

# Development Management Sub Committee

Wednesday 1 August 2018

## Application for Advert Consent 18/01667/ADV At Bus Shelters, Waverley Bridge, Edinburgh New shelter location comprising double sided LCD.

Item number	4.9
Report number	
Wards	B11 - City Centre

### Summary

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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

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[Policies and guidance for this application](#) NSADSP, NSLBCA, CRPWHS, CRPOLD, NSGSTR,

# Report

## **Application for Advert Consent 18/01667/ADV At Bus Shelters, Waverley Bridge, Edinburgh New shelter location comprising double sided LCD.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application relates to an advert proposed on a new bus shelter to be located on the south side of the Waverley Bridge and will be positioned on the west side of the pavement opposite the entrance to Waverley Station and the Booking Office pub.

The site lies within the Edinburgh World Heritage Site.

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

#### **2.2 Site History**

April 2018 - Advertisement consent pending consideration for a new double sided advert (application ref 18/01666/ADV).

### **Main report**

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#### **3.1 Description Of The Proposal**

This application relates to advertisement consent only. A new bus shelter is being proposed at this location and is being installed under the Council's permitted development rights.

The advertising panel will be double sided and situated on the trailing end of a bus shelter, facing north and south along Waverley Bridge. 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.

#### **Impact on Conservation Area and World Heritage Site**

Relevant extracts from the Old Town Conservation Area Character Appraisal are set out as follows:

*The simple layout of streets, consisting of a carriageway flanked by pavements running directly from kerbline to building frontage.*

*The many important vistas and views in, out and within the area.*

*The importance in providing consistent and high quality natural materials, street furniture and lighting in the public realm to unite and set off the built heritage.*

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 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. It is important that changes to streets aim to preserve and enhance this historic fabric.

The double sided advertising panel will be set perpendicular to the street within the bus shelter. Views both north and south across Waverley Bridge will therefore be punctuated with this and the other panel proposed in application 18/01666/ADV. The introduction of digital illuminated adverts in this location will create visual disruption which is uncharacteristic to this historic area. This will disrupt both the long and short views across the bridge to the Old and New Town. This view is at the heart of the World Heritage Site and represents the fundamental juxtaposition between the two clear defined urban characters.

The advertisements both individually and cumulatively will result in a material change in the character of Waverley Bridge, which at present contains advertisements confined to the Booking Office and the Travel shop. These adverts are established features within commercial frontages, and are not comparable to global advertising on bus shelters, or as a freestanding entity on the pavement.

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

#### b) Public Safety

The Roads Authority raises no objection to the proposal on public safety grounds.

#### c) Equalities and Human Rights

The application has no impacts on equalities and human rights.

#### d) Public Comments

None received.

### **Community Council**

- No comments were received.

## 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. Refusal is recommended.

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**

#### **Conditions:-**

#### **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 historic character 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 location.
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.

## **Financial impact**

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### **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 Finances and Resources Committee on 5 June 2014.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **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**

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- 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**

Edinburgh Local Development Plan - The site is located in the Old Town Conservation Area and the Edinburgh World Heritage Site. The site is also part of the Central Area.

**Date registered**

26 April 2018

**Drawing numbers/Scheme**

01-04,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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**Links - Policies**

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**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.

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

**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.

**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

**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 Advert Consent 18/01667/ADV At Bus Shelters, Waverley Bridge, Edinburgh New shelter location comprising double sided LCD.**

### **Consultations**

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#### Roads Authority

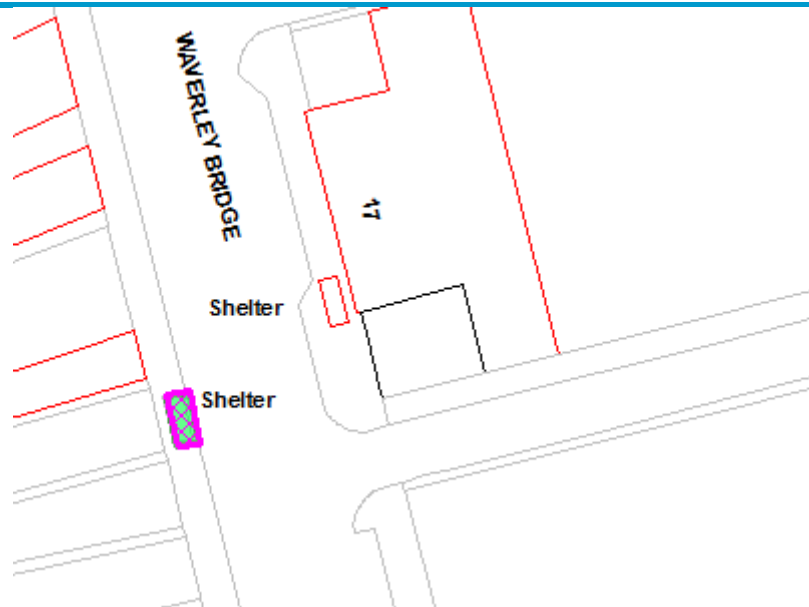
*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

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/m<sup>2</sup>;*
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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