Place, Edinburgh, EH9 2JP Single storey extension to rear of property.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is a ground floor flat in a sub-divided, stone built villa on the east side of Findhorn Place, Edinburgh. There is a front garden area with a run-in and an enclosed rear garden. A brick wall separates the rear garden area of this flat from that of the upper flat, which has a ground floor rear extension. The garden areas back onto Kittle Yards off Causewayside; otherwise the surrounding area is residential in nature and characterised by stone villas.

This application site is located within the Grange Conservation Area.

2.2 Site History

21 October 2004 planning permission granted for a proposed extension to form a new bedroom to the rear of the property, relocation of kitchen, and form new doors to an existing front window (04/02174/FUL).

16 November 2017 planning permission granted for a single storey extension to the rear of the property (17/04023/FUL). This was proposed to extend across the full width of the rear elevation. It has not yet been implemented.

Main report

3.1 Description Of The Proposal

The application proposes the erection of a single-storey, flat-roofed rear extension to be located between the existing historic outshoot and the brick boundary wall to the other flat in the building. The extension is pulled back from a bedroom window on the rear elevation, creating a small enclosed external space or "secret garden". The extension would have timber sliding screens with a powder coated aluminium external finish on the southern elevation (onto 24/26 Findhorn Place) and facing into the rear garden. The grey, single ply membrane roof would include a fixed rooflight. External walls would be smooth rendered.

It is also proposed to enlarge a window on the historic rear outshoot, install a protective barrier to a set of new french windows and to insert two roof lights into its roof.

The proposed internal alterations do not constitute development as defined in Section 26 of the Town and Country Planning (Scotland) Act 1997, as amended, and do not require to be assessed.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The proposed scale, form and design is acceptable, would accord with neighbourhood character and would preserve or enhance the character or appearance of the conservation area;
- b) The proposal will cause an unreasonable loss to neighbouring amenity;
- c) Any impacts on equalities or human rights are acceptable; and
- d) Any comments raised have been addressed.

a) Scale, Form and Design

The Grange Conservation Area Character Appraisal emphasises the high quality stone-built character of restricted height, buildings enclosed by stone boundary walls, uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, formal and picturesque detached and semi-detached dwellings of generous scale, fine proportions, low density grain of the area and spacious and uncluttered streetscape.

The application site is a two-storey villa built in the 1860s. Around the turn of the twentieth century, a third storey was added and the house and garden sub-divided. An original wash house was later converted to a studio. The property is not therefore in its original villa state and is not a listed building. In 2017, a rear extension with a larger footprint at a lower level (through excavation of the garden) was approved.

This application proposes the addition of a rear extension which is contemporary in form and materials and which would read as a modern intervention to the building. It would remain subservient to the main building and sits comfortably on a secluded rear elevation. The proposed extension and alterations to windows on the rear elevation would not be publicly visible; the character and appearance of the building would not be adversely changed as a result and there would be no impact on the streetscene. There are a number of similar rear extensions in the surrounding area and the layout and scale of this proposal is in keeping with the spatial pattern of the area and, as previously noted, has a smaller footprint than the approved 2017 extension. The proposed rear extension would sit along the boundary wall of the sub-divided garden, where it will sit against a garden shed and would be in a gable to gable relationship with the studio extension of the upper flat. The proposal will retain a sufficient portion of private garden space, as required by non-statutory guidelines.

The proposed roofing material is one which is widely used and is of an acceptable modern style. The use of reconstituted stone is restricted to a cill, copes and external steps, is not overly dominant and is also acceptable. Whilst they may be original, the loss of set of stone steps would not have a significant effect on the character or appearance of the building.

Overall, the proposed design, scale and form of the proposal is acceptable and would have a neutral impact on the character and appearance of the Conservation Area. The proposal accords with Policy Env 6 of the Edinburgh Local Development Plan.

b) Neighbouring amenity

In terms of privacy, the non-statutory Guidance for Householders requires that all new windows are located at least nine metres from a common boundary or 18 metres from an existing window. The proposed glazed screens on the eastern elevation are over 20 metres from that boundary. The screens on the southern elevation do not meet the distance criterion but that boundary is well screened and there would be no privacy implications for that neighbouring property. The proposed roof lights raise no privacy concerns due to their positioning. There are no windows facing into the garden of the upper flat.

Using the methodology in the non-statutory Guidance for Householders, there would be no effect on daylight to windows of any neighbouring properties. The 45 degree daylighting criterion does not enclose the mid-point of any windows, even in the ground floor property itself. There would be no effect on daylight to any windows of the upper flat, either in the main building or the studio extension.

Using the methodology in the non-statutory Guidance for Householders, it is calculated that the upper flat would have an additional loss of sunlight or overshadowing of around two square metres. This, however, would fall largely on its existing garden shed and would not represent a significant percentage of its garden area. The existing patio area to the upper flat is positioned between its studio and the garden shed and is directly overlooked by a window of the ground floor flat. This amount of additional overshadowing would not justify refusal of the application on this ground alone and is considered to be a minor and acceptable infringement of that criterion.

Based on the above, the proposal would broadly accord with the non-statutory Guidance for Householders, with a minor infringement of the overshadowing criterion, and would not cause an unreasonable loss of neighbouring amenity.

c) Equalities and human rights

There would be no impact on equalities or human rights.

d) Public comments

Material Objections

- The modern appearance of the extension is out of keeping with the style of the house and the character of the conservation area, contrary to LDP Policies Env 6 and Des 12 - this is addressed in section 3.3a).
- The scale of the extension and hard standing not characteristic of the surrounding area - this is addressed in section 3.3a).
- Objection to alteration to original symmetrical fenestration on the rear elevation - this is addressed in section 3.3a).
- Loss of daylight to the adjoining studio building - this is addressed in section 3.3b).
- Loss of sunlight (overshadowing) to neighbouring patio and garden area - this is addressed in section 3.3b).
- Use of reconstituted stone is not characteristic of the conservation area - this is addressed in section 3.3a).
- The proposed roofing material is not visually acceptable or appropriate in a conservation area - this is addressed in section 3.3a).
- Objection to the loss of original stone steps - this is addressed in Section 3.3a).
- No dimensions, heights or scale bar is provided - the revised drawings include levels and the drawings can be scaled electronically.

Non-material representations

- Structural problems which would result as a consequence of removal of internal walls and part of the external walls - this is not a matter controlled by planning legislation;
- Detrimental impact on maintenance of the structure of the building structure of building - this is not a matter controlled by planning legislation;
- Disruption to neighbours during the construction period - this is not a matter controlled by planning legislation;
- Objection to the removal of neighbouring shed and boundary wall and damage to the garden to facilitate construction of the extension - the application does not state that this would be required and this is a civil matter between interested parties;
- The proposal is contrary to LDP Policy Des 5 - Des 5 does not apply to householder extensions and alterations; and
- The 2004 or 2017 plans should be reactivated or alternative details considered - the matter to be determined is the acceptability or not of this application.

Conclusion

Overall, the proposed design, scale and form of the proposal is acceptable and would have a neutral impact on the character and appearance of the Conservation Area. The proposal accords with Policy Env 6 of the Edinburgh Local Development Plan. The proposal would broadly accord with the non-statutory Guidance for Householders, with a minor infringement of the overshadowing criterion, and would not cause an unreasonable loss of neighbouring amenity.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Eleven representations have been received, ten from members of the public and one from a local amenity body. A full assessment of the representations can be found in the main report, in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The application site is identified as being within the urban area and a conservation area in the adopted Edinburgh Local Development Plan.

Date registered

13 April 2018

Drawing numbers/Scheme

01A, 02A, 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Val Malone, Senior Planning Officer

E-mail:val.malone@edinburgh.gov.uk Tel:0131 529 3485

Links - Policies

Relevant Policies:

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

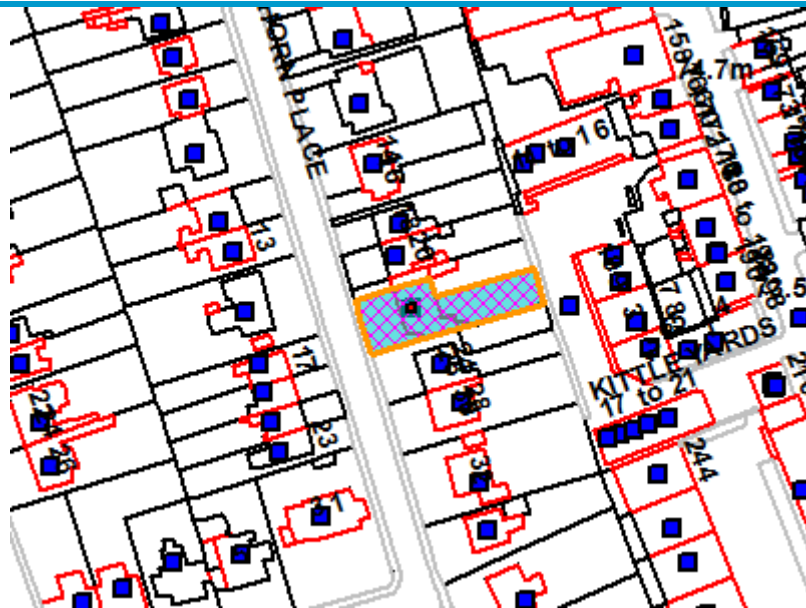
Appendix 1

**Application for Planning Permission 18/01618/FUL
At 22A Findhorn Place, Edinburgh, EH9 2JP
Single storey extension to rear of property.**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 17/05997/FUL
At Site At Former 159, Fountainbridge, Edinburgh
Mixed use development comprising offices, hotel and other
commercial uses including classes 1, 2, 3 and 11 with
associated access roads, and landscaping/public realm (as
amended).**

Item number	4.9
Report number	
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The proposal makes a positive contribution to the regeneration of the area and provides a mix of uses which are compatible with the neighbouring land uses. The office element will make a significant contribution to the office provision in the city centre and the ground floor commercial units will enhance the vitality of the area. The proposed heights are above those specified in the Fountainbridge Development Brief but due to the increased road width and creation of new civic space, the design is a positive townscape response. In conclusion, the proposal is aligned with the LDP Strategy for the expansion of the city centre and will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN03, LEN08, LEN09, LEN21, LEN22, LEMP01, LEMP10, LRET01, LRET06, LTRA03, LTRA04, LTRA09, DBFOUN, NSGD02,

Report

Application for Planning Permission 17/05997/FUL At Site At Former 159, Fountainbridge, Edinburgh Mixed use development comprising offices, hotel and other commercial uses including classes 1, 2, 3 and 11 with associated access roads, and landscaping/public realm (as amended).

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site, covering an area of approximately 0.8 hectares, lies within the city centre. The site lies south east of Haymarket and west of Tollcross.

It is currently vacant brownfield land, forming part of the former Fountainbridge Brewery. It is bound on the north by Fountainbridge. Edinburgh Quay, an existing office, residential and commercial development, sits on the east boundary. On the west, the site is bound by additional former brewery land (now cleared) and Gilmore Park. Part of the site boundary extends south to the Union Canal, a Scheduled Ancient Monument (Index number 11097, 15 December 2003) and Local Nature Conservation Site. To the north-west lies the hotel development that forms part of the Springside development.

Vehicular and pedestrian access to the site is taken from Fountainbridge and from the existing road which serves Edinburgh Quay and its underground car park. There is a substantial drop in ground level from the edge of the Union Canal to the south part of the site.

A category A listed building (date of listing: 14/12/1970, listing reference: 28778) at 158-164 Fountainbridge and 90-92 Grove Street is located to the north of the site on the opposite side of the road.

2.2 Site History

3 November 2004 - Fountainbridge Development Brief approved (amended 2005).

4 June 2007 - detailed planning permission granted for mixed use development with 171 housing units, commercial space, public open space and associated parking and service areas (as amended) (application number 03/04621/FUL).

24 September 2014 - masterplan application for planning permission in principle for mixed use development comprising offices, hotel/aparthotel, residential, commercial and retail uses with associated service roads, landscape works and car parking. The applicant has not signed the necessary legal agreement (application number 14/03848/PPP).

29 April 2015 - detailed planning application for a new 180 room aparthotel with service road, associated landscape works and car parking. The applicant has not signed the necessary legal agreement (application number 14/03847/FUL).

Other relevant planning applications

Land to the west

17 December 2014 - planning permission in principle granted for mixed use development comprising retail (class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works (application number 14/02814/PPP).

Main report

3.1 Description Of The Proposal

The application is for detailed planning permission for a mixed-use development comprising offices, hotel and other commercial uses including Classes 1, 2, 3 and 11 with associated access and landscape works. Class 1 includes shop use, Class 2 includes financial and professional services, Class 3 includes restaurants and cafes, and Class 11 includes assembly and leisure for example a gymnasium. The amount of floorspace proposed is 6,710sqm gross office space, 761sqm of other commercial space in three or four units and a 263 bedroom hotel with large ground floor bar and lounge area with a roof top bar.

The applicant has submitted a Design and Access Statement which describes the development approach. The application proposes a development of a single block divided into two parts with an overall height of six storeys plus a set back at the seventh storey and commercial units on the ground floor. The office use is located to the east of the site and the hotel to the west.

The key public spaces proposed are a western linear civic square and shared east-west street to the rear of the hotel/office block. The application is also proposing a new temporary pedestrian access to the canal.

Access will be from two points, one from the existing service road to the east and the second is a new street which will form part of a new diagonal route to the Leamington Lift Bridge. Pedestrian access will be from both of these points as well as from the new canal towpath link.

The new street will also loop in a one-way direction to the rear of the hotel and office. Two restricted loading bays for servicing are proposed. One will be located east of the office and the third will be located to the rear of the hotel and office.

Brick will be the predominant material for the office and hotel block, with the buildings comprising different architectural approaches. The primary hard landscaping material for use in the main civic spaces will be whinstone and concrete blocks, with caithness paving along Fountainbridge.

Scheme 1

A number of amendments have been brought forward during the assessment of the proposals. The main changes relate to:

- The facade cladding materials for the upper levels of both hotel and office were amended from ceramic tiles to brick.
- The design of the western gable was reconfigured to improve its relationship with the public realm.
- The ground floor layout of the hotel has been re-designed in order to improve activity onto the civic square.
- Reduction in the extent of rooftop plant from 695m² to 455m².
- The proposed temporary above ground car parking spaces have been removed.
- Revisions to the design of the public realm to encourage safe and convenient movement for pedestrians and cyclists.
- The height was reduced prior to submission of scheme 1 following extensive pre-application discussions.

Additional revised and clarified plans were submitted in March and April 2018.

Supporting information

The following documents were submitted in support of the application:

- Air Quality Assessment;
- Daylighting Report;
- Design and Access Statement;
- Surface Water Management Plan;
- Flood Risk Assessment;
- Noise Impact Assessment;
- Utilities Infrastructure Report;
- Planning Statement;
- Pre-application Consultation Report;
- Site Investigation Report;
- Sustainability Form;
- Transport Statement; and
- View Analysis.

These documents can all be viewed on the Planning and Building Standards Online Service.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development is acceptable;
- b) the proposals would have a detrimental impact on the historic environment, including the setting of the adjacent listed building and Scheduled Ancient Monument;
- c) the proposals provide a development of appropriate design, scale and layout;
- d) the proposals safeguard the amenity of neighbours;
- e) the transport, access and parking arrangements are acceptable;
- f) the proposals have any equalities or human rights impacts;
- g) there are any other material issues; and
- h) the representations have been addressed.

a) Principle

The site is located within the Urban Area as identified in the Edinburgh Local Development Plan (LDP). The site is also located within City Centre Proposal CC 3 in the LDP, where comprehensive mixed use development is supported that is of a high quality of design. This is also a requirement of the Fountainbridge Development Brief. In this regard, the mixed-use nature of the application is acceptable in principle and broadly complies with the provisions of LDP Policy Del 2 City Centre and the Fountainbridge Development Brief. The application is proposing office use, hotel use and other commercial, retail and leisure uses. LDP Policy Del 2 encourages housing on appropriate sites as part of mixed use development to help meet housing need and create strong, sustainable communities. The PAN that covers the wider site includes provision for residential use, and so it is expected that this will come forward as part of phase 2.

Office use

In light of the demand for office space in the city centre and its importance to the economy, LDP Policy Del 2c) requires, where practicable, that office use is provided in major mixed-use development proposals. The LDP promotes the application site for commercial led mixed use development. The application would deliver 6,710sqm of class 4 space in the form of a seven storey office development. The office would be located on the eastern part of the site with its primary frontage onto Fountainbridge. This is a strategic location immediately west of Edinburgh Quay and opposite Citymark. The development of additional office space will help address the growing shortage of high quality new office space in Edinburgh.

Hotel use

The application is proposing a 263 bedroom hotel. LDP Policy Emp 10 supports hotel development in the City Centre where it contributes to a mixed-use scheme. It also supports hotel development in locations within the urban area with good public transport accessibility to the city centre. In locational terms, the application site satisfies these criteria. Furthermore, the Fountainbridge Development Brief, identifies the area as being suitable for hotel accommodation as part of a mixed-use scheme.

Commercial / Retail / Leisure use

The application proposes other commercial uses including classes 1, 2, 3 and 11 at ground level.

The Fountainbridge Development Brief supports class 1 retail use of an appropriate scale and character in this location, as does the LDP. Although the application site does not form part of, or is adjacent to, a defined shopping centre, the proposed units would allow for convenience or speciality retail use without prejudice to the creation of a new local centre. These will enhance the quality of the public spaces and complement the role of the identified centres, and the other mix of uses.

The application proposes class 3 use which introduces commercial cooking. A condition is included which requires the details of the cooking odour ventilation system to be approved prior to occupation.

The application also includes provision for Class 11 uses, which is appropriate as part of the overall mix.

In summary, the proposed uses at this location are acceptable, subject to compliance with other LDP policies.

b) Historic Environment

Policy Env 3 of the LDP seeks to ensure that any new development does not impact on the setting of a listed building. There are no listed buildings on the application site. However, the proposal has the potential to affect the setting of the A listed building at 158-164 Fountainbridge and 90-92 Grove Street to the north of Fountainbridge. The tenement is regarded as a robust, ornamental building which was originally part of a group of buildings and not intended to be seen in isolation. The application will not cause detriment to the character and setting of the listed building. The creation of a strong urban townscape opposite this building will enhance its setting. The creation of an axial vista towards this building from the Leamington Lift Bridge will further enhance its setting. Historic Environment Scotland has been consulted on the application and has raised no objection.

Other than a new temporary pedestrian link to the canal towpath, the application does not propose development along the Union Canal, which is a Scheduled Ancient Monument. In this regard, it will have no impact on the Scheduled Ancient Monument.

The proposed development, including the formation of the civic space, will enhance the setting of the listed building and complies with LDP Policy Env 3.

c) Design, Scale and Layout

Design and Materials

LDP Policy Des 1 Design Quality and Context states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area. The building form is arranged into a top, middle and bottom. This is derived from an analysis of the local tenemental context. The bottom section of the building is robust in character, whilst also being more visually permeable, providing a common horizontal base to the street and incorporating continuous commercial space. The proportions at the upper and middle levels are more elongated, using fenestration pattern and materials to emphasise verticality to the elevation. An attic storey suggests a more intimate, domestic scale in the roof space. A pre-cast concrete string course at the upper level is used as an effective device to achieve definition to the different compositions, whilst also aligning horizontally with the two elevations to provide a clear visual connection between the two uses.

The proposed material palette will ensure consistency between elevations, whilst also enhancing the differing characteristics of the office and hotel uses. Precast concrete cladding defines the double height plinth to the office on the northern and eastern elevation. On the upper levels, the cast stone verticals of the colonnade are replaced with light buff coloured brick cladding which reflects the tone and texture of Edinburgh sandstone. The cast stone plinth steps down to a generous single storey height on the hotel. This step reflects the sloping topography of the site, and the change in function of the two buildings. The upper levels of the hotel are clad in a darker brick colour to contrast with the office. Whilst the Fountainbridge Development Brief states that the predominance of stone in the surrounding area should form the key reference point for the design of new proposals, the choice of brick and precast concrete creates a solid masonry block which adds to a sense of place and cohesion and also reflects the heritage of the area. The subtle re-ordering of the materials and colonnade detailing on the western elevation provides a strong civic composition to emphasise the importance of this new public space and primary route to the Leamington Lift Bridge. Furthermore, retractable awnings on this west elevation will provide shelter from the elements, allowing the interior uses of the hotel to spill out into the civic square, creating activity at street level.

Height, Scale and Massing

The spatial character of the area is mixed. The Fountainbridge Development Brief notes that this area is characterised by buildings of greatly differing scales. The Fountainbridge Development Brief also offers guidance on the height of new development. It states that in general, all buildings should be set out to 16 metres to eaves and 19 metres to ridge, with a street width of 20 metres at ground floor level. It is noted in the Fountainbridge Development Brief that the guidance provided on heights should not be used as a rule book or a method of calculating the maximum development potential of sites. These specified heights are intended to create a scale and proportion of development which sits comfortably within its context.

The hotel sits between three and five metres below the height of the office. This not only avoids the creation of a mono height roofscape, but also differentiates between the two land uses. The hotel at eaves level is 20.7 metres above ground, and 23.8 metres to the highest point. The office at eaves level is 24.2 metres above ground and 28.4 metres at the highest point. The setback to both these buildings reduces the massing onto Fountainbridge, bringing it down to more closely align with the surrounding buildings. For the most part, the application is promoting development that is between 1.7 metres and 8.2 metres higher than the eaves height specified by the Fountainbridge Development Brief and 4.8 metres and 9.4 metres higher than the specified ridge height.

The applicant has provided detailed sections and elevations to demonstrate that the heights are appropriate in their immediate context. The site context elevations show the overall heights stepping down with the topography of the street westwards towards the existing tenements at Gilmore Park. The proposed heights work well with this. In relation to the varying heights of Edinburgh Quay immediately to the east, the proposed office sits only one metre higher than the office block immediately adjacent and about two metres below the residential block fronting the canal towpath.

The street sections show that the height to width ratio creates an attractive townscape. The relationship with the lower buildings to the north of the site, including the A listed building work well. It is the combination of these heights and the 24 metre street width along the majority of Fountainbridge that establishes an appropriate urban enclosure and an attractive townscape. In this regard, the proximity, scale, height and relationship of the office and hotel block to the surrounding buildings are appropriate in the prevailing urban context.

The proposed plant on the office and hotel buildings are in part contained on ground level to the rear of the building, with the remainder at roof level. Significant efforts have been made as part of the revised proposals to minimise the extent of rooftop plant, reducing the enclosure by 240m². In this regard, it has been sensitively integrated into the design of the buildings to avoid impacting upon the surrounding townscape.

The submitted View Analysis demonstrates the proposed buildings will be visible below the skyline and will merge with existing buildings. Furthermore, as the proposal is no higher than the residential element of the adjoining Edinburgh Quay, views of Edinburgh Castle will be protected. Whilst the height and scale in parts exceeds the Fountainbridge Development Brief, the overall effect is a positive addition with no significant adverse effects on any long views.

The massing strategy differentiates between the office and hotel to introduce diversity in the streetscape. The hotel massing is lower than the office massing and more closely aligns with the Fountainbridge Development Brief and the heights of the consented development to the west of the site. Corners of the buildings have been set back to highlight primary entrances and to increase visual permeability from Grove Street and Fountainbridge to the Leamington Lift Bridge and Union Canal. So, by stepping down from east to west, the proposed development responds positively to the historic and recent context.

Layout

An aspiration of the Fountainbridge Development Brief is to integrate new development with the area as a whole and to promote improved movement through the site and to the wider city beyond. Likewise, LDP Policy Des 2 supports development which will not compromise the effective development of adjacent land or the comprehensive development and regeneration of a wider area as provided for in a masterplan, strategy or development brief.

This application is the first phase of a larger mixed use masterplan that includes residential as part of the mix of uses. Therefore, although this application is not promoting development along the canal at this stage, it is accompanied by an illustrative site wide layout plan that shows the proposed hierarchy of public spaces and routes across the wider site. This demonstrates a comprehensive and integrated approach to the wider layout of buildings, streets, footpaths, cycle paths and open spaces, thus complying with LDP Policy Des 7a). The proposed north-south and east-west links, as well as the strong building line onto Fountainbridge, respond appropriately to its context and accord with the aspirations of the Fountainbridge Development Brief and Public Realm Strategy. The north edge of the building maintains a 24 metre street width to Fountainbridge, which reduces in width to 18.5m opposite the Grade A listed building. By offsetting the footway into the development site, the Council's aspiration for a segregated cycle lane along Fountainbridge can still be achieved. The footway will be widened to 5.3m to provide a comfortable pedestrian area to reflect the frontage to neighbouring Edinburgh Quay.

In accordance with LDP Policy Des 3, the development design and layout have been informed by a detailed analysis and understanding of the site, its context and its constraints. The proposed layout takes account of the Lochrin sewer which runs under the site and constrains development above it. The incorporation of views to the Leamington Lift Bridge from Fountainbridge and the physical permeability to the Union Canal enhance the sense of place. The creation of this public view to the canal improves visibility of this hidden asset and aligns with a key objective of the Fountainbridge Development Brief. A temporary link will be provided to the Union Canal in the interim as part of a phased development approach for the site.

LDP Policy Des 7c) supports a layout that encourages walking and cycling. Pedestrian movement is prioritised through the provision of widened footway, extensive shared space and continuous footway design at the two junctions onto Fountainbridge. Regard has been had to the needs of people with limited mobility or special needs through the use of hazard warning paving adjacent to the shared streets to mark the change in priority and level access into the buildings. The provision of commercial uses and activity at ground floor level will ensure that pedestrian and cycle routes are overlooked, safe and attractive to use. The proposal provides an active frontage on 85% of the ground floor envelope. The location of plant and servicing areas on the southern elevation accords with the proposed public realm hierarchy, thus not detracting from the primary streetscape.

The Fountainbridge Public Realm Strategy emphasises the need for a cohesive palette of materials to contribute to a successful sense of place. In accordance with LDP Policy Des 8, the quality of the design and materials proposed are considered to be high. To reflect the importance of the key spaces, caithness flag paving is proposed along Fountainbridge, with natural stone paving for the civic square to the west. A condition is recommended which secures the details of the public realm including materials south of the building line to better align with the Public Realm Strategy and the design of phase 2. All the public spaces will be developed to adoptable standards.

The Fountainbridge Public Realm Strategy states that public art should form an integral part of the Fountainbridge redevelopment, helping to enrich and animate the street environment. The location of any such art work installation or strategy should most appropriately be centred around the key public spaces. Public art has not been included as part of the design and layout of the public realm, nor has a public art strategy been submitted. A condition is, therefore, recommended which requires that a public art scheme is submitted for approval.

The Edinburgh Urban Design Panel (EUDP) considered an early iteration of the proposal on 31 May 2017 for the wider site at the pre-application stage. Based on the EUDP's comments, the applicant has sought to implement advice provided in relation to the proposal's built form, layout and relationship with the adjacent site and the wider area.

The proposal incorporates a high quality design and layout. It respects the established urban form in the area, its height is similar to neighbouring buildings, with stepped reductions to reflect the topography and townscape of the area. The proposal complies with LDP policies Des 1, Des 2, Des 3, Des 4, Des 7 and Des 8.

d) Amenity

Daylighting and Privacy

The influence of the proposed hotel/office building on the daylighting provision to the existing nearby buildings has been considered in an accompanying Daylighting Report. Fourteen out of the 14 test points at the adjacent residential properties to the north have been found to pass the minimum 27% VSC threshold and/or are reduced by less than 20% from the current VSC%. Thus the proposed building has passed the required criteria and will not unacceptably adversely affect the daylighting provision to nearby buildings.

Air Quality

The site is not located within any of the declared Air Quality Management Areas (AQMAs), although the Central AQMA includes part of Dundee Street to the west of the site and also areas to the east of the site. The Air Quality Impact Assessment has considered the potential effect to local air quality on Fountainbridge as a consequence of the physical effect of the building on air flows and therefore, dispersion on emissions from road traffic sources on Fountainbridge. Despite an increase in concentrations due to the "canyon effect" caused by development on both sides of the street, the predicted levels remain below the required air quality objective levels for NO₂, PM₁₀ and PM_{2.5}. The "canyon effect" is in part mitigated by the new civic square, which serves to break up an otherwise continuous frontage.

Odour

The application proposes a number of use classes that may introduce commercial cooking. A condition is included which requires the details of the cooking odour ventilation system to be approved prior to occupation.

Noise

Environmental Protection does not raise any concerns with regard to the impact of the development on neighbouring amenity. The proposal is, therefore, acceptable from the perspective of protecting existing neighbouring amenity and complies with LDP Policy Des 5 and the Edinburgh Design Guidance.

e) Transport

Cycle and Pedestrian

As stated earlier, the proposals will form the first phase of a new high quality pedestrian and cycle route through the site from Fountainbridge to the Union Canal. In the interim, a temporary pedestrian link will be provided to the towpath. The proposed building line along Fountainbridge allows for the continuation of a cycle route as part of a wider Council strategy to encourage sustainable modes of transport. The design of this does not form part of these proposals.

A new toucan crossing for pedestrians and cyclists will be provided adjacent to the north western corner of the hotel providing access to the opposite side of the carriageway and Grove Street. The location, detailed design and installation of this crossing and associated equipment will be subject to further approval by the Council by way of a condition.

The new junctions and existing service road have been designed in accordance with the Edinburgh Street Design Guidance and will prioritise pedestrians and cyclist movement incorporating continuous footway. The shared street to the south of the proposed building is one way and has been designed to discourage through traffic through the use of street furniture, whilst also giving priority to pedestrians.

Parking

Due to the city centre location and access to public transport, no car parking has been provided. The temporary car parking in Scheme 1 was removed as part of the revisions. This complies with the Edinburgh Design Guidance.

There is provision for 46 secure cycle spaces and associated shower, changing and locker facilities within the office building itself. This is marginally below the requirement set out in the Edinburgh Design Guidance (51 spaces), and is acceptable. Ten Sheffield cycle stands have also been provided within the public realm to the west of the hotel, providing 20 cycle spaces for visitors and workers to the hotel and other commercial units. Integrating these within the hotel building itself as part of phase 1 would compromise the active frontage onto the key public spaces. The applicant has indicated that a minimum of 26 secure cycle parking spaces for the hotel and three for the commercial units will instead be provided within phase 2. This will be covered by an informative. No motorcycle spaces have been provided, but it is intended that these will be located within the secure underground car park as part of phase 2. Likewise, an informative has been included.

The Roads Authority was consulted and raise no objections.

Servicing

Two restricted loading bays are provided at the south and east of the building. This allows Fountainbridge to be free from service vehicles which would otherwise conflict with the proposed cycle lane. A turning arrangement is proposed at the south east corner of the site to allow for vehicles to turn easily out of the existing service road without causing conflict with the entrance to Edinburgh Quay's car park. As part of this turning facility is outwith the site boundary, a condition is recommended which secures its delivery.

Developer Contributions

LDP Policy Del 1 states that contributions towards the tram network will be sought from future development which impacts on or creates the need for this infrastructure. The Developer Contributions and Infrastructure Delivery Supplementary Guidance requires that where a development falls within 750 metres of the tram corridor it should pay a contribution calculated using Zone 3 weightings (based on the shortest walking distance between any part of the site and the nearest edge of the tram corridor). The Roads Authority has assessed the proposal as being outwith Zone 3. However, major developments on land outwith the defined zone 3 will also be considered in regards to their net impact on transport infrastructure. Given the location of the site, the nature of the uses and that no car parking is provided, it is expected that the tram will be used to access the development. In this regard, the development still warrants a tram contribution. A pragmatic approach was taken to establishing an appropriate level of contribution to the tram project beyond the 750 metre distance from a tram stop. The site is calculated to be 830 metres from the nearest tram stop. In this regard, the total contribution requested is £350,926 (based on 263 bed hotel, 6,710m² office and 761m² retail). The applicant has confirmed its acceptance of this infrastructure contribution.

The design of the streetscape and buildings prioritises pedestrian/cycle movement and the site is well served by public transport. The proposed uses within the development will not give rise to any road safety or transport issues, subject to the transport interventions and contributions described above being secured.

f) Equalities

The proposal has been considered in terms of equalities and no adverse effects have been identified. The applicant will be required to comply with the provisions of the Equality Act 2010 and building regulation standards. The site is accessible for those with mobility issues, and subject to appropriate planning conditions, could create an environment where public spaces can be used safely. The proposed development will provide good access to public transport, new high quality public realm and local facilities. The proposed development has been assessed against the LDP which is compatible with the Human Rights Act.

g) Other material considerations

Flooding and Drainage

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposals meet the Council's requirements. SEPA has no objection to the application.

The proposal is acceptable in terms of flood risk, drainage and surface water management requirements and complies with LDP Policies Env 21 and RS 6.

Ground Conditions

A ground investigation report has been submitted in support of the application. This is currently being assessed by Environmental Protection. Accordingly, it is recommended that a condition is used to ensure that any contaminated land remediation is fully addressed.

Sustainability

The applicant has submitted the sustainability form in support of the application. The proposal is a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections.

h) Public comments

Material representations - objection

- Proposed arrangements for cyclists on Fountainbridge are inadequate - addressed in section 3.3e);
- Concern over the protection afforded to cyclists, stating that the cycle lane must be segregated and protected by double yellow lines - the design of the cycle lane does not form part of these proposals as addressed in section 3.3e);

- Do not consider the location of the toucan crossing as appropriate for cyclists - the design and location of the toucan crossing will be subject to a condition as addressed in section 3.3e);
- Consider that the road is better designed as one way anti-clockwise - the revised scheme addresses this issue as addressed in section 3.3e).

Material representations - general comment

- Concern over increased congestion on the road network, particularly at the junction to Freer Street - addressed in section 3.3e);
- Concern that vehicles will use the entrance to the car park of Edinburgh Quay as a turning area to the detriment of highway users and safety - a dedicated turning head is proposed south of the car park entrance, as addressed in section 3.3e);
- Concern over the inclusion of a coach drop-off layby on Freer Street and its ability to manoeuvre within the site - the dedicated coach drop-off layby was removed as part of the revisions to Scheme 1, as addressed in section 3.3e);
- Suggest that full details should be provided for the physical alterations to the site and clear indication of the means of controlling and managing access in this area - all public spaces will be developed to adoptable standards as addressed in section 3.3c);
- Land owner of the existing service road to the east made a representation stating they had not originally been notified by the applicant. The applicant has since undertaken notification and the land owner is aware of the application.

Material representations - support

- Welcome the inclusion of a toucan crossing across Fountainbridge - addressed in section 3.3e);
- The proposals favour pedestrian and cyclist movement by providing multiple links to Fountainbridge and the Union Canal - addressed in section 3.3c) and 3.3e);
- The public realm will provide a new vibrant, safe and attractive place for pedestrians and cyclists - addressed in section 3.3a) and 3.3e);
- Consider that the shared space has been designed to discourage traffic and give priority to pedestrians - addressed in section 3.3a) and 3.3e).

Conclusion

The proposed development makes a positive contribution to the regeneration of the area and provides a mix of uses which are compatible with the neighbouring land uses. The office element will make a significant contribution to the office provision in the city centre and the ground floor commercial units will enhance the vitality of the area. The proposed heights are above those specified in the Fountainbridge Development Brief, but due to the increased road width and creation of new civic space, the design is a positive townscape response. In conclusion, the proposal will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves the application subject to conditions and a suitable legal agreement.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground work is commenced on site. A full size sample panel of all facade components should be erected at a location agreed with the Planning Authority.
2. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out by the applicant to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (recording, excavation, reporting and analysis, publication, public engagement, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Prior to commencement on site, details should be provided which confirm that the kitchens' ventilation within each unit will meet the following criteria:
 - (i) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.
 - (ii) The ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.
5. The temporary profiled meadow grass, security fencing and footpath link from the shared street to the canal towpath, as shown on drawing 02A, shall be constructed prior to the occupation of the hotel or office, whichever is the latter.
6. Notwithstanding the details shown on drawing 02A, the public realm design, furniture, planting and materials to the south of the building line shall be agreed in detail prior to the occupation of the hotel or office, whichever is the latter.
7. The agreed public realm design, furniture, planting and materials to the south of the building line shall be completed prior to the occupation of the hotel or office, whichever is the latter.

8. The applicant shall submit for approval of the Planning Authority, the location and detailed design of the toucan crossing on Fountainbridge prior to occupation of the hotel or office, whichever is the latter.
9. The applicant shall install the agreed toucan crossing prior to occupation of the hotel or office, whichever is the latter.
10. The proposed turning arrangement shown in drawing 2A at the south east corner of the site shall be delivered prior to occupation of the hotel or office, whichever is the latter.
11. Within 6 months of the commencement of development, the applicant shall submit and gain approval from the Planning Authority for a public art scheme in accordance with the Fountainbridge Public Realm Strategy.
12. Within 12 months of the first occupation of any part of the accommodation, the approved public art shall be completed on site to the satisfaction of the Planning Authority.

Reasons:-

1. In order to enable the Planning Authority to consider this/these matter/s in detail.
2. In order to protect the development's occupants and human health.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. To ensure pedestrian connectivity
6. To ensure coordination with the Fountainbridge Public Realm Strategy and phase 2 of the wider site.
7. To ensure appropriate quality.
8. To safeguard public safety.
9. To safeguard public safety.
10. To safeguard public safety.
11. In order to ensure that a high standard of public art is achieved, appropriate to the location of the site and in accordance with the Fountainbridge Public Realm Strategy.
12. In order to ensure that a high standard of public art is delivered, appropriate to the location of the site and in accordance with the Fountainbridge Public Realm Strategy.

Informatives

It should be noted that:

1. Legal Agreement

A suitable legal agreement is required and must be signed before planning permission is granted for the following developer contributions:

Transport

- Contribute the sum of £350,926 (based on 263 bed hotel, 6,710m² office and 761m² retail to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report; the sum to be indexed as appropriate and the use period to be 10 years from date of final payment. The contribution for each land use shall be; Hotel £198,537, Office £135,278, Commercial unit £17,111. Each contribution will be payable in instalments, 25% prior to commencement of work with the remainder due prior to occupation of each use.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. In accordance with the Council's LTS Travplan3 policy, the applicant should submit an updated Travel Plan within 6 months of the development being occupied.
4. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
5. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
7. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

8. A Traffic Regulation Order of £2,000 to introduce parking prohibition on civic areas and associated shared spaces may be required. A Traffic Regulation Order of £2,000 to introduce waiting and loading restrictions may be required. A Traffic Regulation Order of £2,000 to ban westbound traffic movement on the proposed shared space for servicing may be required. It should be noted that any proposed vehicle entry prohibition on the shared street should start where the proposed turning facility on Freer Street ends.
9. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment
10. The works to carry out footway widening and improvements to adopted roads must be carried out under permit and in accordance with the Council's specifications.
11. Any proposed signage will be subject to advertisement consent.
12. Three units identified as commercial (pink) on drawing 18A are constructed for use classes 1, 2, 3 and 11.
13. As part of the layout of phase 2, a minimum of 26 secure cycle parking spaces shall be provided for the hotel and a minimum of three secure cycle spaces shall be provided for the commercial units to meet the deficiency in phase 1. This is in accordance with the Edinburgh Design Guidance.
14. A minimum of eight motorcycle spaces shall be provided within the underground car park of phase 2 to meet the shortfall in phase 1. This is in accordance with the Edinburgh Design Guidance.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was publicised on the weekly list of applications on 22 January 2018. Neighbours were notified of the application on 22 January 2018 and 21 days were allowed for comments. The proposals that formed Scheme 1 received one objection and one general comment.

The two interested parties who previously commented on Scheme 1 were re-notified on 26 April 2018 to allow for comments to be submitted on revised plans for Scheme 2. Scheme 2 received one representation seeking clarification on issues relating to adoption and land ownership.

Tollcross Community Council and Merchiston Community Council were consulted, but no responses received.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development Plan Provision	The application site is shown to be in the Urban Area and City Centre Proposal 3 in the adopted Edinburgh Local Development Plan (LDP).
Date registered	19 January 2018
Drawing numbers/Scheme	01,02A,03,04A,05A,06C,07C,08,09A,10A,11C,12C,13A,14B,15A,, 16A, 17A,18A,19A,20A,21A,22A,23-31,

David R. Leslie
 Chief Planning Officer
 PLACE
 The City of Edinburgh Council

Contact: Emma Fitzgerald, Planning Officer
 E-mail:emma.fitzgerald@edinburgh.gov.uk Tel:0131 529 3794

Links - Policies

Relevant Policies:

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

The Fountainbridge Development Brief sets out planning and design principles intended to establish a comprehensive townscape and infrastructure framework for the Fountainbridge area.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

**Application for Planning Permission 17/05997/FUL
At Site At Former 159, Fountainbridge, Edinburgh
Mixed use development comprising offices, hotel and other
commercial uses including classes 1, 2, 3 and 11 with
associated access roads, and landscaping/public realm (as
amended).**

Consultations

Contaminated Land - response dated 23/01/2018

Geo-environmental Phase I & II reports would be required for the Building warrant application.

Flooding - response dated 30/01/2018

I have reviewed the Flood Risk Assessment and the Surface Water Management Plan documents on the portal. They are in line with the CEC Flood Prevention requirements and as such we are happy to support this application to determination without any further comments.

Environmental Assessment - response dated 05/04/2018

The Freer Street site (formerly no. 159 Fountainbridge) sits adjacent to Edinburgh Quay at the eastern end of the Union Canal. The site forms part of Site 1 of the Fountainbridge Development Brief.

The site is generally surrounded by commercial buildings of varying scale. The Freer Street site is bordered by the Exchange Business District to the north east. The business and financial area is typically characterised by tall commercial buildings. Edinburgh Quay is immediately adjacent to the east of the site. The development comprises offices, residences and a number of un-let commercial units on the ground floor. The site is bounded by Fountainbridge to the north, and the Union Canal to the south.

There are a number of vacant brownfield sites along Fountainbridge. Developments recently completed include the Hampton by Hilton, Lochrin Basin development, Springside Phase 1 and the Boroughmuir High School. A number of major schemes have also been recently consented including residential development at India Quay immediately to the west of the site, and Springside Phase 2.

Environmental Protection have provided input at the pre planning stage and raised a number of issues that would need to be addressed when the full application was submitted. The issues requiring further detailed information included local air quality, noise, commercial ventilation and it was advised contaminated land could be conditioned.

The applicant has submitted a supporting noise impact assessment. A noise survey was carried out at the development site to establish the existing noise climate and to assess potential noise impacts affecting and arising from the development.

Noise

The baseline noise measurements were used to build a noise model to predict the noise levels at each façade of the proposed development. The noise impact assessment highlighted that the commercial operators would likely need to include acoustic glazing with acoustic ventilation to ensure that satisfactory noise levels could be achieved in the hotels and offices. The noise impact assessment has suggested the required minimum sound reduction levels required. Environmental Protection is satisfied that these issues are a commercial requirement and not an issue that we need to condition through planning.

Noise emissions limits for building services plant associated with the proposed development have been set in accordance with Environmental Protections stipulate noise criteria to minimise the impact of the proposed building on the existing noise and consented sensitive receptors.

Local Air Quality

The applicant has highlighted that the site is not located within any of declared Air Quality Management Areas (AQMAs), although the Central AQMA includes part of Dundee Street to the west of the site and also areas to the east of the site.

The development proposals have been amended since the pre-application consultation. Limited car parking facility (up to 15 spaces) is proposed as part of the development, therefore the increase in traffic flows associated with the development will be minimal.

The proposed hotel will, however front onto Fountainbridge, closing a current gap site on the southern side of the road. The building will therefore potentially create a street canyon on Fountainbridge, with tall buildings either side of a relatively narrow road. This effect is further exacerbated by the other developments on Fountainbridge, which will potentially create a canyon along the road, between Gardner's Crescent and Gilmore Park. The applicant's air quality impact assessment has considered the potential effect to local air quality on Fountainbridge as a consequence of the physical effect of the building on air flows and therefore dispersion on emissions from road traffic sources on Fountainbridge.

The applicant air quality impact assessment has highlighted that a change in concentrations will occur within the main section of street canyon onl, between the proposed site development and the Hampton Hotel on opposite side of road. The maximum increase in concentrations is ~25% increase in NO2 occurring at first floor level at the façade of the Hampton Hotel and the façade of the hotel proposed as part of the development. The increase in PM10 and PM2.5 is less in percentage terms.. No change in concentrations is predicted outside of the street canyon; therefore the highest changes are restricted to commercial receptors on Fountainbridge. The highest change at a residential property is an approximate increase in concentrations of 16-17% at first floor properties at the junction of Fountainbridge and Grove Street. Despite the increase in concentrations due to canyon effects the predicted levels remain below the required air quality objective levels for NO2, PM10 and PM2.5.

The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. This is underpinned by a range of actions to expand the charging network, support innovative approaches and encourage the public sector to lead the way, with developers incorporating charging points in new developments.

The applicant has not proposed installing any electric vehicle charging points It should be highlighted that the requirements stipulated in the Edinburgh Design Guidance must be achieved. Edinburgh has made huge progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of fuel emissions will contribute to improving air quality, and their quieter operation will mean that a major source of noise will decrease.

The Sustainable Energy Action Plan is the main policy supporting the Council's Electric Vehicle Framework. Increasing the number of plug-in vehicles and charging infrastructure in Edinburgh will provide substantial reductions in road transport emissions.

To ensure that the infrastructure required by the growing number of electric vehicles users is delivered, one of every six spaces should include a fully connected and ready to use electric vehicle charging point, in developments where ten or more car parking spaces are proposed. Electric vehicle parking spaces should be counted as part of the overall car parking provision and not in addition to it.

Rapid charging provision will be required for non-residential developments. Information on fast and rapid chargers is detailed in the following Technical guidance. Information on the infrastructure being provided should be included in the supporting transport submission provided with a detailed application.

Environmental Protection advised the applicant that all combined heat and power units must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. If the proposed energy plant exceeds 1MW then the applicant will need to include secondary abatement technology to further reduce NOX.

Cooking Odours

The applicant proposes introducing a number of class uses that will introduce commercial cooking. Environmental Protection advised the applicant to provide specific details on where these uses will be located and show the commercial flues on drawings. Environmental protection shall recommend a condition is attached.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Therefore, Environmental Protection offers no objection to the proposed development subject conditions;

1. Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

2. A minimum of four parking spaces shall be served by Rapid 50Kw electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.

3. All proposed energy plant must comply with the Clean Air Act, details of required chimneys should be submitted at the detailed planning stage. Plant above 1Mw may require secondary abatement technology. Biomass is not appropriate for this site.

4. Cooking odour ventilation details should be provided. In this regard, details should be provided which confirm that the ventilation will meet the following criteria:

(i) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

(ii) The ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.

Scottish Water - response dated 23/01/2018

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

I can confirm that I have made our Asset Impact Team aware of this proposed development however the applicant will be required to contact them directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

*Scottish Water asset plans can be obtained from our appointed asset plan providers:
Site Investigation Services (UK) Ltd*

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

o If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

o Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

o The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

o Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

o Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre- Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

o 10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

o Non Domestic/Commercial Property: Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

o Trade Effluent Discharge from Non Dom Property: Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system.

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

Scottish Environment Protection Agency - response received 08/02/2018

Thank you for your consultation email which SEPA received on 19 January 2018.

Advice for the planning authority

We have no objection to this planning application. Please note the advice provided below.

1. Flood Risk

Executive Summary Outlining Policy Context

1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report

1.2 We previously provided pre-application advice on the 1st of August 2017. We advised that the site is at surface water flooding which is a matter for Scottish Water and the City of Edinburgh Council. We also advised that contact should be made with Scottish Canals with regard to the risk associated with the Union Canal.

1.3 A Flood Risk Assessment (FRA) has been submitted in support of the proposed application. It is concluded that there is no fluvial or coastal flood risk which we accept. Contact was made with Scottish Canals and the breach in 2002 was due to a sewer construction underneath the canal. Since this breach in 2002 remedial works have been undertaken and the flood risk from the canal is stated to be low.

1.4 Borehole investigations were undertaken across the site with groundwater encountered 4 metres below ground level. We would note that car parking is proposed on site, which is assumed to be underground, and we would strongly recommend that mitigation measures are in place for any below ground workings.

1.5 It is also stated in the FRA that finished floor levels should be above surrounding ground levels and profiling site ground levels to route flood waters around and away from building, which we support.

1.6 Any drainage or SUDs proposed are for the council to satisfy themselves that the arrangements will be appropriate and in accordance with any internal guidance. Drainage calculations should be undertaken using the FEH13 depth duration frequency statistics. Detailed advice for the applicant

2. Flood Risk

Caveats & Additional Information for Applicant

2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>.

2.2 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

2.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Authorisation is required under *The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR)* to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

3.2 Management of surplus peat or soils may require an exemption under *The Waste Management Licensing (Scotland) Regulations 2011*. Proposed crushing or screening will require a permit under *The Pollution Prevention and Control (Scotland) Regulations 2012*. Consider if other environmental licences may be required for any installations or processes.

3.3 You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

3.4 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office.

Archaeology - response dated 08/02/2018

Further to your consultation request I would like to make the following comments and recommendations concerning this application for mixed use development comprising offices, hotel and other commercial uses including classes 1, 2, 3 and 11 with associated access roads, landscaping / public realm and car-parking.

The site occupies part of the former McEwan's Fountainbridge brewery demolished in the early 2000's. Lying between Fountainbridge and the southern bank of the Union Canal, a Scheduled Ancient Monument, the site prior to the late 18th century was thought to open farmland bisected by a Burn (now canalised as a sewer) which ran east-west across the site towards what is now Lochrin Basin. The construction of the Canal in the 1820's opened up this site for industrial and housing development, which occurred throughout the following decades. The 1849 1st Edition OS Map shows the site as open ground (? Orchards) but with a rope walk across the centre, to the south of the proposed new building. However by 1876 the site has been fully developed with a school on its western side and a range of buildings (? tenements, business/factory units) fronting on to Fountainbridge. The rope walk still survives but the area to the SW is now dominated by an Iron Foundry.

Therefore, the application site is regarded as occurring within an area of archaeological potential and containing locally important historic industrial buildings. Therefore, these applications must be considered under terms of Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) Policies ENV9.

Buried Archaeology

The proposed development will require extensive excavations in terms of demolition, construction, landscaping, utilities etc which will adversely impact upon any surviving remains. However, given the results from earlier evaluation and recent demolition activities, the potential significance of such impacts is likely to be low-moderate. It is recommended however that if consent is granted, that as part of the overall archaeological mitigation a programme of archaeological work is undertaken prior to/ during development in order to fully excavate, record and analyse any significant archaeological remains.

Archaeological Public Engagement Interpretation

As stated in previous applications covering the overall Fountainbridge redevelopment, Fountainbridge has been central to the industrial heritage of Edinburgh from the late 18th century through to the end of the 20th and the closure of the Fountain Brewery. It is essential that this rich heritage is interpreted. Site specific interpretation should be undertaken in collaboration with interpretive proposals covering the wider Fountainbridge sites.

Further the programme of archaeological works for the site should also contain a programme of public/community engagement to be undertaken during the development (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

It is recommended that the following condition is attached in order fully record these important industrial buildings but also any associated buried remains as follows;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (recording, excavation, reporting and analysis, publication, public engagement, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Historic Environment Scotland - response dated 29/03/2018

Thank you for your consultation which we received on 09 March 2018. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

<i>Ref</i>	<i>Name</i>	<i>Designation Type</i>
<i>LB28778</i>	<i>158-164 (EVEN NOS) FOUNTAINBRIDGE AND 90-92 (EVEN NOS) GROVE STREET</i>	<i>Listed Building</i>

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We note the site boundary for this application and the subsequent phases of development may overlap with the above scheduled monument - works within the scheduled area may require scheduled monument consent.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.englished.org

Roads Authority - response dated 28/05/2018

No objections to the application subject to the following being included as conditions or informatives as appropriate:

The submitted transport statement predicted that most trips generated by the development will be by sustainable transport. However, only peak hour trips were provided and it was not clear how much non peak hour trips will be. The TRICS multi-modal trip share appears to have overestimated the modal share of walking (89%) and underestimated the percentage for public transport (8%) for the office development. This is similarly for the hotel and commercial components of the development. The TRICS modal share table submitted by the applicant lacks adequate information to understand hourly trips for each of the transport modes. This is important in order to understand the overall trip generation of the development for each mode of transport. The TRICS multi-modal trips analysis did not account for vehicular trip rates and no assumption was made about the potential increase in public transport mode share due to transfer of such trips to other modes of transport as a result of no parking provision.

The requested multi-modal assessment provided by the applicant using Tollcross Datashine travel to work statistics when applied to TRICS people trip rates had total public transport trips 1008(53%), walking 447(24%) and car 340(18%) for the period 0700 - 1900; with AM and PM peak trips for public transport 138 and 108 respectively for the office development. The Datashine trips analysis did account for vehicular trip rates and no assumption was made about the potential increase in public transport mode share due to transfer of such trips to other modes of transport as a result of no parking provision. Public transport modal share is therefore expected to be higher than what has been submitted by the applicant for the office and similarly for the hotel and the commercial units. It must be acknowledged that Datashine travel to work statistics is for all employment and there may be minor variation for office only development trips.

The predicted trips information submitted by the applicant from both the TRICS database and Datashine provided no information about the level/percentage of trips to be made by tram. It is considered that the proposed development will be heavily reliant on public transport and that, given the location and nature of the proposed development, the tram is likely to bear a sizeable proportion of the public transport impact. A tram contribution is accordingly considered justified in terms of the requirements of the Local Development Plan 2016 and in terms of the requirements set out in paragraph F Edinburgh Local Development Plan Draft Supplementary Guidance, "Developer Contributions and Infrastructure Delivery, January 2018," Section 2b - Transport Infrastructure. Notwithstanding the above statement, it has been clearly demonstrated by the applicant that the proposed and existing transport infrastructure will be able to accommodate the impacts of the proposed development.

1. The applicant will be required to:

- a. Contribute the sum of £350,926 (based on a major development, 830m from the nearest tram stop, comprised of a 263 bed hotel, 6,710m² office and 761m retail to the Edinburgh Tram in line with the approved Draft Supplementary Guidance, "Developer Contributions and Infrastructure Delivery, January 2018. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see Note c);*
- b. Contribute the sum of £2,000 to progress a suitable order to introduce parking prohibition on civic area and associated shared space as necessary for the development;*
- c. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- d. Contribute the sum of £2,000 to progress a suitable order to ban westbound traffic movement on the proposed shared space for servicing as necessary for the development. It should be noted that any proposed vehicle entry prohibition on the shared street should start where the proposed vehicle turning facility on the existing service road ends;*
- e. Design and install a new toucan crossing on Fountainbridge. The location, detailed design (including signal specification) and installation of the toucan crossing and equipment will be subject to further approval by the Council and at no cost the Council. The crossing is expected to be aligned to western footway of Grove Street;*
- f. Carry out works to widen the existing footway to 5.3m wide on south side of Fountainbridge. To prevent accidents on the proposed cycle lane and ensure free movement of pedestrian it is expected that no loading or servicing of the office and hotel will take place from the footway;*
- g. Provide pedestrian priority crossings and associated hazard warnings at the proposed junctions on the southern footway of Fountainbridge;*

2. All doors are expected to be opened inwards or clear from the footway, except emergency doors;
3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, and cycle parking numbers including location, design and specification. Per the Ian White Associates Drawing No 2041/14 submitted - all footways and shared surfaces (Fountainbridge, existing service road, Civic Square and Shared Street) are expected to be adopted.
4. A Quality Audit, as set out in *Designing Streets*, to be submitted prior to the grant of Road Construction Consent;
5. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
6. The applicant must be informed that any proposed on-street loading bays/lay-by cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;
7. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Chief Planning Officer;
8. The submitted design of footways, junctions and the shared space promotes pedestrian priority safety, sense of place and accords with the *Designing Street and Edinburgh Street Design Guidance* which requires streets to be designed to promote pedestrian safety and priority. Blister paving is required for the proposed junction west of the site to provide a warning to visually impaired people who would otherwise, in the absence of a kerb upstand greater than 25mm high, find it difficult to differentiate between where the footway ends and the shared surface (vehicle, cycle and pedestrian) begins;
9. The works to carry out footway widening must be carried out under permit and in accordance with the specifications. See *Road Occupation Permits* http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point
10. It should be noted that the existing service road east of the proposed development is adopted and works to carry out any improvement must be carried out under permit and in accordance with the Council's specification (see Item 10 above). The applicant is required to deliver the proposed vehicular turning facility on the existing service road including sections out with the planning application site boundary.

Note:

- a) The 2017 Parking Standards requires the applicant to provide a minimum of 80 covered and secure cycle parking spaces - 26 for the hotel, 3 for the commercial unit and 51 for the office; however the applicant proposes 20 spaces in a form of 10 Sheffield cycle stand adjacent the lay-by west of the hotel and 46 cycle racks within the office development with shower facilities and is considered acceptable.
- b) The proposed cycle lane on Fountainbridge will be delivered by the Council at no cost to the applicant.

c) The Tram contribution is calculated using methodology developed for contributions outwith the tram contribution Zone 3. Average percentage contribution of each application component for Zone 1, 2 and 3 applied to the total contribution sum of £350,926 to get tram contribution sum for each component of the application:

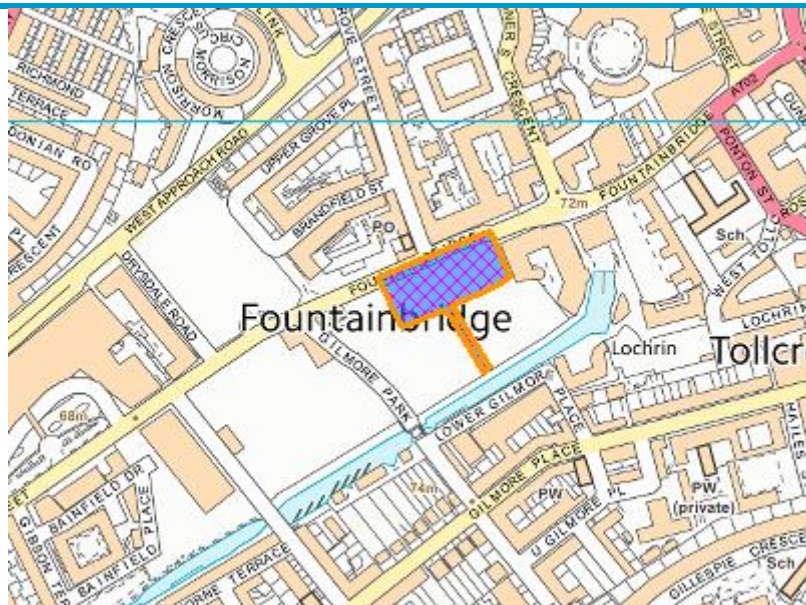
Hotel 56.57511%
Office 38.54883%
Commercial 4.876059%

Tram contribution for each component of the application are:

Hotel £198,537;
Office £135,278;
Commercial unit £17,111;

The Methodology and calculation graphs are set out in the attached Annex 1.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

Application for Planning Permission 18/01310/FUL At Proposed Telecoms Apparatus 9 Metres West Of 5, Frederick Street, Edinburgh Installation of x1 InLink and the removal of x2 BT payphones

Item number	4.10
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LEN06, LEN03, LEN01, NSG, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

Application for Planning Permission 18/01310/FUL At Proposed Telecoms Apparatus 9 Metres West Of 5, Frederick Street, Edinburgh Installation of x1 InLink and the removal of x2 BT payphones

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the east side of Frederick Street, opposite no. 5, close to the junction with Princes Street.

The majority of buildings on Frederick Street are category B listed.

The closest listed buildings to the site are as follows:

- 5, 7 and 7A Frederick Street - category B listed, listed on 19 December 1979 (ref: 28779); and
- 97, 97A and 98 Princes Street and 1 and 3 Frederick Street - category B listed, listed on 20 February 1985 (ref: 29508).

Frederick Street contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along Frederick Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing two phone boxes with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;

- e) any impacts on equalities or human rights are acceptable; and
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

Frederick Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with George Street and Queen Street. Planned views north and south form an essential part of the special and unique character of Frederick Street.

The New Town Conservation Area Character Appraisal makes specific reference to the southern views from the First New Town across Princes Street Gardens.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Frederick Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both north and south will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views up and down Frederick Street to George Street and Old Town landmarks.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the character or appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 5, 7 and 7A Frederick Street and 1 and 3 Frederick Street/97, 97A and 98 Princes Street which are category B listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed structure will also disrupt views to the category A listed statue of William Pitt at the junction of George Street with Frederick Street.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposal will therefore have a detrimental impact on the setting of and views to the aforementioned listed buildings and structure, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as Frederick Street which provide key views from the New Town to the Old Town. Southwards views across Princes Street Gardens from Frederick Street are punctuated by Edinburgh Castle and Gardens Ramsay Garden on Castlehill. This view is framed by the built frontages on either side of Frederick Street which add further focus to the view.

This proposed InLink structure will detract from these views particularly at street level, and will interrupt the linearity of these views and will therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan Policy Env 1.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.
3. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it will harm the Outstanding Universal Value of the World Heritage Site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01310/FUL At Proposed Telecoms Apparatus 9 Metres West Of 5, Frederick Street, Edinburgh Installation of x1 InLink and the removal of x2 BT payphones

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

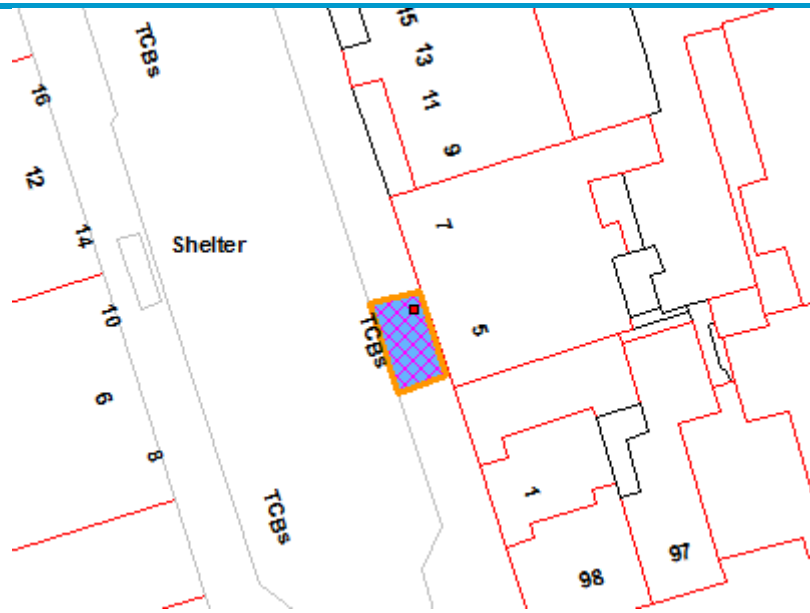
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01311/ADV
At Proposed Telecoms Apparatus 9 Metres West Of 5,
Frederick Street, Edinburgh.
Two digital LED display screens, one on each side of the
InLink.**

Item number	4.11
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,
--	--

Report

Application for Advert Consent 18/01311/ADV At Proposed Telecoms Apparatus 9 Metres West Of 5, Frederick Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the east side of Frederick Street, opposite no. 5, close to the junction with Princes Street.

The majority of buildings on Frederick Street are category B listed.

The closest listed buildings to the site are as follows:

- 5, 7 and 7A Frederick Street - category B listed, listed on 19 December 1979 (ref: 28779); and
- 97, 97A and 98 Princes Street and 1 and 3 Frederick Street - category B listed, listed on 20 February 1985 (ref: 29508).

Frederick Street contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along Frederick Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the erection of a double-sided digital advertising display unit with rotating content measuring 1210mm by 690mm. The advert will be housed within a BT "InLink" unit which will replace the existing two phone boxes.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The InLink unit comprises a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

Frederick Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with George Street and Queen Street. Planned views north and south and form an essential part of the special and unique character of Frederick Street.

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace two existing phone boxes, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone boxes have static adverts on the sides facing the road only. The proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

The New Town Conservation Area Character Appraisal makes specific reference to the southern views from the First New Town across Princes Street Gardens.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as Frederick Street which provide key views from the New Town to the Old Town. Southwards views across Princes Street Gardens from Frederick Street are punctuated by Edinburgh Castle and Gardens Ramsay Garden on Castlehill. This view is framed by the built frontages on either side of Frederick Street which add further focus to the view.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Frederick Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both north and south will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views up and down Frederick Street to George Street and Old Town landmarks. The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 5, 7 and 7A Frederick Street and 1 and 3 Frederick Street/97, 97A and 98 Princes Street which are category B listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed structure will also disrupt views to the category A listed statue of William Pitt at the junction of George Street with Frederick Street.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structure and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and Frederick Street is a principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of Frederick Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running north and south, and from the setting of and views to a number of listed buildings and skyline features.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal or The Edinburgh World Heritage Site Management Plan.

The proposal will have an unacceptable impact on the amenity of the location, contrary to Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.

3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01311/ADV At Proposed Telecoms Apparatus 9 Metres West Of 5, Frederick Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

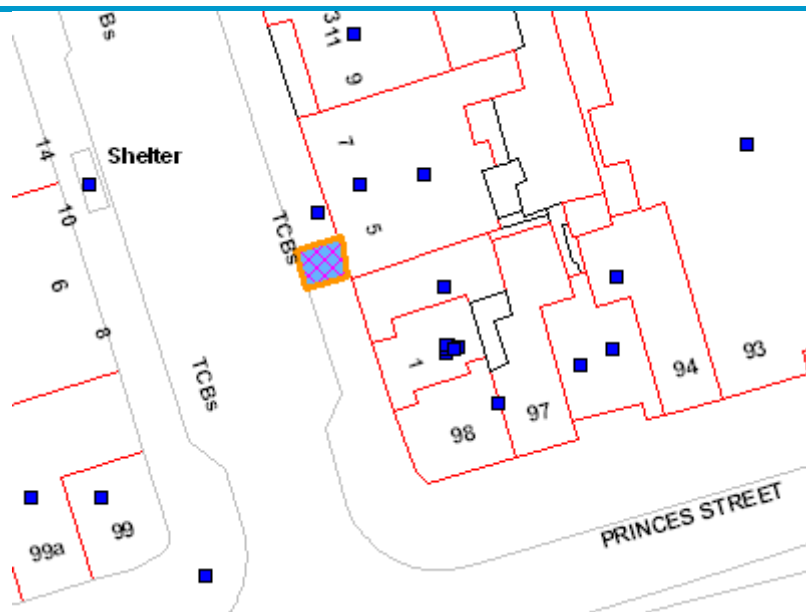
- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
- c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
- d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

- 2. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 4. There should be no message sequencing where a message is spread across more than one screen;*
- 5. Phone numbers, web addresses details etc should be avoided;*
- 6. It is recommended that the speed of change of image should be set to be in effect instantaneous;*

7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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Development Management Sub Committee

Wednesday 20 June 2018

Application for Planning Permission 18/01312/FUL At Proposed Telecoms Apparatus 7 Metres North Of 32, George Street, Edinburgh Installation of x1 InLink and removal of x2 BT payphones

Item number	4.12
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LEN06, LEN03, LEN01, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
--	--

Report

Application for Planning Permission 18/01312/FUL At Proposed Telecoms Apparatus 7 Metres North Of 32, George Street, Edinburgh Installation of x1 InLink and removal of x2 BT payphones

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the north side of George Street, opposite no. 32, between Hanover Street and Frederick Street.

The majority of buildings and monuments on George Street are category A and B listed.

The closest listed buildings to the site are as follows:

- 30, 30A and 32 George Street - category A listed, listed on 13 January 1966 (ref: 28866); and
- 34 - 38 and 38A George Street - category B listed, listed on 13 January 1966 (ref: 28867).

George Street contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along George Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing two phone boxes with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;
- e) any impacts on equalities or human rights are acceptable; and
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

George Street is the principal street in James Craig's plan of the First New Town and was designed to be the grandest and widest street. It is located to the north of Princes Street and to the south of Queen Street, connecting St Andrew Square with Charlotte Square. Planned views east and west and listed 'set piece' buildings and structures form an essential part of the special and unique character of George Street.

Spatial mapping within the New Town Conservation Area Character Appraisal makes specific reference to the many views and landmark features along George Street. The Character Appraisal also makes specific reference to the special relationship linking St Andrew Square and Charlotte Square, George Street, the central monuments and the terminating buildings.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both east and west will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views along George Street to the various landmarks and terminating squares.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the character or appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 30, 30A and 32 George Street, which are category A listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed structure will also disrupt views to the category A listed monuments within the squares along George Street at the junctions of Hanover Street, Frederick Street and North Castle Street/Castle Street, and views to the terminating category A listed buildings and the category A listed monuments at St Andrew Square and Charlotte Square.

The proposal will therefore have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major axes such as George Street, which are addressed by formal set piece architecture. Recognition is given to the extensive collection of statues and monuments which make a significant contribution to the richness and diversity of the townscape and provide a focus and punctuation points for many views. In addition, the Plan notes that the relationship of stone buildings, pavements and setted streets provides a disciplined unity and cohesion.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The Edinburgh Design Guidance sets out a number of key views in and around the city centre which should be afforded protection. The following key views are relevant:

- C11d - junction of George Street and Frederick Street looking east to St Andrew Square column; and
- C11e - junction of George Street and Frederick Street looking west along George Street.

These views take in the many listed buildings and structures, planned squares, terminating buildings and 'set piece' Georgian architecture which give George Street its unique and historic character. The views are framed by the built frontages either side of the street which add further focus to these views.

This proposed InLink structure will detract from these views particularly at street level, and will interrupt the linearity of these views and will therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan Policy Env 1.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.
3. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it will harm the Outstanding Universal Value of the World Heritage Site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Non-statutory guideline 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01312/FUL At Proposed Telecoms Apparatus 7 Metres North Of 32, George Street, Edinburgh Installation of x1 InLink and removal of x2 BT payphones

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

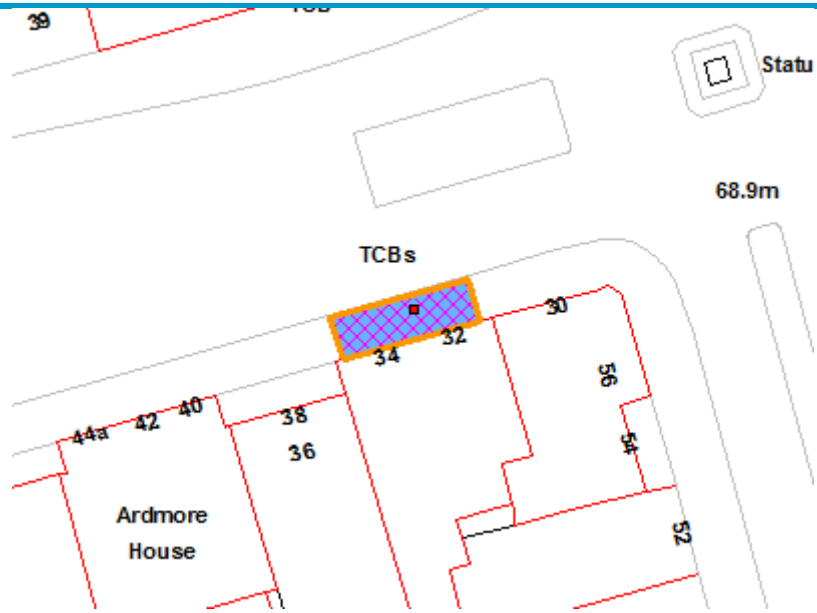
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01313/ADV
At Proposed Telecoms Apparatus 7 Metres North Of 32,
George Street, Edinburgh
Two digital LED display screens, one on each side of the
InLink**

Item number	4.13
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,

Report

Application for Advert Consent 18/01313/ADV At Proposed Telecoms Apparatus 7 Metres North Of 32, George Street, Edinburgh Two digital LED display screens, one on each side of the InLink

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the north side of George Street, opposite no. 32, between Hanover Street and Frederick Street.

The majority of buildings and monuments on George Street are category A and B listed.

The closest listed buildings to the site are as follows:

- 30, 30A and 32 George Street - category A listed, listed on 13 January 1966 (ref: 28866); and
- 34 - 38 and 38A George Street - category B listed, listed on 13 January 1966 (ref: 28867).

George Street contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along George Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the erection of a double-sided digital advertising display unit with rotating content measuring 1210mm by 690mm. The advert will be housed within a BT "InLink" unit which will replace the existing two phone boxes.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The InLink unit comprises a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

George Street is the principal street in James Craig's plan of the First New Town and was designed to be the grandest and widest street. It is located to the north of Princes Street and to the south of Queen Street, connecting St Andrew Square with Charlotte Square. Planned views east and west and listed 'set piece' buildings and structures form an essential part of the special and unique character of George Street.

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace two existing phone boxes, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone boxes have static adverts on the sides facing the road only. The proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

Spatial mapping within the New Town Conservation Area Character Appraisal makes specific reference to the many views and landmark features along George Street. The Character Appraisal also makes specific reference to the special relationship linking St Andrew Square and Charlotte Square, George Street, the central monuments and the terminating buildings.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major axes such as George Street, which are addressed by formal set piece architecture. Recognition is given to the extensive collection of statues and monuments which make a significant contribution to the richness and diversity of the townscape and provide a focus and punctuation points for many views. In addition, the Plan notes that the relationship of stone buildings, pavements and setted streets provides a disciplined unity and cohesion.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The double-sided digital advertising panel will be set perpendicular to the street within the InLink structure. Views both east and west will be interrupted by this panel, the bottom edge of which will sit approximately 1.4 metres above pavement level. The height of the proposed advert is 1.21 metres. Due to its alignment, height and illuminated digital nature, the advert will therefore have significantly greater impact than the existing static adverts on the existing phone boxes on both short and long distance views along George Street to the various landmarks and terminating squares. The advertising panel will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed advertisement will be located adjacent to 30, 30A and 32 George Street, which are category A listed.

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that Advertisements should not adversely affect the settings of listed buildings.

The double-sided digital panel will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the character of the setting of these buildings and views to them.

The proposed advert will also disrupt views to the category A listed monuments within the squares along George Street at the junctions of Hanover Street, Frederick Street and North Castle Street/Castle Street, and views to the terminating category A listed buildings and the category A listed monuments at St Andrew Square and Charlotte Square.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Impact on Key Views

The Edinburgh Design Guidance sets out a number of key views in and around the city centre which should be afforded protection. The following key views are relevant:

- C11d - junction of George Street and Frederick Street looking east to St Andrew Square column; and
- C11e - junction of George Street and Frederick Street looking west along George Street.

These views take in the many listed buildings and structures, planned squares, terminating buildings and 'set piece' Georgian architecture which give George Street its unique and historic character. The views are framed by the built frontages either side of the street which add further focus to these views.

This proposal and the associated proposals will detract from these views particularly at street level, and will interrupt the linearity of these views.

The proposal is therefore contrary to the Edinburgh Design Guidance with respect to key views.

Material Considerations

The Council's Transport and Environment Committee approved a report on George Street - '*George Street - A Special Place*' on 7th June 2016. This report was developed with key city stakeholders to set design principles to inform future investment in the street's public realm. This report is a material consideration in the determination of this application.

Key design objectives include the retention of key views and vistas, the retention of proportion and street rhythm, the retention of street symmetry, and the enhancement of the classical grandeur and simplicity of the street allowing the architecture and place quality to shine through. The proposed digital advertising panel will restrict views and vistas and detract from the architecture and its relationship with the public realm.

It should be noted that the objective to improve the animation of the street relates to the facilitation of seasonal changes in access and management to ensure high levels of street footfall, activity and use (events/ cafes/ parking), not the introduction of on-street digital advertising.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and George Street is the principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of George Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running west and east, and from the setting of and views to a number of listed buildings and structures.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal, The Edinburgh World Heritage Site Management Plan or the emerging vision and design principles for George Street as set out in the Council's '*George Street - A Special Place*' report.

The proposal will have an unacceptable impact on the amenity of the location, contrary to Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
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Statutory Development

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The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

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Drawing numbers/Scheme

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Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01313/ADV At Proposed Telecoms Apparatus 7 Metres North Of 32, George Street, Edinburgh Two digital LED display screens, one on each side of the InLink

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

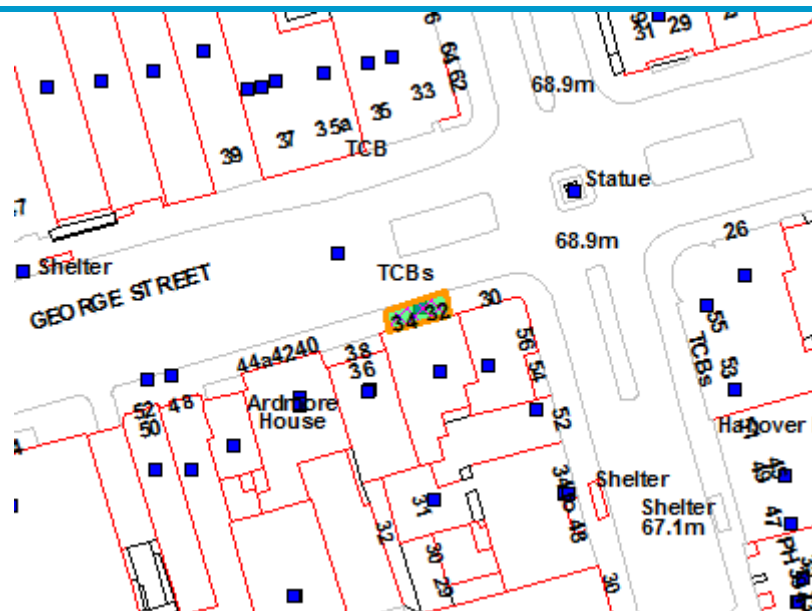
- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
- c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
- d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

- 2. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 4. There should be no message sequencing where a message is spread across more than one screen;*
- 5. Phone numbers, web addresses details etc should be avoided;*
- 6. It is recommended that the speed of change of image should be set to be in effect instantaneous;*
- 7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*

8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01307/FUL
At Proposed Advertising Panel 8 Metres South Of 77B,
George Street, Edinburgh
Removal of 2 x existing BT Payphones and the installation
of 1 x InLink unit.**

Item number	4.14
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LEN06, LDPP, LEN03, LEN01, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

Application for Planning Permission 18/01307/FUL At Proposed Advertising Panel 8 Metres South Of 77B, George Street, Edinburgh Removal of 2 x existing BT Payphones and the installation of 1 x InLink unit.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the north side of George Street, outside 77b, between Frederick Street and Castle Street.

The majority of buildings and monuments on George Street are category A and B listed.

The closest listed buildings to the site are as follows:

- 78 and 80 George Street - category A listed, listed on 13 January 1966 (ref: 28876); and
- 77 and 79 George Street - category B listed, listed on 13 January 1966 (ref: 28845).

George Street contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along George Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing two phone boxes with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;

- e) any impacts on equalities or human rights are acceptable; and
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

George Street is the principal street in James Craig's plan of the First New Town and was designed to be the grandest and widest street. It is located to the north of Princes Street and to the south of Queen Street, connecting St Andrew Square with Charlotte Square. Planned views east and west and listed 'set piece' buildings and structures form an essential part of the special and unique character of George Street.

Spatial mapping within the New Town Conservation Area Character Appraisal makes specific reference to the many views and landmark features along George Street. The Character Appraisal also makes specific reference to the special relationship linking St Andrew Square and Charlotte Square, George Street, the central monuments and the terminating buildings.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both east and west will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views along George Street to the various landmarks and terminating squares.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the character or appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed InLink structure will be located opposite 78 and 80 George Street, which are category A listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed structure will also disrupt views to the category A listed monuments within the squares along George Street at the junctions of Hanover Street, Frederick Street and North Castle Street/Castle Street, and views to the terminating category A listed buildings and the category A listed monuments at St Andrew Square and Charlotte Square.

The proposal will therefore have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major axes such as George Street, which are addressed by formal set piece architecture. Recognition is given to the extensive collection of statues and monuments which make a significant contribution to the richness and diversity of the townscape and provide a focus and punctuation points for many views. In addition, the Plan notes that the relationship of stone buildings, pavements and setted streets provides a disciplined unity and cohesion.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The Edinburgh Design Guidance sets out a number of key views in and around the city centre which should be afforded protection. The following key views are relevant:

- C11d - junction of George Street and Frederick Street looking east to St Andrew Square column; and
- C11e - junction of George Street and Frederick Street looking west along George Street.

These views take in the many listed buildings and structures, planned squares, terminating buildings and 'set piece' Georgian architecture which give George Street its unique and historic character. The views are framed by the built frontages either side of the street which add further focus to these views.

This proposed InLink structure will detract from these views particularly at street level, and will interrupt the linearity of these views and will therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan Policy Env 1.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the spatial character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.
3. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it will harm the Outstanding Universal Value of the World Heritage Site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant policies of the Local Development Plan.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01307/FUL At Proposed Advertising Panel 8 Metres South Of 77B, George Street, Edinburgh Removal of 2 x existing BT Payphones and the installation of 1 x InLink unit.

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

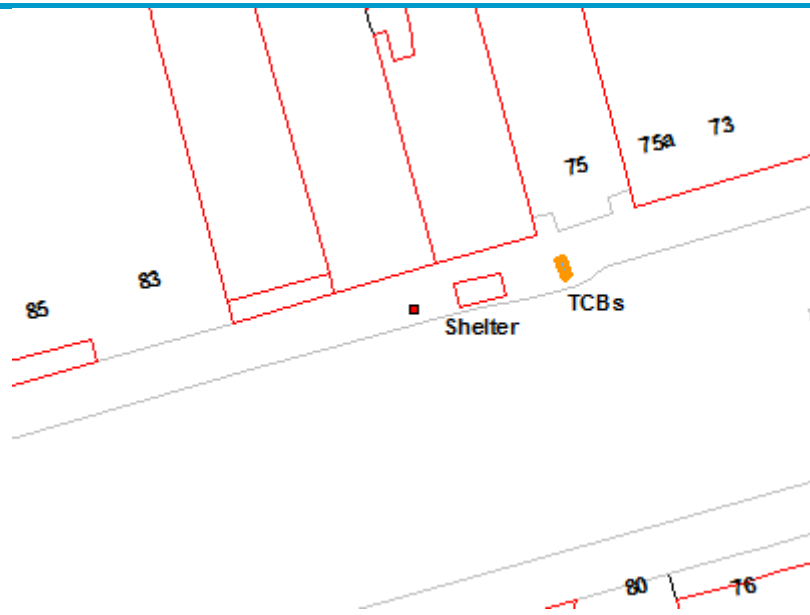
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01308/ADV
At Proposed Advertising Panel 8 Metres South Of 77B,
George Street, Edinburgh
Two digital LED display screens, one on each side of the
InLink unit**

Item number	4.15
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,

Report

Application for Advert Consent 18/01308/ADV At Proposed Advertising Panel 8 Metres South Of 77B, George Street, Edinburgh Two digital LED display screens, one on each side of the InLink unit

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the north side of George Street, outside 77b, between Frederick Street and Castle Street.

The majority of buildings and monuments on George Street are category A and B listed.

The closest listed buildings to the site are as follows:

- 78 and 80 George Street - category A listed, listed on 13 January 1966 (ref: 28876); and
- 77 and 79 George Street - category B listed, listed on 13 January 1966 (ref: 28845).

George Street contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along George Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the erection of a double-sided digital advertising display unit with rotating content measuring 1210mm by 690mm. The advert will be housed within a BT "InLink" unit which will replace the existing two phone boxes.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The InLink unit comprises a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

George Street is the principal street in James Craig's plan of the First New Town and was designed to be the grandest and widest street. It is located to the north of Princes Street and to the south of Queen Street, connecting St Andrew Square with Charlotte Square. Planned views east and west and listed 'set piece' buildings and structures form an essential part of the special and unique character of George Street.

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace two existing phone boxes, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone boxes have static adverts on the sides facing the road only. The proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

Spatial mapping within the New Town Conservation Area Character Appraisal makes specific reference to the many views and landmark features along George Street. The Character Appraisal also makes specific reference to the special relationship linking St Andrew Square and Charlotte Square, George Street, the central monuments and the terminating buildings.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major axes such as George Street, which are addressed by formal set piece architecture. Recognition is given to the extensive collection of statues and monuments which make a significant contribution to the richness and diversity of the townscape and provide a focus and punctuation points for many views. In addition, the Plan notes that the relationship of stone buildings, pavements and setted streets provides a disciplined unity and cohesion.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The double-sided digital advertising panel will be set perpendicular to the street within the InLink structure. Views both east and west will be interrupted by this panel, the bottom edge of which will sit approximately 1.4 metres above pavement level. The height of the proposed advert is 1.21 metres. Due to its alignment, height and illuminated digital nature, the advert will therefore have significantly greater impact than the existing static adverts on the existing phone boxes on both short and long distance views along George Street to the various landmarks and terminating squares. The advertising panel will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed advertisement will be located opposite 78 and 80 George Street, which are category A listed.

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that Advertisements should not adversely affect the settings of listed buildings.

The double-sided digital panel will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the character of the setting of these buildings and views to them.

The proposed advert will also disrupt views to the category A listed monuments within the squares along George Street at the junctions of Hanover Street, Frederick Street and North Castle Street/Castle Street, and views to the terminating category A listed buildings and the category A listed monuments at St Andrew Square and Charlotte Square.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Impact on Key Views

The Edinburgh Design Guidance sets out a number of key views in and around the city centre which should be afforded protection. The following key views are relevant:

- C11d - junction of George Street and Frederick Street looking east to St Andrew Square column; and
- C11e - junction of George Street and Frederick Street looking west along George Street.

These views take in the many listed buildings and structures, planned squares, terminating buildings and 'set piece' Georgian architecture which give George Street its unique and historic character. The views are framed by the built frontages either side of the street which add further focus to these views.

This proposal and the associated proposals will detract from these views particularly at street level, and will interrupt the linearity of these views.

The proposal is therefore contrary to the Edinburgh Design Guidance with respect to key views.

Material Considerations

The Council's Transport and Environment Committee approved a report on George Street - '*George Street - A Special Place*' on 7th June 2016. This report was developed with key city stakeholders to set design principles to inform future investment in the street's public realm. This report is a material consideration in the determination of this application.

Key design objectives include the retention of key views and vistas, the retention of proportion and street rhythm, the retention of street symmetry, and the enhancement of the classical grandeur and simplicity of the street allowing the architecture and place quality to shine through. The proposed digital advertising panel will restrict views and vistas and detract from the architecture and its relationship with the public realm.

It should be noted that the objective to improve the animation of the street relates to the facilitation of seasonal changes in access and management to ensure high levels of street footfall, activity and use (events/ cafes/ parking), not the introduction of on-street digital advertising.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and George Street is the principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of George Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running west and east, and from the setting of and views to a number of listed buildings and structures.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal, The Edinburgh World Heritage Site Management Plan or the emerging vision and design principles for George Street as set out in the Council's '*George Street - A Special Place*' report.

The proposal will have an unacceptable impact on the amenity of the location, contrary to Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01308/ADV At Proposed Advertising Panel 8 Metres South Of 77B, George Street, Edinburgh Two digital LED display screens, one on each side of the InLink unit

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

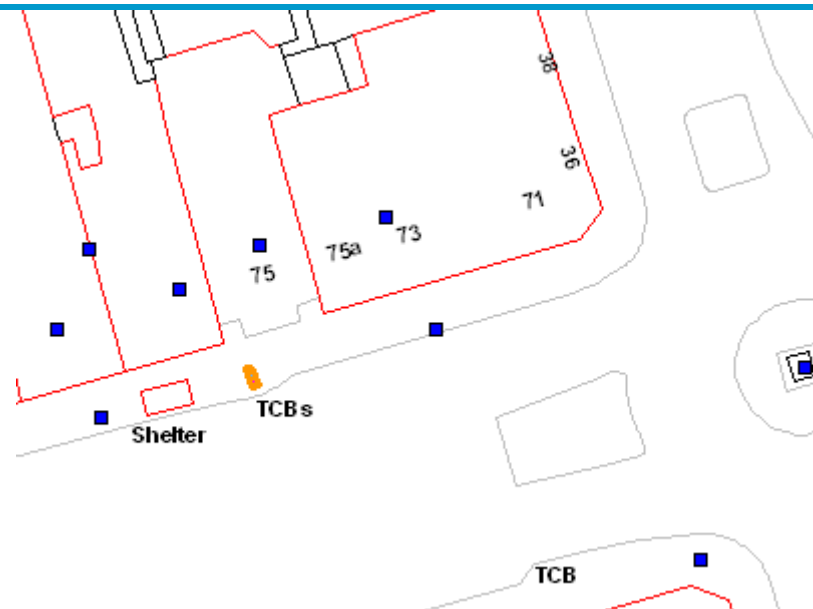
- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
- c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
- d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

- 2. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 4. There should be no message sequencing where a message is spread across more than one screen;*
- 5. Phone numbers, web addresses details etc should be avoided;*
- 6. It is recommended that the speed of change of image should be set to be in effect instantaneous;*
- 7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*

8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01338/FUL
At Proposed Telecoms Apparatus 12 Metres South Of 111
George Street, Edinburgh,
Installation of x1 InLink and the removal of x1 BT payphone.**

Item number	4.16
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN04, LEN03, LEN01, NSG, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

Application for Planning Permission 18/01338/FUL At Proposed Telecoms Apparatus 12 Metres South Of 111 George Street, Edinburgh, Installation of x1 InLink and the removal of x1 BT payphone.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a modern BT phone box located on the outer edge of the pavement on the north side of George Street, opposite no. 111, near the junction with North Castle Street.

The majority of buildings and monuments on George Street are category A and B listed.

The closest listed buildings to the site are as follows:

- 111, 113 and 113A George Street - category B listed, listed on 13 January 1966 (ref: 43288).

George Street contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along George Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing single phone box with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;

- e) any impacts on equalities or human rights are acceptable; and
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

George Street is the principal street in James Craig's plan of the First New Town and was designed to be the grandest and widest street. It is located to the north of Princes Street and to the south of Queen Street, connecting St Andrew Square with Charlotte Square. Planned views east and west and listed 'set piece' buildings and structures form an essential part of the special and unique character of George Street.

Spatial mapping within the New Town Conservation Area Character Appraisal makes specific reference to the many views and landmark features along George Street. The Character Appraisal also makes specific reference to the special relationship linking St Andrew Square and Charlotte Square, George Street, the central monuments and the terminating buildings.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both east and west will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views along George Street to the various landmarks and terminating squares.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the character or appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed advertisement will be located adjacent to 111, 113 and 113A George Street, which are category A listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed advert will also disrupt views to the category A listed monuments within the squares along George Street at the junctions of North Castle Street/Castle Street, Hanover Street and Frederick Street and views to the terminating category A listed buildings and the category A listed monuments at Charlotte Square and St Andrew Square.

The proposal will therefore have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major axes such as George Street, which are addressed by formal set piece architecture. Recognition is given to the extensive collection of statues and monuments which make a significant contribution to the richness and diversity of the townscape and provide a focus and punctuation points for many views. In addition, the Plan notes that the relationship of stone buildings, pavements and setted streets provides a disciplined unity and cohesion.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The Edinburgh Design Guidance sets out a number of key views in and around the city centre which should be afforded protection. The following key views are relevant:

- C11e - junction of George Street and Frederick Street looking west along George Street; and
- C11d - junction of George Street and Frederick Street looking east to St Andrew Square column.

These views take in the many listed buildings and structures, planned squares, terminating buildings and 'set piece' Georgian architecture which give George Street its unique and historic character. The views are framed by the built frontages either side of the street which add further focus to these views.

This proposed InLink structure will detract from these views particularly at street level, and will interrupt the linearity of these views and will therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan Policy Env 1.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.
3. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it will harm the Outstanding Universal Value of the World Heritage Site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail: clare.macdonald@edinburgh.gov.uk Tel: 0131 529 6121

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01338/FUL At Proposed Telecoms Apparatus 12 Metres South Of 111 George Street, Edinburgh, Installation of x1 InLink and the removal of x1 BT payphone.

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

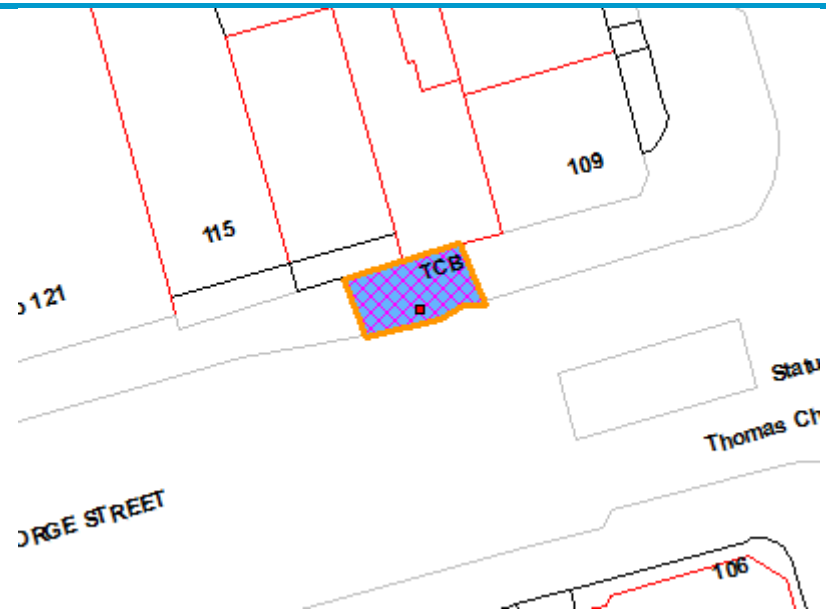
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01339/ADV
At Proposed Digital Advertising 12 Metres South Of 111
George Street, Edinburgh.
Two digital LED display screens, one on each side of the
InLink.**

Item number	4.17
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,

Report

Application for Advert Consent 18/01339/ADV At Proposed Digital Advertising 12 Metres South Of 111 George Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a modern BT phone box located on the outer edge of the pavement on the north side of George Street, opposite no.111, near the junction with North Castle Street.

The majority of buildings and monuments on George Street are category A and B listed.

The closest listed buildings to the site are as follows:

- 111, 113 and 113A George Street - category B listed, listed on 13 January 1966 (ref: 43288).

George Street contains a mix of uses including retail, office, leisure, community and residential. Currently there is no digital advertising on the pavements along George Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing single phone box with a BT "InLink" unit comprising a double-sided digital display unit with rotating content and an integral telecommunications interface. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The overall dimensions of the InLink structure are 2900mm high by 890mm wide (tapering at the lower section to 790mm) and 280mm deep. The digital display panels measure 1210mm by 690mm and the telecommunications interface is on the side elevation. The structure will be aligned horizontally so the digital displays are visually prominent.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

George Street is the principal street in James Craig's plan of the First New Town and was designed to be the grandest and widest street. It is located to the north of Princes Street and to the south of Queen Street, connecting St Andrew Square with Charlotte Square. Planned views east and west and listed 'set piece' buildings and structures form an essential part of the special and unique character of George Street.

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace an existing phone box, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone box has a static advert on the side facing the road only. The proposed digital advert will not be part of a bus shelter, nor part of a replacement "public call box". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

Spatial mapping within the New Town Conservation Area Character Appraisal makes specific reference to the many views and landmark features along George Street. The Character Appraisal also makes specific reference to the special relationship linking St Andrew Square and Charlotte Square, George Street, the central monuments and the terminating buildings.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major axes such as George Street, which are addressed by formal set piece architecture. Recognition is given to the extensive collection of statues and monuments which make a significant contribution to the richness and diversity of the townscape and provide a focus and punctuation points for many views. In addition, the Plan notes that the relationship of stone buildings, pavements and setted streets provides a disciplined unity and cohesion.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The double-sided digital advertising panel will be set perpendicular to the street within the InLink structure. Views both east and west will be interrupted by this panel, the bottom edge of which will sit approximately 1.4 metres about pavement level. The height of the proposed advert is 1.21 metres. Due to its alignment, height and illuminated digital nature, the advert will therefore have significantly greater impact than the existing static advert on the existing phone box on both short and long distance views along George Street to the various landmarks and terminating squares. The advertising panel will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed advertisement will be located adjacent to 111, 113 and 113A George Street, which are category A listed.

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that Advertisements should not adversely affect the settings of listed buildings.

The double-sided digital panel will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the character of the setting of these buildings and views to them.

The proposed advert will also disrupt views to the category A listed monuments within the squares along George Street at the junctions of North Castle Street/Castle Street, Hanover Street and Frederick Street and views to the terminating category A listed buildings and the category A listed monuments at Charlotte Square and St Andrew Square.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Impact on Key Views

The Edinburgh Design Guidance sets out a number of key views in and around the city centre which should be afforded protection. The following key views are relevant:

- C11e - junction of George Street and Frederick Street looking west along George Street; and
- C11d - junction of George Street and Frederick Street looking east to St Andrew Square column.

These views take in the many listed buildings and structures, planned squares, terminating buildings and 'set piece' Georgian architecture which give George Street its unique and historic character. The views are framed by the built frontages either side of the street which add further focus to these views.

This proposal and the associated proposals will detract from these views particularly at street level, and will interrupt the linearity of these views.

The proposal is therefore contrary to the Edinburgh Design Guidance with respect to key views.

Material Considerations

The Council's Transport and Environment Committee approved a report on George Street - 'George Street - A Special Place' on 7th June 2016. This report was developed with key city stakeholders to set design principles to inform future investment in the street's public realm. This report is a material consideration in the determination of this application.

Key design objectives include the retention of key views and vistas, the retention of proportion and street rhythm, the retention of street symmetry, and the enhancement of the classical grandeur and simplicity of the street allowing the architecture and place quality to shine through. The proposed digital advertising panel will restrict views and vistas and detract from the architecture and its relationship with the public realm.

It should be noted that the objective to improve the animation of the street relates to the facilitation of seasonal changes in access and management to ensure high levels of street footfall, activity and use (events/ cafes/ parking), not the introduction of on-street digital advertising.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and George Street is the principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of George Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running west and east, and from the setting of and views to a number of listed buildings and structures.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal, The Edinburgh World Heritage Site Management Plan or the emerging vision and design principles for George Street as set out in the Council's 'George Street - A Special Place' report.

The proposal will have an unacceptable impact on the amenity of the location, contrary to Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.

2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01339/ADV At Proposed Digital Advertising 12 Metres South Of 111 George Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

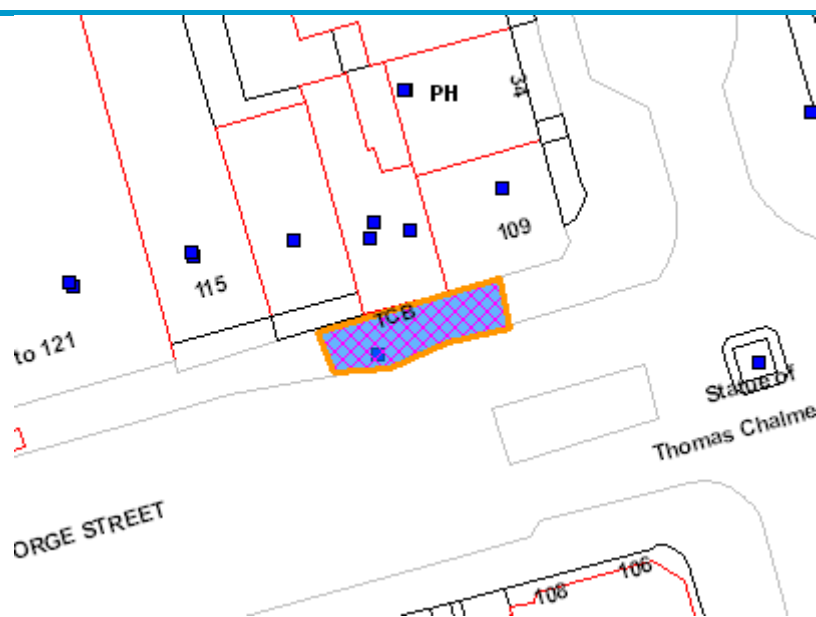
- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
- c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
- d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

- 2. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 4. There should be no message sequencing where a message is spread across more than one screen;*
- 5. Phone numbers, web addresses details etc should be avoided;*
- 6. It is recommended that the speed of change of image should be set to be in effect instantaneous;*

7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Approval of Matters Specified in Conditions
17/05883/AMC**

**At Land 292 Metres West Of 10, Gilmerton Station Road,
Edinburgh**

**Approval of matters specified in conditions 1 (b)-(j)i, iv and 6
of Planning Permission in Principle 14/01649/PPP for the
erection of 293 residential units with associated
infrastructure works (as amended).**

Item number	4.18
Report number	
Wards	B16 - Liberton/Gilmerton

Summary

The development is in accordance with the planning permission in principle and the approved masterplan for the wider site. The layout, siting, design and scale are acceptable. The proposed development will not give rise to any adverse impacts on amenity for existing or future residents. Measures are proposed as part of the development of the wider site to mitigate any impacts on traffic, road safety and air quality within the local area. Overall, the proposed development is acceptable.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN09, LEN20, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSGSTR,

Report

Application for Approval of Matters Specified in Conditions 17/05883/AMC

At Land 292 Metres West Of 10, Gilmerton Station Road, Edinburgh

Approval of matters specified in conditions 1 (b)-(j)i, iv and 6 of Planning Permission in Principle 14/01649/PPP for the erection of 293 residential units with associated infrastructure works (as amended).

Recommendations

1.1 It is recommended that this application be Approved subject to the details below.

Background

2.1 Site description

The site has an area of 9.77 hectares and covers phase 2 of the masterplan area of housing proposal HSG 24 as allocated in the adopted Edinburgh Local Development Plan.

The site is currently an open field. To its north is phase 1 of the wider masterplan area, which is currently under construction. The site of the former Gilmerton Station and goods yard lies immediately to the east of the site across Gilmerton Station Road. To the south is agricultural land which forms phases 3 and 4 of the masterplan area. The site is bound to the west by residential properties on Ravenscroft Place and Ravenscroft Gardens along with some agricultural buildings.

2.2 Site History

18 January 2016 - Planning permission in principle granted for residentially-led mixed use development including primary school, commercial/community uses, open space, access, car parking and landscaping at land 292 metres west of 10 Gilmerton Station Road (application reference: 14/01649/PPP). The application was granted following an appeal against the failure of the planning authority to issue a decision within the prescribed period.

22 December 2016 - Approval of matters specified in condition 1.a) a site development layout and phasing plan showing a phased implementation programme for built development, road and footpath provision, open space provision, tree and shrub planting and woodland management (as amended) (application reference: 16/03299/AMC).

2 March 2017 - Approval of matters specified in conditions 1(b)-1(f), 1(h)-1(i), 1(j)i, v-vii and conditions 2-5 of Planning Permission in Principle ref 14/01649/PPP for the first phase of development for the erection of 199no. dwellings, four units for commercial or community use and associated works (application reference: 16/04382/AMC).

18 April 2018 - Approval of matters specified in condition 1(g) -1(j)ii,iii and iv of Planning Permission in Principle ref 14/01649/PPP for the first phase of development for the erection of 199no dwellings and associated works (application reference: 17/04164/AMC).

19 December 2017 - Application submitted for approval of matters specified in conditions 1(b), (d), (e), (f), (g), (h) (i), 6 and 10 of Planning Permission in Principle 14/01649/PPP for the erection of 315 residential units (application reference: 17/05925/AMC).

Main report

3.1 Description Of The Proposal

This application seeks approval of a number of matters specified in condition 1 and 6 of the permission (14/01649/PPP), relating to the layout and design of the proposal.

Condition 1 states that:

Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval.

Approval of Matters:

- *(b) the siting, design and height of development, including the design of all external features and glazing specifications;*
- *(c) the design and configuration of public and open spaces, including all external materials and finishes;*
- *(d) car and cycle parking, access, road layouts and alignment, classification of streets and servicing areas;*
- *(e) footpaths and cycle routes;*
- *(f) waste management and recycling facilities;*
- *(g) surface water and drainage arrangements;*
- *(h) existing and finished ground levels in relation to Ordnance Datum;*
- *(i) details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building;*

- (j) *i. walls, fences, gates and any other boundary treatments; and*
- *iv. programme of completion and subsequent maintenance including a separate landscape maintenance plan for the SUDS areas.*

Condition 6 states that:

The site development layout and phasing plan shall include full details of the location and design of the surface water drainage scheme to be installed within the application site and shall be submitted for the approval of the planning authority. The scheme shall comply with the Scottish Environment Protection Agency's (SEPA) principles and contain a surface water management plan.

The proposal is for the detailed layout and design of phase 2 of the development, as indicated within the phasing strategy outlined in the masterplan. The development consists of 293 dwellings comprising 230 detached, semi-detached and terraced houses and 63 flats. The houses are all two storeys and the flats three storeys in height and are proposed to be finished in brick with concrete roof tiles.

Parking is provided at two spaces per unit for the semi and detached housing, 1.5 spaces per unit for the private terraces and one space per unit for the affordable units.

The proposal follows the principles of the masterplan for this part of the site, with the provision of a mixture of residential densities with higher density development provided around the site of the proposed school and overlooking the open space. Lower density development is located along the secondary and tertiary routes.

A new vehicular access will be formed off Gilmerton Station Road. Within the site the network of routes for cars, cyclists and pedestrians will connect with those on phases 1 and 3. A continuation of the pedestrian/cycle path provided at phase 1 will be delivered along the Gilmerton Station Road edge in line with the masterplan. On the western side two pedestrian/cycle connections are made through to existing developments on Ravenscroft Gardens and Ravenscroft Place.

The site slopes down from west to east requiring two SUDS areas to be provided along the Gilmerton Station Road frontage.

Scheme 1

The original scheme provided for only a single narrow connection to the existing townscape to the west and did not include the pedestrian/cycle path alongside Gilmerton Station Road. The layout was amended to provide higher density development around the areas of open space and to ensure that the houses overlook civic spaces. Off-street parking in front of properties on the primary streets has also been reduced.

The initial proposal also sought to discharge the conditions relating to landscaping, however this has been removed for further discussions to take place.

Supporting Information

The following information was submitted in support of the application:

- Drainage Report;
- Surface Water Management Plan;
- Noise Impact Assessment;
- Sustainability Statement;
- Tree Survey;
- Site investigation Report; and
- Quality Audit

These are available to view on the Planning and Building Standards Online Service.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development is acceptable;
- b) the details of the development are acceptable;
- c) the proposal will provide suitable amenity to future and existing residents;
- d) there are any air quality issues;
- e) there are any other material considerations; and
- f) comments raised have been addressed.

a) Principle

The principle of the development has been accepted by the granting of planning permission in principle (reference number 14/01649/PPP). The PPP was for a residentially-led mixed use development including primary school, commercial/community uses, open space, access, car parking and landscaping.

Condition 1(a) of the PPP required the approval of a site masterplan to establish a development layout and phasing programme for built development, road and footpath provision, open space provision, tree and shrub planting and woodland management. This was approved on 22 December 2016.

This proposal is for phase two and comprises 293 residential units with associated infrastructure works.

The site is to be delivered in four phases. Phase one, providing 199 units (7.88 hectares), is now under construction. The AMC application for phase three is for 315 units (12.32 hectares) and is to be considered at this Committee along with the AMC application for phase two. Phase four (approximately 4.3 hectares) is still to be submitted. In total the three AMC applications submitted to date include the delivery of over 800 dwellings. This number of units is higher than the HSG 24 estimated capacity of up to 650 units outlined in the LDP site brief.

The PPP did not impose a restriction on the number of units that can be delivered. However, some of the supporting information, including education, transport and air quality were based on an approximate figure of 650. The implications of this are assessed below.

The masterplan advises that the site could accommodate around 700 homes, but this is dependent on what density of development is brought forward in each phase.

Policy Hou 1 of the LDP gives priority to the delivery of the housing land supply and relevant infrastructure on suitable sites. Therefore, the principle of the development is acceptable provided proposals are compatible with relevant policies in the plan. The proposed layout represents an efficient use of greenfield land and complies with the density principles indicated in the masterplan.

b) Acceptability of the Details

Condition 1 (b) Siting, Design and Height

Policies Des 1 to Des 9 of the Edinburgh Local Development Plan (LDP) set out the policy framework for the design of developments. Also relevant is the masterplan for this site, approved under condition 1(a), and the Edinburgh Design Guidance (2017). The masterplan sets out key principles for the development of the site, including a hierarchy of streets, density, SUDS, open space and parks, connections to neighbouring sites, car parking and landscaping.

A Landscape and Visual Impact Assessment, submitted in support of the PPP, has determined appropriate building heights and densities across the wider site. This information was used to inform the masterplan to ensure a variety of building types and heights can be implemented to help create and define interesting streets and spaces.

The proposal is laid out around a hierarchy of streets and development blocks which are positioned generally in accordance with the approved masterplan for this part of the site. The density broadly complies with what has been set out in the masterplan with higher density development comprising blocks of continuous frontage located along the primary streets, around the SUDS areas, and overlooking the open space. The secondary and tertiary streets will be lower density areas with semi-detached and detached housing.

In terms of the density, if the entire site were to be built out to a total of 650 units as estimated in the LDP site brief, discounting the school site, this would result in a development of 19 units per hectare. Under the current proposals, the first three phases would deliver 27 units per hectare. The Edinburgh Design Guidance encourages increased density in suburban areas where it can help to sustain services such as shops and public transport. Higher densities allow land to be used more efficiently, helps regeneration and minimises the amount of greenfield land being taken for development. The density of phase two will be 30 units per hectare, which is a medium suburban density. This is appropriate for this type of development and the layout is compatible with existing housing developments in this part of Gilmerton.

In terms of the design of the houses and flats, there are a range of different house types proposed throughout the site, finished in a range of materials. The use of brick is appropriate as it is commensurate with the materials on the existing housing area to the west. In addition, the proposal incorporates site-specific design elements, for example, key plots have been identified at corner sites which will have active gables incorporating additional windows and landscaping. This adds suitable visual interest and is appropriate in this location.

Overall, the siting, design and height of the development complies with the relevant policies, guidance and the masterplan. The proposal is acceptable for this phase of the development.

Condition 1 (c) Design and Configuration of Public and Open Spaces

The masterplan sets out the principles for the design and configuration of public and open spaces, including the SUDS areas. All of the areas of open space have been designed to be overlooked by housing ensuring they are safe and pleasant. A central square and secondary civic space are provided at crossroads within the development. These areas are local focus points fronted by adjacent buildings and creating spaces for people to meet and gather. The central square reflects its position adjacent to the school by providing a direct visual and physical link with the school site.

The configuration and location of some of the open space and SUDS features has been altered due to potential issues highlighted in technical reports which support the application. The SUDS park adjacent to Gilmerton Station Road has had to be increased in size to ensure it has sufficient capacity to accommodate water run-off from a storm event. Additionally the location of mineshafts beneath the site has led to the relocation of one of the civic spaces. These changes are acceptable and the development delivers safe and pleasant areas of open space in line with the principles of the masterplan.

Details of surface materials to be used across the development will be required by condition. These materials should complement those used at phases one and three.

The design and configuration of the public open spaces are integrated with the layout of the site and will contribute toward the creation of a pleasant environment for residents.

Conditions 1 (d) and (e) Car and Cycle Parking, Road Layouts, Footpaths and Cycle Routes

Policy Des 7 of the LDP seeks to enhance connectivity across sites. The provision of foot/cycle path connections around the site and to neighbouring developments is also a key principle within the masterplan.

A pedestrian/cycle path will be provided to the west of the site connecting to the existing network on Ravenscroft Gardens. A further linkage will be provided to Ravenscroft Street via an existing farm track which serves as a public right of way.

A 3.5 metre wide shared pedestrian/cycle path will be provided alongside the Gilmerton Station Road boundary, separated from the main road by a wide verge and a line of trees. This will create a strong edge to the site while providing a safe and pleasant environment for pedestrians and cyclists.

The street and pedestrian/cycle path layout will contribute to connectivity through the site and create links to existing and proposed developments within the wider area.

Some of the objections to the development, including from Gilmerton Inch Community Council, refer to the potential increase in traffic and the impact on the existing road network around the site. The impact of additional traffic was considered at the PPP stage. At this time it was recommended that the increase in traffic caused by the development is acceptable subject to the reconfiguration of the Gilmerton Crossroads junction with an access and parking strategy for Drum Street to alleviate congestion caused by parked cars. A planning obligation is in place to secure the junction upgrade. Additionally the obligation will provide: a cycle pedestrian crossing on Drum Street, a traffic order for a lower speed on Gilmerton Station Road, an upgrade to local bus stops, a new footway along Gilmerton Station Road and a pedestrian crossing on Gilmerton Station Road. Together these measures will offset the impact of the new development and create a more pedestrian and cyclist friendly environment around the site.

The obligations have been reconsidered in the context of the increase in unit numbers over that which were assessed in the Transport Assessment for the PPP. The infrastructure works already required to offset the impact of the wider development on the local road network are also sufficient to alleviate the minor impact caused by the additional houses.

Car parking spaces and cycle parking are provided in line with Council guidance and is acceptable.

Overall, the development creates links with adjacent sites and encourages walking and cycling through the provision of dedicated multi-user paths. There are no issues arising in terms of traffic or road safety.

Condition 1 (g) and Condition 6 Surface Water and Drainage Arrangements

The proposal includes a SUDS basin and a separate area of underground storage. The slopes of the SUDS basin will have a gradient of not more than 1:6 to enable it to be maintained by grass cutting machines. Underground storage tanks are only to be used in exceptional circumstances on greenfield sites, early discussions with Scottish Water, Flood Prevention and Planning have agreed they are acceptable in this location provided they are accompanied by landscaping which maximises their biodiversity and recreational benefits.

The Council's Flood Prevention section has confirmed that it has assessed all the information submitted by the applicant relating to flood risk and surface water management. It is satisfied that the applicant has met the requirements set by the Council with regards to flood risk assessment and surface water management. SEPA has also confirmed that they are satisfied with the applicants SUDS proposals.

Transport have requested a condition requiring the submission and agreement of a maintenance schedule for the SUDS area.

The information provided accords with the requirements of condition 1(g) and condition 6 in relation to SUDs and is acceptable.

Condition 1 (f) Waste Management and Recycling Facilities

Individual refuse and recycling storage areas are provided for each house, accessible from respective rear lanes to each garden of terraced or townhouses. For flatted blocks, internal refuse and recycling storage areas are provided at ground floor level. All calculations for waste and recycling provision have been based on CEC's Waste Management Guidance.

Waste Services has confirmed that all the information provided in relation to waste provision is acceptable.

Condition 1 (h) Existing and Finished Ground Levels in Relation to Ordnance Datum

Details of the existing and finished levels to a fixed point Above Ordnance Datum (AOD) are shown on the engineering drawings. These drawings show levels in relation to existing and proposed features including roads, footpaths, parking spaces, public/private gardens, retaining walls etc. Finished floor levels are also included on the site layout plan.

The information provided in this respect is acceptable.

Condition 1 (i) Full Details of Sustainability Measures in Accordance with Edinburgh Standards for Sustainable Building

The applicant has submitted a sustainability statement in support of the application. The proposed development will meet current Building Standards, and will be constructed on greenfield land. The proposal is a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria.

Condition 1 (j) Hard and Soft Landscaping Details, Including: (i) Walls, Fences, Gates and Other Boundary Treatments

Although the landscape plan is not to be approved at this stage, the areas to be landscaped and the principles of the landscaping have been submitted to ensure that this requirement will not impact on the development layout in future and will tie through with what has been delivered on phase 1.

Boundary treatments are of particular importance, with hedges and walls proposed for edges to the street or public spaces. Hedges will also be provided along the front of dwellings on primary streets and to create defensible space for the flats. Timber fencing is only used on rear gardens.

The information submitted shows the appropriate use of high quality boundary treatments on all public edges helping to define the spaces and forming an important element of the streetscape.

The landscaping plan for the site is not approved at this stage and will be subject to a subsequent AMC.

c) Amenity

The mix of unit sizes and house types has a significant impact in ensuring a varied and sustainable community. This mix should respond to the differing needs of residents, immediate site conditions and to citywide objectives. The Edinburgh Design Guidance states that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. These types of homes should have three or more bedrooms, have good levels of storage and have direct access to private gardens or safe play areas for children.

This proposal provides 61% of properties across the site with three or more bedrooms. These are in the form of terraced, semi-detached and detached houses and are proportioned with at least 90 square metres of internal floor space, which exceeds the minimum threshold in the guidance. There is adequate storage within these properties and, with the exception of the properties within the flatted blocks, they benefit from direct access into a garden. The site has been designed to ensure the majority of houses are separated by back gardens of at least 9 metres. This will ensure that sufficient distance is provided between the windows to ensure that privacy is afforded between the new properties as well as to the existing dwellings to the north and west of the site. The properties have also been positioned within the site to ensure that there are no issues in relation to daylighting or sunlight.

In terms of the flats, all are dual aspect and will receive acceptable amounts of sunlight and daylight. Areas of external amenity space are provided for the flats ranging from 16 to 21 square metres per flat for the different blocks, which is in excess of the minimum required.

A Noise Impact Assessment (NIA) has been submitted in support of the application. The assessment states that the main sources of noise will be from Gilmerton Station Road and the city bypass. The NIA further advises that some gardens closest to Gilmerton Station Road are capable of being affected detrimentally by road noise. The properties located along the Gilmerton Station Road will act as an acoustic barrier for the rest of the development site. However, the affected areas are at the front of properties that also have their principal gardens to the rear. Therefore, the occupiers of the properties will not be affected by road noise within their principal garden space.

Overall, the design of the units is in accordance with the Edinburgh Design Guidance and will provide adequate amenity for future and neighbouring occupiers.

The rear gardens of the new development will directly back onto the gardens of the existing properties on Ravenscroft Gardens. A cross-section has been provided showing the potential impact on the closest property to the development on Ravenscroft Gardens in terms of loss of daylight and sunlight. The section demonstrates that the development will not detrimentally impact on the existing properties.

The development is acceptable and will provide adequate amenity for future occupiers as well as existing neighbours.

d) Air Quality

This AMC application is to build out the site broadly in line with the approved development brief and masterplan. However, the information provided in support of the PPP was based on a site capacity of 600-650 units and the proposals now coming forward are increasing this number to approximately 800-850 units. This in turn will have an impact on air quality above what was previously anticipated.

In order to mitigate this impact, Environmental Protection has recommended that the applicant considers the latest Edinburgh Design Guidance with regards to introducing electric vehicle charging points for the development. The applicant has stated a willingness to install ducting for the future provision of electrical car charging points to service the adopted parking areas within the development.

Environmental Protection has also advised that they would be willing to work with the developer to produce a bespoke Green Travel Plan to encourage sustainable transport and incentives to encourage new homeowners to use local public transport and car clubs. Condition 11 of the PPP requires a Travel Plan setting out measures to promote walking, cycling and the use of public transport to be submitted and approved by the planning authority. This condition is not under consideration as part of this application and will have to be submitted within 12 months of the first residential property being occupied.

Overall, the biggest impact on air quality affecting the development will be from vehicle emissions. The layout and infrastructure provided for the development will encourage the use of sustainable methods of transport that will go some way to offsetting its impact on air quality. Therefore, in terms of air quality, the development is acceptable.

e) Other Material Considerations

Archaeology

The application site is considered to occur within an area of archaeological significance, containing remains relating to the development of Gilmerton from possibly prehistory through to the early 20th century industry (mining and quarrying). As a result a condition was attached to the PPP requiring the undertaking of a programme of works.

The archaeological investigation has been conducted and showed that the site does contain significant archaeological remains primarily relating to historic mining, quarrying and post-medieval land management.

The investigation advises that ground breaking works will have a significant though moderate-low archaeological impact. Accordingly, it is essential that a programme of archaeological works (strip, map & record) is undertaken prior to/during development in order to fully excavate and recording any surviving archaeological remains.

The City Archaeologist has therefore requested that a condition be imposed to ensure that the necessary programme of works is conducted. This condition is already imposed on the PPP and will require to be discharged prior to the commencement of development of this phase.

Affordable Housing

The amount of affordable housing to be provided for the wider PPP site has been secured through a planning obligation. Of the total number of homes to be provided on this site, 25% will be affordable in line with Policy Hou 6. The affordable housing will comprise 33 flats and 41 houses of which 23 will have three bedrooms. The affordable housing will be integrated with the market housing and laid out around the school site and overlooking the SUDS. The proposed materials for the affordable housing are the same as the market housing and will appear "tenure blind".

The Council's Enabling and Partnerships section has confirmed that the affordable housing provision is acceptable.

Education

A unilateral obligation has been agreed for the PPP and includes a requirement for contributions toward education provision to the value of £16,703,426 (as index linked to quarter 4 2017). This contribution was calculated for the site as a whole and not on a per unit basis. The contributions that have been agreed at PPP stage will be applied toward education infrastructure to alleviate accommodation pressure at local schools.

The number of units now proposed for this site is more than what was assumed in the Education Appraisal. As this development progresses, the education infrastructure actions for these areas may have to be revised: a larger primary school at Gilmerton Station Road and additional secondary school capacity may be required.

Communities and Families have confirmed that there would be a sufficient contribution towards the delivery of the revised set of education infrastructure actions and will enable the impact of the first three phases of this development on education infrastructure to be mitigated.

Biodiversity

A survey has been undertaken which highlighted that there are no buildings on the land or trees capable of supporting bat roosting and therefore no adverse impact on the species as a consequence of the development of the land as proposed. Should any other protected species, such as barn owls be found on site, then the applicant will need to comply with the relevant legislation for protected species. An informative can be added to this effect.

f) Public Comments

Material Comments - Objections

- Impact on barn owls in the area - addressed in section 3.3(e);
- Additional congestion in the area - addressed in section 3.3(b);
- Increased noise - addressed in section 3.3(c);
- Impact on privacy of existing properties - addressed in section 3.3(c);
- Loss of daylight to existing properties - addressed in section 3.3(c);
- Too many houses being built in this area - addressed in section 3.3(a and b);
- More houses than originally proposed - addressed in section 3.3(a and b);

- The pathway to Ravenscroft Gardens will attract additional footfall to the quiet cul-de-sac - addressed in section 3.3(b);
- The right of way along the farm track is well used by existing residents and should be maintained - addressed in section 3.3(b);
- Impact on local schools and medical practices - addressed in section 3.3(e); and
- Lack of cycle/footpath connections around the site and to neighbouring sites - addressed in section 3.3(b).

Conclusion

The development is in accordance with the planning permission in principle and the approved masterplan for the wider site. The layout, siting, design and scale are acceptable. The proposed development will not give rise to any adverse impacts on amenity for existing or future residents. Measures are proposed as part of the development of the wider site to mitigate any impacts on traffic, road safety and air quality within the local area. Overall, the proposed development is acceptable.

It is recommended that this application be Approved subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed surface materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to enable the Planning Authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. For the avoidance of doubt, condition 1 (j)ii-iii, v-vii, 2-5 and 7-12 of 14/01649/PPP are not discharged through this approval and will be subject to further AMCs or the submission of further information, as appropriate.

Condition 1(c) is partially discharged subject to the agreement of surface finishes.

2. A legal agreement has been concluded in respect of this application and is available to view on the Council website.
3. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

4. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
5. As soon as practicable upon the completion of each phase of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
6. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures and layout. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. For the avoidance of doubt, the road layout is not approved at this stage.
7. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport.
10. Ducting for the future provision of electrical car charging points to service the development should be installed in all communal parking areas.

Financial impact

4.1 The financial impact has been assessed as follows:

As detailed in the report under section 3.3(e) there is no shortfall in education provision as the obligation attached to the planning permission in principle includes a requirement for contributions to education provision which is sufficient to cover phases 1, 2 and 3 of the proposed development.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 3 January 2018. Fourteen objections were received, including one from Gilmerton Inch Community Council, objecting to the application.

An assessment of the material considerations raised is included within the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site covers phase 2 of housing proposal HSG 24 as allocated in the adopted Edinburgh Local Development Plan.

Date registered

18 December 2017

Drawing numbers/Scheme

01-23, 24A, 25, 29-30, 39-52,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alexander Gudgeon, Planning Officer

E-mail:alexander.gudgeon@edinburgh.gov.uk Tel:0131 529 6126

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Appendix 1

Application for Approval of Matters Specified in Conditions 17/05883/AMC

At Land 292 Metres West Of 10, Gilmerton Station Road, Edinburgh

Approval of matters specified in conditions 1 (b)-(j)i, iv and 6 of Planning Permission in Principle 14/01649/PPP for the erection of 293 residential units with associated infrastructure works (as amended).

Consultations

Affordable Housing

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Housing requirements by tenure are assessed in line with the Affordable Housing Policy (AHP) for the city.

o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 residential units or more.

o This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.

2. Affordable Housing Provision

This application is for a development consisting of approximately 293 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% homes of approved affordable housing tenures, so if 293 homes were built this would be a requirement for 74 affordable homes.

We note the developer has entered an early dialogue with Dunedin Canmore Housing Association (DCHA) to take forward the affordable homes and we would support this partnership to provide representative mix of affordable housing on site.

To note, the proposal as it stands is to provide 44% or 33 affordable flats. Whereas an affordable mix, representative of the mix of the private housing, would be for 15 (20%) flats only, not the 33 currently being provided.

The delivery mechanism and tenure type is not something which can be agreed to at this stage and nor does it need to be. The terms of the Unilateral Undertaking under Section 3 of the agreement, in connection with this development, require this to be agreed prior to commencement of development. However, for the sake of clarity, we will only support the delivery of the AHP requirement at this site for an RSL, we would not support any of the affordable housing for Golden Share.

3. Summary

The applicant has made a commitment to provide on site affordable housing and this is welcomed by the department. Early discussions have been held with DCHA as the affordable delivery partner.

- o DCHA identified as development partner*
- o 25% of affordable housing is required to be delivered onsite for an RSL,*
- o The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site*
- o In the interests of delivering mixed, sustainable communities, the affordable housing will be expected to be identical in appearance to the market housing; an approach described as "tenure blind"*
- o For clarity, we will only support the delivery of affordable housing for an RSL, we would not support any of the 25% AHP allocation for Golden Share.*

We would be happy to assist with any queries on the affordable housing requirement for this application.

Archaeology

Although archaeological work has been agreed and completed for phase 1 (excluding school site) the same is not the same for these two Phases. As you can see from my attached response to the PPP applications in 2014 a phased programme of work is stipulated the initial phase being the undertaking of a phase of archaeological evaluation (10%) combined with metal detecting survey prior to the submission of future AMC/FUL applications.

This is necessary so that future mitigation can be agreed and also if necessary preservation in situ can occur, the later could require significant changes to site design/layouts. To date this work has not been undertaken nor agreed (the work undertaken to date by AOC only covered the Phase 1 site). Accordingly I'm not in position to recommend approval of either of these two applications in deed would be recommending refusal as don't have sufficient information to determine the impacts of these two detailed layout masterplans.

It is therefore essential that the required evaluation works are undertaken as soon as possible. Happy to discuss further

Coal Authority

Thank you for your consultation letter of 28 December 2017 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

Before work begins, Condition 7 of planning permission 14/01649/PPP requires a detailed Report on Site Investigations to be submitted for the consideration of the planning authority. Thereafter, the condition requires no development to take place until the remedial measures identified in the submitted report have been carried out. Finally, the condition requires the mine entries to be grouted and capped and documentary evidence to be submitted to certify that the approved measures have been carried out in consultation with both the Coal Authority and SEPA, before construction on site begins.

In terms of providing comments in relation to this planning application, it is noted that the submission is an application for approval of matters specified in conditions in respect of permission in principle reference 14/01649/PPP and that the proposed layout avoids all of the recorded mine entries, the conjectured positions of which are within the planning boundary.

On the basis that coal mining legacy related issues are able to be addressed at a subsequent future stage, which ultimately may ensure the further treatment of the coal mining legacy features, The Coal Authority has no objection to this planning application.

Communities and Families - 24 January 2018

The impact of developing this site was assessed as part of the application for planning permission in principle. The legal agreement attached to this permission will secure a contribution from the development in order that new education infrastructure can be delivered.

Updated Response - 9 June 2018

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.

Assessment and Contribution Requirements

Assessment based on:

154 Flats (1 one bedroom flat excluded)

653 Houses

This site falls within Sub-Area LG-1 of the 'Liberton Gracemount Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The proposed number of units now proposed for this site are more than what was assumed in the Education Appraisal. If this development progressed, the education infrastructure actions for this areas may have to be revised: a larger primary school at Gilmerton Station Road and additional secondary school capacity may be required.

There is a legal agreement attached to the original outline consent for the Gilmerton Station Road (14/01649/PPP). The Planning service has advised that the terms of this agreement are applicable to this application and that if the required payment was indexed to Q4 2107 it would have a value of £16,703,426.

This would be a sufficient contribution towards the delivery of the revised set of education infrastructure actions and will enable the impact of the first three phases of this development on education infrastructure to be mitigated.

Environmental Assessment

This application is seeking to approve matters specified in condition 1,6,and 10 of planning permission in principal 14/01649/PPP for the erection of 316 residential units. Environmental Protection had recommended that the 14/01649/PPP application was refused due to the likely adverse impacts a development of that density will have on local air quality. Issues were also raised regarding potential noise impacts from the Gilmerton Station Road and the City Bypass. Consent was granted and now the applicant is wanting the following conditions approved the relevant conditions to Environmental Protection are as follows;

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval. For the avoidance of doubt, no approval is hereby given to the layout shown in the illustrative masterplan which forms part of the application for planning permission in principle.

(b) for each phase of the development, a plan detailing the siting, design and height of development, including the design of all external features and glazing specifications (including acoustic capabilities);

(j) hard and soft landscaping details, including: i. walls, fences, gates and any other boundary treatments

The consent allows the site to be developed to include up to 650 residential dwellings, a primary school, commercial/community uses together with associated parking and landscaping. The site is currently agricultural land with existing residential properties located to the north with agricultural land to the west. The site is bounded by Gilmerton Station Road to the south and Drum Street to the east. There is a residential development currently under construction to the east. There are numerous industrial and commercial activities on the triangulated industrial estate to the east of Gilmerton Station Road, including a waste recycling centre, scrap metal yard, scaffolding yard, a bottled gas depot and a vehicle repair workshop. Generally, all commercial activities take place during normal daytime hours with the exception of scaffolding operations which can commence at 6:30am.

Environmental Protection had raised concerns regarding this development including the impacts the development may have on local air quality, odour and noise impacts from neighbouring commercial uses and local roads, possible light pollution from the new school and contaminated land. The applicant had addressed some of these issues and were appropriate had submitted supporting documents at the PPP stage and has now submitted further details on noise and ground investigation works as part of this AMC application.

Local Air Quality

Due to the size and density of the PPP development Environmental Protection requested that the applicant assessed the potential impacts this proposed development may have on the local air quality considering any other developments in the area. It was noted at the PPP stage that not all recommended developments had been considered. The applicant's supporting air quality impact assessment in which dispersion modelling was undertaken to quantify pollutant concentrations across the site and predict air quality impacts as a result of emissions associated with traffic generated by the development. Exceedences of the relevant air quality objectives were not predicted at any location across the development. Predicted impacts on nitrogen dioxide and Particulate Matter₁₀ concentrations because of operational phase emissions were predicted to be negligible within the vicinity of the site. The air quality impact assessment highlighted that mitigation measures would be required for the construction phase to ensure dust was controlled. Environmental Protection had considered the assessment and did not accept its findings; as none of the other nearby development sites have been considered as committed development as recommended by Environmental Protection. Therefore, the worst-case scenario had not been assessed. Another contributing factor was the density of the proposed development which was significantly above that in the Local Development Plan at that time.

Planning have advised Environmental Protection with regards the level of input Environmental Protection can have with regards this consented site local air quality impacts. Planning have advised that if the AMC applications that are now forthcoming propose to build out the site broadly in line with the approved development brief for the site then Environmental Protection can't revisit the air quality issue in terms of the principle of the site for housing. However, the LDP site brief and the information provided previously was based on a site capacity of 600-650 units. The proposals now coming forward are increasing this number to approximately 800-850 units, which in turn will have an impact on air quality above what was previously anticipated which was already a cause for concern and a reason for Environmental Protection recommending refusal.

Environmental Protection would strongly recommend that the applicant considers the latest Edinburgh Design Standards with regards introducing electric vehicle charging points for all the proposed residential units. Environmental Protection would also be willing to work with the developer to produce a bespoke green travel plan to encourage sustainable transport. Incentives to encourage new homeowners to use local public transport and car clubs could be included in travel plans.

Environmental Protection shall make recommendations in the form of an informative to ensure the construction phase impacts are considered. The applicant should be encouraged to develop a construction environmental management plan which is endorsed by all development sites in the area to minimise environmental impacts on neighbours

Noise

Environmental Protection raised concerns at the PPP stage regarding the possible impact noise may have on the amenity of the newly proposed residential properties. The development site is exposed to noise from road traffic and commercial activities from the industrial estate. The applicant had submitted a noise impact assessment in support of the PPP application. That noise impact assessment had demonstrated noise can be mitigated by careful building layout and design along with 2m high acoustic barrier and appropriate insulation can provide a reasonable level of protection for amenity for gardens and habitable rooms. Environmental Protection were satisfied that noise could be mitigated however the exact specifications of the mitigation measures will be required in the form of a noise impact assessment when more details of the proposed development are available. The applicant has submitted a supporting noise impact assessment with regards conditions 1b, J and 9. The principle of an acoustic barrier was established at the PPP stage and is considered necessary by Environmental Protection to ensure a reasonable level of amenity can be provided to the garden areas closest to the Gilmerton Station Road and By-pass.

With regard to reasonable levels of environmental noise in external amenity areas (gardens) the World Health Organisation Document Guidelines for Community Noise recommends that, to prevent most people being moderately annoyed during the daytime, the sound pressure level should not exceed 50dB LAeq. This criterion has been applied to assess the suitability of predicted noise levels in the proposed gardens. Most of principle gardens are protected from road traffic noise by the local acoustic screening effects afforded by intervening development (Homes located closest to Gilmerton Road). Therefore, the properties located along the Gilmerton Station Road will act as an acoustic barrier for the rest of the development site.

The applicants noise impact assessment has highlighted that there will be a small number of gardens in the south-east corner of the development where principle gardens are more exposed to the effects of road traffic noise because of the residential layout. The applicant has advised that where principle gardens have a direct line of sight on to Gilmerton Station Road, a close-boarded timber fencing should be incorporated along the boundary of height approximately 1.8m. It is noted that the height of the proposed fence has been reduced from the 2m fence proposed at the PPP stage and also was required to mitigate noise from the by-pass.

The applicants noise impact assessment has highlighted that Close-boarded fencing should be fabricated from material with a minimum surface density of 12 kg/m² will be required to mitigate traffic noise. All materials should be non-hygroscopic, rot proof and vermin proof. The fence should be constructed with longevity in mind and should be maintained such that its acoustic performance does not reduce with time. In order avoid compromising the acoustic performance of the fence, there should be no air gaps through the structure, such as between the fence and the ground or between any individual panels or boards.

Environmental Protection require this proposed acoustic barrier to be erected or the proposed garden areas to be moved beyond the affected areas. Planning have advised that the acoustic barrier is not something that can be conditioned therefore Environmental Protection will not be in a position to support the AMC conditions relating to noise impacts from road noise.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that the condition remains attached to ensure that contaminated land is fully addressed. It is also noted that the application does not request this condition to be considered.

Therefore, on balance Environmental Protection cannot support the approval of matters that concern noise impacts from transport noise. Furthermore, if the density of the consented PPP application is exceeded then Environmental Protection would also have serious concerns with the potential unassessed impacts on local air quality. The following condition should remain until the contaminated land reports have been fully assessed;

- 1. Prior to the commencement of construction works on site:*

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

Informative

1. All residential properties with private driveways shall be provided with 7Kw (type 2) electric vehicle charging points. Full technical details available in the Edinburgh Design Standards (2017).

2. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

3. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

4. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

5. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

6. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

7. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

8. This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

9. *No bonfires shall be permitted.*

Roads Authority Issues

No objections to the application subject to the following being included as conditions or informatives as appropriate. The Conditions set out in the Appeal Decision Notice dated 18 January 2016 (Planning Appeal Ref. PPA-230-2137) is relevant:

1. *The applicant to be required to provide secure and undercover cycle parking in accordance with the Council's parking standards;*
2. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures and layout. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. For the avoidance of doubt, the road layout is not approved at this stage. A Quality Audit has been submitted;*
3. *The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*
4. *Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*
5. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport;*
6. *Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*
7. *The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Chief Planning Officer.*
- 8.

Note:

- o Car parking provision is understood to be 100% for affordable units, 150% for private terraced units, and 200% for private houses. This is considered acceptable under the Council's former parking standards which applied at the time of appeal decision, 18 January 2016.*

Scottish Water

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find all of our application forms on our website at the following link
<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Next Steps:

- Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- 10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can

be found using the following link <https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>.

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com.

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

SEPA - 19 January 2018

We ask that the planning condition in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an objection. Please also note the advice provided below.

1. Energy Statement

1.1 We require that substantial developments ensure their heat demand is met from district heating, subject to the outcome of a feasibility statement. This can be achieved through onsite heat generation, co-location with an existing or proposed heat source (including Energy from Waste facility or other facility which produces heat/power including excess or waste heat), or an existing or proposed heat network off site.

1.2 The development must enable connection to a heat network or heat producer, unless it can be demonstrated to your authority that this would not be feasible. An Energy Statement informed by a Feasibility Study should be provided for assessment by your authority demonstrating how the proposal will meet the requirements for providing district heating onsite. This should be prepared in line with the Scottish Government's online planning advice Planning and Heat and assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available existing or proposed sources of heat (within or outwith the site) and other factors such as where land will be safeguarded for future district heating infrastructure.

1.3 Please note that we will not audit Energy Statements or Feasibility Studies as the responsibility for this lies with your authority. However we expect them to be undertaken to demonstrate full consideration of how the proposed development can contribute towards Scotland's climate change targets in line with our Public Body Duties under the Climate Change (Scotland) Act 2009 to act "in the way best calculated to help deliver the emissions reduction targets and the statutory Adaptation Programme" and "in a way we consider is most sustainable."

1.4 Applicants should provide evidence of how the national heat map and/or relevant local authority heat maps (where available) have been used to maximise potential connections / co-location between heat providers and high heat demand users when considering site selection for developments involving heat/power. Consideration of heat mapping should maximise opportunities for the co-location of 'high heat demand' developments with heat supply sources, like energy from waste facilities, to maximise the provision of energy efficient and low carbon heat networks and district heating installations.

1.5 Heat Maps clearly show where there are areas of heat use and heat generation, and can therefore be used as locational criteria for new heat providers, or for new development sites which could utilise the heat being generated. Heat maps are intended for a number of uses, including in planning new developments, and identifying heat network feasibility. They also identify existing heat providers, particularly those that produce heat as "excess" or "waste" who can connect to heat networks, utilising heat that was previously "wasted".

1.6 A Design and Access statement which demonstrates how the findings of the Energy Statement have been incorporated into the design and layout of the proposed development should be provided. Where new developments are located adjacent to existing heat networks or district heating, the connection should be an integral part of the design to enable connection to take place at time of construction, unless it would not be viable or feasible to do so (the burden of proof is placed on the developer). Ensuring users can be connected to district heating networks is an essential part of delivering the Government's targets towards renewable and low-carbon heat. There are also significant opportunities within Scotland to make use of heat that is currently waste or excess, in particular from industrial facilities.

1.7 Where connections are intended to be made to proposed heat sources in the future, the design of new developments should incorporate space to 'safeguard' the future provision of pipework, energy hubs or other associated heat infrastructure to ensure that the subsequent connection to a proposed district heating network can be undertaken (if not already proposed within the original design) without causing disturbance to buildings or infrastructure. This applies to all new significant/anchor development (i.e. developments with a significant heat load or demand). Consideration should be given to potential barriers or restrictions on making district heating connections, for example when planning new key infrastructure such as bypass roads which may interrupt the route of district heating pipeworks.

1.8 Creating links between heat producers and heat users is essential to create heat networks and accords with guidance in SPP. In order to deliver the Scottish Government's targets for 40,000 homes to be heated through heat networks, new developments need to be designed to incorporate district heating. Where substantial new developments are planned, the opportunity arises for providing a heat network within the site and for this to be required and designed in at the earliest stages. New developments have a role to play in not only establishing and creating these networks, but also in connecting to networks to make use of heat that is being captured.

1.9 We therefore require that a condition be attached for an Energy Statement to be submitted as part of any Application for Matters Subject to Conditions.

2. Foul Water Drainage

2.1 We note that the foul drainage from the site will be discharged to this public sewerage system vested by Scottish Water.

2.2 The applicant should deal directly with Scottish Water to ensure that the additional flow arising from this development can be accommodated in the sewer network without causing or contributing to the premature operation of consented storm overflows.

3. Surface Water Drainage

3.1 The discharge of surface water to the water environment this must be in accordance with the principles of the SUDS Manual (C753) which was published by CIRIA in November 2015. The applicant should consult with Scottish Water in relation to the discharge of surface water into their sewer network. We are satisfied with the information provided by the applicants in respect of their SUDS proposals.

3.2 The discharge of surface water must comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Further information on this matter can be found on our website at http://www.sepa.org.uk/water/water_publications.aspx. However the design of the drainage system must be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations.

4. Waste Management

4.1 The applicant should ensure that they use approved contractors that have the appropriate permits and authorisations to crush/screen any on site inert waste. The developer should recycle and manage waste disposal in accordance with the waste management "Duty of Care".

Detailed advice for the applicant

5. Energy Statement

5.1 Set out in the paragraphs below, for the applicant, are links to relevant sources of information and guidance with regards feasibility assessments and energy statements.

5.2 Our Development Management Guidance and associated Background Paper can be found on our website here: <http://www.sepa.org.uk/environment/land/planning/advice-for-planning-authorities/>.

The Background Paper sets out why SEPA comments on this matter and adds background to our position for both development plan and development management stages of planning. On page 28/ paragraph DM.13 there are links to example approaches in English Local Authorities on District Heating, feasibility assessments and energy statements.

5.3 The Scotland Heat Map is available here <http://heatmap.scotland.gov.uk/> and includes information on heat demand and potential heat supply, as well as existing and in-development heat networks.

5.4 Through Stratego, Scottish Futures Trust have been providing information on funding models for developing district heating networks. Information on the relevant presentation can be found here: http://www.heatandthecity.org.uk/about/workshops/stratego_project/stratego_coaching_session_1

5.5 Scottish Enterprise may also have useful information or contacts on this matter. <https://www.scottish-enterprise.com/services/attract-investment/renewable-energy-investment-fund/overview> and <https://www.scottish-enterprise.com/knowledge-hub/articles/guide/low-carbon-heat-opportunities>.

5.6 The Chartered Institute of Building Services Engineers (CIBSE) published a "Code of Practice" document which outlines essentially a project management approach towards developing a district heating network. It details every stage from design and layout of the network, product and material choice to ongoing maintenance and management of an operational network.
<http://www.cibse.org/knowledge/knowledge-items/detail?id=a0q200000090MYHAA2>

Regulatory advice for the applicant

6. Regulatory requirements

6.1 You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

6.2 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT, tel 0131 449 7296

If you have any queries relating to this letter, please contact me by telephone on 01786 452537 or e-mail at planning.se@spea.org.uk

Updated response - 12 April 2018

No request from us for the Energy Statement condition to be applied

Flood Prevention

I have reviewed the information sent through by Ross Slorach on Friday. The SWMP complies with our requirements and we have no further comment to make on that aspect.

I would note that a specific flood risk assessment has not been provided for this individual development. However, at the previous stage of the application under reference 14/01649/PPP a flood risk assessment was provided which covered the larger site before it was apportioned between individual housing developers. The findings of this FRA give CEC flood planning comfort that there is an acceptable level of flood risk at the site. One of the key risks was surface water management. This has been addressed by the applicant through the provision of a sustainable drainage system which has been certified by both the originating engineer and an independent consultant. Therefore, Flood Prevention are happy for conditions 1(g) and 6 to be considered satisfied with respect to this part of the phased development:

All in, flood prevention have no further comment to make on this application.

Waste and Cleansing Services

Waste and cleansing services takes no stance either for or against the proposed development but as a consultee would make the following comments:

Waste and Fleet Services would expect to be the service provider for the collection of waste as this appears to be a development of 294 homes on Gilmer ton Station Road. The application form refers to "Recycling/cycles areas are provided within curtilage of each plot". We would require further details before agreeing a waste strategy.

Please provide drawings of the location of the bin storage, types and quantity of bins and refuse vehicle collection point for each plot.

Please also provide a swept path analysis for vehicle manoeuvres.

Please provide estimated timescales of when this development will be complete and habited.

It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations which require the source separation of dry recyclable materials, glass, food, etc.

Adequate provision should also be made for the effective segregation of materials within the building not just at the point of collection. Adequate access must also be provided to allow uplift of waste safely from the collection point taking into consideration the traffic flows at this busy location.

In view of these factors the developer must contact Waste Services on 0131 469 5667 or hema.herkes@edinburgh.gov.uk at the earliest point for advice relating to their options so that all aspects of the waste & recycling service are considered i.e. access for vehicles, health & safety, presentation points for kerbside bins and/or boxes and size of storage areas required in residential gardens for all bins & boxes etc.

Please also see attached architects guidance and checklist.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Approval of Matters Specified in Conditions
17/05925/AMC**

**At Land 292 Metres West Of 10, Gilmerton Station Road,
Edinburgh**

**Approval of matters specified in conditions 1 (b), (d), (e), (f),
(g), (h), (i), 6 and 10 of Planning Permission in Principle
14/01649/PPP for the erection of 315 residential units (as
amended).**

Item number	4.19
Report number	
Wards	B16 - Liberton/Gilmerton

Summary

The development is in accordance with the planning permission in principle and the approved masterplan for the wider site. The site layout and design and height are acceptable. The proposal development is acceptable in terms of amenity and will provide a modern development with suitable public spaces for the benefit of future occupiers with pedestrian and cycle links, access and parking. Measures are proposed as part of the development of the wider site to mitigate any impacts on traffic and road safety within the local area. Overall, the proposed development is acceptable.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN09, LEN12, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, LTRA09, NSG, NSGD02, NSGSTR,

Report

Application for Approval of Matters Specified in Conditions 17/05925/AMC

At Land 292 Metres West Of 10, Gilmerton Station Road, Edinburgh

Approval of matters specified in conditions 1 (b), (d), (e), (f), (g), (h), (i), 6 and 10 of Planning Permission in Principle 14/01649/PPP for the erection of 315 residential units (as amended).

Recommendations

1.1 It is recommended that this application be Approved subject to the details below.

Background

2.1 Site description

The application site is 12.32 hectares and covers phase 3 of the masterplan area of housing proposal HSG24 as allocated in the Edinburgh Local Development Plan (LDP). It slopes from the north-west boundary to the south-east boundary with Gilmerton Station Road.

It is currently farmland with some trees along the western boundary. The site is bounded by farmland on which phase 2 planning application 17/05883/AMC is proposed to the north. Gilmerton Station Road and farmland is to the east. To the west are the residential dwellings of Gilmerton Place and 61 dwellings under construction as part of planning permission 14/01446/FUL and an area of woodland. To the south is agricultural farmland which also forms part of the wider masterplan area under the same planning permission in principle.

There is a separate area to the south of the main area of development which is existing farmland and located on the southern boundary of the masterplan area of housing proposal HSG24. It is currently surrounded by farmland which will be part of phase 4 of the masterplan area.

2.2 Site History

On 30 April 2014, an application was submitted for planning permission in principle (application reference 14/01649/PPP) for a residentially-led mixed use development. The applicant appealed against the failure of the planning authority to issue a decision within the prescribed period. The Scottish Ministers allowed the appeal and granted the planning permission subject to 11 conditions and the signing of a planning obligation. The planning obligation covered contributions relating to transport, education and provision of affordable housing. The date of the appeal decision is 18 January 2016.

18 January 2016 - Planning permission in principle granted for residentially-led mixed use development including primary school, commercial/community uses, open space, access, car parking and landscaping at land 292 metres west of 10 Gilmerton Station Road (application reference: 14/01649/PPP).

22 December 2016 - Approval of matters specified in condition 1.a) a site development layout and phasing plan showing a phased implementation programme for built development, road and footpath provision, open space provision, tree and shrub planting and woodland management (as amended) (application reference: 16/03299/AMC).

2 March 2017 - Approval of matters specified in conditions 1(b)-1(f), 1(h)-1(i), 1(j)i, v-vii and conditions 2-5 of Planning Permission in Principle ref 14/01649/PPP for the first phase of development for the erection of 199 no. dwellings, four units for commercial or community use and associated works (application reference: 16/04382/AMC).

18 April 2018 - Approval of matters specified in condition 1(g) - 1(j)ii,iii and iv of Planning Permission in Principle ref 14/01649/PPP for the first phase of development for the erection of 199 no dwellings and associated works (application reference: 17/04164/AMC).

Adjacent Site

18 December 2017 - application submitted for approval of matters specified in condition 1 (b)-(f), (h)-(j)i of Planning permission in principle 14/01649/PPP for the second phase of development for the erection of 294 residential units with associated landscape, drainage and infrastructure works. Application also on this Committee agenda.

Main report

3.1 Description Of The Proposal

This application seeks approval of a number of matters specified in condition 1, 6 and 10 of the planning permission in principle (reference number: 14/01649/PPP), relating to the layout and design of the proposal.

The condition states that:

Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval.

Approval of Matters:

- 1(b) the siting, design and height of development, including the design of all external features and glazing specifications;
- 1(d) car and cycle parking, access, road layouts and alignment, classification of streets and servicing areas;
- 1(e) footpaths and cycle routes;
- 1(f) waste management and recycling facilities;

- 1(h) existing and finished ground levels in relation to Ordnance Datum; and
- 1(i) details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building;
- Condition 6 - the location and design of the surface water drainage scheme; and
- Condition 10 - a bat survey;

The proposal is for the detailed layout and design of phase 3 of the development, as indicated within the phasing strategy outlined in the masterplan.

This development consists of 315 dwellings comprising 270 detached, semi-detached, townhouses, terraces and 45 flats. There will be 78 (24.76%) affordable units. The affordable units will comprise 45 two bedroom flatted units and 33 three bedroom terraced units. The houses are all two storeys and the townhouses and flats three storeys in height and are proposed to be finished in brick or render. The dwellings also use brown/grey roof tiles with grey UPVC windows, doors, fascias and black rainwater goods.

The proposal follows the principles of the masterplan for this part of the site, with the provision of a mixture of residential densities with higher density development at the Gilmerton Station Road frontage and access. Lower density development is located along the secondary and tertiary routes. The density of the development using the method set out in the Edinburgh Design Guidance is 29.25 dwellings per hectare.

Parking is provided at two spaces per unit for the semi and detached housing, 1.5 spaces per unit for the private terraces and one space per unit for the affordable units. Parking is generally provided off-street and driveways for houses. Ducting for electric vehicle charging points will be installed for the future provision of electrical car charging points to service the common adopted parking areas within the development. Cycle parking is provided within the curtilage for the houses and within the ground floor of the flatted blocks.

A new vehicular access will be formed off Gilmerton Station Road. Within the site the network of routes for cars, cyclists and pedestrians will connect with those on phases two and four vehicle accesses are proposed to connect to future phase four. A continuation of the pedestrian/cycle path provided at phase one will be delivered along the Gilmerton Station Road edge in line with the masterplan. On the western side one pedestrian/cycle connection is made through to existing developments on south of Gilmerton Place as shown in the masterplan.

There are a number of areas of proposed public open space. A large area of public open space is located on the western boundary of the application site, extending to 1.55 hectares. There are three public open spaces located throughout the site to provide additional recreational space. Private garden space is provided for both houses and ground floor flats. There is an area of open space along the Gilmerton Station Road frontage and a SUDS area to the south/east of the site fronting onto Gilmerton Station Road.

There is a separate area to the south of the main area of development which will be used as underground water storage with landscaping above and a multi-user path along the boundary.

Scheme 1

The original scheme had insufficient details on the dwelling designs, areas of open space, landscaping and building materials. The original scheme did not include the pedestrian/cycle link to the west nor the pedestrian/cycle path alongside Gilmerton Station Road. The layout was amended to provide higher density development at the Gilmerton Station Road access and adjacent to the open space, to ensure that houses overlooked open spaces, and provide sufficient garden depths and amenity space in sloping gardens. Further details on building materials, boundary treatments and landscaping proposals have also been provided.

The initial proposal also sought the discharge conditions relating to landscaping. However, this has been removed for further discussions to take place.

Supporting Information

The following information was submitted in support of the application:

- Drainage Report;
- Surface Water Management Plan;
- Noise Impact Assessment;
- Sustainability Statement;
- Tree Survey;
- Site Investigation Report;
- Quality Audit; and
- Travel Plan.

These are available to view on the Planning and Building Standards Online Service.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) the development complies with the planning permission in principle;
- (b) the details of the development are acceptable;

- (c) the proposal will provide suitable amenity to future residents;
- (d) there are any air quality issues;
- (e) there are any other material considerations; and
- (f) comments raised have been addressed.

(a) Principle

The principle of residential development on this site has been established in planning permission in principle (reference number 14/01649/PPP). The PPP is for a residentially-led mixed use development including primary school, commercial/community uses, open space, access, car parking and landscaping.

Condition 1(a) of the PPP required the approval of a site masterplan to establish a development layout and phasing programme for built development, road and footpath provision, open space provision, tree and shrub planting and woodland management. This was approved on 22 December 2016.

This proposal is for phase three and comprises 315 residential units with associated infrastructure works.

The site is to be delivered in four phases. Phase one, providing 199 units (7.88 hectares), is now under construction. The AMC application for phase two is for 293 units (9.77 hectares) and is to be considered at this Committee alongside this application for phase three. Phase four (approximately 4.3 hectares) is still to be submitted. In total, the three AMC applications submitted to date include the delivery of over 800 dwellings. This number of units is higher than the HSG24 estimated capacity of up to 650 units outlined in the LDP site brief.

The PPP did not impose a restriction on the number of units that can be delivered. However, some of the supporting information, including education, transport and air quality were based on an approximate figure of 650. The implications of this are assessed below. The masterplan advises that the site could accommodate around 700 homes, but this is dependent on what density of development is brought forward in each phase.

In terms of the density, if the entire site were to be built out to a total of 650 units, discounting the school site, this would result in a development of 19 units per hectare. Under the current proposals, the first three phases would deliver 27 units per hectare. The Edinburgh Design Guidance encourages increased density in suburban areas where it can help to sustain services such as shops and public transport. Higher densities allow land to be used more efficiently, helps regeneration and minimises the amount of greenfield land being taken for development.

Policy Hou 1 of the LDP gives priority to the delivery of the housing land supply and relevant infrastructure on suitable sites. Therefore, the principle of the development is acceptable provided proposals are compatible with relevant policies in the plan. The proposed layout represents an efficient use of greenfield land and complies with the density principles indicated in the masterplan.

b) Acceptability of the Details

Condition 1 (b) Siting, Design and Height

Policies Des 1 to Des 9 of the Edinburgh Local Development Plan (LDP) set out the policy framework for the design of developments. Also relevant are the masterplan for this site, approved under condition 1(a), and the Edinburgh Design Guidance (2017). The masterplan sets out key principles for the development of the site, including a hierarchy of streets, density, SUDS, open space and parks, connections to neighbouring sites, car parking and landscaping.

The Landscape and Visual Impact Assessment, submitted in support of the PPP, has determined appropriate building heights and densities across the wider site. This information was used to inform the masterplan to ensure a variety of building types and heights can be implemented to help create and define interesting streets and spaces.

The proposed hierarchy of streets and development blocks are positioned generally in alignment with the approved masterplan for this part of the site and encourage a permeable layout. The density of the development decreases moving from Phase one and two to Phase three reducing the massing generally with less flatted blocks and more two storey detached dwellings. The masterplan principle of higher density adjacent to Gilmerton Station Road and around the former civic spaces has been followed. There will be predominantly two storey houses along the primary streets and overlooking the open space with pockets of higher density three storey development at key junctions on the primary route. The three storey flats are sited along the Gilmerton Station Road frontage and three storey townhouses on the north side of the site entrance opposite the SUDs area. Houses have been positioned to address the roads throughout the development as well as the open spaces. The secondary and tertiary streets will be medium and lower density semi-detached and detached two storey housing broadly in line with the masterplan. The residential density equates to 29.25 units/ha (excluding the proposed western park). This is appropriate for this type of development and the layout is compatible with the neighbouring existing housing developments in this part of Gilmerton. It provides a balance between the efficient use of land on this greenfield site and ensuring that an attractive residential environment is created which safeguards living conditions within the development.

There is a range of different house types proposed and range of materials used commensurate with the materials on housing in phase one and two and the area to the west. There is differentiation between the brick dwellings located around the smaller open spaces and at junctions on the primary route and dwellings elsewhere, including the flats, which are render with a brick base course. The masterplan identified key corner block or landmark buildings at junctions particularly along the primary routes and around civic spaces. The proposal has identified dwellings in corner locations to have active gables - with secondary windows providing additional overlooking, and enhanced boundary treatments of 1.8 m brick walls where back gardens are visible alongside public areas. This adds suitable visual interest and is appropriate in this location.

The site layout includes the Western Park, three public spaces, and SUDs park as indicated in the masterplan. Two additional areas of open space are proposed along the primary route instead of the secondary civic space. There is also another smaller area of open space near the western junction to Phase four instead of a civic space at this location. Across the phase three site, 20% of the total site area is useable green space above the masterplan requirement for 19% open space and is acceptable.

The frontage to Gilmerton Station Road is an important feature of this site and needs to comply with LDP policy Des 9 (urban edge development). The dwellings will front onto Gilmerton Station Road with front gardens and boundary hedges. The frontage includes a grass verge, street trees, multi-user path along the entire frontage, and areas of street trees and beech hedging with grassed areas adjacent to the flats. The SUDS biodiversity and landscaped area is situated adjacent to the main access to provide open space at this junction which is acceptable.

The siting, design and height are acceptable.

Condition 1 (d) and (e) Car and Cycle Parking, Road Layouts, Footpaths and Cycle Routes

Policy Des 7 of the LDP seeks to enhance connectivity across sites. The masterplan requires a multi-user perimeter path around the site which is incorporated into the western park, southern SUDS area and along the Gilmerton Station Road frontage as a 3.5 metre wide shared footpath/cycleway. The western park also includes the proposed multi-user connection to the adjacent housing as shown in the masterplan. The existing right of way across Phase two land has been incorporated into the development proposals. The footpaths and cycle routes layout will contribute to connectivity through the site.

There are some minor differences between the approved masterplan and the AMC layout. One difference is the primary road layout which has changed to be more curved in form. This is a result of the identification of former mine shafts on site, but still provides a clear avenue through the development. Consequently, other streets have become secondary streets through the site rather than the parallel primary street and four streets provide access into the phase four development area instead of the five proposed in the masterplan.

The car parking provision is in line with current Council parking standards and is acceptable. Ducting for electric vehicle charging points will be installed for the future provision of electrical car charging points to service the common adopted parking areas within the development. Cycle parking is integrated into the ground floor flatted blocks and within the curtilage for the houses. The cycle parking provision meets the requirements of the Parking Standards.

The impact of additional traffic was considered at the PPP stage. However, some objections to this development, including Gilmerton Inch Community Council refer to the potential increase in traffic and the impact on the existing road network around the site. At appeal, the increase in traffic caused by the development was considered acceptable, provided that a planning obligation secured transport contributions for the wider PPP site including: reconfiguration of the Gilmerton Crossroads junction; a cycle/pedestrian crossing on Drum Street; a traffic order for a lower speed on Gilmerton Station Road; an upgrade to local bus stops; a new footway along Gilmerton Station Road; and a pedestrian crossing on Gilmerton Station Road. Altogether these measures will offset the impact of the new development and create a more pedestrian and cyclist friendly environment around the site. The obligations have been considered in the context of the increase in unit numbers over that which were assessed in the Transport Assessment for the PPP. The works required to offset the impact of the development on the local road network are sufficient.

Transport has raised no objection to the application subject to informatives on secure cycle parking, public access to roads, disabled car parking traffic order requirements and parking spaces adjacent to roads should form part of any road construction consent, and electric vehicle charging to be considered.

Overall, there are no issues arising in terms of traffic or road safety. A planning obligation is in place to alleviate the pressure on the local road network caused by the development.

The car and cycle parking, road layouts, footpaths and cycle routes are acceptable.

Condition 1 (f) Waste Management and Recycling Facilities

Individual refuse and recycling storage areas are provided for each house, accessible from respective rear lanes to each garden of terraced or townhouses. For flatted blocks, internal refuse and recycling storage areas are provided at ground floor level. All calculations for waste and recycling provision have been based on CEC's Waste Management Guidance.

Waste Services have confirmed that all the information provided in relation to waste provision is acceptable.

Condition 1 (g) surface water and drainage arrangements; and condition 6 surface water management plan

This proposal includes a SUDS basin and a separate area of underground storage tanks. The applicant has amended the SUDS areas and the underground storage tanks area to include landscaping to provide recreational and biodiversity benefits as well as attenuate water. The SUDS basin slopes are now adjusted to facilitate grass cutting maintenance. Whilst underground storage tanks are only to be used in exceptional circumstances on greenfield sites, Scottish Water and the Council's Flooding team have agreed these are acceptable in this location provided they are accompanied by landscaping which maximises their biodiversity and recreational benefits.

The Council's Flooding Team has confirmed that it has assessed all the information submitted by the applicant relating to flood risk and surface water management plan. It is satisfied that the applicant has met the requirements set by the Council with regards to flood risk assessment and surface water management. SEPA confirms that it is satisfied with the applicant's SUDS proposals.

In terms of SUDS maintenance, Scottish Water has confirmed that it would be willing to take on the future responsibility of the underground tanks but would not accept maintenance responsibilities for anything above ground. Similarly, the Council cannot maintain the landscape of dry basins or ponds that is designed to hold water in a storm event beyond a 1 in 30 year storm. However there is a requirement from the Council to attenuate water on site for the larger storms (a 1 in 200 year storm plus climate change). This landscape is maintained by a private factor.

Scottish Water stated that it would not connect to a private network unless a maintenance agreement (Section 7) is in place with the Council. This seems to be an expedient way to progress this matter but is not something that the Council has signed up to currently. The applicant has confirmed that it is willing to accept future maintenance for the SUDS and underground water storage tank in absence of an agreement with Scottish Water or other party. This provides an acceptable approach.

The information provided accords with the requirements of condition 1(g) and condition 6 in relation to SUDS and is acceptable.

Condition 1 (h) Existing and Finished Ground Levels in Relation to Ordnance Datum

Details of the existing and finished levels to a fixed point Above Ordnance Datum (AOD) are shown on the engineering drawings. These drawings show levels in relation to existing and proposed features including roads, footpaths, parking spaces, public/private gardens, retaining walls etc. Finished floor levels are also included on the site layout plan. These are all acceptable.

The matters specified in condition 1 (h) can be approved for this application site.

Condition 1 (i) Full Details of Sustainability Measures in accordance with Edinburgh Standards for Sustainable Building

The applicant has submitted a sustainability statement in support of the application. The proposed development will meet current Building Standards, and will be constructed on greenfield land. The proposal is a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria and condition 1 (i) can now be discharged.

Condition 10 - Bat Survey

A survey has been undertaken which highlighted that there are no buildings on the land or trees capable of supporting bat roosting and therefore no adverse impact on the species as a consequence of the development of the land as proposed. Should any other protected species, such as barn owls be found on site, then the applicant will need to comply with the relevant legislation for protected species. An informative can be added to this effect. This is acceptable.

(c) Amenity

LDP Policy Hou 2 (housing mix) seeks the provision of a mix of house types and size to meet a range of housing needs, including those of families, older people and having regard to the character of the surrounding area and its accessibility. This mix should respond to the differing needs of residents, immediate site conditions and to citywide objectives. The Edinburgh Design Guidance states that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. These types of homes should have three or more bedrooms, have good levels of storage and have direct access to private gardens or safe play areas for children.

This proposal includes 85% of properties across the site, with three or more bedrooms. This includes terraced, townhouses, semi-detached and detached houses with at least 81 square metres of internal floor space, adequate storage and private gardens. In total, 40% of these dwellings have at least 91 square metres of internal floor area which meets the Edinburgh Design Guidance space standards. The proposed two bedroom flats have at least 81 square metres of internal floorspace complying with the guidance too. This is acceptable under Policy Hou 2.

The site has been designed to ensure the majority of houses are separated by back gardens of at least 9 metres. The properties have also been positioned within the site to ensure that there are no issues in relation to daylighting or sunlight. Where there is a substantial difference in levels between back to back gardens, useable terraced space of at least 3m in depth has been provided directly adjacent to the dwellings. The remainder of the gardens is sloping to reduce the height of the retaining walls between them to a maximum of 2 m. The north facing gardens are also slightly larger than 9m to compensate for the slope. This will ensure that sufficient distance is provided between the windows to ensure that privacy is afforded and overlooking limited between the new properties.

In terms of the flats, all are dual aspect and will receive acceptable amounts of sunlight and daylight. The flats front onto Gilmerton Station Road or the SUDS pond adjacent to it within Phase two giving them an open aspect and reducing overlooking and affording residents' privacy. Refuse and recycling facilities as well as cycle storage is provided in the ground floor of the flatted blocks.

In terms of LDP policy Hou 3 (private green space in housing development) adequate provision for green space to meet the needs of future residents is required. The ground floor flats will have direct access into their own private gardens at least 3 metres wide and separated by a 0.9m boundary hedge. The flats amenity area averages at 34 square metres per flat in excess of the policy Hou 3 standard of 10 square metres per flat.

A Noise Impact Assessment (NIA) has been submitted in support of the application. The assessment states that the main sources of noise will be from Gilmerton Station Road and the city bypass. The NIA further advises that some gardens closest to Gilmerton Station Road are capable of being affected detrimentally by road noise. The properties located along the Gilmerton Station Road will act as an acoustic barrier for the rest of the development site. However, the affected areas are at the front of properties that also have their principal gardens to the rear. Any rear gardens with a direct line of sight to Gilmerton Station Road would have a 2.0 metre high acoustic wall to mitigate noise. In the south-east corner of the development, on the boundary with phase 4, where rear gardens are more exposed to the effects of road traffic noise, boundary acoustic fences 2.0 metre high are proposed to mitigate noise. Therefore, the occupiers of the properties will not be affected by road noise within their principal garden space.

Overall, the design of the units is in accordance with the Edinburgh Design Guidance and will provide adequate amenity for future and neighbouring occupiers.

(d) Air Quality

This AMC application is to build out the site broadly in line with the approved development brief and masterplan for the site. However the information provided in support of the PPP was based on a site capacity of 600-650 units and the proposals now coming forward are increasing this number to approximately 800-850 units. This in turn will have an impact on air quality above what was previously anticipated.

The proposal already includes a commitment by the applicant that ducting for electric vehicle charging points will be installed for the future provision of electrical car charging points to service the common adopted parking areas within the development. In order to mitigate that impact further, as advised by Environmental Protection, it is considered reasonable to encourage the applicant to comply with the latest Edinburgh Design Standards with regards to introducing electric vehicle charging points for all the proposed residential units. This can be added as an informative and is acceptable.

The applicant has also submitted a Green Travel Plan to discharge condition 11 of the planning permission in principle (application reference: 14/01649/PPP) in due course. It is also considered reasonable that a bespoke green travel plan is prepared, in conjunction with Environmental Protection, to encourage sustainable transport. Incentives to encourage new homeowners to use local public transport and car clubs could be included in this travel plan.

An informative is added to encourage the preparation of a construction environmental management plan to ensure that the construction phase impacts are considered. This is acceptable.

(e) Other material considerations

Affordable Housing

The affordable housing to be provided for the wider PPP site has been secured through a planning obligation. For phase three, 25% will be affordable homes to be provided on site. Places for People have been identified as the affordable delivery partner taking the mix of 33 three bedroomed terraced houses and 45 two bedroomed flats.

The Council's Enabling Partnerships section are concerned that the mix is not representative of the market housing and that the affordable housing will not be tenure blind. The Council's enabling partnerships section will need to agree any future proposed tenure mix and have highlighted that they would not support any of the 25% affordable housing provision allocation for Golden Share.

In terms of policy Hou 6 (affordable housing) 24.7% of the total number of units is acceptable. Whilst flats and houses are proposed for the affordable housing, the market housing proposed is all housing of 3 or 4 bedrooms in a mix of terraces, townhouses, semi-detached and detached properties. However, there are market flats in phases one and two. All proposed affordable housing meets our space standards and includes adequate storage. The affordable housing would be integrated with the market housing providing a frontage to Gilmerton Station Road and around the SUDS pond on the adjacent phase two site. The proposed materials for the affordable housing are the same render and brick as the market housing and will appear "tenure blind". The affordable housing delivery mechanism and tenure type is not something which can be agreed to at this stage, nor does it need to be. The affordable housing proposed is acceptable.

Archaeology

The application site is considered to occur within an area of archaeological significance, containing remains relating to the development of Gilmerton from possibly prehistory through to the early 20th century industry (mining and quarrying). As a result a condition was attached to the PPP requiring the undertaking of a programme of works.

The archaeological investigation has been conducted and showed that the site does contain significant archaeological remains primarily relating to historic mining, quarrying and post-medieval land management.

The investigation advises that ground breaking works will have a significant though moderate-low archaeological impact. Accordingly, it is essential that a programme of archaeological works (strip, map & record) is undertaken prior to/during development in order to fully excavate and recording any surviving archaeological remains.

A condition in relation to the implementation of archaeological works is attached to permission 14/01469/PPP and still applies.

Education

The planning obligation attached to the planning permission in principle includes a requirement for contributions to education provision to the value of £16,703,426 (as index linked to quarter 4 2017). This contribution was calculated for the site as a whole and not on a per unit basis. The contributions that have been agreed at PPP stage will be either the construction of non-denomination primary school on serviced land within the site or applying that contribution towards the provision of primary school places elsewhere.

The number of units now proposed for this site are more than what was assumed in the Education Appraisal. As this development progresses, the education infrastructure actions for these areas may have to be revised: a larger primary school at Gilmerton Station Road and additional secondary school capacity may be required.

Communities and Families have confirmed that there would be a sufficient contribution towards the delivery of the revised set of education infrastructure actions and will enable the impact of the first three phases of this development on education infrastructure to be mitigated. This is acceptable.

(f) Public Comments

Material Representations - Objections

- traffic management issues/additional congestion - addressed in section 3.3(b) and 3.3(d);
- decrease in air quality - addressed in section 3.3(d);
- the loss of farm track right of way - addressed in section 3.3(b);
- impact on nature conservation - addressed in section 3.3(b);
- increased noise - addressed in section 3.3(c);
- loss of farmland - addressed in section 3.3(a);
- pedestrians/cyclists access and connectivity - addressed in section 3.3(b);
- existing woodland habitat connection - addressed in section 3.3(b); and
- too many houses being built in this area - addressed in section 3.3(a).

Non-Material Representations

- mud and debris on the roads from existing construction traffic - this is not a planning issue.

Gilmerton Inch Community Council

- traffic management issues - addressed in section 3.3(b) and (d); and

- decrease in air quality - addressed in section (d);

Conclusion

The development implements the third phase of the wider planning permission in principle, for HSG 24 Gilmerton Station Road. The development is in accordance with the planning permission in principle and the approved masterplan for the wider site. The site layout and design and height are acceptable. The proposal development is acceptable in terms of amenity and will provide a modern development with suitable public spaces for the benefit of future occupiers with pedestrian and cycle links, access and parking. Measures are proposed as part of the development of the wider site to mitigate any impacts on traffic and road safety within the local area. Overall, the proposed development is acceptable.

It is recommended that this application be Approved subject to the details below.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of each phase of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. A legal agreement has been concluded in respect of this application and is available to view on the Council website.
4. For the avoidance of doubt, condition 1(c), (j) in relation to landscaping and open spaces and condition 3 (site investigation survey), condition 7 (site investigation remediation), condition 9 (road noise) and condition 11 (travel plan), for this site are not discharged through the approval. Landscaping and Environmental Protection are considering the submitted information and its acceptability or otherwise will be confirmed in due course.
5. The applicant is encouraged to install additional electric vehicle charging points throughout the development.
6. The applicant is encouraged to develop a construction environmental management plan to ensure that the construction phase impacts are considered. This should include:

- (i) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
 - (ii) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
 - (iii) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
 - (iv) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
 - (v) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
 - (vi) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
 - (vii) No bonfires shall be permitted.
7. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
 8. The sum of £2,000 will be required to promote a suitable order to control on-street disabled spaces.
 9. Clearance of vegetation from the proposed construction area has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.

Financial impact

4.1 The financial impact has been assessed as follows:

As detailed in the report under section 3.3(e) there is no shortfall in education provision as the obligation attached to the planning permission in principle includes a requirement for contributions to education provision which is sufficient to cover phases 1, 2 and 3 of the proposed development.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Neighbour notification was carried out on 22 December 2017. Four objections were received within the statutory time period which was extended until 31st January 2018.

An assessment of the material considerations raised is included within the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site covers phase 3 of housing proposal HSG 24 as allocated in the adopted Edinburgh Local Development Plan.

Date registered

22 December 2017

Drawing numbers/Scheme

1, 2a, 3a, 4a, 5a, 6a,
7a,8a,9a,11a,12a,15a,17a,18a,20a,21a,,
31-62, 64-69, 70a, 71, 72,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer
E-mail:catriona.reece-heal@edinburgh.gov.uk Tel:0131 529 6123

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Appendix 1

Application for Approval of Matters Specified in Conditions 17/05925/AMC

At Land 292 Metres West Of 10, Gilmerton Station Road, Edinburgh

Approval of matters specified in conditions 1 (b), (d), (e), (f), (g), (h), (i), 6 and 10 of Planning Permission in Principle 14/01649/PPP for the erection of 315 residential units (as amended).

Consultations

AFFORDABLE HOUSING - ENABLING AND PARTNERSHIPS

Housing requirements by tenure are assessed in line with the Affordable Housing Policy (AHP) for the city.

- o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 residential units or more.*
- o This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

2. Affordable Housing Provision

This application is for a development consisting of approximately 310 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% homes of approved affordable housing tenures, so if 310 homes were built this would be a requirement for 78 affordable homes.

We note the developer has entered an early dialogue with Places for People (PfP) to take forward the affordable homes and we would support this partnership to provide representative mix of affordable housing on site.

PfP have confirmed they "have reviewed the mix of the affordable housing units proposed at South Gilmerton and we are pleased that the provision includes a mixture of houses and apartments which will be popular with our occupiers. We look to deliver a range of affordable tenures within the overall mix."

We would note that the proposal is not representative of the mix delivered by market housing.

Affordable Mix

Terraces = 34 (43% of AH)

Flats = 45 (57% of AH)

*Market housing is
Houses= 237 (100% of MH)
Flats = 0 (0 % of MH)
Total = 316*

The delivery mechanism and tenure type is not something which can be agreed to at this stage and nor does it need to be. The terms of the Unilateral Undertaking under Section 3 of the agreement, in connection with this development, require this to be agreed prior to commencement of development. However, for the sake of clarity, we will only support the delivery of the AHP requirement at this site for an RSL, we would not support any of the affordable housing for Golden Share.

3. Summary

The applicant has made a commitment to provide on site affordable housing and this is welcomed by the department. PfP have been identified as the affordable delivery partner who welcome taking a mix of houses and flats. However we would note this proposal is not representative of the mix delivered by market housing.

- o PfP identified as development partner*
- o 25% of affordable housing is required to be delivered onsite for an RSL,*
- o The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site*
- o In the interests of delivering mixed, sustainable communities, the affordable housing will be expected to be identical in appearance to the market housing; an approach described as "tenure blind"*
- o For clarity, we will only support the delivery of affordable housing for an RSL, we would not support any of the 25% AHP allocation for Golden Share.*

THE COAL AUTHORITY 12 January 2018

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

Before work begins, Condition 7 of planning permission 14/01649/PPP requires a detailed Report on Site Investigations to be submitted for the consideration of the planning authority. Thereafter, the condition requires no development to take place until the remedial measures identified in the submitted report have been carried out. Finally, the condition requires the mine entries to be grouted and capped and documentary evidence to be submitted to certify that the approved measures have been carried out in consultation with both the Coal Authority and SEPA, before construction on site begins.

In terms of providing comments in relation to this planning application, it is noted that the submission is an application for approval of matters specified in conditions in respect of permission in principle reference 14/01649/PPP and that the proposed layout avoids all of the recorded mine entries, the conjectured positions of which are within the planning boundary.

On the basis that coal mining legacy related issues are able to be addressed at a subsequent future stage, which ultimately may ensure the further treatment of the coal mining legacy features, The Coal Authority has no objection to this planning application.

COUNCIL ARCHAEOLOGIST 4 January 2018

Although archaeological work has been agreed and completed for phase 1 (excluding school site) the same is not the same for these two Phases. As you can see from my attached response to the PPP applications in 2014 a phased programme of work is stipulated the initial phase being the undertaking of a phase of archaeological evaluation (10%) combined with metal detecting survey prior to the submission of future AMC/FUL applications.

This is necessary so that future mitigation can be agreed and also if necessary preservation in situ can occur, the later could require significant changes to site design/layouts. To date this work has not been undertaken nor agreed (the work undertaken to date by AOC only covered the Phase 1 site). Accordingly I'm not in position to recommend approval of either of these two applications in deed would be recommending refusal as don't have sufficient information to determine the impacts of these two detailed layout masterplans.

It is therefore essential that the required evaluation works are undertaken as soon as possible.

Council archaeologist 12 April 2108

Just looked over this WSI covering the 1st Phase of archaeological work and have the following two comments/quires which need addressed before I can sign off on it: Firstly is this WSI covering just the Barret site (phase 2) or both this and the Persimmon site (phase 3)?

Secondly in terms of mitigation will also require a metal detecting survey to be undertaken.

COMMUNITIES AND FAMILIES - 14 March 2018

The impact of developing this site was assessed as part of the application for planning permission in principle. The legal agreement attached to this permission will secure a contribution from the development in order that new education infrastructure can be delivered.

COMMUNITIES AND FAMILIES - 9 May 2018

COMMUNITIES AND FAMILIES - CONSULTATION RESPONSE

Location Land 292 Metres West Of 10 Gilmerton Station Road Edinburgh
Proposal Approval of matters specified of Planning Permission in Principle 14/01649/PP
Application number 17/05883/AMC
Case Officer Catriona Reece Heal
Applicant Persimmon Homes (East Scotland) Ltd
Assessment date 07.06.2018

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.

Assessment and Contribution Requirements

Assessment based on:

154 Flats (1 one bedroom flat excluded)

653 Houses

This site falls within Sub-Area LG-1 of the 'Liberton Gracemount Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The proposed number of units now proposed for this site are more than what was assumed in the Education Appraisal. If this development progressed, the education infrastructure actions for this areas may have to be revised: a larger primary school at Gilmerton Station Road and additional secondary school capacity may be required.

There is a legal agreement attached to the original outline consent for the Gilmerton Station Road (14/01649/PPP). The Planning service has advised that the terms of this agreement are applicable to this application and that if the required payment was indexed to Q4 2107 it would have a value of £16,703,426.

This would be a sufficient contribution towards the delivery of the revised set of education infrastructure actions and will enable the impact of the first three phases of this development on education infrastructure to be mitigated.

ENVIRONMENTAL PROTECTION - 16 May 2018

TOWN AND COUNTRY PLANNING ACT 1997

17/05925/AMC | Approval of matters specified in conditions 1, 3, 6, 7, 9, and 10 of Planning Permission in Principle 14/01649/PPP for the erection of 316 residential units. | Land 292 Metres West Of 10 Gilmerton Station Road

This application is seeking to approve matters specified in condition 1,3,6,7,9,and 10 of planning permission in principal 14/01649/PPP for the erection of 316 residential units. Environmental Protection had recommended that the 14/01649/PPP application was refused due to the likely adverse impacts a development of that density will have on local air quality. Issues were also raised regarding potential noise impacts from the Gilmerton Station Road and the City Bypass. Consent was granted and now the applicant is wanting the following conditions approved the relevant conditions to Environmental Protection are as follows;

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval. For the avoidance of doubt, no approval is hereby given to the layout shown in the illustrative masterplan which forms part of the application for planning permission in principle.

(b) for each phase of the development, a plan detailing the siting, design and height of development, including the design of all external features and glazing specifications (including acoustic capabilities);

(j) hard and soft landscaping details, including: i. walls, fences, gates and any other boundary treatments

3. Before work begins, a site survey (including intrusive investigation where necessary) shall be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures should be undertaken to bring the risks to an acceptable level in relation to the development. No work shall begin until the written approval of the planning authority has been given to the details and programming of any remedial and/or protective measures required, and the development shall be carried out in accordance with that written approval.

7. Before work begins, a detailed Report on Site Investigations shall be submitted for the consideration of the planning authority. No development shall take place until the remedial measures identified in the submitted report have been carried out. The mining entries should be grouted and capped. Documentary evidence to certify that the approved measures have been carried out shall be submitted to and approved in writing by the planning authority, in consultation with the Coal Authority and SEPA, before construction work begins on site.

9. For each phase no construction work shall begin until a scheme for protecting the residential development hereby approved from road noise (Gilmerton Station Road and Drum Street) and commercial noise (industrial area east of Gilmerton Station Road) has been submitted to and approved in writing by the planning authority. The protection works shall be completed in accordance with the approved details before any part of the development is occupied.

The consent allows the site to be developed to include up to 650 residential dwellings, a primary school, commercial/community uses together with associated parking and landscaping. The site is currently agricultural land with existing residential properties located to the north with agricultural land to the west. The site is bounded by Gilmerton Station Road to the south and Drum Street to the east. There is a residential development currently under construction to the east. There are numerous industrial and commercial activities on the triangulated industrial estate to the east of Gilmerton Station Road, including a waste recycling centre, scrap metal yard, scaffolding yard, a bottled gas depot and a vehicle repair workshop. Generally, all commercial activities take place during normal daytime hours with the exception of scaffolding operations which can commence at 6:30am.

Environmental Protection had raised concerns regarding this development including the impacts the development may have on local air quality, odour and noise impacts from neighbouring commercial uses and local roads, possible light pollution from the new school and contaminated land. The applicant had addressed some of these issues and were appropriate had submitted supporting documents at the PPP stage and has now submitted further details on noise and ground investigation works as part of this AMC application.

Local Air Quality

Due to the size and density of the PPP development Environmental Protection requested that the applicant assessed the potential impacts this proposed development may have on the local air quality considering any other developments in the area. It was noted at the PPP stage that not all recommended developments had been considered. The applicant's supporting air quality impact assessment in which dispersion modelling was undertaken in order to quantify pollutant concentrations across the site and predict air quality impacts as a result of emissions associated with traffic generated by the development. Exceedences of the relevant air quality objectives were not predicted at any location across the development. Predicted impacts on nitrogen dioxide and Particulate Matter₁₀ concentrations because of operational phase emissions were predicted to be negligible within the vicinity of the site. The air quality impact assessment highlighted that mitigation measures would be required for the construction phase to ensure dust was controlled. Environmental Protection had considered the assessment and did not accept its findings; as none of the other nearby development sites have been considered as committed development as recommended by Environmental Protection. Therefore, the worst-case scenario had not been assessed. Another contributing factor was the density of the proposed development which was significantly above that in the Local Development Plan at that time.

Planning has advised Environmental Protection with regards the level of input Environmental Protection can have with regards this consented site local air quality impacts. Planning have advised that if the AMC applications that are now forthcoming propose to build out the site broadly in line with the approved development brief for the site then Environmental Protection can't revisit the air quality issue in terms of the principle of the site for housing. However, the LDP site brief and the information provided previously was based on a site capacity of 600-650 units. The proposals now coming forward are increasing this number to approximately 800-850 units, which in turn will have an impact on air quality above what was previously anticipated which was already a cause for concern and a reason for Environmental Protection recommending refusal.

Environmental Protection would strongly recommend that the applicant considers the latest Edinburgh Design Standards with regards introducing electric vehicle charging points for all the proposed residential units. Environmental Protection would also be willing to work with the developer to produce a bespoke green travel plan to encourage sustainable transport. Incentives to encourage new homeowners to use local public transport and car clubs could be included in travel plans.

Environmental Protection shall make recommendations in the form of an informative to ensure the construction phase impacts are considered. The applicant should be encouraged to develop a construction environmental management plan which is endorsed by all development sites in the area to minimise environmental impacts on neighbours

Noise

Environmental Protection raised concerns at the PPP stage regarding the possible impact noise may have on the amenity of the newly proposed residential properties. The development site is exposed to noise from road traffic and commercial activities from the industrial estate. The applicant had submitted a noise impact assessment in support of the PPP application. That noise impact assessment had demonstrated noise can be mitigated by careful building layout and design along with 2m high acoustic barrier and appropriate insulation can provide a reasonable level of protection for amenity for gardens and habitable rooms. Environmental Protection were satisfied that noise could be mitigated however the exact specifications of the mitigation measures will be required in the form of a noise impact assessment when more details of the proposed development are available. The applicant has submitted a supporting noise impact assessment with regards conditions 1b, J and 9. The principle of an acoustic barrier was established at the PPP stage and is considered necessary by Environmental Protection to ensure a reasonable level of amenity can be provided to the garden areas closest to the Gilmerton Station Road and By-pass.

With regard to reasonable levels of environmental noise in external amenity areas (gardens) the World Health Organisation Document Guidelines for Community Noise recommends that, to prevent most people being moderately annoyed during the daytime, the sound pressure level should not exceed 50dB LAeq. This criterion has been applied to assess the suitability of predicted noise levels in the proposed gardens. Most of principle gardens are protected from road traffic noise by the local acoustic screening effects afforded by intervening development (Homes located closest to Gilmerton Road).

Therefore, the properties located along the Gilmerton Station Road will act as an acoustic barrier for the rest of the development site.

The applicants' noise impact assessment has highlighted that there will be a small number of gardens in the south-east corner of the development where principle gardens are more exposed to the effects of road traffic noise because of the residential layout. The applicant has advised that where principle gardens have a direct line of sight on to Gilmerton Station Road, a close-boarded timber fencing should be incorporated along the boundary of height approximately 1.8m. It is noted that the height of the proposed fence has been reduced from the 2m fence proposed at the PPP stage and also was required to mitigate noise from the by-pass.

The applicants noise impact assessment has highlighted that Close-boarded fencing should be fabricated from material with a minimum surface density of 12 kg/m² will be required to mitigate traffic noise. All materials should be non-hygroscopic, rot proof and vermin proof. The fence should be constructed with longevity in mind and should be maintained such that its acoustic performance does not reduce with time. In order avoid compromising the acoustic performance of the fence, there should be no air gaps through the structure, such as between the fence and the ground or between any individual panels or boards.

Environmental Protection require this proposed acoustic barrier to be erected or the proposed garden areas to be moved beyond the affected areas. Planning have advised that the acoustic barrier is not something that can be conditioned therefore Environmental Protection will not be in a position to support the AMC conditions relating to noise impacts from road noise.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that the condition remains attached to ensure that contaminated land is fully addressed.

Therefore, on balance Environmental Protection cannot support the approval of matters that concern noise impacts from transport noise. Furthermore, if the density of the consented PPP application is exceeded then Environmental Protection would also have serious concerns with the potential unassessed impacts on local air quality. The following condition should remain until the contaminated land reports have been fully assessed;

1. Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

Informative

- 1. All residential properties with private driveways shall be provided with 7Kw (type 2) electric vehicle charging points. Full technical details available in the Edinburgh Design Standards (2017).*
- 2. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*
- 3. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.*
- 4. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.*
- 5. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.*
- 6. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*
- 7. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*
- 8. This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*
- 9. No bonfires shall be permitted.*

ENVIRONMENTAL SERVICES 30th May 2018

The Gilmerton Station Road waste strategy is now approved.

FLOODING 22 May 2018

I have reviewed the information sent through by Ross Slorach on Friday. The SWMP complies with our requirements and we have no further comment to make on that aspect.

I would note that a specific flood risk assessment has not been provided for this individual development. However, at the previous stage of the application under reference 14/01649/PPP a flood risk assessment was provided which covered the larger site before it was apportioned between individual housing developers. The findings of this FRA give CEC flood planning comfort that there is an acceptable level of flood risk at the site. One of the key risks was surface water management. This has been addressed by the applicant through the provision of a sustainable drainage system which has been certified by both the originating engineer and an independent consultant. Therefore, Flood Prevention are happy for conditions 1(g) and 6 to be considered satisfied with respect to this part of the phased development:

All in, flood prevention have no further comment to make on this application.

Gilmerton Inch Community Council 31 January 2018

Gilmerton Inch Community Council have concerns about the traffic management issues this development will bring - it being the middle section to be developed by Persimmons. There are currently 5 developments in progress in this area with another 2, including this one, scheduled. Gilmerton Conservation area, Ravenscroft Street, Newtoft Street - the narrow section on a slope behind the number 11 Bus Stop - is currently being used as rat run with a noticeable increase since the new development by Millar's on Gilmerton Dykes Road and the building of Social Housing on the opposite side. Residents have complained about mud and debris on the streets and tailbacks of cars attempting to travel down NewToft Street when large lorries are blocking the way. Residents, therefore, feel abandoned by considerations of both developers and the City of Edinburgh Council in relation to entering and exiting their properties within the aforementioned area.

This development will further increase pressure on the existing traffic tailbacks on main roads as well as contributing to a decrease in air quality.

There is a concern about the option of the existing Right of Way through the old Farmer's land from Ravenscroft Street to Station Road. This is used by local residents as a pedestrian/cycle through way and needs to be maintained within this new development. There is a further concern about rat runs being created within this development as a whole. Whilst GICC appreciates that developments of 200 + houses require two entrances and exits in relation to Health and Safety, we feel that there needs to be more explicit measures mitigating this.

SCOTTISH WATER 14 March 2018

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address. If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude. Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer. The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed. Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Next Steps: 10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

SEPA 23 January 2018

We ask that the planning condition in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an objection. Please also note the advice provided below.

1. Energy Statement

1.1 We require that substantial developments ensure their heat demand is met from district heating, subject to the outcome of a feasibility statement. This can be achieved through onsite heat generation, co-location with an existing or proposed heat source (including Energy from Waste facility or other facility which produces heat/power including excess or waste heat), or an existing or proposed heat network off site.

1.2 The development must enable connection to a heat network or heat producer, unless it can be demonstrated to your authority that this would not be feasible. An Energy Statement informed by a Feasibility Study should be provided for assessment by your authority demonstrating how the proposal will meet the requirements for providing district heating onsite. This should be prepared in line with the Scottish Government's online planning advice Planning and Heat and assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available existing or proposed sources of heat (within or outwith the site) and other factors such as where land will be safeguarded for future district heating infrastructure.

1.3 Please note that we will not audit Energy Statements or Feasibility Studies as the responsibility for this lies with your authority. However we expect them to be undertaken to demonstrate full consideration of how the proposed development can contribute towards Scotland's climate change targets in line with our Public Body Duties under the Climate Change (Scotland) Act 2009 to act "in the way best calculated to help deliver the emissions reduction targets and the statutory Adaptation Programme" and" in a way we consider is most sustainable."

1.4 Applicants should provide evidence of how the national heat map and/or relevant local authority heat maps (where available) have been used to maximise potential connections / co-location between heat providers and high heat demand users when considering site selection for developments involving heat/power. Consideration of heat mapping should maximise opportunities for the co-location of 'high heat demand' developments with heat supply sources, like energy from waste facilities, to maximise the provision of energy efficient and low carbon heat networks and district heating installations.

1.5 *Heat Maps clearly show where there are areas of heat use and heat generation, and can therefore be used as locational criteria for new heat providers, or for new development sites which could utilise the heat being generated. Heat maps are intended for a number of uses, including in planning new developments, and identifying heat network feasibility. They also identify existing heat providers, particularly those that produce heat as "excess" or "waste" who can connect to heat networks, utilising heat that was previously "wasted".*

1.6 *A Design and Access statement which demonstrates how the findings of the Energy Statement have been incorporated into the design and layout of the proposed development should be provided. Where new developments are located adjacent to existing heat networks or district heating, the connection should be an integral part of the design to enable connection to take place at time of construction, unless it would not be viable or feasible to do so (the burden of proof is placed on the developer). Ensuring users can be connected to district heating networks is an essential part of delivering the Government's targets towards renewable and low-carbon heat. There are also significant opportunities within Scotland to make use of heat that is currently waste or excess, in particular from industrial facilities.*

1.7 *Where connections are intended to be made to proposed heat sources in the future, the design of new developments should incorporate space to 'safeguard' the future provision of pipework, energy hubs or other associated heat infrastructure to ensure that the subsequent connection to a proposed district heating network can be undertaken (if not already proposed within the original design) without causing disturbance to buildings or infrastructure. This applies to all new significant/anchor development (i.e. developments with a significant heat load or demand). Consideration should be given to potential barriers or restrictions on making district heating connections, for example when planning new key infrastructure such as bypass roads which may interrupt the route of district heating pipeworks.*

1.8 *Creating links between heat producers and heat users is essential to create heat networks and accords with guidance in SPP. In order to deliver the Scottish Government's targets for 40,000 homes to be heated through heat networks, new developments need to be designed to incorporate district heating. Where substantial new developments are planned, the opportunity arises for providing a heat network within the site and for this to be required and designed in at the earliest stages. New developments have a role to play in not only establishing and creating these networks, but also in connecting to networks to make use of heat that is being captured.*

1.9 *We therefore require that a condition be attached for an Energy Statement to be submitted as part of any Application for Matters Subject to Conditions.*

2. *Foul Water Drainage*

2.1 *We note that the foul drainage from the site will be discharged to this public sewerage system vested by Scottish Water.*

2.2 *The applicant should deal directly with Scottish Water to ensure that the additional flow arising from this development can be accommodated in the sewer network without causing or contributing to the premature operation of consented storm overflows.*

3. Surface Water Drainage

3.1 The discharge of surface water to the water environment this must be in accordance with the principles of the SUDS Manual (C753) which was published by CIRIA in November 2015. The applicant should consult with Scottish Water in relation to the discharge of surface water into their sewer network. We are satisfied with the information provided by the applicants in respect of their SUDS proposals.

3.2 The discharge of surface water must comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Further information on this matter can be found on our website at http://www.sepa.org.uk/water/water_publications.aspx. However the design of the drainage system must be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations.

4. Waste Management

4.1 The applicant should ensure that they use approved contractors that have the appropriate permits and authorisations to crush/screen any on site inert waste. The developer should recycle and manage waste disposal in accordance with the waste management "Duty of Care".

Detailed advice for the applicant

5. Energy Statement

5.1 Set out in the paragraphs below, for the applicant, are links to relevant sources of information and guidance with regards feasibility assessments and energy statements.

5.2 Our Development Management Guidance and associated Background Paper can be found on our website here: <http://www.sepa.org.uk/environment/land/planning/advice-for-planning-authorities/>.

The Background Paper sets out why SEPA comments on this matter and adds background to our position for both development plan and development management stages of planning. On page 28/ paragraph DM.13 there are links to example approaches in English Local Authorities on District Heating, feasibility assessments and energy statements.

5.3 The Scotland Heat Map is available here <http://heatmap.scotland.gov.uk/> and includes information on heat demand and potential heat supply, as well as existing and in-development heat networks.

5.4 Through Stratego, Scottish Futures Trust have been providing information on funding models for developing district heating networks. Information on the relevant presentation can be found here: http://www.heatandthecity.org.uk/about/workshops/stratego_project/stratego_coaching_session_1

5.5 Scottish Enterprise may also have useful information or contacts on this matter.

<https://www.scottish-enterprise.com/services/attract-investment/renewable-energy-investment-fund/overview> and <https://www.scottish-enterprise.com/knowledge-hub/articles/guide/low-carbon-heat-opportunities>

5.6 The Chartered Institute of Building Services Engineers (CIBSE) published a "Code of Practice" document which outlines essentially a project management approach towards developing a district heating network. It details every stage from design and layout of the network, product and material choice to ongoing maintenance and management of an operational network.
<http://www.cibse.org/knowledge/knowledge-items/detail?id=a0q200000090MYHAA2>

Regulatory advice for the applicant

6. Regulatory requirements

6.1 You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

-5-

6.2 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office.

SEPA 15 May 2018

I apologise for any confusion I may have caused - as this is an AMC application, we do not require the provision of an energy statement.

TRANSPORT 4 May 2018

Your Ref: 17/05925/AMC Date: 4 May 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PLANNING APPLICATION NO: 17/05925/AMC

FOR: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 1, 3, 6, 7, 9, AND 10 OF PLANNING PERMISSION IN PRINCIPLE 14/01649/PPP FOR THE ERECTION OF 316 RESIDENTIAL UNITS

AT: LAND 292 METRES WEST OF 10 GILMERTON STATION ROAD, EDINBURGH

ROADS AUTHORITY ISSUES

No objections to the application subject to the following being included as conditions or informatives as appropriate. The Conditions set out in the Appeal Decision Notice dated 18 January 2016 (Planning Appeal Ref. PPA-230-2137) is relevant:

1. *The applicant to be required to provide secure and undercover cycle parking in accordance with the Council's parking standards;*

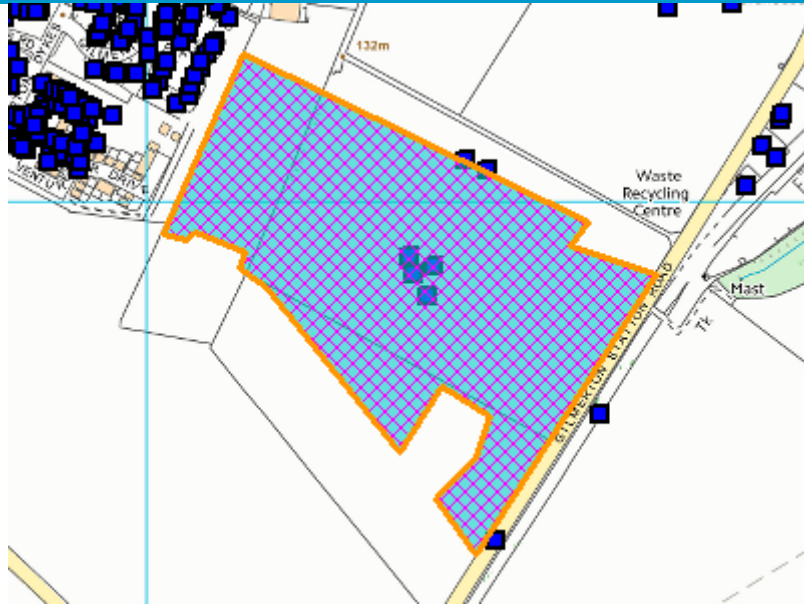
2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures and layout. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. For the avoidance of doubt, the road layout is not approved at this stage. A Quality Audit has been submitted;
3. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
4. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport;
6. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;
7. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:

o Car parking provision is understood to be 100% for affordable units, 150% for private terraced units, and 200% for private houses. This is considered acceptable under the Council's former parking standards which applied at the time of appeal decision, 18 January 2016.

No.units	2009 - Zone 6		2017 - Zone 2		
	Spaces / unit	Spaces	Spaces / unit	Spaces	Spaces
3 room affordable	45	0.33	15 min.	1	45 max.
4 room affordable	34	0.67	23 min.	1	34 max.
4 room private	237	2	474 min.	1	237 max.
Total	316	-	512 min.	-	316 max.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/00948/ADV
At Bus Shelters, Hanover Street, Edinburgh
Upgrade in technology comprising a double sided LCD unit
at one end of an existing bus shelter.**

Item number	4.20
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal would not adversely affect the amenity of the location or raise issues in respect of public safety subject to conditions on moving images and illumination. The proposals accord with requirements of Council guidance covering Advertisements, Sponsorship and City Dressing.

Links

Policies and guidance for this application	NSG, NSADSP, NSGD02, NSGSTR, CRPNEW, CRPWHS,
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Report

Application for Advert Consent 18/00948/ADV At Bus Shelters, Hanover Street, Edinburgh Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application relates to an existing bus shelter located along the footway located on the east side of Hanover Street.

Existing advertisements are present on the existing bus shelters. The existing advertisement comprises double sided poster displays either on the road facing elevations of the bus shelters or at the trailing end of the bus shelters.

The application site is generally contained by built frontage, with the majority of buildings being listed (various categories). The site comprises a mix of uses, predominantly commercial.

The application site is located within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

Two other applications for advertisement consent are pending decision for digital advertisements along Hanover Street (application number 18/01023/ADV and application number 18/01019/ADV).

29 January 2015 - Advertisement consent granted for 7 double sided (non-digital) advertising panels adjacent to bus shelters (as amended) (application number 14/04540/ADV).

Main report

3.1 Description Of The Proposal

This application relates to advertisement consent only on an existing bus shelter.

The advertising panel will be double sided and situated on the trailing end of a bus shelter, facing north and south along Hanover Street. Both sides of the panel will contain a digital LED display with moving images.

The panel will be designed to fit the shelter but will not be reliant upon it for support. The panel structure will measure approximately 2.1 metres high, 1.33 metres wide and 0.25 metres deep. The display screen areas will be approximately 1.9 square metres and the panel will be constructed from aluminium with a matt grey finish.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal has an acceptable impact on amenity;
- b) the proposal would compromise public safety;
- c) the proposal would have any equalities or human rights impacts; and
- d) public comments have been addressed.

a) Amenity

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising on bus shelters will not be allowed in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance (e.g. George Street or Royal Mile) or where advertising would disturb important views or the setting of individual listed buildings. This restriction relates to any form of advertising within bus shelters including digital, illuminated and non-illuminated static and scrolling advertisements. Where acceptable within less sensitive areas of the World Heritage Site, digital advertising will normally only be acceptable as an integral part of a bus shelter subject to normal amenity and public safety assessments.

The principle of digital advertising as part of a bus shelter located on the east side of Hanover Street is acceptable in this area.

Impact on Conservation Area and World Heritage Site

Relevant extracts from the New Town Conservation Area Character Appraisal are set out as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Council's Street Design Guidance identifies that Edinburgh has a considerable number of areas that are specially protected. Edinburgh's network of streets pass through many of these protected areas which means that the choice of layout, the materials used and street furniture/features (such as street lighting) have to take into account the character and potential impact of any changes being made.

The double sided digital advertising panel will be set perpendicular to the street within the existing bus shelter, as will the other bus shelter panels subject of the associated application on Hanover Street. Hanover Street is characterised with modern shopfronts at ground floor, illuminated signage, street furniture and illuminated static advertising within the existing bus shelters. The digital panel forms an integral part of the shelter design, with the structure providing a level of visual containment to the displays. The shelters are positioned adjacent to the kerb and this arrangement reflects the linearity of the street. The shelters are subservient elements within the street scene and the proposed advertising displays would not be disruptive to key views or the setting of adjacent listed buildings.

Whilst the principle of a digital advert is acceptable, the introduction of moving images will create visual disruption which is uncharacteristic of adverts within this area. Static adverts are an established feature in this street and a condition restricting the moving images is considered appropriate. The level of illuminance should also be restricted particularly the night time levels, in order to protect amenity. A condition has been attached in respect of this.

The proposal will not have a detrimental impact on the characteristics and appearance of the New Town Conservation Area and World Heritage Site and complies with the non-statutory guidance on Advertisements and Conservation Area and Listed Buildings.

b) Public Safety

The Roads Authority raises no objection to the proposal subject to conditions being added on the control of moving images to protect public safety and on the level of illumination.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application has no impacts on equalities and human rights.

d) Public Comments

Material Objections

- The proposal would detract from the views running north and south - this is addressed in section 3.3 (a).
- The proposal would be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site - this is addressed in section 3.3 (a).
- The proposal would increase in visual distraction - this is addressed in section 3.3 (a).
- Contrary to Council's Guidance on Advertisements - this is addressed in section 3.3 (a).

Conclusion

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal would not adversely affect the amenity of the location or raise issues in respect of public safety subject to conditions on moving images and illumination. The proposals accord with requirements of Council guidance covering Advertisements, Sponsorship and City Dressing.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Consent is granted for a period of five years from the date of consent.
2. Advertisements shall be static images only.
3. The intensity of illumination of the advertisement display shall be restricted to 75 candelas per square metre during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In the interest of public safety.
3. To protect amenity.

Financial impact

4.1 The financial impact has been assessed as follows:

The Council has a contract with the applicant to provide outdoor advertising and street furniture, primarily bus shelters, in the city. The financial impacts to the Council were reported to Finance and Resources Committee on 5 June 2014.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Nine letters of representation have been received from members of the public.

A full assessment of the representations can be found in the main report Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located within the New Town Conservation Area and the Edinburgh World Heritage site. The site is also part of the Central Area.

Date registered

6 March 2018

Drawing numbers/Scheme

01-10,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/00948/ADV At Bus Shelters, Hanover Street, Edinburgh Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter.

Consultations

Roads Authority

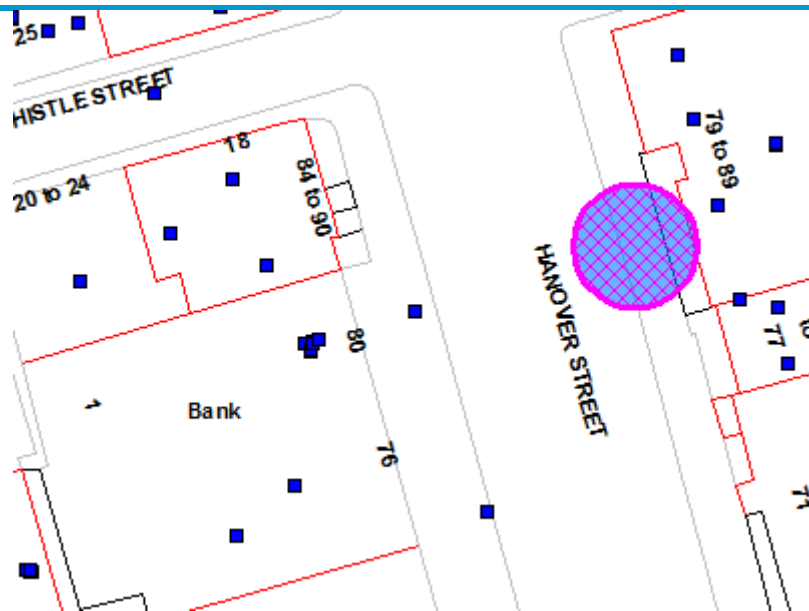
No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital large format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:*
 - a) *there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays;*
 - b) *digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;*
 - c) *the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
 - d) *Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*
2. *Adverts must not contain moving images or sequencing of images over more than one advert;*
3. *Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
4. *There should be no message sequencing where a message is spread across more than one screen;*
5. *Phone numbers, web addresses details etc should be avoided;*
6. *It is recommended that the speed of change of image should be set to be in effect instantaneous;*
7. *Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*
8. *Adverts should not resemble existing traffic signs or provide directional advice;*
9. *Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;*

10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;

11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01019/ADV
At Bus Shelters, Hanover Street, Edinburgh
Upgrade in technology comprising a double sided LCD unit
at one end of an existing bus shelter.**

Item number	4.21
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal would not adversely affect the amenity of the location or raise issues in respect of public safety subject to conditions on moving images and illumination. The proposals accord with requirements of Council guidance covering Advertisements, Sponsorship and City Dressing.

Links

Policies and guidance for this application	NSG, NSADSP, NSGD02, NSGSTR, CRPNEW, CRPWHS,
--	--

Report

Application for Advert Consent 18/01019/ADV At Bus Shelters, Hanover Street, Edinburgh Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application relates to an existing bus shelter to the north of Hanover Street located along the footway on the west side of the street.

Existing advertisements are present on the existing bus shelters. The existing advertisement comprises double sided poster displays either on the road facing elevations of the bus shelters or at the trailing end of the bus shelters.

The application site is generally contained by built frontage, with the majority of buildings being listed (various categories). The site comprises a mix of uses, predominantly commercial.

The application site is located within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

Two other applications for advertisement consent are pending decision for digital advertisements along Hanover Street (application number 18/01023/ADV and application number 18/00948/ADV).

29 January 2015 - Advertisement consent granted for 7 double sided (non-digital) advertising panels adjacent to bus shelters (as amended) (application number 14/04540/ADV).

Main report

3.1 Description Of The Proposal

This application relates to advertisement consent only on an existing bus shelter.

The advertising panel will be double sided and situated on the trailing end of a bus shelter, facing north and south along Hanover Street. Both sides of the panel will contain a digital LED display with moving images.

The panel will be designed to fit the shelter but will not be reliant upon it for support. The panel structure will measure approximately 2.1 metres high, 1.33 metres wide and 0.25 metres deep. The display screen areas will be approximately 1.9 square metres and the panel will be constructed from aluminium with a matt grey finish.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal has an acceptable impact on amenity;
- b) the proposal would compromise public safety;
- c) the proposal would have any equalities or human rights impacts; and
- d) public comments have been addressed.

a) Amenity

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising on bus shelters will not be allowed in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance (e.g. George Street or Royal Mile) or where advertising would disturb important views or the setting of individual listed buildings. This restriction relates to any form of advertising within bus shelters including digital, illuminated and non-illuminated static and scrolling advertisements. Where acceptable within less sensitive areas of the World Heritage Site, digital advertising will normally only be acceptable as an integral part of a bus shelter subject to normal amenity and public safety assessments.

The principle of digital advertising as part of a bus shelter located on the east side of Hanover Street is acceptable in this area.

Impact on Conservation Area and World Heritage Site

Relevant extracts from the New Town Conservation Area Character Appraisal are set out as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Council's Street Design Guidance identifies that Edinburgh has a considerable number of areas that are specially protected. Edinburgh's network of streets pass through many of these protected areas which means that the choice of layout, the materials used and street furniture/features (such as street lighting) have to take into account the character and potential impact of any changes being made.

The double sided digital advertising panel will be set perpendicular to the street within the existing bus shelter, as will the other bus shelter panels subject of the associated application on Hanover Street. Hanover Street is characterised with modern shopfronts at ground floor, illuminated signage, street furniture and illuminated static advertising within the existing bus shelters. The digital panel forms an integral part of the shelter design, with the structure providing a level of visual containment to the displays. The shelters are positioned adjacent to the kerb and this arrangement reflects the linearity of the street. The shelters are subservient elements within the street scene and the proposed advertising displays would not be disruptive to key views or the setting of adjacent listed buildings.

Whilst the principle of a digital advert is acceptable the introduction of moving images will create visual disruption which is uncharacteristic of adverts within this area. Static adverts are an established feature in this street and a condition restricting the moving images is considered appropriate. The level of illuminance should also be restricted, particularly the night time levels, in order to protect amenity. A condition has been attached in respect of this.

The proposal will not have a detrimental impact on the characteristics and appearance of the New Town Conservation Area and World Heritage Site and complies with the non-statutory guidance on Advertisements and Conservation Area and Listed Buildings.

b) Public Safety

The Roads Authority raises no objection to the proposal subject to conditions being added on the control of moving images to protect public safety and on the level of illumination.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application has no impacts on equalities and human rights.

d) Public Comments

Material Objections

- The proposal would detract from the views running north and south - this is addressed in section 3.3 (a).
- The proposal would be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site - this is addressed in section 3.3 (a).
- The proposal would increase in visual distraction - this is addressed in section 3.3 (a).
- Contrary to Council's Guidance on Advertisements - this is addressed in section 3.3 (a).

Conclusion

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal would not adversely affect the amenity of the location or raise issues in respect of public safety subject to conditions on moving images and illumination. The proposals accord with requirements of Council guidance covering Advertisements, Sponsorship and City Dressing.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Consent is granted for a period of five years from the date of consent.
2. Advertisements shall be static images only.
3. The intensity of illumination of the advertisement display shall be restricted to 75 candelas per square metre during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In the interest of public safety.
3. To protect amenity.

Financial impact

4.1 The financial impact has been assessed as follows:

The Council has a contract with the applicant to provide outdoor advertising and street furniture, primarily bus shelters, in the city. The financial impacts to the Council were reported to Finance and Resources Committee on 5 June 2014.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Four letters of representation have been received from members of the public.

A full assessment of the representations can be found in the main report Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located within the New Town Conservation Area and the Edinburgh World Heritage site. The site is also part of the Central Area.

Date registered

9 March 2018

Drawing numbers/Scheme

01-09,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01019/ADV At Bus Shelters, Hanover Street, Edinburgh Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter.

Consultations

Roads Authority

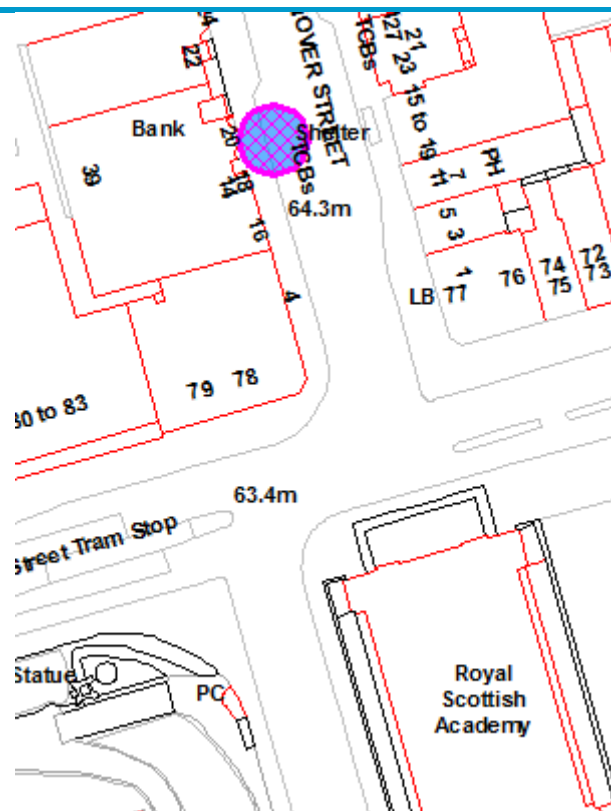
No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital large format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:*
 - a) *there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays;*
 - b) *digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;*
 - c) *the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
 - d) *Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*
2. *Adverts must not contain moving images or sequencing of images over more than one advert;*
3. *Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
4. *There should be no message sequencing where a message is spread across more than one screen;*
5. *Phone numbers, web addresses details etc should be avoided;*
6. *It is recommended that the speed of change of image should be set to be in effect instantaneous;*
7. *Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*
8. *Adverts should not resemble existing traffic signs or provide directional advice;*
9. *Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;*

10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;

11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01023/ADV
At Bus Shelters, Hanover Street, Edinburgh
Upgrade in technology comprising a double sided LCD unit
at one end of an existing bus shelter.**

Item number	4.22
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal would not adversely affect the amenity of the location or raise issues in respect of public safety subject to conditions on moving images and illumination. The proposals accord with requirements of Council guidance covering Advertisements, Sponsorship and City Dressing.

Links

<u>Policies and guidance for this application</u>	NSG, NSADSP, NSGD02, NSGSTR, CRPNEW, CRPWHS,
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Report

Application for Advert Consent 18/01023/ADV At Bus Shelters, Hanover Street, Edinburgh Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application relates to an existing bus shelter located to the north of Hanover Street along the footway located on the east side of the street.

Existing advertisements are present on the existing bus shelters. The existing advertisement comprises double sided poster displays either on the road facing elevations of the bus shelters or at the trailing end of the bus shelters.

The application site is generally contained by built frontage, with the majority of buildings being listed (various categories). The site comprises a mix of uses, predominantly commercial.

The application site is located within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

Two other applications for advertisement consent are pending decision for digital advertisements along Hanover Street (application number 18/00948/ADV and application number 18/01019/ADV).

29 January 2015 - Advertisement consent granted for 7 double sided (non-digital) advertising panels adjacent to bus shelters (as amended) (application number 14/04540/ADV).

Main report

3.1 Description Of The Proposal

This application relates to advertisement consent only on an existing bus shelter.

The advertising panel will be double sided and situated on the trailing end of a bus shelter, facing north and south along Hanover Street. Both sides of the panel will contain a digital LED display with moving images.

The panel will be designed to fit the shelter but will not be reliant upon it for support. The panel structure will measure approximately 2.1 metres high, 1.33 metres wide and 0.25 metres deep. The display screen areas will be approximately 1.9 square metres and the panel will be constructed from aluminium with a matt grey finish.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal has an acceptable impact on amenity;
- b) the proposal would compromise public safety;
- c) the proposal would have any equalities or human rights impacts; and
- d) public comments have been addressed.

a) Amenity

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising on bus shelters will not be allowed in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance (e.g. George Street or Royal Mile) or where advertising would disturb important views or the setting of individual listed buildings. This restriction relates to any form of advertising within bus shelters including digital, illuminated and non-illuminated static and scrolling advertisements. Where acceptable within less sensitive areas of the World Heritage Site, digital advertising will normally only be acceptable as an integral part of a bus shelter subject to normal amenity and public safety assessments.

The principle of digital advertising as part of a bus shelter located on the east side of Hanover Street is acceptable in this area.

Impact on Conservation Area and World Heritage Site

Relevant extracts from the New Town Conservation Area Character Appraisal are set out as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Council's Street Design Guidance identifies that Edinburgh has a considerable number of areas that are specially protected. Edinburgh's network of streets pass through many of these protected areas which means that the choice of layout, the materials used and street furniture/features (such as street lighting) have to take into account the character and potential impact of any changes being made.

The double sided digital advertising panel will be set perpendicular to the street within the existing bus shelter, as will the other bus shelter panels subject of the associated application on Frederick Street. Hanover Street is characterised with modern shopfronts at ground floor, illuminated signage, street furniture and illuminated static advertising within the existing bus shelters. The digital panel forms an integral part of the shelter design, with the structure providing a level of visual containment to the displays. The shelters are positioned adjacent to the kerb and this arrangement reflects the linearity of the street. The shelters are subservient elements within the street scene and the proposed advertising displays would not be disruptive to key views or the setting of adjacent listed buildings.

Whilst the principle of a digital advert is acceptable the introduction of moving images will create visual disruption which is uncharacteristic of adverts within this area. Static adverts are an established feature in this street and a condition restricting the moving images is considered appropriate. The level of illuminance should also be restricted, particularly the night time levels, in order to protect amenity. A condition has been attached in respect of this.

The proposal will not have a detrimental impact on the characteristics and appearance of the New Town Conservation Area and World Heritage Site and complies with the non-statutory guidance on Advertisements and Conservation Area and Listed Buildings.

b) Public Safety

The Roads Authority raises no objection to the proposal subject to conditions being added on the control of moving images to protect public safety and on the level of illumination.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application has no impacts on equalities and human rights.

d) Public Comments

Material Objections

- The proposal would detract from the views running north and south - this is addressed in section 3.3 (a).
- The proposal would be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site - this is addressed in section 3.3 (a).
- The proposal would increase in visual distraction - this is addressed in section 3.3 (a).
- Contrary to Council's Guidance on Advertisements - this is addressed in section 3.3 (a).

Conclusion

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal would not adversely affect the amenity of the location or raise issues in respect of public safety subject to conditions on moving images and illumination. The proposals accord with requirements of Council guidance covering Advertisements, Sponsorship and City Dressing.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Consent is granted for a period of five years from the date of consent.
2. Advertisements shall be static images only.
3. The intensity of illumination of the advertisement display shall be restricted to 75 candelas per square metre during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In the interest of public safety.
3. To protect amenity.

Financial impact

4.1 The financial impact has been assessed as follows:

The Council has a contract with the applicant to provide outdoor advertising and street furniture, primarily bus shelters, in the city. The financial impacts to the Council were reported to Finance and Resources Committee on 5 June 2014.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Four letters of representation have been received from members of the public.

A full assessment of the representations can be found in the main report Assessment section.

Background reading/external references

- To view details of the application go to
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- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located within the New Town Conservation Area and the Edinburgh World Heritage site. The site is also part of the Central Area.

Date registered

9 March 2018

Drawing numbers/Scheme

01-08,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

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The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01023/ADV At Bus Shelters, Hanover Street, Edinburgh Upgrade in technology comprising a double sided LCD unit at one end of an existing bus shelter.

Consultations

Roads Authority

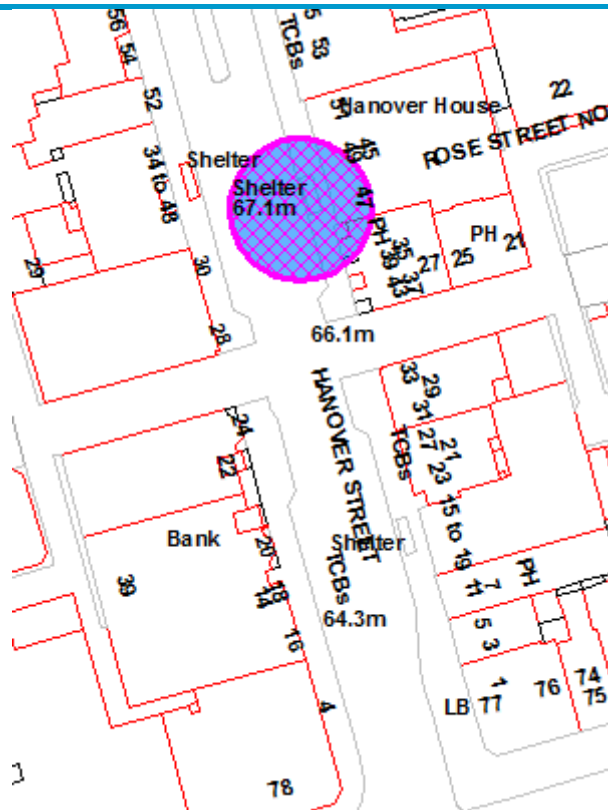
No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital large format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:*
 - a) *there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays;*
 - b) *digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays;*
 - c) *the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
 - d) *Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*
2. *Adverts must not contain moving images or sequencing of images over more than one advert;*
3. *Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
4. *There should be no message sequencing where a message is spread across more than one screen;*
5. *Phone numbers, web addresses details etc should be avoided;*
6. *It is recommended that the speed of change of image should be set to be in effect instantaneous;*
7. *Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*
8. *Adverts should not resemble existing traffic signs or provide directional advice;*
9. *Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;*

10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;

11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01320/FUL
At Proposed Telecoms Apparatus 8 Metres West Of 27,
Hanover Street, Edinburgh.
Installation of x1 InLink and removal of x2 BT payphones.**

Item number	4.23
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LEN06, LEN03, LEN01, NSG, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

Application for Planning Permission 18/01320/FUL At Proposed Telecoms Apparatus 8 Metres West Of 27, Hanover Street, Edinburgh. Installation of x1 InLink and removal of x2 BT payphones.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the east side of Hanover Street, opposite no. 29, close to the junction with Rose Street.

The majority of buildings on Hanover Street are category B listed.

The closest listed buildings to the site are as follows:

- 21-27 (odd numbers) Hanover Street - category B listed, listed on 28 March 1996 (ref: 43293); and
- 29-33 (odd numbers) Hanover Street - category B listed, listed on 20 February 1985 (ref: 28997).

Hanover Street contains a mix of uses including retail, office, leisure and residential. Currently there is no digital advertising on the pavements along Hanover Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and

15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing two phone boxes with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;
- e) any impacts on equalities or human rights are acceptable;

f) public comments have been addressed.

a) Character and Appearance of Conservation Area

Hanover Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with George Street and Queen Street. Planned views north and south and form an essential part of the special and unique character of Hanover Street.

The New Town Conservation Area Character Appraisal makes specific reference to the southern views from the First New Town across Princes Street Gardens.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Hanover Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both north and south will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views up and down Hanover Street to George Street and Old Town landmarks.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the character or appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 21-27 and 29-33 Hanover Street, which are category B listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed structure will also disrupt views to the category A listed monument at the junction of George Street with Hanover Street.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposal will therefore have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as Hanover Street which provide key views from the New Town to the Old Town. Southwards views from Hanover Street are punctuated by the National Gallery of Scotland at the foot of the Mound, the spire of the former Tolbooth St John's church and Ramsay Garden on Castlehill - prominent buildings of the Old Town. The view is framed by the built frontages on either side of Hanover Street which add further focus to the view.

This proposed InLink structure will detract from these views particularly at street level, and will interrupt the linearity of these views and will therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan Policy Env 1.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.
3. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it will harm the Outstanding Universal Value of the World Heritage Site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01320/FUL At Proposed Telecoms Apparatus 8 Metres West Of 27, Hanover Street, Edinburgh. Installation of x1 InLink and removal of x2 BT payphones.

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

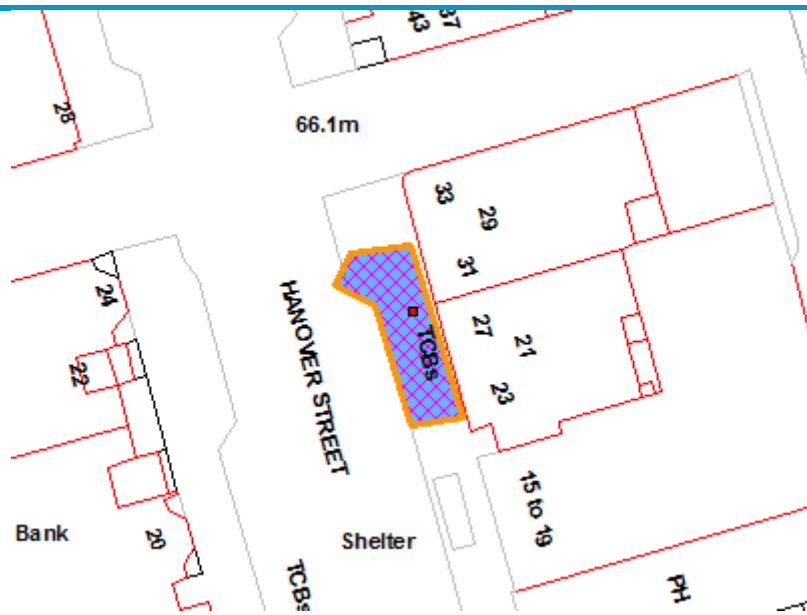
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01321/ADV
At Proposed Telecoms Apparatus 8 Metres West Of 27,
Hanover Street, Edinburgh.
Two digital LED display screens, one on each side of the
InLink.**

Item number	4.24
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,
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Report

Application for Advert Consent 18/01321/ADV At Proposed Telecoms Apparatus 8 Metres West Of 27, Hanover Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the east side of Hanover Street, opposite no. 29, close to the junction with Rose Street.

The majority of buildings on Hanover Street are category B listed.

The closest listed buildings to the site are as follows:

- 21-27 (odd numbers) Hanover Street - category B listed, listed on 28 March 1996 (ref: 43293); and
- 29-33 (odd numbers) Hanover Street - category B listed, listed on 20 February 1985 (ref: 28997).

Hanover Street contains a mix of uses including retail, office, leisure and residential. Currently there is no digital advertising on the pavements along Hanover Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the erection of a double-sided digital advertising display unit with rotating content measuring 1210mm by 690mm. The advert will be housed within a BT "InLink" unit which will replace the existing two phone boxes.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The InLink unit comprises a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

Hanover Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with George Street and Queen Street. Planned views north and south and form an essential part of the special and unique character of Hanover Street.

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace two existing phone boxes, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone boxes have static adverts only. The proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

The New Town Conservation Area Character Appraisal makes specific reference to the southern views from the First New Town across Princes Street Gardens.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as Hanover Street which provide key views from the New Town to the Old Town. Southwards views from Hanover Street are punctuated by the National Gallery of Scotland at the foot of the Mound, the spire of the former Tolbooth St John's church and Ramsay Garden on Castlehill - prominent buildings of the Old Town. The view is framed by the built frontages on either side of Hanover Street which add further focus to the view.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Hanover Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both north and south will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views up and down Hanover Street to George Street and Old Town landmarks. The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 21-27 and 29 - 33 Hanover Street, which are category B listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed structure will also disrupt views to the category A listed monument at the junction of George Street with Hanover Street.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and Hanover Street is a principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of Hanover Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running north and south, and from the setting of and views to a number of listed buildings and skyline features.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal or The Edinburgh World Heritage Site Management Plan.

The proposal will have an unacceptable impact on the amenity of the location, contrary to Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01321/ADV At Proposed Telecoms Apparatus 8 Metres West Of 27, Hanover Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;

b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);

c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);

d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

2. Adverts must not contain moving images or sequencing of images over more than one advert;

3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;

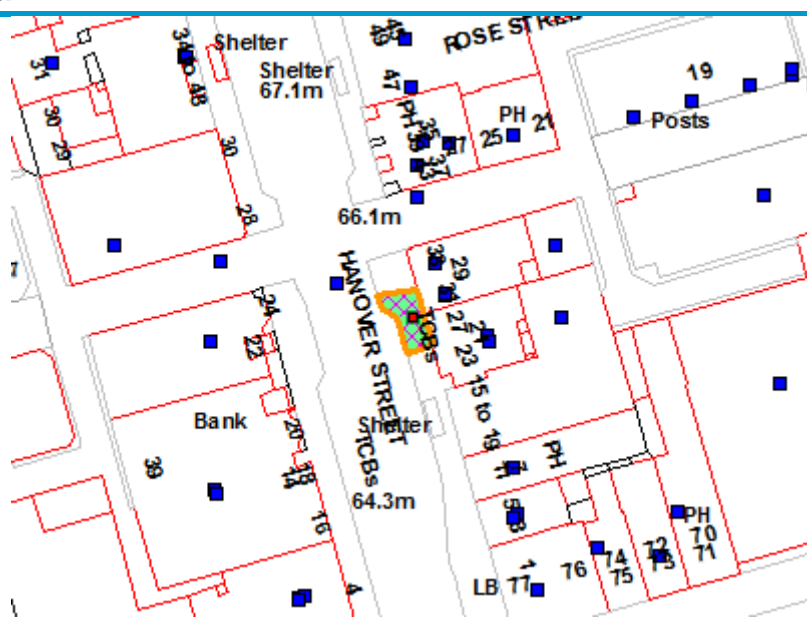
4. There should be no message sequencing where a message is spread across more than one screen;

5. Phone numbers, web addresses details etc should be avoided;

6. It is recommended that the speed of change of image should be set to be in effect instantaneous;

7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01322/FUL
At Proposed Telecoms Apparatus 9 Metres East Of 104,
Hanover Street, Edinburgh.
Installation of x1 InLink and the removal of x2 BT
payphones.**

Item number	4.25
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LEN06, LEN03, LEN01, NSG, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

Application for Planning Permission 18/01322/FUL At Proposed Telecoms Apparatus 9 Metres East Of 104, Hanover Street, Edinburgh. Installation of x1 InLink and the removal of x2 BT payphones.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the west side of Hanover Street, opposite no. 104, between Queen Street and Thistle Street.

The majority of buildings on Hanover Street are category B listed.

The closest listed buildings to the site are as follows:

- 104-112 (even numbers) Hanover Street and 4 North West Thistle Street Lane - category B listed, listed on 24 March 1966 (ref: 29014); and
- 92-102 (even numbers) Hanover Street with railings - category B listed, listed on 24 March 1966 (ref: 29013).

Hanover Street contains a mix of uses including retail, office, leisure and residential. Currently there is no digital advertising on the pavements along Hanover Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing two phone boxes with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;

- e) any impacts on equalities or human rights are acceptable;
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

Hanover Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with George Street and Queen Street. Planned views north and south form an essential part of the special and unique character of Hanover Street.

The New Town Conservation Area Character Appraisal makes specific reference to the northern and southern views from the First New Town across to the Firth of Forth and across Princes Street Gardens to the Old Town.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Hanover Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both north and south will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views up and down Hanover Street to George Street and Old Town landmarks and further afield to the Firth of Forth. The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the character or appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 104-112 and 92-102 Hanover Street, which are category B listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed structure will also disrupt views to the category A listed monument at the junction of George Street with Hanover Street.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposal will therefore have a detrimental impact on the setting of and views to the aforementioned listed buildings and structure, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as Hanover Street which provide key views from the New Town to the Old Town and to the Firth of Forth. Southwards views from Hanover Street are punctuated by the National Gallery of Scotland at the foot of the Mound, the spire of the former Tolbooth St John's church and Ramsay Garden on Castlehill - prominent buildings of the Old Town. Northern views take in the north of Edinburgh across to the Firth of Forth. These views are framed by the built frontages on either side of Hanover Street which add further focus to the views.

This proposed InLink structure will detract from these views particularly at street level, and will interrupt the linearity of these views and will therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan Policy Env 1.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.

3. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it will harm the Outstanding Universal Value of the World Heritage Site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01322/FUL At Proposed Telecoms Apparatus 9 Metres East Of 104, Hanover Street, Edinburgh. Installation of x1 InLink and the removal of x2 BT payphones.

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

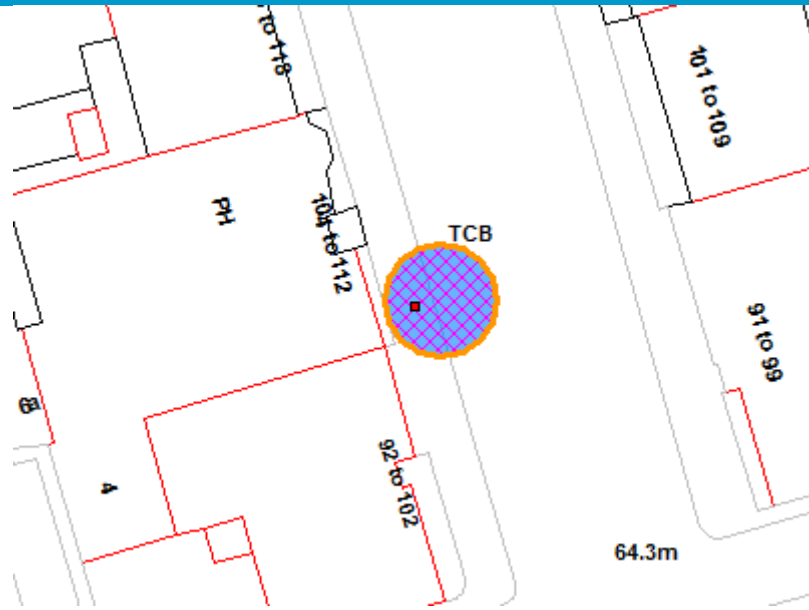
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01323/ADV
At Proposed Telecoms Apparatus 9 Metres East Of 104,
Hanover Street, Edinburgh.
Two digital LED display screens, one on each side of the
InLink.**

Item number	4.26
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	NSADSP, NSG, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,
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Report

Application for Advert Consent 18/01323/ADV At Proposed Telecoms Apparatus 9 Metres East Of 104, Hanover Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the west side of Hanover Street, opposite no. 104, between Queen Street and Thistle Street.

The majority of buildings on Hanover Street are category B listed.

The closest listed buildings to the site are as follows:

- 104-112 (even numbers) Hanover Street and 4 North West Thistle Street Lane - category B listed, listed on 24 March 1966 (ref: 29014); and
- 92-102 (even numbers) Hanover Street with railings - category B listed, listed on 24 March 1966 (ref: 29013).

Hanover Street contains a mix of uses including retail, office, leisure and residential. Currently there is no digital advertising on the pavements along Hanover Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the erection of a double-sided digital advertising display unit with rotating content measuring 1210mm by 690mm. The advert will be housed within a BT "InLink" unit which will replace the existing two phone boxes.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The InLink unit comprises a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

Hanover Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with George Street and Queen Street. Planned views north and south and form an essential part of the special and unique character of Hanover Street.

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace two existing phone boxes, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone boxes have static adverts on the sides facing the road only. The proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

The New Town Conservation Area Character Appraisal makes specific reference to the northern and southern views from the First New Town across to the Firth of Forth and across Princes Street Gardens to the Old Town.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as Hanover Street which provide key views from the New Town to the Old Town and to the Firth of Forth. Southwards views from Hanover Street are punctuated by the National Gallery of Scotland at the foot of the Mound, the spire of the former Tolbooth St John's church and Ramsay Garden on Castlehill - prominent buildings of the Old Town. Northern views take in the north of Edinburgh across to the Firth of Forth. These views are framed by the built frontages on either side of Hanover Street which add further focus to the views.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Hanover Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both north and south will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views up and down Hanover Street to George Street and Old Town landmarks and further afield to the Firth of Forth. The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 104-112 and 92-102 Hanover Street, which are category B listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposed structure will also disrupt views to the category A listed monument at the junction of George Street with Hanover Street.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structure and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and Hanover Street is a principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of Hanover Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running north and south, and from the setting of and views to a number of listed buildings and skyline features.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal or The Edinburgh World Heritage Site Management Plan.

The proposal will have an unacceptable impact on the amenity of the location, contrary to Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.

3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01323/ADV At Proposed Telecoms Apparatus 9 Metres East Of 104, Hanover Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

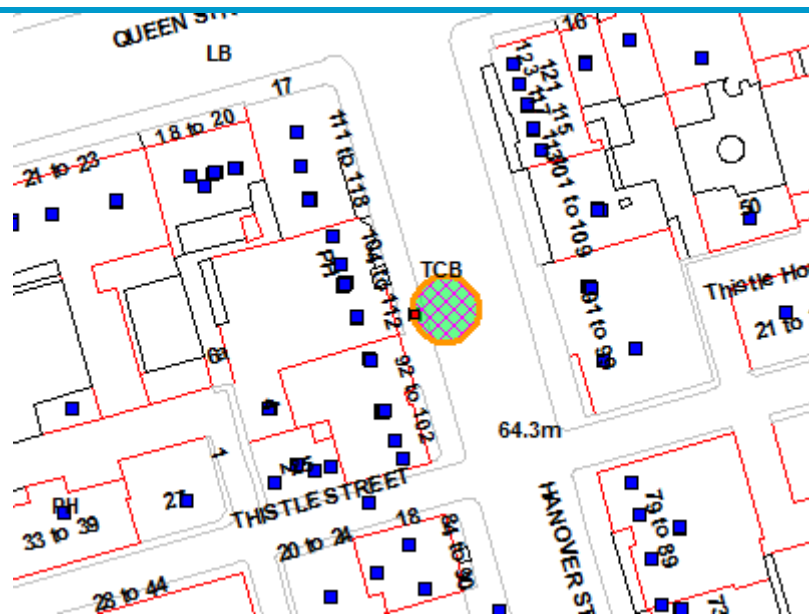
- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
- c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
- d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

- 2. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 4. There should be no message sequencing where a message is spread across more than one screen;*
- 5. Phone numbers, web addresses details etc should be avoided;*
- 6. It is recommended that the speed of change of image should be set to be in effect instantaneous;*

7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

Application for Planning Permission 18/01325/FUL At Proposed Telecoms Apparatus 14 Metres South Of 6 Picardy Place, Edinburgh, Installation of x1 InLink and the removal of x2 BT payphones

Item number	4.27
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LEN06, LEN03, LEN01, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

Application for Planning Permission 18/01325/FUL At Proposed Telecoms Apparatus 14 Metres South Of 6 Picardy Place, Edinburgh, Installation of x1 InLink and the removal of x2 BT payphones

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the north side of Picardy Place, opposite no. 6 and 8 Picardy Place.

The closest listed buildings to the site is at 2 - 22 Picardy Place - category B listed, listed on 16/06/66 (ref: 29488).

The northern side of Picardy Place is dominated by the strong block of terrace tenements which are the subject of the listing. Immediately adjacent to the site are a set of projecting shopfronts which form part of this terrace. Residential properties are located at upper levels immediately adjacent to the site. Currently there is no digital advertising on the pavements along Picardy Place, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing two phone boxes with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;
- e) any impacts on equalities or human rights are acceptable; and
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both east and west will be interrupted by the structure due to its height (2.9 metres) and visual impact.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 2 - 22 Picardy Place, which are category B listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them. In particular the proposed advert will impact on the setting of the more open nature of the listed frontage to the east of the application site.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

It is recognised within this area of Picardy Place there is a more open commercial characteristic and there is no negative impact on the Outstanding Universal Value of the World Heritage Site.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location. Concerns have been raised by a neighbouring resident in regards to the proposed structure having an adverse impact on residential amenity. Although the structure is higher than the existing phone boxes it will sit below the height of the projecting shop front which sits below the residential accommodation. On this basis there is not considered to be any detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).
- impact on residential amenity - this has been addressed in section 3.3 d).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Three representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail: clare.macdonald@edinburgh.gov.uk Tel: 0131 529 6121

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01325/FUL At Proposed Telecoms Apparatus 14 Metres South Of 6 Picardy Place, Edinburgh, Installation of x1 InLink and the removal of x2 BT payphones

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

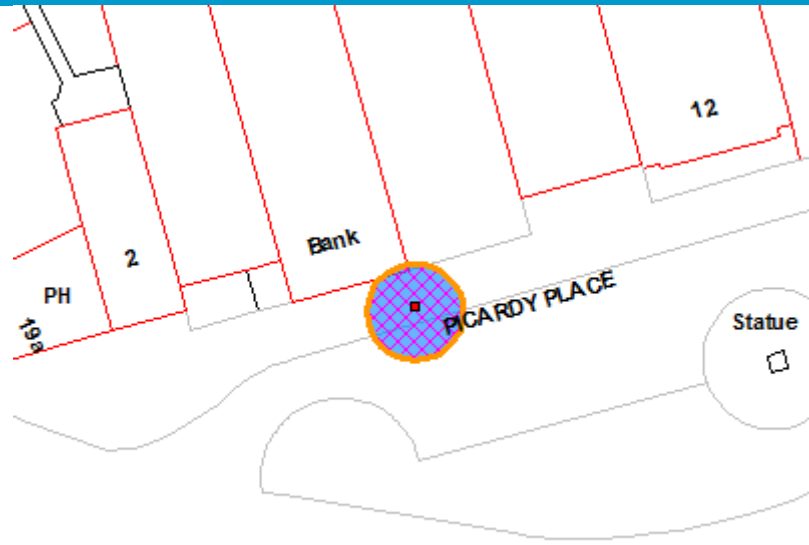
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

Application for Advert Consent 18/01326/ADV At Proposed Digital Advertising 14 Metres South Of 6 Picardy Place, Edinburgh, Two digital LED display screens, one on each side of the InLink

Item number	4.28
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,

Report

Application for Advert Consent 18/01326/ADV At Proposed Digital Advertising 14 Metres South Of 6 Picardy Place, Edinburgh, Two digital LED display screens, one on each side of the InLink

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the north side of Picardy Place, opposite no. 6 and 8 Picardy Place.

The closest listed buildings to the site are as follows:

- 2 - 22 Picardy Place - category B listed, listed on 16/06/66 (ref: 29488).

The northern side of Picardy Place is dominated by the strong block of terrace tenements which are the subject of the listing. Immediately adjacent to the site are a set of projecting shopfronts which form part of this terrace. Residential properties are located at upper levels immediately adjacent to the site. Currently there is no digital advertising on the pavements along Picardy Place, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing pair of phone boxes with a BT "InLink" unit comprising a double-sided digital display unit with rotating content and an integral telecommunications interface. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The overall dimensions of the InLink structure are 2900mm high by 890mm wide (tapering at the lower section to 790mm) and 280mm deep. The digital display panels measure 1210mm by 690mm and the telecommunications interface is on the side elevation. The structure will be aligned horizontally so the digital displays are visually prominent.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- •an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- •integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace two existing phone boxes, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone boxes have static adverts on the sides facing the road only. The proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The double-sided digital advertising panel will be set perpendicular to the street within the InLink structure. Views both east and west will be interrupted by this panel, the bottom edge of which will sit approximately 1.4 metres above pavement level. The height of the proposed advert is 1.21 metres. Due to its alignment, height and illuminated digital nature, the advert will therefore have significantly greater impact than the existing static adverts on the existing phone boxes on both short and long distance views. The advertising panel will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

It is recognised within this area of Picardy Place there is a more open commercial characteristic and there is no negative impact on the Outstanding Universal Value of the World Heritage Site.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed advertisement will be located adjacent to 2 - 22 Picardy Place which is a strong terraced tenement group of category B listed buildings.

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that Advertisements should not adversely affect the settings of listed buildings.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them. In particular the proposed advert will impact on the setting of the more open nature of the listed frontage to the east of the application site.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Residential Amenity

Concerns have been raised by a neighbouring resident in regards to the proposed structure having an adverse impact on residential amenity. Although the structure is higher than the existing phone boxes it will sit below the height of the projecting shop front which sits below the residential accommodation. On this basis there is not considered to be any detrimental impact on residential amenity.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01326/ADV At Proposed Digital Advertising 14 Metres South Of 6 Picardy Place, Edinburgh, Two digital LED display screens, one on each side of the InLink

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

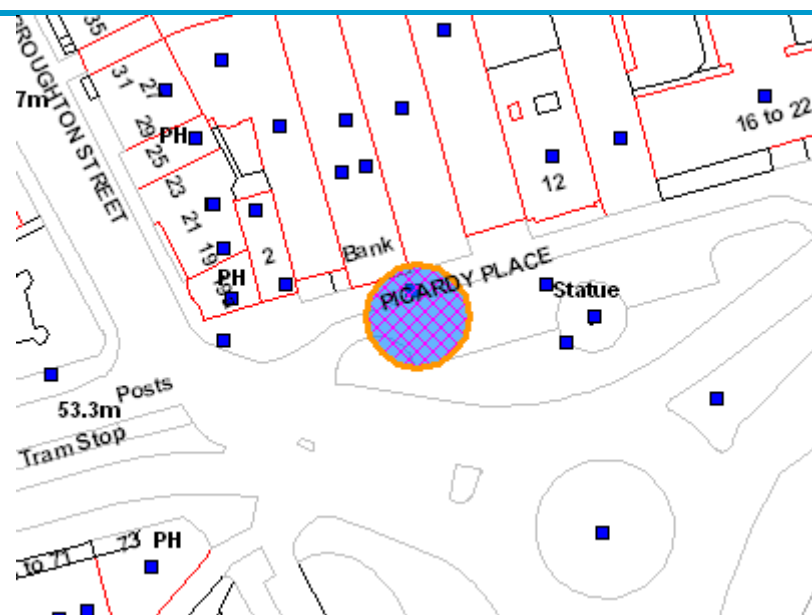
- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
- c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
- d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

- 2. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 4. There should be no message sequencing where a message is spread across more than one screen;*
- 5. Phone numbers, web addresses details etc should be avoided;*
- 6. It is recommended that the speed of change of image should be set to be in effect instantaneous;*

7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01336/FUL
At Proposed Telecoms Apparatus 12 Metres North Of 63
Queen Street, Edinburgh,
Installation of x1 InLink and the removal of x1 BT
Payphone.**

Item number	4.29
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and Designed Landscape and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN06, LEN03, LEN01, LEN07, NSG, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

Application for Planning Permission 18/01336/FUL At Proposed Telecoms Apparatus 12 Metres North Of 63 Queen Street, Edinburgh, Installation of x1 InLink and the removal of x1 BT Payphone.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a traditional red K6 BT phone box located on the outer edge of the pavement on the south side of Queen Street, opposite no. 63, near the junction with North Castle Street.

The majority of buildings on Queen Street are category A listed.

The closest listed buildings to the site are as follows:

- 61, 61A, 62 and 63 Queen Street - category A listed, listed on 3 March 1966 (ref: 29567).

The railings and gates of Queen Street Gardens on the north side of the street are category B listed, listed on 24 March 1998 (ref: 45519).

Queen Street Gardens is a Designed Landscape (ref. GDL00367) as one of the New Town Gardens.

Queen Street contains a mix of uses; mainly office, residential and limited retail. Currently there is no digital advertising on the pavements along Queen Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing single traditional red phone box with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals adversely affect the character of the Designed Landscape;

- e) the proposals are detrimental to residential amenity, road safety or infrastructure;
- f) any impacts on equalities or human rights are acceptable; and
- g) public comments have been addressed.

a) Character and Appearance of Conservation Area

Queen Street is the principal northern street in James Craig's plan of the First New Town, originally designed to mirror Princes Street to the south. As such, it is developed on its southern side only with Queen Street Gardens on the northern side and a fine aspect over the Firth of Forth. The street is noted as the longest parade of 18th century architecture in Edinburgh.

The New Town Conservation Area Character Appraisal makes specific reference to the views from the northern slopes of the New Town providing stepped panoramas towards and across the Firth of Forth.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Queen Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both east and west will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views along Queen Street to the listed buildings and formal gardens.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the character or appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed advertisement will be located adjacent to 61, 61A, 62 and 63 Queen Street, which are category A listed.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the character of the setting of these buildings and views to them.

The proposed structure will also disrupt longer views to the relatively uniform, predominantly 18th century parade of listed buildings that form the north side of Queen Street.

The proposal will therefore have a detrimental impact on the setting of and views to the aforementioned listed buildings, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major axes such as George Street, which are addressed by formal set piece architecture. Recognition is given to the extensive collection of statues and monuments which make a significant contribution to the richness and diversity of the townscape and provide a focus and punctuation points for many views. In addition, the Plan notes that the relationship of stone buildings, pavements and setted streets provides a disciplined unity and cohesion.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as George Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The Edinburgh Design Guidance sets out a number of key views in and around the city centre which should be afforded protection. The following key view is relevant:

- C11b - junction of Queen Street and Dublin Street looking west along Queen Street.

This view takes in the listed buildings and formal gardens which give Queen Street its unique and historic character.

This proposed InLink structure will detract from this view, particularly at street level, and will interrupt the linearity of the view and will therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan Policy Env 1.

d) Character of Designed Landscape

Queen Street Gardens, along with the other New Town Gardens, are integral to the civic planning and fabric of the city and are highly significant in the history of town planning. Their design involved many of the key architects, designers and horticulturists of the day and the Gardens are also important in terms of social history.

The Gardens are outstanding for the contribution they make to the Edinburgh townscape, and in providing a setting for the surrounding buildings and monuments. The views from or into many of the gardens are magnificent.

The application site is opposite West Queen Street Gardens, designed in the earlier 19th century, incorporating a terrace built on the Queen Street side to allow good views, especially down India Street.

The proposed advertising panel, if implemented, will detract from views along Queen Street to the listed buildings on the south side of the street. This are a key part of the setting of the formal gardens with listed gates and railings on the north side of the street.

The proposal will therefore adversely affect the setting of this Designed Landscape contrary to Edinburgh Local Development Plan Policy Env 7.

e) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds and there are no implications for infrastructure.

f) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

g) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).

- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and Designed Landscape and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.
3. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it will harm the Outstanding Universal Value of the World Heritage Site.
4. The proposal is contrary to the Local Development Plan Policy Env 7 in respect of Historic Gardens and Designed Landscapes, as it will adversely affect the setting of Queen Street Gardens.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01336/FUL At Proposed Telecoms Apparatus 12 Metres North Of 63 Queen Street, Edinburgh, Installation of x1 InLink and the removal of x1 BT Payphone.

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

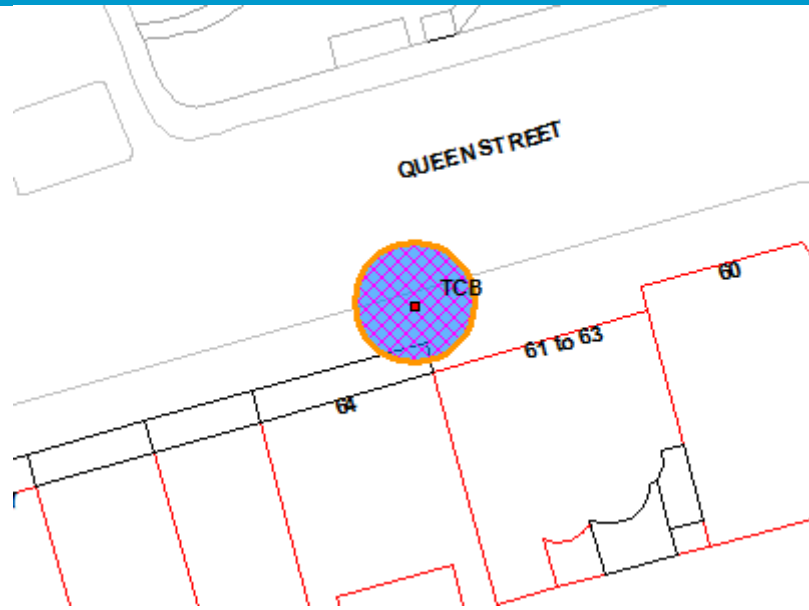
We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01337/ADV
At Proposed Digital Advertising 12 Metres North Of 63
Queen Street, Edinburgh,
Two digital LED display screens, one on each side of the
InLink.**

Item number	4.30
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,

Report

Application for Advert Consent 18/01337/ADV At Proposed Digital Advertising 12 Metres North Of 63 Queen Street, Edinburgh, Two digital LED display screens, one on each side of the InLink.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a traditional red K6 BT phone box located on the outer edge of the pavement on the south side of Queen Street, opposite no. 63, near the junction with North Castle Street.

The majority of buildings on Queen Street are category A listed.

The closest listed buildings to the site are as follows:

- 61, 61A, 62 and 63 Queen Street - category A listed, listed on 3 March 1966 (ref: 29567).

The railings and gates of Queen Street Gardens on the north side of the street are category B listed, listed on 24 March 1998 (ref: 45519).

Queen Street Gardens is a Designed Landscape (ref. GDL00367) as one of the New Town Gardens.

Queen Street contains a mix of uses; mainly office, residential and limited retail. Currently there is no digital advertising on the pavements along Queen Street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing single traditional red phone box with a BT "InLink" unit comprising a double-sided digital display unit with rotating content and an integral telecommunications interface. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The overall dimensions of the InLink structure are 2900mm high by 890mm wide (tapering at the lower section to 790mm) and 280mm deep. The digital display panels measure 1210mm by 690mm and the telecommunications interface is on the side elevation. The structure will be aligned horizontally so the digital displays are visually prominent.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

Queen Street is the principal northern street in James Craig's plan of the First New Town, originally designed to mirror Princes Street to the south. As such, it is developed on its southern side only with Queen Street Gardens on the northern side and a fine aspect over the Firth of Forth. The street is noted as the longest parade of 18th century architecture in Edinburgh.

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace an existing phone box, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone box is a traditional K6 type with no adverts on any of its sides. The proposed digital advert will not be part of a bus shelter, nor part of a replacement "public call box". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

The New Town Conservation Area Character Appraisal makes specific reference to the views from the northern slopes of the New Town providing stepped panoramas towards and across the Firth of Forth.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major axes such as Queen Street, which are addressed by formal set piece architecture and landscapes. In addition, the Plan notes that the relationship of stone buildings, pavements and setted streets provides a disciplined unity and cohesion.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Queen Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The double-sided digital advertising panel will be set perpendicular to the street within the InLink structure. Views both east and west will be interrupted by this panel, the bottom edge of which will sit approximately 1.4 metres about pavement level. The height of the proposed advert is 1.21 metres. Due to its alignment, height and illuminated digital nature, the advert will therefore have significantly greater impact than the existing traditional K6 type phone box on both short and long distance views along Queen Street to the various listed buildings and Queen Street Gardens. The advertising panel will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level. This is especially the case in Queen Street which remains predominantly residential in architectural character with only a few shopfronts.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed advertisement will be located adjacent to 61, 61A, 62 and 63 Queen Street, which are category A listed.

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that Advertisements should not adversely affect the settings of listed buildings.

The double-sided digital panel will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the character of the setting of these buildings and views to them. The advertisement will also disrupt longer views to the relatively uniform, predominantly 18th century parade of listed buildings that form the north side of Queen Street.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Impact on Designed Landscape

Queen Street Gardens, along with the other New Town Gardens, are integral to the civic planning and fabric of the city and are highly significant in the history of town planning. Their design involved many of the key architects, designers and horticulturists of the day and the Gardens are also important in terms of social history.

The Gardens are outstanding for the contribution they make to the Edinburgh townscape, and in providing a setting for the surrounding buildings and monuments. The views from or into many of the gardens are magnificent.

The application site is opposite West Queen Street Gardens, designed in the earlier 19th century, incorporating a terrace built on the Queen Street side to allow good views, especially down India Street.

The proposed advertising panel, if implemented, will detract from views along Queen Street to the listed buildings on the south side of the street. This are a key part of the setting of the formal gardens with listed gates and railings on the north side of the street.

The proposal will adversely affect the setting of this Designed Landscape which is a characteristic feature of the New Town Conservation Area, contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Impact on Key Views

The Edinburgh Design Guidance sets out a number of key views in and around the city centre which should be afforded protection. The following key view is relevant:

- C11b - junction of Queen Street and Dublin Street looking west along Queen Street.

This view takes in the listed buildings and Designed Landscape which give Queen Street its unique and historic character.

The proposal will detract from this view, particularly at street level, and will interrupt the linearity of the view.

The proposal is therefore contrary to the Edinburgh Design Guidance with respect to key views.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and Queen Street is a principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

Conclusion

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of Queen Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running west and east, and from the setting of and views to a number of listed buildings and a Designed Landscape.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal or The Edinburgh World Heritage Site Management.

The proposal will have an unacceptable impact on the amenity of the location, contrary to Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01337/ADV At Proposed Digital Advertising 12 Metres North Of 63 Queen Street, Edinburgh, Two digital LED display screens, one on each side of the InLink.

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

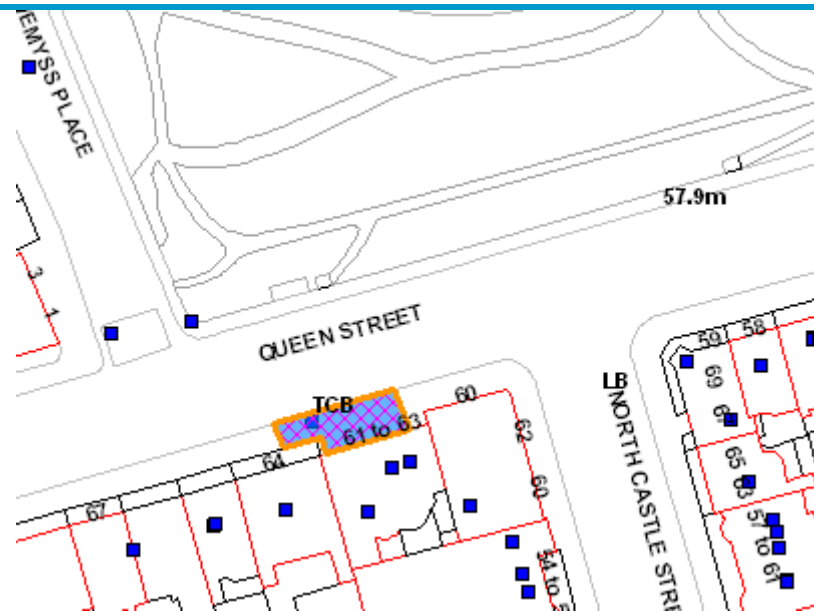
- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
- c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
- d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

- 2. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 4. There should be no message sequencing where a message is spread across more than one screen;*
- 5. Phone numbers, web addresses details etc should be avoided;*
- 6. It is recommended that the speed of change of image should be set to be in effect instantaneous;*
- 7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;*

8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

Application for Planning Permission 18/01334/FUL At Telephone Kiosk, South St Andrew Street, Edinburgh Installation of x1 InLink and the removal of x4 BT payphones

Item number	4.31
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LEN06, LEN03, LEN01, NSG, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

Application for Planning Permission 18/01334/FUL At Telephone Kiosk, South St Andrew Street, Edinburgh Installation of x1 InLink and the removal of x4 BT payphones

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to two pairs of modern BT phone boxes located in the middle of the pavement on the west side of South St Andrew Street, close to the junction with Princes Street, opposite the side elevation of no. 30 Princes Street.

Many of the buildings and monuments on South St Andrew Street are category B listed.

The closest listed building to the site is as follows:

- 30 Princes Street - category A listed, listed on 14 September 1966 (ref: 29503).

South St Andrew Street connects Princes Street with St Andrew Square and contains a mix of uses including retail, office, hotels and residential. Currently there is no digital advertising on the pavements along the street, either associated with bus stops/shelters or freestanding.

The tram runs up and down South St Andrew Street.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

20 March 2015 - planning permission refused to replace and upgrade the existing public telephone kiosk with a new kiosk combining a public telephone service and ATM service (application number 14/05123/FUL).

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing two phone boxes closest to Princes Street with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The other two phone boxes in close proximity will be removed at the same time.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;

- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;

- d) the proposals are detrimental to residential amenity, road safety or infrastructure;
- e) any impacts on equalities or human rights are acceptable; and
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

South St Andrew Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with St Andrew Square. Planned views north and south and form an essential part of the special and unique character of South St Andrew Street.

The New Town Conservation Area Character Appraisal makes specific reference to the southern views from the First New Town across Princes Street Gardens.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as South St Andrew Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both north and south will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views up and down South St Andrew Street to Old Town landmarks and St Andrew Square.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the character or appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed advertisement will be located adjacent to 30 South St Andrew Street, which is category A listed.

The proposed structure will also disrupt views to the category B listed buildings within South St Andrew Street and category A listed buildings on the east side of St Andrew Square.

The structure will form part of the setting of these listed buildings if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of these buildings and views to them.

The proposal will therefore have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as South St Andrew Street which provide key views from the New Town to the Old Town. Southwards views from South St Andrew Street are punctuated by the rear elevation of the City Chambers and the spire of St Giles cathedral - key public buildings of the Old Town. The eastern edge of St Andrew Square and its central gardens demarcate views looking northwards from South St Andrew Street. This view is framed by the built frontages on either side of South St Andrew Street which add further focus to the view.

This proposed InLink structure will detract from this view, particularly at street level, and will therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan Policy Env 1.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds, subject to an informative regarding construction near the tramway, and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visual intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.
3. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it will harm the Outstanding Universal Value of the World Heritage Site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01334/FUL At Telephone Kiosk, South St Andrew Street, Edinburgh Installation of x1 InLink and the removal of x4 BT payphones

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

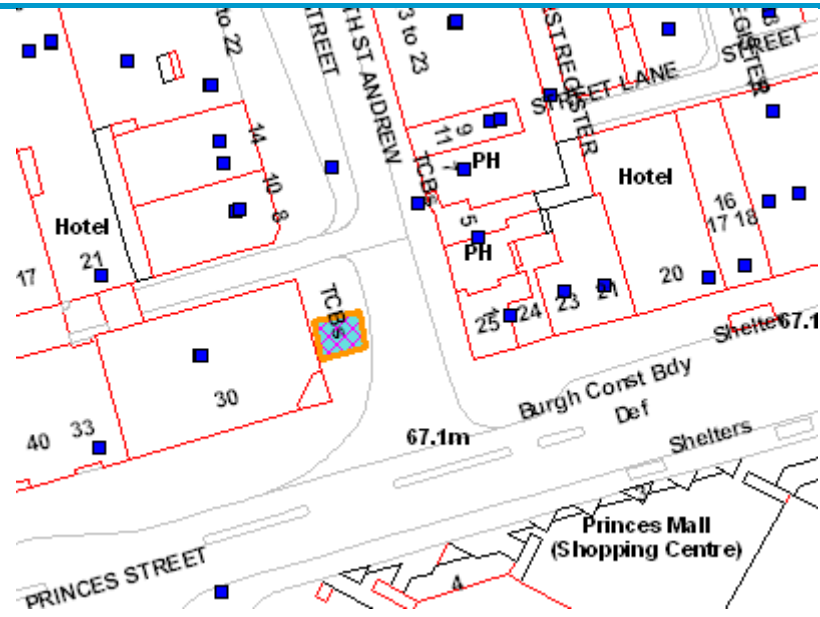
TRAMS - Important Note:

The proposed site is on or adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;*
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;*
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;*
- Any excavation within 3m of any pole supporting overhead lines;*
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;*
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.*

*See our full guidance on how to get permission to work near a tram way
<http://edinburghtrams.com/community/working-around-trams>.*

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01335/ADV
At Telephone Kiosk, South St Andrew Street, Edinburgh.
Two digital LED display screens, one on each side of the
InLink.**

Item number	4.32
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,
--	--

Report

Application for Advert Consent 18/01335/ADV At Telephone Kiosk, South St Andrew Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to two pairs of modern BT phone boxes located in the middle of the pavement on the west side of South St Andrew Street, close to the junction with Princes Street, opposite the side elevation of no. 30 Princes Street.

Many of the buildings and monuments on South St Andrew Street are category B listed.

The closest listed building to the site is as follows:

- 30 Princes Street - category A listed, listed on 14 September 1966 (ref: 29503).

South St Andrew Street connects Princes Street with St Andrew Square and contains a mix of uses including retail, office, hotels and residential. Currently there is no digital advertising on the pavements along the street, either associated with bus stops/shelters or freestanding.

The tram runs up and down South St Andrew Street.

The application site lies within the the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

20 March 2015 - planning permission refused to replace and upgrade the existing public telephone kiosk with a new kiosk combining a public telephone service and ATM service (application number 14/05123/FUL).

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV)

Main report

3.1 Description Of The Proposal

The application is for the erection of a double-sided digital advertising display unit with rotating content measuring 1210mm by 690mm. The advert will be housed within a BT "InLink" unit which will replace the existing two phone boxes closest to Princes Street. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The other two boxes in close proximity will be removed at the same time.

The overall dimensions of the InLink structure are 2900mm high by 890mm wide (tapering at the lower section to 790mm) and 280mm deep. The digital display panels measure 1210mm by 690mm and the telecommunications interface is on the side elevation. The structure will be aligned horizontally so the digital displays are visually prominent.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

South St Andrew Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with St Andrew Square. Planned views north and south and form an essential part of the special and unique character of South St Andrew Street.

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace two existing phone boxes, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone boxes have static adverts on the sides facing the road only. The proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

The New Town Conservation Area Character Appraisal makes specific reference to the southern views from the First New Town across Princes Street Gardens.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as South St Andrew Street which provide key views from the New Town to the Old Town. Southwards views from South St Andrew Street are punctuated by the rear elevation of the City Chambers and the spire of St Giles cathedral - key public buildings of the Old Town. The eastern edge of St Andrew Square and its central gardens demarcate views looking northwards from South St Andrew Street. This view is framed by the built frontages on either side of South St Andrew Street which add further focus to the view.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as South St Andrew Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The double-sided digital advertising panel will be set perpendicular to the street within the InLink structure. Views both north and south will be interrupted by this panel, the bottom edge of which will sit approximately 1.4 metres about pavement level. The height of the proposed advert is 1.21 metres. Due to its alignment, height and illuminated digital nature, the advert will therefore have significantly greater impact than the existing static adverts on the existing phone boxes on both short and long distance views up and down South St Andrew Street to Old Town landmarks and St Andrew Square. The advertising panel will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed advertisement will be located adjacent to 30 South St Andrew Street, which is category A listed.

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that Advertisements should not adversely affect the settings of listed buildings.

The double-sided digital panel will form part of the setting of this listed building if implemented, and will form an uncharacteristic and visually disruptive addition to the character of the setting of this building and views to it.

The proposed advert will also disrupt views to the category B listed buildings within South St Andrew Street and category A listed buildings on the east side of St Andrew Square.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and structures and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and South St Andrew Street is a principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of South St Andrew Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running north and south, and from the setting of and views to a number of listed buildings and skyline features.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal or The Edinburgh World Heritage Site Management Plan.

The proposal will have an unacceptable impact on the amenity of the location, contrary to Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.

2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Advert Consent 18/01335/ADV At Telephone Kiosk, South St Andrew Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;

b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);

c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);

d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

2. Adverts must not contain moving images or sequencing of images over more than one advert;

3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;

4. There should be no message sequencing where a message is spread across more than one screen;

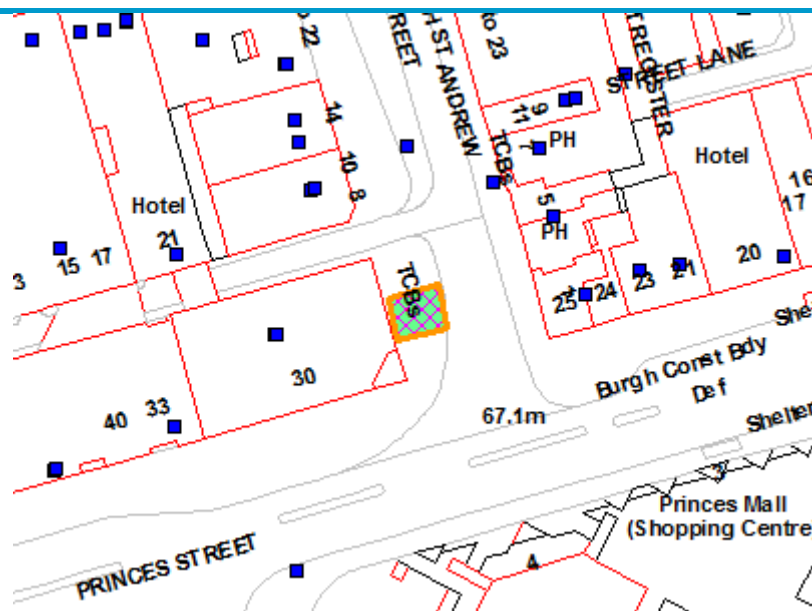
5. Phone numbers, web addresses details etc should be avoided;

6. It is recommended that the speed of change of image should be set to be in effect instantaneous;

7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;

8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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Development Management Sub Committee

Wednesday 20 June 2018

Application for Planning Permission 18/01303/FUL At Proposed Telecoms Apparatus 17 Metres East Of 2, South Charlotte Street, Edinburgh Installation of x1 InLink and the removal of x2 BT payphones

Item number	4.33
Report number	
Wards	B11 - City Centre

Summary

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LEN06, LEN03, LEN01, NSLBCA, NSGSTR, NSGD02, CRPNEW, CRPWHS,
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Report

Application for Planning Permission 18/01303/FUL At Proposed Telecoms Apparatus 17 Metres East Of 2, South Charlotte Street, Edinburgh Installation of x1 InLink and the removal of x2 BT payphones

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the west side of South Charlotte Street, opposite nos. 2 -8, close to the junction with Princes Street.

The majority of buildings on South Charlotte Street are category A listed.

The closest listed building to the site is as follows:

- 135 and 136 Princes Street and 2 - 8 (even numbers) South Charlotte Street - category B listed, listed on 12 December 1974 (ref: 29522).

South Charlotte Street connects Princes Street with Charlotte Square and contains a mix of uses including retail, office, leisure and residential. Currently there is no digital advertising on the pavements along the street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the replacement of the existing two phone boxes with a BT "InLink" unit comprising a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation and a digital advertisement display unit occupying the upper sections of the front and rear elevations. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas. The digital display panels measure 1210mm by 690mm.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";

- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area;
- b) the proposals adversely affect the setting of the listed buildings;
- c) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- d) the proposals are detrimental to residential amenity, road safety or infrastructure;
- e) any impacts on equalities or human rights are acceptable; and
- f) public comments have been addressed.

a) Character and Appearance of Conservation Area

South Charlotte Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with Charlotte Square. Planned views north and south and form an essential part of the special and unique character of South Charlotte Street.

The New Town Conservation Area Character Appraisal makes specific reference to the southern views from the First New Town across Princes Street Gardens.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as South Charlotte Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The proposed InLink structure with integral double-sided digital advertising panel will be set perpendicular to the street. Views both north and south will be interrupted by the structure due to its height (2.9 metres) and visual impact. These views comprise both short and long distance views up and down South Charlotte Street to Old Town landmarks and Charlotte Square.

The proposed structure will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The proposals therefore have an adverse impact on the character or appearance of the conservation area, contrary to Edinburgh Local Development Plan Policy Env 6.

b) Setting of Listed Buildings

The proposed InLink structure will be located adjacent to 135 and 136 Princes Street /2 - 8 South Charlotte Street, which is category B listed.

The structure will form part of the setting of this listed building if implemented, and will form an uncharacteristic and visually disruptive addition to the setting of this building and views to it.

The proposed structure will also disrupt views to the category A listed buildings within South Charlotte Street and on the east side of Charlotte Square.

The proposal will therefore have a detrimental impact on the setting of and views to the aforementioned listed buildings, contrary to the Council's Edinburgh Local Development Plan Policy Env 3.

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as South Charlotte Street which provide key views from the New Town to the Old Town. Southwards views from South Charlotte Street are punctuated by the spire of St Cuthbert's Church off Lothian Road and Edinburgh Castle to the south-east. The eastern edge of Charlotte Square and its central gardens demarcate views looking northwards from South Charlotte Street. These views are framed by the built frontages on either side of South Charlotte Street which add further focus to the views.

This proposed InLink structure will detract from these views, particularly at street level, and will therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan Policy Env 1.

d) Residential Amenity, Road Safety and Infrastructure

The InLink structure will be located in a busy city centre location and will therefore have no detrimental impact on residential amenity.

The Roads Authority raises no objection to the proposal on road safety grounds, subject to an informative regarding construction near the tramway, and there are no implications for infrastructure.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

f) Public Comments

Material Objections

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 c).
- the proposed unit will add to street clutter and is visually intrusive - this has been addressed in sections 3.3 a), b) and c).

Conclusion

The proposals do not comply with the Edinburgh Local Development Plan and non-statutory guidelines, adversely affect the character or appearance of the conservation area and setting of the listed buildings and harm the Outstanding Universal Value of the World Heritage Site.

The development has no detrimental impact on residential amenity, road safety or infrastructure. There are no identified impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will adversely affect the special character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it will have an adverse impact on the setting of the listed buildings.
3. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it will harm the Outstanding Universal Value of the World Heritage Site.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 27 April 2018. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 18/01303/FUL At Proposed Telecoms Apparatus 17 Metres East Of 2, South Charlotte Street, Edinburgh Installation of x1 InLink and the removal of x2 BT payphones

Consultations

Historic Environment Scotland

This application is part of a package of 12 identical applications submitted to your Council.

We have been consulted due to the potential impact on the OUV of the Old and New Towns of Edinburgh World Heritage Site.

We welcome the removal of existing payphones that are no longer in use as this will reduce the street clutter. Whilst we consider the installation of the Inlink boxes proposed would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site, the new boxes will inevitably have more localised impacts on the visual character of the streets - they are taller than the previous phone boxes (290cm) and would be visually more imposing because of the light coming from the digital display screens.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

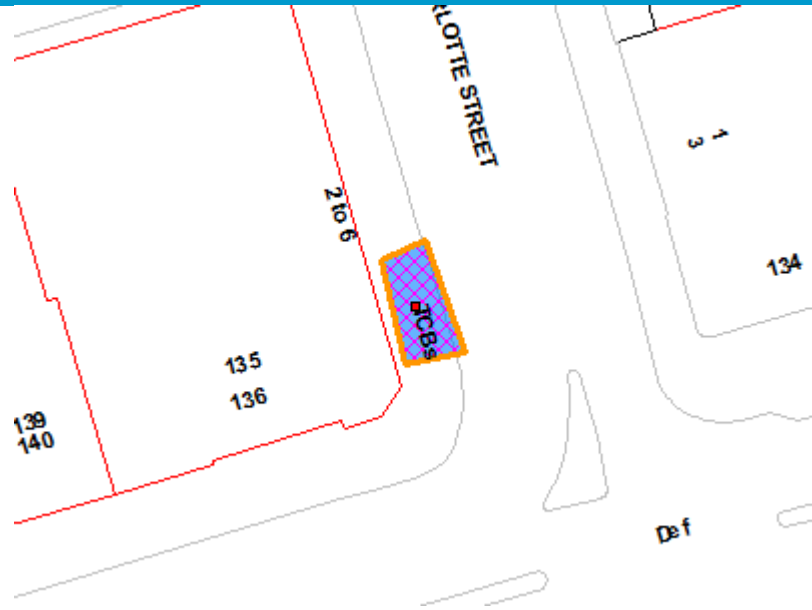
TRAMS - Important Note:

The proposed site is on or adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;*
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;*
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;*
- Any excavation within 3m of any pole supporting overhead lines;*
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;*
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.*

*See our full guidance on how to get permission to work near a tram way
<http://edinburghtrams.com/community/working-around-trams>.*

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Advert Consent 18/01304/ADV
At Proposed Telecoms Apparatus 17 Metres East Of 2, South
Charlotte Street, Edinburgh.
Two digital LED display screens, one on each side of the
InLink**

Item number	4.34
Report number	
Wards	B11 - City Centre

Summary

Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) states that advertisement control shall be exercisable only in the interests of amenity and public safety.

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

There are no material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	NSG, NSADSP, NSGD02, NSLBCA, NSGSTR, CRPNEW, CRPWHS,
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Report

Application for Advert Consent 18/01304/ADV At Proposed Telecoms Apparatus 17 Metres East Of 2, South Charlotte Street, Edinburgh. Two digital LED display screens, one on each side of the InLink.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site relates to a pair of modern BT phone boxes located on the outer edge of the pavement on the west side of South Charlotte Street, opposite nos.2-8, close to the junction with Princes Street.

The majority of buildings on South Charlotte Street are category A listed.

The closest listed building to the site is as follows:

- 135 and 136 Princes Street and 2 - 8 (even numbers) South Charlotte Street - category B listed, listed on 12 December 1974 (ref: 29522).

South Charlotte Street connects Princes Street with Charlotte Square and contains a mix of uses including retail, office, leisure and residential. Currently there is no digital advertising on the pavements along the street, either associated with bus stops/shelters or freestanding.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

There is no relevant planning history on file for this site.

Related Planning History

1 May 2015 - advertisement consent refused for the erection of a freestanding forum structure with a digital 84" screen in Rose Street, Princes Street and two in George Street (application numbers 15/00594/ADV, 15/00595/ADV, 15/00668/ADV and 15/00669/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the area and public safety.

9 December 2016 - advertisement consent refused for the erection of nine foster bus shelter units incorporating 1.9 square metre illuminated double-sided digital advertising screens along George Street (application numbers 16/05010/ADV, 16/05012/ADV, 16/05013/ADV, 16/05014/ADV, 16/05015/ADV, 16/05016/ADV, 16/05017/ADV, 16/05018/ADV, 16/05019/ADV). Consent was refused on the grounds that the integral digital advertisements would have a detrimental impact on the amenity of the location and would not accord with Regulation 4 (1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), or the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance, the Guidance on Listed Buildings and Conservation Areas and the Street Design Guidance.

27 April 2018 - advertisement consent granted for the erection of four replacement foster bus shelter units incorporating illuminated double-sided digital advertising screens in Leith Street (application numbers 17/05443/ADV, 17/05444/ADV, 17/05445/ADV, 17/05303/ADV).

25 May 2018 - advertisement consent granted to upgrade existing advert panels at one end of existing bus shelters with double-sided LCD display units: two in Hanover Street and two in Frederick Street (application numbers 18/01019/ADV 18/01023/ADV, 18/01024/ADV and 18/01027/ADV).

Main report

3.1 Description Of The Proposal

The application is for the erection of a double-sided digital advertising display unit with rotating content measuring 1210mm by 690mm. The advert will be housed within a BT "InLink" unit which will replace the existing two phone boxes.

The intensity of the illumination of digital signs will not exceed 600 candelas per square metre between dusk and dawn the signs will not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement will be 10 seconds.

The InLink unit comprises a 2900mm high by 890mm wide by 280mm deep structure (tapering at the lower section to 790mm) with an integral telecommunications interface on the side elevation. The main casing is in cast grey-coloured powder-coated aluminium with black coloured sections around and above the interface and digital display areas.

The key features of the telecommunications interface are as follows:

- free ultrafast Wi-Fi;
- touchscreen tablets to access council services, BT's phone book, maps and directions;
- an accessible design, including hearing induction loops, braille embossed and TalkBack functionality;
- integrated lighting and "privacy wings";
- 100% renewable energy powered.

This application is one of 12 sites within the World Heritage Site (New Town) where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement; and
- Product Statement.

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals adversely affect the amenity of the area;
- b) the proposal would compromise public safety;
- c) any impacts on equalities or human rights are acceptable; and
- d) public comments have been addressed.

a) Amenity of Area

South Charlotte Street is a principal north-south aligned street in James Craig's plan of the First New Town and connects Princes Street with Charlotte Square. Planned views north and south and form an essential part of the special and unique character of South Charlotte Street.

Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a normal presumption against digital advertising within the World Heritage Site unless as an integral part of a bus shelter, subject to normal amenity and public safety assessments.

The proposal seeks to install digital advertising as a principal element of a free-standing structure that also incorporates a telecommunications interface. This structure, which will replace two existing phone boxes, is not a "public call box" as defined in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as meaning "...any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator".

The existing phone boxes have static adverts on the sides facing the road only. The proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". The advert is therefore unacceptable in principle in this location.

Impact on Conservation Area and World Heritage Site

The New Town Conservation Area Character Appraisal makes specific reference to the southern views from the First New Town across Princes Street Gardens.

Relevant extracts from the New Town Conservation Area Character Appraisal are as follows:

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views.

Within the grid layouts, terminated vistas have been planned, using churches, monuments, buildings and civic statuary, resulting in a plethora of landmark buildings.

Terminated vistas within the grid layouts and the long distance views across and out of the conservation area are an important feature.

The designed relationship of stone buildings, pavements and setted roads gives a disciplined unity and cohesion to the conservation area.

The streets of the New Town form a key component of the geometric hierarchy of the area. The public realm should be of the highest quality in terms of the materials used.

Street furniture and road markings can detract substantially from the public realm.

Strong efforts should be made to reduce the clutter that currently exists.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') refers specifically to major north-south axes such as South Charlotte Street which provide key views from the New Town to the Old Town. Southwards views from South Charlotte Street are punctuated by the spire of St Cuthbert's Church off Lothian Road and Edinburgh Castle to the south-east. The eastern edge of Charlotte Square and its central gardens demarcate views looking northwards from South Charlotte Street. These views are framed by the built frontages on either side of South Charlotte Street which add further focus to the views.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as South Charlotte Street. It seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.

The double-sided digital advertising panel will be set perpendicular to the street within the InLink structure. Views both north and south will be interrupted by this panel, the bottom edge of which will sit approximately 1.4 metres above pavement level. The height of the proposed advert is 1.21 metres. Due to its alignment, height and illuminated digital nature, the advert will therefore have significantly greater impact than the existing static adverts on the existing phone boxes on both short and long distance views up and down South St Charlotte Street to Old Town landmarks and Charlotte Square. The advertising panel will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town will result in a material change in character, a key element of which is advertisements confined primarily to shopfronts with limited and subtle advertising on bus shelters and phone boxes at low level compared to the proposed digital advertisements measuring 1.9 metres in area and rising to approximately 2.7 metres above pavement level.

The proposal will have a detrimental impact on the defining characteristics and appearance of this part of the New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Impact on Setting of Listed Buildings

The proposed advertisement will be located adjacent to 135 and 136 Princes Street/2 - 8 South Charlotte, which is category B listed.

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that Advertisements should not adversely affect the settings of listed buildings.

The double-sided digital panel will form part of the setting of this listed building if implemented, and will form an uncharacteristic and visually disruptive addition to the character of the setting of this building and views to it.

The proposed advert will also disrupt views to the category A listed buildings within South Charlotte Street and on the east side of Charlotte Square.

The proposal will have a detrimental impact on the setting of and views to the aforementioned listed buildings and is therefore contrary to the Council's Guidance on Listed Buildings and Conservation Areas.

Non-Material Matters

The applicant seeks to justify the proposal on the basis that other world-class cities contain digital advertising of the type proposed. The case is also made that the proposed replacement of the existing phone boxes with InLink structures of much lesser footprint will declutter the streetscene, returning footpaths back to the local and tourist community, whilst providing an unprecedented suite of essential urban tools within the telecommunications interface.

Notwithstanding this, each case should be determined on its own merits. The Edinburgh New Town contains the largest complete example of town planning from the Georgian period anywhere in the world and South Charlotte Street is a principal street within this context. Edinburgh is unique and cannot be compared to other cities.

The existence of digital advertising of the type proposed elsewhere in the world and the associated, reduced-scale telecommunications facility has no bearing on the determination of this application for advertisement consent. It is the impact of the double-sided digital adverts on the physical environment that is being assessed against the relevant Council guidance.

b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds subject to stipulations including restrictions on the levels of luminance.

The proposal is acceptable on public safety grounds.

c) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impact has been identified.

d) Public Comments

- the proposal is inappropriate for the World Heritage Site - this has been addressed in section 3.3 a).
- the proposal will add to street clutter and is visual intrusive - this has been addressed in section 3.3 a).

Conclusion

The introduction of the proposed digital advertisement into this visually sensitive location will damage the unique and special historical character of South Charlotte Street.

The proposal will be detrimental to the character and appearance of the New Town Conservation Area and World Heritage Site.

The proposal will detract from views running north and south, and from the setting of and views to a number of listed buildings and skyline features.

The proposal is contrary to the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Guidance on Listed Buildings and Conservation Areas, the Edinburgh Design Guidance and the Street Design Guidance.

The proposal does not support the principles set out within the New Town Conservation Area Character Appraisal or The Edinburgh World Heritage Site Management Plan.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area.
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was not advertised. Two representations were received objecting to the proposals.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
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Statutory Development

Plan Provision

The site is located in the Edinburgh Local Development Plan, within the City Centre.

Date registered

18 April 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail: clare.macdonald@edinburgh.gov.uk Tel: 0131 529 6121

Links - Policies

Relevant Policies:

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

**Application for Advert Consent 18/01304/ADV
At Proposed Telecoms Apparatus 17 Metres East Of 2, South
Charlotte Street, Edinburgh.
Two digital LED display screens, one on each side of the
InLink.**

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. As outlined in the Council's Report to Planning Committee 27 February 2014 for the control of digital forms of advertising, this advert will be expected to comply in full with the Outdoor Media Centre (OMC) voluntary code for digital format roadside advertising (published in January 2011). The code reflects planning regulations in place throughout the UK. This states that:

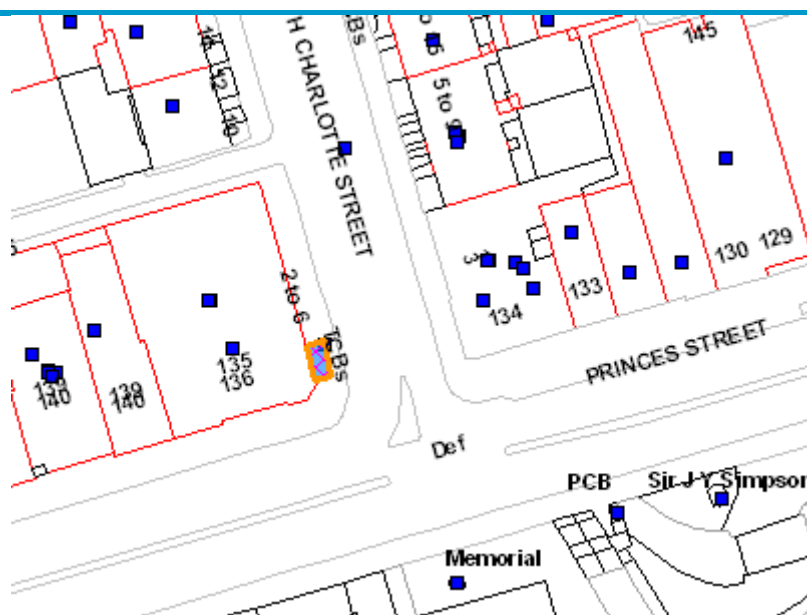
- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see below);*
- c) the luminance level of a digital roadside billboards shall comply with the Institute of Lighting Engineers Technical Report No's 5 (2003);*
- d) Roadside digital displays will [in Scotland] conform to the 5 'Standard Conditions' specified in Schedule 1 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984;*

With respect to item a) above images, animation, video or full motion images are not permitted and with respect to item b) above, for this location, a maximum change rate of one static advert every 15 seconds will be permitted (i.e. 4 adverts per minute). If either of these conditions is not adhered to it is likely that the Council, in its capacity as roads authority, will take appropriate action under Section 93 of the Roads (Scotland) Act 1984. This may include isolation of the power supply to the unit;

- 2. Adverts must not contain moving images or sequencing of images over more than one advert;*
- 3. Drivers should only be able to see the details of a roadside digital advertisement on one screen or a pair of synchronised screens at a time. This is to ensure that multiple images do not change at different times;*
- 4. There should be no message sequencing where a message is spread across more than one screen;*
- 5. Phone numbers, web addresses details etc should be avoided;*
- 6. It is recommended that the speed of change of image should be set to be in effect instantaneous;*

7. Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display time;
8. Adverts should not resemble existing traffic signs or provide directional advice;
9. Night time levels of luminance should be based on the luminance of other signs and surfaces in the area. Typical values in urban areas would be in the range of 75-300Cd/m²;
10. Day time levels of luminance may need to be higher, this should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output is within acceptable limits;
11. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images (ref note 4 above) is likely to result in immediate action under Section 93.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

Application for Planning Permission in Principle 16/00216/PPP At Land 90 Metres West Of 20, The Wisp, Edinburgh Proposed residential development.

Item number	4.35
Report number	
Wards	A17 - Portobello/Craigmillar (Pre May 2017)

Summary

The proposal complies with the relevant policies of the Edinburgh Local Development Plan (LDP) and the Council's non-statutory guidelines. There are no issues with regards to flooding or drainage, biodiversity and trees, ground stability, contamination or archaeology. Subject to appropriate contributions being made, there are no issues with transport, education or healthcare infrastructure. The provision of the affordable housing will also be secured by a legal agreement.

The proposal is acceptable in principle and there are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LEN12, LEN15, LEN16, LEN21, LEN22, LHOU01, LHOU04, LHOU06, LTRA02, LTRA03, LTRA09, NSG, NSGD02, NSGSTR, OTH, SGDC,
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Report

Application for Planning Permission in Principle 16/00216/PPP At Land 90 Metres West Of 20, The Wisp, Edinburgh Proposed residential development.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The development site, covering an area of 1.59 hectares, lies to the south-east of Edinburgh and is currently undeveloped greenfield land. The site is located at the base of the valley of the Niddrie Burn below the Edmonstone and Craigmillar ridges, which are major landscape features in the setting of this part of the city. The site is generally flat and is contained on all sides by rising ground, tree and hedge planting and existing development.

The site is separated from Hunter's Hall Public Park to the north by a belt of mature trees. Immediately to the east is an operational building and timber supplies yard which has planning permission to extend up to the boundary of the site. The land beyond this lies within Midlothian Council's area and is covered by Strategic Housing Land Allocation Hs0 Cauldcoats (350 houses) in the Midlothian Local Development Plan. To the south is a wedge-shaped site occupied by a commercial premises and a number of residential properties, with housing proposal HSG 41 The Wisp (80 houses) currently being developed beyond. The land to the west is currently undeveloped but is covered by LDP housing proposal HSG 18 New Greendykes for which there is an extant planning permission for residential development.

2.2 Site History

There is no relevant site history.

Neighbouring Sites

Land At Greendykes Road (Thistle Timbers)

23 December 2016 - Planning permission granted for class 6 (storage and distribution) - formation of builders supply yard as extension to existing yard (application number: 15/04151/FUL).

Land 213 Metres Southwest Of 22 The Wisp

17 February 2016 - Planning permission was granted following an appeal for a residential development (comprising 72 units) and associated works on the site to the south (application number: 13/02660/FUL).

10 October 2017 - Planning permission was granted for a remix of the residential development approval 13/02660/FUL, construction of 80 residential units and associated works (as amended) (application number: 16/04373/FUL).

Land At Greendykes Road

22 July 2010 - Planning permission in principle for residential development (as amended) was granted (application number: 07/01644/OUT).

26 October 2012 - Approval of matters specified in condition application was approved for residential development (application number: 12/01109/AMC).

1 February 2013 - Permission granted for works to facilitate new residential development associated with planning application reference 12/01109/AMC on land at Greendykes Road Edinburgh (application number: 12/03189/FUL).

21 February 2013 - Permission granted for residential development at Greendykes Road Edinburgh Greendykes Masterplan Area AH2 (application number: 12/03665/AMC).

21 September 2017 - Planning permission granted for residential development as part Greendykes Masterplan Site areas C and D at Greendykes Road, Edinburgh (application number: 13/01342/FUL).

Land At Cauldcoats - Midlothian Council

16 December 2014 - Application submitted for planning permission in principle for residential development; erection of primary school; and mixed use development (application number: 14/00910/PPP).

Main report

3.1 Description Of The Proposal

This application seeks planning permission in principle for a residential development with associated works.

As the application is for planning permission in principle there are no detailed designs of the proposals. However, an indicative plan has been provided showing 136 flats on the site laid out in blocks of three and four storeys. Subsequent AMC applications will need to ensure that the density and layout of any proposed development complies with council policies and guidance on density, amenity, car/cycle parking and open space.

Access to the site will be taken from the Springfield development currently underway to the south of the site. Footpath and cycleway connections will be provided to Hunter's Hall Park to the north and through the development to the south. Connections will also be provided to the forthcoming site to the west.

The following information has been submitted in support of the application:

- Pre-application Consultation Statement;
- Planning Statement;
- Design and Access Statement
- Environmental Statement;
- Landscape and Visual Impact Assessment;
- Transport Assessment;
- Air Quality Impact Assessment;
- Ecological Study;
- Archaeology and Cultural Heritage Assessment;
- Ground Conditions Report;
- Sustainability Statement;
- Flood Risk Assessment and Drainage Impact Assessment; and
- Noise Assessment.

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development is acceptable;
- b) the proposal will have an acceptable impact on the landscape and will be appropriate in terms of its scale, form and layout;
- c) the proposal will not adversely impact on neighbouring sites and will provide adequate amenity for future residents;

- d) the proposal will have acceptable transport impacts;
- e) the proposal will have a detrimental impact on air quality;
- f) the proposal will detrimentally affect flooding;
- g) the proposal will affect the biodiversity of the area;
- h) the proposal will detrimentally impact upon trees;
- i) the proposal meets the sustainability standards in the Edinburgh Design Guidance;
- j) the proposal will preserve and enhance archaeology;
- k) there are any issues in relation to ground stability;
- l) the proposal will impact upon existing infrastructure;
- m) the proposal will have any equalities or human rights impacts; and
- n) material representations or community comments raise issues to be addressed.

a) Principle

The site, along with the land to its south, was previously designated as green belt with its northern edge forming the boundary between the green belt and urban area.

Prior to the adoption of the LDP, an appeal decision granted planning permission for residential development on the site to the south. This decision resulted in the application site becoming severed from the rest of the green belt. During the LDP examination the reporters were informed that without continuity through linkage to the wider area the application site could no longer meet green belt objectives. As a consequence, the reporters modified the LDP and designated the site as urban area.

Within the urban area, Policy Hou 1 gives priority to the delivery of the housing land supply and relevant infrastructure on suitable sites, provided proposals are compatible with other policies in the plan. Conformity with other policies is assessed below. The site is currently an undeveloped field, however, as the site is not in the green belt, the principle of development is acceptable.

b) Landscape Setting, Scale, Form and Layout

The indicative proposal submitted in support of the application shows a layout with three and four storey flats, roads, parking areas, open space and pathway connections. However, the indicative plan is not for approval as part of this application and the subsequent AMC applications will have to demonstrate an acceptable level of development in terms of its scale, form and design.

A Landscape and Visual Impact Assessment has been submitted in support of the application which uses the indicative proposal for its appraisal of the site. The assessment was conducted using six viewpoints within the city that are considered sensitive in terms of landscape and visual receptors. All of the assessments of the magnitude of change and the significance of the impact were either 'none' or 'neutral' with the exception of the views of the site from Hunter's Hall Park. In this view the top of the proposed development could be seen protruding slightly above the trees from within the park. The assessment concluded that the magnitude of the impact on the view from the park was slight.

The residential development site to the south is currently under construction. In addition, the extension to the timber yard to the east and the Greendykes extension to the west are expected to be forthcoming in the short term. Therefore, the site, which is low lying in relation to those around it, will be surrounded by development on three sides and enclosed by a tree belt along its northern boundary. On balance, the site is capable of being developed without impacting detrimentally on the landscape setting of this part of the city. A further Visual Impact Assessment will be required at the AMC stage demonstrating an appropriate level of development in terms of its scale, design and massing in relation to its surroundings.

c) Amenity

Future Occupiers

Policy Des 5 of the LDP advises that development should not impact detrimentally on neighbouring residents and that future occupiers should have acceptable levels of amenity.

There are no detailed proposals at this stage showing the level of development, height of the buildings or orientation to neighbouring sites. A further application will be required to demonstrate that the proposal provides an adequate level of amenity to future occupiers of the development. This will include ensuring that occupiers are not impacted by noise and are provided with adequate daylight, sunlight and privacy. The unit sizes should also comply with the minimum standards specified in the Edinburgh Design Guidance.

To the east of the site is the Thistle Timbers yard which has planning permission to extend to meet the boundary of the application site. A condition imposed on the planning permission requires the construction of a 4 metre high acoustic wall to be constructed along the boundary to protect neighbouring sites from noise. Similarly, this condition is intended to protect the interests of the business, allowing it to carry out its operations without disturbing its neighbours.

A Noise Impact Assessment has been submitted which concludes that the acoustic wall will sufficiently protect the application site from noise from the timber yard. However, the detailed layout and design of the proposal will have to take into consideration the height of the wall to ensure that it remains effective. Acoustic control measures will also need to be central to the design and some areas may not be suitable for residential development. As a result, a further noise assessment will need to be conducted at the AMC stage taking into account the site layout and design and including details of the required glazing, ventilation and buffer zones (where no residential units will be located).

The timber yard also has a high level security floodlighting system. Environmental Protection has recommended that a condition is imposed to ensure that the detailed design takes into account the location of the floodlighting to ensure that residential amenity is protected.

Policy Hou 3 of the LDP supports housing development which makes adequate provision for green space to meet the needs of future residents. The indicative plan shows how this could potentially be achieved.

The indicative layout also uses areas of open space to connect the site to the surrounding landscape resource and the existing and proposed path network.

Hunter's Hall Park is located immediately to the north of the site. This meets the Council's Open Space 2021 objective of homes being within 400m walking distance of a good quality accessible greenspace of at least 500 sq m. In addition, to the north of Hunter's Hall Park is the Jack Kane Sports Centre and Jack Kane Park which provide accessible sports facilities and a play area within 500m walking distance.

Neighbouring Occupiers

There are a number of existing houses and cottages at the south east corner of the site that will have to be considered at the AMC stage to ensure that they are not detrimentally impacted by the future development.

There is an ongoing development of 80 units on the site to the south as well as the Greendykes extension to the west that will eventually connect with the site along its western boundary. The detailed application will have to ensure that the proposal complies with the Council's design guidance in terms of privacy, overshadowing and loss of daylight to neighbouring properties.

d) Transport Impacts

The application is supported by a Transport Assessment which bases its assumptions on a maximum of 150 houses. The assessment concludes that, when considered in isolation, the development would have a negligible impact on traffic flows in the area.

The assessment also considers the cumulative impacts on the highway network of the proposal along with other committed developments at The Wisp, Greendykes, Edmonstone Policies, Eight Acre Field/Walled Garden and facilities to be located within the site of Edinburgh Royal Infirmary including the Royal Hospital for Sick Children, the Child and Adolescent Mental Health Service and the Department of Clinical Neuroscience. It is considered that the cumulative impacts of these developments on the highway network would be of negligible significance.

Midlothian Council was consulted on the proposal. Their response includes suggestions for road infrastructure improvements within the vicinity of the development. The improvements include requesting contributions from the developer for the upgrade of Sheriffhall Roundabout. The LDP Action programme 2018 advises that developer contributions shall be used, in part, for the upgrade of Sheriffhall. However, it has not identified what proportion of funding for the upgrade will be required from developers and no contribution is sought at this stage.

The location and quantity of car parking will be determined at the AMC stage. However, the applicant has indicated that on site car parking provision will be provided in compliance with Tra 2 of the LDP. In addition, the applicant has agreed to provide electric car charging infrastructure for the communal parking areas and a contribution towards a car club vehicle and parking space for the development.

The applicant has advised that cycle parking will be provided to current standards and therefore the proposal would satisfy policy Tra 3 of the LDP.

The closest operational bus stop is located to the south of the development on Milligan Drive and is approximately 200 metres from the proposed access position. A pedestrian connection will be provided from the development to the bus stop to provide future occupiers with a nearby public transport connection.

Overall, the development will provide future occupiers with opportunities to utilise sustainable modes of transport. The impact of travel demand generated by the new development upon the surrounding road network is acceptable.

e) Air Quality

Environmental Protection has raised concerns over the cumulative impacts of development within this area. However, they are satisfied that the impact of the proposed development on its own will be limited if certain mitigation measures are implemented. Mitigation measures include: limiting car parking spaces as far as possible, good cycle storage and infrastructure provision, electric vehicle charging facilities and an up to date travel pack. The location and details of the above will be agreed at the AMC stage and in compliance with the Edinburgh Design Guidance.

f) Flood Prevention

A Flood Risk Assessment (FRA) was submitted in support of the application. The FRA recommends that the finished floor levels are above 47.5m AOD and a 5m deep strip of land is left undeveloped along the edge of the burn to act as a flow pathway in the event of overtopping or blockage of the burn and for maintenance access.

SEPA has no objections to the proposed development subject to a condition that ensures that no built development or land-raising will take place within the 1:200 year flood level and that the finished floor levels being above the minimum stated in the FRA.

Any AMC applications submitted will have to provide a Surface Water Management Plan (SWMP) as well as detailed information on the proposed SUDS. The application makes reference to the SUDS facility which should be designed as a natural feature within the overall layout without fencing and slopes to a standard supported by CEC for maintenance. No information or cross section is provided at this stage in the planning process, therefore a detailed condition is recommended.

g) Biodiversity

Policy ENV 16 of the Edinburgh Local Development Plan protects against development that would have an adverse impact on species protected under European or UK law.

The application site does not lie within, or contain, any sites or areas designated or recognised for their international or national ecological or ornithological value. In addition there are no statutory protected sites within 2km. The closest non-statutory site is Edmonstone Local Biodiversity Site which is located 800m to the south west of the site.

The Ecological Assessment submitted in support of the application recommends that a site-specific Construction Environmental Management Plan (CEMP) be adhered to during the construction phase of the development. This includes measures to mitigate potential impacts on the Magdalene Burn and nationally protected species.

The assessment concludes that, provided that the recommended mitigation measures are implemented, it is unlikely that the proposal will lead to any significant adverse residual effects in relation to terrestrial ecology. The mitigation measures outlined in the assessment will be secured through an appropriate condition.

h) Trees

Policy ENV 12 of the Local Development Plan does not support development which would have a damaging effect upon a tree or woodland worthy of retention unless necessary for good arboricultural reasons.

There are a number of trees on the northern edge of the site along the Magdalene Burn. The new pedestrian/cycle access will cut through the tree belt and full details will be required at the AMC stage to show how this can be achieved with minimal impact on mature trees and those worthy of retention. Mitigation planting should also be considered at this juncture.

The Ecological Assessment recommends that a comprehensive Tree Protection Plan should be produced before works commence to define root protection zones, including specifications for high visibility fencing to protect the trees. The Tree Protection Plan will be secured through a condition following best practice measures set out in BS 5837 'Trees and Construction'.

i) Sustainability

The applicant emphasises that the application is for Planning Permission in Principle and therefore it is not possible to state the measures that will be used for carbon reduction at this stage. However, the applicant has advised that the proposals are likely to include a passive solution in accordance with the building regulations. The AMC will have to demonstrate compliance with sustainability requirements.

j) Archaeology

The applicant has submitted an Archaeology and Cultural Heritage Assessment which has identified that the development has the potential to disturb significant medieval and later archaeological remains/deposits. Therefore it is recommended that a programme of archaeological works is undertaken prior to the submission of any future AMC applications. This should include a programme of archaeological works in accordance with a written scheme of investigation to be approved by the planning authority. A condition is required to achieve this.

k) Ground Stability

This area has a history of coal mining activity and a Phase 1 Desk Study has identified records of two disused mine shafts on or within 20m of the site.

The Coal Authority has been consulted and confirmed that the site falls within a defined Development High Risk Area. However, the Coal Authority has no objection to the proposal subject to the imposition of a condition requiring intrusive investigations and remedial measures to be completed prior to the commencement of development.

l) Infrastructure

Education

This site falls within the 'Castlebrae Education Contribution Zone' of the Developer Contributions and Infrastructure Delivery Supplementary Guidance. The impact of the proposed development on the identified education infrastructure actions and current delivery programme has been assessed, as set out in the guidance. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that are anticipated should the proposal progress.

The proposed development is therefore required to make a contribution towards the delivery of these actions.

The required contribution should be based on the established contribution figures of £2,280 per flat and £12,107 per house (indexed to the date of payment) and should be secured through a legal agreement.

If the appropriate contribution is provided by the developer, Communities and Families does not object to the application.

Affordable Housing

Policy Hou 7 of the LDP states for sites of 12 units or more, 25% of the total units should be provided for affordable housing.

The applicant has agreed to meet the requirement for 25% of the site to be affordable housing. An AMC application will determine the location of the affordable housing provision.

A legal agreement will be required to ensure that the affordable housing is provided as required.

Healthcare Actions

The Council's draft supplementary guidance Developer Contributions and Infrastructure Delivery identifies the site as being located in the Niddrie Health Care Contribution Zone. Within this zone there is a requirement for developers to contribute toward the expansion of the existing medical practice to mitigate the impact of new residential development in the area.

The contribution required amounts to £945 per dwelling and will be secured through a legal agreement.

m) Equalities and Human Rights

The proposal has been assessed in terms of equalities and human rights. No impact was identified.

n) Public Comments

Material representations - objections;

- Area was originally intended to be part of the south-east wedge parkland proposal - (addressed in section 3.3a);
- Increased traffic in the area - (addressed in section 3.3d);
- Increased flooding in the area - (addressed in section 3.3f);
- There are mine workings under the site - (addressed in section 3.3k);
- Site is in the green belt - (addressed in section 3.3a);
- Development of the site is contrary to the development plan - (addressed in section 3.3);
- Will not protect or enhance the landscape character of the area - (addressed in section 3.3b);
- It will not protect and give access to open space - (addressed in section 3.3c);
- Placing housing adjacent to the woodyard will create noise issues - (addressed in section 3.3c)
- The site is designated as open space in the LDP - (addressed in section 3.3a);
- The site is remote from amenities and would be car dependent - (addressed in section 3.3c and d); and
- Pedestrian and cycle links should be provided to Hunter's Hall Park to the north and to the Wisp - (addressed in section 3.3c and d).

Conclusion

The proposal complies with the relevant policies of the Edinburgh Local Development Plan (LDP) and the Council's non-statutory guidelines. There are no issues with regards to flooding or drainage, biodiversity and trees, ground stability, contamination or archaeology. Subject to appropriate contributions being made, there are no issues with transport, education or healthcare infrastructure. The provision of the affordable housing will also be secured by a legal agreement.

The proposal is acceptable in principle and there are no material considerations that outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. In accordance with the PPP and prior to the commencement of works on the site, details of the under-noted matters shall be submitted and approved by the Planning Authority, in the form of a detailed layout of the site and include detailed plans, sections and elevations of the buildings and all other structures.

Approval of Matters:

- a) a detailed layout and phasing plan of the site together with a plan showing the phased implementation of the development, including the number of residential units to be developed within each phase;
- b) if more than 150 units are proposed a further Transport Statement and Air Quality Impact Assessment will be required to assess the impact on the transport network and local air quality;
- c) siting, design and height of development, including design and appearance of all features including glazing specifications (including acoustic capabilities), ventilation measures, materials, public realm and other structures;
- d) a Visual Impact Assessment;
- e) a Noise Impact Assessment;
- f) car and cycle parking, access, road layouts and alignment, classification of streets, servicing areas/details and electric charging points;
- g) details of the provision of cycle and pedestrian routes linking the site to neighbouring developments and to Hunter's Hall Park to the north;
- h) waste management and recycling facilities;
- i) full details of sustainability measures in accordance with Edinburgh Design Guidance;
- j) full details of daylighting and overshadowing in accordance with Edinburgh Design Guidance;
- k) Hard and soft landscaping details, including:
 - (i) walls, fences, gates and any other boundary treatments;
 - (ii) a landscape plan with details of the management and maintenance of the landscaping, SUDS and open space;
 - (iii) a tree survey including trees 12m outwith the site boundary;
 - (iv) a Surface Water Management Plan;
 - (v) Existing and proposed services such as cables, pipelines, substations;

- (vi) Other artefacts and structures such as street furniture, including lighting columns and fittings; and
 - (vii) existing and finished ground levels in relation to Ordnance Datum.
2. A detailed specification of materials, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. Note: samples of the materials may be required to be erected and maintained on site for an agreed period during construction.
 3. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development;
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Council as Planning Authority. Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided.
 4. Prior to the commencement of development the following will be submitted and approved by the Coal Authority:
 - (a) The submission of a scheme of intrusive site investigations for approval, including gas monitoring;
 - (b) The undertaking of that scheme of intrusive site investigations;
 - (c) The submission of a report of findings arising from the intrusive site investigations;
 - (d) The submission of a layout plan which identifies an appropriate zone of influence for the off-site mine entry and the definition of a suitable 'no-build' zone;
 - (e) The submission of a scheme of remedial and mitigatory works for approval; and
 - (f) The implementation of those remedial and mitigatory works.
 5. Prior to the submission of the AMC the applicant shall secure the implementation of a programme of archaeological work (excavation, reporting and analysis, publication & public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
 6. Prior to the commencement of development a site-specific Construction Environmental Management Plan (CEMP) should be produced and adhered to during the construction phase of the proposed development including:
 - (a) Briefing of all contractors in relation to any on-site ecological requirements for the time of year and area of work including the use of 'toolbox talks'. This would include emergency procedures and a briefing regarding exclusion zones and practices around the works areas, with clearly demarcated exclusion zones marked as appropriate;

(b) Measures should be employed to prevent or mitigate potential impacts on the following ecological receptors:

- Magdalene Burn (although out-with the Site, it would act as a vector for downstream migration of sedimentary and chemical pollution); and

- Nationally protected species (i.e. bats, reptiles and breeding birds);

(c) Prior to the commencement of works a comprehensive Tree Protection Plan should be produced to clearly define tree root protection zones including specifications for robust high visibility fencing to protect the trees (e.g. no entry areas for machinery). The fencing would be in place before works commence. Best practice measures following BS 5837 'Trees and Construction'11 would be implemented including no tracking within the drip-line of mature trees that would be retained, and removal of diseased and dying trees.

7. No built development or land-raising shall take place within the 1:200 year flood level as detailed within the Flood Risk Assessment (FRA) by Kaya Consulting Ltd dated 21 February 2018.
8. Finished floor levels should be a minimum of 47.5mAOD as stated within the Flood Risk Assessment (FRA) by the Kaya Consulting Ltd report dated 21 February 2018.
9. A scheme for protecting the proposed residential accommodation from illumination and/or glare from the floodlighting system within the adjacent timber yard shall be submitted and approved by the Council as Planning Authority.
10. No development shall take place until a scheme for protecting the residential development hereby approved from noise from the road noise (The Wisp and the nearby junction of Milligan Drive.) and commercial noise (Timber yard and bus depot) has been submitted to and approved by the Council as Planning Authority; all works which form part of the approved scheme shall be completed prior to the occupation of any part of the development.

Reasons:-

1. To ensure that the site is designed and developed cohesively.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. To ensure the site is remediated with regards to coal mining activity.
5. In the interests of cultural heritage.
6. In order to protect biodiversity and natural heritage.
7. In order to minimise the flood risk potential for the site.
8. In order to minimise the flood risk potential for the site.

9. In order to safeguard residential amenity.
10. In order to safeguard residential amenity.

Informatives

It should be noted that:

1. Permission shall not be issued until a suitable legal agreement has been concluded to secure the following:
 - Financial contributions of £2,280 per flat and £12,107 per house (to be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment) to Communities and Families to alleviate accommodation pressures in the local catchment area.
 - A contribution towards a car club vehicle for the development (anticipated costs are £1,500 per order plus £5,500 per car).
 - The sum of £2,000 to progress each of the following orders as necessary for the development:
 - a. An order to redetermine sections of footway and carriageway;
 - b. An order to introduce and amend waiting and loading restrictions;
 - c. An order to introduce 20mph speed limits;
 - d. A stopping up order under Section 207 of the Town and Country Planning (Scotland) Act 1984;
 - A minimum of 25% affordable housing provision on site.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

- A financial contribution of £945 per dwelling toward the expansion of the existing medical practice in Niddrie/Craigmillar to mitigate the impact of new residential development in the area.
2.
 - a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
 - b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.
6. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details of refuse store locations and routes.
7. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents.
8. The adoptable road layout should include the provision of cycle and pedestrian routes linking the site to neighbouring developments and to Hunter's Hall to the north.
9. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
10. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

11. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
12. All car parking spaces shall have provision for electric vehicle charging points and installed in accordance with The Institution of Engineering and Technology's Code of Practice for Electric Vehicle Charging Equipment Installation 2nd Edition (2015),
13. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
14. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
15. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
16. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
17. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
18. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
19. This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
20. No bonfires shall be permitted.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

When the application was first submitted four objections were received, including one from an agent acting on behalf of the timber yard that neighbours the site.

As a period of two years had lapsed since the submission of the application and a number of changes have taken place in this area during that time, neighbours were re-notified of the application. One further objection was received following re-notification.

Craigmillar Community Council was notified but submitted no comments on the application.

An assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is designated as urban area in the Edinburgh Local Development Plan.

Date registered

21 January 2016

Drawing numbers/Scheme

01A,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alexander Gudgeon, Planning Officer

E-mail:alexander.gudgeon@edinburgh.gov.uk Tel:0131 529 6126

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Other Relevant policy guidance

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.

Appendix 1

Application for Planning Permission in Principle 16/00216/PPP At Land 90 Metres West Of 20, The Wisp, Edinburgh Proposed residential development.

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application in principal for proposed residential development.

The site lies adjacent to the southern hedge row/ tree belt which marked the formal boundary of the designed garden/landscape associated with Niddrie Marischal House, demolished in the 1960s. The Estate was established in the medieval period and one of three major estates overlooking the Niddrie Burn along with Craigmillar Castle and Edmonstone. Archaeological investigations carried out in advance and during recent develops have provided further evidence for significant medieval and later archaeology relating to the both the operations of the Estate and for mining. Excavations have demonstrated that the area has been subject to industrial scale mining since late medieval/post-medieval period with early mines dating to the 16th -17th centuries identified along Edmonstone Ridge. As noted in Waterman's ES by the late 18th century this application site was being affected by mining exploited the deeper coal seams.

In addition metal detecting surveys carried out by local amateurs and as part of CEC Braid Burn Flood Prevention scheme, have also provided evidence (principally in the shape of regimental cap-badges) for the use of the area as training grounds during both WWI & WW II.

This application must be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN2/2011 and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan policies ENV3, ENV7, ENV8 & ENV9 and 2013 Craigmillar Urban Design Framework. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Landscape

As stated the northern boundary of the site is formed by an historic hedge row/ tree belt which formed part of the post-medieval designed landscape for Niddrie Marshall House. As such this historic landscape feature is of archaeological significance and is recognised within CEC's 2013 Craigmillar Urban Design Framework. It is noted that several links through this important historic landscape feature are proposed. Although in principal this is welcomed I have some concerns over the number and potential scale of such proposals. Accordingly it is recommended that any detailed designs must look to minimising the scale of any such intrusions in order to ensure the preservation/conservation and enhancement of the areas key historic landscape features.

Buried Archaeology:

Given the archaeological potential occurring across the proposed area (outlined above and in Waterman's ES Chapter 10), it is essential that an archaeological mitigation strategy is undertaken prior to submission of any further detailed (FUL/AMC) application and development. In essence this strategy will require the undertaking of a phased programme of archaeological investigation, the first phase of which will be the undertaking of an archaeological evaluation (min 10%) linked to comprehensive metal detecting survey. The results from this initial phase of work will allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording of any surviving archaeological remains prior to construction commencing is undertaken.

It is recommended that these programmes of work be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Excavation, reporting and analysis, publication & public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Coal Authority

Thank you for your consultation email of 28 January 2016 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Appropriate mining information for the proposed development site has been obtained on behalf of the applicant and has been used to inform a Phase 1 Desk Study Report (December 2015, prepared by Mason Evans), which is included within Appendix 11.1 of the Environmental Statement which accompanies this planning application.

The Phase 1 Desk Study Report correctly identifies that the application site has been subject to past coal mining activity. In addition to the mining of deep coal seams, The Coal Authority records indicate that thick coal seams outcrop at or close to the surface of the site and historic unrecorded shallow coal mining is likely to have taken place. The zone of influence of an off-site recorded mine entry (shaft, CA ref. 330671-014) encroaches over the western boundary of the site.

The Phase 1 Desk Study Report has been informed by an appropriate range of sources of information including a Coal Authority Report, an Envirocheck Report, historical mapping and BGS data. Based on a review of these sources of geological and mining information, the Report concludes that there is a high risk of localised surface instability due to mine workings beneath the site and, as such, this poses a development constraint at the site.

Accordingly the Report makes goes on to recommend the carrying out of intrusive ground investigations in the form of the drilling of rotary boreholes. These investigations will enable ground conditions to be ascertained and will establish the presence or otherwise of mine workings. Gas emission monitoring is also proposed.

The Phase 1 Desk Study Report identifies that two recorded mine entries are located within 20m of the site boundaries. Our records suggest that only shaft 330671-014 is present within 20m of the site boundary, being located some 11.10m from the eastern boundary of the site. Due to plotting inaccuracies this mine entry could deviate from its recorded position by up to 5m. Therefore whilst the mine entry is unlikely to be present within the application site, should the mine entry collapse in the future there may be implications for stability at the eastern edge of the site.

Building over or within the influencing distance of a mine entry raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. The Coal Authority would take this opportunity to make the applicant aware of our adopted policy: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

This matter is not considered in any detail within the submitted Report, however, The Coal Authority considers that the results of the proposed rotary site investigation works, including establishing the depth to rockhead, will enable the applicant to undertake a further assessment of the likely extent of the zone of influence of the mine entry (in the event of a collapse). Should this zone of influence be calculated to extend into the site, the applicant should be required to identify a "no build" zone and/or mitigatory measures to be incorporated into the development to ensure stability of the development (e.g. foundation solutions) to address the risk posed by an off-site mine entry collapse. This information should be used to inform the detailed site layout.

The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures, such as drilling and grouting stabilisation works, foundation solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Authority would also expect the applicant to afford due consideration to the prior extraction of any remnant shallow coal as part of any mitigation strategy. Prior extraction of remnant shallow coal can prove to be a more economically viable method of site remediation than grout filling of voids.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Phase 1 Desk Study Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to the formulation of a detailed site layout and prior to the commencement of development.

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings or other mining legacy features to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of intrusive site investigations for approval, including gas monitoring;*
- * The undertaking of that scheme of intrusive site investigations;*
- * The submission of a report of findings arising from the intrusive site investigations;*
- * The submission of a layout plan which identifies an appropriate zone of influence for the off-site mine entry and the definition of a suitable 'no-build' zone;*
- * The submission of a scheme of remedial and mitigatory works for approval; and*
- * The implementation of those remedial and mitigatory works.*

The Coal Authority considers that the content and conclusions of the Phase 1 Desk Study Report are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.

Communities and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (January 2018).

Assessment and Contribution Requirements

Assessment based on:

147 Flats

This site falls within Sub-Area C-2 of the 'Castlebrae Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions. The application is for planning permission in principle. The required contribution should be based on the established 'per house' and 'per flat' contribution figures set out below and secured through a legal agreement

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Per unit infrastructure contribution requirement:

Per Flat - £2,280

Per House - £12,107

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Environmental Protection

The proposal is for Planning Permission in Principle and is for up to 150 new dwellings and associated external amenity areas, including hard and soft landscaping and roads. It aims to connect directly with the New Greendykes development.

The site is bordered to the east by an area of rough open land. There are residential properties located approximately 75m to the east and approximately 10m to the south and south-east. A timber yard (Thistle Timber) is located at the eastern site boundary, (which has recently extended nearer to the proposed development site) a garage is located approximately 50m to the east, and a mini-bus depot approximately 10m to the south of the site. Land approximately 50m south of the site is under development as a new residential estate. To the north of the site is a strip of woodland.

Environmental Protection have raised serious concerns regarding the suitability of this site being developed out for residential use. Noise impacts from the extended timber yard are a cause for concern. The timber yard has gained planning permission to extend their operations on condition that they erect an acoustic barrier. There are no conditions restricting the hours of use in the timber yard.

The applicant has submitted a supporting noise impact assessment, which has assessed the possible transport and timber yard noise impacts.

The applicants noise impact assessment has modelled that noise levels identified across the site will require acoustic attenuation measures in order to reduce the exposure of future residential occupants to the potentially harmful effects of road traffic noise in particular, those in immediate proximity of the southern and eastern site boundaries. If consented a further detailed noise impact assessment will be required further assess this and provide detailed information on mitigation measures.

The applicant has advised that the Thistle Timber Yard adjacent the proposed development site has recently had begun an extension to their site when the noise survey was being conducted. Due to this, it is possible that elevated noise levels were incurred during the most recent noise survey. As such the impact of the Thistle Timber Yard has been assessed based on previous survey data and information provided in various documents submitted to City of Edinburgh Council relating to the extension. This does raise doubts on the validity of the noise impact assessment and it should be highlighted that a further noise impact assessment will be required and there may be parts of the site that may not be possible to develop, for example there shall be units developed that would have a direct line of site into the Timber Yard.

Nevertheless, the applicants noise impact assessment has identified possible noise mitigation measures. Environmental and building design noise control methods have been suggested for protecting outdoor living areas and the internal noise environment of noise-sensitive premises built in areas with high noise exposure.

A detailed planning application with an updated noise impact assessment would need to consider external noise levels, the proposed residential dwellings will also be required to meet the internal noise criteria set out in British Standard 8233:2014 within living rooms and bedrooms during daytime hours and in bedrooms during the night-time period. As such, further consideration of detailed façade/layout design of the units would be required at the detailed design stage.

According to the noise impact assessment the prevailing daytime noise levels indicate that residencies will require a passive attenuated ventilation strategy in combination with appropriate glazing package. In this instance a standard thermal double-glazing unit providing a minimum sound reduction index of -427 dB R_w+C_{tr} - fitted with an acoustically attenuating trickle ventilator may be appropriate to provide adequate level of protection from external noise intrusion from transport sources only. It should be noted that Environmental Protection only accept a closed window standard for transport noise. All other noise sources must meet the internal noise levels with an open window assessment. The applicants noise impact assessment also advises that external noise can be further reduced through careful consideration to internal room layout (i.e. orientating bedrooms away from the noise sources), maximise screening from site layout and intervening buildings, and maximise distance by setting-back the build-line from the Timber Yard and The Wisp. The timber yard has consent subject to the erection of an acoustic barrier. Environmental Protection will require that there shall be no line of sight between any proposed residential development into the Timber Yard. This will need to be demonstrated when the detailed plans are submitted in the form of a noise impact assessment.

The timber yard has erected the 4m acoustic barrier however the proposed development site currently slopes upwards from the timber yard therefore there is a line of sight onto the site from relative proximity to the erected acoustic barrier. This includes the tops of the newly installed roller shutters in the new building erected in the timber yard and the tops of racking used to store material. The extension of the timber yard is still being rolled out and it's possible that operations in the yard could be adjusted so that more noise creating operations could occur closer to the proposed development site. The operational hours in the mornings could be extended to enable deliveries of materials to be processed before the yard is opened for customers.

Environmental Protection are satisfied that the helicopter noise impact assessments have been addressed and no further information will be required regarding this.

In summary, to provide suitable internal ambient residential amenity, acoustic control measures will need to be central in the design and layout of any residential development on this site. Acoustic mitigation measures will be required by way of an appropriate planning condition requiring a further detailed noise impact assessment. A suitable level of residential amenity will need to be provided for all future residents, it may not be possible to support residential units on all parts of the site specifically nearest the Timber Yard. It should be noted that Environmental Protection will need details of the required glazing, ventilation, buffer zones (where no residential units will be located) and barriers at the detailed phase.

Local Air Quality

Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation 3 sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air quality is capable of being a material planning consideration for the following situations where development is proposed inside or adjacent to an Air Quality Management Area (AQMA):

- o Large scale proposals.*
- o If they are to be occupied by sensitive groups such as the elderly or young children.*
- o If there is the potential for cumulative effects.*

The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in AQMAs or, by cumulative impacts, lead to the creation of further AQMAs (areas where air quality standards are not being met, and for which remedial measures should therefore be taken.

AQMAs have been declared at five areas in Edinburgh - City Centre, St John's Road (Corstorphine), Great Junction Street (Leith) Glasgow Road (A8) at Ratho Station and Inverleith Row/Ferry Road. Poor air quality in the AQMAs is largely due to traffic congestion and the Council's Air Quality Action Plan contains measures to help reduce vehicle emissions in these areas. The Council monitors air quality in other locations and may require declaring further AQMAs where AQS are being exceeded., It is noted that a significant amount of development is already planned / committed in the area and additional development will further increase pressure on the local road network.

Due to the size and density of the development Environmental Protection requested that the applicant assessed the potential impacts this proposed development may have on the local air quality taking into account any other developments in the area. It is noted that the air quality impact assessment was conducted in 2015 is now out of date. Environmental Protection has considered the assessment and do not accepts its findings as other nearby development sites have not been considered as committed development. This is due the fact that the assessment was conducted such a long time ago. As the applicant has shown a willingness to progress with other forms of local air quality mitigation measures and keep parking numbers to a minimum then Environmental Protection will not be requiring an update of the air quality impact assessment.

Reducing the need to travel and promoting the use of sustainable modes of transport are key principles as identified in the second Proposed Edinburgh Local Development Plan (LPD). The LDP also states growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system, based on sustainable alternatives to the car is therefore a high priority for the Council and continued investment in public transport, walking and cycling is a central tenet of the Council's revised Local Transport Strategy 2014-19.

The applicant is encouraged to keep car parking number to a minimum, support car club with electric charging, provide rapid electric vehicle charging throughout the development site, provide public transport incentives for residents, improve cycle/pedestrian facilities and links and contribute towards expanding the electric charging facilities at the nearby Park and Ride facilities.

Environmental Protection have raised concerns with the cumulative impacts developments especially large proposals on the green belt may have on local air quality. It is noted that this specific proposal is identified in the local development plan as suitable for development. However, local roads in the area are already congested during peak hours and a development of this size may exacerbate this.

The proposal is likely to include a considerable number of car parking spaces and Environmental Protection recommend that electric vehicle charging points should be incorporated into the car park. The applicant has confirmed car parking spaces will have electric vehicle charging points installed to serve them.

The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. A range of actions underpins this to expand the charging network, support innovative approaches, and encourage the public sector to lead the way, with developers incorporating charging points in new developments.

The applicant is aware that there are now requirements stipulated in the Edinburgh Design Guidance must be achieved. Edinburgh has made progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of emissions will contribute to improving air quality, furthermore their quieter operation will mean that a major source of noise will decrease.

The Sustainable Energy Action Plan is the main policy supporting the Council's Electric Vehicle Framework. Increasing the number of plug-in vehicles and charging infrastructure in Edinburgh will provide substantial reductions in road transport emissions.

Environmental Protection are satisfied that the impacts of this proposed development on its own will be limited. The applicant must keep the numbers of car parking spaces to a minimum, commit to providing good cycle provisions, electric vehicle charging facilities and supported with an up to date travel pack. Environmental Protection supports the applicant's proposal that the electric vehicle charging points will be fully installed and operational prior to occupation serving 100% of the spaces. Environmental Protection shall recommend that this is attached as a Planning Condition with specific details to be provided at the detailed planning stage.

Environmental Protection shall recommend an informative is attached to ensure that the impacts on local air quality are minimised during the construction phase.

Floodlighting

The Timber Yard has a number of high level security floodlighting. Environmental Protection recommends that a condition is attached to any consent to ensure that amenity is protected. Again, there may be parts of the development site that may not be suitable for residential use due to the impacts the floodlights may have on amenity.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Therefore, on balance Environmental Protection offers no objection subject to the following conditions and its recommended that an informative is attached. However, it must be stressed that a large buffer zone will be required between the proposed development site and the operational timber yard.

1. Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

2. A scheme for protecting the proposed residential accommodation from illumination and/or glare shall be submitted and approved in writing by the Council's Planning Authority. The scheme shall show that the design, installation and operation of the floodlighting system shall be such that no floodlighting bulb or floodlighting bulb reflecting surface shall be visible within any proposed residential premises.

3. No development shall take place until a scheme for protecting the residential development hereby approved from noise from the road noise (The Wisp and the nearby junction of Milligan Drive.) and commercial noise (Timber yard and bus depot) has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning before any part of the development is occupied.

4. There shall be no direct line of site between the consented residential developments units and the neighbouring timber yard ground operations.

5. *Install a minimum of 4 live feeder pillars (size 12 minimum) with 100amp three phase supply. Ducting with pull ropes shall then be installed from the feeder pillar to the middle point between two of the carparking spaces (highlighted on submitted drawing). The ducting shall be 100mm twin-walled rigid. A minimum of twenty-six 7Kw charge with type 2 socket shall be provided; all installed and operational prior to occupation.*

Informative

1. *All car parking spaces shall have provision for electric vehicle charging points and installed in accordance with The Institution of Engineering and Technology's Code of Practice for Electric Vehicle Charging Equipment Installation 2nd Edition (2015),*

2. *All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*

3. *The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.*

4. *Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.*

5. *Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.*

6. *All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*

7. *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*

8. *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*

9. *No bonfires shall be permitted.*

Should you wish to discuss the matter, please do not hesitate to contact me via email or on 0131 469 5160.

Housing and Regulatory Services - Affordable Housing

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

- o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- o This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

2. Affordable Housing Requirement

As this application is proposing a development for 147 units, the AHP will apply and as such 36 (25%) of the units will be required to be of approved affordable housing tenures, as found in Planning Advice Note 2/2010 and within the Council's AHP. The applicant has made a commitment to provide 25% AHP provision and this is welcomed by this department. Furthermore this department will be seeking for a minimum of 36 affordable homes to be located and integrated amongst the market homes on this site.

The proposal is for a broad range of different types of accommodation from 1 and 2 bed flats to 3 and 4 bedroom houses. In the current application there is no indication of where the affordable housing provision would be provided and what tenure or house type it will consist of. In any future detailed application we would request the following be included on the affordable housing element:

- o The proposed location of the homes*
- o The inclusion of a representative mix of house types, sizes and tenures which follow the principles of blind tenure construction and which are well integrated with the market homes.*
- o A location close to local amenities and public transport*
- o The affordable housing will be fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides*

The site is located close to the Third Access Road that links The Wisp with Greendykes Road / Little France Drive. It serves as a bus route extension for services operating on Greendykes Road. A bus stop is within easy walking distance of the site that provides a public transport service to and from the city centre using the number 14 Lothian Bus. This is commended by the department.

This department would request that the developer enter into early dialogue with the Council and RSLs regarding the location(s) and most suitable delivery option for the affordable housing requirement.

The developer will be required to enter into a Section 75 legal agreement to secure these affordable homes. The location of the homes should be identified in that S.75 agreement and added to the Informatives section of the committee report.

Midlothian Council

Thank you for the opportunity to comment on the above planning application.

While not formally objecting to the proposal, Midlothian Council wishes to raise points in relation to Green Belt, landscape and transport. Midlothian Council raised matters on transport and landscape in its response dated 2 December 2015 to your EIA scoping request. I have attached this response as it provides context to the matters raised in this letter.

Green Belt

The application site has no planning policy support in that the current development plan identifies this area as Green Belt. The City of Edinburgh has identified a number of greenfield housing sites in its Proposed Edinburgh Local Development Plans, of which this site is not included. If the City of Edinburgh Council is satisfied that sufficient new housing land has been identified, there would appear to be no justification in supporting the release of this application site for development.

Landscape

In its EIA Scoping Response Midlothian Council set out that this site was to be undeveloped parkland/open space part of the South East Wedge development area. The location remains part of the important cross border location of The Wisp. If the proposal were to be supported this should be reflected in its design, landscaping and boundary treatments. The design should help facilitate active travel movements between Midlothian and Edinburgh. This matter is further raised in the below Transport comments.

Transport

Vehicular Transport

Midlothian Council has concerns regarding the cumulative impact on the transport network arising from this proposal. This proposal is in addition to developments that are in accordance with the development plans of the City of Edinburgh and Midlothian Councils, and other windfall developments in this part of south east Edinburgh that have come forward.

It is not clear from the Transport Assessment if the impact of proposed new allocations in the Shawfair area of the Proposed Midlothian Local Development Plan have been taken into account in its assessments. Reference is made to Shawfair but it is not clear if that is just the committed Shawfair development identified in the 2003 Shawfair and 2008 Midlothian local plans.

Based on current advice from Midlothian Council transport colleagues:

1. Midlothian Council notes and recommends the improvements to the A7/The Wisp junction identified in the Transport Assessment's drawing TP299/SK/102 in Appendix F be a requirement from this development, together with the conversion to MOVA signal controls at the junction also identified in the Transport Assessment. Midlothian Council also notes similar improvements to the same junction are highlighted in the Transport Assessment for the 750 house proposal further south on The Wisp (planning application ref. 15/05074);

2. Midlothian Council requests that the junction of The Wisp and the Millerhill Road be signalised as a requirement of the developments. It is currently a give-way junction, and this Council considers it should be a signalised to increase road safety and road capacity; and

3. Midlothian Council requests that a push button crossing, near to the new distributor road from the Greendykes development on to The Wisp, be a requirement of this development.

Pedestrian/ Cycle facilities

If this proposal is supported, then Midlothian Council requests that full provision of good multi-user foot and cycle paths is made in order that the development supports and helps facilitate reciprocal connections between local and wider Edinburgh and Midlothian networks. Midlothian Council considers links between Edinburgh and Midlothian in this location an important part of delivering its green network.

Midlothian Council supports the indicative footpath and cycle connections identified in the supporting material for the proposal showing routes through the development into Hunter's Hall. Midlothian Council requests that if this proposal were to be supported, it helps deliver cycle path connections from The Wisp through the development into Hunter's Hall Park, and beyond into the wider Edinburgh foot and cycle path network. This support is in addition to support for other connections made into Edinburgh to the south and west of the site.

Developer Obligations - Transport

With regard to impacts on the road network, Midlothian Council is seeking developer obligations from committed and proposed development identified in the Proposed Midlothian Local Development Plan in the Shawfair and Danderhall area for the upgrade and improvement of the Sheriffhall junction on the A720 City Bypass, Borders Railway and other education and infrastructure requirements.

If this development were to be supported, Midlothian Council requests that developer obligations are sought to help contribute to the upgrade of the Sheriffhall junction on the A720 City Bypass, as well as to other necessary improvements that may be required to the local road network. Midlothian Council would expect there to be potential for cumulative implications from this proposal, and other nearby developments, on the Sheriffhall junction and the local road network.

Finally, if the development were to be supported then the above multi-user foot/cycle paths should be secured through

Scottish Environment Protection Agency

We have no objection to this planning application subject to conditions on any planning permission. Also please note the advice provided below, particularly our advice in Sections 2.2 and 4.3.

Advice for the planning authority

1. Flood Risk

1.1 We have no objection to the proposed development on flood risk grounds provided that, should the Planning Authority be minded to approve this application, the following planning conditions are imposed:

o No built development or land-raising shall take place within the 1:200 year flood level as detailed within the Flood Risk Assessment (FRA) by Kaya Consulting Ltd dated 17 December 2015.

o Finished floor levels should be a minimum of 47.2mAOD as stated within the Flood Risk Assessment (FRA) by the Kaya Consulting Ltd report dated 17 December 2015.

1.2 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may wish to consider if this proposal falls within the scope of this Direction.

1.3 Notwithstanding our position we expect the City of Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

1.4 We have reviewed the information provided in support of this planning application and we note that the application site is encroaching within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and it may therefore be at medium to high risk of fluvial flooding. In addition, the north east corner of the site is shown to be within the surface water Flood Map.

1.5 The site is green field and forms part of a larger mixed development within the south-east wedge of Edinburgh. We are aware that the adjacent site, immediately upstream of this site, is to be land-raised to facilitate development. The site has an earth bund between the site and the burn. This should be treated as an informal defence and not be used to enable development. The channel along the northern perimeter of the site has a shallow gradient and is constrained by a small gap in a wall downstream of the site.

1.6 As highlighted for other developments in this area, the upstream storage area on the Niddrie Burn is not part of a formal flood protection scheme but has been supported by the City of Edinburgh Council. We cannot confirm that the scheme has been built to the agreed design standard. In addition, the catchment is not gauged hence the design flow is theoretical and from the other information provided for the general area, it does not appear to include an allowance for climate change. There is some uncertainty, therefore, associated with the scheme's level of protection and thus it should be considered as a residual risk to the site.

1.7 The Magdalene Burn immediately downstream of the site flows through a small gap (800mm x 360mm) in a wall. Due to the size, gradient, and design of this gap, it will be prone to siltation and blockage from debris. The spill level adjacent to this is noted in the FRA as being approximately 46.2mAOD and the modelled level of flooding is 46.41mAOD when considering the 1:200 plus an allowance for climate change. The finished floor levels are to be set 600mm above the bank of the Magdalene Burn and one metre above the spill level of 46.2mAOD making the minimum finished floor level 47.2mAOD. We would add to this that no built development should take place within the 1:200 year flood level. We would also strongly recommend that all finished floor levels within the site are elevated above proposed ground levels to reduce any surface water runoff risk.

1.8 Regarding the model setup, we would note that it is not best practice to start a model at the site boundary. A model should be extended upstream of the development site placing the boundary where the backwater effects will be minimal.

1.9 The catchment areas appear to be reasonable. The channel is noted as being in poor condition and a maintenance schedule should be considered to reduce the risk of downstream blockage.

1.10 A filter trench or something similar will need to be considered, and sized appropriately, to capture the surface water that will enter the site from the larger catchment and route it away from proposed and existing development.

1.11 In section 6 of the FRA there is mention that removal of the wall would remove the flow obstruction but this has not been discussed further. Prior to this removal, the applicant should demonstrate that there would be no increase in flood risk downstream as a consequence.

1.12 Although it is out with the scope of SEPA's Flood Risk Team to review the SUDS design formally we highlight that the land-raising of the adjacent site, capturing the flow from water entering the site from the larger catchment, locating the SUDS out with the functional floodplain and discharging through an embankment, will all need to be considered.

1.13 As there are uncertainties associated with this site, it is particularly important to design the site to mitigate the residual flood risk. The uncertainties include the design standard of the upstream storage area, the maintenance of the spill level downstream in perpetuity as it is not within the site boundary and ownership is unknown, there is an informal earth bund along the watercourse which the condition is unknown, surface water will enter the site from the larger catchment, and the cross-section locations used in the model are not as extensive as best practice would deem sufficient.

1.14 We stress again to the City of Edinburgh Council that it is important to consider the development of the south-east wedge of Edinburgh holistically. Isolated pockets of development will likely restrict other development as it will limit flood risk mitigation. We recommend engagement with the adjacent proposed developers to understand more fully the potential risks to the site. There are residual risks to the site, highlighted above, which the City Council should consider.

1.15 The Non-Technical Summary mentions that "Flood risk mitigation would include ensuring that ground floor levels are appropriate with respect to the Magdalene Burn. A strip of land adjacent to the Magdalene Burn would be left undeveloped to act as a flow pathway in the event of overtopping or blockage and maintenance works would be undertaken to remove debris and reduce sediment accumulation within the burn." We would argue that flood risk mitigation would include avoidance of development within the 1:200 year, including an allowance for climate change, in the first instance. Elevating finished floor levels sufficiently above the 1:200 year level will account for uncertainties which for this site have been documented above. We agree that a maintenance strip is important to allow access to the watercourse to keep it clear of obstructions and as free-flowing as possible.

Caveats & Additional Information

1.16 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

1.17 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

2. Groundwater

2.1 A report obtained from the Coal Authority indicates the: "property is in the likely zone of influence from workings in 7 seams of coal at 160m to 500m depth, and last worked in 1925", (North Coal, Blue Coal, Carlton Coal, Peacocktail Coal, Blackchapel Coal, Great Steam Coal and South Parrot Coal). It notes that the property: "is in an area where the Coal Authority believes there is coal at or close to the surface" and has records of two disused mine shafts within 20 m of the property. Our research indicates that the Peacocktail Coal and Blackchapel Coal have been worked below the site.

2.2 The applicants have identified that the findings of the Coal Authority Report present a high risk of localised surface instability due to mine working beneath the site. Following this investigation if Pulverised Fuel Ash (PFA) grouting is required for stabilisation the advice in Appendix 1 should be followed.

2.3 Any dewatering during excavations should be in compliance with Controlled Activities Regulations (CAR) General Binding Rules (GBR) 2 and 15. Abstraction of groundwater in quantities greater than 10m³/day will require a CAR permit depending on the scope and duration of the works. Details should be provided of how any dewatering will be managed, the amount of groundwater proposed to be abstracted and the anticipated timescales.

3. Groundwater Dependent Terrestrial Ecosystems (GWDTE)

3.1 Considering the information submitted in support of this planning application, we consider it is very unlikely that GWDTE or peat are present in this area.

3.2 *Invasive species have been found on the site and the relevant guidance has been referenced in the Environmental Report and should be followed if this site is developed.*

4. *Surface Water Drainage.*

4.1 *In accordance with the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, also known as The Controlled Activity Regulations (CAR) surface water runoff arising from the hardstanding areas, inclusive of road and roofs will require to be collected, treated and disposed of using sustainable drainage techniques.*

4.2 *This application for planning permission is not supported by proposals for Sustainable urban Drainage Systems (SuDS). Please see Flood Risk, particularly Section 1.12, above which highlights the particular need on this site and in this area to ensure SuDS are appropriately designed both for their principal purpose, the maintenance of water quality, and to help ensure no increased flood risk.*

4.3 *We understand that this application is for an application for planning permission in principle and we consider that it should be possible for this development to accommodate appropriately designed SuDS at the detailed stage. If appropriately designed SuDS, however, do not form part of an application for matters specified in conditions we will object at that stage. Ideally, however, we consider that this issue should be resolved before planning permission in principle is determined as the layout for appropriate SuDS could influence the design and layout of the rest of the site.*

5. *Air Quality and Greenhouse Gas Emissions* *Air Quality*

5.1 *The proposed development will be in an area that is currently not affected by poor air quality. An air quality modelling assessment has been undertaken and the findings are reported. We note and welcome the decision to use ADMS Roads to assess the impact of traffic on local air quality. The modelling assessment has shown that the completed development is unlikely to have a significant impact on local air quality.*

Greenhouse Gas Emissions

5.2 *We note that the development is located some distance from local amenities and, therefore, there is likely to be an increase in the number of journeys made by car. While this figure may appear to be insignificant, when it is considered alongside other developments across Scotland, the cumulative increase in the distance travelled by car, and subsequent emissions of carbon dioxide could undermine the Scottish Government's commitment to reduce emissions of greenhouse gases.*

5.3 *Scottish Planning Policy sets out an approach to integrating transport and land use planning by supporting a pattern of development and redevelopment that "reduces the need to travel and as a consequence reduce emissions from transport sources". It also states that "Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements."*

5.4 Greenhouse gas emissions from road traffic are expressed as grams of carbon dioxide emitted per kilometre travelled (g/km) and, therefore, every additional km travelled will increase the emissions of greenhouse gases. Road transport emissions account for 72.4% of all transport emissions of greenhouse gases and cars account for over half road emissions. "The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation". Section 5 of the Scottish Government's Climate Delivery Plan describes the issue in detail.

Cumulative effects of development

5.5 When considered in isolation, a single development will appear to have a negligible impact on local air quality. When the same development is considered alongside other developments in the area, however, the cumulative impact could be more significant, particularly along main commuter routes. SEStran has warned "the allocation of extensive new land for development underlines the importance of integrating land-use and transport planning in the SEStran area, building these links into the forthcoming City Region plan and other development plans. Failure to do so will lead to further significant increases in car use", and "It has been demonstrated that the SEStran area faces particular challenges in catering for the travel volumes and patterns resulting from the anticipated growth in population and employment in the area. In addition to the forecast increase in the number of jobs, the trend of dispersal of jobs, services and homes will, if it continues, bring further pressure to bear on the transport network." Transport Scotland advises: "With several proposals in close proximity, a more detailed Transport Assessment of the cumulative impact of the proposals may be more appropriate than one for each proposal in isolation".

5.6 It is important that the City of Edinburgh Council is satisfied that the assessment has considered the cumulative impact of all development that will add traffic to the road network, particularly along main commuter routes. 'Land-Use Planning and Development Control: Planning for Air Quality' (Produced by Environmental Protection UK and Institute of Air Quality Management, 2015) explains how a cumulative impact should be undertaken.

Regulatory advice for the applicant

6. Regulatory requirements

6.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in the local SEPA office at:

*Clearwater House
Heriot Watt Research Park
Avenue North
Riccarton
Edinburgh
EH14 4AP*

Tel: 0131 449 7296

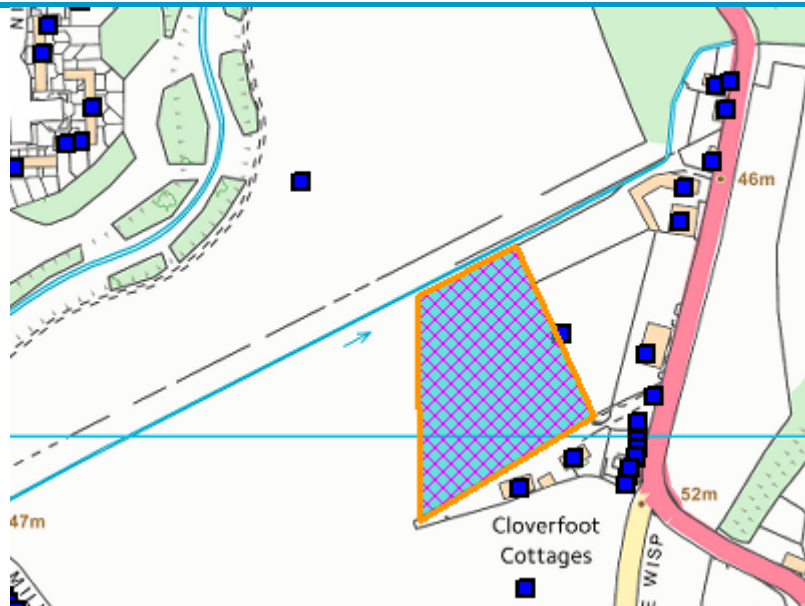
Roads Authority Issues

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. Car parking - numbers, including disabled and electric vehicles, to be to Council parking standards;*
- 2. Cycle parking - numbers, location, security, specification and type to be to Council standards;*
- 3. Motorcycle parking - numbers, location, security, specification and type to be to Council standards;*
- 4. The applicant will be required to contribute the sum of £2,000 to progress each of the following orders as necessary for the development:*
 - a. An order to redetermine sections of footway and carriageway;*
 - b. An order to introduce and amend waiting and loading restrictions;*
 - c. An order to introduce 20mph speed limits;*
 - d. A stopping up order under Section 207 of the Town and Country Planning (Scotland) Act 1984;*
- 5. In support of the Council's LTS Cars1 policy, the applicant should provide car club vehicles at suitable locations for the development at a rate of 1 car per 100 units (anticipated costs are £1,500 per order plus £5,500 per car);*
- 6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport;*
- 7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details of refuse store locations and routes;*
- 8. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;*
- 9. The adoptable road layout should include the provision of cycle and pedestrian routes linking the site to neighbouring developments and to Hunter's Hall to the north;*
- 10. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*

11. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
12. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
13. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;
14. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the planning authority.

Location Plan



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END

Development Management Sub-Committee

9:00am, Wednesday 20 June 2018

Applications for Planning Permission and Listed Building Consent (18/00563/FUL, 18/00568/LBC and 18/00569/LBC) at 42 Henderson Row, Edinburgh EH3 5BL: Appeals against non determination.

Item number	5.1
Report number	
Executive/routine	
Wards	All

Executive Summary

This report advises the Development Management Sub-Committee of the submission of appeals against the non-determination of the applications for planning permission and listed building consent at 42 Henderson Row, Edinburgh to The Planning and Environmental Appeals Division (DPEA) of the Scottish Government.

Applications for Planning Permission and Listed Building Consent (18/00563/FUL, 18/00568/LBC and 18/00569/LBC) at 42 Henderson Row, Edinburgh EH3 5BL: Appeals procedures: Appeals against non determination at 43 Henderson Row.

1. Recommendations

- 1.1 To note the submission of appeals against the non determination of the applications for planning permission and listed building consent at 42 Henderson Row, Edinburgh (references 18/00563/FUL, 18/00568/LBC and 18/00569/LBC).

2. Background

- 2.1 At its meeting on 23 May 2018, the Development Management Sub-Committee heard a presentation on the applications for planning permission and listed building consent for external alterations to the library and garden walls at 42 Henderson Row, Edinburgh (references 18/00563/FUL, 18/00568/LBC and 18/00569/LBC).
- 2.2 The Committee agreed that further information was required to enable an appropriate level of scrutiny of the proposals by members and subsequently agreed the continuation of the applications to be determined by way of a hearing at a future meeting of the Development Management Sub-Committee.

3. Main report

- 3.1 The Committee is asked to note that appeals against the non determination of the applications for planning permission and listed building consent at 42 Henderson Row, Edinburgh were received by the Planning and Environmental Appeals Division (DPEA) of the Scottish Government on 4 June 2018.
- 3.2 The Council as planning authority is required to submit its response to the appeals to the DPEA by 25 June 2018. The Council's response should include, *inter alia*, a note of the matters the planning authority considers should be taken into account in determining the appeal and by what procedure (or combination of procedures) the authority thinks these should be examined. The appellant/agent has already requested a hearing or inquiry. The reporter will consider this request and in doing so will take account of the planning authority's view on this matter. There is therefore an option for the Council to also request that the appeal be examined by a hearing or inquiry. The final decision will lie with the reporter.

4. Measures of success

4.1 Not applicable.

5. Financial impact

5.1 Not applicable.

6. Risk, policy, compliance and governance impact

6.1 Not applicable.

7. Equalities impact

7.1 Not applicable.

8. Sustainability impact

8.1 Not applicable.

9. Consultation and engagement

9.1 Not applicable.

10. Background reading/external references

10.1 [Report of handling for the application for planning permission \(ref: 18/00563/FUL\)](#)

10.2 [Report of handling for application for listed building consent \(ref: 18/00568/LBC\)](#)

10.3 [Report of handling for application for listed building consent \(ref 18/00569/LBC\)](#)

10.4 [Webcast of Development Management Sub-Committee of the 23 May 2018](#)

11. Appendices

11.1 None.

David Leslie

Chief Planning Officer

Contact: Daniel Lodge, SPA to the Planning Convener

E-mail: daniel.lodge@edinburgh.gov.uk | Tel: 0131 529 3901

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01270/FUL
At GF 15 Belgrave Place, Edinburgh, EH4 3AW
Convert existing rear window to form new external door. Fit
new metal stair with glass balustrade.**

**Additional Details submitted in accordance with and to
discharge conditions of LBC Appeal Decision Notice (ref:
LBA-230-2122)**

Item number	7.1
Report number	
Wards	B05 - Inverleith

Summary

The proposals are contrary to the local development plan and non-statutory guidance. They will neither preserve nor enhance the character and appearance of the conservation area, will have a detrimental impact on the character and setting of the listed building but will have no detrimental impact on residential amenity. There are no other material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN04, LEN03, LEN06, LDES12, NSG, NSLBCA, NSGD02, OTH, CRPNEW,
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Report

**Application for Planning Permission 18/01270/FUL
At GF 15 Belgrave Place, Edinburgh, EH4 3AW
Convert existing rear window to form new external door. Fit
new metal stair with glass balustrade.**

**Additional Details submitted in accordance with and to
discharge conditions of LBC Appeal Decision Notice (ref:
LBA-230-2122)**

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application relates to a basement (garden) and ground floor level flat of a three storey, end terrace, former townhouse. The building is C listed (listed on 22 June 1965, ref. no. LB28284).

The site is located within the World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

28 September 2017 - Planning permission refused to adjust rear ground floor window to form new door and erect new metal and glass stair to rear garden from ground floor (Application reference number 17/03581/FUL).

28 September 2017 - A mixed decision issued to part approve and part refuse listed building consent application to adjust rear ground floor window to form new door and erect new metal and glass stair to rear garden from ground floor, form a new WC and study to rear room on ground floor, create a new opening between rear bedrooms on lower ground floor and fit new double doors and install slim-profile double glazed units in existing sashes (Application reference number 17/03582/LBC).

The elements that were approved in this consent were the internal alterations and the slim profile double glazing and the elements that were refused were the proposals for the rear access stair and change from window to door.

17 January 2018 - A Local Review Board (LRB) decision upheld the decision above to refuse planning permission to adjust rear ground floor window to form new door and erect new metal and glass stair to rear garden from ground floor (Local Review Board reference number 17/00138/REVREF).

02 March 2018 - The Department of Planning and Environmental Appeals (DPEA) allowed an appeal against the decision above to refuse listed building consent for the rear access stair and change from window to door. A condition was added to ensure that the new door shall be solid from the new cill up to the level of the existing window. The upper half of the door shall be glazed to match the window that it will replace (Planning reference number 17/00135/REF and DPEA reference number LBA-230-2122).

Main report

3.1 Description Of The Proposal

This application is a resubmission of the previous planning application 17/03581/FUL to adjust a rear ground floor window to form a new door and erect a new metal and glass stair to rear garden from the ground floor.

The current application proposes to form a door where there is currently a window on the ground floor rear elevation that will lead to a steel stair that will extend out from the external face of the rear elevation in a manner that is perpendicular to the rear elevation. The stair will be painted steel with timber treads and risers. There will be a glass balustrade and timber handrail. This application is different from the previous application in that the new rear door is now partially glazed and partially solid, and that details are submitted on the stair and its attachment to the building.

Supporting Documents

The following documents have been submitted and are available to view on the Planning and Building Standard's Online Services:

- Revised Design Statement
- Supporting Statement

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals will preserve or enhance the character or appearance of the conservation area;
- b) the proposals will have an adversely impact the outstanding universal values of the World Heritage Site;
- c) the proposals will adversely impact the setting of the listed building;
- d) the proposals will have an adverse impact on the character of the listed building;
- e) the proposals will have an adverse impact on residential amenity;
- f) there are any other material considerations; and
- g) any comments have been addressed.

a) Conservation Area

The New Town Conservation Area Character Appraisal notes that *the overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, strongly contributes to the character of the area*. It also states that *parts of the New Town can be characterised as being restrained or even austere, relying on their proportions, regularity and repetitive design for their architectural effect. There is usually a high proportion of masonry to window opening on both the front and rear elevations*.

LDP Policy Env 6 of the Local Development Plan (LDP) states that development must preserve and enhance the special character and appearance of the conservation area. LDP Policy Des 12 and The Guidance on Listed Buildings and Conservation Areas also apply.

The rear of this terrace is almost entirely unaltered. Apart from an extension at no 13 Belgrave Place, there is no pattern of original outshots and no pattern of original rear access stairs. The window fenestration on the rear of this terrace is regular. Likewise in the surrounding area, on the rear elevations of Belgrave Crescent and Buckingham Terrace, there is no pattern of original (or non-original) rear access stairs, although there are original outshots.

Rear access stairs are an uncharacteristic feature on the rear of buildings in the New Town Conservation Area. Traditionally access is via the garden level, as is the case in this flat. The proposal to attach a rear access stair would disrupt the designed harmony of the rear elevation. It would not be parallel to the rear elevation but would project significantly into the garden, making it a conspicuous addition to the building. Although the proposed stair would have glass balustrading, both the treads and the risers would be timber and thus would have a visual impact on the rear elevation of this terrace.

The proposed stair is contrary to Policy Des 12 in that, in its design and form, choice of materials and positioning, the proposal is incompatible with the character of the existing building, and would be detrimental to neighbourhood character.

The proposals are contrary to the Non-statutory Guidance on Listed Buildings and Conservation Areas which states that the aim should be to preserve the spatial and structural patterns of the historic fabric and the architectural features that make it significant and that interventions need to be compatible with the historic context. The proposed stair will not preserve the structural pattern of the area and the proposed intervention is not compatible with, and imposes itself on, its historic context.

Although located to the rear of the property, and therefore not highly conspicuous from a public viewpoint, the character and appearance of the conservation area is as much formed by the rear of the existing buildings as it is by the front facades. The proposed rear access stair would neither preserve nor enhance the special character and appearance of the conservation area.

The current proposals to alter the window to form a door are not considered to have a detrimental impact on the character or appearance of the conservation area. However, the impact of these proposals on the character of the listed building will be explored below.

b) World Heritage Site

The development is local in nature and will not harm the qualities that justify the inscription of the Old and New Towns of Edinburgh as a world heritage site.

c) Setting of Listed Building

Policy Env 3 of the LDP states that development within the curtilage of or affecting the setting of a listed building must not be detrimental to the architectural character, appearance or historic interest of the building or its setting.

The setting of a listed building is the environment of which the building was designed to be a principal focus, and which it was designed to overlook.

The rear access stair would project perpendicularly from the rear face of the listed building into the rear garden. The stair would form an uncharacteristic feature that would have a visual impact on the rear of this listed building. By extending into the garden, it would have a visual impact on the setting that would be detrimental to the architectural and historic character of the listed building.

The proposals will have an adverse impact on the setting of the listed building.

d) Character of Listed Building

The proposals to construct a rear access stair would be to introduce an element that is uncharacteristic of the rear of townhouses of this age and design. Traditionally the garden is accessed from the basement or garden level and this option is available in this instance. There are no other original or non-original features such as this on the rear of adjacent buildings. Therefore, there is no precedent for the granting of such an addition in this case. The proposed stair would be a discordant addition that would be to the detriment of the character of the listed building.

The proposals are contrary to Policy Env 4 in that there would be a diminution of the interest of the listed building as a result of these proposals and the addition would not be in keeping with the rest of the building and terrace. It is contrary to LDP policy Env 4 in that the proposals are not justified and there is an alternate, and traditional, way to access the garden from this flat. It is contrary to Policy Env 3 in that the proposals would be detrimental to the architectural character, appearance or historic interest of the building and its setting.

The Non-statutory Guidance on Listed Buildings and Conservation Areas states that: *There is a general presumption against the introduction of external access stairs on any elevation. External access stairs may be acceptable in exceptional circumstances where there is a pattern of original access stairs established relevant to the elevation(s) in question and this can be fully supported by an historic building analysis.* Various criteria are outlined should the stairs be justified.

In this instance, the introduction of rear stairs cannot be justified. There is no pattern of original access stairs on the rear of this terrace or the surrounding terraces. The proposed access stairs would be a discordant element that are not in keeping with the character of the listed building and would be to the detriment of its historic interest.

It is proposed that a traditional window will be converted to a door at ground floor level, which, to the rear, is one floor up from the lowest level. This would involve lowering the cill and losing the original fabric of the stone and the original window. At the moment, there is a distinct pattern of these windows rising up the rear elevation. This would be a conspicuous alteration at high level on an elevation that has a regularity in its design.

The Non-statutory Guidance on Listed Buildings and Conservation Areas states that *Proposals to convert windows into door openings will not be considered acceptable on principal frontages or above garden level on all other elevations.* The new glazed door and loss of the original window would have a disruptive impact on the rear elevation.

The proposals would have an adverse impact on the character of the listed building.

e) Residential Amenity

The design is such that there is only a small landing immediately outside the new glazed door at the top of the stairs on ground floor level. Therefore, it is unlikely that any lingering could occur at this level and issues of overlooking are unlikely to be greater than what already can occur from windows.

There will be no adverse impact on residential amenity.

f) Other Material Considerations

The refusal of the previous planning application (17/03581/FUL) was upheld by the LRB. This current application has been submitted following the successful appeal by the applicant against the refusal of Listed Building Consent (17/03582/FUL) that was determined by the DPEA. In supporting documentation the applicant states that the DPEA Reporter's decision is a material consideration that should be considered in the determination of this latest planning application. It states that: *As the CEC's views have not been supported by the DPEA, it is clear that the decision to refuse planning permission is not correct.*

The DPEA decision references the Guidance on Listed Buildings and Conservation Areas stating that *"the council's non-statutory guidance includes a general presumption against external access stairs but does describe circumstances in which these may be considered acceptable, and I have assessed the proposals against these."* In fact, the circumstances or design criteria described in the guidance, are to be applied only if the principle of the external access stairs is acceptable in the first instance. In this application there is no pattern of original stairs and the principle of the proposed stairs has not been justified.

The Guidance on Listed Buildings and Conservation Areas has recently been amended slightly and these amendments were approved by the Planning Committee on 14 March 2018. As part of these amendments, the wording on access stairs has been clarified to stress that: *there is a general presumption against the introduction of external access stairs on any elevation. External access stairs may be acceptable in exceptional circumstances where there is a pattern of original access stairs established relevant to the elevation(s) in question and this can be and this can be fully supported by an historic building analysis.* This current application was submitted on 26 March 2018 and it is appropriate to assess it in relation to the current version of the guidance.

As discussed above, and in light of the current approved Guidance on Listed Buildings and Conservation Areas, the principle of the proposed access stair is not justified and is not acceptable. The DPEA decision is a material consideration but it does not outweigh the assessment outlined in the report and does not lead to a different conclusion on the merits of the application.

g) Representations

Material Representations - Objections

- Loss of character of listed building. This is assessed in section 3.3.c).
- No justification for alterations. This is assessed in sections 3.3.c).

Material Representations - Support

- Low impact on conservation area. This is assessed in section 3.3.a).
- Minor visual impact. This is assessed in section 3.3.a, b + c).

Non-Material Representations

- Three letters of representation were non-material as no reasons for support/objection were given.

Community Council

The West End Community Council has objected to the proposals on the following grounds:

- Loss of character of listed building. This is assessed in section 3.3.c).
- No justification for alterations. This is assessed in sections 3.3.c).

Conclusion

In conclusion, the proposals are contrary to the local development plan and non-statutory guidance. They will neither preserve nor enhance the character and appearance of the conservation area, will have a detrimental impact on the character and setting of the listed building but will have no detrimental impact on residential amenity. There are no other material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as in design, form and positioning, the proposals are not compatible with the character of the existing building.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as the proposals will be detrimental to the architectural character, appearance and historic interest of the building and its setting.
3. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the alterations are not justified, will result in diminution in the interest of the building and is not in keeping with that building.
4. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposals will neither preserve nor enhance the special character and appearance of the conservation.
5. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as there is a general presumption against external access stairs and there is no justification for the access stairs in this instance.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

This application was advertised on 13 April 2018. One letter of objection has been received from the Community Council and eight material letters of support have been received from neighbours and members of the public. Three additional letters of support were received that were non-material as they gave no reason for support.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is located within the urban area as defined by the Local Development Plan.

Date registered

26 March 2018

Drawing numbers/Scheme

1-10,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Other Relevant policy guidance

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

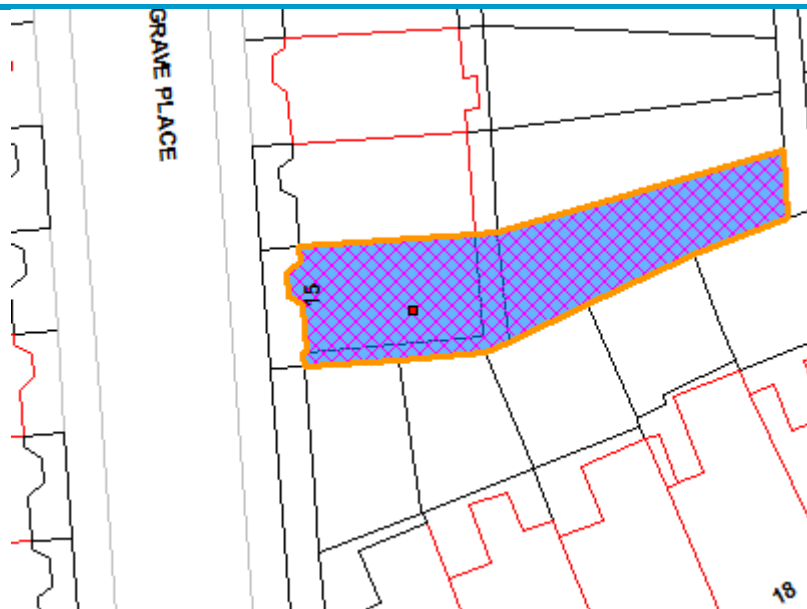
**Application for Planning Permission 18/01270/FUL
At GF 15 Belgrave Place, Edinburgh, EH4 3AW
Convert existing rear window to form new external door. Fit
new metal stair with glass balustrade.**

**Additional Details submitted in accordance with and to
discharge conditions of LBC Appeal Decision Notice (ref:
LBA-230-2122)**

Consultations

No consultations undertaken.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01506/FUL
At 7 Canaan Lane, Edinburgh,
Erection of five storey building to replace a disused public
toilet comprising 10 flats.**

Item number	7.2
Report number	
Wards	B10 - Morningside

Summary

The proposal is in accordance with the Edinburgh Local Development Plan, but represents a minor infringement of the Council's non-statutory guidelines in relation to overshadowing and the provision of private open space. The development is acceptable in terms of scale, form and design and will not be detrimental to the character of the surrounding area. There will be a degree of overshadowing of neighbouring garden ground as a result of the proposals. However, on balance, given that the proposal is the desired urban form for the site, the proposals are acceptable.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES04, LDES05, LDES06, LDES07, LEN03, LEN12, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, LDES11, LEN06, NSG, NSGD02,
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Report

Application for Planning Permission 18/01506/FUL At 7 Canaan Lane, Edinburgh, Erection of five storey building to replace a disused public toilet comprising 10 flats.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is a single storey, flat roofed building, dating from the 1960's, and was used until recently as a public convenience. The building is finished in stone clad walls and features block work walls fronting onto Canaan Lane. The site is flat and comprises mostly hard standing around the existing building.

To the west, the site bounds a tenement block blank gable, to the north, garden ground associated with tenements on Steel's Place and Morningside Road, and to the east a two storey residential dwelling. The Canny Man public house, which is category B listed (reference 46297, listed 30 March 1997) is located directly to the south of the site, which forms the boundary of the Morningside Conservation Area.

The surrounding area is mixed residential and commercial in character and lies just outwith the designated Morningside Town Centre.

2.2 Site History

03 August 2017 - Planning permission refused for the erection of new six storey building to replace public toilet comprising 11 flats (as amended) (application reference 17/00184/FUL).

20 November 2017 - Appeal against refusal of 17/00184/FUL dismissed by reporter.

Main report

3.1 Description Of The Proposal

The proposal is to demolish the now disused public toilets and erect a new residential development comprising 10 flats over five storeys. There will be a mix of nine x two bed and one x one bed flats.

The proposed materials are predominantly stone cladding to the front and side elevations and brick to the rear, with the part of the fourth floor finished in a zinc panel system above eaves level. The roof of the building will be finished in zinc standing seam with a glass balustrade where this floor is set back from the main building line.

No car parking provision is proposed on site. Storage for 23 bicycles will be provided within the rear garden area.

Supporting Statement

The applicant has submitted the following information in support of the application:

- Design and Access Statement, including Daylighting Assessment, Noise Survey, Flood Risk Assessment and Surface Water Management Plan and Overshadowing Diagrams.

These are available to view via the Planning and Building Standards online services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The proposed use is appropriate in the location;
- b) The scale and design are acceptable;
- c) There are any adverse impacts on the setting of listed building or adjacent conservation area;
- d) The development would provide a satisfactory environment for future occupiers;
- e) The proposed use would result in any loss of amenity to neighbouring properties;
- f) Road safety has been addressed;

- g) Any flooding impacts have been addressed;
- h) Any education requirement have been addressed;
- i) Any matters raised in representations have been addressed; and
- j) Equalities and human rights impacts have been addressed.

a) Whether the proposed use is appropriate in this location

The adopted Edinburgh Local Development Plan (LDP) sets out in policy Hou 1 that priority will be given to the delivery of the housing land supply and the relevant infrastructure as detailed in the plan, including on "other suitable sites in the urban area, provided proposals are compatible with other policies in the plan".

The proposed new use is situated in an area of residential uses with other residential properties immediately bounding the site to the north, east and west. The site is located outwith the designated Morningside Town Centre.

The proposal accords with LDP policy Hou 1, subject to compliance with other relevant LDP policies.

b) Scale and design

The proposed five storey development will be broadly consistent with the scale and form of neighbouring tenement properties, and the development will provide a continuation of the existing urban form as seen on Morningside Road. Evidence has been submitted that a tenement building was located on the site for a number of years, and the proposed development is a suitable response given the historic built form of the site. Although it will appear as a later addition to the tenemental form on Morningside Road, and will be read as such, the broad continuation of the roofline will be a "completion" of the currently blank gable end, reflecting the wrap around tenemental form which is an established pattern of the urban form on secondary streets leading from Morningside Road.

The building will be only marginally taller in height than the neighbouring tenement to the west with chimney heights to match. The proposed development will include one additional storey compared to the traditional tenement form, and this will give a modern appearance to the building in the interpretation of the roof. However, the proposed design will effectively replicate the rhythm and uniformity of the adjacent tenement windows, with the marked separation between ground and first floor also reflected from the traditional tenement style. The staggered section of the rear building line (to accommodate stairs) whilst deeper than the adjacent tenement will not dominate the neighbouring property to the east, which is set back a significant distance in the plot from Canaan Lane.

Within the context of Canaan Lane, the adjacent properties are lower in scale than the Morningside road tenements, with two storey buildings bounding the site. However, as the street moves away from Morningside Road there is a mix of 5 storey mid-rise flats, tenements and lower houses interspersed. The addition of a new tenemental form adjacent to the lower rise housing is not uncharacteristic along this street or in the immediate vicinity.

The proposed front building line of the property will also be directly abutting the existing pavement and will match the line of the adjacent shop frontages to the west, and be stepped considerably forward of the adjacent villa to the east. This is an appropriate design solution where tenements are traditionally constructed without front gardens in this part of Morningside. Detailing in the frontage will also be picked up at ground floor level to continue the character of the frontage where this is traditionally of a different style to upper storeys which meets the aims of LDP Policy Des 1.

The external walls to the front and side of the building are to be finished in natural stone to tie in with the predominant building material found in the surrounding area. Zinc cladding is proposed to the top floor level and will be set back from the main frontage, giving the appearance of accommodation in the roofspace. The dark grey colour of the zinc will reflect the slate roof of the adjacent tenement. Windows are proposed to be metal framed to allow for a lightweight contemporary appearance. To the rear elevation of the building it is proposed that the building will be finished in brick to match the colour of the stone. Given that there would be no public views of this elevation, and traditionally ashlar sandstone would only be used on prominent elevations, the proposed materials will provide an appropriate design concept which contributes to a sense of place.

The removal of a number of trees from within the site is compatible with LDP policy Env 12 as the trees do not make a strong positive contribution to the character of the area.

The proposed development complies with Policies Des 1, Des 4 and Des 11 of the LDP as the design concept draws on the general characteristics of the area. The proposed modern development is of an appropriate scale and design taking into account the overall character of the area.

When calculated density, utilising methods from the Edinburgh Design Guidance, the development is significantly higher in units per hectare than existing developments to the east and west. The proposed development has a density of approximately 319 dwellings/hectare, with the neighbouring flatted development to the west only 131 dwellings/hectare plus commercial space at ground floor level. However, the building sits comfortably in the site and will not dominate the streetscene. As detailed below, the development will provide a spacious environment for future occupiers. In these circumstances, it is considered that the increased density at this site is justified and the application complies with LDP policy Hou 4.

c) Setting of adjacent listed building and conservation area

Listed Building

The site is located on the opposite of the side of the street from the Category B listed, Canny Man public house. As the proposed development matches the front building line of the existing tenement buildings on this side of the street the proposal will not have any adverse impact on the setting of, or views from the listed building.

Conservation Area

The site lies directly to the north of the Morningside Conservation Area where the *"northern boundary of the conservation area zig zags between Jordan Lane and Canaan Lane. In this small area there is a small eclectic mix of buildings and periods, ranging over vernacular single storey buildings, to Georgian detached buildings and Victorian tenements"*.

LDP Policy Env 6: Conservation Areas - Development, provides guidance for proposals affecting the setting of a conservation area. The application site is located to the north of the conservation area. The proposed design and scale of the proposals are in keeping with other developments along the edge of the conservation area. There is no adverse impact on the character or appearance of the adjacent conservation area as a result of the development.

d) Environment for future occupiers

The proposed units will provide a satisfactory residential environment in terms of floor space and amenity space. The flats will have a floorspace range of 52 square metres (sqm) to 99 sqm and meet minimum floorspace standards in the Edinburgh Design Guidance. All flats will provide adequate levels of daylight internally and all units are dual aspect.

LDP Policy Hou 3 gives guidance relating to the provision of private garden space in housing developments. A small area of communal garden will be formed at the rear of the flats with an area of private garden to the ground floor flat. Given the height of the proposed development and its orientation, this area will receive little direct sunlight and falls short of the open space standards.

The 2016 Open Space Audit identifies that there are pockets of deficiency in access to greenspace in Morningside for both local and large greenspaces. However, there would be no means to remedy this on such a small site or within the surrounding pattern of built form. It is also recognised that there are very good open space opportunities just beyond the standard distance/quality criteria. Equally, there is existing access to play space meeting quality standards. Within the constraints of the site, and given the historic use of the site, failure to provide greater quantities of open space within the site is acceptable.

The proposed flats are of an appropriate size and all are dual aspect. The proposed amenity for the occupiers of the development is of an acceptable level.

Environmental Protection have requested that minimum standards for windows and ventilation be provided to negate the potential noise impact from the existing beer garden of the Canny Man public house. Subject to the inclusion of acoustic glazing to the front elevation of the property the impact from neighbouring uses is acceptable. A condition is recommended which refers to the specifications required. In addition, given the previous use of the site, and potential for contamination, this should also be controlled via condition.

e) Impact on amenity of neighbouring residents

New windows to the east facing gable elevation of the development will be of bathrooms only and these will not result in direct views to neighbouring properties. The rear windows of the development will be located at a distance of between 5.7m and 7.8m and the adjoining tenement garden ground to the north. However, given that there is already mutual overlooking of the gardens from existing flats within these blocks, the impact on privacy will not be significant. Window to window distances match the established dense character of the area and tenemental neighbourhoods.

The proposed development will not cause an unacceptable loss of daylight to the windows of the neighbouring residential properties to the north and east. The design statement submitted has shown that there will be a small reduction in daylight to bedrooms on the rear of 231 Morningside Road but they will maintain an adequate average daylight factor (ADF) retained which meets the requirements of the Edinburgh Design Guidance. Other Morningside Road properties would not be significantly affected as they retain their eastern aspect across the communal gardens. Some impact from the new gable end would be experienced by no 9 Canaan Lane but its southerly aspect would offset this impact.

In terms of overshadowing of neighbouring garden ground, a number of diagrams have been submitted to show the impact of the proposed development at the spring equinox. As the development is located to the south of the adjacent tenement garden ground, it will create a significant degree of overshadowing of this space in excess of levels permitted in guidance.

It was noted in the reporters decision for appeal PPA-230-2211 that "the affected gardens are already shaded by existing mature trees and other tall buildings. They would also be used more in the summer months when the amount of sunlight available will improve on that depicted in the March sunlight diagram. The proposals would also offer other benefits to the Morningside Road properties that would offset the documented loss of direct sunlight. The removal of a vacant deteriorating building, the removal of scrub trees and the creation of a new secure rear boundary would improve the amenity of these rear spaces."

In summary, whilst it is clear that the garden ground of neighbouring properties would be affected by the proposals, it is not considered there would be an adverse effect on amenity overall. The development would therefore comply with LDP policy Des 5 even if it would not meet the overshadowing guidance set out within the Edinburgh Design Guidance.

In terms of noise impact from future occupiers of the development, the application is for a proposed residential use which is compatible with neighbouring residential properties. The development will not raise any significant air quality issues and the proposed internal wood burning stoves do not require planning permission.

f) Road safety and transport issues

The proposal is for a 'car free' development and zero parking provision meets the requirements of LDP policy Tra 2. The site is located within an area of high accessibility with public transport, shops, schools and centres of employment by foot, cycle and public transport.

Private cycle parking within the communal rear garden, involving storage units for each flat will also be provided in accordance with LDP Policy Tra 3.

A contribution of £7,500 is required towards the provision of car club vehicles in the area. This will be secured by an appropriate legal agreement.

g) Impact on Flooding

The application has included adequate Surface Water Flow Plans to show that there will be no adverse impact.

h) Education Requirements

Using the pupil generation rates set out in the Supplementary Guidance, the development of 10 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is not required

i) Public Comments

Material representations in objection

- Excessive number of flats and density too high - assessed in section 3.3b);
- Impact on the character of the streetscene along Canaan Lane - assessed in section 3.3b);
- Inappropriate positioning of front building line - assessed in section 3.3b);
- Design does not reflect the roofline of adjacent buildings - assessed in section 3.3b);
- Insufficient parking provision - assessed in section 3.3f);
- Design is overbearing and at least one storey too high compared to neighbouring tenements - assessed in section 3.3b);
- Overshadowing of neighbouring garden ground - assessed in section 3.3e);
- Increase in traffic and road safety issues - assessed in section 3.3f);

- Loss of daylight to neighbouring properties. - assessed in section 3.3e);
- Loss of privacy - assessed in section 3.3e);
- Impact on neighbouring air quality - assessed in section 3.3e);
- Contrary to LDP policies Des 4 and Des 5 - assessed in section 3.3a -g);
- Impact of noise from future occupiers - assessed in section 3.3e);
- Existing excess supply of residential properties in the surrounding area - assessed in section 3.3a); and
- Flooding impacts - assessed in section 3.3g).

Non-material objections

- Insufficient neighbour notification time period for comments- neighbour notification was carried out in accordance with the regulations;
- Drawings not a realistic scale - the proposals are drawn to scale;
- Inaccuracies in design statement - these have been rectified by agent;
- Impact on ability to maintain neighbouring properties - this is a civil issue;
- Proposed flats will be unaffordable - property values not relevant to planning;
- The site should be retained as toilets; and
- Disruption during construction works.

Material representations in support

- Meets housing supply need - assessed in section 3.3a);
- High quality design - assessed in section 3.3b); and
- In keeping with the character of the area - assessed in section 3.3b).

Non-material support comments

- Removes an existing eyesore; and
- Application has addressed DPEA reporter's comments.

j) Equalities

This application has no adverse impact in terms of equalities and human rights. Lift access is provided to upper floors of the building.

Conclusion

The proposal is in accordance with the Development Plan, but represents a minor infringement of the Council's non-statutory guidelines in relation to overshadowing and the provision of private open space. The development is acceptable in terms of scale, form and design and will not be detrimental to the character of the surrounding area. There will be a degree of overshadowing of neighbouring garden ground as a result of the proposals. However, on balance, given that the proposal is the desired urban form for the site, the proposals are acceptable.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. 1) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - c) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. Sample/s of the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work commences on site.
3. The windows highlighted in red shown on the proposed elevation drawing (07), (second and third floor), require high performance double glazing, to achieve Rw 41dB, and meet an 'NR15 closed window standard.'
4. Front facing windows overlooking Canaan Lane, (first, second, third, fourth and fifth floors) are to be fitted with high performance trickle vents which achieve Dn,e,w 50 dB.
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.

2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to protect the amenity of the occupiers of the development.
4. In order to protect the amenity of the occupiers of the development.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. Planning permission should not be issued until the applicant has entered into suitable planning obligations or made payment to contribute the sum of £7,500 towards nearby car club schemes.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. The wood burning stoves installed in the development should be approved appliances from the Scottish list of approved appliances, in accordance with changes made to sections 20 and 21 of the Clean Air Act 1993 by section 50 of the Regulatory Reform (Scotland) Act 2014.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

In total 28 representations were received, 23 objecting to the application and five comments in support of the application.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

LDP - Urban Area

Date registered

9 April 2018

Drawing numbers/Scheme

01-03, 04A, 05- 14,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer

E-mail: rachel.webster@edinburgh.gov.uk Tel: 0131 529 3442

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 18/01506/FUL At 7 Canaan Lane, Edinburgh, Erection of five storey building to replace a disused public toilet comprising 10 flats.

Consultations

Environmental Protection

The planning application is for a new five storey residential building to replace an existing public toilet at 7 Canaan Lane, Edinburgh. The proposed building is located behind an existing 4 storey Victorian period tenement to the west, which fronts onto Morningside Road. The ground floor of that building includes a holistic therapies business and a café located on the corner with Morningside Road. To the east, Canaan lane is residential with a mixture of housing styles and from different periods. To the south, on the other side of the Canaan Lane, the site overlooks the beer garden of a public house which fronts onto Morningside Road. To the east of the beer garden is a pub car park with further residential accommodation of mixed housing styles. The application follows on from 17/00184/FUL which was refused consent.

Due to the close proximity of the site to the beer garden, there were concerns that noise from customers in the beer garden would significantly affect the amenity of residents living in the new accommodation. Therefore, a Noise Impact Assessment (NIA) was provided by the agent. Although the desired standard of inaudibility through an open window could not be achieved, it was decided to accept the reduced standard of inaudibility through a closed window with upgraded acoustic ventilators (trickle vents). The justification being that there are existing residential properties that also overlook the beer garden and only the property on the ground floor has a bedroom to the front. The new building will also reduce traffic and other extraneous noise for some of the existing tenement building's rear facing rooms.

The only front facing windows that are predicted to meet the NR15 criterion with standard open trickle vents are the ground floor windows.

The NIA did not identify any plant noise from the public house or other adjacent commercial premises.

The development will also have wood burning stoves in each apartment living room. Under the Clean Air Act 1993, The City of Edinburgh Council's area is a smoke control area, therefore it is not permitted to emit smoke from a chimney unless an authorised fuel is being burned or an 'exempt appliance' is being used. The agent has advised that only DEFRA approved wood burning appliances are to be installed. Therefore, an informative is included overleaf.

Environmental Protection has no objections to the planning application subject to the following conditions:

Conditions

- 1) i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
- 2) In elevation drawing no. L(PL)014D: The windows highlighted in red, (second and third floor), are to be installed with high performance double glazing, 10/16/8.8 to achieve Rw 41dB, and meet an 'NR15 closed window standard.'
- 3) High performance acoustic ventilators which achieve Dn,e,w 50 dB are to be installed in, or above each window overlooking Canaan Lane on the first, second, third, fourth and fifth floor; as noted in elevation drawing no. L(PL)014D.

Informative

The wood burning stoves installed in the development should be approved appliances from the Scottish list of approved appliances, in accordance with changes made to sections 20 and 21 of the Clean Air Act 1993 by section 50 of the Regulatory Reform (Scotland) Act 2014.

Waste Services

No objection.

Flood Planning

No objection.

Roads Authority

No response.

Children and Families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

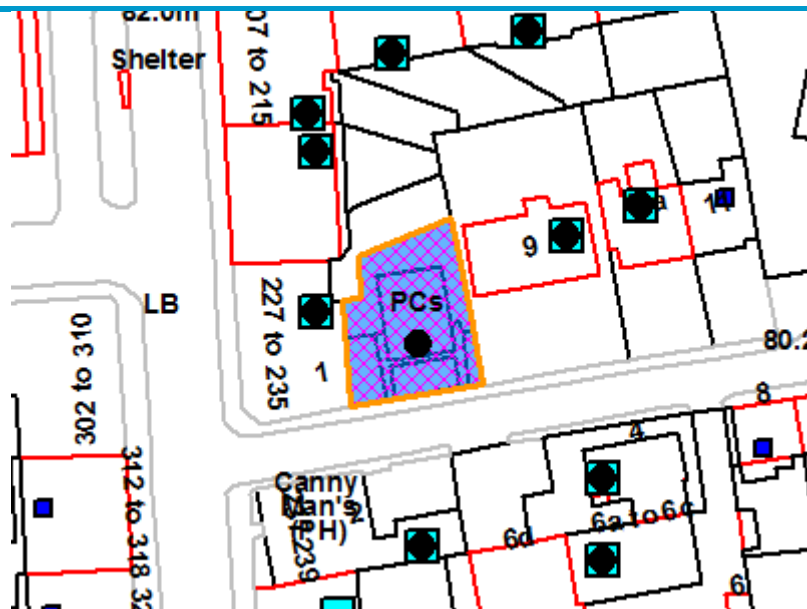
Using the pupil generation rates set out in the Supplementary Guidance, the development of 10 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of a five storey building to replace a disused public toilet comprising 10 flats.

The site has been identified as occurring within an area of archaeological potential. However, it is considered that the potential for significant archaeological remains being disturbed by this development is minimal. Therefore, it has been concluded that there are no significant archaeological implications regarding this application.

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 17/05832/FUL
At National Galleries Of Scotland, 1 The Mound, Edinburgh
Alterations and extension to the 1978 Property Services
Agency (PSA) wing with adjoining interior alterations to the
Scottish National Gallery (SNG) and the 2004 Weston Link,
new and improved service and pedestrian access,
landscaping , public realm and other works to achieve
improved connections between galleries, gardens and the
city beyond.**

Item number	7.3 (a)
Report number	
Wards	B11 - City Centre

Summary

The proposal is acceptable in principle and represents sustainable development as defined by the Edinburgh Local Development Plan (LDP).

The proposal is acceptable with respect to layout, scale and design and it will not have an adverse impact on the character and appearance of the site or the New Town or Old Town Conservation Areas. The proposals will not have any adverse impact on the setting of listed buildings and will not impact on the Outstanding Universal Value of the World Heritage Site. The proposed public realm alterations are an enhancement to East Princes Street Gardens. The proposal complies with relevant policies in the Development Plan and associated non-statutory guidance.

The proposal is acceptable. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LDES01, LDES03, LDES04, LDES05, LDES07, LDES08, LDES12, LEN01, LEN03, LEN04, LEN06, LEN07, LEN08, LEN09, LEN11, LEN12, LEN16, LRET07, LTRA07, NSG, NSLBCA, NSGD02, NSGSTR, NSADSP, NSART, OTH, CRPNEW, CRPOLD, CRPWHS,

Report

**Application for Planning Permission 17/05832/FUL
At National Galleries Of Scotland, 1 The Mound, Edinburgh
Alterations and extension to the 1978 Property Services
Agency (PSA) wing with adjoining interior alterations to the
Scottish National Gallery (SNG) and the 2004 Weston Link,
new and improved service and pedestrian access,
landscaping , public realm and other works to achieve
improved connections between galleries, gardens and the
city beyond.**

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is the National Gallery of Scotland and forms part of a gallery complex that includes the Royal Scottish Academy, the Mound Precinct and part of East Princes Street Gardens. The site is located in a prominent, elevated position on the west side of East Princes Street Gardens.

The National Gallery complex consists of two internationally significant buildings by the architect William Playfair, the Royal Scottish Academy (1822-6) and the National Gallery (1850-59). Both buildings were designed in the Greek Revival style.

The proposals primarily concern the National Gallery of Scotland, originally designed in 1850, but with internal alterations by WT Oldrieve in 1910-12, and later with a basement-level extension by the Property Services Agency (PSA) in 1975-8. The two galleries were linked in 2004 by John Millar & Ptns in the Playfair Project (later Weston Link) , and provide a garden- level entrance to East Princes Street Gardens.

Both the National Gallery of Scotland and the Royal Scottish Academy are category A listed, (Item No 27679 and Item No 27744) and were listed on the 14 December 1970.

The John Wilson Monument lies to the northern part of the site within Princes Street Gardens and is a statue to Professor John Wilson, The statue was designed by Sir John Steell, 1863-5, and is listed category A, (Item No 27881), listed 14 December 1970. The memorial to the International Brigade in the Spanish Civil War (1936-39) lies adjacent to a path below the PSA extension. The stone is a simple monolith with a brass plaque attached, and is not listed.

Together with the buildings, the complex is situated within the Old and New Towns of Edinburgh World Heritage Site and within a registered Garden and Designed Landscape (New Town Gardens).

To the east of the site lies East Princes Street Gardens. The Mound lies to the south and west of the site. Princes Street lies to the north. A railway tunnel runs directly under the National Gallery of Scotland.

The boundary between the Old Town and New Town Conservation Areas cuts through the site.

This application site is located within the New Town Conservation Area.

This application site is located within the Old Town Conservation Area.

2.2 Site History

The Scottish National Gallery and Royal Scottish Academy have an extensive planning history.

The following applications are most relevant to the current application:

Applications (01/04617/FUL/LBC) for planning permission and for listed building consent were for the resubmission of previous applications (application reference 99/03914/GDT and 01/00488/GDT) owing to the transfer of ownership of the National Galleries of Scotland and the Royal Scottish Academy from the Scottish Ministers to the Trustees of the National Galleries of Scotland. The transfer to the Trustees removed the Crown exemption of the properties and the applications were resubmitted in the name of the trustees to formalise the required planning and listed building consents.

18.04.2002 - Planning Permission granted to restore, part convert + improve environmental controls of RSA. Linking the National Gallery + RSA beneath the mound + provision of education + visitor facilities. General environmental improvements to Mound + vicinity (partly in retrospect) (application reference 01/04617/FUL).

10.05.2002 - Listed building consent granted to restore, part convert + improve environmental controls of RSA. The linking National Gallery + RSA beneath the mound + provision of education + visitor facilities. General environmental improvements to Mound + vicinity (partly in retrospect) (application reference 01/04617/LBC).

06.09.2016 - Demolish the 1978 PSA plinth extension elevation and completely remodel the associated existing interior. (as amended) (application reference 15/05791/LBC).

13.09.2016 - Planning Permission granted to extend and re-model the current Scottish Collection Gallery in the plinth of the Scottish National Gallery (as amended) (application reference 15/05795/FUL).

Concurrent application for listed building consent:

April 2018 - concurrent application for listed building consent under consideration for alterations and extension to the 1978 Property Services Agency (PSA) wing with adjoining interior alterations to the Scottish National Gallery (SNG) and the 2004 Weston Link, new and improved service and pedestrian access, landscaping, public realm and other works to achieve improved connections between galleries, gardens and the city beyond (application reference 17/05842/LBC).

Main report

3.1 Description Of The Proposal

The proposals primarily concern works to three areas within the complex - the Scottish National Gallery (SNG), the 1978 Property Services Agency (PSA) wing and the more recent Weston Link, built in 2004.

The current applications present a reduced scope of works to the recently consented applications for the galleries complex. Applications for planning permission (15/05795/FUL) and listed building consent (15/05791/LBC) were granted in September 2016. Following development of the design and review of the consented scheme, specific elements of the proposal have been revised. The main changes are as follows:

- The omission of the gallery extension of the PSA wing into Princes Street Gardens; and
- The retention of the north stair connecting the Western Link to the Scottish National Gallery above.

The existing glass and bronze facade of the PSA wing will be removed as part of the works. This will be replaced with a new facade comprising a palette of honey-coloured stone. Full height slot windows positioned at regular intervals along the facade will relate to a suite of rooms within the gallery. This glass and stone wall would be articulated by a large picture window at the point where it joins to the Gardens Entrance facade. The main entrance within the Weston link extension would be altered to form a new entrance.

The scheme also proposes new and improved service and pedestrian access, landscaping, public realm and other works to achieve a showcase for Scottish Art and improved connections between galleries and gardens. The new works to the interior of the galleries are assessed in the concurrent application for listed building consent (17/00587/LBC).

The Spanish War Memorial will be retained in situ in its existing position close to the PSA wing within the Gardens.

The landscape design can be broken down into 4 component areas which work together to achieve the above:

- a new public space at Princes Street/Mound level;
- an improved connection between Princes Street and the Weston Link entrance;
- a new terrace in front of the Weston Link elevation; and

- a new footpath connection between the Weston Link and the foot of the Playfair Steps.

Supporting Statements

The following documents have been submitted in support of the application.

- Design and Access Statement (Statements 1-7), including a Heritage Impact Assessment;
- Townscape Visual Impact Assessment (Appendix A);
- Tree Survey (Appendix B);
- Bat Survey (Appendix C);

A letter of support has also been submitted from the Director General of the National Galleries of Scotland.

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development is acceptable;
- b) the proposed development will have an adverse impact on the Outstanding Universal Value (OUV) of the World Heritage Site;

- c) the proposals affect the setting of the listed buildings;
- d) the proposals preserve and enhance the character or appearance of the conservation area;
- e) the proposed design and materials are acceptable;
- f) the proposed development will have an adverse impact on the landscape character of the site;
- g) the proposed development will have an adverse impact on views;
- h) the proposed impact on hard and soft landscaping;
- i) there will be a detrimental impact on trees and biodiversity;
- j) the development would impact on Open Space provision;
- k) there will be any impacts on archaeological remains;
- l) the proposals meet the Council's requirements in respect of sustainability;
- m) representations raise issues to be addressed; and
- n) the proposals have any equalities or human rights aspects that need to be considered.

a) Principle

The continued use of the site for promotion of arts, recreation, education purposes and cultural activities is consistent with the principles relating to the delivery of infrastructure and promoting access to the cultural environment.

The proposed alterations and new landscaping works will provide the visitor, cultural and educational facilities expected of a modern international gallery. Through this scheme the proposals will provide a sequence of new galleries to house the extensive Scottish Collection. The improved delivery access and environmental conditions within the gallery spaces will allow the buildings to meet modern requirements. This will allow the Galleries to show larger and more international exhibitions. The proposed lifts and linkage will provide access to all parts of the building complex, for both visitors and staff with disabilities.

The proposed alterations to the galleries also complies, in general terms, with sustainable development principles relating to accessibility, owing to the site's city centre location, where public transport facilities are readily available. The continued use of the existing building also contributes to the sustainable nature of the development.

The proposals will introduce a high quality design and landscaping proposals, which will promote place making. The continued use of the galleries as a major cultural attraction would contribute to the economic growth of the city. The proposals are considered to be consistent with these principles.

The accessible City Centre location complies with the principles of LDP Ret 7, in relation to the preferred location of entertainment, leisure and arts facilities in the city centre. The gallery proposals would make a valuable contribution towards the City's cultural and visitor facility as encouraged by policy Ret 7.

The alterations to the gallery within this city centre location accords with the provisions of LDP policy Del 2 and Ret 7, which provides for the location of such arts and leisure facilities within this City Centre location, subject to compliance with other development plan policies.

b) Impact on the World Heritage Site

There is one relevant Outstanding Universal Value (OUV) of the Old and New Towns of the Edinburgh World Heritage Site that corresponds to this application. The first paragraph of the Statement of Outstanding Universal Value in the Edinburgh World Heritage Site Management Plan states that:

"the juxtaposition of these two distinctive townscapes distinctive townscapes (the Old and New Towns), each of exceptional historic and architectural interest, which are linked across the landscape divide, the great arena of Sir Walter Scott's Waverley Valley, by the urban viaduct, North Bridge, and by the Mound, creates the outstanding urban landscape"

The Management Plan further states:

"The New Town... is framed and articulated by an uncommonly high concentration of planned ensembles of ashlar-faced, world-class, neo-classical buildings, associated with renowned architects, including John and Robert Adam, Sir William Chambers, and William Playfair. Contained and integrated with the townscape are gardens, designed to take full advantage of the topography, while forming an extensive system of private and public open spaces. The New Town is integrated with large green spaces. It covers a very large area, is consistent to an unrivalled degree, and survives virtually intact"

Although the Management Plan does not refer to specific buildings, it is clear that the pair of Playfair buildings on the Mound are two of the most important buildings in Edinburgh, and therefore contribute significantly to the Outstanding Universal Values of the World Heritage Site. The proposed development reinforces the significance of the building as an art gallery. The creation of the new Scottish Gallery ensures that part of the World Heritage Site housing the Scottish Collection is maintained. This reinforces the key values of the WHS. The impact of the proposals are assessed fully in design section 3.3 e).

The proposals will not adversely impact on the OUV of the World Heritage Site.

The proposal complies with Policy ENV1 of the Edinburgh City Local Plan.

c) Setting

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states:

Setting is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

Monuments, buildings, gardens and settlements were almost always placed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Over time, these relationships change, although aspects of earlier settings can be retained.

Setting can therefore not simply be defined by a line on a map, and is likely to be unrelated to modern landownership or to curtilage, often extending beyond the immediate property boundaries into the wider area and broader landscape context.

The siting and the setting for the galleries buildings were conceived as a planned arrangement that would complement the key views across the city to and from the Castle. East Princes Street Gardens (EPSG) are an important component of the setting of Edinburgh Castle and thereby the NGS/RSA complex arrangement.

Although the detailed design and arrangement of the gardens has evolved and changed, the critical form of the valley and the wooded nature of the valley are key attributes of the landscape that establish the configuration of the setting. These factors are outlined in the conservation policies for EPSG.

The current scheme provides a replacement facade for the PSA wing, rather than the previously consented projecting extension from the building. This will reduce the impact the development will have within its immediate and wider setting. The grass banking will remain as will the existing parapet configuration. The existing bronze balustrade/railings on top of the walling are also retained in this current application.

The success of the existing 1978 PSA extension façade is, to an extent, in its reticence. The lower ground floor level windows are deeply recessed within a modern simple bronze façade forming a plinth to the building above. The new proposals are predominately masonry in form and will share this restrained approach, having an element of solidity and chamfered inset windows and only one larger picture window, as before, in the introductory section to the Scottish Collection. In this application the picture window is contained within the body of the façade and does not break the wall/balustrade above, reducing its impact.

While the loss of trees along the frontage to the NGS will change the view to the building, the principle arrangement of the natural/ designed environment, the wooded form of the valley will be unchanged. The impact on the setting for the Galleries and the Castle will be minor. Historic Environment Scotland support the principle of the works and the coherent vision behind this current application as successfully accessing and incorporating the extended Scottish Collection within the overall Galleries complex.

The proposal complies with Policy ENV3 of the Edinburgh City Local Plan.

d) Impact on Character of the New Town and Old Town Conservation Areas

The site is located within both the New Town and Old Town Conservation Areas. The essential characteristics of the New Town Conservation Area Character appraisal include:

"The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings strongly contributes to the character of the area.

The important contribution that the cohesive, historic skyline makes to the conservation area, means that it is particularly crucial to control incremental creep in building height, especially along skyline ridges.

A richly varied topography of ancient landform shaped by volcanism and later by glacial scouring.

Internationally important private and public open spaces lying within, and on the edge of a neoclassical grid pattern and reflecting the picturesque tradition of landscape improvement.

Gardens that create open and framed long distant picturesque views of exceptional quality.

The presence of high quality boundary elements, including random rubble' walls and black railings in stone copings, often curved".

The essential character of the Old Town Conservation Area, which is located to the south of the application includes:

"Dramatic gateways over the Waverley Valley.

Landmarks buildings and townscape.

Vistas and views Townscape Site and buildings combine to form one of the most spectacular and romantic townscapes in Europe".

The removal of the 1978 PSA extension will not compromise the integrity of the listed structures and will not adversely affect the character or appearance of the conservation area. This later element is of interest but its removal and replacement with a high quality stone and glass facade is justified. Its inconspicuous location in the conservation area means that the impact of its loss will be minimal. New external interventions to the listed buildings will be mostly limited to basement level and are of high quality design and materials. They will be sympathetic to the buildings and the area.

The elements proposed in this application will preserve the character and appearance of the conservation area.

The proposal complies with Policy ENV6 of the Edinburgh City Local Plan.

e) Building Design

LDP policy Des 1 provides that the design of a development should be based upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for proposals which would be damaging to the area's character or appearance, particularly where this has a special importance (such as at the application site).

The principal aspect of the design, the requirement for the Scottish Art Collection to be rehoused has informed this proposal.

The proposal has been through a considerable design process and pre application discussions, involving the National Galleries, Hoskins Architects, Edinburgh Council, Network Rail, Historic Environment Scotland and Edinburgh World Heritage.

A key objective of the design, and any proposed changes to the Galleries elevations, should simplify and reinforce the 'plinth' onto which the Galleries buildings sit as a part of the city level which is continuous with Princes Street.

Prior to the submission of both the 2015 and 2017 applications, the NGS held a public exhibition in May 2015 to allow wider engagement with the project and the future of the building. The client and the design team presented these proposals to the Edinburgh Urban Design Panel.

The Panel reviewed the 2015 scheme and supporting design approach, and although this current reduced scheme was not required to be presented to the Panel, it is considered that the principles of the review are also relevant for this application. The 2015 proposals were received favourably.

The Panel supported the approach of the building design responding to the landscape setting, the sensitive and analytical approach in informing the design approach for the new plinth to the buildings and the design approach to the internal alterations. In developing the proposals the Panel suggested consideration should be given to the architectural coherence of the proposals and materials alongside the existing Weston Link frontage, details of the proposed parapet and handrails and a close working relationship with the City of Edinburgh Council with respect to the management and enhancement of the adjacent East Princes Street Gardens.

The application has been submitted with a comprehensive Design and Access Statement which sets out the main objectives for the project to improve accessibility, widen participation and enhance the visitor experience. The rationale for changing the well designed architectural elevation is not aesthetic, it is intended to improve the function of the spaces behind it. The existing spaces behind the PSA extension were private, in use as offices and not for public show. Only small numbers of people were able to access these interiors, but the spectacular views out to the Garden and Designed Landscape, World Heritage Site and conservation areas are outstanding and unrealised. The new proposals would provide public gallery space within a new elevation; this would enable views outwards by large numbers of the public. The vertical size of the windows would be increased, so that the interiors of the galleries would be visible from the gardens.

The proposed design has a regular rhythm and strong verticality. The elevation would be detailed to emulate a solid masonry wall, rather than appearing as a veneer of stone cladding. The design of the stone facade will have an element of solidity but with chamfered inset windows and only one larger picture window, as in the previous application, in the introductory section to the Scottish Collection. In this application the picture window is contained within the body of the façade and does not break the wall/balustrade above, reducing its impact. The use of tooled stonework rather than solid ashlar is welcomed and will add interest to this elevation. The tooled stonework is a successful feature of the Weston Link. The proposed elevation would therefore enhance architectural character by re-establishing the unity of appearance, by creating a continuous plinth.

The design of the overall development scheme respects the site's sensitive location and draws upon the positive characteristics of the area, in terms of its landscape and heritage value, in accordance with the provisions of policy Des 1 and Des 3 (Development Design) of the LDP and the associated policies of the LDP, as well as the Edinburgh Design Guidance.

It is recommended that a sample panel will be constructed on site. This will show the high quality of the proposal in respect of the proposed external material and its detailing. If Committee is minded to grant the application, a condition is recommended to secure this sample panel.

f) Impact on landscape

Policies ENV 1 Edinburgh World Heritage Site; Env3 (Listed Buildings - Setting) Des 1, Des 3 and Env 7 - Historic Gardens and Designed Landscapes and ENV 11 Landscape Quality seek to protect the characteristics of the Gardens.

Princes Street Gardens is listed within the Inventory of Gardens and Designed Landscapes. They are considered 'outstanding' in the category of Work of Art, Historical value and Scenic Value. The 'Picturesque' landscape with the backdrop of the Old Town skyline and the castle was designed as a pleasure ground and has evolved over time to the gardens we are familiar with today.

As a candidate Special Landscape Area, Princes Street Gardens are described as 'An iconic city centre open space of historical and cultural significance.' Their evolution, described as 'The Gardens' natural hollow, is the product of eastward glacial scour around the volcanic crag formation of Castle Rock to form the Nor'Loch, a feature enhanced as part of the Old Town's defences. In the 18th century the area became part of the ensemble of the neo-classical New Town. The West Gardens were first laid out as private pleasure ground for residences at the west end of Princes Street, before joining one of the first public parks established within Scotland at East Princes Street, with the arrival of the railway.

The description goes on to say 'the gardens are an important recreational resource within the city centre and are well used to residents and visitors, playing host to a range of events'.

The Gardens are an important feature in views from elevated viewpoints such as Castle Rock, The Mound, North Bridge and Calton Hill, and for those arriving in the city by train. They form a unique foil between the Medieval and Renaissance Old Town and neo classical New Town'.

The Council prepared a conservation management plan for the gardens in 2003 prepared for the Council by Peter McGowan Associates, and subsequently a Management Plan 2010-15 which was updated in 2011. The Conservation Management Plan makes a detailed assessment of the significance of Princes Street Gardens in relation to its major features and values. The key factors of significance include, the gardens as setting for buildings of outstanding refinement and cultural significance including the RSA and NGS Galleries and the Scott Monument in Princes Street Gardens; a unique source of passive recreational experience; one of seven Premier Parks in Edinburgh; and a space of outstanding quality. The gardens are an important venue for a range of events and activities managed by the Council. The Edinburgh Parks Events Manifesto sets out a framework to ensure a balanced programme of events take place.

The Conservation Management Plan details 20 Conservation Policies which include maintaining and enhancing key views; enhancing the physical relationship between the gardens and adjoining streets and public places, and develop the gardens character as a green, open and restful haven for passive recreation, away from the adjoining streets; to improve the quality of the landscape and features within the gardens and to manage the gardens to the benefit of the city economy.

These policies underpin the overall goal 'to conserve and enhance Princes Street Gardens and their urban setting and to maintain their history of evolution and primary passive recreational function; to promote understanding of their cultural significance; and to present them to a standard which exemplifies their civic and national status within the World Heritage Site and respects its sensitivity'. The aims of the management plan outline in greater detail how the overall goal can be delivered and seeks to assess impacts of future development proposals against the conservation plan policies.

The development proposes changes to the gardens that respond to the new requirements for access, circulation and enhancements that seek to improve the use of the gardens for visitors and increased use of the cultural asset of the galleries.

- The proposals will conserve the setting of views to Edinburgh Castle and to the Scott Monument;
- Sensitive and well design changes to the entrances into the gardens will enhance the views and physical relationship between the gardens and the adjoining streets and public spaces;
- The changes to the grass slopes with formal grass terraces and new connecting footpaths will work with the existing levels and thereby conserve the form of the valley;
- The new footpath arrangement eliminates the deficiencies of access to the gardens;
- The design retains the historic resources of the site, retaining the relationships of garden to building and important boundary features and natural landscape features.

- The removal and management of tree cover and replacement planting will conserve the appearance of the gardens as a wooded valley in long views, while opening up cross views;
- Retaining the entrances and boundary features of the gardens; working with the existing landscape structure and bringing modest activity to a new terrace will maintain the balance of the garden as an open and restful haven away from the busy city streets;
- The design will conserve buildings and features of quality and ensure that new features provide a coherent quality of materials and detailing;
- The proposed public realm arrangements will bring improvements to the culturally significant monuments and memorials, reintroducing a hard landscape terrace around the John Wilson statue.
- The introduction of revised tree planting and management will help to reintroduce the 'picturesque' setting of the galleries and help to reduce the effect of the new elevation/ plinth feature.
- The new grass terraces will provide a contemporary solution and be compatible with the introduction of a new paved terrace. These solutions respond to the contemporary demand for improved access and use of the galleries as a key cultural asset in the World Heritage Site;
- The capacity of the landscape and types of uses enjoyed by visitors to the gardens will be maintained by the proposals. Special events will continue to be able to use the spaces, enhanced with new access arrangements.
- The proposals have sought to develop biodiversity, ensuring tree planting is reintroduced;
- Lighting designs will ensure that the proposals maintain the balance of dark space.

In summary, the proposal will make changes to features of East Princes Street Gardens. These changes will be designed in such a way that will provide improvement to the layout, management and arrangement of the gardens. Undertaken to a high quality, these changes will have a long term positive effect on the landscape. The grass embankments are in some areas very steep. These will always run the risk of failing. The final installation will require to be carefully specified and CEC Parks department involved. A condition requesting details of the method of stabilization and grass species will ensure that Parks are involved in the final design of the embankments. The impact of the new large paved area will be determined by the colour, texture and type of stone selected.

The proposal complies with Policy Env 7 - Historic Gardens and Designed Landscapes and Policy ENV 11 Special Landscape Areas of the Edinburgh Local Development Plan.

g) Impact on views

The impact of the proposed development on the character and the visual amenity has been examined in the consultants Townscape and Visual Impact Assessment. A limited assessment of views has been undertaken. The assessment has considered the impact of the new development including changes to the gardens and has not considered impacts of the construction phase.

The photographic before and after montages are illustrative and are not presented as verified views. The images present nine views in total, including one night view from North Bridge.

Views from Calton Hill, identified in the Special Landscape Area description have not been assessed.

City view- View from the Scott Monument

This is the most prominent viewpoint that illustrates the proposed changes. While new public realm improvements with new paths, terraces and steps will be visible against the new façade of the Weston Link and new gallery, the overriding change to the view will result from the changes in tree cover in Princes Street Gardens. The materials chosen for the paving and on the elevation will therefore be important. The scheme proposes new tree planting that aims to re-establish the tree positions originally envisaged in the original plans.

City view- View from North Bridge

The changes to the view result from the loss of tree planting in the gardens and from the view of the new elevation. Both of these are seen against the exposed elevation of the National Gallery. Exposing the view enables the original 'plinth' onto which the galleries complex sits to be re-established. The relocation of new tree planting and using a suitable colour for the new elevation will allow the proposal to recede back against the more dominant National Gallery elevation and to re-establish the building into the 'picturesque' landscape setting.

City View - Night Time View- view from North Bridge

The new elevation will be visible in views at night, extending the lit part of the 'complex' below the plinth in a similar manner as the Weston Link is highlighted below the RSA building. The railway cutting and tunnel, seen in this view, prevents the tree cover afforded to other parts of the gardens and therefore results in a greater impact as a result of the tree loss. New trees planting will be critical to ensure that impacts of the new development are planned as an integral part of the re-design of the gardens.

City View- Castle Ramparts

The galleries complex forms an important part of the composition of the view across the Waverley Valley from the Castle. A change to the green backdrop for the Galleries complex will result from the loss of the tree cover, opening up of views of the terraces on the north side of the gardens. New tree planting will, over time, renew this backdrop.

All of these views highlight the immediate changes in context to the Galleries complex on the Mound and the relationship with Princes Street Gardens. The proposal will reintroduce and extend a hard landscape treatment and changes to the existing boundaries at the interface between the two areas of open space. There will be a significant change to these views, however the arrangements will provide more urban space to improve pedestrian movements and increase the use of these locations.

In summary, the site is part of an internationally recognised landmark in the city's views and visible from the Castle, Calton Hill and North Bridge. The site is also seen in more local views from Waverley Bridge and on approaches to the site through East Princes Street gardens.

The development will change the unique views of this site, opening up views and extending the dominance of the plinth below the Galleries complex above.

A permanent change will be visible to city views taking in the galleries complex at the Mound. The strong plinth and elevation, established with the Weston Link, below the individual buildings will be completed with the new proposals. Tree loss that has to take place to facilitate the changes will expose the complex in its new setting. New tree planting and reshaped landscaping will be critical to ensure that the original 'picturesque' setting is re-established for these views. Changes to the footpaths and new terrace will increase the hard landscape setting to the buildings. It will be critical to ensure that new landscape proposals and especially tree planting undertaken as part of the development and as part of the long term management of the site ensure that these changes are integrated into the gardens and the setting of the buildings.

Local views will perceive the greatest change as a result of the development proposal. Careful design of boundaries, features and the use and colour of materials will be critical to the success and integration of the changes.

The proposal does have an immediate impact that does not comply with policies Des 1, Des 3 however the impact will diminish over time as the trees and the landscape will recover and the final landscape will be improved whilst maintaining the key characteristics protected by policy.

h) Impact on Soft and Hard landscaping

The proposals for the design of the soft landscaping and planting schemes are shown in accompanying landscape drawings. Drainage plans have also been submitted as part of the application.

There is a comprehensive landscape and public realm plan which supports the proposed extension to the National Gallery. The proposals aim to improve accessibility into the gardens, and provide an enhancement of the paving along with management of the tree planting and reconfigured soft landscaped areas.

The supporting Design Statement and conservation plan highlight that changes to the arrangement of landscaping to the Galleries and to Princes Street Gardens have changed a number of times in the past. The hard landscaping design responds to the modern extension proposed. The proposed changes will be designed and detailed to a high quality, incorporating and protecting original details as much as possible. The proposals will offer an improved arrangement for access and use of the gardens. This opportunity would outweigh any impacts on original features.

The proposal complies with LDP Policies Des 5 and Des 3, and LDP Policy ENV 3.

i) Impact on trees

Ecological matters are outlined in the supporting design statement.

Daytime Bat surveys have been undertaken and found no sign of bat roosts or sites suitable for roosting on any of the buildings or trees that would be demolished/ removed as part of this proposal. Deteriorating parts of the existing building may be suitable for bats and therefore further surveys are recommended prior to the works taking place. A condition should be applied for such details to be provided prior to any development commencing on site.

There are thirty nine trees worthy of retention on the site (Category A and B in the tree survey) are being removed to facilitate development. A further eleven trees of lower quality are also being removed. These are mostly young trees. Twenty two trees are being planted a part of the replacement planting. This is acceptable because the replacement of all the trees would be inappropriate with the new layout. The final selection of trees will be developed in consultation with the Council.

A tree protection drawing has been submitted to indicate how trees will be protected on site, however the drawing does not convey the detail required. A condition will ensure such details are provided and agreed prior to any development commencing on site.

Currently the trees contribute to the designed landscape and are an important component of the 'picturesque' landscape setting for the galleries and the gardens. The loss of these trees will have an impact on the landscape in the short term, until the new replacement trees are able to provide the new setting, allowing new and managed views to the buildings.

Some removal of trees in the gardens is desirable as some of the trees are over mature and no longer provide the desired and intended setting for the buildings in the galleries complex. The removal of the proposed trees would improve these views and would be moderately beneficial.

Their loss is contrary to LDP policies ENV 12 (Trees) and Des 5 which looks to safeguard trees worthy of retention for incorporation into the design.

However, the volume of tree planting currently on site will be replaced in the proposals with new tree planting. The drawings provided do not reflect some of the discussion about replacement planting and therefore conditions should be applied to agree the suitable replacement of all of the trees lost in the gardens. These trees will either be planted as part of the comprehensive scheme proposed or used to supplement tree planting and management elsewhere in Princes Street gardens.

The proposal complies with Policies ENV 12 (Trees) and Des 5 of the Edinburgh City Local Plan.

j) Impact on Open Space

Princes Street Gardens is Edinburgh's central garden and its most famous open space, lying in the centre of the city between the Old Town and New Town.

Policy OS 1 seeks to protect "all open spaces, both public and privately owned, which contribute to the amenity of their surroundings and the city, which provide or are capable of providing for the recreational needs of residents and visitors or which are an integral part of the city's landscape and townscape character and its biodiversity".

The current proposal seeks to form a new facade to the Gallery at basement level. The grass bank between the gallery and the gardens will be retained. The loss of open space will therefore be minimal.

The Galleries already have a presence in the gardens with the Weston Link. The proposed new Gallery for the SNG will attract an increased number of visitors into the gardens. The purpose of the scheme is to improve the cultural, leisure and educational facilities, and is complimentary to the gardens, rather than for commercial use. The proposals are therefore justifiable in this instance.

The Director of Culture and Leisure raises no comments to the proposal. The construction works will have a temporary impact on the gardens and conditions are recommended regarding the construction programme and to ensure that the planting and paths are returned to their original state.

The proposal complies with Policy OS 1 of the Edinburgh City Local Plan.

k) Archaeology

Based on the historical and archaeological evidence the building has been identified as being of regional importance. Accordingly, these applications must be considered under the terms of Scottish Government's 'Our Place in Time' policy, Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and Edinburgh Local Development Plan (2016) policies ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The development will require significant excavations into the surviving Mound, a structure of archaeological significance in its own right, but may also impact upon the remains associated with the first Crawley Tunnel and potentially elements of Edinburgh's Old Town buried beneath the Mound. Accordingly it is regarded as essential that an archaeological mitigation strategy is agreed prior to development in order to ensure for the excavation, recording and analysis of any surviving archaeological remains.

In order to safeguard the archaeological interests of the existing buildings and the earth below, the use of a condition is recommended, if Committee is minded to grant the application.

It is recommended that these programme of works be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34).

The proposal complies with ENV8 & ENV9 of the Edinburgh City Local Plan.

l) Sustainability

The proposals include a high efficiency gas fired condensing boiler plant installation with zoned heating to all areas of the building, new AHU systems, the introduction of a 'wide band' temperature and humidity controls and new air conditioning systems. All lighting is provided by high efficiency LED fittings.

The agent has provided further information on Sustainability issues in Section 6.7 of the Design and Access Statement.

The proposal accords with the requirements of Policy Des 6 of the Edinburgh Local Development Plan.

m) Representations have been considered

No representations have been received.

n) Impacts on equalities or human rights are acceptable

The proposals have been assessed for impacts on equalities and human rights. The development would improve the accessibility of the building. Level access would be provided and there would be lifts to allow access to its various levels.

The proposed public realm works would improve accessibility, including those with mobility issues within the galleries and within the wider gardens.

Impacts on equalities and rights are acceptable.

Conclusion

The proposal is acceptable in principle and represents sustainable development as defined by the Edinburgh Local Development Plan (LDP).

The proposal is acceptable with respect to layout, scale and design and it will not have an adverse impact on the character and appearance of the site or the New Town or Old Town Conservation Areas. The proposed extension will not have any adverse impact on the setting of listed buildings and will not impact on the Outstanding Universal Value of the World Heritage Site. The proposed public realm alterations are an enhancement to East Princes Street Gardens. The proposal complies with relevant policies in the Development Plan and associated non-statutory guidance.

The proposal is acceptable. There are no material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. A sample of masonry work, indicating courses, surfacing finish and pointing, shall be prepared for inspection on site and shall be approved in writing by the Planning Authority, before work commences on site.
4. A sample of masonry work, indicating courses, surfacing finish and pointing, shall be prepared for inspection on site and shall be approved in writing by the Planning Authority, before work commences on site.
5. The approved landscaping scheme shall be fully implemented within the first planting season of the completion of the development; and thereafter shall be maintained by the applicants and /or their successors to the entire satisfaction of the Planning authority; maintenance shall include the replacement of plant stock which fails to survive for whatever reason, as often as required within the first 5 years of the completion of the development, to ensure the establishment of the approved landscaping scheme.
6. A tree protection plan providing full details of all measures to be put in place to safeguard existing trees on the boundary of the application site prior shall be submitted to and approved by the Planning Authority before works commence on site and the approved measures shall be adhered to at all times during the course of development works. The tree protection measures must be maintained during the entire development process and not altered or removed unless with the written consent of the Planning Authority.
7. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
8. The final detailed design of the embankment and details of the stabilisation methods and grass species proposed shall be provided and approved in writing by the Planning Authority, before work commences on site.
9. Details of the proposed tree pit details including the tree pit under tree 109 adjacent to the statue shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

10. Details of the final design of the new railings shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
11. Details of the final design of the proposed markers shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site
6. In order to safeguard protected trees.
7. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site
8. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site
9. In order to enable the planning authority to consider this/these matter/s in detail.
10. In order to enable the planning authority to consider this/these matter/s in detail.
11. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Details of all changes in ground levels, laying of foundations, piling works and operation of mechanical plant in proximity to The Mound Tunnels must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk

6. TRAMS - Important Note

The proposed site is on or adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line;

- See our full guidance on how to get permission to work near a tram way; and
- <http://edinburghtrams.com/community/working-around-trams>.

Note:

It is understood that Playfair Steps and the footway northwards on the eastern side of the Scottish National Gallery is maintained by the Scottish Government and is not a City of Edinburgh Council 'road'.

7. If works are not undertaken to seal this section of the wing prior to the onset of the next active season (May 2018) then an additional pre-works inspection should be undertaken before works commence on site.
8. Clearance of vegetation/trees from the proposed construction areas has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
9. Planning and landscaping details should be discussed and developed with Parks and Greenspace prior to submission and approval in writing by the Planning Authority.
10. Prior to the commencement of development the applicant works with Parks and Greenspace and Estates on construction access and periods of limitations of access to East Princes Street Gardens and discussions to take place with City of Edinburgh Council Events to ensure the proposed works do not affect the Capital Christmas Programme.
11. Before development takes place the applicant shall provide details of a clearly delineated space to be identified in which tables and chairs for the Galleries cafe operations can be placed to allow management of the space for diners and pedestrians accessing the area.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 12 January 2018.

No letters of representation were received.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located within the City Centre as identified in the Edinburgh Local Development Plan. The site is also within the World Heritage Site, New Town and Old Town Conservation Areas. The site is a registered Garden and Designed Landscape (New Town Gardens) and is identified as Open Space.

Date registered

13 December 2017

Drawing numbers/Scheme

1-58,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Diana Garrett, Planning Officer

E-mail: diana.garrett@edinburgh.gov.uk Tel: 0131 529 3620

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) identifies the City Centre, at Leith and Granton Waterfront and town centres as the preferred locations for entertainment and leisure developments.

LDP Policy Tra 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-statutory guidelines 'ART IN PUBLIC PLACES' set out good practice to ensure that contemporary art works match the quality of the past, and enhance and contribute to the environment.

Other Relevant policy guidance

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

**Application for Planning Permission 17/05832/FUL
At National Galleries Of Scotland, 1 The Mound, Edinburgh
Alterations and extension to the 1978 Property Services
Agency (PSA) wing with adjoining interior alterations to the
Scottish National Gallery (SNG) and the 2004 Weston Link,
new and improved service and pedestrian access,
landscaping , public realm and other works to achieve
improved connections between galleries, gardens and the
city beyond.**

Consultations

HISTORIC ENVIRONMENT SCOTLAND

We have had pre-application discussions regarding this much-reduced (from the previous consent) scheme to revitalise and extend the Scottish Collection within the National Galleries complex on the Mound.

In this letter we are responding to the planning permission for works to the A listed building and its setting. The setting of other A listed buildings, and the potential impact the development may have on the World Heritage site. The site is also within the New Town Gardens designed landscape and the New Town Conservation Area.

As before, we support the principle of the works.

Regarding demolition works, we previously expressed our view that the bronze façade of the PSA wing and the rear (northern) access stair to lower ground level had a certain interest in terms of the architectural evolution of the building. This view was shared, to an extent, within the Conservation Plan which allocated them a moderate significance. However, we judged that the benefits within the overall project would make their loss acceptable. This remains our view.

The revised scheme provides a replacement façade for the PSA wing, rather than a projecting extension from the building. This will immediately reduce the impact the development will have within its immediate (and wider) setting. The grass banking remains as does the existing parapet configuration, and, being on a different plane, also makes the different design approach proposed (from the architecture of the Weston link) easier to achieve.

The success of the PSA extension façade is, to an extent, in its reticence, with the lower ground floor level windows deeply recessed within a modern unadorned bronze façade forming a plinth to the building above. The new proposals, being predominately masonry in form will share this restrained approach, having an element of solidity and chamfered inset windows and only one larger picture window, as before, in the introductory section to the Scottish Collection. In this application the picture window is contained within the body of the façade and does not break the wall/balustrade above, reducing its impact.

We welcome the intention to utilised tooled stonework rather than polished ashlar, a successful feature of the Weston Link.

We also welcome the retention of the PSA wing's handsome bronze balustrade/railings atop the walling, and might suggest a similarly detailed approach for the new railings proposed to access East Princes Street Gardens.

We have commented before on the public realm improvements and our previous view on the alterations has not changed.

We do not consider that the new extension will impact adversely on the OUV of the World Heritage site or the setting of adjacent A listed buildings.

In conclusion, we support the principle of the works and can see the coherent vision behind successfully accessing and incorporating the revamped Scottish Collection within the overall Galleries complex

ARCHAEOLOGY

Further to your consultation request I would like to make the following comments and recommendations concerning these linked LBC & FUL applications for alterations and extension to the 1978 Property Services Agency (PSA) wing with adjoining interior alterations to the Scottish National Gallery (SNG) and the 2004 Weston Link, new and improved service and pedestrian access, landscaping, public realm and other works to achieve improved connections between galleries, gardens and the city beyond.

The two A-listed Playfair Galleries (RSA & NG) forming the National Galleries of Scotland site on The Mound lie at the centre of Edinburgh's UNESCO world Heritage site and of national importance. The galleries built bin the 1820's and 1850's respectively occupy the Mound a monument in its own right. Dating from the 1780's as a short cut across the newly drained Nor Loch the mound comprises a mix of midden material from Edinburgh's Old Town and landfill derived from the construction of the New Town. The Mound was also built over the remains of buildings associated with Edinburgh's Old Town the last of which appears to be a tanning yard shown on Kincaid's Plan of 1784.

The Crawly Tunnel was constructed across the Mound in 1822 to deliver water to the New Town. This nationally significant feat of Georgian Engineering (still in use today) had to be diverted soon after its completion by the construction of the RSA. Evidence for this was revelled during the recent construction of the Edinburgh Tram, where a disused section was recorded heading towards the RSA, whilst the 1825 diversion was built to extend around the RSA to the west under the present day road.

Based on the historical and archaeological evidence the building has been identified as being of regional importance. Accordingly, these applications must be considered under terms Scottish Government's Our Place in Time policy, Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) policies ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Buildings

The proposals will require significant alterations to the existing A-listed Galleries. However having assessed these impacts, I concur with Simpson & Brown's 2017 Heritage Impact Assessment (section 6.7) that it is considered that on the whole such impacts would be considered as having a low archaeological impact. It is therefore recommended that a historic building survey (photographic and written survey, annotated plans and elevations) is undertaken of the areas affected prior to and during demolition/alterations.

Buried Archaeology

The development will require significant excavations into the surviving Mound, a structure of archaeological significance in its own right, but may also impact upon the remains associated with the first Crawley Tunnel and potentially elements of Edinburgh's Old Town buried beneath the Mound. Accordingly it is regarded as essential that an archaeological mitigation strategy is agreed prior to development in order to ensure for the excavation, recording and analysis of any surviving archaeological remains.

Interpretation

Given the potential importance of these remains it is essential that the excavations contain a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

It is recommended that these programme of works be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Building Survey, Excavation, reporting and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant

NETWORK RAIL

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to The Mound Tunnels, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:

There must be no additional loading/surcharge on The Mound Tunnels (including sidewalls) by the proposed development. All proposed works adjacent to the tunnel must be subject to further discussions and agreement with Network Rail.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- *Details of all changes in ground levels, laying of foundations, piling works and operation of mechanical plant in proximity to The Mound Tunnels must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.*

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

*Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk*

ENVIRONMENTAL PROTECTION

Environmental Protection raised no concerns with a previous proposals to extend and re-model the Scottish Collection Gallery in the plinth of the Scottish National Gallery. Works included creating new stair links from the Playfair gallery and opening up the new gallery space to the Weston link concourse in the plinth. An accessible route was to be formed in Princes Street Gardens down to the lower level entrance (15/05795/FUL). This application is similar in nature and Environmental Protection offered no objection to the 2015 application.

However, we need to highlight the fact that the site is located in close proximity to the city centre air quality management area. The applicant has advised it is committed to improving energy efficiency and increase sustainability. Environmental Protection would recommend that the applicant installs electric vehicle charging points into the car parking area, this will enable the fleet serving the museum will be able to convert over to electric.

It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of EV charging points.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

- *Dedicated parking spaces with charging facilities.*
- *Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Protection recommends that at least one EV charging outlet should be of the following standard serving the non-residential car spaces:

70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Grants are also available for the installation of EV charge points from the Scottish Energy Saving Trust. More information can be found at:

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>

The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. This is underpinned by a range of actions to expand the charging network, support innovative approaches and encourage the public sector to lead the way, with developers incorporating charging points in new developments.

Therefore, Environmental Protection would not object to this application regarding local air quality but recommend an informative on EV Infrastructure being included.

Therefore, Environmental Protection has no objections to this proposed development.

1. Prior to the use being taken up, two rapid electric vehicle charging point, capable of 70 -50kW (100 Amp) DC with 43kW (63 Amp) AC output shall be installed in the commercial car parking area

TRANSPORTATION

No objections to the application.

TRAMS - Important Note

The proposed site is on or adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;

- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;
- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line. See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>

Note:

It is understood that Playfair Steps and the footway northwards on the eastern side of the Scottish National Gallery is maintained by the Scottish Government and is not a City of Edinburgh Council 'road'

EDINBURGH WORLD HERITAGE

No formal comments received

EDINBURGH ACCESS PANEL

No formal comments received

NEW TOWN AND BROUGHTON COMMUNITY COUNCILS

No formal comments received

OLD TOWN COMMUNITY COUNCIL

No formal comments received

CULTURE AND SPORT

No formal comments received

ARCHITECTURE AND DESIGN SCOTLAND

No formal comments received

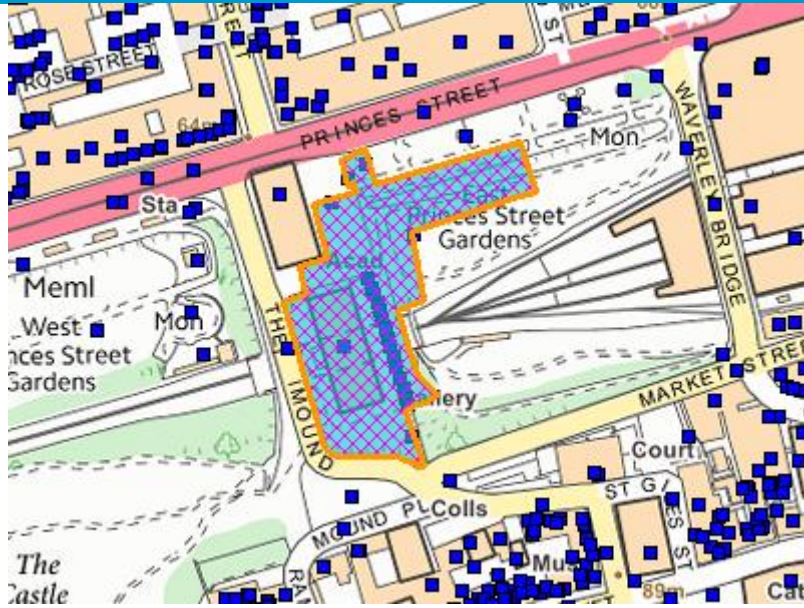
MUSEUMS AND GALLERIES

No formal comments received

PARKS AND GREENSPACE

No formal comments received

Location Plan



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END

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Listed Building Consent 17/05842/LBC
At National Galleries Of Scotland, 1 The Mound, Edinburgh
Alterations and extension to the 1978 Property Services
Agency (PSA) wing with adjoining interior alterations to the
Scottish National Gallery (SNG) and the 2004 Weston Link,
new and improved service and pedestrian access,
landscaping , public realm and other works to achieve
improved connections between galleries, gardens and the
city beyond.**

Item number	7.3 (b)
Report number	
Wards	B11 - City Centre

Summary

The application complies with the Development Plan and Non-statutory guidance. On balance, the proposals have no adverse impact on the architectural integrity and composition of the building ensuring that its special character is preserved. The proposals will ensure the long term use of this internationally important category A listed building. The proposed conservation based approach to this project results in significant wider conservation benefits.

Links

Policies and guidance for this application	LDPP, LEN03, LEN02, LEN04, LEN06, LDES12, NSG, NSLBCA, CRPNEW, CRPOLD,
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Report

**Application for Listed Building Consent 17/05842/LBC
At National Galleries Of Scotland, 1 The Mound, Edinburgh
Alterations and extension to the 1978 Property Services
Agency (PSA) wing with adjoining interior alterations to the
Scottish National Gallery (SNG) and the 2004 Weston Link,
new and improved service and pedestrian access,
landscaping , public realm and other works to achieve
improved connections between galleries, gardens and the
city beyond.**

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is the National Gallery of Scotland and forms part of a gallery complex that includes the Royal Scottish Academy, the Mound Precinct and part of East Princes Street Gardens. The site is located in a prominent, elevated position on the west side of East Princes Street Gardens.

The National Gallery complex consists of two internationally significant buildings by the architect William Playfair, the Royal Scottish Academy (1822-6) and the National Gallery (1850-59). Both buildings were designed in the Greek Revival style.

The proposals primarily concern the National Gallery of Scotland, originally designed in 1850, but with internal alterations by WT Oldrieve in 1910-12, and later with a basement-level extension by the Property Services Agency (PSA) in 1975-8. The two galleries were linked in 2004 by John Millar & Ptns in the Playfair Project (later Weston Link), and provide a garden level entrance to East Princes Street Gardens.

Both the National Gallery of Scotland and the Royal Scottish Academy are category A listed, (Item No 27679 and Item No 27744) and were listed on the 14 December 1970.

The John Wilson Monument lies to the northern part of the site within Princes Street Gardens and is a statue to Professor John Wilson, The statue was designed by Sir John Steell, 1863-5, and is listed category A, (Item No 27881), listed 14 December 1970. The memorial to the International Brigade in the Spanish Civil War (1936-39) lies adjacent to a path below the PSA extension. The stone is a simple monolith with a brass plaque attached, and is not listed.

Together with the buildings, the complex is situated within the Old and New Towns of Edinburgh World Heritage Site and within a registered Garden and Designed Landscape (New Town Gardens).

To the east of the site lies East Princes Street Gardens. The Mound lies to the south and west of the site. Princes Street lies to the north. A railway tunnel runs directly under the National Gallery of Scotland.

The boundary between the Old Town and New Town Conservation Areas cuts through the site.

This application site is located within the Old Town Conservation Area.

This application site is located within the New Town Conservation Area.

2.2 Site History

The Scottish National Gallery and Royal Scottish Academy have an extensive planning history.

The following applications are most relevant to the current application:

Applications (application reference 01/04617/FUL/LBC) for planning permission and for listed building consent were for the resubmission of previous applications (application reference 99/03914/GDT and 01/00488/GDT) owing to the transfer of ownership of the National Galleries of Scotland and the Royal Scottish Academy from the Scottish Ministers to the Trustees of the National Galleries of Scotland. The transfer to the Trustees removed the Crown exemption of the properties and the applications were resubmitted in the name of the trustees to formalise the required planning and listed building consents.

18.04.2002 - Planning Permission granted to restore, part convert and improve environmental controls of RSA. Linking the National Gallery and RSA beneath the mound and provision of education and visitor facilities. General environmental improvements to Mound and vicinity (partly in retrospect) (application reference 01/04617/FUL).

10.05.2002 - Listed building consent granted to restore, part convert and improve environmental controls of RSA. The linking National Gallery and RSA beneath the mound and provision of education and visitor facilities. General environmental improvements to Mound and vicinity (partly in retrospect) (application reference 01/04617/LBC).

06.09.2016 - Listed building consent granted to demolish the 1978 PSA plinth extension elevation and completely remodel the associated existing interior. Works will involve demolition of the south stair and the 2004 north spiral stair as well as removal of a dividing wall between the Weston link concourse and the present Print Room. Works will also involve remodelling the lower level entrance in the Weston Link facade and of internal spaces. New lifts will require works to 1st floor gallery spaces (as amended) (application reference 15/05791/LBC).

13.09.2016 - Planning Permission granted to extend and re-model the current Scottish Collection Gallery. Works will include creating new stair links from the Playfair Gallery above and opening up the new gallery space to the Weston link concourse in the plinth. An accessible route is to be formed in Princes Street Gardens down to a re-modelled lower level entrance together with public landscape re-modelling (as amended) (application reference 15/05795/FUL).

Concurrent application for planning permission:

May 2018 - concurrent application for planning permission under consideration for alterations and extension to the 1978 Property Services Agency (PSA) wing with adjoining interior alterations to the Scottish National Gallery (SNG) and the 2004 Weston Link, new and improved service and pedestrian access, landscaping, public realm and other works to achieve improved connections between galleries, gardens and the city beyond (application reference 17/05832/FUL).

Main report

3.1 Description Of The Proposal

The proposals primarily concern works to three areas within the complex - the Scottish National Gallery (SNG), the 1978 Property Services Agency (PSA) wing and the more recent Weston Link, built in 2004. The project focuses on improving the connections between the buildings to create an enhanced and enlarged gallery for the display of the Scottish Art Collection as well as providing significant public benefits for improved connections between galleries and gardens including access, landscaping, art handling facilities, public realm and other works.

The current applications present a reduced scope of works to the recently consented applications for the galleries complex. Applications for planning permission (15/05795/FUL) and listed building consent (15/05791/LBC) were granted in September 2016. Following development of the design and review of the consented scheme, specific elements of the proposal have been revised. The main changes are as follows:

- The omission of the gallery extension into Princes Street Gardens; and
- The retention of the north stair connecting the Western Link to the Scottish National Gallery above.

NEW FACADE TO PRINCES STREET GARDENS ELEVATION

The existing glass and bronze facade of the PSA wing will be removed as part of the works. This will be replaced with a new facade comprising a palette of honey-coloured stone. The proposed alterations will allow for controlled daylight to be brought into the space and enhanced circulation to provide a new entrance to the Gallery and simplifying visitor orientation. It also allows for reconfiguring the existing servicing strategy to reduce the amount of servicing required.

Full height slot windows positioned at regular intervals along the facade will relate to a suite of rooms within the gallery. This glass and stone wall would be articulated by a large picture window at the point where it joins to the Gardens Entrance facade. The main entrance within the Weston link extension would be altered to form a new entrance.

The scheme also proposes new and improved service and pedestrian access, landscaping, public realm and other works to achieve a showcase for Scottish Art and improved connections between galleries and gardens. The associated works within Princes Street Gardens are assessed in the concurrent application for planning permission (17/05832/FUL).

PROPOSED ALTERATIONS TO THE INTERIOR:

SOUTH-EAST CORNER

The stair will be removed and a new stair would be constructed in a different location. The existing door to the stair will also be removed. It would be replaced by a double-door which is centred on the axis of the east galleries (rooms 2-7). A well made modern (1980's) mahogany door would be removed. Both lifts would be removed.

GALLERIES 14-18

The existing lift will be repositioned and will extend upwards into the existing galleries. It will be hidden from view by a deep wall with a passageway through.

GALLERY 1

The existing lift will be removed from the western side and the floor area restored. The new lift will be relocated to the eastern side and will serve all levels of the galleries. The final detail of the finished design will be agreed by a condition of the consent.

ENTRANCE HALL

Both the spaces to east and west of the central entrance area will be altered by removing the lift in the west space and forming a new cafe, retaining the route to the north. In the eastern space, the existing lift and stair will remain, but a new lift would be installed between this level and the first floor.

It is also proposed to remove the internal porch which was built in the 1980's. This porch is an approximation of the original porch design. When it was rebuilt it was designed to be demountable. The porch will be taken down and stored by NGS.

Supporting Statements

The following documents have been submitted in support of the application.

- Design and Access Statement (Statements 1-7), including a Heritage Impact Assessment;
- Townscape Visual Access Statement (Appendix A);
- Tree Survey (Appendix B); and

- Bat Survey (Appendix C).

A letter of support has also been submitted from the Director General of the National Galleries of Scotland.

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The impact on the character of the listed building as one of special architectural or historic importance is acceptable;
- b) the proposals have an adverse impact on the character or appearance of the conservation area;
- c) Impacts on equalities and rights are acceptable; and
- d) Public comments have been addressed.

a) Impact on character of listed building

The Historic Environment Scotland Policy Statement was revised in June 2016 (HESPS) and sets out the context within which proposals for alterations to listed building must be assessed. HESPS is an important material consideration in the determination of the application. Policy ENV 4 of the Local Development Plan reinforces this national policy position. This document states:

Where a proposal involves alteration or adaptation which will have an adverse or significantly adverse impact on the special interest of the building, planning authorities, in reaching decisions should consider carefully:

- a. the relative importance of the special interest of the building; and*
- b. the scale of the impact of the proposals on that special interest; and*
- c. whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and*

- d. *whether there are significant benefits for economic growth or the wider community which justify a departure from the presumption set out in the statement.*

HESPS also states that buildings 'can be robbed of their special interest either by inappropriate alteration or by demolition'. There is, therefore, a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

The proposed alterations require to be assessed in terms of their impact on the Gallery as well as on the existing buildings on the site.

SOUTH-EAST CORNER (Ground Floor)

The stair which is to be removed is of some interest as an example of good quality work by the Property Services Agency carried out in 1978. The remainder of the alterations in this area such as the door to the stair from the store, the lift and the other partitions have no architectural interest. The existing door detracts from the significance of the interior because it is off centre with the main axis of the gallery. The design of the interior of the gallery depends on symmetry and axial relationships, and the current arrangement to have a door which is off centre is damaging to the whole sequence of galleries along the east side. The proposals would enhance this space by installing a door on this axis. A new door case should be in correct classical proportions of height to width and should match doors that are original to the gallery elsewhere. This detail will be requested as a condition to the consent.

The loss of the stair is considered to be necessary in order to radically improve the function of the galleries. In its existing arrangement the stair fails to attract visitors to the Scottish Collection. The impact on heritage would be minor but this is outweighed by the advantages of the alteration as part of an overall scheme to improve access to the galleries. An appropriate condition will ensure this area should be recorded with photographs.

GALLERIES 14-18 (First Floor to rear)

These galleries were built in 1972 and were redecorated with an additional dado rail to suggest the character of a French domestic interior in 1888. The proposed alterations will not impact on any original features and are considered acceptable within this context.

GALLERY 1 (First floor above entrance)

The galleries were altered in 1910-12 by W T Oldrieve. They are not original to the building. The galleries have been altered and the most significant parts of the galleries are the high quality stair which rises to them and the oculus over the entrance hall. The impact of the works will be mitigated by the design intentions which may include using paint finishes to match within these spaces. A relevant condition is attached to this consent and will require further details of paint finishes.

ENTRANCE HALL (Ground Floor)

Although the impact in terms of the way that visitors use and enjoy the Scottish National Gallery will be a major one, the impact on the special character or interest of the building is minor. The entrance hall will still have spaces to the east and west which are different to the original design but the recovery of the original design, with walls, would be entirely counter to the intention of the current project. The new design is more appropriate in conservation terms because it does not attempt to replicate the historical detail of the entrance hall. In this way, it will be much more legible where Oldrieve's entrance hall stops and new alterations begin. The junction between Oldrieve's work of 1911-12 and the proposed work will be obvious. The removal of the porch is acceptable. It is considered that the porch is disruptive to visitors to flow and is no longer required. However, the Playfair Project work particularly around the lift and stairs has some design intent that should be recorded in photographs before alteration. A copy of the design drawings for this element should be retained by Historic Environment Scotland archive. The porch will be kept in storage and so this removal is reversible.

EAST PRINCES STREET GARDENS ELEVATION

The existing bronze wall which would be demolished is of some architectural significance. It is a high quality design of the 1970s by the PSA. This work was controversial when it was first proposed but it is generally considered to be an aesthetic success. Its quiet design approach to the gardens has been a successful design approach within this setting. Whilst it is unfortunate to lose later work of high quality in a listed building, the loss of the bronze facade and the internal demolition and new works proposed are acceptable. The loss of the 1978 extension is therefore accepted. Appropriate conditions will ensure that elements of interest can be properly recorded.

The Gardens (Weston Link) Entrance, completed 2004, makes an entirely different architecture statement by giving the RSA a rusticated plinth in views from the east.

The Gardens Entrance is not significant in itself but it does form a new kind of integration between the National Gallery of Scotland building, the Royal Scottish Academy and Princes Street Gardens. This link has been established with a new entrance to Princes Street Gardens. The current scheme depends on this entrance as part of its design so there is design logic in continuing the stone band across the whole plinth-like form under both the RSA and the National Gallery of Scotland building.

Historic Environment Scotland does not object to this application or the corresponding planning application and supports the principle of the works.

The current application provides a replacement façade for the PSA wing, rather than a projecting extension from the building. This will immediately reduce the impact the development will have within its immediate setting. The grass banking will remain. The new proposals are predominately masonry in form and share the restrained approach of the existing PSA elevation. The new proposals present elements of solidity with chamfered inset windows and only one larger picture window, as before, in the introductory section to the Scottish Collection. In this application the picture window is contained within the body of the façade and does not break the wall/balustrade above. The intention to utilise tooled stonework rather than polished ashlar, add interest to this elevation and is an existing successful feature of the Weston Link's masonry.

The new works are more fully assessed under the associated planning application.

It is recommended that a sample panel will be constructed on site. This will show the high quality of the proposal in respect of the proposed external material and its detailing. A condition is recommended to secure this sample panel.

The proposal complies with Policy ENV4 of the Edinburgh City Local Plan.

b) Impact on Character of the New Town and Old Town Conservation Areas

The site is located within both the New Town and Old Town Conservation Areas. The essential characteristics of the New Town Conservation Area Character appraisal include:

The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings strongly contributes to the character of the area

The important contribution that the cohesive, historic skyline makes to the conservation area, means that it is particularly crucial to control incremental creep in building height, especially along skyline ridges;

A richly varied topography of ancient landform shaped by volcanism and later by glacial scouring;

Internationally important private and public open spaces lying within, and on the edge of a neoclassical grid pattern and reflecting the picturesque tradition of landscape improvement;

Gardens that create open and framed long distant picturesque views of exceptional quality; and

The presence of high quality boundary elements, including random rubble' walls and black railings in stone copings, often curved.

The essential character of the Old Town Conservation Area, which is located to the south of the application includes:

Dramatic gateways over the Waverley Valley;

Landmarks buildings and townscape; and

Vistas and views Townscape Site and buildings combine to form one of the most spectacular and romantic townscapes in Europe.

The removal of the 1978 PSA extension will not compromise the integrity of the listed structures and will not adversely affect the character or appearance of the conservation area. This later element is of interest but its removal and replacement with a high quality facade is justified. Its inconspicuous location in the conservation area means that the impact of its loss will be minimal. New external interventions to the listed buildings will be mostly limited to basement level and of good quality. They will be sympathetic to the buildings and the area.

The elements proposed in this application will preserve the character and appearance of the conservation area.

The proposal complies with Policy ENV6 of the Edinburgh City Local Plan.

c) Equalities and Human Rights impacts

The proposals have been assessed for impacts on equalities and human rights. The development would improve the accessibility of the building. Level access would be provided and there would be lifts to allow access to its various levels.

The proposed public realm works would improve accessibility, including those with mobility issues within the galleries and within the wider gardens.

Impacts on equalities and rights are acceptable.

d) Public Comments

Grounds of objection concern matters which are not relevant to the consideration of the listed building application. These matters are all considered within the assessment of the concurrent detailed planning application.

- design of replacement railings too plain and do not match existing;
- totem sign too large in scale;
- loss of grassed area; and
- scale of terracing detracts from designed landscaping.

Community Council Comments - No objections were received.

Conclusion

In conclusion, the proposals comply with the development plan and non-statutory guidance. They will not adversely affect the character of the listed building or its setting or the character and appearance of the conservation area. The case for the removal and alteration of the 1978 PSA extension is accepted. The proposals will help ensure the continued use of these significant listed buildings and represent a sympathetic intervention to the buildings. There are no other material considerations which outweigh this conclusion and subject to the addition of conditions to ensure the recording of removals, approval is recommended.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Building Survey, Excavation, reporting and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

2. Details of the proposed paint colour scheme for the gallery interior shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. Access shall be allowed to the site, at any reasonable time in a period of at least three months from the date of this consent, for the purposes of recording the building, structure or any other item of interest.
4. Prior to the commencement of the approved works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Planning Authority.
5. A sample of masonry work, indicating courses, surfacing finish and pointing, shall be prepared for inspection on site and shall be approved in writing by the Planning Authority, before work commences on site.
6. Details of the new internal door to the south-east corner shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the character of the statutorily listed building.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. This consent is for listed building consent only. Work must not begin until other necessary consents, e.g. planning permission, have been obtained.
2. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 12 January 2018.

One letter of representation was received from the Architectural Heritage Society of Scotland.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located within the City Centre as identified in the Edinburgh Local Development Plan. The site is also within the World Heritage Site, New Town and Old Town Conservation Areas. The site is a registered Garden and Designed Landscape (New Town Gardens) and is identified as Open Space

Date registered

14 December 2017

Drawing numbers/Scheme

1-58,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Diana Garrett, Planning Officer

E-mail:diana.garrett@edinburgh.gov.uk Tel:0131 529 3620

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area. LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

Appendix 1

**Application for Listed Building Consent 17/05842/LBC
At National Galleries Of Scotland, 1 The Mound, Edinburgh
Alterations and extension to the 1978 Property Services
Agency (PSA) wing with adjoining interior alterations to the
Scottish National Gallery (SNG) and the 2004 Weston Link,
new and improved service and pedestrian access,
landscaping , public realm and other works to achieve
improved connections between galleries, gardens and the
city beyond.**

Consultations

HISTORIC ENVIRONMENT SCOTLAND

We have had pre-application discussions regarding this much reduced (from the previous consent) scheme to revitalise and extend the Scottish Collection within the National Galleries complex on the Mound.

As before, we support the principle of the works.

Regarding demolition works, we previously expressed our view that the bronze façade of the PSA wing and the rear (southern) access stair to lower ground level had a certain interest in terms of the architectural evolution of the building. This view was shared, to an extent, within the Conservation Plan which allocated them a moderate significance. (The more recent stair to the north is now being retained). However, we judged that the benefits within the overall project would make their loss acceptable. This remains our view.

The revised scheme provides a replacement façade for the PSA wing, rather than a projecting extension from the building. This will immediately reduce the impact the development will have within its immediate setting, (the grass banking remains) and, being on a different plane, also makes the different design approach proposed (from the distinctive architecture of the Weston link) easier to achieve.

The success of the PSA extension façade is, to an extent, in its reticence, with the lower ground floor level windows deeply recessed within a modern unadorned bronze façade forming a substantial plinth to the building above. The new proposals, being predominately masonry in form, will share this restrained approach, having an element of solidity with chamfered inset windows and only one larger picture window, as before, in the introductory section to the Scottish Collection. In this application the picture window is contained within the body of the façade and does not break the wall/balustrade above, reducing its impact.

We welcome the intention to utilise tooled stonework rather than polished ashlar, a successful feature of the Weston Link's masonry. We also welcome the retention of the PSA wing's handsome bronze balustrade/railings atop the walling, and might suggest a similarly detailed approach for the new railings proposed to access East Princes Street Gardens.

Internally, besides the stairs, the opening up of the northern entrance area (current shop and meeting room) to provide a café may benefit from a further level of detail on the restoration of the space. Other alterations to access to the upper galleries have been discussed before.

In conclusion, we support the principle of the works and can see the coherent vision behind successfully accessing and incorporating the revamped Scottish Collection within the overall Galleries complex.

ARCHAEOLOGY

Further to your consultation request I would like to make the following comments and recommendations concerning these linked LBC & FUL applications for alterations and extension to the 1978 Property Services Agency (PSA) wing with adjoining interior alterations to the Scottish National Gallery (SNG) and the 2004 Weston Link, new and improved service and pedestrian access, landscaping, public realm and other works to achieve improved connections between galleries, gardens and the city beyond.

The two A-listed Playfair Galleries (RSA & NG) forming the National Galleries of Scotland site on The Mound lie at the centre of Edinburgh's UNESCO world Heritage site and of national importance. The galleries built in the 1820's and 1850's respectively occupy the Mound a monument in its own right. Dating from the 1780's as a short cut across the newly drained Nor Loch the mound comprises a mix of midden material from Edinburgh's Old Town and landfill derived from the construction of the New Town. The Mound was also built over the remains of buildings associated with Edinburgh's Old Town the last of which appears to be a tanning yard shown on Kincaid's Plan of 1784.

The Crawly Tunnel was constructed across the Mound in 1822 to deliver water to the New Town. This nationally significant feat of Georgian Engineering (still in use today) had to be diverted soon after its completion by the construction of the RSA. Evidence for this was revealed during the recent construction of the Edinburgh Tram, where a disused section was recorded heading towards the RSA, whilst the 1825 diversion was built to extend around the RSA to the west under the present day road.

Based on the historical and archaeological evidence the building has been identified as being of regional importance. Accordingly, these applications must be considered under terms Scottish Government's Our Place in Time policy, Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) policies ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Buildings

The proposals will require significant alterations to the existing A-listed Galleries. However having assessed these impacts, I concur with Simpson & Brown's 2017 Heritage Impact Assessment (section 6.7) that it is considered that on the whole such impacts would be considered as having a low archaeological impact. It is therefore recommended that a historic building survey (photographic and written survey, annotated plans and elevations) is undertaken of the areas affected prior to and during demolition/alterations.

Buried Archaeology

The development will require significant excavations into the surviving Mound, a structure of archaeological significance in its own right, but may also impact upon the remains associated with the first Crawley Tunnel and potentially elements of Edinburgh's Old Town buried beneath the Mound. Accordingly it is regarded as essential that an archaeological mitigation strategy is agreed prior to development in order to ensure for the excavation, recording and analysis of any surviving archaeological remains.

Interpretation

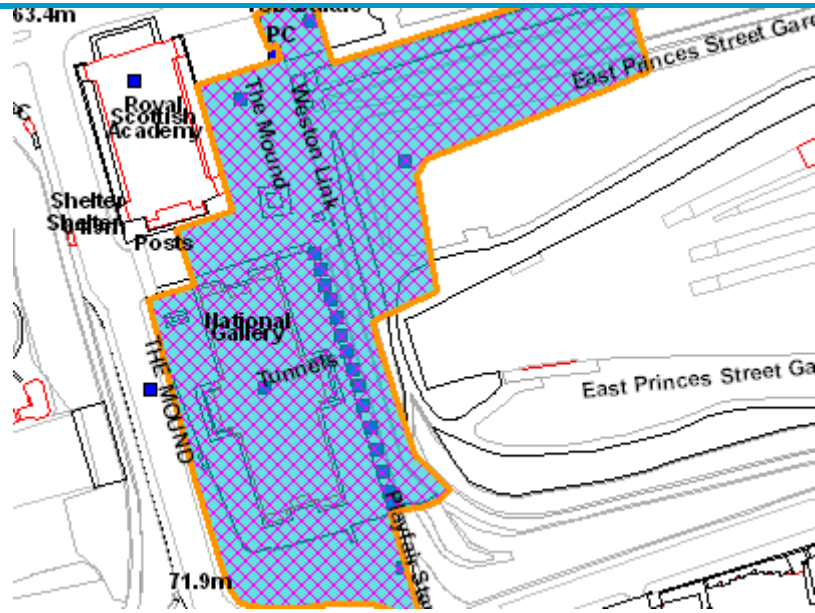
Given the potential importance of these remains it is essential that the excavations contain a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

It is recommended that these programme of works be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;

'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Building Survey, Excavation, reporting and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Location Plan



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