

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,
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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

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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:

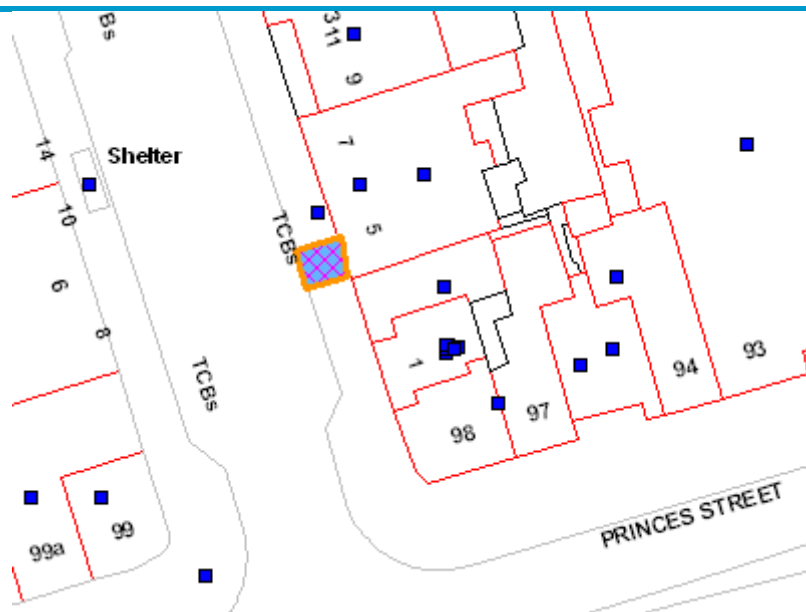
- a) there shall be no moving images, animation, video or full motion images displayed unless consent has been specifically granted for such displays;*
- b) digital roadside billboards/hoardings shall not change more frequently than every 5 seconds unless consent has been granted for such displays see 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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