

# Notice of meeting and agenda

## Planning Local Review Body (Panel 1)

**10.00 am Wednesday, 14th September, 2022**

Virtual Meeting - via Microsoft Teams

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

The law allows the Council to consider some issues in private. Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

### Contacts

Email: [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk)

## **1. Appointment of Convener**

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- 1.1 The Local Review Body is invited to appoint a Convener from its membership.

## **2. Order of Business**

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- 2.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

## **3. Declaration of Interests**

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- 3.1 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.

## **4. Minutes**

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- 4.1 Minute of the Local Review Body (Panel 1) of 10 August 2022– 7 - 18  
submitted for approval as a correct record.

## **5. Local Review Body - Procedure**

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- 5.1 Note of the outline procedure for consideration of all Requests for Review 19 - 20

## **6. Requests for Review**

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- 6.1 26 Barony Street, Edinburgh – Retrospective change of use from residential to short-term let apartment (sui generis)– application no 22/01089/FUL 21 - 74
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the



basis of an assessment of the review documents.

- 6.2** 21 Dalkeith Road, Edinburgh – Remove 2x phone boxes and install street hub. 75 - 250

At Phone Box By Royal Commonwealth Pool Dalkeith Road  
Edinburgh – application no 22/01508/FUL

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- (c) Consultee Response
- (d) Post Submission Additional Document
- (e) Grounds for Appeal

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents.

- 6.3** 59 Gilmour Place, Edinburgh – Change of use from house to short stay visitor accommodation– application no 21/06232/FUL 251 - 284

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents.

- 6.4** 21 Napier Road, Edinburgh – Application to approve matters a-d specified in condition 1 of planning permission in principle 19/02753/PPP – application no 21/04838/AMC 285 - 390

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- (c) Additional Statement from Appellant

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents.

**6.5** 331 South Gyle Road, Edinburgh – Proposed single storey extension to rear of existing end terraced villa – application no 22/01608/FUL 391 - 402

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- (c) Further Representations

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents and a site visit.

## **7. Extracts of Relevant Policies from the Edinburgh Local Development Plan**

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**7.1** Extracts of Relevant Policies from the Edinburgh Local Development Plan for the above review cases

[Local Development Plan Online](#)

Edinburgh Local Development Plan Policy Des 1,2,3,4,5, 11, 12, 13

Edinburgh Local Development Plan Policy Env 3,4,5,6,7,8,9, 10, 11, 12, 13, 14, 15,16,17,18,19,20, 21

Edinburgh Local Development Plan Policy Hou 6,7, 8

Edinburgh Local Development Plan Policy Tra 2,3,4

## **8. Non-Statutory Guidance**

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**8.1** Business Guidance 403 - 454

Listed Buildings and Conservation Areas Guidance

**Note:** The above policy background papers are available to view on the Council's website [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk) under Planning and Building Standards/local and strategic development plans/planning guidelines/conservation areas, or follow the links as above.

**Nick Smith**

Service Director – Legal and Assurance

## **Membership Panel**

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Councillors Lezley Marion Cameron, Councillor Neil Gardiner, Councillor Hal Osler, Councillor Tim Jones, and Councillor Kayleigh O'Neill.

## **Information about the Planning Local Review Body (Panel 1)**

The City of Edinburgh Planning Local Review Body (LRB) has been established by the Council in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. The LRB's remit is to determine any request for a review of a decision on a planning application submitted in terms of the Regulations. The LRB comprises a panel of five Councillors drawn from the eleven members of the Planning Committee. The LRB usually meets every two weeks, with the members rotating in two panels of five Councillors.

## **Further information**

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Members of the LRB may appoint a substitute from the pool of trained members of the Planning Committee. No other member of the Council may substitute for a substantive member. Members appointing a substitute are asked to notify Committee Services (as detailed below) as soon as possible. If you have any questions about the agenda or meeting arrangements, please contact Natalie Le Couteur, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk). The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <https://democracy.edinburgh.gov.uk/>. Unless otherwise indicated on the agenda, no elected members of the Council, applicant, agent or other member of the public may address the meeting.

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## Minutes

### The City of Edinburgh Planning Local Review Body (Panel 1)

**10.00 am, Wednesday 10 August 2022**

**Present:** Councillors Gardiner, Jones, O'Neil and Osler.

#### 1. Appointment of Convener

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Councillor Gardiner was appointed as Convener.

#### 2. Minutes

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- 2.1** To approve the minute of the Local Review Body (LRB Panel 1) of 27 April 2022 as a correct record.

**Note:** The Panel was content to approve this minute on the basis that the members of the previous Panel who attended the meeting on 27 April had approved the minute.

- 2.2** To approve the minute of the Local Review Body (LRB Panel 1) of 22 June 2022 as a correct record.

#### 3. Planning Local Review Body Procedure

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##### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

#### 4. Request for Review – 25 Gillespie Crescent (3F1), Edinburgh

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Details were submitted of a request for a review for alterations to existing dormer windows to rear of property, along with creation of inset balcony, new roof windows, and associated internal alterations at 3F1 25 Gillespie Crescent Edinburgh. Application no. 21/06715/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 10 August 2022.

##### Assessment

At the meeting on 10 August 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-07, Scheme 1 being the drawings shown under the application reference number 21/06715/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:  
Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)  
Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.  
Guidance for Householders  
Listed Buildings and Conservation Areas  
The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal  
Statute: Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- That the roof terrace/balcony would extend to the dormer. From the side elevation, it was possible to view the glass balustrade.
- The proposals for two dormer windows on the rear elevation would be replacing the two existing dormers.
- Although there was sympathy for the applicant, there were issues with the proposed roof terrace/balcony. A roof terrace/balcony was not required for this property and it would cause harm to the character and appearance of the conservation area. As a mixed decision was inappropriate in this case and the proposals should be considered in their entirety, this application should be refused.

- That the proposed roof terrace/balcony was small in nature, there would be a minimal level of disruption for neighbours and only a slight impact on the character and appearance of conservation area. Therefore, the panel should approve this application.

Having taken all the above matters into consideration and although one of the members was in disagreement, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

### **Decision**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

### **Reasons for Refusal:**

1. The proposed works were not compatible with the existing dwelling nor surrounding neighbourhood character and due to the cumulative impact of the dormers and roof/terrace balcony would harm the special character of this prominent roofscape and crescent building and the wider character and appearance of the Conservation area. The proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
2. The proposed works due to their size, height, shape and the inclusion of the balcony/roof terrace were also contrary to LDP policy Env 6 and Des 12.
3. The proposals would result in an unreasonable loss to neighbouring amenity and were contrary to Des 5.

(References – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

## **5. Request for Review – 14 Longstone Gardens, Edinburgh**

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Details were submitted of a request for a review for a 2-storey extension to the side of the property, 1 storey extension to the rear (as amended) at 14 Longstone Gardens, Edinburgh. Application No. 21/06334/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 22 June 2022.

### **Assessment**

At the meeting on 10 August 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01, 02, 03A, 04, 05, 06A, 07A, 08A, 09, 10B, 11A, Scheme 2 being the drawings shown under the application reference

number 21/06334/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) The procedure used to determine the application.
- 3) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The adviser's presentation for this application had clarified matters. The issue with this application was whether it was contrary to LDP Policy Des 12 and detrimental to the amenity of the neighbouring property. It was noted there were no objections from neighbours and the negative impact, which had been referred to, affected a relatively small section of the neighbouring garden.
- It was confirmed that the proposed two-storey side extension and a single storey extension to the rear would cause some overshadowing to the neighbouring rear garden area.
- As there had been no objections from neighbours, in terms of procedure, was there a requirement by the planning office to invite comments from neighbours?
- The neighbours would have been notified as this was a statutory requirement. It was then the responsibility of the neighbours to respond or not.
- In terms of the planning process, it seemed remiss for the development to overshadow the rear neighbouring garden. As the issue seemed to be the height of the roof, might it be possible to construct a hipped roof rather than a gabled roof to reduce overshadowing? If so, the applicant could submit a revised scheme as the current one could render part of the neighbouring garden unusable. This current application should be refused and a new application be brought forward.
- Regarding the extent of the overshadowing, it was confirmed that the report of handling stated there would be 7 to 8 square metres of overshadowing at certain times of the day in the context of a garden of 140 square metres.
- Although the garden was large, it was not useful for recreation. Furthermore, some overshadowing would also fall directly onto the main rear garden which was considered to have high amenity value. It was that section of the garden that was most used which would be most affected.



- It was thought that as there were no objections from residents and that there was not major overshadowing of the neighbouring rear garden, this application should be approved.
- The Panel had previously granted permission for various types of applications. It was not the case that residents had a total right to all unshaded garden space and if there were concerns, the neighbour most affected would have raised them. But in this instance, the applicant was trying to improve their amenity and there were no objections from the community. If the Panel refused this application, then it sent out the wrong message.
- The proposals would impact on the best section of the neighbouring garden and would cause unnecessary overshadowing. It was not just the quantity but the quality of the garden space which should be considered.
- There had been no objections from the neighbours on both sides of the property and the overshadowing was not significant.
- It would accord with LDP Policy Des 12, which would permit setting aside the reason for refusal.

Having taken all the above matters into consideration and although one of the members was in disagreement, the LRB determined that the extent of the overshadowing caused by the proposed two-storey side extension would not have a significantly negative impact on the amenity of the neighbouring garden. Therefore, the proposals were not contrary to Local Development Plan Policy Des 12 in respect of Alterations and Extensions.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission.

### **Decision:**

To not uphold the decision by the Chief Planning Officer and to grant planning permission.

### **Reasons**

The extent of the overshadowing caused by the proposed two-storey side extension would not have a significantly negative impact on the amenity of the neighbouring garden. Therefore, the proposals were not contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions.

### **Informatives**

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.

- (c) 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.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

## **6. Request for Review – 27 Saughtonhall Drive, Edinburgh**

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Details were submitted of a request for a review to extend current kitchen into outside infill space, remove walls section of existing kitchen to allow new living-dining area. Move kitchen to existing dining room, convert loft space to create a master bedroom/en-suite + balcony area to rear at 27 Saughtonhall Drive, Edinburgh. Application No. 21/06209/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 10 August 2022.

### **Assessment**

At the meeting on 10 August 2022, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02, Scheme 1 being the drawings shown under the application reference number 21/06209/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) The procedure used to determine the application.
- 3) The reasons for refusal and the arguments put forward in the request for a review.

### **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- There were concerns that the Report of Handling contained inconsistencies and had come to the Panel in this form.
- The Report of Handling was in the public domain.

- That it might not be possible to make a decision with such inconsistencies in the report.
- It was not possible to change the Report of Handling at this stage and the papers had been published. There were inconsistencies in the report and it would be necessary to ask the Chief Planning Officer to consider the process. There was reference to information from the applicant that was not attached. It was not clear if that information had been provided by the applicant. Would it be possible to request this information from the applicant?
- There was agreement that it was not necessary to have a site visit.
- There was conformity with the roofs in the area. From photographs supplied, the application seemed to be in contravention to LDP Policy Des 12. The Report of Handling was as presented. The applicants deserved to have a decision made at this meeting of the Panel.
- It was explained that the Report of Handling was drafted by the officer. However, the Panel could determine the application if they felt they understood the scheme drawings and the planning policy landscape; the fact that the report contained unhelpful inconsistencies did not affect their ability to do this.
- That there was one inaccuracy in one part of the report regarding the address of the property.
- Regarding the missing information from the applicant, it was not clear why this was not included in the papers and neither was it apparent if that information would be relevant.
- The omission could be a mistake by the applicant or by the Authority. Enquiries had been made, regarding the omission, but nothing had been found.
- There was sufficient information to consider the application, but it remained unclear why the report came to the Panel in this form.
- The inconsistencies in the report did not make it void. The Panel were making a decision, as if for the first time, and if they thought they had sufficient information, then they could make a decision.
- Regarding the issue if the missing information would have been regarded as additional information, it was confirmed that this was the case and the Panel would not automatically have to accept this information for consideration.
- Whether the objections were mostly concerned with the roof terrace element which would cover the entire roof, and the balustrade. This would allow overlooking of the neighbouring gardens and, as such, this would result in an unreasonable loss of privacy.
- The proposed terrace was quite large and would probably be well-used by the owners of the property. Regarding residential amenity, the rear extension was not visible from the street and would be formed of good building materials,

therefore, it was of less concern. The ground floor development was acceptable and the building at the back of the property did not impact significantly on residential amenity. The proposed terrace was the main issue.

- It was not the balcony that was the only issue, but also the roofscape and the lack of conformity with the rest of the street. It was not possible to support significant change of this nature. The Panel should not give the impression to the applicant that by changing the balcony, this would make the proposal acceptable.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

#### **Decision:**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

#### **Reasons for Refusal:**

The proposal was contrary to Policy Des 12 as it would be detrimental to neighbouring amenity in terms of privacy and overlooking.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

### **7. Request for Review – 1A West Harbour Road (At Proposed Telecoms Apparatus 43 Metres Northeast Of), Edinburgh**

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Details were submitted of a request for a review for a new 20m high 'slim line' street pole with built-in cabinet and 3 No. separate equipment cabinets (colour Grey RAL7035) are to be positioned on a pavement within an industrial area at 1A West Harbour Road (At Proposed Telecoms Apparatus 43 Metres Northeast Of), Edinburgh. Application No. 21/06399/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 10 August 2022.

#### **Assessment**

At the meeting on 10 August 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-07, Scheme 1 being the drawings shown under the application reference number 21/06399/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:  
Edinburgh Local Development Plan Policy Tra 7 (Public Transport Proposals and Safeguards)  
Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)
- 2) Relevant Non-Statutory Guidelines.  
The Relevant Scottish Planning Policy – Sustainable Development Principles
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- In procedural terms, this application should have come through the prior approval route, as it met the tests to be considered permitted development. But it had been submitted as a planning application and the Council had no powers to withdraw or refuse to determine it, this being the case, the Panel were advised to determine it as they would a normal planning application.
- It was agreed that this was an unusual application. If the Panel refused this application, what would be the next stage in the process?
- The applicant could re-submit as an application via the prior approval route. If it was determined that prior approval was required, the criteria used are narrower than for a planning proposal.
- That the officer's report and decision should be upheld on its merits. There were strong grounds for refusal, principally the location of the equipment on a cycle path and within the limits of deviation of the tram extension.
- The applicant's supporting material referred only to English policies and national planning framework, but these do not have force in Scotland.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

## **Decision**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

## **Reasons for Refusal:**

1. The proposal was contrary to Scottish Planning Policy (SPP) 269-291 as it would have a detrimental impact on the Council's ability to facilitate travel by public transport.

2. The proposal was contrary to policy Tra 7 of the adopted Edinburgh Local Development Plan as it would prejudice the implementation of a public transport proposal.
3. The proposal was contrary to policy Tra 9 of the adopted Edinburgh Local Development Plan as it would be detrimental to a path which forms part of the core paths network.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

## **8. Request for Review – 7 (3F1) West Montgomery Place. Edinburgh**

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Details were submitted of a request for a review for attic conversion with dormer to the rear elevation & alterations to existing flat at 7 (3F1) West Montgomery Place, Edinburgh. Application No. 21/06506/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 10 August 2022.

### **Assessment**

At the meeting on 10 August 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01, 02, Scheme 1 being the drawings shown under the application reference number 21/06506/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.  
Guidance for Householders  
The Relevant Scottish Planning Policy – Sustainable Development Principles
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- This application could be approved, as the proposed development would not be visible from the street; the grounds for refusal were not strong and it generally complied with Edinburgh LDP policies.
- The traditional roofscape in the area was of a uniform nature and this application would be incompatible with the tenemental character of the area. It also had undue prominence, was in a conservation area and UPVC materials would be used.
- The Panel had turned down a similar application at the previous meeting and the proposals would be detrimental to the uniformity of the area.

Having taken all the above matters into consideration and although one of the members was in disagreement, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

## **Decision:**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

## **Reasons for Refusal:**

The proposals were not compatible with both the existing building and neighbourhood character. Whilst they did not result in an unreasonable loss of neighbouring amenity, overall, the proposals did not comply with LDP policy Des 12 and the overall objectives of the Development Plan.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, and Further Representations, submitted).

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## Procedures for Local Review Body Virtual Meetings

The virtual meeting will be conducted as follows

- 1) The Clerk will take the register of members in attendance by roll call to ensure the meeting is quorate and to note members in attendance.
- 2) Members should advise the Clerk before the meeting if they intend to have substitute member attending for them or to give their apologies.
- 3) The Clerk will advise Members that they should be in attendance at the beginning of consideration of each request for review, all the way through to enable them to partake in decision making.
- 4) Due to the risk of decisions being legally challenged if there is doubt regarding members that are in attendance for each request for review, and to provide clarity on members that have declared interests and left the meeting, the Clerk will take the register at the beginning of consideration of each request for review to ensure that a record is taken of all members present, and again at the end. The Clerk will also ask members to confirm their declarations of interest before consideration of each request for review at the same time as taking the register. Members are advised that if they declare an interest they should leave the meeting by ending the Skype call and not take part in decision-making on the item(s) they have declared an interest in. The Clerk will advise members when they can re-join the meeting to consider the next request for review by email or text.
- 5) Should members and/or officers experience issues with their connectivity and drop out of the meeting, they should text the Clerk to advise when they have dropped out on 07936317620 and the Clerk will advise the LRB.
- 6) LRB Members must be present for every aspect of the presentation and determination of the request for review if they are to participate in the decision. If Member(s) drop out of the virtual meeting, the LRB can decide either to:
  - a. adjourn the meeting to allow time for the Member(s) to re-join, with no presentation or deliberation taking place during this period of adjournment, or
  - b. proceed to determine the request for review without the Member(s) participating any further.

If the Member(s) are unable to re-join, the LRB should proceed to determine the request for review without that Member participating further. This applies only if the LRB is quorate (three members present).

Member(s) and officer(s) should text the Clerk to advise when they have re-joined the meeting and the Clerk will advise the LRB.

- 7) Members also have the option to opt out of participating in the decision on a request for review if they have been unable to re-join the meeting for a significant period of time. This opt-out applies only if the LRB would otherwise be quorate (three members present). Members can advise the Clerk by text and the Clerk will advise the LRB.
- 8) Should the Convener drop out of the meeting, the procedure at (6) above should be followed. If the Convenor is unable to re-join, a member of the LRB should be appointed Convenor, subject to the meeting remaining quorate.
- 9) If members wish to ask a question, make a comment, raise a point of order or have an amendment (see paragraph 14 below), they should do so using the text box. Members should say 'Question', 'Comment' 'Point of Order' or 'Amendment'. The text box should not be used for anything else as this will be visible to the public on the webcast.
- 10) Members and officers should mute their microphones when they are not speaking to reduce the interference from background noise.
- 11) In the interests of openness and transparency, members and officers (who are involved in the request for review being determined) should have their cameras on at all times.
- 12) There will be a short adjournment between each request for review to allow officers time to prepare the slides for the next item.
- 13) Members wishing to submit an amendment should do so using the text box to alert the Convener when the meeting has reached the formal stage and questions to officers have concluded. Members will be given a few minutes to propose an amendment after the motion has been proposed and seconded.
- 14) If an amendment or motion is proposed by Members to (a) uphold the Officer's determination subject to amendments or additions to the reasons for refusal; or (b) to grant planning permission, imposing or varying conditions, then a short adjournment may be held to allow the planning adviser to provide assistance with the framing of conditions or with the amended reasons for refusal. The Convenor will advise the LRB accordingly and at the resumption of the meeting, Members will then have the opportunity to consider the advice provided and adjust their motion prior to any vote to determine the request for review.
- 15) Votes will be taken by roll call in accordance with paragraph 21.1 of the Interim Standing Orders. The motion and amendment(s) will be read out by the clerk who will then ask each member to state if they are voting for the motion or amendment(s). The clerk will announce the numbers and the decision taken.

Contour Town Planning.  
FAO: Angus Dodds  
Flat 1  
16 St Johns Hill  
Edinburgh  
EH8 9UQ

Mr Peter Maitland-Carewe.  
26 Barony Street  
Edinburgh  
Scotland  
EH3 6NY

**Decision date: 20 May 2022**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Retrospective change of use from residential to short-term let apartment (sui generis).  
At 26 Barony Street Edinburgh EH3 6NY

**Application No:** 22/01089/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 7 March 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the existing rear access to communal garden has the potential to interfere with the amenity of other occupiers.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01., represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal does not comply with policy Hou 7 in the Edinburgh Local Development Plan. The existing rear access door to communal garden has the potential interfere with the amenity of other occupiers of the building. The change of use to a short stay let is therefore unacceptable and there are no material considerations that outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Laura Marshall directly at [laura.marshall@edinburgh.gov.uk](mailto:laura.marshall@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

**Application for Planning Permission**  
**26 Barony Street, Edinburgh, EH3 6NY**

**Proposal: Retrospective change of use from residential to short-term let apartment (sui generis).**

**Item – Local Delegated Decision**  
**Application Number – 22/01089/FUL**  
**Ward – B11 - City Centre**

## **Recommendation**

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

## **Summary**

The proposal does not comply with policy Hou 7 in the Edinburgh Local Development Plan. The existing rear access door to communal garden has the potential interfere with the amenity of other occupiers of the building. The change of use to a short stay let is therefore unacceptable and there are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a one-bedroom ground floor flat set over two floors and is located on Barony Street with its own main door access from the pavement. The property forms part of a four-storey tenement and has lower ground floor access to the rear communal garden. The property was previously a ground floor commercial unit before its conversion to residential.

Barony Street is mainly in residential use. The property is within walking distance to Broughton Street, a local centre as defined in the Edinburgh Local Development Plan map.

The site lies within the New Town Conservation Area.

### **Description Of The Proposal**

The proposal is for retrospective planning permission for a change of use from residential to short stay let (STL).

No external or internal physical alterations are proposed.

### **Supporting Information**

- Supporting Statement

#### **Relevant Site History**

No relevant site history.

#### **Other Relevant Site History**

No other relevant site history.

#### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 16 March 2022

**Date of Advertisement:** 25 March 2022

**Date of Site Notice:** 25 March 2022

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals harm the character or appearance of the conservation area?**

The New Town Conservation Area represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves.

## **Conclusion in relation to the conservation area**

There are no external alterations and the development preserves both the character and appearance of the conservation area. The change of use from a one-bedroom domestic flat to a short-term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

The proposal does not harm the conservation area. Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) The proposals comply with the development plan?**

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policy Env 6
- LDP Housing policies Hou 7

## Principle

The main policy that is applicable to the assessment of short-stay lets (STL) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted. There are no policies relating specifically to the control of short stay commercial visitor accommodation (STL) in the current Local Development Plan (LDP).

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to STL will have regard to:



- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

The guidance states that a change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - "The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest".

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access;
- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally, the smaller the flat the less likelihood of disturbance to neighbours;
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of STL properties, the economic benefits are a material planning consideration.

The supporting statement does not indicate how long the property has been used as a short-term let. However, there is no record of planning permission for this and the use requires be considered as a new proposal under current policies.

The proposed one-bedroom short stay use would enable two or more related or unrelated visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents.

The property has the benefit of own main door access from the pavement. However, the property on the lower ground floor has a rear access door to communal garden and this has potential to interfere with the amenity of other occupiers of the building. The Supporting Statement states that the rear door would be locked. This does not provide sufficient reassurance that access to the rear garden would be prohibited. Controlling rear access to the garden would not meet all the six tests of an effective planning condition under Circular 4/1998 in terms of monitoring and enforcing. In addition, controlling rear access to the garden is a fire safety issue.

Barony Street is overwhelmingly in residential use and character. The supporting statement states that a number of properties on Barony Street are in short stay let use. However, each application for a short stay let is assessed on own merits. The site is a short walking distance from Broughton Street which has a mix of uses, including pubs, restaurants, shops and hairdressers. The application site is relatively sheltered from a degree of ambience noise. It is therefore expected that existing residents would be accustomed to low background noise during day and evening times. The potential access to the rear garden means that a frequent turnover of two or more related or unrelated visitors has the potential to disturb nearby residents.

The Supporting Statement states that the property would be used by two adults with children. It is expected that a turnover of two or more related or unrelated visitors on a frequent basis would shop or use local services more abundantly than a long-term tenant and accordingly, would contribute more to the economy.

Car and cycle parking is not included within the proposals, and this is acceptable. The site is within walking distance to nearby public transport and amenities.

#### Conservation Area

There are no external alterations and the development preserves both the character and appearance of the conservation area. The proposal complies with LDP policy Env 6.

#### **Conclusion in relation to the Development Plan**

Despite the small size of the property and befitting from its own main door access, the rear access door to communal garden has the potential to interfere with the amenity of other occupiers of the building in terms of noise. The principle of a change of use to a short stay let is therefore unacceptable as it will have a materially detrimental effect on the living conditions of nearby residents. The proposal does not comply with LDP policy Hou 7.

#### **c) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with Paragraph 29 of SPP in terms of protecting the amenity of existing residents.

#### Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

No comments were received.

#### **Conclusion in relation to identified material considerations**

The other material considerations have been addressed and there are no new material issues to resolve.

#### **Overall conclusion**

The proposal does not comply with policy Hou 7 in the Edinburgh Local Development Plan. The existing rear access door to communal garden has the potential interfere with the amenity of other occupiers of the building. The change of use to a short stay let is therefore unacceptable and there are no material considerations that outweigh this conclusion. It is recommended that the application be refused.

### **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

#### **Reasons**

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the existing rear access to communal garden has the potential to interfere with the amenity of other occupiers.

**Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information** - [Local Development Plan](#)

**Date Registered:** 7 March 2022

**Drawing Numbers/Scheme**

01.

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Laura Marshall, Planning Officer  
E-mail: [laura.marshall@edinburgh.gov.uk](mailto:laura.marshall@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

No consultations undertaken.

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Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100581278-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Contour Town Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Angus	Building Name:	Flat 1
Last Name: *	Dodds	Building Number:	
Telephone Number: *	0772 987 3829	Address 1 (Street): *	16 St Johns Hill
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH8 9UQ
Email Address: *	angus@contourtownplanning.com		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="26"/>
First Name: *	<input type="text" value="Pete"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Maitland-Carewe"/>	Address 1 (Street): * <input type="text" value="Barony Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH3 6NY"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="petermc@arklerecruitment.com"/>	

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="26 BARONY STREET"/>
Address 2:	<input type="text" value="BROUGHTON"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH3 6NY"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="674542"/>	Easting	<input type="text" value="325711"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Retrospective change of use from residential to short-term let apartment (sui generis)

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to Appeal Statement with associated appendices and Location/Floor Plan.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Location and Floor Plan Appeal Statement Appendix 1: Officer Report of Handling Appendix 2: Email from Scottish Fire and Rescue Appendix 3: Planning Statement Appendix 4: Saunders Street Appeal Decision

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/01089/FUL

What date was the application submitted to the planning authority? \*

07/03/2022

What date was the decision issued by the planning authority? \*

20/05/2022

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The back garden area, which was a matter of great importance in the decision cannot be accessed without entering the property

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Angus Dodds

Declaration Date: 04/07/2022

**Proposal Details**

Proposal Name	100581278
Proposal Description	Notice of Review for refusal of planning application 22/01089/FUL
Address	26 BARONY STREET, BROUGHTON, EDINBURGH, EH3 6NY
Local Authority	City of Edinburgh Council
Application Online Reference	100581278-001

**Application Status**

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

**Attachment Details**

Notice of Review	System	A4
Location and Floor Plan	Attached	A4
Appeal Statement	Attached	A4
Appendix 1_ Officer Report of Handling	Attached	A4
Appendix 2_ email from Scottish Fire and Rescue	Attached	A4
Appendix 3_ Supporting Planning Statement 22 01089 FUL	Attached	A4
Appendix 4_ Appeal Decision Saunders Street PPA 230 2315	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0



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Decision by Stuart West, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-230-2315
- Site address: Flat 1, 1 Saunders Street, Edinburgh, EH3 6TQ
- Appeal by Susan Young against the decision by City of Edinburgh Council
- Application for planning permission 20/00724/FUL dated 17 April 2020 refused by notice dated 31 July 2020
- The development proposed: Change of property use from residential to short term let.
- Application drawings 01-03
- Date of site visit by Reporter: 1 October 2020

Date of appeal decision: 19 October 2020

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## Decision

I allow the appeal and grant planning permission. Attention is drawn to the three advisory notes at the end of the notice.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the Edinburgh Local Development Plan 2016 (LDP) and the SESplan Strategic Development Plan 2013 (SDP). No specific SDP policies have been drawn to my attention in relation to this appeal.
2. Because the appeal site is situated within the New Town Conservation Area I am required by Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. The appeal site is currently a one-bedroom, ground floor residential flat within an area defined as urban in the LDP. Although concerns have been raised by third parties that short-term holiday accommodation places a burden on local housing supplies, I have been provided with only limited anecdotal evidence of any such effect. In the absence of planning policy that would systematically address any such issue, should it exist, or more rigorous data, it is not a point to which I can give any significant weight.
4. Having regard to the provisions of the development plan the main issues in this appeal are amenity, impacts on the conservation area, and road safety/parking. I consider each of these factors in turn below.

### Amenity

5. With regards to establishing whether the principle of development is appropriate in this instance, the most relevant LDP policies are Des 5 (Development Design – Amenity) and Hou 7 (Inappropriate Uses in Residential Areas).
6. Policy Des 5 states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected. Similarly, Policy Hou 7 states that Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.
7. Paragraph 234 of the LDP states that it is the intention of the policy to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas.
8. Although non-statutory in nature, Edinburgh City Council's adopted 'Guidance for Businesses' seeks to interpret LDP policies. Pages 6 and 7 of the document provide specific information for applicants who wish to change a residential property to a commercial use.
9. The guidance advises that in the case of short stay commercial leisure apartments, the Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest. The document goes on to say that the change of use in flatted properties will generally only be acceptable where there is a private access from the street.
10. Despite not forming part of the development plan, the Guidance for Businesses is a material consideration in the assessment of the proposal. Whilst the document indicates that it will prove more challenging to obtain planning permission for the change of use of a flatted development, the advice does not categorically rule it out.
11. Although the flat can be accessed via a communal external doorway and internal corridor, it does have its own dedicated access to the street via a private garden. Concerns were raised by the council that the manner by which the flat would be accessed cannot be controlled and that noise nuisance or disturbance to the existing residential properties would be possible.
12. I note from the appeal statements and submitted information that the appellant does not intend to provide an access fob to visitors and that they will need to use the dedicated private access.
13. During my site inspection I observed that the access to the private garden is immediately adjacent to the closest communal doorway. I am satisfied that it is clear how access to the flat should be taken as a visitor arriving at the property for the first time.
14. The appellant has advised that clear flat numbering is planned for the private garden gate and that a map would be supplied to visitors showing them how to access the flat using a key safe, which would be mounted beside the private entrance door. I am satisfied

that these measures, if implemented, would result in the dedicated private access being used by guests. However, given that the internal doorway to the communal hallway from the flat would remain, I must consider the potential impacts of visitors utilising all access points to the property.

15. In order to fully understand the situation, I observed all access points to the building during my inspection. In addition, the appellant provided video footage of the route into the flat from all communal doorways in order that consideration could be given to the potential impacts on the amenity of neighbouring residents.

16. The council has stated that visitors would behave differently to permanent residents, likely arriving at different times of the day, possibly later into the evening with luggage and being unfamiliar with the property. The council further stated that visitors would not have the same financial or emotional investment in the property or neighbourhood and this could lead to disturbance for neighbours through possible noise and late night activities.

17. I do not agree with the council that the internal access would be disruptive and would have an unacceptable effect on the living conditions of nearby residents. I am satisfied that there would be no material difference in terms of frequency of movement, or other disturbance for neighbours, than is currently possible from a full-time tenant occupying the flat.

18. Owing to the nature of the property as a one-bedroomed, ground-floor flat with its own dedicated private entrance, I find that the proposal is compatible with the surrounding residential area and thereby accords with LDP policies Des 5 and Hou 7.

#### Impact on the conservation area

19. LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area.

20. The proposed change of use will have no visual impact on the conservation area as there would be no physical changes to the property. I am satisfied that the proposed development will have no adverse impact on the appearance of the area and that the appearance of the area will be effectively preserved.

21. There have been concerns raised by third parties that the proposed change of use would have a detrimental impact on the surrounding shops and services, which characterise this part of the conservation area. I do not find this to be the case. It is likely that visitors, staying in a self-catering flat, would shop for supplies and visit local takeaways or bars at least to the same extent as any local resident. I am therefore satisfied that the viability of the shops and services in the conservation area would be effectively preserved.

22. The Architectural Heritage Society for Scotland (AHSS) raised concerns that there exists a clear over proliferation of holiday lets in what it describes as this important part of Edinburgh's heritage architecture. The AHSS objected to the proposal in order to avoid the loss of residential accommodation and a shift toward a more tourist-centric town centre.

23. I have considered the concerns raised by the AHSS, and the potential impacts that the proposal before me could have on the special character of the conservation area. From visiting the site and walking around the surrounding area, I am satisfied that the change of use of this specific one-bedroomed flat will not have any adverse impact.

24. I have been provided with no substantial evidence to show that there are any cumulative impacts on the special character of the conservation area that I should take into consideration. I am therefore satisfied that the special character of the conservation area will be preserved and that the proposal would accord with LDP policy Env 6.

25. The Edinburgh New Town Conservation Area forms part of the Old and New Towns of Edinburgh World Heritage Site (WHS). LDP policy Env 1 (World Heritage Sites) states that developments which would harm the qualities which justified inscription, or would have a detrimental impact on its setting will not be permitted.

26. Owing to the scale of the proposal, and to the fact that there will be no physical changes to the flat's external appearance, I am satisfied that there will be no adverse impact on the Outstanding Universal Value of the WHS or its setting. I therefore find that the proposal accords with policy Env 1.

#### Road safety and parking

27. Concerns have been raised within third party representations that the change of use to a short term let would have a negative impact on residential parking. It has been suggested by one neighbour that the proposal would give additional persons parking permissions in an area where residential parking is limited.

28. As the application site is a one-bedroom flat, the number of occupants will be limited to one or two. I am satisfied that the proposal would not lead to any increase in demand for parking beyond what already exists. The application site is in a controlled parking zone and the council has advised that parking attendants will continue to enforce parking regulations.

29. I am satisfied that there are no road safety or parking issues relating to the proposal.

30. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission.

*Stuart West*

Reporter



**Advisory notes**

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

# 26 Barony Street, Edinburgh

Retrospective Change of use from Residential to short-term visitor accommodation (sui generis):  
Planning Statement



**CONTOUR**  
Town Planning



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## 26 Barony Street, Edinburgh

Change of use: Residential to short-term let visitor accommodation (sui generis): Planning Statement

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# 1. Introduction

- 1.1.1. Contour Town Planning has been asked to provide a planning statement in support of this planning application. The proposal is to change the use retrospectively of the property known as Barony Street Edinburgh, from a residential use to a short-term rental property providing visitor accommodation.
- 1.1.2. The proposed visitor accommodation is considered a sui generis use. The recent Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 confirms that in certain areas, planning permission will be required for such a change. Given all of Edinburgh is currently anticipated as being such an area, the current application is being made to formalise this change and secure the benefit of planning permission.
- 1.1.3. For the avoidance of doubt, the change of use proposed under this application will result in no physical changes to the interior or exterior of this building necessitating planning permission or listed building consent in their own right.
- 1.1.4. The purpose of this report is firstly to set out the context for this planning application by describing the property, its history and setting, and then undertaking a review of all relevant planning policies, guidance and recent appeal decisions with an assessment made as to how these can all be addressed satisfactorily.
- 1.1.5. It is our contention that the proposed change of use of this property will provide it with a sustainable function going forward that can contribute to Edinburgh's important tourist economy and reputation as a business destination. Such a change is considered appropriate today both to the character of the building and the character of the neighbouring area.

## 2. Property Description and Surroundings

### 26 Barony Street

- 2.1.1. The subject of this planning application is an entirely self-contained 1-bedroom apartment set over 2 floors and with its own main door access to the street in the New Town district of Edinburgh in the City Centre Council Ward. For the avoidance of doubt, the property has no private or shared outdoor space. While there is a back door that in theory offers access to the garden, this door is locked to guests.
- 2.1.2. The building that plays host to the apartment dates back to the 1860's (it is shown on Johnston's 1862 Post Office Survey Plan of Edinburgh) and takes the form of a 4-storey sandstone considered typical of this part of Edinburgh. The property is unlisted but lies within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage site. It is also within the New Town Gardens Inventory Gardens and Designed Landscape.
- 2.1.3. The majority of buildings in the blocks immediately surrounding the property are for a residential use, although there is a mixed character to the street with a lawyer's practice and an art gallery directly opposite the property, and many shops, restaurants and bars on Broughton Street which is less than 100 metres away. Broughton market which can be accessed directly from Barony Street plays host to a range of small businesses as well as City of Edinburgh Council's Museums Collection Centre depot. In addition it is understood that there are numerous other properties operated as short-term let visitor accommodation both on Barony Street and in the surrounding area.
- 2.1.4. The property does not have its own private outdoor space, nor does it enjoy its own car-parking space. However given the central location of the property it is situated only around half a mile from Waverley station. In addition the terminus of Edinburgh's tram service is only a 3 minute walk from the front door of the property, as are the many bus services that can also be accessed from York Place.

### Barony Street Today

- 2.1.5. Barony Street today is a predominantly residential street albeit with a significant mix of non-residential uses set just to the west of the dynamic, and mixed-use area of Broughton Street. In the Adopted Local Development Plan 2016, Broughton Street is recognised as one of 61 'Local Centres' across the city. Through policy Ret 5 the Local Development Plan supports the continued existence of retail uses in such areas in order to protect their important function for local communities. The front door of the property at 26 Barony Street is approximately 95 metres from the junction of Barony Street and Broughton Street where such a zone is found.
- 2.1.6. In addition to its protected retail function as recognised through the local Development Plan, Broughton Street also plays host to a wide variety of other high-footfall generating services including bars, restaurants, beauty services and some of the most interesting non-convenience retailing in the city. In the circumstances, the important food and drink function that it serves means that this is a street that is lively both during the day and at night. Creating a decidedly livelier ambience than many areas even within the central part of the city.

### 3. Policy Context

3.1.1. While the property has been operated as a permanent short-term let since Autumn 2021, at the time of writing its planning status is as a residential property. Commentary on the policy context for the Change of Use of residential accommodation to short-term let visitor accommodation is presented below.

3.1.2. National and local planning policies for Edinburgh typically deal with tourism as a whole rather than focussing on such changes of use in particular. Separate non-statutory guidance on change of use for business has also been produced. Both policies and guidance are therefore examined in this section of the planning statement.

#### 3.2. Development Plan Context

3.2.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), the determination of planning applications is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan does not include either the National Planning Framework for Scotland 3 (NPF3 (2014)), or the current Scottish Planning Policy (SPP (2014)), which do not have the status of Development Plan for planning purposes.

3.2.2. The City of Edinburgh sits within the SESplan strategic development plan area. Accordingly the Development Plan for this area currently comprises SESplan (SESplan (2013)) and the Adopted Edinburgh Local Development Plan (LDP (2016)).

#### 3.3. SESplan Strategic Development Plan (Adopted June 2013)

3.3.1. Within its Vision, SESplan notes (paragraph 13) that “the key sectors of financial and business services, higher education and the commercialisation of research, energy, tourism, life sciences, creative industries, food and drink and enabling (digital) technologies are central to the regional economy.”

3.3.2. The SESplan chapter on economic growth follows up on this statement (paragraph 96) where it states that “The following sectors are considered to be of strategic importance to the economy of the SESplan area: financial and business services, higher education and the commercialisation of research, energy, tourism, life sciences, creative industries, food and drink and enabling (digital) technologies

3.3.3. Paragraph 98 of SESplan examines the hierarchy of the network of centres across the SESplan region. In this regard it recognises the important role that Edinburgh plays as a service centre within Scotland and beyond. It notes that “Edinburgh City Centre is the largest centre and is positioned at the top of the network of centres. It performs a broad range of regional and national functions including shopping, office, leisure, culture, tourism and government and competes with other regional centres in Scotland and the North of England”.

#### 3.4. Edinburgh Local Development Plan (LDP) (Adopted November 2016)

3.4.1. Part 1 of the written statement of the Adopted LDP does not contain any planning policies and deals instead with site specific proposals providing an overarching narrative to explain the spatial strategy. As part of this narrative, paragraph 56 states that “*the strength of Edinburgh’s economy is based on a range of key sectors, for example tourism, financial services, life sciences and higher education*”.

3.4.2. Part 2 of the LDP contains planning policies, although none that deal specifically with proposed changes of use of residential properties to visitor accommodation. Indeed overall, part 2 of the Adopted LDP makes relatively few references to tourism within any of its policies.

3.4.3. While not directly relevant to the determination of this planning application, the supporting text for Policy Emp10 ‘Hotel Development’ provides some useful narrative setting out the need for visitor accommodation in the city:

*“Tourism is the third biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Maintaining and developing this key sector in the city’s economy relies upon sufficient provision of high-quality tourist accommodation. In 2006 a study looking at tourist accommodation demand and supply was commissioned by the Council and others. The study identified the particular importance of hotels to generating economic benefit from growth in tourism and satisfying the main sources of demand for accommodation. The study identified a theoretical requirement for 4,000 new hotel rooms in Edinburgh by 2015 to help meet predicted growth in demand. The city centre is the preferred location for most visitors, but accessible locations with good public transport accessibility within the urban area also offer opportunities for new hotel development”.*

- 3.4.4. The policy in the Adopted LDP which is considered most relevant to this application at this time is policy HOU7 ‘Inappropriate uses in residential areas’. This notes:

*“developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted”*

- 3.4.5. The policy goes on to explain that its intention is to:

*“preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions. This policy will be used to assess proposals for the conversion of a house or flat to a House in Multiple Occupation (i.e. for five or more people). Further advice is set out in Council Guidance”*

- 3.4.6. The area immediately to the east of Barony Street is considered as performing an important mixed-use function particularly as part of the night-time economy of which it is considered to play a city-wide role of importance. The street plays host to relatively high-footfall uses such as retail, food and drink, and sui generis uses such as hot food takeaways and bars. Given this context, it is considered that the area can be characterised under the second categorisation as a more mixed-use area which nevertheless has an important residential function.

- 3.4.7. While every application is considered on its own merits and on a case by case basis, when considering whether this use in this location is likely to result in a ‘further deterioration of living conditions’, it is perhaps instructive to compare these proposals with the application recently approved across the street and several doors along at 41 Barony Street (21/02615/FUL) Both it and the current proposals relate to small properties (the property at 26 is smaller than the consented property at 41), without private outdoor spaces, on the same street near the mix of uses described above, where busy, footfall generating commercial uses during daytime and night-time are long-established.

- 3.4.8. When application 21/02615/FUL was assessed against policy HOU7, in that instance, when taking into account both the size constraints of the property, and the character of the property’s environs, the Planning Officer’s Report of Handling noted the following:

*“Overall, although the turnover of occupants may be more frequent, it is unlikely the pattern of use of the property will be so significantly different to impact on residential amenity”. (BS)*

- 3.4.9. When assessed against the tests in policy HOU7, the property at 26 Barony Street is also likely to have a similarly negligible impact on its qualifying interests, given living conditions for nearby residents are already largely dictated by the street’s proximity to the Broughton Street. Moreover, in this case the stringent management controls already in place for this property, coupled with its excellent location for its use, mean that it has already been operated as a short-term let with no reported incidents by either the police or the Council’s planning enforcement team. This is considered useful as highlighting how no ‘materially detrimental effect’ is being occasioned on the living conditions of nearby residents. Considering all of this in the round, it is challenging to see how the change of use sought here could be considered contrary to policy HOU7.



### **3.5. Council Guidance**

- 3.5.1. The City of Edinburgh Council does not have any statutory Planning Guidance considered to be relevant to this application. However as noted in policy HOU7 it has published non-statutory guidance to support its LDP policies.
- 3.5.2. Among the suite of such guidance, the most relevant appears to be the Guidance for Householders. The earliest iteration of this Guidance was produced in 2012, but it has been updated periodically ever since. The latest version of the Guidance has just been republished and dates from November 2021.
- 3.5.3. The Guidance for Business contains some detailed discussion on changes of use from residential to short-term commercial visitor accommodation, as well as on changes of use in flatted properties. This guidance has been referenced both in recent planning applications and in recent appeal decisions. At present the content of this guidance would constitute a material planning consideration.
- 3.5.4. The guidance notes the following in terms of short-term commercial visitor accommodation: *“The change of use from a residential property to short term commercial visitor accommodation may require planning permission. In deciding whether this is the case, regard will be had to:*
- *The character of the new use and of the wider area*
  - *The size of the property*
  - *The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand, and*
  - *The nature and character of any services provided.*
- 3.5.5. The same section then goes on to examine amenity as an issue that will need to be considered for such applications. It states that
- “proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents...In the case of short stay commercial leisure apartments, the Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest”*
- 3.5.6. A further statement specifically on flatted properties is made on page 7 of the document where it notes:
- “Change of use in flatted properties will generally only be acceptable where there is a private access from the street”*
- 3.5.7. As regards the property at 26 Barony Street which enjoys its own private main-door street access, it is considered that the change of use proposed here is in accordance with the non-statutory Guidance. For the reasons already rehearsed in relation to policy HOU7, it is not considered that there are any potential adverse impacts on residential amenity that would warrant an overall assessment that such a use in this location was unacceptable.

### **3.6. National Planning Policy Context**

- 3.6.1. As noted above, NPF3 (2014) and SPP (2014) do not have the status of forming part of the Development Plan but are relevant material considerations for all planning applications. National planning policy and advice currently comprises: the National Planning Framework for Scotland 3 (2014); Scottish Planning Policy (2014 (Revised December 2020)).

### **3.7. The National Planning Framework for Scotland 3 (NPF3)**



- 3.7.1. NPF3 represents a spatial expression of the Scottish Government's aspirations for sustainable economic growth in Scotland over the next 20-30 years. It sets out at the national level, the Scottish Government's strategy for the country's development, in terms of how we are to develop our environment and includes development proposals identified as schemes of national importance. Whilst it is not prescriptive, NPF3 will form a material consideration when determining applications and, as such, will be a consideration in determining the application for any proposed development.
- 3.7.2. Of particular relevance to this proposal therefore is paragraph 1.7 of the document which recognises tourism as one of Scotland's key economic sectors, as well as page 12 of the document which states *that "Edinburgh is one of Europe's most important centres for financial services and tourism, and the world's foremost festival city"*. Further, page 13 of the document goes on to note that *"Within Edinburgh, the city centre, the waterfront, West Edinburgh and South-East Edinburgh will be a focus for growth. The city centre is the civic, cultural, tourism and commercial hub, with its world-renowned built heritage as a key asset"*. Finally, in the section 'Further key actions', the document notes that *"Planning authorities will support VisitScotland's Tourism Development Framework in their development plans"*.
- 3.8. Scottish Planning Policy (SPP)**
- 3.8.1. Scottish Planning Policy (SPP) (2014) is a statement of Scottish Government policy on land use planning.
- 3.8.2. Where relevant to the current proposals, SPP recognises tourism as one of the "key sectors for Scotland with particular opportunities for growth".

## 4. Recent Appeals

- 4.1.1. There have been a number of recent planning decisions taken by the Planning Authority where the impact of recent planning appeals was taken into account as a material consideration. The respective Reports of Handling have all noted that the reasoning set out in the appeals are germane in helping to assess whether short stay letting is acceptable or not. The Reports of Handling in each case have referred to the main determining issues as comprising the following matters which are considered individually below in paragraphs 5.1.2 to 5.1.6:

*The location of the property and in particular whether it is part of a common stair shared by residents. Typically appeals are successful where the property has its own access;*

*The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally the smaller the flat the less likelihood of disturbance to neighbours;*

*The impact on the character of the neighbourhood. Again this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;*

*The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/disturbance;*

*These appeals have also found that short-stay visitor accommodation units can be acceptable in predominantly residential areas.*

- 4.1.2. The property at 26 Barony Street enjoys its own private access and does not rely on any communal areas.
- 4.1.3. The property at is of a small scale and will only ever be let as a maximum to 2 adults with children if staying as a family group. This is not considered an unusual overall quantum of people to be using a property of this type. The specific movements of a small group renting the property for tourism purposes are difficult to anticipate but would be expected to be mostly characterised by more frequent movements during office hours when shops, services and attractions are open, with perhaps single movements both from and to the property as guests go out for the evening.
- 4.1.4. In terms of shopping and using local services, the domestic scale of the property makes it likely that guests will use this largely in the same way as long-term residents. There is a well-provisioned medium format supermarket on Picardy Place that the applicant suggests from experience is the main destination for guests undertaking convenience food shopping. There are in addition a number of smaller convenience shops and local specialist food retailers on Broughton Street. Overall it is considered unlikely that guests would order a large online food delivery to the property. The presence of so many good restaurants nearby also means that the likelihood of hot food delivery to the property must be considered as being no greater than to neighbouring residential properties, with the proximity of the property to hot-food takeaways making collection from such establishments perhaps more likely. Over-arching all of these speculations, for practical reasons the diminutive size of the property means that food-delivery and extraordinary food and shopping activity seems highly unlikely.
- 4.1.5. The property is located less than 100 metres from Broughton Street, a key shopping street recognised in the Adopted Local Development Plan as providing a 'Local Centre' retail function and considered to perform a function of city-wide importance in terms of its functioning night-time economy.
- 4.1.6. The acceptability of short-term lets in predominantly residential areas is noted. However, in this case, and as was the case under planning application reference 21/02615/FUL, it is considered that the immediate area would be characterised as a mixed use area that retains an important residential function. Given the

above analysis of the property in the context of the determining factors for an application such as this, it is contended that this is exactly the type of property where such a use can be assimilated with minimal potential for adverse impacts on neighbouring residential uses.

- 4.1.7. Overall, when assessed against the main determining issues identified by the Directorate of Planning and Environmental Appeals, and recognised by City of Edinburgh Council Planning Officers, the continued use of this property for short-term letting is considered to be acceptable.

DRAFT

## Conclusion

The regulatory context for short-term letting in Scotland is changing. As has been rehearsed by both the Scottish Government and City of Edinburgh Council in recent times, there is now an appetite by policy makers to see the sector become better regulated.

The forthcoming licensing regime looks set to confirm that planning permission for change of use will be a necessary pre-condition to securing a licence. The wording of City of Edinburgh Council's adopted LDP policy HOU7 and its supporting Guidance, means that in reality, very few of the city's currently operating short-term let properties appear likely to be able to secure planning permission, and by extension a licence.

The small number of properties that do have the potential to meet the existing policies therefore have an important future contribution to make to the city's tourism landscape. Such properties if located in appropriate locations and settings and managed according to best practice, can play an important role in diversifying the visitor accommodation offer across the city. These can continue to provide a small quantum of specialist accommodation that can complement hotels, hostels, Guest Houses and Bed and Breakfasts, and offer a different type of 'authentic' accommodation for visitors who would like to 'live like a local', or for whom conventional accommodation is not appropriate.

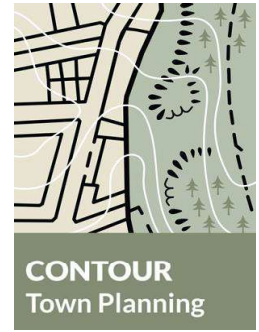
It is the applicants' contention that the property at 26 Barony Street is one such property that can make a valuable contribution in this way. This is a small and self-contained property in an area that is home to a dynamic mixture of uses including retail, commercial, and residential, where occasional uses such as this can be successfully assimilated into the urban environment with minimal adverse impact on other uses.

Most importantly in the context of policy HOU7 therefore, should this application be approved, it is considered that there will be no adverse impact on the amenity of existing residential neighbouring properties, or indeed on the overall vibrancy of the area. Throughout the time that a short-term let use here has successfully operated it has shown itself as being capable of assimilating easily with its surrounding uses with no deterioration of living conditions for any neighbours. In contrast to any likely adverse impact, it is considered that if this application is approved, 26 Barony Street will be a continuing asset to the local area and the city's wider tourism landscape, especially in the context of a far smaller quantum of short-term letting accommodation being available elsewhere in the city in the coming years.

Taking all of the foregoing into account, it is hoped that Officers will be able to support this application, as it is considered to successfully address Local Development Plan policy HOU7 and its supporting Guidance. There are not considered to be any policy matters that would warrant refusal of this application, and accordingly it is respectfully requested that this application be recommended for approval.

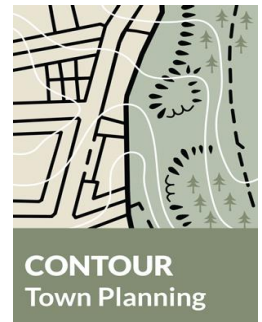
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# 26 Barony Street, Edinburgh

Local Review Board Appeal Statement



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## 26 Barony Street, Edinburgh

Local Review Board appeal statement

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# 1. Introduction

- 1.1.1. This supporting paper is presented on behalf of the appellant to this local review of the decision to refuse application 21/01089/FUL at 26 Barony Street. The decision notice for this application seeking “Change of Use from Residential to Short Term Let Visitor Accommodation” is dated 20 May 2022.
- 1.1.2. The originally submitted supporting Planning Statement, the Officer Report of Handling, one recently successful appeal decision, and an email from Scottish Fire and Rescue Service are all cited within this paper. Full copies of these documents are provided as appendices 1 - 4.



## 2. Matters for Local Review Body consideration

- 2.1.1. The Officer Report of Handling (**appendix 1**) for the application acknowledges that the proposals would not result in any adverse impact on the Conservation area status of the area surrounding the proposals site. The main matter to be assessed is therefore the proposed use itself.
- 2.1.2. In considering this component of the proposal, the Officer's Report of Handling recognises in pages 5 and 6 that the key material considerations are Adopted Local Development Plan policy HOU7, the Council's non-Statutory Guidance for Businesses, and appeal decisions.
- 2.1.3. Accordingly, the appellant considers that the key paragraphs in the Officer's Report of Handling which directly lead to the only reason for refusal, are found toward the bottom of page 4. These paragraphs read:

*"The proposed one-bedroom short stay use would enable two or more related or unrelated visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents.*

*The property has the benefit of own main door access from the pavement. However, the property on the lower ground floor has a rear access door to communal garden and this has potential to interfere with the amenity of other occupiers of the building. The Supporting Statement states that the rear door would be locked. This does not provide sufficient reassurance that access to the rear garden would be prohibited. Controlling rear access to the garden would not meet all the six tests of an effective planning condition under Circular 4/1998 in terms of monitoring and enforcing. In addition, controlling rear access to the garden is a fire safety issue.*

*Barony Street is overwhelmingly in residential use and character. The supporting statement states that a number of properties on Barony Street are in short stay let use. However, each application for a short stay let is assessed on own merits. The site is a short walking distance from Broughton Street which has a mix of uses, including pubs, restaurants, shops and hairdressers. The application site is relatively sheltered from a degree of ambience noise. It is therefore expected that existing residents would be accustomed to low background noise during day and evening times. The potential access to the rear garden means that a frequent turnover of two or more related or unrelated visitors has the potential to disturb nearby residents.*

*The Supporting Statement states that the property would be used by two adults with children. It is expected that a turnover of two or more related or unrelated visitors on a frequent basis would shop or use local services more abundantly than a long-term tenant and accordingly, would contribute more to the economy".*

- 2.1.4. Firstly, it seems important to address a number of small matters which are mentioned in the Officer's assessment above that are considered by the appellant to be relevant to the Review. The first is to stress the appellant's statement at paragraph 2.1.1 that the rear door remains locked to guests. It is noted that the Officer's Report of Handling considers both that locking the rear door does not 'provide sufficient reassurance that access to the rear garden would be prohibited' but also that 'controlling rear access to the garden would not meet all 6 tests of Circular 4/1998 in terms of monitoring and enforcing'. One obvious route from this seeming impasse that would meet the tests of Circular 4/1998 and could be implemented under permitted development rights at this property, would be to require by condition that the rear door be stopped up and turned into a window. Nevertheless, while this is an option available to the Council, for reasons that will be set out later in this statement, the appellant considers that there are less onerous ways that have been accepted by the DPEA in the past as being effective at achieving the same outcome of preventing guests from taking access to the rear garden.

- 2.1.5. Secondly, it also seems important to address concerns in the Officer Report of Handling that controlling access to the rear garden will be a fire safety issue. **Appendix 2** to this appeal statement is an email received from a Watch Commander at Scottish Fire and Rescue. In her view “*although use of the door would be an advantage, the fact that there is an escape window next to it would allow escape from the kitchen and therefore, we do not consider this to be a fire safety issue*”. Should it be considered necessary following the Review to stop up the door as suggested in the paragraph above as a means of making this proposed change of use acceptable, the requisite planning condition can stipulate any fire safety requirements if considered appropriate and necessary.
- 2.1.6. Finally, the appellant considers it important to address a statement made repeatedly within the Officer Report of Handling that seems slightly misrepresentative of the manner in which the property is managed. At several points within the Report it describes the guest capacity of the property as “*two or more related or unrelated visitors*”. It seems important to emphasise that this is a small one-bedroom property, and within the originally submitted Planning Statement (**appendix 3**) only once, at paragraph 4.1.3, does it mention the flat’s capacity. Here it states that the property can accommodate “*2 adults with children if staying as a family group*”. In practice therefore, this property will be used by either: a single person; a couple; or a very small family group. There is justifiable concern that the phraseology used repeatedly in the Officer Report of Handling suggests a rather more disordered and chaotic arrangement than is the case. This is simply a small, one-bedroom property, and the numbers and types of guests that will be accepted here are entirely reflective of what would be expected in such a small property.
- 2.1.7. Turning now to perhaps the most important part of the appellant’s representation to the Local Review Body, it is noted that in the Officer’s Report of Handling on page 4, it is acknowledged that appeal decisions are material considerations when determining applications of this kind. One recent successful appeal to the DPEA for a short term let property, is considered to be particularly relevant to this Local Review as it deals with access to shared spaces that can be taken from a one-bedroom property.
- 2.1.8. Planning appeal reference PPA-230-2315 overturned the refusal of planning application 20/00724/FUL at Flat 1, 1 Saunder Street, Edinburgh for the Change of Use of a residential property to a short-term let. A copy of the full decision letter is attached as **appendix 4**
- 2.1.9. Of particular interest within the Reporter’s decision letter is the section (in paragraphs 11-18) where the Reporter considers concerns that had been expressed by the Council that visitors could in theory access the property through a shared door rather than the preferred private access.
- 2.1.10. The Reporter here notes at paragraph 12 that as part of the appellant’s submission documents (and just as spelled out at paragraph 2.1.1 of the originally submitted Planning Statement for the property on Barony Street), the appellant “*did not intend to provide an access for visitors and that they will need to use the dedicated private access*”. At Barony Street, the situation is even clearer in terms of initial access to the property, as this can only be taken from Barony Street and therefore not from the rear garden area itself.
- 2.1.11. Following the Reporter’s site visit on Saunder Street, he further records at paragraph 14 that he feels reassured that general on-site management practices on the part of the appellant will mean that in practice, guests would be in no doubt as to which entrance they were able to use, and which to avoid. In a similar way it is considered that simple and clear instructions to guests would suffice to ensure that they do not try and use the rear garden area; to which the access door is now and will continue to be locked.
- 2.1.12. The Reporter’s decision goes further, by questioning the extent to which the potential occasional use of a communal area might have a real or material impact on the living conditions of local full-time residents. In this regard he queries the concerns of the Council about such impacts. As detailed above at paragraph 2.1.3 such concerns are also expressed in the Officer Report of Handling on Barony Street with regard to the potential use of a shared rear garden space. The Reporter sets out his analysis of this at paragraph 17:

*“I do not agree with the council that the internal access would be disruptive and would have an unacceptable effect on the living conditions of nearby residents. I am satisfied that there would be no material difference in terms of frequency of movement, or other disturbance for neighbours, than is currently possible from a full-time tenant occupying the flat”.*

- 2.1.13. As already noted at paragraph 2.1.4 of this appeal statement, paragraph 2.1.1 of the originally submitted planning statement is quite clear that the back door to the property at 26 Barony Street will remain locked. Such assurances were considered to be acceptable as a means of managing access in the appeal case on Saunder Street, where as detailed above, the Reporter did not agree with the Council's general view that potential impacts on living conditions could be so severe from a one-bedroom flat that these might warrant refusal of a planning application.
- 2.1.14. It is the appellants view here that the Saunder Street example shows the extent to which DPEA Reporters have arrived at a view that sensible and practical procedures on the part of owners and property managers can be accepted as ways of safeguarding the living conditions of nearby residents. This is particularly the case where small properties are involved which seem altogether unlikely to have real adverse impacts on living conditions. The appellant would be most grateful if a similarly pragmatic view was taken by the Local Review Body on the effectiveness of a locked door to the shared back garden area at 26 Barony Street as delivering a simple and workable way to safeguard living conditions.
- 2.1.15. Taking such a view would of course also save the expense and disruption of having to stop-up the door using a planning condition and permitted development rights. This option, which could be delivered through a planning condition, would not be the appellant's preferred way of addressing concerns around use of the rear garden area. Nonetheless, it would deliver an outcome that clearly addresses the only reason for refusal of this planning application. Accordingly such a condition could be added if the Local Review Body considered that the Officer decision should be overturned but felt that the ongoing management practices were not sufficient to safeguard living conditions for other residents using the rear garden space.

### 3. Conclusion

- 3.1.1. This is a small 1-bedroom property, that in practice will only ever be let to single people, couples and very small families. Unlike the appeal example on Saunder Street, there is no dubiety at 26 Barony Street about how initial access might be taken to the flat that could lead to 'user conflict' with the residents of other flats within the block. The only matter of contention on 26 Barony Street therefore seems to be how access to a shared garden area can be controlled.
- 3.1.2. In reality once inside the property with the rear door locked and fire escape available through rear windows, guests will not be able to access the rear garden but will be able to escape the property in the event of a fire. In this way, the concerns articulated in the Officer report to provide support for the reason for refusal are not considered in practice to be likely to materialise.
- 3.1.3. Accordingly, it is respectfully requested that the Local Review Board re-considers this application and accepts either the existing management arrangements, or the more onerous and in the appellant's view, somewhat unnecessary step of stopping up the door as a means to address concerns set out in the Officer Report of Handling.

**Angus Dodds MRTPI**  
Director

[angus@contourtownplanning.com](mailto:angus@contourtownplanning.com)



# Report of Handling

**Application for Planning Permission  
26 Barony Street, Edinburgh, EH3 6NY**

**Proposal: Retrospective change of use from residential to short-term let apartment (sui generis).**

**Item – Local Delegated Decision  
Application Number – 22/01089/FUL  
Ward – B11 - City Centre**

## **Recommendation**

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

## **Summary**

The proposal does not comply with policy Hou 7 in the Edinburgh Local Development Plan. The existing rear access door to communal garden has the potential interfere with the amenity of other occupiers of the building. The change of use to a short stay let is therefore unacceptable and there are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a one-bedroom ground floor flat set over two floors and is located on Barony Street with its own main door access from the pavement. The property forms part of a four-storey tenement and has lower ground floor access to the rear communal garden. The property was previously a ground floor commercial unit before its conversion to residential.

Barony Street is mainly in residential use. The property is within walking distance to Broughton Street, a local centre as defined in the Edinburgh Local Development Plan map.

The site lies within the New Town Conservation Area.

### **Description Of The Proposal**

The proposal is for retrospective planning permission for a change of use from residential to short stay let (STL).

No external or internal physical alterations are proposed.

### **Supporting Information**

- Supporting Statement

#### **Relevant Site History**

No relevant site history.

#### **Other Relevant Site History**

No other relevant site history.

#### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 16 March 2022

**Date of Advertisement:** 25 March 2022

**Date of Site Notice:** 25 March 2022

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals harm the character or appearance of the conservation area?**

The New Town Conservation Area represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves.

## **Conclusion in relation to the conservation area**

There are no external alterations and the development preserves both the character and appearance of the conservation area. The change of use from a one-bedroom domestic flat to a short-term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

The proposal does not harm the conservation area. Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) The proposals comply with the development plan?**

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policy Env 6
- LDP Housing policies Hou 7

## **Principle**

The main policy that is applicable to the assessment of short-stay lets (STL) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted. There are no policies relating specifically to the control of short stay commercial visitor accommodation (STL) in the current Local Development Plan (LDP).

The non-statutory Guidance for Business states that an assessment of a change of use of dwellings to STL will have regard to:



- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

The guidance states that a change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - "The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest".

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access;
- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally, the smaller the flat the less likelihood of disturbance to neighbours;
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of STL properties, the economic benefits are a material planning consideration.

The supporting statement does not indicate how long the property has been used as a short-term let. However, there is no record of planning permission for this and the use requires be considered as a new proposal under current policies.

The proposed one-bedroom short stay use would enable two or more related or unrelated visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents.

The property has the benefit of own main door access from the pavement. However, the property on the lower ground floor has a rear access door to communal garden and this has potential to interfere with the amenity of other occupiers of the building. The Supporting Statement states that the rear door would be locked. This does not provide sufficient reassurance that access to the rear garden would be prohibited. Controlling rear access to the garden would not meet all the six tests of an effective planning condition under Circular 4/1998 in terms of monitoring and enforcing. In addition, controlling rear access to the garden is a fire safety issue.

Barony Street is overwhelmingly in residential use and character. The supporting statement states that a number of properties on Barony Street are in short stay let use. However, each application for a short stay let is assessed on own merits. The site is a short walking distance from Broughton Street which has a mix of uses, including pubs, restaurants, shops and hairdressers. The application site is relatively sheltered from a degree of ambience noise. It is therefore expected that existing residents would be accustomed to low background noise during day and evening times. The potential access to the rear garden means that a frequent turnover of two or more related or unrelated visitors has the potential to disturb nearby residents.

The Supporting Statement states that the property would be used by two adults with children. It is expected that a turnover of two or more related or unrelated visitors on a frequent basis would shop or use local services more abundantly than a long-term tenant and accordingly, would contribute more to the economy.

Car and cycle parking is not included within the proposals, and this is acceptable. The site is within walking distance to nearby public transport and amenities.

### Conservation Area

There are no external alterations and the development preserves both the character and appearance of the conservation area. The proposal complies with LDP policy Env 6.

### **Conclusion in relation to the Development Plan**

Despite the small size of the property and befitting from its own main door access, the rear access door to communal garden has the potential to interfere with the amenity of other occupiers of the building in terms of noise. The principle of a change of use to a short stay let is therefore unacceptable as it will have a materially detrimental effect on the living conditions of nearby residents. The proposal does not comply with LDP policy Hou 7.

### **c) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with Paragraph 29 of SPP in terms of protecting the amenity of existing residents.

#### Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

No comments were received.

#### **Conclusion in relation to identified material considerations**

The other material considerations have been addressed and there are no new material issues to resolve.

#### **Overall conclusion**

The proposal does not comply with policy Hou 7 in the Edinburgh Local Development Plan. The existing rear access door to communal garden has the potential interfere with the amenity of other occupiers of the building. The change of use to a short stay let is therefore unacceptable and there are no material considerations that outweigh this conclusion. It is recommended that the application be refused.

### **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

#### **Reasons**

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the existing rear access to communal garden has the potential to interfere with the amenity of other occupiers.

**Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information -** [Local Development Plan](#)

**Date Registered: 7 March 2022**

**Drawing Numbers/Scheme**

01.

Scheme 1

**David Givan  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council**

Contact: Laura Marshall, Planning Officer  
E-mail:[laura.marshall@edinburgh.gov.uk](mailto:laura.marshall@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

No consultations undertaken.

From Scott, Alison <Alison.Scott@firescotland.gov.uk> ★

Subject **RE: planning appeal assistance**

To Me ★

Reply Reply All Forward More

06/06/2022, 12:12

Hi Angus

It would be the opinion of the Scottish Fire and Rescue Service, that although use of the door would be an advantage, the fact that there is an escape window next to it would allow escape from the kitchen and therefore, we do not consider this to be a fire safety issue.

The door from the kitchen should be a self-closing fire door, allowing people on the upper floor to escape safely if a fire started in the kitchen.

If there is a change of use (i.e. domestic to non-domestic), there may be the requirement for suppression to be installed, under the Scottish Technical Handbook. That is something that would be looked at by the building standards officer at the time.

Kind regards

Alison

(working from home)

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**SCOTTISH**  
**FIRE AND RESCUE SERVICE**  
Working together for a safer Scotland

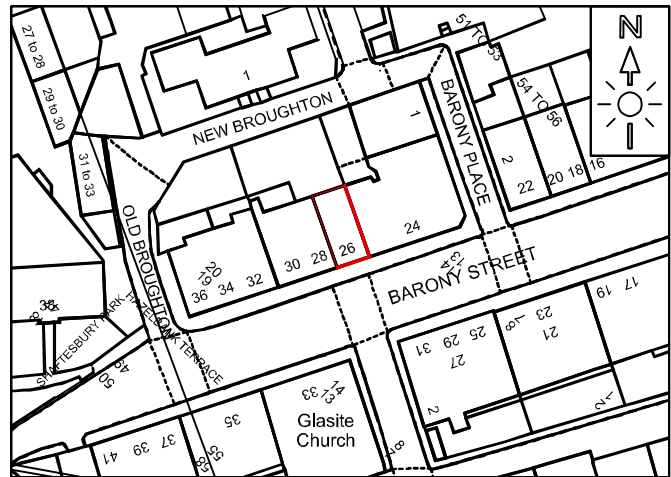
**Alison Scott BEng (Hons) IEng MIFireE | Watch Commander | Scottish Fire and Rescue Service**

Fire Engineer/Fire Safety Enforcement Officer

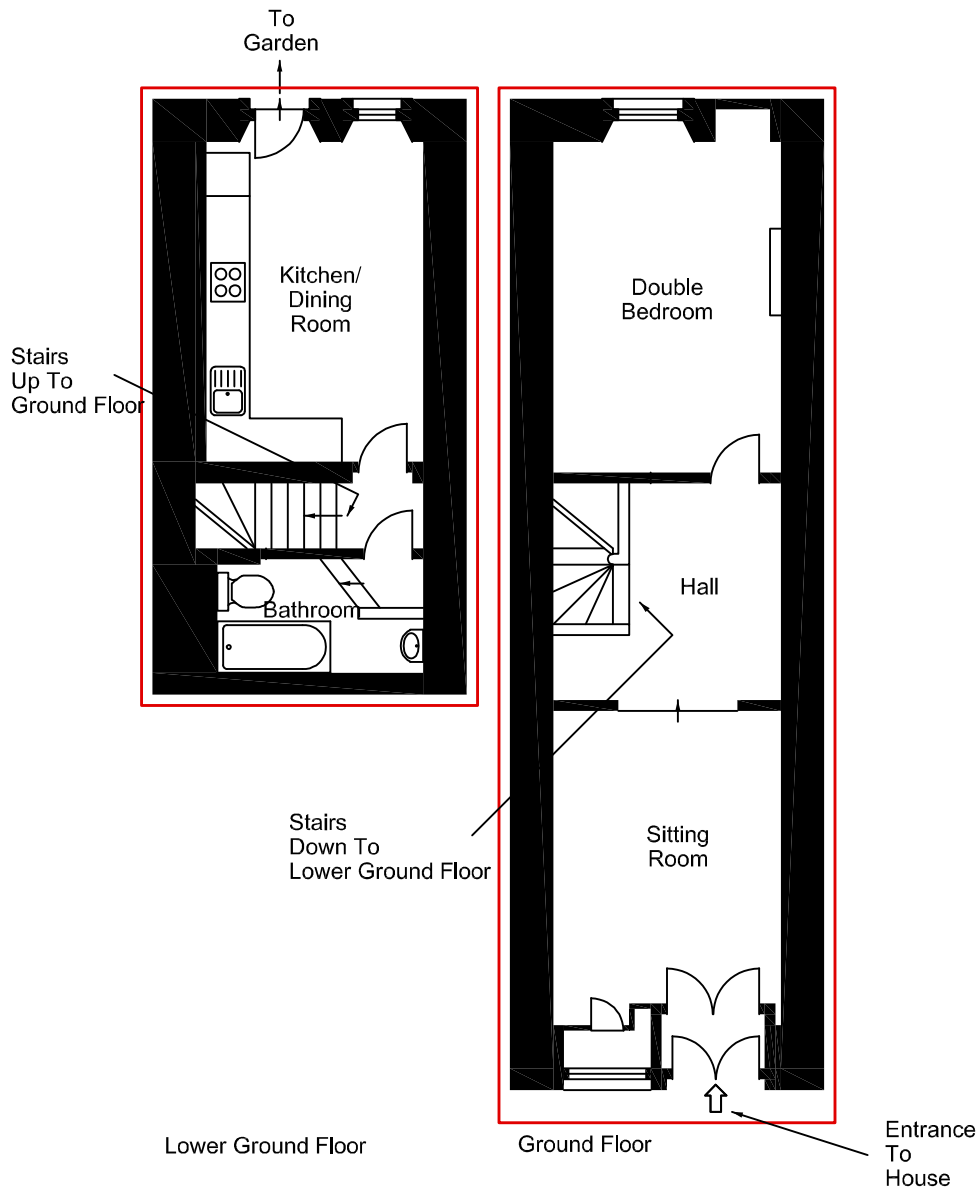
Fire Engineering, 21 Claylands Road, Newbridge, EH28 8LF

W:0131 344 5037 | M: 07787266399 | e: [alison.scott@firescotland.gov.uk](mailto:alison.scott@firescotland.gov.uk)

*Working together for a safer Scotland*



SCALE 1:1250



26 Barony Street,  
Edinburgh,  
Midlothian, EH3 6NY

Page 78  
CHANGING FROM RESIDENTIAL TO  
SHORT-TERM LET

EXISTING/  
PROPOSED  
FLOOR PLAN

SCALE 1:100  
PRINT AT A4

PLANS DRAWN:  
MAR 2022



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**By email to:**  
**localreviewbody@edinburgh.gov.uk**

Local Review Body Support Team  
City of Edinburgh Planning  
Local Review Body  
Waverley Court - Business Unit G24  
East Market Street  
Edinburgh  
EH8 8BG

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMAppeals@hes.scot](mailto:HMAppeals@hes.scot)

Our case ID: 300057856  
Your ref: 22/00090/REVREF  
11 August 2022

Dear Local Review Body Support Team

Notification of Local Review Body Hearing on: Phone Box By Royal Commonwealth Pool,  
Dalkeith Road, Edinburgh

We have been notified of the above review of the decision to refuse planning permission.

We have previously been consulted on this application and made no comment. Therefore we have nothing further to add.

If the Review Body has specific questions where our expertise would be useful we will be happy to provide further submissions in response to these.

Yours faithfully

**Historic Environment Scotland**

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Mono Consultants.  
FAO Callum McKenna  
Culzean House  
36 Renfield Street  
Glasgow  
G2 1LU

British Telecommunications Plc.  
81 Newgate Street  
London  
EC1A 7AJ

**Decision date: 27 May 2022**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Remove 2x phone boxes and install street hub.  
At Phone Box By Royal Commonwealth Pool Dalkeith Road Edinburgh

**Application No:** 22/01508/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 24 March 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reasons:-**

1. The proposal does not comply with LDP policy Des 1 Design - Quality and Context as it is likely to have a high impact in visual terms to the detriment of the area.
2. The proposal does not comply with LDP policy Des 5 Development Design - Amenity as it is likely to adversely impact on the amenity of neighbouring properties.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it would have a detrimental impact on the character and appearance of the conservation area.

4. 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.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal will have a detrimental impact on the amenity of the location. The proposal is not acceptable with regards to Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997., 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.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Adam Gloser directly at [adam.gloser@edinburgh.gov.uk](mailto:adam.gloser@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

## **Application for Planning Permission**

**Phone Box By Royal Commonwealth Pool, Dalkeith Road, Edinburgh**

**Proposal: Remove 2x phone boxes and install street hub.**

## **Item – Local Delegated Decision**

**Application Number – 22/01508/FUL**

**Ward – B15 - Southside/Newington**

## **Recommendation**

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

## **Summary**

The proposal will have a detrimental impact on the amenity of the location. The proposal is not acceptable with regards to Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997., 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.

## **SECTION A – Application Background**

### **Site Description**

The application site is located on a paved area along Dalkeith Road directly opposite a pedestrian crossing. To the rear of the site lies the Royal Commonwealth Pool, an 'A' listed building designed by Robert Matthew, Johnson-Marshall, and Partners in 1967-1970. The building was listed on the 29 March 1996 (LB ref: 43148)

The area is predominantly residential in nature with some commercial premises located in the vicinity. Currently, two phone boxes stand on the site.

### **Description Of The Proposal**

The application is for the erection of a double-sided digital advertising display unit with rotating content . The advert will be housed within a BT "InLink" unit.

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 2.9m high by 1.23m wide by 0.35m deep structure 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.

### **Supporting Information**

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
- Street Hub Product Statement; and
- Noise Management Plan; and
- ICNIRP; and
- Antisocial Behaviour Management Plan.

### **Relevant Site History**

22/01507/ADV  
Phone Box By Royal Commonwealth Pool  
Dalkeith Road  
Edinburgh  
Illuminated LED digital display  
Refused  
26 May 2022

### **Other Relevant Site History**

### **Consultation Engagement**

Historic Environment Scotland

Transportation Planning

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 27 May 2022

**Date of Advertisement:** 22 April 2022

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
- (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

### Assessment

To address these determining issues, it needs to be considered whether:

**a) The proposals harm the listed building and its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change - Setting

### Conclusion in relation to the listed building



The proposed advertisement will be located in the vicinity of the Royal Commonwealth Pool, 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. 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.

### **Conclusion in relation to the setting of the listed building**

The proposals are not acceptable in relation to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) The proposals harm the character or appearance of the conservation area?**

The following HES guidance is relevant in the determination of this application:

- Managing Change - Conservation Areas

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

The Council's Street Design Guidance reinforces the need to protect the special characteristics of streets such as along Nicolson 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 0.6 metres above pavement level. The height of the proposed advert is 1.8 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 Nicolson Street.

The advertisements both individually and cumulatively within the commercial streets of the South Side 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 which rise approximately 2.9 metres above pavement level.

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

### **Conclusion in relation to the conservation area**

In relation to the conservation area the proposals do not preserve the character and appearance of the conservation area. Therefore, the proposals are not acceptable in relation to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **c) The proposals comply with the development plan?**

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 3 and Env 6
- LDP Design policies Des 1 and Des 5
- LDP Transport policy Tra 9

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 6.

#### 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 a presumption against freestanding digital advertising unless exceptional circumstances justify otherwise. The proposed digital advertisement would not be located within a special designated area.

The proposal seeks to install digital advertising as a principal element of a freestanding structure that also incorporates a telecommunications interface. No exceptional circumstances have been identified in this location and the applicant has not provided specific evidence that would justify the erection of the freestanding structure in this location. The advert is therefore unacceptable in principle in this location.

#### Amenity

The double-sided digital advertising panel will stand at 2.98m with a width of 1.23m. Due to its width, height and illuminated digital nature, the advert constitutes an unacceptable and unnecessary intrusion into the streetscape which would result in advertisement clutter to the detriment of amenity.

The proposal is considered to impact upon visual amenity, affecting immediate outlook, contrary to design policy Des 1 Design Quality and Context & Des 5 Development Design - Amenity of the Edinburgh Local Development Plan.

#### Transport

Transport has raised no objection to the proposal, an adequate area of footpath will be retained. The proposal does comply with transport policy Tra 9 of the Edinburgh Local Development Plan.

### **Conclusion in relation to the Development Plan**

The proposals do not comply with the relevant policies of the LDP.

**d) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

Three letters of representation have been received. The letters were all in objection to the scheme.

A summary of the representations is provided below:

*material considerations*

- bullet Impact on character of conservation area; assessed in section b).
- bullet Impact on setting of nearby listed building; assessed in section a).
- bullet Impact on amenity; assessed in section c) amenity.
- bullet Impact on pedestrian flow; assessed in section c) transport.

**Conclusion in relation to identified material considerations**

The material considerations identified have been addressed within the sections above.

## Overall conclusion

The proposal will have a detrimental impact on the amenity of the location. The proposal is not acceptable with regards to Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997., 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.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Reasons

1. The proposal does not comply with LDP policy Des 1 Design - Quality and Context as it is likely to have a high impact in visual terms to the detriment of the area.
2. The proposal does not comply with LDP policy Des 5 Development Design - Amenity as it is likely to adversely impact on the amenity of neighbouring properties.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it would have a detrimental impact on the character and appearance of the conservation area.
4. 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.

### Background Reading/External References

To view details of the application go to the [Planning Portal](#)

**Further Information -** [Local Development Plan](#)

**Date Registered: 24 March 2022**

### Drawing Numbers/Scheme

01-03

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Adam Gloser, Planning Officer  
E-mail: [adam.gloser@edinburgh.gov.uk](mailto:adam.gloser@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

NAME: HES

COMMENT: No objection.

DATE: 21 April 2022

The full consultation response can be viewed on the Planning & Building Standards Portal.

# Comments for Planning Application 22/01508/FUL

## Application Summary

Application Number: 22/01508/FUL

Address: Phone Box By Royal Commonwealth Pool Dalkeith Road Edinburgh

Proposal: Remove 2x phone boxes and install street hub.

Case Officer: Adam Gloser

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Although the telephone boxes are currently unsightly because they are not maintained or cleaned, what is proposed is not appropriate. I wonder, who apart from those who will make a profit from this will want any bright advertising screens taking up pavement space. The Commonwealth Pool is an A listed building and the former Scottish Widows on the other side of the road is also A listed. We should not allow advertising material to clutter the context for these iconic buildings. We already have unsightly lit advertising screens on many large bus stops and this does nothing to enhance the City scape. These screens would be an unnecessary distraction for traffic at this very busy pedestrian crossing.

# Comments for Planning Application 22/01508/FUL

## Application Summary

Application Number: 22/01508/FUL

Address: Phone Box By Royal Commonwealth Pool Dalkeith Road Edinburgh

Proposal: Remove 2x phone boxes and install street hub.

Case Officer: Adam Gloser

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We agree that the telephone boxes should be removed as they are associated with anti-social behaviour. However we think this site next to an A-listed building is most inappropriate for a hub. The changing images will be a distraction for drivers. We don't need more advertising and street clutter here or anywhere else in the city.



# Comments for Planning Application 22/01508/FUL

## Application Summary

Application Number: 22/01508/FUL

Address: Phone Box By Royal Commonwealth Pool Dalkeith Road Edinburgh

Proposal: Remove 2x phone boxes and install street hub.

Case Officer: Adam Gloser

## Customer Details

Name: Mr Stephen Rodger Benson

Address: 41 Clerk Street 1F2 Edinburgh

## Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am submitting an objection to this application on behalf of the Southside Community Council.

Firstly, on practical grounds. The Hub will project onto the pavement to a greater degree than the current phone boxes. We would generally argue against additions that would lead to increased clutter of the streets and pavement space. Next, there is a concern that the illuminated advertising would still be a potential distraction for motorists, particularly given it will be sited right next to a pedestrian crossing. This is particularly the case as it will be replacing phone boxes with relatively low lighting and it will likely be the brightest object in its immediate vicinity (rather than amongst other illuminated shopfronts or similar). In fact, its orientation seems almost specifically designed to be legible for people driving along the street.

The other objections were on the Hub's visual impact. It will be sited in the Southside Conservation area. The addition of the garish advertising would be out of character. This impact would almost certainly be increased at night and when light levels are low.

We note that the pre-application discussion covered the matter of how intrusive these Hubs would be, recognising the fact that they would be an incongruous addition to the street scene, and the planning department had already indicated they would be unlikely to support them. We hope that the planning department will hold to this position when it comes to the final decision.

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## **Appeal against the City of Edinburgh Council's refusal of Planning Permission**

### **Appeal Site:**

Pavement o/s Royal Commonwealth Pool, 21 Dalkeith Road, Edinburgh EH16 5BB (E326795, N672354)

### **Our BT Street Hub Ref:**

EDN102

### **Council LPA Ref(s):**

22/01508/FUL

### **Proposal:**

Removal of (2) existing BT payphones and the installation of (1) freestanding BT Street Hub providing free ultrafast Wi-Fi and other community services and with excess space returned to the community.

### **Associated BT Public Kiosk Removals:**

Pavement o/s Royal Commonwealth Pool, 21 Dalkeith Road, Edinburgh EH16 5BB (E326795, N672354)



Image 1 – Existing Streetscene



Image 2 – Photomontage illustrating Proposed Streetscene

## **Appendix**

Appendix A – Application submission

Appendix B – Pre-Application Consultation

Appendix C – Planning and design drawings

Appendix D – Full Planning application Decision Notice

Appendix D – Full Planning Officers Report

Appendix E - LinkNYC kiosks improving quality of life in the Big Apple

Appendix F – WiFi Marketing\_ What It Is and How Retailers Can Use It

Appendix G – Free Wi-Fi would encourage over 80 percent of shoppers to visit local retailers

Appendix H – Appeal Ref APP/K5030/Z/18/3211426 Outside 322 High Holborn, London, WC1V 7PB by  
Inspector S Rennie.

Appendix I – Appeal Ref APP/N5660/W/18/3199793 Waterloo Road, Outside Waterloo Station &  
Opposite Junction with Sandell Street, London

Appendix J - Appeal Ref 3205104 Church Street (Outside No.1-5 Forever 21) by Inspector A McGlone

## Introduction

For the avoidance of background reputation so far as is practicable in this appeal statement, the appointed Reporter is respectfully asked to refer to the documents submitted as part of the application for planning permission. The BT project to replace the existing estate of telephone kiosks in Edinburgh has been ongoing on a national basis for over 5 years.

The proposed development is a freestanding Street Hub unit that forms an integral part of a new city-wide network across Edinburgh, based on upgrading the existing BT estate of public call boxes. The Street Hub network will provide the residents and visiting populations with an unprecedented suite of essential urban tools, including free ultrafast Wi-Fi, phone calls, wayfinding, device charging, an emergency 999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality monitoring.

As part of a wider roll-out of Street Hub units across Edinburgh, the proposal will bring forward significant social, economic and technological benefits to the public. Street Hubs seek to upgrade the existing BT kiosk estate, by associating at least two kiosk removals for every new unit, in which the fall-back position is the retention of the existing payphone infrastructure.

A pre-application consultation email was sent to City of Edinburgh Council on 16<sup>th</sup> June 2021 which introduced the project and 11 potential BT Street Hub locations across the city. This consultation was then progressed to paid pre-app discussions with the Planning Department on 26<sup>th</sup> August 2021 and assigned the reference 21/04055/PREAPP.

On 22<sup>nd</sup> September 2021, a response was received and where practicable, all matters raised by the LPA were taken on board when finalising the planning and advert application submission. Given the operator's needs for improved public connectivity in the area, it is considered that this improved development proposal is wholly appropriate and will represent an overwhelmingly positive addition introduction to the locality bringing with it an array of social, economic, and environmental public benefits to the wider community.

An application for planning permission and consent to display advertisements was submitted to the Council on 24<sup>th</sup> March 2022 (Appendix A and C), where applications ran in parallel and were refused on 27<sup>th</sup> May 2022. The appellant's statement of the case in support of the applications is outlined below and will seek to prove that the proposal is supported by national planning policy and is not contrary to the Edinburgh Local Development Plan. The appeal will also outline the material considerations that further justify the proposal by highlighting the positive benefits that the proposal will provide.

## The Positive Case for Street Hub

This statement will outline in greater detail how the proposal is in accordance with National and Local Plan policies, guidance and the public benefits of the Street Hub proposal. We have outlined in detail the tangible benefits, but we would go further by highlighting how this proposal and the overall strategy will help deliver the goals of the Local Plan and Digital Strategy.

It is important to note from the outset that this appeal forms part of an overarching project to remove and replace some of the existing BT kiosks in the City of Edinburgh that will improve the public realm by upgrading them with the modern Street Hub.

Whilst it is acknowledged that the proposed Street Hub may have some minor negative impacts, it is the appellant's considered opinion from an objective perspective, that these impacts are outweighed by the significant benefits provided by the proposed unit. This appeal statement will provide a comparative assessment of the positive benefits and negative impacts associated with the development to reinforce our view that this proposal should be supported and the appeal should be allowed.

### Scottish Planning Policy June 2014

#### Supporting Digital Connectivity

##### NPF Context

*292. NPF3 highlights the importance of our digital infrastructure, across towns and cities, and in particular our more remote rural and island areas. Our economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland.*

##### Policy Principles

*293. The planning system should support:*

- development which helps deliver the Scottish Government's commitment to world-class digital connectivity - As outlined in the application, the proposed Street Hub is a design of the highest technical specification that provides an unparalleled service in terms of free-to-use communications options.*
- the need for networks to evolve and respond to technology improvements and new services - Whilst many existing BT phone kiosks are required under the terms of the Universal Service Obligation (USO) agreement between BT and Ofcom to provide and maintain publicly accessible call boxes on the street, they no longer meet the expectations of modern society.*
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum - It should be acknowledged that the proposed location is an existing telecommunications site and the proposal involves the removal of 2no existing BT kiosks that currently occupy a considerably larger footprint with a greater visual impact on the surrounding adjacent heritage assets.*

#### Sustainability

##### Policy Principles

*This SPP introduces a presumption in favour of development that contributes to sustainable development.*

*28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.*

*29. This means that policies and decisions should be guided by the following principles:*

- *giving due weight to net economic benefit;*

The economic benefits provided by improved telecommunications equipment are something that is never going to be immediately understood, although the impact of the industry over the last 3 decades is immeasurable. When telecommunications services are provided or improved, it can encourage more people to visit which creates demand for local services and the economy will therefore grow. For instance, free WiFi, consciously or not, is something that improves the quality of experience in a town centre but only if it is reliable and fast. If the WiFi experience is positive, people will return and reuse the service which is something that Street Hub contributes to. The use of Street Hub units in other parts of the UK and other major cities such as London and New York has been shown to greatly improve the visitor experience. Please refer to Appendix E or the link below.

<https://www.retailcustomerexperience.com/articles/linknyc-kiosks-improving-quality-of-life-in-the-big-apple/>

The following link helps to illustrate the benefits of providing high-quality free WiFi and states: *'Improved shopping experience: Almost 62% of businesses that provide free Wi-Fi report that their customers stay longer, according to Devicescape survey. This could indicate that shoppers are enjoying their in-store experiences more, and therefore willing to spend more time with your brand'*. Whilst relating to instore services, the same logic applies to the wider street scene. As such, it is clear that the longer people remain in the area, the growth will increase and contribute to a good mix of use in the area. Please refer to Appendix F or the link below.

<https://www.shopify.com/nz/retail/wifi-marketing-what-it-is-and-how-retailers-can-use-it>

Furthermore, *'Some 82 percent of British shoppers would be more likely to visit independent high street retailers if they had free Wi-Fi access, a new study has found.'* Please refer to Appendix G or the link below.

<https://businessadvice.co.uk/high-streets-initiative/free-wi-fi-would-encourage-over-80-per-cent-of-shoppers-to-visit-local-retailers/>

- *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*

As part of the Edinburgh Economic Strategy (November 2021), it outlines *'actions for a stronger Edinburgh economy. The City of Edinburgh Council will deliver the Digital and Smart Cities Implementation Plan to deliver our vision for a smart city where the application of data and technology increases efficiency, minimises costs and enhances convenience'*. The proposed Street Hub will directly contribute to this policy in a way that the existing kiosks do not with free Wi-Fi, Wayfinding services and device charging for convenience.

- *supporting good design and the six qualities of successful places;*



### **Distinctive**

41. *This is development that complements local features, for example, landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.* Whilst we would acknowledge that the proposal represents a minor change to the local area, it is located in a busy urban setting where the Street Hub would not be considered to be out of scale with the surrounding buildings. It could also be argued that the single Street Hub proposed would result in an overall improvement to the character and appearance of the local area following the removal of 2no existing BT phone kiosks, thereby resulting in a significant reduction in street clutter.

### **Safe and Pleasant**

42. *This is development that is attractive to use because it provides a sense of security through encouraging activity. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.* One of the unfortunate consequences of the existing BT kiosk estate is that they can become magnets for antisocial behaviour. The proposed Street Hub seeks to prevent this by removing existing enclosed kiosks and implementing the Anti-Social Behaviour Management Plan to prevent the new development from repeating the mistakes of the past. The proposed Street Hub also has easily accessible features to contact the emergency services and also free Wi-Fi and charging facilities that ensure that users will always be able to use their devices.

### **Welcoming**

43. *This is development that helps people to find their way around.* One of the innovative features of the Street Hub's wayfinding facility is that it will highlight points of interest that people, who are unfamiliar with the area, such as tourists may be aware of. This includes local shops, services and attractions that are off the beaten track that people might not otherwise experience.

### **Adaptable**

44. *It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile green space.* We would highlight that the core principle of the Street Hub design is to ensure that the unit is inclusive and accessible to all, something that the existing kiosks that have been designated for replacement are not.

### **Resource Efficient**

45. *This is development that re-uses or shares existing resources, maximises the efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change.* As outlined in the Product Statement, the Street Hub unit operates with the use of 100% renewable energy.

### **Easy to Move Around and Beyond**

46. *This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.* The Street Hub offers improved services that encourage those who wish to use public transport, or cycle and walk as an alternative means of travel throughout the local area. When more information is made available through Wayfinding, for instance, people who would otherwise be hesitant will be encouraged to explore further into the local area, especially when integrated with free reliable Wi-Fi to make bookings for entertainment such as restaurants and

cinemas. Not only will this encourage sustainable travel, but it will also contribute to and support the local economy.

- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;* It is clear that the existing BT phone kiosks are not an efficient use of space in the immediate area.
- *supporting delivery of infrastructure, for example transport, education, energy, digital and water;*
- *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;* The Street Hub encourages social interaction by the nature of its services and physical activity through greater participation in walking and cycling, thereby improving their health and well-being.

### **Promoting Sustainable Transport and Active Travel**

#### **NPF Context**

*269. Planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low-carbon economy.*

#### **Policy Principles**

*270. The planning system should support patterns of development which:*

- *optimise the use of existing infrastructure;*
- *reduce the need to travel;*
- *provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;*
- *enable the integration of transport modes;*

### **National Planning Framework 3**

The following sections of NPF3 are considered relevant and applicable to the proposed Street Hub development:

#### **A successful, sustainable place**

*2.6 Our strategy aims to ensure that all parts of Scotland make the best use of their assets to build a sustainable future. Planning will help to create high-quality, diverse and sustainable places that promote well-being and attract investment.*

*2.7 Great places support vibrant, empowered communities, and attract and retain a skilled workforce. Emerging technologies for renewable energy and improved digital connectivity are changing our understanding of what constitutes a sustainable community. We must ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions.*

#### **A Connected Place**

*5.8 Connectivity is not just about enabling physical movement, but also virtual links. High-quality mobile and fixed broadband connections have become essential to support communities and business development in both rural and urban areas. At present, there remains a significant gap between our*

*most and least connected areas, with digital access being considerably better in more accessible urban areas. Many parts of rural Scotland have little or no connection and require public investment to rebalance the distribution of infrastructure.*

*5.15 To further reduce the need to travel and ensure continuing economic competitiveness, we will see a step change in digital connectivity in the coming years, supporting our broader aspirations for growth across the country. This will require significant investment in digital infrastructure to ensure coverage extends to our most remote, but asset-rich, rural and island communities. As well as providing new infrastructure to connect existing areas, future developments will build in digital connectivity as a matter of course.*

*5.16 Strengthened digital infrastructure will support our aspirations for more sustainable cities which attract new business. We can expect cities to become significantly 'smarter' in the next few years, using population density and shared infrastructure to further increase access to high-performing digital services.*

### **Digital Scotland - A Changing Nation: How Scotland will Thrive in a Digital World**

The most recent policy document on the priority placed on the importance of digital services was published in April 2021. The chapter 'No One Left Behind' states;

*It was observed that: "the internet is not a luxury, it is a necessity As we have responded as a nation to the pandemic, this has become more apparent than ever. The internet has provided access to essential services and up-to-date and accurate information, and helped us to maintain the social contacts that are so important to our wellbeing. In doing so however, it has also exacerbated the isolation of those who do not enjoy access to technology and focussed attention on the risk that, unless we tackle digital exclusion, we could increase, rather than reduce, inequalities in our society."*

In terms of Sustainable Development and where Scotland wants to be, the policy states: '*Future capital investment decisions will be driven by this understanding of the role that data and digital play in ensuring the economic and societal resilience of all our communities and our ability to trade with the world. They will also support our transition to a net zero society by enabling us to replace unnecessary journeys and make more efficient, environmentally friendly use of the more traditional infrastructure of transport and buildings.*'

In conclusion and in terms of tackling digital exclusion, the policy states: '*Progress has been made to tackle digital exclusion in Scotland, but we want to go further and achieve world-leading levels of digital inclusion. This depends, not only on the quality of Scotland's digital infrastructure, but on the ability of people to be able to afford data allowances and devices, and to acquire the skills and confidence to take advantage of the benefits and opportunities of being digitally connected.*'

### **Scotland's National Strategy for Economic Transformation.**

The importance of digital infrastructure is highlighted in paragraph 1.7 - Bold Programmes of Action, which states '*We will deliver a step change in our productivity performance and address regional inequalities in economic activity as well as boosting traditional and digital infrastructure across every sector, and every region, of the economy.*'

The policy document continues by outlining in section 4 - Productive Businesses and Regions that: '*All the policy programmes in this strategy are interconnected, and while the other programmes will also drive productivity improvements, through for example reducing structural inequalities, this programme*

*focuses on the opportunities from digital infrastructure, leadership, pioneering new approaches and addressing current geographical disparities to deliver prosperity for all Scotland's people and places.'*

Section 4.4 - Our Programme of Action - Project 8: Improve Connectivity Infrastructure and Digital Adoption Across the Economy elaborates that *'We will provide an efficient and resilient digital infrastructure. This includes continued investment in improved broadband, fibre and mobile coverage for residential and business premises.'*

### **Scottish Government National Transport Strategy Delivery Plan (2022-2023)**

Based on the policy priorities set out in the Transport strategy, this appeal will outline how the proposed Street Hub will contribute to the goals of tackling climate change, delivering inclusive economic growth and improving health and wellbeing.

#### **Tackles Climate Action**

It is the position of this appeal that the proposed Street Hub will encourage more people to travel more sustainably by helping to provide the public with greater access to travel options in a coordinated manner via its modern Wayfinding and free Wi-Fi services. With greater connectivity provided to travel options, people will be encouraged to walk, cycle and use public transport more.

The strategy states that:

*'Scotland must transition to a net-zero emissions economy for the benefit of our environment, our people, our communities and our future prosperity. People and businesses will be supported to make alternative travel choices that help strengthen local economies and allow everyone to share in the benefits of taking climate action while ensuring that those least able to pay are not unfairly burdened and that existing inequalities are tackled, not exacerbated.'*

Our actions will:

- *Reduce the need to travel unsustainably*
- *Create better connectivity with sustainable, smart, cleaner transport options.'*

The strategy continues by outlining the intention of: *'Investing in Innovation - We are supporting advances in technology and new innovations through investment and research which will help increase the uptake and availability of low carbon and more efficient technologies and approaches. We will complete the procurement for digital travel data services to ensure continued and improved journey planning information in 2022. High-quality journey information services are essential to enable people to confidently use the public transport network and encourage modal shift to more sustainable travel.'*

#### **Helps Deliver Inclusive Economic Growth**

The transport strategy states *'The transport system plays a crucial role in the successful performance of Scotland's economy and ensuring regional cohesion. It enables people to get to work and ensures firms are able to get their goods and services to markets in Scotland and beyond. Our actions will:*

- *Provide for an integrated transport system that contributes to sustainable economic growth:*
- *Improve accessibility for residents, visitors and business.*

### **Improves our Health and Wellbeing**

*In order to be empowered to make healthy choices and enjoy the places we live, it is important to feel and be safe and secure – whether you are walking, wheeling, cycling or using public transport. Our transport system and our built environment needs to offer trust and confidence for users to reach their destinations without fear or threat. Our actions will:*

- *Improve our health and wellbeing*
- *Give priority given to walking and wheeling, then cycling*
- *Provide a cohesive transport system that enhances communities as places – supporting health/wellbeing*
- *Create better connectivity with sustainable, smart, cleaner transport options.*

*Committing to 'Generation Active Travel' - By removing the barriers faced as a result of low income we can ensure children and young people have the same opportunities to succeed, regardless of their backgrounds – improving their outcomes now and in the future. By improving access to sustainable travel for children and young people we can remove cost barriers and help to develop healthy travel habits in the long term.*

As we have outlined above, the Street Hub project will make a positive contribution to the success and achievement of this National Transport Strategy Delivery Plan given that all of its services are accessible and free to use. What will start as initial curiosity will transform into a coordinated and essential feature of the modern public realm, in the same way telephone kiosks did over 100 years ago.

## **LPA Ref. – 22/01508/FULL (Consent for Full Planning Permission) Appeal A**

***“1. The proposal does not comply with LDP policy Des 1 Design - Quality and Context as it is likely to have a high impact in visual terms to the detriment of the area.”***

Edinburgh City Council's LDP Policy Des 1 Design states that *‘Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.’*

Street Hub is a modern form of development, and in many ways its innovative design attributes reflect the technological advancements within the field of electronic communications over the last decade. To accommodate the equipment necessary to provide the immediate and future benefits to the area as previously outlined including the advertising feature, the unit has to be the height and design that is proposed.

The Planning Officer's Report of Handling for this application states that the Design Guide *‘seeks a high standard of coordinated place management and street design interventions which will enhance the special character of these streets.’* Whilst it is accepted that the proposal is within the general setting of important heritage assets, we would highlight that the proposal involves the removal of the 2no existing kiosks at the proposed location. We would emphasise that the kiosks are accepted features of the street scene, however they clearly no longer contribute to the quality of the public realm in a positive manner. Aside from the height difference, the existing kiosks represent a greater amount of street furniture and their removal will make a positive contribution to the appearance of the heritage assets and the Conservation Area.

The replacement of the existing kiosks which are smaller in height but take up a significantly greater amount of footpath space (1.58 square meters) compared to the Street Hub (0.43 square meters). We would also highlight the difference in combined density, as the existing kiosks are considerably larger (3.47 cubic meters) compared to the Street Hub (1.29 cubic meters). For reference, the measurements of the existing kiosk can be found at the following link (<https://www.britishtelephones.com/kxkiosk.htm>). This clearly illustrates that there is a significant reduction in physical structure and de-cluttering of the area.

We would refer to Image 3 below, which show the existing kiosks with their combined impact on the setting of the Royal Commonwealth Swimming Pool, which is a Grade A Listed Building. The combined width of the 2no existing kiosks is 1.78m, whereas the proposed Street Hub will have a width of 0.35m.

The location of the proposal is in a leisure-orientated area of the city centre and given the scale and character of the area, the impact is not considered to be significant enough to warrant the refusal of the application. For instance, in the overarching context of the street scene illustrated in Image 4 below, the proposed Street Hub would not appear as a dominant or incongruous feature due to the scale of surrounding buildings; the busy nature of the setting and the existence of commercial properties with their associated signage and bright window displays.



Image 3 – The Streetscene surrounding the proposed BT Street Hub site



Image 3 – The Streetscene surrounding the proposed BT Street Hub site



We would wish to refer to Appeal Ref APP/K5030/Z/18/3211426 (Appendix H), for a previous BT Inlink proposal that was allowed in the City of London in a similar location and close to high-value heritage assets. In the decision statement, the Inspector stated *'The Inlink is a slender and modest sized structure, and the scale of the advertisements would not be imposing or overly prominent. It will replace a telephone box and therefore not add significantly to street clutter. Furthermore, given the commercial and busy nature of High Holborn, the Inlink would not be an incongruous addition to the street scene.'*

In summary, policy Des 1 Design states that *'Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place'* and we would justify the proposal by the de-cluttering of the street scene and thereby positively contributing to the characteristics of the area.

***"2. The proposal does not comply with LDP policy Des 5 Development Design - Amenity as it is likely to adversely impact on the amenity of neighbouring properties."***

In terms of the impact on amenity, we would refer to the Positive Case for the Street Hub above which outlines how the proposal supports the good design and the six qualities of successful places in the SPP, which addresses how the proposal will improve amenity.

The Street Hub's modern and streamlined appearance will represent a significant improvement on the outdated and visually uninspiring kiosks that are to be replaced. It is contended therefore that the proposal fundamentally seeks to improve the amenity of this section of Dalkeith Road, in keeping with the bustling and vibrant character of its wider context. In addition, given that there is the likelihood that the existing kiosks could fall further into disrepair and no longer meet the functionality requirements expected by modern society, their removal will demonstrably improve amenity.

We would add that amenity can also mean a desirable or useful feature or facility of a building or place. We would be confident that the Street Hub would be openly welcomed in the area given the features that it offers and that it would create an improved sense of vibrance and vitality. As we discussed in the positive assessment of the proposal and supported by Appendix E, F and G, the proposed Street Hub will improve the attractiveness of the street scene amenity for users and the improvement of choice for travel options will be facilitated by the Wayfinding and free Wi-Fi services provided.

An evitable question that is posed in the consideration of Street Hub proposals is why would the services provided be required given that most people own smartphones? The answer is simply that 'most people' does not mean that all people do. There will always be people who do not own smartphones and this means that social exclusion can be exacerbated. Furthermore, people with mobile devices may not have cellular coverage, may not have enough data to access their intended service and very often people could be faced with having a low or flat battery, particularly visitors and tourists. The proposed Street Hub will provide a solution to all of these issues, thereby protecting those who are vulnerable or unfamiliar with the area. This in turn improves the amenity of the area and the city in general.

It is contended therefore that the proposal fundamentally seeks to improve the amenity of this section of Dalkeith Road, by replacing the existing aging phone kiosks with a unit that will provide modern services that the local community will benefit from. On this basis, we would argue that the proposed Street Hub is not detrimental to the character and amenity of the street scene and public realm.



This position is supported by appeal Ref: APP/N5660/W/18/3199793 (Appendix I) for a similar proposal, where the Inspector noted that *'with the modest scale of the proposed InLink unit I find it difficult to accept the argument that the development would be perceived as having an adverse effect on visual amenity.'*

The Council's Report of Handling for the planning application outlines the objection from Transport and states *'Transport has been consulted on this application and has objected to the scheme. The width of the proposed advertisement shall reduce the footway to below a 2-meter width to the detriment of pedestrian flow through this busy area. The proposal does not comply with transport policy Tra 9 of the Edinburgh Local Development Plan.'*

Whilst we note the Transport comments and acknowledge that the proposal will be slightly wider than the existing kiosk, we should reiterate that the proposal involves the removal of 2no existing kiosks will be a significant reduction in street clutter and will demonstrably improve pedestrian movement around the site. On that basis, the proposal will not create an unacceptable obstruction or impact amenity that would be contrary to policy Tra 9 Cycle and Footpath Network.

It is therefore our opinion that the proposed Street Hub has been located in an appropriate location that does not affect the visual amenity of the area or reduce the visual openness of the area. The appeal site is found on a well-lit, footpath within the setting of modern commercial premises that have brightly lit shop frontages. It is therefore considered that the illuminated screens would have a neutral impact on the character, appearance and setting of the townscape but most importantly on highway safety.

***"3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it would have a detrimental impact on the character and appearance of the conservation area."***

It is the appellant's considered opinion that the policy tests used to determine the planning application have relied too heavily on the consideration that the proposed Street Hub would detrimentally impact the setting of the Conservation Area and that of nearby Listed Buildings.

With regard to the impact on the heritage assets close to the site, the status and importance of the South Side Conservation Area and the Royal Commonwealth Swimming Pool is unquestionable. The proposed Street Hub location was chosen specifically so that it replaces 2no existing kiosks and uses the urban context in the background to prevent the site from appearing isolated and thereby minimising any visual intrusion to the wider area.

Whilst there will always be some degree of harm from any form of development, the positive impact that the removal of 2no existing kiosks in a poor state repair and the benefits that the proposal will bring to the area will outweigh any minor detrimental consequence of the proposal. Whilst the proposed site's immediate vicinity is dominated by the frontage of the Royal Commonwealth Swimming Pool it is our consideration that the Street Hub design will compliment its contemporary styled appearance with a glass, brightly lit commercial frontage. As such, the site blends in well with the bright and open nature of the area in a harmonious way that is in no way obtrusive or detrimental to the character. The positioning of the Street Hub unit in the proposed location will clearly not result in any unacceptable harm to the character and appearance of the Conservation Area as purported above.

In terms of the characteristics of the surrounding area, we would also wish to highlight that there are existing illuminated advertising units in the area that are incorporated into the bus shelters on Dalkeith Road, which represents a clear precedent for this type of feature within the Conservation Area and close to other heritage assets. It is noted in the Council's Report of Handling that the Council supports advertisements incorporated into bus shelters and therefore they accept that they are not visually incongruous or detrimental to the character or setting of the Conservation Area or any nearby Listed Buildings that would merit refusal of the application.

We would refer to Appeal Ref APP/Z4310/W/18/3205104 and APP/Z4310/W/18/3205102 (Appendix J). The appeal for a BT InLink was allowed at a very similar location to the location of this appeal site and was described by the Inspector as follows. *'The appeal site is part of the CSCA (Church Street Conservation Area) which covers part of Church Street which is pedestrianised and in the heart of the city centre. The site lies between two existing planters which form informal seating areas and contain street trees. Church Street is mainly occupied by three and four-storey high retail premises'* but it should be acknowledged that the appeal location is also within the buffer zone of the Liverpool World Heritage Site. The Inspector also recognises that *'the proposals would not be over dominant or incongruous in the site's context.'*

With regard to the specific perceived impact of the advertisement, the appeal decision states;

*'The advertisements would be within an area where adverts form part of the area's commercial character and appearance. These draw the attention of people using, and experiencing the nearby area, especially to the ground floor commercial frontages. People generally experience long-range views of the upper floors of the listed buildings, other than when immediately next to or opposite them. The size, siting, design of the proposed InLink together with the size and means of display of the advertisements would not prevent people from experiencing these views.'*

We would therefore reiterate that the benefits of the proposal outlined above outweigh any potential impact and therefore complies with Env 6. The importance of the heritage assets is noted, but care has been taken to replace the existing kiosks in the most sensitive manner possible in a city centre environment such as Dalkeith Road and we would argue that this has been achieved.

We would also wish to highlight that the design of the proposal with an advertising feature, similar to well-established street furniture such as advertisements built into bus shelters, provides WiFi capability but also crucially small cell coverage and capacity for 5G services. The rollout of the 5G network is continuing at apace and the constant issue of providing effective coverage to areas such as the above is a constant source of frustration for all parties concerned. The antennas are camouflaged within the unit contributing to the extension of the 5G network, which will undoubtedly become a contentious issue in the near future for areas of heritage importance such as Edinburgh.

The under-appreciated benefit of the Street Hub, therefore, is that it offers the area small cell 5G coverage with inbuilt equipment, in a manner that does not impact the integrity or visual amenity of the heritage assets in the same way as traditional installations would do in the surrounding area.

***"4. 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."***

The Council's Report of Handling states that *'The advertisements both individually and cumulatively within the commercial streets of the South Side will result in a material change in character.'* In the first instance, we would stress that the consent for permission to display an advert is part of a separate application and is being dealt with by the Scottish Government Planning and Environmental Appeals Division

However, this appeal has outlined above that there is a clear precedent for this type of feature within the Conservation Area, in the form of advertisements on bus shelters and that the 2no existing kiosks at the proposed location designated for replacement also have advertisements. Whilst we accept that the non-statutory guidelines do not support digital adverts on all street furniture, the presence of existing advertisements in the surrounding street scene should be treated as a material consideration. Whilst they are not digital, the proposal represents the development of advertising design and represents how the majority of illuminated advertising will be in the near future given their efficiency in terms of energy consumption and flexibility. We would therefore contend that aside from the digital element, the proposed advertisement does not represent a material change in character.

The Council's Report of Handling continues: *'The proposal seeks to install digital advertising as a principal element of a freestanding structure that also incorporates a telecommunications interface. No exceptional circumstances have been identified in this location and the applicant has not provided specific evidence that would justify the erection of the freestanding structure in this location.'*

We would contend that the proposal is not a solely freestanding advertisement, but is a modern multi-functional communications kiosk that incorporates advertising in a similar manner to the bus shelters in the immediate area to fund the free-to-use services provided. The de-cluttering of the street scene, the installation of a sustainable modern facility and the services it will provide, whilst not exceptional, is the purpose of the project and is therefore acceptable.

## **Conclusion**

In conclusion, we will summarise the Determining Issues in the Council's Report of Handling assessment.

### **Do the proposals comply with the development plan?**

### **Do the proposals harm the character or appearance of the Listed Building and Conservation Area?**

The proposed BT Street Hub will contribute to the improvement of the local area by directly replacing 2no existing telephone kiosks with a more aesthetically pleasing structure that will provide a multitude of positive features that will benefit the community and businesses locally and throughout Edinburgh.

The proposed Street Hub unit will not appear out of context within this busy urban environment, nor will it represent a particularly dominant or overbearing feature within the street scene, given that it is directly replacing the existing payphone kiosks. It represents a significant improvement to the fall-back position of the existing kiosks being retained in which the Street Hub is a form of development that is positively encouraged by the Scottish Government.

The proposal, whilst within the setting of the Listed Building and Conservation Area, by its careful positioning in the street scene, has a greater connection to the roadside street furniture which are of a more modern appearance with existing illuminated advertisements and therefore more in keeping with this type of development.

### **Any other material considerations that must be addressed?**

As we have highlighted, the proposal directly supports the policies and guidance set out in the Scottish Planning Policy and the National Planning Framework 3. It also directly contributes to the policies outlined in the Scottish Digital, Economic and Transport strategies.

The proposal also by virtue contributes to the goals of Sustainable Development by promoting a proposal that offers economic, environmental and social benefits whilst directly contributing to the six qualities of successful places.

Therefore, it is considered that there will be less than substantial harm to the character of the area and the significance of the nearby designated heritage assets, in which any such minor harm is outweighed by the public benefits of the proposal. Most notably the array of features it offers, as well as securing the appeal site's optimum viable use by replacing existing public call boxes. In this respect, it is concluded that full planning permission should be allowed.



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100590060-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Solutions 30		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Callum	Building Name:	Centrum House
Last Name: *	McKenna	Building Number:	38
Telephone Number: *	07745734061	Address 1 (Street): *	Queen Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G1 3DX
Email Address: *	callum.mckenna@solutions30.com		

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="81"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Newgate Street"/>
Company/Organisation	<input type="text" value="BT Telecommunications Plc"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="London"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EC1A 7AJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="callum.mckenna@solutions30.com"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Pavement o/s Royal Commonwealth Pool, 21 Dalkeith Road, Edinburgh

Northings	<input type="text" value="672354"/>	Easting	<input type="text" value="326795"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Removal of (2) existing BT payphones and the installation of (1) freestanding BT Street Hub

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

1. The proposal does not comply with LDP policy Des 1 Design 2. The proposal does not comply with LDP policy Des 5 Development Design 3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas. 4. 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.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Completed Express Advertisement Consent Forms; Location Plan and Site Plan; Elevational Details of a Street Hub; Photomontage; Planning Design & Access Statement; Product Statement; Anti-Social Behaviour Statement FAQ's; BT Street Hub Brochure ICNIRP declaration of conformity; Full Planning supporting Design, Access and Heritage statement with cover letter.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/01508/FUL

What date was the application submitted to the planning authority? \*

24/03/2022

What date was the decision issued by the planning authority? \*

27/05/2022

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.



## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Callum McKenna

Declaration Date: 29/07/2022



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100539271-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

The removal of 2no. phone boxes and the installation of 1no. BT Street Hub unit.

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

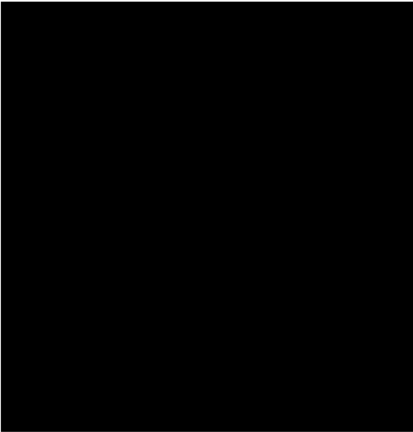
## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details


Company/Organisation:	Mono Consultants		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Callum	Building Name:	Culzean House
Last Name: *	McKenna	Building Number:	36
Telephone Number: *		Address 1 (Street): *	36 Renfield Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
Email Address: *		Postcode: *	G2 1LU

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	81
First Name: *		Building Number:	81
Last Name: *		Address 1 (Street): *	81 Newgate Street
Company/Organisation	British Telecommunications Plc	Address 2:	81 Newgate Street
Telephone Number: *		Town/City: *	London
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EC1A 7AJ
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Pavement o/s Royal Commonwealth Pool, 21 Dalkeith Rd, Edinburgh EH16 5BB

Northing

672354

Easting

326796

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Pre-application advice was given stating that the batch of street hub sites would be an incongruous addition to the World Heritage Site designation in Edinburgh. From this advice, a batch of sites were chosen as alternatives which were less sensitive, avoiding the World Heritage Site. The planning authority was contacted for comments on the new sites. The comments were that the street hubs would likely appear incongruous on the street scene however, the formal planning process may outweigh this

Title:

Mr

Other title:

First Name:

Alan

Last Name:

Moonie

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

13/02/2022

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

0.42

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Current use is adopted highways pavement alongside Nicolson Street

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐

Yes

☒

No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☒

Yes

☐

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☐

Yes

☒

No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐

Yes

☒

No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

☐

Yes

☐

No, using a private water supply

☒

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☐ Yes ☒ No

If Yes or No, please provide further details: \* (Max 500 characters)

Services already exist within the area.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☐ Yes ☒ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? \*

☒ Yes ☐ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Highways Highways Highways

Address:

Edinburgh City Council 42, 42, 42 High Street, Edinburgh, United Kingdom, EH1 1TG

Date of Service of Notice: \*

16/03/2022

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Callum McKenna

On behalf of: British Telecommunications Plc

Date: 16/03/2022

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application



Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☒ Yes ☐ No ☐ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☒ Yes ☐ No ☐ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Callum McKenna

Declaration Date: 16/03/2022

## Payment Details

Online payment: 6481310041316475004227;

Payment date: 24/03/2022 14:10:00

Created: 24/03/2022 14:10

# Planning Pre-Application Advice

## Service: Advice Letter

### STATUS OF PRE-APPLICATION ADVICE

Any advice provided under this service is given on behalf of the Council as Planning Authority, based on the information provided, and the planning policies and other site constraints relevant at the time of writing. This advice does not prejudice any subsequent decision which will be based upon all material considerations, including views of all stakeholders, including the public.

For the purposes of requests for information made under the Environmental Information Regulations, advice given will be treated as commercially sensitive (and its release contested) until such time as an application has been determined.

This advice should be read in its totality and in conjunction with the relevant legislation and planning policies and guidance, including the Local Development Plan, Statutory Guidance, non-statutory guidance, site specific briefs etc. The Council documents can be accessed on the Council website.

### 1. Site

The sites are public pavements in 11 locations within the New Town Conservation Area, including three on George Street and others within the linking streets between Princes Street and George Street. As the pre-application has been submitted as a single request, but for multiple sites, the advice contained in this response is a general assessment of the principle of the development, rather than a site specific assessment of each location.

### 2. Proposed development

The provision of 11 tablet interface street hubs, including illuminated advertisements on two faces. The hubs would be approximately 1.2m wide and 3m in height.

### 3. key issues and overall advice.

#### ▪ Key issues:

- Impact on character and appearance of the New Town Conservation Area and the Edinburgh World Heritage Site
- Impact on public safety

#### 4. Development Plan policies

##### 4.1. **Edinburgh Local Development Plan policies**

The sites are located within the city centre, which is within the New Town Conservation Area and the Edinburgh World Heritage Site. The key considerations against which the eventual application will be assessed are:

- a) **Whether the proposed works would have an adverse effect on the character and appearance of the New Town Conservation Area and the Edinburgh World Heritage Site.**
- b) **Whether the proposals would have an adverse effect on public safety.**

The following policies are relevant:

Des 1 Design Quality and Context  
 Env 1 World Heritage Sites  
 Env 3 Listed Buildings - Settings  
 Env 6 Conservation Areas – Development

Edinburgh Planning Guidance

Outdoor Advertising and Sponsorship  
 Listed Buildings and Conservation Areas  
 Street Design Guidance

##### **New Town Conservation area and Edinburgh World Heritage Site**

The proposed hubs would be located in prominent locations, mainly within the First New Town. Relevant local development plan policies seek to prevent development that would erode or damage the character or the appearance of the surrounding area.

Policy Des 1 aims to ensure development that will create or contribute towards a sense of place, whilst Policy Env 1 establishes that development should respect and protect the outstanding universal value, including viewpoints identified in key views studies, and prominent landscape features.

Policy Env 3 states that development will only be permitted if it is not detrimental to the architectural character of a listed building or its setting. Policy Env 6 aims to preserve or enhance the special character or appearance of a conservation area and demonstrates high standards of design, utilising materials appropriate to the historic environment.

These policies are supplemented by non-statutory guidance that seek to provide more detailed information in respect of relevant development. The guidance on outdoor advertising refers to locations where small format outdoor advertising displays or adverts upon street furniture are not appropriate. These include areas of exceptional architectural or historic importance, such as George Street and the Royal Mile and within certain parts of the World Heritage Site where the streets are of exceptional architectural and/or historic interest or where advertising would adversely affect important views and vistas or the setting of designed landscapes or listed buildings.

In these areas, advertising displays would compete visually with the appreciation of the historic townscape character in which its historic buildings, monuments and open spaces of national importance have been carefully planned to provide outstanding vistas.

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 proposed hubs would detract from these views particularly at street level and would interrupt the linearity of these views and would therefore harm the Outstanding Universal Value of the World Heritage Site, contrary to Edinburgh Local Development Plan (LDP) Policy Env 1.

The proposed structures would also have a detrimental impact on the visual relationship of stone buildings, certain monuments and the spaces between buildings due to their visual prominence.

They would disrupt the appreciation and the setting of nearby listed buildings and would form an uncharacteristic and visually disruptive addition to the streetscape. They would be contrary to LDP Policies Des 1, Env 3 and Env 6.

#### Public Safety

Given the number of sites that have been selected, it has not been possible to undertake an assessment of each location to determine whether the structures would have an effect on public safety. However, the illuminated advertisements could cause a distraction to drivers in certain locations and each proposal would have to be carefully considered to ensure they would not visually compete with traffic signals, to the detriment of public safety. It is unlikely that the structures would impinge on pavement flows to an unacceptable degree.

#### 5. Developer contributions

This proposal would not generate developer contributions

#### 6. Any other environmental factors that require consideration

Should the proposal come forward as applications, the applicant should submit the following:

- the historical context of the wider area, in particular buildings and areas of architectural and historic interest (listed buildings, conservation areas, world heritage site);
- the potential impact on local movement patterns;
- a local character appraisal of the immediate context (including for instance local topography, urban grain, scale and height, streetscape;
- scope for removing competing/unnecessary visual clutter.

**7. Expiration date**

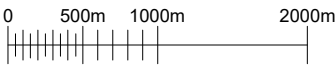
This advice is provided based on current legislation, policy, guidance and material considerations.

This advice has been provided based on an analysis by the case officer and signed off by a Planning team manager.

Name of Team manager – Alan Moonie

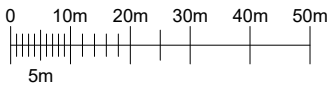
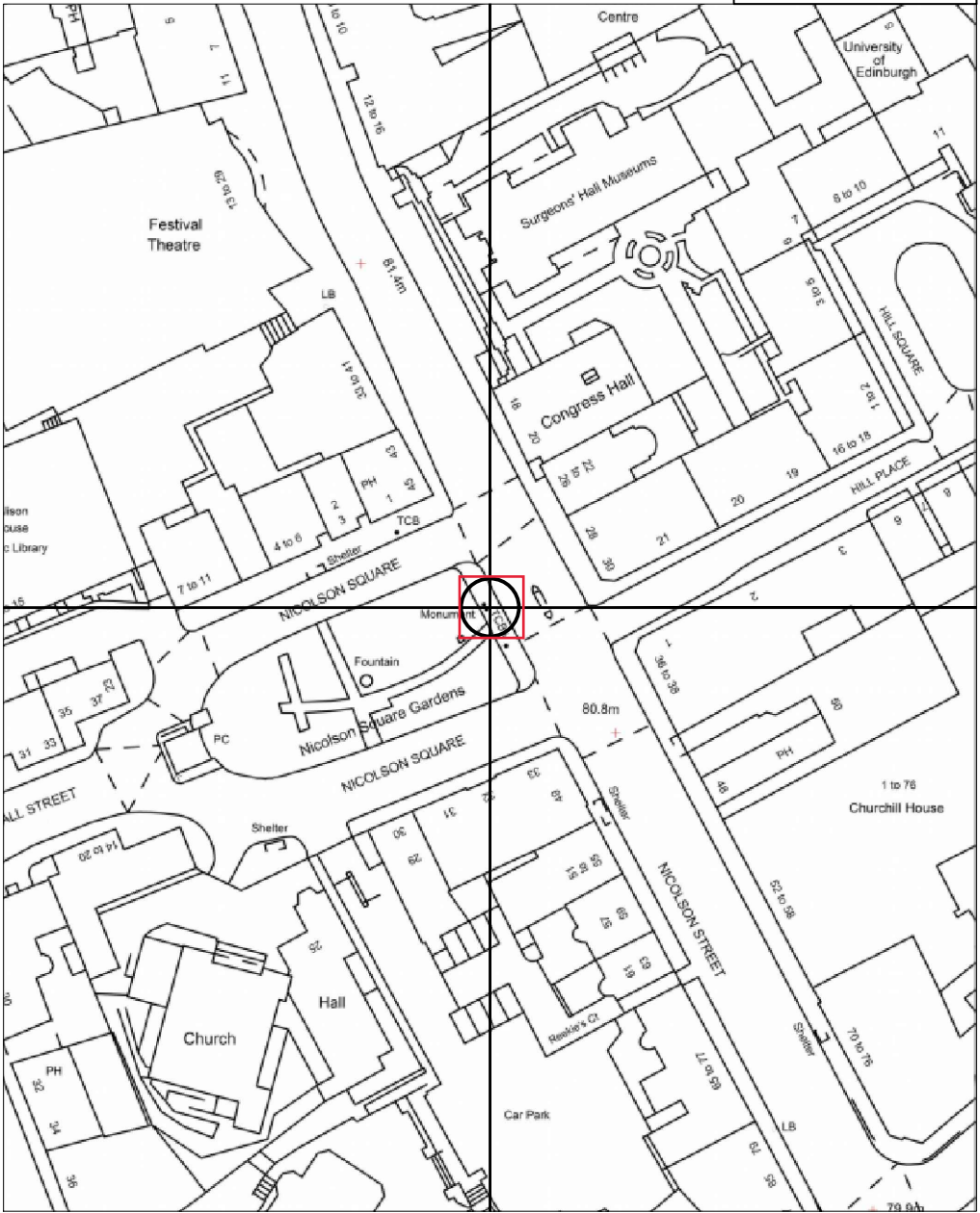
Date – 22.9.2021





SITE LOCATION  
SCALE 1:50000

Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office.  
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DETAILED SITE LOCATION  
SCALE 1:1250

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E326070 N673197

GENERAL NOTES

Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

LAT 55.946103 LONG -3.1853129

Rev	Date	Description	Drawn	Chkd
A	08.03.22	New BT Streethub Structure	MD	JE

**mono** # MONO CONSULTANTS LIMITED  
70-76 Steam Packet House  
Cross Street  
Manchester, M2 4JG  
t. 44 (0)161 839 8839  
www.monoconsultants.com



Drg Status  
PLANNING

Cell No. & Name

EDN101

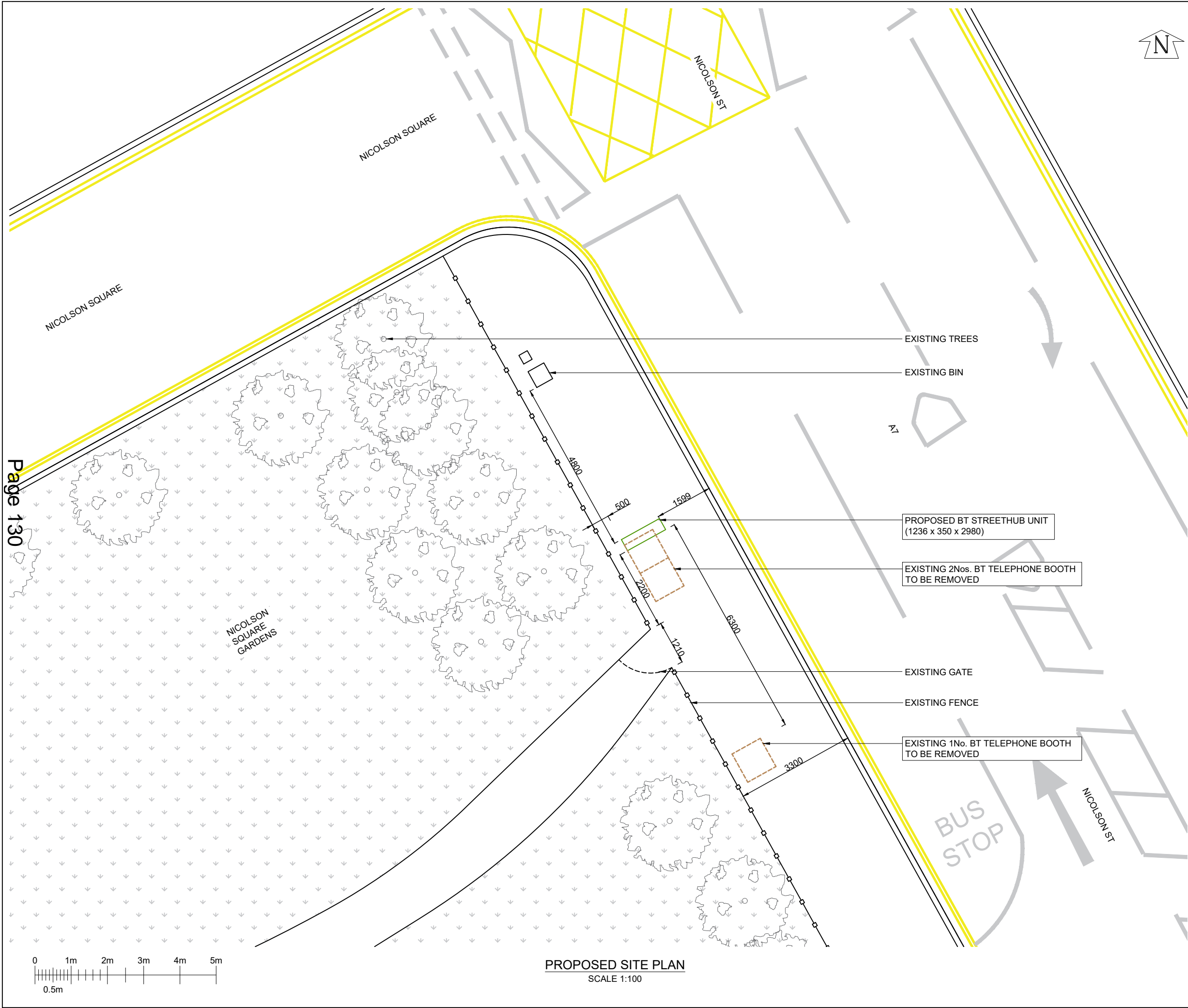
Site Name & Address

Pavement o/s Nicolson Square  
Gardens, Nicolson Street,  
Edinburgh, EH8 9BH

Drawing Title  
SITE LOCATION MAPS

Scale	As Shown	Date	08.03.2022
Drawn By	MD	Checked By	JE
Drawing Number	001	Revision	A





**GENERAL NOTES**

Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

A	08.03.22	New BT Streethub Structure	MD	JE
Rev	Date	Description	Drawn	Chkd

#

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PLANNING

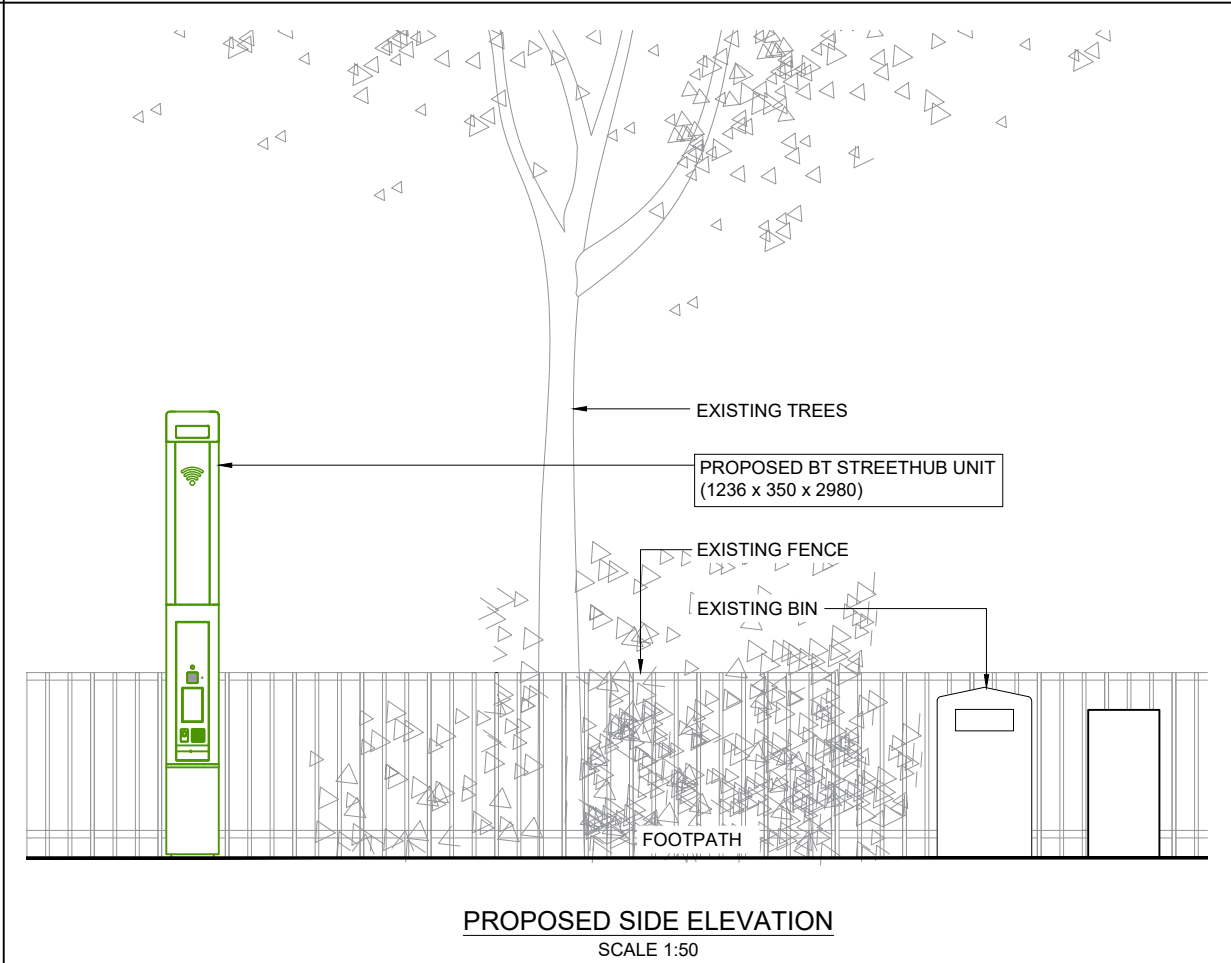
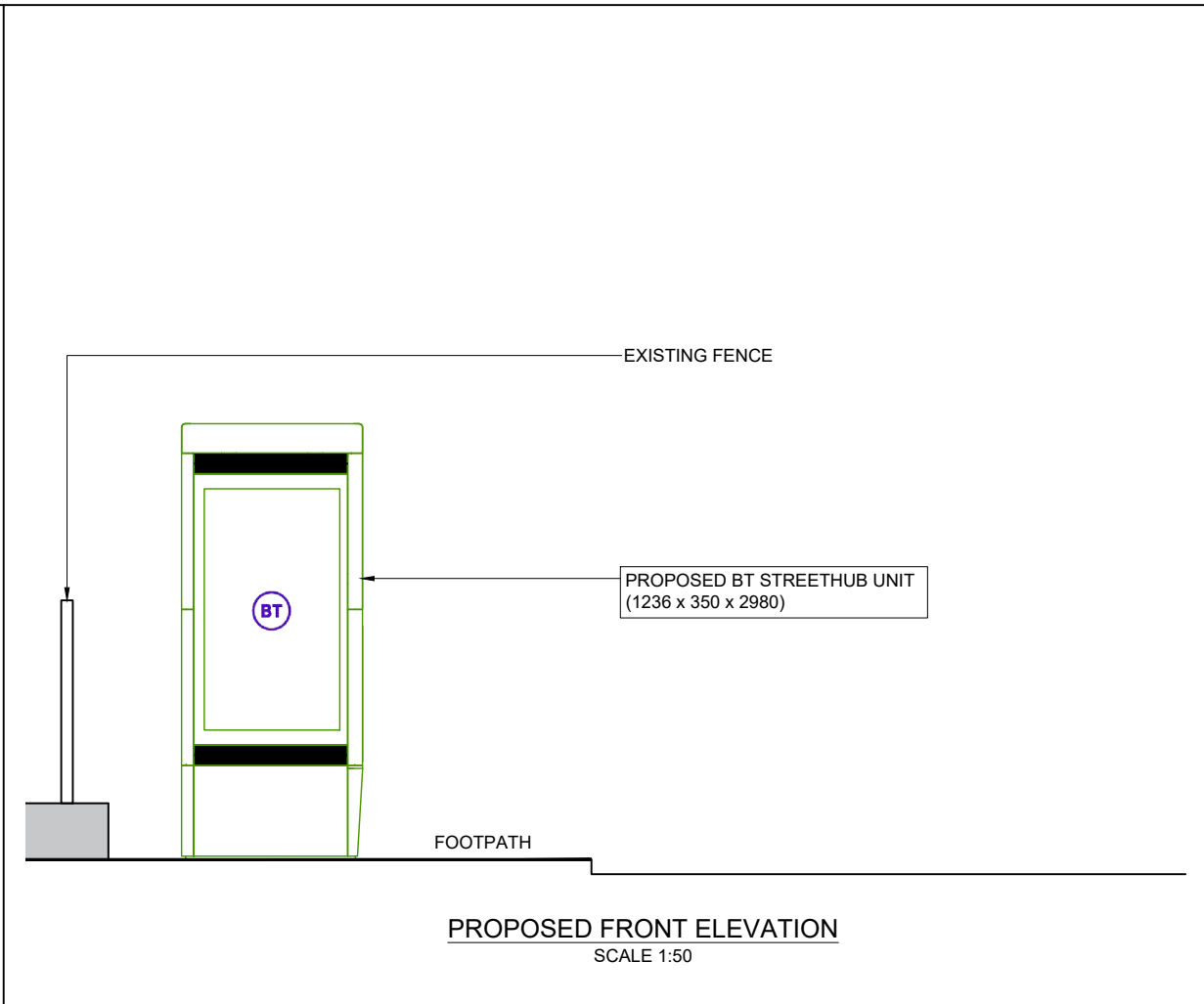
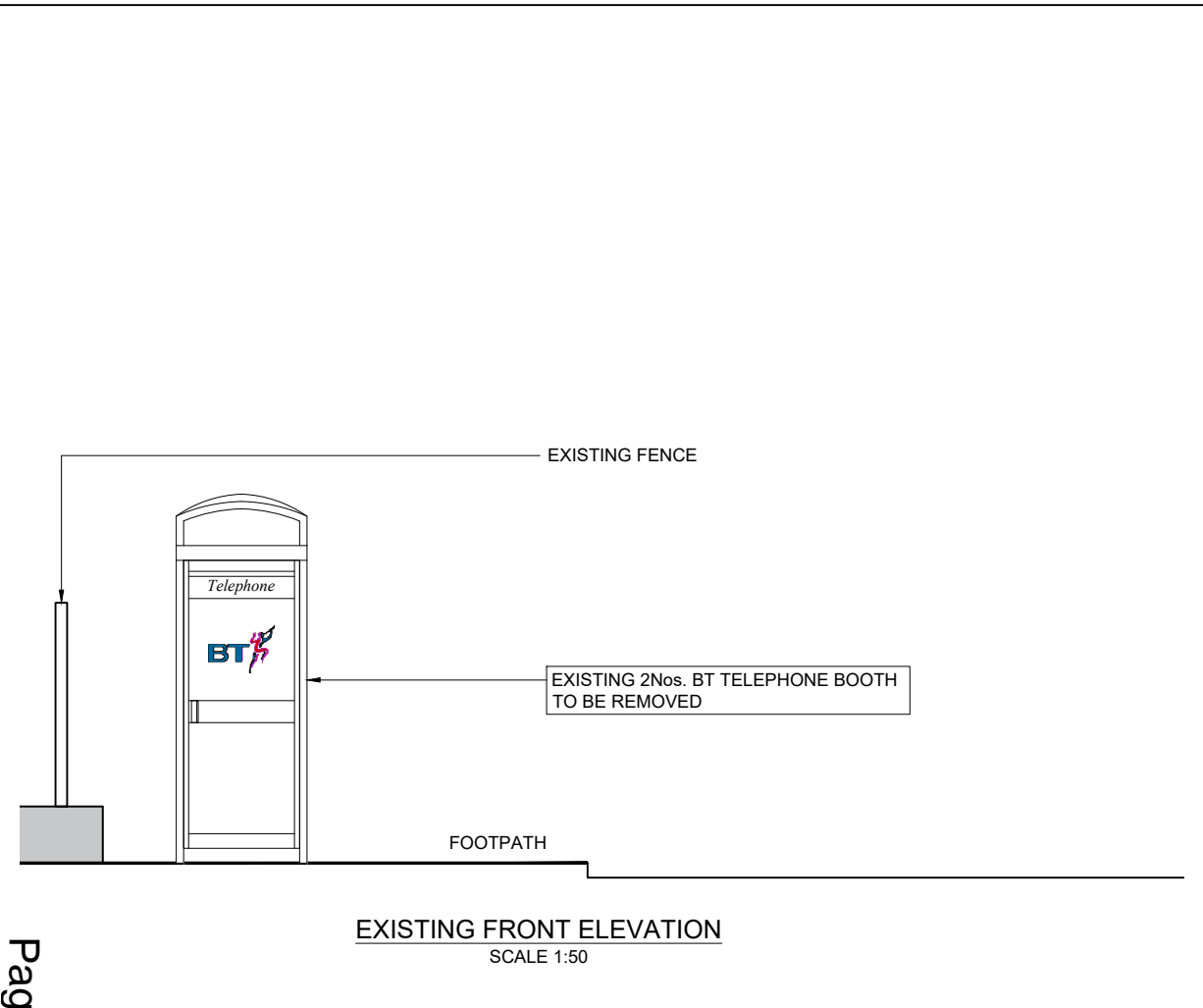
Cell No. & Name  
  
EDN101

Site Name & Address  
  
Pavement o/s Nicolson Square  
Gardens, Nicolson Street,  
Edinburgh, EH8 9BH

Drawing Title  
  
PROPOSED SITE PLAN

Scale	1:100	Date	08.03.2022
Drawn By	MD	Checked By	JE
Drawing Number	002	Revision	A





<b>GENERAL NOTES</b>  Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.					
A	08.03.22	New BT Streethub Structure	MD	JE	
Rev	Date	Description	Drawn	Chkd	
<div><div>mono#</div><div>MONO CONSULTANTS LIMITED 70-76 Steam Packet House Cross Street Manchester, M2 4JG t. 44 (0)161 839 8839 www.monoconsultants.com</div></div>					
<div>BT</div>					
Drg Status PLANNING					
Cell No. & Name  EDN101					
Site Name & Address  Pavement o/s Nicolson Square Gardens, Nicolson Street, Edinburgh, EH8 9BH					
Drawing Title EXISTING AND PROPOSED ELEVATIONS					
Scale 1:50		Date 08.03.2022			
Drawn By MD		Checked By JE			
Drawing Number 003				Revision A	

# Report of Handling

## **Application for Planning Permission**

**Phone Box By Royal Commonwealth Pool, Dalkeith Road, Edinburgh**

**Proposal: Remove 2x phone boxes and install street hub.**

## **Item – Local Delegated Decision**

**Application Number – 22/01508/FUL**

**Ward – B15 - Southside/Newington**

## **Recommendation**

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

## **Summary**

The proposal will have a detrimental impact on the amenity of the location. The proposal is not acceptable with regards to Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997., 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.

## **SECTION A – Application Background**

### **Site Description**

The application site is located on a paved area along Dalkeith Road directly opposite a pedestrian crossing. To the rear of the site lies the Royal Commonwealth Pool, an 'A' listed building designed by Robert Matthew, Johnson-Marshall, and Partners in 1967-1970. The building was listed on the 29 March 1996 (LB ref: 43148)

The area is predominantly residential in nature with some commercial premises located in the vicinity. Currently, two phone boxes stand on the site.

### **Description Of The Proposal**

The application is for the erection of a double-sided digital advertising display unit with rotating content . The advert will be housed within a BT "InLink" unit.

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 2.9m high by 1.23m wide by 0.35m deep structure 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.

### **Supporting Information**

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
- Street Hub Product Statement; and
- Noise Management Plan; and
- ICNIRP; and
- Antisocial Behaviour Management Plan.

### **Relevant Site History**

22/01507/ADV  
Phone Box By Royal Commonwealth Pool  
Dalkeith Road  
Edinburgh  
Illuminated LED digital display  
Refused  
26 May 2022

### **Other Relevant Site History**

### **Consultation Engagement**

Historic Environment Scotland

Transportation Planning

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 27 May 2022

**Date of Advertisement:** 22 April 2022

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
- (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

### Assessment

To address these determining issues, it needs to be considered whether:

**a) The proposals harm the listed building and its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change - Setting

### Conclusion in relation to the listed building

The proposed advertisement will be located in the vicinity of the Royal Commonwealth Pool, 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. 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.

### **Conclusion in relation to the setting of the listed building**

The proposals are not acceptable in relation to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) The proposals harm the character or appearance of the conservation area?**

The following HES guidance is relevant in the determination of this application:

- Managing Change - Conservation Areas

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

The Council's Street Design Guidance reinforces the need to protect the special characteristics of streets such as along Nicolson 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 0.6 metres above pavement level. The height of the proposed advert is 1.8 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 Nicolson Street.

The advertisements both individually and cumulatively within the commercial streets of the South Side 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 which rise approximately 2.9 metres above pavement level.

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

### **Conclusion in relation to the conservation area**

In relation to the conservation area the proposals do not preserve the character and appearance of the conservation area. Therefore, the proposals are not acceptable in relation to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **c) The proposals comply with the development plan?**

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 3 and Env 6
- LDP Design policies Des 1 and Des 5
- LDP Transport policy Tra 9

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 6.

#### 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 a presumption against freestanding digital advertising unless exceptional circumstances justify otherwise. The proposed digital advertisement would not be located within a special designated area.

The proposal seeks to install digital advertising as a principal element of a freestanding structure that also incorporates a telecommunications interface. No exceptional circumstances have been identified in this location and the applicant has not provided specific evidence that would justify the erection of the freestanding structure in this location. The advert is therefore unacceptable in principle in this location.

#### Amenity

The double-sided digital advertising panel will stand at 2.98m with a width of 1.23m. Due to its width, height and illuminated digital nature, the advert constitutes an unacceptable and unnecessary intrusion into the streetscape which would result in advertisement clutter to the detriment of amenity.

The proposal is considered to impact upon visual amenity, affecting immediate outlook, contrary to design policy Des 1 Design Quality and Context & Des 5 Development Design - Amenity of the Edinburgh Local Development Plan.

#### Transport

Transport has raised no objection to the proposal, an adequate area of footpath will be retained. The proposal does comply with transport policy Tra 9 of the Edinburgh Local Development Plan.

### **Conclusion in relation to the Development Plan**

The proposals do not comply with the relevant policies of the LDP.

**d) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

Three letters of representation have been received. The letters were all in objection to the scheme.

A summary of the representations is provided below:

*material considerations*

- bullet Impact on character of conservation area; assessed in section b).
- bullet Impact on setting of nearby listed building; assessed in section a).
- bullet Impact on amenity; assessed in section c) amenity.
- bullet Impact on pedestrian flow; assessed in section c) transport.

**Conclusion in relation to identified material considerations**

The material considerations identified have been addressed within the sections above.

## **Overall conclusion**

The proposal will have a detrimental impact on the amenity of the location. The proposal is not acceptable with regards to Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997., 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.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Reasons**

1. The proposal does not comply with LDP policy Des 1 Design - Quality and Context as it is likely to have a high impact in visual terms to the detriment of the area.
2. The proposal does not comply with LDP policy Des 5 Development Design - Amenity as it is likely to adversely impact on the amenity of neighbouring properties.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it would have a detrimental impact on the character and appearance of the conservation area.
4. 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.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information -** [Local Development Plan](#)

**Date Registered: 24 March 2022**

### **Drawing Numbers/Scheme**

01-03

Scheme 1



**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Adam Gloser, Planning Officer  
E-mail: [adam.gloser@edinburgh.gov.uk](mailto:adam.gloser@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

NAME: HES

COMMENT: No objection.

DATE: 21 April 2022

The full consultation response can be viewed on the Planning & Building Standards Portal.

Mono Consultants.  
FAO Callum McKenna  
Culzean House  
36 Renfield Street  
Glasgow  
G2 1LU

British Telecommunications Plc.  
81 Newgate Street  
London  
EC1A 7AJ

**Decision date: 27 May 2022**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Remove 2x phone boxes and install street hub.  
At Phone Box By Royal Commonwealth Pool Dalkeith Road Edinburgh

**Application No:** 22/01508/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 24 March 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reasons:-**

1. The proposal does not comply with LDP policy Des 1 Design - Quality and Context as it is likely to have a high impact in visual terms to the detriment of the area.
2. The proposal does not comply with LDP policy Des 5 Development Design - Amenity as it is likely to adversely impact on the amenity of neighbouring properties.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it would have a detrimental impact on the character and appearance of the conservation area.

4. 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.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal will have a detrimental impact on the amenity of the location. The proposal is not acceptable with regards to Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997., 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.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Adam Gloser directly at [adam.gloser@edinburgh.gov.uk](mailto:adam.gloser@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

ARTICLE

# LinkNYC kiosks improving quality of life in the Big Apple

Link shared its feedback on how its digital signage kiosks aren't just providing services, they are also boosting quality of life for residents.



Photo courtesy of Link.

July 26, 2018 | by [Bradley Cooper](#) — Editor, *ATM Marketplace*

**Editor's Note: An earlier version of this story ran on *Digital Signage Today*, a sister publication of *Retail Customer Experience*.**

In 2016, New York City went through a major smart city upgrade, as Intersection deployed multiple Link kiosks. The city replaced older phone booths with these kiosks, which offer free Wi-Fi to the public, as well as advertising and wayfinding.

The kiosks also allow customers to make free nationwide calls or report emergencies. There are now more than 1,600 kiosks in all five boroughs of the city. Digital Signage Today spoke with Ruth Fasoldt, director of community affairs for Link, to see how these devices are transforming the city and improving lives.

**Digital Signage Today:** What are the main features the kiosks offer?

**Fasoldt:** LinkNYC is the first-of-its-kind communications network replacing the city's payphones to build the world's fastest and largest free public Wi-Fi network. Since Mayor Bill de Blasio announced the public launch of LinkNYC in early 2016, more than 1,600 Links are active across all five boroughs, with thousands more set to be deployed over the next several years.

In addition to free Wi-Fi, Links offer free nationwide phone calls, a dedicated 911 button, device charging, and a tablet to access maps and city services. Link's services come at no cost to users or taxpayers because Link generates its



*Ruth Fasoldt cites numerous benefits that the LinkNYC kiosks have provided New Yorkers.*

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gigabit Wi-Fi service, with tens of thousands of users joining the network each week. The network also sees more than 250,000 free phone calls made every month. Using the tablet, people can access maps and directions on the go.

Along with ads that keep LinkNYC's services 100 percent free for users and taxpayers, the digital displays feature useful and enriching content, including community board meeting updates, real-time transit and weather information so people can make more informed decisions about their day on the go, PSAs, fun facts about NYC, historic photos and more. The screens are also used for emergency messaging, for instance, in an extreme weather event. We see tweets and Instagram posts all the time of people capturing our content and sharing it with others.

**Digital Signage Today:** How does LinkNYC deal with issues such as people loitering by the kiosks or watching inappropriate content in public?

**Fasoltd:** Back in 2016, there was an issue with some kiosks having long-term users. The LinkNYC tablet is meant to be an on-the-go resource, so the web browser was removed from Link tablets in September 2016, in exchange for curated content on the tablet, and loitering complaints dropped 96 percent immediately.

**Digital Signage Today:** What type of ads do the kiosks display?

**Fasoltd:** LinkNYC has a very high caliber of advertisers across categories — from Samsung to Delta to The Gap and The Met.

Utilizing DOOH to its fullest and breaking from the norm of basic, static ads, Link kiosks offer the ability for advertisers to display unique, dynamic ads. From weather and transit, to sporting events, movie times and more, Link ads can change based on real-time information and updates, keeping advertisements relevant and consumers engaged.

During the 2018 Winter Olympics in PeyongChang, for example, NBC partnered with Intersection to display Olympics content and coverage on LinkNYC screens, highlights, prime time previews, real-time medal counts, athlete bios and more. This digital OOH content campaign was the first of its kind for the U.S. Olympics broadcaster.

More recently, Intersection pioneered another first-of-its-kind campaign, partnering with Disney and Marvel to promote "The Avengers: Infinity War." On the movie's launch weekend, LinkNYC screens displayed ads for the blockbuster, as well as the closest theater location to each kiosk and the next show time, so that passersby, if inspired by the ad, could easily catch the next showing.

**Digital Signage Today:** Do the kiosks use any analytics?

**Fasoltd:** We have stats on usership, how often different services are used, the busiest Links and more. We have also made strategic use of our network capabilities like dayparting (for example, we increase transit info on our displays during peak commuting hours), geotargeting (playing historical photos in their place of original capture), and network flexibility (during Women's History month, we displayed facts about women's suffrage along the route of the women's march).

**Digital Signage Today:** Do you think smart cities will start to pop up everywhere? Why?

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BRADLEY COOPER

Bradley Cooper has been editor of Digital Signage Today since 2016. His background is in information technology, advertising, and writing.

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# Free Wi-Fi would encourage over 80 per cent of shoppers to visit local retailers



Free internet access in-store is proving a big draw for retail customers

Some 82 per cent of British shoppers would be more likely to visit independent high street retailers if they had free Wi-Fi access, a new study has found.

Independent retailer customers with free Wi-Fi access are spending around 37, 000 minutes browsing the internet on average per store every month, according to research carried out by small business phone and broadband provider XLN.

Meanwhile, the average online session time per device in independent UK retail stores with free Wi-Fi access has increased over the last six months by 32 per cent, suggesting Britain's shoppers are now willing to visit well connected independent retailers more frequently and for longer.

The findings come after analysis of the UK's largest free public Wi-Fi network, which has more than 20, 000 internet hotspots across the country.

The network, launched by XLN, has been designed to encourage people to spend longer in independent stores as opposed to large corporate chains.

The network's founder, Christian Nelleman, claimed that access to free Wi-Fi would hugely improve the prospects for many independent high street retailers. it's always been our ambition to do more than simply save small businesses money. We want to help them grow too, he added.

The co-founders of independent venture Just Beer, Phil Ayling and Duncan Neil, who've recently begun to offer access to free Wi-Fi to customers in their store, said that it'd resulted in a boost to business.

wi-fi is so important in this day and age, the pair added. We would be missing out by not having Wi-Fi, so having access to a free network is a godsend for a small business like us. It drives a lot of footfall in through the door.

the business couldn't warrant paying the cost of something like The Cloud, Ayling went on to explain.

***Please tell us some of your views on the challenges facing high street retailers by take our two minute survey.***

This article is part of a wider campaign called the High Streets Initiative, a new section of Business Advice championing independent and small retailers by identifying the issues that put Britain's high streets under pressure. Visit our High Streets Initiative section to find out more. (<https://businessadvice.co.uk/category/high-streets-initiative/>)

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**Fred Heritage** (<https://businessadvice.co.uk/author/fred-heritage/>)  
Fred Heritage was previously deputy editor at Business Advice. He has a BA in politics and international relations from the University of London. He has also worked in international conflict from Kings College London.

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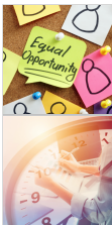


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# WiFi Marketing: What It Is and How Retailers Can Use It

by [Alexandra Sheehan](#) [Marketing](#)Jun 26, 2018 6 minute read [Leave a comment](#)

I recently spent a month in Vietnam. My last trip to Southeast Asia was six years ago, in 2012, and WiFi was something you wanted but it wasn't readily available.

But that's no longer the case. Everywhere I went, many of the buses had WiFi (and it worked!).

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Retailers in Vietnam are on to something: According to data from Cisco, 96% of consumers prefer to shop at stores that have free WiFi, and they're also more likely to return. And Oracle found that almost 60% of shoppers actually *demand* in-store WiFi.

Let's dive into what WiFi marketing is and how retailers can leverage it to improve their businesses.

## What Is WiFi Marketing?

WiFi marketing is when retailers provide wireless internet access to shoppers and then use that as a channel to communicate messages and promotions. It's just one of the many ways that physical retailers are embracing the digital world — and creating a multichannel experience for their shoppers in the process.

Basically, your WiFi will have a coverage area, likely within the borders of your store. Anyone on a WiFi-enabled device, from smartphones to tablets to laptops, will be able to see and connect to your WiFi network.

Some retailers provide full Internet access. In other words, shoppers can use their devices to surf the web as they normally would. Others only grant access to certain sites or apps, such as your own online store or mobile app. This is more limiting for the browsers, but it also enables you to control the environment and drive them to your promotions.

Image: [ZionWifi](#)

And with WiFi marketing, you can also mandate that users view, engage with or share content before being granted access. For example, you can create a splash page that talks about your next in-store promotion. Users must submit their email address.

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**FURTHER READING:** Want to know more about how to use those customer email addresses when you collect them? Read our [retailer guide to email marketing](#).

In some cases, the network will also periodically send additional messages or mandate additional action from the user so they can continue their session on the network without interruption.

## What Does WiFi Marketing Look Like?

Here's how it looks: You walk into a store and join the in-store WiFi network. Upon joining, your phone will redirect to a screen, or splash page, where you'll likely see a message from the store and more information about the network and its terms of use. You'll agree to those terms and possibly provide something like an email address or access to your Facebook profile to gain access to the network.

Image: [Bloom Intelligence](#)

Thinking ahead: The retailer then has some sort of information about you to either add to or create your customer profile. They can send you future targeted messages, be it through email or a targeted social ad, and can use your social media profiles and in-store browsing behaviors to further personalize the content.

**FURTHER READING:** Personalization is one of the top ways to get a customer's attention. Learn [four ways to personalize the shopping experience](#) for your customers.

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# The Benefits of WiFi Marketing

The benefits of WiFi marketing in a retail environment are two-fold: There are advantages from both the consumers' and merchants' point-of-view.

## For the customer:

- **Convenience:** Shoppers have access to a potentially faster network than their cell phone service provider's, and they can also save on data usage.
- **Improved shopping experience:** Almost 62% of businesses that provide free WiFi report that their customers stay longer, according to [Devicescape survey](#). This could indicate that shoppers are enjoying their in-store experiences more, and therefore willing to spend more time with your brand.

## For the retailer:

- **Increased sales:** The main goal for most retailers — driving sales — receives a boost when you engage in WiFi marketing. That Deviscape survey found that half of businesses report that customers spend more money now that they have WiFi.
- **Understand your customers:** WiFi marketing grants you access to a wealth of data and knowledge about shoppers. You can use these insights to understand your business, the in-store experience, and what makes your customers tick. (And if you have more than one location, be sure to do a comparative analysis, too!)
- **Build an audience:** Whether you're collecting email address or social profiles (or both), these customers are becoming a list of interested individuals to whom you can market in the future. Not only that, you'll have information about their in-store and/or online behavior, which creates a richer customer profile that you can leverage for more targeted ads and promotions. Toronto's [Tokyo Smoke](#) implemented Yelp's WiFi marketing platform and gained [35 new sign-ons per week](#) — that's a passive and effortless way to continually grow your brand.
- **Promote a product or campaign:** The use of WiFi marketing to promote a product or campaign can start with the message

on your splash page, through to retargeted ads and [follow-up email campaigns](#). Bolivia's [Mall Las Brisas](#), for example, [uses WiFi marketing](#) to promote personalized offers based on users' activity and Facebook profiles. You can also use [foot traffic data](#) (such as how they've navigated your store, where they're converting, where they're spending the most time, etc.) to inform [store layout](#) and [visual merchandising](#) decisions.

**FURTHER READING:** Need other accurate ways to measure your store's foot traffic? Increase customer visits with these [methods to gauge foot traffic](#).

# How to Implement WiFi Marketing in Your Store

## Getting Your WiFi Network Up and Running

While you could set up your own guest network and provide shoppers with the password, that's not exactly WiFi marketing in action. Essentially, that works the same as it would if you were to have a guest in your home. You share the password, they surf the net, and then they leave. With true WiFi marketing, you'll have that opt-in where you collect some sort of data and consent from users.

Therefore, implementing WiFi marketing requires the use of some tools or partnering with companies that can tailor these WiFi services to your specific needs.

Here are a few places where you can look for WiFi marketing services:

- [Cloud4Wi](#)
- [Surefi](#)

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- [Moo Moo Networks](#)
- [Yelp WiFi](#)
- [Purple](#)
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- [Aislelabs](#)

Vincent Panico heads up enterprise architect and corporate sales at [Moo Moo Networks](#), a networking hardware retailer that sells products you can use to create a WiFi network in your store.

Panico points to how each tool has its own set of unique features, and integrating various systems can also provide retailers with more capabilities. That's why they focus on a variety of integrations and plugins for their products (they use [Cisco's Meraki wireless option](#)).

"For example, we use Purple or Bloom Intelligence to capture customer data and convert that to marketing lists," he says. "Or we'll use Aislelabs or Mapwize to physically track customer movement."

One of Moo Moo Networks' clients, a well-known convenience store chain, uses the latter, more complex benefits of WiFi marketing.

"They track customer movement in the store and place the highest-margin items where customers are most likely to convert," Panico says. "We also have a furniture store chain that embeds [Bluetooth beacons](#) in their display models to target hyper-specific advertising to customers. If someone dwells at a certain chair or couch for a few minutes, that item will be remarketed to them on Facebook, Instagram and via email the next day."

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**FURTHER READING:** Read more about [how to use beacon technology to attract more customers](#).

## Getting Customers to Use Your WiFi Network

If you're going to all this trouble to provide a network for your customers, you'll want to make sure they know about it and actually use it. Leverage in-store signage and the universal WiFi network icon to raise awareness among shoppers. You could also incentivize using the network — maybe they get a discount or free gift for trying out your new fancy new WiFi network.

If you're looking to take it up a notch, why not make an event of it and throw a launch party to celebrate your WiFi network? You can generate some buzz about your store, drive foot traffic, *and* prove to the community that you're a forward-thinking, innovative brand.

In what ways do you use WiFi marketing in your store? How has it helped you grow your business?

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### About the author

#### Alexandra Sheehan

Alexandra Sheehan is a freelance writer/editor who has written for a variety of retailers ranging from Fortune 100 companies to small businesses, and is always

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looking for innovative ways to help her clients.



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Thank you for mentioning here how we can use WiFi marketing to promote and improve our business. This is one of the best articles that you've shared here, Alexandra. I appreciate this a lot!

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## Appeal Decision

Site visit made on 13 November 2019

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 January 2020**

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**Appeal Ref: APP/K5030/Z/18/3211426**

**Outside 322 High Holborn, London, WC1V 7PB**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by British Communications Plc against the decision of the City of London Council.
  - The application Ref 18/00460/ADVT, dated 8 May 2018, was refused by notice dated 19 July 2018.
  - The advertisement proposed is 2No. LED digital displays measuring 1.22m in height by 0.79m in width at a height of 1.38m above ground level, one either side of an InLink.
- 

### Decision

1. The appeal is allowed and express consent granted for 2No. LED digital displays measuring 1.22m in height by 0.79m in width at a height of 1.38m above ground level, one either side of an InLink, at the site outside 322 High Holborn, London. Consent is for five years from the date of this decision and subject to the standard conditions set out in the Regulations and the additional conditions contained in the Schedule.

### Procedural Matters

2. The address of the site and the description of development are taken from the Appeal form, as this information is accurate and precise.
3. The Regulations and the National Planning Policy Framework (the Framework) both make clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement control, however the development plan policies are material considerations and I refer to the relevant policies in my assessment of the appeal.
5. The appeal was originally accompanied by a second appeal in respect of an application for planning permission for construction of the InLink structure. The appellant subsequently withdrew the planning appeal. Accordingly, planning permission in respect of the construction of the InLink structure is not being considered in this Decision and would require separate consideration. I have therefore determined the appeal on this basis.

## **Main Issue**

6. The main issue is the effect of the proposed advertisements on the amenity of the surrounding area and on the setting of heritage assets.

## **Reasons**

7. Currently at the site is a telephone kiosk. The appellant has described its strategy of removing these kiosks and replacing them with the Inlink facility. This would provide access to the internet, together with calls and charging facilities. However, the 55 inch screens on either side of the 'totem' would also display digital illuminated advertisements.
8. The site is near to Chancery Lane Conservation Area (CA) together with listed buildings. The Council have identified these as 336 High Holborn (Grade II listed), 337-338 High Holborn (Grade II\*), 1-4 Holborn Bars (Grade I).
9. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 Under Section 66 of the Act places a duty to consider whether granting planning permission for the proposal would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses. Should I find less than substantial harm to designated heritage assets I will consider whether this harm would be outweighed by the public benefits of the proposal.
10. In this case, the Inlink would be positioned on a relatively wide section of footpath which already has street furniture, such as a bus shelter and metal cabinet for example. There are no illuminated advertisements on the street furniture, but this is an area where there are many commercial properties displaying signage and advertisements.
11. The Inlink is a slender and modest sized structure, and the scale of the advertisements would not be imposing or overly prominent. It will replace a telephone box and therefore not add significantly to street clutter. Furthermore, given the commercial and busy nature of High Holborn, the Inlink would not be an incongruous addition to the street scene.
12. The lighting level as described by the appellant would not be overly bright, in my opinion, and would be dimmed at dawn until dusk. The appellant has confirmed that the level of illumination of each panel during the hours of darkness would be restricted to 600cd/m<sup>2</sup> which, I understand, would be within the maximum levels recommended by the Institute of Lighting Professionals. This level of light from the advertisement display screens would not be to a degree that would result in high levels of unwanted light on High Holborn.
13. Although within the setting of the aforementioned listed buildings, given the Inlink design and nature of advertisements, together with the separation distance from these heritage assets, its effects to their character would be neutral. The illumination would not be to a level that would detract from the lighting of these listed buildings.
14. Whilst the Inlink and its digital displays would be visible from some parts of the CA, it would be viewed against a commercial setting with other advertisements

on relatively modern buildings also visible. Therefore, given the small scale of the advertisements on the Inlink, they would not have an adverse impact to the character or significance of the CA, which would be preserved.

15. I therefore conclude the siting of the proposed InLink display would not harm the visual amenity of the area or the setting and significance of heritage assets. The advertisements would not be obtrusive or overly prominent in this setting. The proposal therefore accords with policies CS10, DM 10.6, CS12 and DM12.1 of the City of London Local Plan, 2015. The proposal also accords with London Plan policy 7.8. These policies require the historic environment to be conserved or enhanced; promote a high standard of design, improving the street environments; and encourage a restrained amount of advertising in keeping with the character of the City; amongst other things.
16. There is no dispute in regard to the effect of the advertisements on public safety, with no objection from the Council in this regard. I have no reason to disagree with this view and regard the advertisements proposed as having no adverse impact to public safety.

#### *Condition Reasons*

17. I attach conditions relating to a limitation on the level of night time illumination; and a restriction limiting the advertisements to static images only, which shall not change quicker than every 10 seconds. These conditions are required in order to protect the quality of the visual environment at each location and safeguard public safety.
18. The displays are sited close to the public highway. To avoid confusion for highway users, it is necessary to ensure that any advertisement content does not resemble road traffic signs and a condition to that effect is attached.

#### **Conclusion**

19. For the reasons given above, the appeal should be allowed, subject to the conditions set out below.

*S. Rennie*

INSPECTOR



## **Schedule – Conditions**

1. The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m<sup>2</sup>) between dusk and dawn in line with the maximum permitted recommended luminance as set out by The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
2. The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.
3. No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
4. No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

## Appeal Decision

Site visit made on 13 December 2018

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> January 2019**

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### **Appeal A Ref: APP/N5660/W/18/3199779**

#### **Pavement outside 158 Westminster Bridge Road, London SE1 7RW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Lambeth.
  - The application, Ref. 17/04929/FUL, dated 9 October 2017, was refused by notice dated 8 February 2018.
  - The development proposed is the removal of 1no. KX100 telephone kiosk (Baylis Road OS Cole House) and the installation of 1no. InLink together with the display of externally illuminated 2 digital screens as an integral part of telephone kiosk.
- 

### **Appeal B Ref: APP/N5660/Z/18/3199780**

#### **Pavement outside 158 Westminster Bridge Road, London SE1 7RW**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Lambeth
  - The application Ref. 17/04930/ADV, dated 9 October 2017, was refused by notice dated 8 February 2018.
  - The advertisement proposed is the display of an externally illuminated 2 digital screens as an integral part of the telephone kiosk.
- 

### **Appeal C Ref: APP/N5660/W/18/3199793**

#### **Waterloo Road, Outside Waterloo Station & Opposite Junction with Sandell Street, London SE1 8UD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Lambeth.
  - The application, Ref. 17/05483/FUL, dated 10 November 2017, was refused by notice dated 8 February 2018.
  - The development proposed is the removal of 1no. KX100 telephone kiosk (Kennington Lane (Knights Walk OS No. 54-60)) and the installation of 1no. InLink.
- 

**Appeal D .....** (over page)

**Appeal D Ref: APP/N5660/Z/18/3199786**

**Waterloo Road, Outside Waterloo Station & Opposite Junction with Sandell Street, London SE1 8UD**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Lambeth
  - The application Ref. 17/05484/ADV, dated 10 November 2017, was refused by notice dated 8 February 2018.
  - The advertisement proposed is the display of an externally illuminated 2 digital screens as an integral part of the telephone kiosk.
- 

**Decision: Appeal A**

1. The appeal is dismissed.

**Decision: Appeal B**

2. The appeal is dismissed.

**Decision: Appeal C**

3. The appeal is allowed and planning permission is granted for the removal of telephone kiosks and the installation of 1no. InLink at Waterloo Road, Outside Waterloo Station & Opposite Junction with Sandell Street, London SE1 8UD in accordance with the terms of the application, Ref. 17/05483/FUL, dated 10 November 2017, subject to the conditions in the attached Schedule.

**Decision: Appeal D**

4. The appeal is allowed and express consent is granted for the display of an externally illuminated 2 digital screens as an integral part of the telephone kiosk as applied for. The consent is for five years from the date of this Decision and is subject to the five standard conditions set out in the Regulations and to the additional conditions in the attached Schedule.

**Preliminary Matters (Appeals A, B, C & D)**

5. Government policy in Section 10 of the National Planning Policy Framework 2018 ('the Framework') is entitled 'Supporting High Quality Communications'. Paragraph 112 says that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning policies and decisions should support the expansion of electronic communications networks.
  6. Paragraph 116 says that Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators or question the need for an electronic communications system.
  7. Paragraph 132 of the Framework advises that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
-

8. As regards Appeal A and Appeal B only, there is a discrepancy between the addresses – outside No. 158 in the planning application appeal and outside No. 164 in the advertisement application appeal. However, the site plans are consistent with a position between these two addresses and this avoids the necessity for further clarification.

**APPEAL A** (*Planning Application for Installation of 1 InLink Kiosk: Pavement outside 158 Westminster Bridge Road*)

**Main Issue**

9. The main issue is the effect of the siting and appearance of the proposed kiosk on the character and appearance of the Lower Marsh Conservation Area and the street scene of Westminster Bridge Road.

**Reasons**

10. The boundary of the Lower Marsh Conservation Area runs to the rear of the properties on both sides of Westminster Bridge Road north west of its junction with Baylis and Kennington Roads and similarly follows Lower Marsh in a north east direction parallel to Waterloo Station and the railway lines that approach it.
11. I saw on my visit that where the boundary adjoins the railway viaduct near the junction between Westminster Bridge Road and Lower Marsh there is a plethora of signage, street furniture and advertisements including a particularly prominent 48 sheet externally illuminated poster hoarding.
12. However, away from that significant area of clutter, moving south eastwards along Westminster Bridge Road towards the junction with Baylis and Kennington Roads, there is a marked change in character and appearance, with a far more commercially restrained and less cluttered street scene. Furthermore, the officer's report refers to the variety of 18<sup>th</sup> and 19<sup>th</sup> century 3 to 5 storey commercial buildings with a variety of architectural detailing, and with the commercial premises terminating at the back of the pavement on a broadly consistent building line on both sides of the road. I was able to observe these respective demarcations between the area close to the viaduct and the rest of the road and between the commercial buildings and the pavement as being a positive feature in the street scene in particular and the conservation area in general.
13. Possibly the single exception in terms of pavement advertising in this part of Westminster Bridge Road away from the railway viaduct is the Council operated internally illuminated poster unit granted permission in 1998. And the grounds of appeal argue that partly because of this the siting of the proposed InLink kiosk would be in keeping with the established character and appearance rather than harmful to it, as stated in the Notice of Refusal.
14. However, the Council has explained that this poster unit pre-dates the 2007 publication of the Lower Marsh Conservation Area Statement and would not have been permitted under current planning policy. I note that the latter would include the relatively recent Lambeth Local Plan 2015 and the London Plan 2016. Whilst the appellant is correct to point out that as part of the established street scene this unit is material to the current proposal, on balance I take the

view that a further kiosk in this part of Westminster Bridge Road would, through the incremental erosion of both the afore-mentioned demarcations, exacerbate the harm already caused by the Council-owned facility.

15. This is because at present, the Council kiosk is a 'lone wolf' and insufficient in itself to change the street scene to being more in keeping with the overtly commercial and cluttered area closer to the railway viaduct. If I were to allow the appeal this existing marked contrast would be diluted. And although I have noted that the deadline for an appeal against the refusal of an application for an InLink unit on the opposite side of the road has now passed, a permission for this appeal scheme in addition to the Council kiosk would have a cumulatively adverse effect that would fail to preserve the character and appearance of the conservation area.

### **Conclusions**

16. On balance, I conclude that the siting and appearance of the proposed kiosk would have a harmful effect on the character and appearance of the Lower Marsh Conservation Area and the street scene of Westminster Bridge Road. This would be in conflict with Policy Q22 of the Lambeth Local Plan 2015 and with paragraph 132 and Section 16: 'Conserving and Enhancing the Historic Environment' of the Framework.
17. The harm caused to the significance of the conservation area as a designated heritage asset would in my view be 'less than substantial' and in accordance with paragraph 196 of the Framework I have therefore weighed this harm against the public benefits of the proposal.
18. These are firstly the wide range of telephone and data facilities offered by the unit itself, as set out in the Design and Access Statement, and secondly the de-cluttering as a result of the removal of existing kiosks. As regards the latter, the application refers to the removal of only one kiosk, and in line with the BT rationalisation programme the appellant has subsequently indicated a willingness to accept a condition on the permission that would ensure the removal of two kiosks.
19. I accept that these public benefits deserve some weight, but they are not exclusive to this appeal scheme. There are a number of other similar proposals in Lambeth and indeed as part of this linked appeal Decision I have accepted the appellant's argument for the installation of one InLink unit in Waterloo Road and the removal of two older kiosks elsewhere in the Borough, with the exact sites to be agreed.
20. Unless and until it can be established that the facilities offered by the units cannot be provided within a reasonably necessary distance from this appeal site and that there are two older kiosks that would not be removed as a result of other proposals in the rationalisation programme, I consider that the public benefit from a kiosk in this part of Lambeth would not outweigh the harm caused to the significance of the conservation area. And even in that scenario it would be a matter for the Council's judgement in the first instance having regard to the particular circumstances of the case.

**APPEAL B** (*Application for Advertisement Consent for proposed kiosk in Appeal A*)

**Main Issue**

21. The main issue is the effect of the proposed digital advertisement displays on the visual amenity of the street scene of Westminster Bridge Road which lies within the Lower Marsh Conservation Area.

**Reasons**

22. The Council considers that the proposed illuminated advertisements in the kiosk in Appeal A would be intrusive, discordant and incongruous in the Lower Marsh Conservation Area and thereby detrimental to its character and appearance. This description in the Notice of Refusal is supplemented by the term 'alien' in the officer's report.
23. I have explained in Appeal A why I consider the proposed InLink unit in the location proposed would not preserve the character and appearance of the area. The LED digital display technology for the advertisements would inevitably draw the eye – indeed if they failed to, there would be little point in their installation. I therefore accept the Council's argument that they would be highly visible, especially in a street with only limited street furniture and few street trees to interrupt lines of sight for pedestrians and motorists alike.
24. I therefore consider the combination of the InLink unit itself and the advertisement displays would increase the commercial character and appearance of this part of Westminster Bridge Road to an extent that would not preserve those aspects of the conservation area and would thereby diminish its significance to some degree. However, I also take the view that terminology used by the Council to describe the effect of the advertisements is somewhat over-stated. Although the context is a conservation area, with the assets I have referred to and other heritage assets including locally and statutorily listed buildings, it is also a highly urbanised inner London Borough and needs to be assessed in that context.
25. Accordingly, it is a question of balance and for the reasons explained above and for the further reasons explained in Appeal A I conclude that the adverse effect of the advertisement displays on visual amenity would be such that the character and appearance of the conservation area would not be preserved. There would therefore be conflict with Local Plan Policies Q17 & Q22 and with paragraph 132 and Section 16 of the Framework.
26. Although the harm caused would be less than substantial, the explanation in Appeal A as regards weighing the public benefits applies equally in this appeal and I see no reason to repeat it here.

**Conclusion**

27. For the reasons explained above, the appeal is dismissed.

**APPEAL C** (*Planning Application for Installation of 1 InLink Kiosk: Waterloo Road opposite the junction with Sandell Street*)

**Main Issue**

28. The main issue is the effect of the siting and appearance of the proposed kiosk on the character and appearance of the street scene of Waterloo Road.

**Reasons**

29. The Council's objection to the installation of the proposed InLink kiosk is that together with other street furniture in the area it would result in a cluttered street scene contrary to Policies T10 and Q6 of the Lambeth Local Plan 2015. In particular, the officer's report argues that the InLink unit would harmfully add to the existing physical and visual clutter in this locality.
30. However, I saw on my visit that the selected site would be on the pavement opposite Sandell Street and roughly at a mid-point between two lampposts, this being a clear area of pavement without any other street furniture. As regards clutter in terms of a harmful physical obstruction to pavement users, there would be a post-installation pavement width of 3.37m, and although this includes about a metre of land associated with Waterloo Station, I consider the likelihood of this becoming unavailable for public use to be remote.
31. Given that compared with conventional phone kiosks (both the traditional and newer styles) the InLink unit is of a slender construction with a very limited footprint, I consider that even allowing for the intensive use of this section of pavement there would not be an impediment to pedestrian flow or to pushchairs or wheelchair / mobility scooters. Certainly, I take the view that even when the pavement is particularly busy at peak times the InLink unit would not be reason for pedestrians to stray onto the road with the attendant dangers that would involve.
32. As regards visual clutter, in some cases an absence of existing street furniture is an argument for keeping an area of pavement entirely free from new installations as a pleasing visual relief from nearby more cluttered areas. However, this depends on the individual circumstances of each case and in respect of this section of pavement I do not regard it as having a high level of amenity, ambience or facilities that would encourage passers-by to do anything more than carry on with their journeys without delay.
33. Accordingly, in this context I do not consider that the InLink kiosk would be perceived as being visually detrimental to this section of pavement, whereas the facilities and public service that it offers might be reasonably argued to be particularly useful adjoining a major transport interchange. And as the grounds of appeal say, the siting of the InLink unit would be such that it would sit in its own space and be aligned neatly with the street lighting columns.
34. I have noted the objection from TfL, but Lambeth Transport are not opposed to the scheme and subject to the standard caveats in respect of such matters as siting they regard the unit as being consistent with the aims and objectives of Local Plan Policy T10.

## **Conclusions and Conditions**

35. Overall, I consider that the siting and appearance of the proposed InLink kiosk would not have an adverse effect on the character and appearance of Waterloo Road. There would therefore be no harmful conflict with Policies Q5, Q6, Q17 & T10 of the Lambeth Local Plan 2015 and with Government policy on telecommunications in Section 10 of the Framework.
36. As regards conditions, a condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A condition requiring the pavement surface materials to match the existing will protect the visual amenity of the area. This objective will also be secured by a condition requiring the removal of the kiosk when it is no longer required.
37. There is also a condition needed to secure the public benefit of the removal of two older kiosks as part of the appellant's rationalisation programme. In this regard the appeal application only suggests the removal of one – at Knights Walk, Kennington Lane and I have also noted the Council's point that the removal of this kiosk would offer only limited public benefit.
38. Be that as it may, the appellant has recognised that the removal of two kiosks is required and suggested a condition that would secure this, with their location to be agreed between the parties. I have therefore imposed this condition which I consider will secure both the public benefit sought and enhance the character and appearance of the location where the kiosks are removed through the de-cluttering achieved. For the sake of consistency, I have amended the description of the development in my Decision to refer to un-named kiosks in the plural, with the locations to be agreed with the Council.

## **APPEAL D** (*Application for Advertisement Consent for proposed kiosk in Appeal C*)

### **Main Issue**

39. The main issue is the effect of the proposed digital advertisement displays on the visual amenity of Waterloo Road.

### **Reasons**

40. Notwithstanding the comment of TfL that the advertisement display would distract drivers (a view not shared by Lambeth Transport), the Notice of Refusal makes no mention of an adverse effect on public safety. However, the Council considers that the digital advertising display would represent an intrusive, discordant and incongruous form of development that would harm the amenity of the area contrary to its policies and Government policy in the Framework.
41. However, I saw on my visit that the character and appearance of the street scene is already informed by advertisement displays, including a particularly large billboard on this side of the road adjacent to the first railway bridge, and an LED digital display as part of a nearby bus shelter / stop.
42. Furthermore, as I have indicated in Appeal C, the urban environment is one in which visual amenity has to be assessed in the context of a location dominated



by Waterloo's main line and underground's connections, with Waterloo Road as a busy thoroughfare facilitating the adjoining bus and road network to other parts of London.

43. When these considerations are taken into account together with the modest scale of the proposed InLink unit I find it difficult to accept the argument that the development would be perceived as having an adverse effect on visual amenity, and this would appear to be borne out by there being no response to consultation on the application for planning permission / advertisement consent from either individual members of the public or organisations including the Association of Waterloo Groups; Waterloo Community Development Group, and the Kennington Oval & Vauxhall Forum.

### **Conclusions and Conditions**

44. For the reasons set out above I conclude that the proposed kiosk would not have a harmful effect on the amenity of Waterloo Road.
45. I have taken into account Policies Q5, Q6 and Q17 of the Lambeth Local Plan which respectively seek to maintain local distinctiveness, ensure high standards of design in the public realm, and regulate advertisements and signage and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.
46. The Council and the appellant have suggested conditions to be imposed if the appeal is allowed and I have had regard to these, noting that there are similarities between them. I have based my conditions on the appellant's list and consider that these, together with the five standard conditions in the Advertisement Regulations, will be adequate in the case of this development in this particular location. These conditions will protect the visual amenity of the area and maintain public safety.

*Martin Andrews*

INSPECTOR

### **APPEAL C: CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The development shall be carried out in accordance with the following approved plans: OS Based Location Plan; Drawing No. D0002: InLink UK Unit Dimensions; Existing & Proposed Views: Photograph & CGI; Drawing No. LMB-070-SP-V1: Existing & Proposed Site Plan;
- 3) All surface materials shall match the existing adjacent surface materials;
- 4) No development shall commence until the details of two suitable kiosks identified for removal are submitted to and approved in writing by the Local Planning Authority. Thereafter, the two kiosks shall be removed and the surrounding surface shall be made good using materials to match the existing adjacent surface materials, prior to the commencement of the installation of the development hereby approved.
- 5) The kiosk hereby permitted shall be removed from the land on which it is situated within three months of the date it ceases to be used for telecommunication purposes.

### **APPEAL D: CONDITIONS (Additional to the 5 standard conditions in Part 5, Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 [S.I. 2007 No. 783]**

- 1) The intensity of the illumination of the digital signs shall not exceed the maximum permitted recommended luminance for an advertisement of this type and proposed location as set out by 'The Institute of Lighting 'Professional's Professional Guide 05: The Brightness of Illuminated Advertisements';
- 2) The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements);
- 3) The minimum display time for each advertisement shall be 10 seconds;
- 4) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction;
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

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## Appeal Decisions

Site visit made on 16 December 2018

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 December 2018**

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### **Appeal A Ref: APP/Z4310/W/18/3205104**

#### **Church Street (Outside No.1-5 Forever 21), Liverpool L1 1DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by British Telecommunications Plc against the decision of Liverpool City Council.
  - The application Ref 18F/0604, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
- 

### **Appeal B Ref: APP/Z4310/W/18/3205102**

#### **Church Street (Outside No.1-5 Forever 21), Liverpool L1 1DA**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by British Telecommunications Plc against the decision of Liverpool City Council.
  - The application Ref 18A/0605, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The advertisement proposed is two digital LED display screens, one on each side of the InLink.
- 

## **Decisions**

1. Appeal A is allowed and planning permission is granted for the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community at Church Street (Outside No.1-5 Forever 21), Liverpool L1 1DA in accordance with the terms of the application, Ref 18F/0604, dated 26 February 2018, subject to the conditions set out in the attached schedule.
2. Appeal B is allowed and express consent is granted for the display of the two digital LED display screens, one on each side of the InLink as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

## **Procedural Matter**

3. In refusing planning permission and advertisement consent the Council referred to a number of listed buildings. The buildings referred to are not identical on each decision notice. Although the decisions are independent of each other, they do relate to the same site and the same freestanding InLink.

Given the statutory duty under Section 66(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, I have considered both appeals having regard to all of the listed buildings cited by the Council.

### **Main Issues**

4. For Appeal A the main issues are: (i) whether the proposal would preserve or enhance the setting of the Liverpool Maritime Mercantile World Heritage Site (WHS), 81 to 89 Lord Street, 25 and 25a Church Street, 45 Whitechapel and 19 to 23 Sir Thomas Street and Compton House (33 to 45 Church Street), Grade II listed buildings, and the character or appearance of the Castle Street Conservation Area (CSCA); (ii) the effect of the proposed development on highway safety in Church Street, with regards to vehicular traffic; and (iii) the effect of the proposed development on pedestrian movement in Church Street.
5. For Appeal B the main issues are the effect that the advertisements would have on: (i) visual amenity and, thus, the character and appearance of the area, having regard to the WHS, Grade II listed buildings at Nos 81 to 89, Nos 25 and 25a, No 45 and 19 to 23, and Compton House, and the CSCA; and (ii) public safety, with regards to vehicular traffic.

### **Reasons**

#### *Heritage Assets*

6. In addition to Section 66(1) of the Act set out above, section 72(1) of the Act sets out the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. The appeal site is part of the CSCA which covers part of Church Street which is pedestrianised and in the heart of the city centre. The site lies between two existing planters which form informal seating areas and contain street trees. Church Street is mainly occupied by three and four storey high retail premises. Modern glazed retail buildings are between Whitechapel and Williamson Street. A large digital advertisement is positioned above the ground floor of the Forever 21 store at the corner of Church Street and Whitechapel. Paradise Street, Whitechapel and Lord Street are also pedestrianised and predominately occupied by retail premises, with the mixed-use Liverpool One to the south-west. These streets are individually and collectively subject to significant levels of footfall throughout the day and night.
8. A variety of adverts, many of which are illuminated, populate Church Street and the nearby area. These include digital advertisement screens on Church Street, Lord Street and Paradise Street. Other street furniture includes fingerpost signs, payphones, visitor information boards and CCTV columns. The streets are, at times, occupied by market stalls and form a bustling city centre environment.
9. The CSCA extends from the River Mersey and the iconic 'Three Graces' into the civic and commercial core of the city. The styles, ambitious designs and lavish decoration of buildings within the CSCA celebrate the city's mercantile wealth and trading links. The WHS covers most of the city centre and its central docks embodying the civic, mercantile and maritime history of Liverpool.

10. The World Heritage Committee considers that the WHS has Outstanding Universal Value (OUL) because: Liverpool played a leading role in the development of dock construction, port management and international trading systems in the 18th and 19th centuries; the buildings and structures of the port and the city are an exceptional testimony to mercantile culture; and Liverpool played a major role in influencing globally significant demographic changes in the 18th and 19th centuries, through a) its involvement in the Trans-Atlantic Slave Trade and b) its involvement as the leading port of mass European emigration to the New World.
11. The appeal site is outside of the WHS, which is to the north-west of the site. However, the site is within its Buffer Zone which provides a visual setting for the WHS and includes some historically significant features and major landmarks and where development could potentially have an adverse impact upon that setting. The principle of new development and the conservation of significant historic buildings in the Buffer Zone is positively encouraged in order to repair the fractured urban landscape and to contribute to the social and economic life of the city. Development does need to be sensitive and respond to, and reflect the character of the area so that the setting of, and OUL of the WHS is preserved or enhanced.
12. A number of Grade II listed buildings are on the northern sides of Church Street and Lord Street. Nos 25 and 25a and Nos 81 to 89 date from the mid and late 19<sup>th</sup> century respectively. Both buildings are four storey high and have retail units on the ground floor with a variety of adverts. Distinctive horizontal bands of red and orange stone extend across the upper floors of Nos 81 to 89 which consists of three large segmental arches with foliated caps. The middle arch has a recessed reverse bay. The design recalls Siena Cathedral. The first floor of Nos 25 and 25a has round headed windows with keystones, ornamented spandrels, and divided by panelled pilasters. The second and third floors have rusticated flat pilasters behind giant columns with shaftings at second floor sill level.
13. Compton House is occupied by a longstanding department store. The building dates from 1865 – 1867 and it is built from stone and slate. The ground floor consists of a modern glazed shop front with advertisements. The upper floors form a dominate feature within Church Street, with pavilions at either end. The centre of the building is emphasised by a large round headed window with broken pediment at first floor over with ornamental brackets. Second floor windows have panelled pilasters and entablatures, while third floor windows have shouldered architraves. To the centre there is a rectangular panel with the Liverpool arms over. The mansard roof has bull's eye dormers.
14. The Grade II listed building at 45 Whitechapel and 19 to 23 Sir Thomas Street are three storey high with a canted corner bay, with further bays either side facing Whitechapel and Sir Thomas Street. Each window is sashed.
15. Designated heritage assets are irreplaceable resources, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. The listed buildings on Church Street and Lord Street are some distance from

the proposed InLink and digital advertisements, while the WHS is further away still. The listed buildings do, however, still form part of this busy commercial environment which the proposals seek to integrate into. The InLink would be clearly visible within Church Street when it is viewed from the east and west of the site and from the junction of Church Street with Paradise Street, Whitechapel and Lord Street. However, these views are long and include wide streets which lead into the WHS to the west. The proposals would be viewed in amongst other street furniture, such as several freestanding structures with LED advertisement screens that are of a similar size to the proposals. Even though these may be outside the CSCA, they are within the WHS Buffer Zone and are in some cases closer to the listed buildings on Lord Street and Church Street than the appeal schemes. The proposed InLink would not obstruct views into, out of and around the CSCA or of the WHS.

17. The InLink has been designed to be accessible and easy to use for all. The advertisements would be within an area where adverts form part of the areas commercial character and appearance. These draw the attention of people using, and experiencing the nearby area, especially to the ground floor commercial frontages. People generally experience long-range views of the upper floors of the listed buildings, other than when immediately next to or opposite them. The size, siting, design of the proposed InLink together with the size and means of display of the advertisements would not prevent people from experiencing these views.
18. I recognise that this part of the city centre has been subject of significant financial investment, development, regeneration and that the streets have been revitalised through high quality public realm works. However, the proposals would not be over dominant or incongruous in the site's context. The removal of two payphones would, even though they do not have digital advertisements, also help keep street furniture to a minimum.

#### Conclusions on this issue

19. The InLink subject of Appeal A would not harm the setting associated with the WHS or conflict with its OUL; or the setting of the CSCA and the listed buildings identified. As such, I conclude, on this issue that the proposal subject of Appeal A would preserve these heritage assets and accord with saved Policies HD5, HD14, HD18 and HD27 of The Liverpool Unitary Development Plan (UDP); which jointly seek, among other things, high quality design that is of a scale, design and siting that relates well to the localities character and appearance, to preserve the setting and important views of listed buildings and conservation areas, while keeping street furniture to a minimum and remove any redundant street furniture. I have also had regard to Section 16 of the National Planning Policy Framework (the Framework) which promotes the conservation and enhancement of the historic environment and heritage assets.
20. In respect of Appeal B, the Council have cited saved UDP Policies HD5 and HD25. I have taken both policies into account as they seek to protect amenity, including the presence of historic and architectural interests, and so are material in this case. I have also had regard to Framework paragraph 132 and Section 16; which seek to prevent the negative impact of poorly sited and designed advertisements and promote conservation and enhancement of the historic environment and heritage assets.
21. I conclude, on this issue, in terms of Appeal B that the advertisements would

be acceptable in terms of visual amenity and, thus, the character and appearance of the surrounding area, having regard to the WHS, the Grade II listed buildings, and the CSCA. Thus, Appeal B would not conflict with the policies set out above.

*Highway safety - vehicles*

22. Bollards prevent motorised traffic from using Church Street and the streets near to site other than service vehicles associated with commercial premises between the hours of 18:00 to 10:00 each day. Hence, the street is for large parts of the day pedestrianised. Church Street, Paradise Street, Lord Street and Whitechapel are wide, well-lit and there is good visibility along the streets.
23. I do not have any details of the number, type or frequency of vehicles using Church Street during the controlled period, but there is no substantive evidence which says that the shared use of this space currently presents any highway safety issues or that vehicles have not been able to access commercial premises. Nor is there any substantive evidence that the numerous existing digital screens on Paradise Street, Lord Street and Church Street, which are of a similar size, siting and design to the proposal, have distracted drivers using these streets.
24. The proposed freestanding InLink would be between two planters which inhibit the movement of vehicles between them. In practice, vehicles, depending on their size, would use the spaces either side of the planters given their width and the absence of street furniture. The proposal would add to the existing restriction between the planters, but the scheme subject of Appeal A includes the removal of two existing payphones. Given this, together with the siting, size and slim design of the proposed InLink, drivers would not be distracted; an improvement would be made in terms of access and circulation for all; and no effect would be caused to the free flow of vehicular traffic on the street.
25. I note the proposed luminance of the advertisements subject to Appeal B. This is high even in a city centre environment. However, a planning condition could be used to control the maximum lamination as suggested by the Council. By using this, coupled with the size and siting of the proposal subject of Appeal B, I do not consider that drivers would be distracted, and so the free flow of servicing vehicles using the street would not be harmed.

*Conclusions on this issue*

26. I conclude, on this issue, in respect of Appeal A that the proposal would not have an adverse effect on highway safety in Church Street, with regards to vehicular traffic. As such, Appeal A would accord with saved UDP Policies GEN 6 and GEN 9; which jointly seek to improve access and circulation and allow the safe, efficient and easy movement of good into and throughout the city.
27. Of the policies that the Council have referred to in respect of Appeal B, I have taken saved UDP Policies HD25, GEN 6 and GEN 9 into account as they jointly seek to protect amenity, and so are material in this case. I have also had regard to Framework paragraph 132 in relation to Appeal B as it is concerned with the control of advertisements in the interest of public safety. I conclude, on this issue, that the advertisement subject of Appeal B would be acceptable, insofar as public safety, with regards to vehicular traffic using the highway. Thus, Appeal B would not conflict with the policies set out above.



28. The Council have cited saved UDP Policies T8 and T9 in relation to Appeals A and B, but they relate to investment in roads and road safety measures, which are not relevant to the concerns raised in either appeal.

*Highway safety – pedestrian movement*

29. Large numbers of pedestrians use Church Street. Pedestrians travel along the length of Church Street, between retail premises on either side of the road, and onto Paradise Street, Lord Street and Whitechapel from their junction with Church Street to the west of the appeal site. Thus, pedestrians using Church Street move in a variety of directions, but primarily in an east/west direction.
30. The proposed Inlink structure (Appeal A) would be on the northern side of the street in-between existing planters, and near to a litter bin. The footway either side of the planters is unobstructed. The widest section is to the south, while a narrower section is to the north. Pedestrians move between these two areas using the space between the two planters, however the main flow of pedestrians is in the wider sections of the street.
31. Saved UDP Policies GEN9 and HD19 jointly seek to improve access and circulation for all. The proposed development would introduce a further physical barrier into the street, which pedestrians would need to navigate around. Nevertheless, the appeal scheme involves the removal of two existing payphones. This coupled with the design and siting of the InLink would improve existing access and circulation conditions for all. There is also no substantive evidence before me that existing street furniture in Church Street impedes pedestrian movement on the street.
32. As such, on this issue, I conclude that the proposal subject of Appeal A would accord with saved UDP Policies GEN9 and HD19 which jointly seek to improve access and circulation for all. Although the Council refer to saved UDP Policy T8 on this issue, this policy relates to investment in roads, and is not therefore relevant to the concerns raised.

**Conclusions and conditions**

33. I have had regard to the planning conditions suggested by the Council in respect of Appeal B in the event that I was minded to allow the appeal. No planning conditions were suggested by the Council for Appeal A. I have, in the interests of certainty imposed the standard commencement condition and a plans condition.
34. For Appeal B, I have imposed a condition to control the advertisements illuminance level and so that it is not intermittent to avoid glare, dazzle or distraction to passing motorists and pedestrians. For the same reason I have imposed conditions so that the display only shows two-dimensional static images, and about the frequency of changes to the displays.
35. For the reasons set out above, I conclude that Appeals A and B should be allowed.

*Andrew McGlone*

INSPECTOR



## SCHEDULES OF CONDITIONS

### **Appeal A**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan Rev A; Site Elevation Rev A; and LVP-019-EP-V1.

### **Appeal B**

- 1) The levels of the illuminance shall not exceed 600cd/m<sup>2</sup> during daylight hours or exceed 300cd/m<sup>2</sup> during twilight and night hours; as defined by official lighting up times.
- 2) The screen displays shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging should spread across more than one screen image.
- 3) The advertisement displays shall not change more frequently than every 10 seconds and the rate of change should be instantaneous.
- 4) The illumination of the advertisements shall not at any time be intermittent.

END OF SCHEDULES



# Street Hub Anti-Social Behaviour Management Plan



# Beyond connection

BT are working to reduce digital inequality and help make communities better connected. From the iconic red phone boxes to the modern glass units, we've always been at the forefront of technology that brings people closer.

In today's digitally enabled world many phone boxes are sitting unused, prime sites for anti-social behaviour and vandalism. Following the success of our InLink programme where we brought free digital services to high streets across the UK, we're further transforming our legacy payphones into state-of-the-art, fibre-connected digital community hubs – called Street Hubs.

Not only does this remove old payphones, freeing-up space and reducing anti-social behaviour, but each Street Hub gives entire communities access to an unprecedented suite of essential free services. This includes ultrafast Wi-Fi, phone calls, wayfinding, device charging, a dedicated 999 call button and public messaging capabilities. It's also a platform for future technologies – air quality monitoring, emergency messaging, 4G / 5G mobile coverage and more.

Since June 2017, hundreds of first generation Streets Hubs (formerly InLinks) have gone live in cities throughout the UK, connecting over a million unique devices to Wi-Fi every month, with tens of thousands of tablet sessions and free calls each week.

Wherever a Street Hub is installed we work with local stakeholders like councils and the police to ensure they're a positive contribution to the area. We're committed to addressing the few users in limited locations who abuse this service.

## Automatic anti-social call restriction

The advanced nature of Street Hubs and our investment in quality systems means we can quickly identify and solve issues.

Working with local stakeholders has already led to significant technical and process advances that further help each Street Hub contribute positively to the local area.

A small number of locations drew attention to local drug issues, with those involved misusing free call services. Following this we invested significantly in developing call restriction capabilities. These were first used to prevent calls to mobiles on select Street Hubs in problem areas – identified with the help of police and council community safety teams.

**The automatic recognition of possible misuse and blocking of identified numbers is based on a proprietary algorithm and technical process developed in consultation with the police and councils from across the UK.** These consider a range of factors, including but not limited to the frequency of attempted and connected calls, the length and distribution of such calls, and insights provided by relevant stakeholders.

Once numbers are identified, their call data is continuously assessed and our algorithm always applied. When a blocked number is flagged by the algorithm this restriction is permanent. In some cases, on request, we may restrict numbers over a set period.

Should someone believe a number has been wrongly flagged, they can contact our team at [streethub@bt.com](mailto:streethub@bt.com) who will consider the case, consulting with the police and local council where appropriate. This option will be shown on the Street Hub screen as part of the warning notification when a restricted number is dialled.

Subject to internal processes, the police can 'whitelist' a specific number so it can still be called where there is an operational need, such as being involved in an active investigation.

This automatic anti-social call restriction technology is a dynamic feature of Street Hubs that can be adapted over time as further insights are gained or as patterns of misuse change.



# Identification of anti-social behaviour issues

We take our responsibility towards community wellbeing and anti-social behaviour seriously, as evidenced by our above investment. Where possible we address any concerns before (or as part of) the planning application process which every Street Hub must go through.

Unfortunately this is not always possible, and pre-existing or emerging concerns around misuse may need to be addressed once a Street Hub is active, if not picked up by the automatic anti-social call restriction technology.

In deciding the best course of action, advice from police, other emergency services and local authorities will always take precedence, followed by feedback from other government bodies and input from residents and businesses.

To best identify issues and how to address them, we need:

- a description of the issue and when it occurred(s)
- the location of the Street Hub(s) involved and how they contributed.

Supporting evidence is also important, where legally possible, to help us understand the issue (i.e. data or images) so that the appropriate action can be considered.

Each Street Hub is remotely monitored for service compliance 24 hours a day 7 days a week, and physically inspected and cleaned at least every two weeks. As such, any issues are likely to be quickly reported to us directly.

Where a police officer, member of the public or council officer identifies a possible anti-social behaviour issue, we can be contacted in a number of ways to take appropriate action.

Sending an email to [streethub@bt.com](mailto:streethub@bt.com) is the main method for reporting an anti-social behaviour issue associated with a Street Hub. This will automatically raise a ticket on our system, which is actively reviewed and managed by the Street Hubs team.

Emails sent from police.uk or .gov email addresses will be treated as priority.

Technical issues like display screen failures, graffiti, etc. should be reported to [streethub@bt.com](mailto:streethub@bt.com).

Should it not be possible or convenient to send an email, the Street Hubs helpline is open 24 hours a day, 7 days a week on [08003890917](tel:08003890917).

Although we're committed to working closely with communities to address concerns around anti-social behaviour, suspected criminal behaviour may need to be managed through official police channels by contacting [101](tel:101) or [999](tel:999) in an emergency.



# Assessment and determining the suitability of technical changes

After receiving a police crime risk assessment or report from a local authority suggesting a Street Hub may be contributing to crime or anti-social behaviour, we will assess the technical solutions available to minimise / reduce this.

The location of each Street Hub means the way they are used and experienced varies, and so the solution will need to be bespoke.

Where a temporary or interim technical change to a Street Hub may be considered, we work with the local council and police wherever possible to gather timely evidence and information so we understand what is happening and how best to respond. This could include:

- reviewing the information provided from any previous tickets
- visiting the location and meeting with local stakeholders
- speaking with the local police and council to understand any reports they have received and what they are already doing to tackle similar issues in the area
- collating relevant media reports, historic records, and similar
- assessing Street Hubs data such as anonymised call information, Wi-Fi usage, etc.

Situations that follow a similar pattern may be handled more quickly based on recommendations from groups such as the police. For example, temporarily restricting the ability to call mobile numbers where it has been proven that a Street Hub is being misused to buy illegal drugs.



# Implementing available technical changes

Street Hubs are actively monitored and adaptable, with a range of temporary and interim technical measures available to help manage anti-social behaviour issues. These were part of the original design or developed as part of our dedication to community wellbeing.

These include but are not limited to:

- using the displays to include warnings and relevant information
- further reducing the Street Hub's call speaker volume
- disabling the USB port to prevent loitering around the unit
- preventing calls to types of phone numbers, such as mobile, landline or freephone
- blocking calls to specific numbers (only when agreed with the police, in addition to those captured under automatic anti-social call restriction).

We prefer to make changes in collaboration with relevant stakeholders to minimise any unintended social impact. For example, a local council or police command providing additional street teams in the area.

Our anti-social behaviour portal has advanced since the roll-out of InLink. As well as our algorithm, the portal now lets us block suspicious behaviour in real time so we can tackle any anti-social behaviour request without delay. We also have greater insight into reporting and numbers where thresholds are exceeded. These technical advances help reduce crime and allow us to work better with the police and community.



## Sign off and implementation

Any change made to how a Street Hub is configured at a hardware or software level will require our agreement.

As an OFCOM-designated Universal Service Provider of public call boxes for the provision of a publicly available telephone service, any decision to restrict provision of phone calls will need to be made exclusively by us. This will be based in part on detail provided by the police and local authority, and pay due regard to the evidence presented.

We would always seek to balance any requirement to restrict Street Hub services to manage anti-social behaviour with the desire to make them available to all, as part of our work to help make communities better connected and reduce digital inequality.





## Review process

Our approach to addressing anti-social behaviour associated with a Street Hub is to be collaborative. The success of any intervention relies on the police and / or councils taking reasonable steps to help address the underlying issues and the review process being tailored to each local situation.

In the small number of cases where the need for an operational change (such as restricting phone calls) has been identified, it will be considered temporary and applied for a limited period (typically three months but up to twelve months in high-risk locations). This temporary period allows police and the local council to investigate and take appropriate action.

## Further information

We want each Street Hub to provide the best possible experience for users and the communities around them, and will continue to work with councils, police and the wider community to make sure they do.

For more information on Street Hubs and how they are managed contact [streethub@bt.com](mailto:streethub@bt.com).



#### Offices Worldwide

The services described in this publication are subject to availability and may be modified from time to time. Services and equipment are provided subject to British Telecommunications plc's respective standard conditions of contract. Nothing in this publication forms any part of any contract.

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April 2021





# Street Hub Noise Management Plan

Version 2



# Background

As one of many features, Street Hubs provide free phone calls via a speaker and microphone system. The following document identifies the steps we are able to take to ensure that these calls, like all the features of the Street Hub, help improve the amenity of a local area whilst also respecting the expectations of local community over time. Please note: this noise management plan refers specifically to the noise from the Street Hub. Noise from pedestrians, users of the Street Hub, or from other nearby sources are not included and would typically be considered matters for the Police and other authorities who have the appropriate and relevant powers to act on such issues if necessary.

We have designed our Street Hub so that they create a 'sound cloud' for the person making a call with noise levels sufficient to make calls with background noise for the surroundings. Whilst this generates a reasonable conversational volume in proximity to the Street Hub, it is intended to result in minimal to no noise being noticeable further away. The average volume settings are 65dB average at 3m distance from each Street Hub. Users may also choose to use headphones when making calls or using the tablet, which deactivates the speaker for the duration of their use.

It is worth noting that the Street Hub are situated on public streets, in the most part close to roads where high volumes of traffic will be seen, examples of background noise experienced on streets are details below:

Noise Level, dB	Example
60-70	Conversational Speech
70-80	Average traffic on Street Corner
80-90	Heavy lorries at 6m

## Noise Management Plan

### Daytime (07:00 – 21:00)

Street Hub have controllable volume levels. This will default to 50% at the start of any user activity during the day and can be increased and decreased based on the preferences of the user.

### Night Time (21:00 – 07:00)

Between the hours of 21:00 to 07:00 all Street Hub will be governed so that the volume cannot be increased to greater than 60% of the maximum volume.

### 999 Calls

It should be noted that when the 999 is called through the tablet or the emergency button is pressed by a user the volume of calls is set to 100% to ensure that any user is able to effectively communicate with the emergency services. This volume can be lowered as requested by the user.





# Exceptional Circumstances

We manage noise by exception based on feedback from users and the local community. If we receive any feedback that the Street Hub may be causing detrimental environmental impact, we take the following actions:

1. Understand the reason for the issue and any extenuating circumstances. At this point we will separate out any Police or community safety matters and work directly with the relevant authorities, and support the local residents in raising these issues through official channels where appropriate.
2. We will then verify the evidence provided against the Street Hub's call history and other operational data as required. This will allow us to understand the number, time, and frequency of outbound calls being made and better understand the severity of the reported situation.
3. Once we have verified the situation, we will typically look to apply local bespoke volume governor controls appropriate to the situation. We have found that reducing the Street Hub's maximum volume to 40% during relevant periods tends to resolve issues where they have been identified.
4. We will continue to monitor the situation and listen to ongoing feedback from the community as we do take matters seriously. We continue to learn as part of our roll out how Street Hub are fitting in to the community.



## Noise Testing

We have conducted 2 separate tests on the Street Hub, the initial test are to simulate typical operating temperatures (Test Scenario 1), with the secondary test simulating the worst case operating temperature (fans setting at max speed; Test Scenario 2). Each test involved 16 different test points taking part at 1.5m above floor level, with 3 readings being taken at each location, resulting in over 48 readings per test condition (96 in total). The equipment used to conduct the tests was the ANENG-GN101 Decibel Monitor. The average results in test scenario 1 was 50.5dB (55.9dB without factoring in background noise), in test scenario 2 the average result was 59.1dB (60.4dB without factoring in background noise).

## NOISE TEST REPORT

<b>DATE OF ISSUE</b>	16/11/2021
<b>DEVICE UNDER TEST</b>	BT STREET HUB 2 – MODEL BTSH-01
<b>TEST EQUIPMENT USED</b>	Decibel meter (ANENG-GN101), tripod, spirit-level, measuring tape

SUMMARY OF TESTS PERFORMED	
1	NOISE LEVELS UNDER TYPICAL OPERATING CONDITIONS
2	NOISE LEVELS UNDER WORST CASE OPERATING CONDITIONS

TEST 1 : NOISE OUTPUT UNDER TYPICAL OPERATING CONDITIONS		
EQUIPMENT SET-UP	OPERATING UNDER THERMAL MANAGEMENT SYSTEM AT AMBIENT TEMPERATURE	
AMBIENT TEMPERATURE DURING TEST	17.8°C	
BACKGROUND NOISE LEVEL	54.4dB	

RESULTS				
			Average	55.9
			Factor for Background Noise	50.5

TEST 2 : NOISE OUTPUT UNDER WORST CASE OPERATING CONDITIONS		
EQUIPMENT SET-UP	OPERATING WITH ALL EQUIPMENT RUNNING AT MAXIMUM LOAD	
AMBIENT TEMPERATURE DURING TEST	17.8°C (simulated to 35°C by setting fans to max. speed)	
BACKGROUND NOISE LEVEL	54.4dB	

RESULTS				
			Average	60.4
			Factor for Background Noise	59.1

## Further information

We want each Street Hub to provide the best possible experience for users and the communities around them, and will continue to work with councils, police, and the wider community to make sure they do. For more information on Street Hubs and how they are managed contact [streethub@bt.com](mailto:streethub@bt.com)



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October 2021





# Street Hubs Beyond connection

Supporting local councils with  
digital street communication



# Street Hub product statement

v1.0 | February 2021

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# Beyond connection

BT is moving public connectivity forward. We're evolving the payphone estate further with a move from InLink to Street Hubs, a sleek modern answer to the demands of a digitally connected, converged-media society.

Councils across the UK used the InLink units to meet key challenges head-on, upgrading local infrastructure, tackling the digital divide, and freeing the high street from unnecessary furniture.

With Street Hubs, we're further transforming the payphone estate – it brings all the existing benefits of InLink but with 75" screens, better Wi-Fi range, environmental monitoring and expanded mobile network coverage with 5G enablement.

We're making streets smarter, with ultrafast Wi-Fi, public messaging and better mobile connectivity. We're making them safer, with ready access to public and emergency services. And we're making them more sustainable, with sensors allowing for 'smart city' planning and reduced street clutter.

Serve your citizens and gain greater insights into your streets for targeted improvements – all at no extra cost.

## What is a Street Hub?

**Street Hubs are free to use, fully accessible community assets connecting and improving local streets in urban areas.** At no cost to taxpayers or end users, Street Hubs provide communities with an unprecedented suite of essential urban tools:

- **Ultrafast public and encrypted Wi-Fi**
- **Access to public services**
- **Multiple accessibility options**
- Powered by **100% renewable carbon-free energy**
- **Inspected weekly and cleaned at least every two weeks**, monitored 24/7
- Secure power-only USB ports for **rapid device charging**
- **Free phone calls**
- **Direct 999 call button**
- **Display community and emergency** (i.e. police) awareness messaging
- **Environmental sensors** to measure air quality, noise, traffic and more.





## Contributing to the community

We are committed to ensuring that Street Hubs make a positive contribution to the public realm as well as the communities they are in.

- With a **footprint of just 0.42m<sup>2</sup>** Street Hubs are smaller than comparable street furniture, and their installation facilitates and **funds the removal of up to two existing BT payphone kiosks**, giving back 1.58m for each installation
- **876 hours of free council advertising** per unit per year
- Direct **access to charities** through the use of the dedicated charity icon on the fully accessible interactive tablet
- **Community notice board** with over 1,000 hours of content per year – the Street Hub team can work with local groups to promote events and activities
- **Discount advertising for local business groups** (such as BIDs and Chambers of Commerce) and their members through our Street Hub Partners Programme
- Business rates for each location are paid when requested by the council, ensuring Street Hubs **make an ongoing financial contribution to the local area.**

## Community feedback

Street Hubs are helping to improve streets and public spaces across the UK, as well as helping to better connect local communities.

*"We have always been a city with an eye for opportunity and believe the range of free services the InLinks provide is a significant contribution to the Greater Manchester Digital Strategy. As a city, we plan to continue to encourage and support digital innovation which strengthens businesses and investment."*

**Sir Richard Leese**

Leader of Manchester City Council

*"By providing facilities for people to make free calls, access free WiFi and information and charge their phones, we move one step closer to becoming an attractive modern city where people are proud to live and work."*

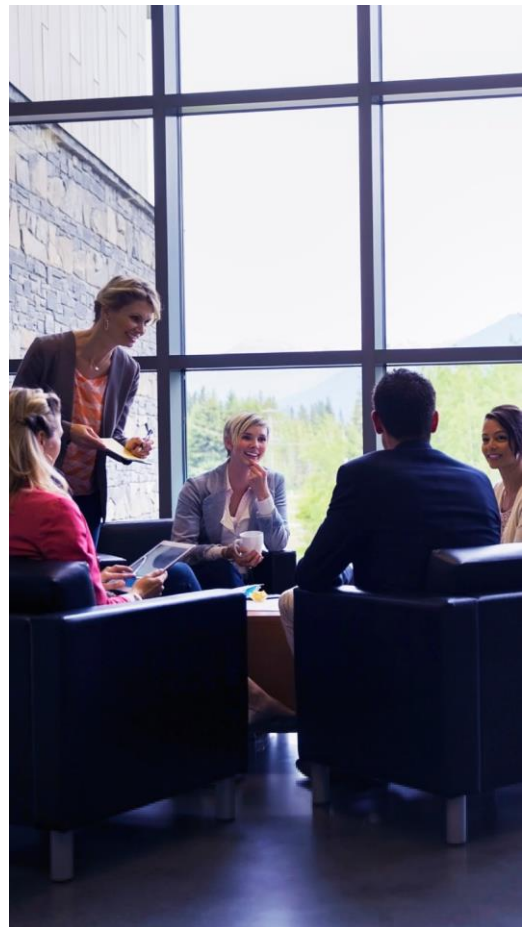
**Councillor Chris Hammond**

Leader of Southampton City Council and Cabinet Member for Clean Growth & Development

*"We're delighted to be on InLinks. At Childline we're always looking at new ways to increase our reach and help as many young people as we possibly can."*

**Grania Hyde-Smith**

National Services Communications Manager for Childline



## Our approach

Our approach to planning is to be collaborative with councils wherever possible, working closely with relevant stakeholders to identify suitable sites for Street Hubs and to select which payphones are to be removed.

Once the appropriate permissions have been gained we progress with removals and installations with the minimal possible disruption to residents and businesses.

Activation is as automated as possible to minimise the time our engineers spend setting-up and checking the units are ready for service.

We welcome the opportunity to collaborate on all stages of the rollout in an area wherever possible.

## Street Hub design and specifications

Street Hubs are free-standing structures featuring a fully accessible tablet interface and digital HD display screens on two sides. Overall Street Hub dimensions are 35cm deep and 123.6cm wide (reduced tapered footprint is 120.1cm), with a height of 298cm to maximise the Wi-Fi range without dominating the street. A narrow base limits the footprint while ensuring access to wheelchair users.

The screens display content at 10-second intervals, both the commercial content that funds the service as well as a wide range of local community and council content.

The two screens automatically dim at night to 600cd/m2, following daylight hours and in accordance with the levels set for this type and size of screen (those under 10m) by the Institute of Lighting Professionals, Professional Lighting Guide 05 2015:

The Brightness of Illuminated Advertisements.

This minimises disturbances to residents in the evening.

There is a video camera above each screen, as well as built into the tablet. These are not currently connected or used in the UK but are ready to deliver community benefits, after consultation and notifying the public and stakeholders through multiple channels.

## Accessible for all types of users

Street Hubs have been designed to be accessible to all users, regardless of their physical or technological capabilities, including:

- Tablet interface placed at 1m to provide easy access for wheelchair users
- Easy-touch 999 call button to ensure it can be used regardless of mobility restriction
- High-contrast large type labels
- TalkBack functionality facilitates full access to the tablet for all users
- Hearing induction loops integrated into each unit
- Intuitive touch screen interface.

**Next Generation Text Relay** makes Street Hubs even more accessible to those who are deaf, hard-of-hearing or speech impaired. Using the tablet callers can type words for a Relay Assistant to then speak to the call recipient. The Relay Assistant types back any responses to the caller, allowing for an effective two-way conversation.



## Our Wi-Fi in detail

Street Hubs connect their communities to the fastest and most robust free public Wi-Fi service in the UK, 1Gbps within 150m. Full fibre connectivity enables speeds up to 13.9<sup>1</sup> times faster than standard fixed line home broadband and can handle large numbers of connected users without any reduction in speed.

An omnidirectional outdoor Wi-Fi access point at the top of each Street Hub is connected directly to the fibre broadband network, with co-channel interference mitigated by directing Wi-Fi signals away from neighbouring access points. Our full fibre solution allows capacity upgrades by orders of magnitude (e.g. 1Gbps to 10Gbps) without street works.

Signing up is simple – a one-time email address registration allows automatic connection whenever a user is in range of an active Street Hub. Our customer-first policy means we don't sell email addresses on, and have no pop-up adverts when users reconnect. Content filtering also prohibits access to adults-only websites.

Where a 'superconnected cities' public Wi-Fi service is already provided to the council by BT, this signal can also be broadcast from all Street Hubs in that city at no additional charge.

## Interactive tablet

Every Street Hub includes a fully accessible interactive tablet that provides a series of icons that give users access to:

- Local council services
- BT's phone book
- Maps and wayfinding
- One touch connection to four national charities for support
- Local weather information
- FAQs and instructions.

Sessions timeout after 30 seconds of inactivity or when selected, wiping all user sessions clean. The ring-fenced system **does not allow open web browsing**.

<sup>1</sup> May 2020 figures revealed that the average fixed line internet download rate is now 71.8 Mbit/s (up 7.8 Mbit/s in November 2019) – [Ofcom's annual study of fixed line home broadband ISP speeds across the United Kingdom](#).

## Free calls for everyone

Street Hubs allow users to make free calls using two different methods:

- **Directional speaker and built-in microphone**, with noise-cancelling technology and adjustable volume allowing calls to rival a traditional handset in clarity and quality
- **Plugging in a standard headset or earphones** into the built-in headphone jack.

Calls aren't time-limited, but almost all have lasted no more than a few minutes as people use them to call friends, family, local services, taxis, etc.

The tablet and speaker are set back and sheltered from the sides, allowing privacy for personal communications. In addition, **the speaker volume is automatically reduced at night** (except for emergency calls).

Unlike payphones, Street Hubs don't include or need a handset, nor accept incoming calls.

## Providing capacity and mobile coverage with small cells

Small cell mobile infill meets the increasing demand for connectivity in the UK, particularly useful in busy urban areas where it's needed most and installing mobile antennae is difficult.

Street Hubs boost 4G and 5G with installed small cells, improving coverage and capacity. Residents, local businesses and visitors get a fast, reliable connection for calls and internet access. Your citizens can enjoy mobile gaming, virtual reality and video streams wherever they are.

## Secure fast charging

**Two marine grade, waterproof USB ports** with Quick Charge 2.0 connected directly to a power source. They cannot exchange data.

These are compatible with all mobile devices, but **also support the next generation of phones** with 20x the charging speed, a great service to tourists and those in an emergency.

## Maps and wayfinding

Every Street Hub provides access to maps giving directions to nearby landmarks and services – a valuable resource for visitors or those without access to a smartphone.

They also act as wayfinding boards, giving walkers and cyclists clear directions.

Local advertisers are encouraged to give simple directions to their businesses.

## Useful real-time information

We are currently running real-time information from a range of sources, including local weather and transport information. LBC content displayed on the unit shares up-to-the-minute news with local communities, enhancing the outdoor experience.

In the future we're looking to create relevant community content with open APIs. Similarly, we happily work with local authorities, transport

providers, and others to determine what real-time information is most useful to the area and how it can be integrated.

For example, in London we display real-time Transport for London (TfL) tube status information. We're also working with TfL to explore how to incorporate other transport information to help people get around the city.

## A platform for community and council content

The rotating content on each Street Hub includes a ring-fenced allocation for community content provided by the local council and community.

**Each local authority is provided with 5% of screen time** on each Street Hub to promote and educate, equivalent to 876 hours per unit or 438 hours per screen.

This content would be scheduled and (where needed) developed in partnership with BT and Global, and can tell residents and visitors about local services, local events and news, as well as warnings and public notices.

Street Hubs designers also create 'house content' throughout the year relating to key events and holidays. Recent examples include supporting the local council elections through encouraging residents to register to vote, free events during school holidays, London Pride, Black History Month and a diverse editorial calendar throughout the year, supporting our vision for a 21st century community noticeboard.

Street Hubs are more than an advertising screen – they're a key point of reference for local information and **an asset to the community**.

## Advertising for businesses of all sizes

Street Hubs represent **the latest in advertising platforms** – an affordable, accessible digital advertising solution that specifically targets Street Hubs close to small businesses.

The Global sales team (responsible for all 'paid for' messaging on Street Hub screens) is set up to **work in partnership** with small and medium-sized enterprises, letting them use the screens to reach audiences and drive business growth.

This advertising revenue lets us provide all our services free of charge, and further rollout of Street Hubs.

Our Global team have increased the accessibility of Street Hubs in two ways:

### Programmatic connection

Global have connected Street Hub to DAX, their programmatic platform. This allows Demand Side Platforms (DSPs) to purchase individual ad slots automatically.

### Automated scheduling

Global are connecting the scheduling of Street Hub directly to their inhouse booking system. This allows key business partners who use API-enabled platforms to easily book and execute complex and flexible schedules.

Global's award-winning Data Planning team manages G-IQ, a data management platform that is used to ingest first and third-party data to prove the efficacy of our products and the value of the audience. Using trusted data sources and intelligent mapping tools we can plan effective campaigns.

Their unique position as a media owner of channels like Outdoor, Radio and Online allows for more creative scope. For example, it's seen innovative multiple-media campaigns deliver both digital Outdoor messaging in sync with Radio commercials.

## Content standards

Street Hubs are funded through the display of advertising in conjunction with other council and community content.

Our Global team coordinate with advertisers, brands and specialists on commercial content, guided by:

- Committee of Advertising Practice (CAP) Code of Practice
- Guidance for Digital Roadside
- Advertising and Proposed Best Practice from Transport for London
- Non Broadcast Advertising and Direct Promotional Marketing (CAP) Self Regulation Guidelines
- and resources from other authorities as necessary.

For full specifications of our screens please refer to page 15, 'Digital Display Screen Technical Specification'.

## Safer communities

Every Street Hub includes a direct **999 call button** that **automatically shares its location** with the authorities, improving safety in an area and helping in the reporting of crime and disorder.

A two-push approach reduces the chance of accidental calls, with a voice prompting users to push the button a second time to confirm.

Street Hubs can also support campaigns with local police and other authorities. For more information see the communities section.

## Emergency messaging

Back-end systems allow us to control screens dynamically through our head office. Groups such as the police can quickly display emergency and community awareness messaging – see our case study from Camden for an example.

In the event of an emergency or major event, regular content can be replaced with urgent, useful messaging alerting the public to major incidents and offering advice.

As each Street Hub is addressable, we can give specific instructions on individual screens steering people away from a particular area or providing alternatives to travel.





## Combating anti-social behaviour

Street Hubs are operated in accordance with the Street Hub Anti-Social Behaviour Management Plan that was developed with assistance from the police and a number of local authorities.

Automatic anti-social call blocking technology uses anonymised data to identify suspicious call patterns and phone numbers. Identified numbers are blocked on Street Hubs across the UK, while still allowing genuine users to benefit from the free phone call service.

Depending on circumstances, other measures can be taken including further reducing call volumes, restricting calls at certain times, or only allowing headset calls.

Recommendations from groups like the police may mean quicker implementation of measures, for example temporarily restricting mobile calls

where a Street Hub has been misused to buy illegal drugs. Subject to internal processes, the police can 'whitelist' a specific number where there is an operational need, i.e. involved in an active investigation.

People can contact [StreetHub@bt.com](mailto:StreetHub@bt.com) to report technical issues, antisocial behaviour involving a Street Hub, or to claim their number has been flagged in error. Their case will be considered in

consultation with the police and local council where appropriate. This option will be highlighted on the screen when a call is attempted to a restricted number. Emails sent from [police.uk](mailto:police.uk) or [.gov](mailto:.gov) email addresses will be treated as a priority.

Should it not be possible or convenient to send an email, it's possible to call the Street Hub helpline on 0800661610 (open 24 hours 7 days).

As BT is designated by OFCOM as a Universal Service Provider of public call boxes, any decision to restrict phone service will need to be made exclusively by BT. Decisions to change any service will be based on details provided by police and local authorities:

- A description of the issue and when it occurred / occurs
- Location of the Street Hub(s) involved and how they contributed.

Changes will be viewed as temporary (typically 3 months, or 12 in high-risk areas) and reviewed later.

# Environmental performance

All Street Hubs are **powered by 100% renewable carbon-free energy**, with energy efficiency prioritised throughout the design process.

- A state-of-the-art LED-backlit LCD screen that consumes approximately 60% less power than Cold Cathode Fluorescent Tubes
- Screen filters reflect light reducing the need for high power, noisy cooling systems typically seen in competing solutions
- Industrial-grade components designed to function at high temperatures lower the need for cooling without compromising performance
- Passive design for cooling, i.e. aluminium casing for better thermal dissipation
- High-efficiency power supplies providing 80% or better efficiency, compared to 65-70% of typical components.
- Noise from cabinet and equipment should not exceed: 41dB at a distance of 3 metres during day, 35 dB at a distance of 3 metres during night, Operational volume should not exceed 60dB at a distance of 1 metre.

## Air quality monitoring

Across the UK, we're trialling air quality monitoring equipment within Street Hubs. The information from these sensors could be used by participating (and interested) councils and researchers to complement other data sources and improve local decision making.

**Councils adopting Street Hub are invited to express interest in being involved in this trial.** Feedback from participants will guide how the data is communicated and used.

Initially, we're looking at the potential measurement of the following elements of air pollution:

- Carbon Monoxide (CO)
- Nitrogen Dioxide (NO<sub>2</sub>)
- Nitric Oxide (NO).

Further work is being undertaken on the possible measurement of:

- Ground Ozone Level (O<sub>3</sub>)
- Particles (PM<sub>2.5</sub>)
- Particles (PM<sub>10</sub>)
- Sulphur Dioxide (SO<sub>2</sub>).

Measurement for each of the above are being assessed on their individual merits, and a decision of which to include in a given Street Hub and when has not yet been made.

*"We are excited to be working with BT to equip their street furniture with our innovative technology to monitor and reduce carbon emissions. This will help local authorities monitor their carbon footprint in real-time, identify the best opportunities to cut emissions, and access new funding for the necessary investments. At scale, the UK could become the first nation to continuously monitor carbon emissions over its entire territory. This would boost its goal of net zero by 2050."*

**Mathieu Carlier**  
CEO of Everimpact



## Additional smart city sensors and data collection for community benefit



Street Hubs collect and display useful, real-time data and insights from communities to help government officials and local decision makers get more from the space around them.

As with the air quality trial highlighted above, the modular nature of Street Hubs lets us improve, evaluate and invest in tools and techniques to collect meaningful insights, i.e.:

- Counting pedestrian numbers
- Measuring traffic congestion
- Bike and vehicle counting
- Environmental factors like sound and light.

Continued investment allows 'smart cities' to improve public well-being and health with data. This kind of **data is most powerful when shared**, so we would look to make these insights available to communities as permitted by law and within our Privacy Notice and Terms of Use.

# Installing a Street Hub

Several steps are involved in the installation of a Street Hub once approval is obtained from the relevant local authority:

## 1. Preparation works

Before work starts each site is surveyed to identify services and other underground infrastructure (e.g. water or gas pipes) so our teams do not disrupt services.

## 2. Safety comes first

Our deployment teams will set up barriers to restrict access to the work area. These are based on permits obtained from the local authority.

## 3. Payphone removals

Street Hubs are often installed on the same location as an existing BT payphone so the first works you may see are teams disconnecting and removing existing kiosks.

## 4. Preparation of foundations

Each Street Hub sits on a metal base plate, part of a concrete foundation, 30-40cm below ground level with ducting to allow connection to fibre and power. It's designed to easily withstand being pushed by individuals or high winds, and fall slowly if struck by a vehicle – with internal sensors notifying us of the event.

## 5. Connecting services

Power is connected by the Distribution Network Operator (DNO). Fibre is connected by Openreach. Both may need ducting run from nearby infrastructure, such as broadband cabinets. The teams responsible for this work will typically receive work permits from the local authority in accordance with an area identified at survey.

## 6. Lifting the Street Hub into place

Each Street Hub is typically lifted by small crane from a flatbed truck onto the metal baseplate about 1-3 days after the building of the foundation. At this time any remaining barriers are removed.

## 7. Connecting services

Once installed, our engineering teams do the necessary testing and configuration to go live – typically within two weeks of installation, but sometimes longer.



## Materials

Maintainability and durability were key considerations in the design, with regular cleaning and servicing planned – please see 'Management, maintenance and operational strategy' section below. High-quality materials ensure longevity, holding up to abuse and diminishing scratches.

- Galvanised mild steel structure, powder coated external grade aluminium exterior
- Painted powder coated aluminium main casing – attractive, durable, easy to service, and cooling
- Displays fronted by tempered and laminated glass to reduce glare
- RF transparent radio compartment

The modular design of exterior and interior components makes servicing simple and economical.

## Digital display screen technical specification

The technical specification of the two digital display screens are as follows.

Screen Panel Type:	LCD
Screen Dimensions:	95cm wide x 167cm high (75 inch in portrait)
<b>Screen Area:</b>	<b>1.586m<sup>2</sup></b>
Resolution:	3840 x 2160 UHD
Maximum Daytime Brightness:	2500 cd/m <sup>2</sup> (Typ.)
<b>Maximum Night-time Brightness:</b>	<b>600 cd/m<sup>2</sup> (Typ.)</b>
Contrast Ratio:	1200:1 (Typ.)
Display Colours:	10bit (D) 1.07 Billion Colours
Viewing Angle:	178/178 degrees
Lamp Type:	LED
Operating Temperature:	0~50°C
Sunlight Readable:	Yes

The proposed usage for the screens has been set in accordance with Transport for London's (TfL) policy document 'Guidance for Digital Roadside Advertising and Proposed Best Practice – 2013'.

In addition to the above conditions, each Street Hub location has been assessed against and would comply with the following additional criteria from the TfL guidance.

- There would be no conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges.
- No sightlines or clearances would be affected.
- The TfL guidance states that 'Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.' There are existing traditional advertisement on similar sections of the respective roads in many cases.
- The geometry of the roads is not complicated and the driving conditions are not considered to be demanding or complicated.
- The advertisements would not be experienced by a driver in conjunction with any other similar digital advertisements.
- As per the TfL guidance, the advertisements would be located as close to the driver's natural eyeline as possible and facing as head-on to the traffic as is practical.

The lighting levels noted above are within the levels set for this type and size of screen (those under 10m<sup>2</sup>) as set by the Institute of Lighting Professionals, Professional Lighting Guide 05: The Brightness of Illuminated Advertisements.

# Management, maintenance, and operational strategy

BT is responsible for the management of Street Hub services with each unit physically inspected weekly across the estate.

## Inspection regimes

The Street Hubs are visited every two weeks for cleaning, by hand and with pressure washers. The materials used make this process easy with defined materials and processes. Whilst cleaners are on site, they check for damage and ensure the tablets and screens are working.

In addition, our in-field quality inspection teams visit at least every two weeks on an alternative schedule to our cleaning team, performing several checks including (but not limited to):

- Full walk-around with supporting photos to check for damage, graffiti and black screens
- Functionality checks on the tablet to test calls, maps, 999 and USB charging.

We can also send out emergency visits if reported as necessary by internal sensors.

## Monitoring and repair management

Street Hubs are monitored remotely 24/7, our primary mechanism to spot faults with the above local inspections ensuring the effectiveness of this monitoring.

Once identified, we have processes to resolve issues within agreed service levels. Most will be resolved within three working days, with safety and power issues having a more rapid resolution target than cosmetic issues like graffiti.

## Future upgrades

We plan to make changes as needed to address identified faults or to improve services. Whilst some may involve physical attendance at the unit, the majority will be done remotely via software upgrades. All updates are rigorously quality assured before release.



# Appendices

The below case studies are from implementation of the current InLink units. With the improved functionality of Street Hubs, we would expect greater results across a larger number of areas, e.g. environmental protection and traffic monitoring with the additional sensors.

## Case study

## COVID-19 messaging

Millions of people in UK towns and cities saw public health information during the pandemic, thanks to the street transformation team's support of three key information initiatives.

### Public Health England campaign (PHE)



We **doubled screen time** for the PHE Stay at Home campaign, regularly updating guidelines into short, digestible snippets on Street Hubs across the UK.

### Local council support



We **collaborated with local councils** to offer support for localised messaging.

### London Mayor's Office (GLC)



We supported GLC messaging for consistent communication across **14 London boroughs** with the **Stay at Home** and **London Together** campaigns.

## Case study

# Restoring pavements across the UK

Brixton is a key transport interchange, entertainment and shopping precinct, and civic centre in south London. This role means in the past there was strong demand for payphones with many previously provided by BT still in the area.

The InLink on Coldharbour Lane opposite the Town Hall has replaced existing payphones that were associated with a range of anti-social activities.

On this site we reclaimed 3.78m<sup>2</sup> of pavement space for the community, allowing for the future expansion of nearby bicycle parking racks.

## Before



## After





## Case study

## Working with local police

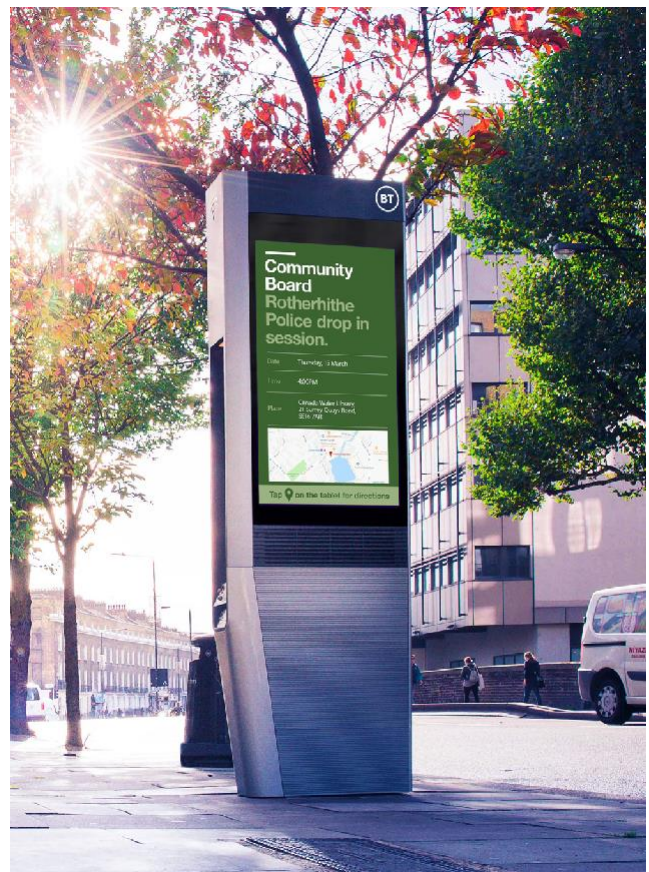
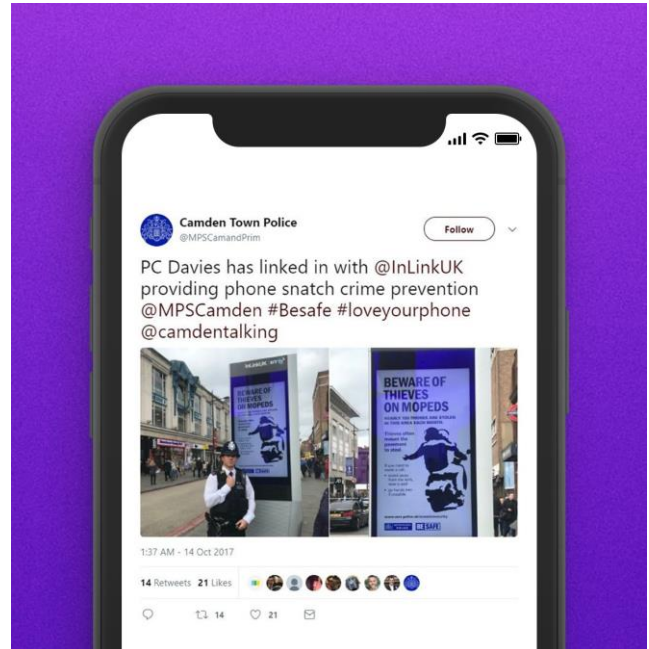
The InLinkUK team partnered with the Camden Town Police in north London to help raise awareness of the threat posed by phone snatchers on mopeds.

Content was created for the campaign and included on InLinks in the Camden area, as seen on this one with PC Davies just by Camden Town Tube.

Over the course of the campaign there was a significant reduction in the number of phones reported stolen. Our team is now looking to roll this and similar campaigns out in other areas.

InLinks have also been used to promote local neighbourhood meetings, such as the example shown here from a trial with the Safer Neighbourhood team in the London Borough of Southwark.

Similar content was shown on screens in the specific ward area to help raise awareness among the local community and to encourage those interested to attend.





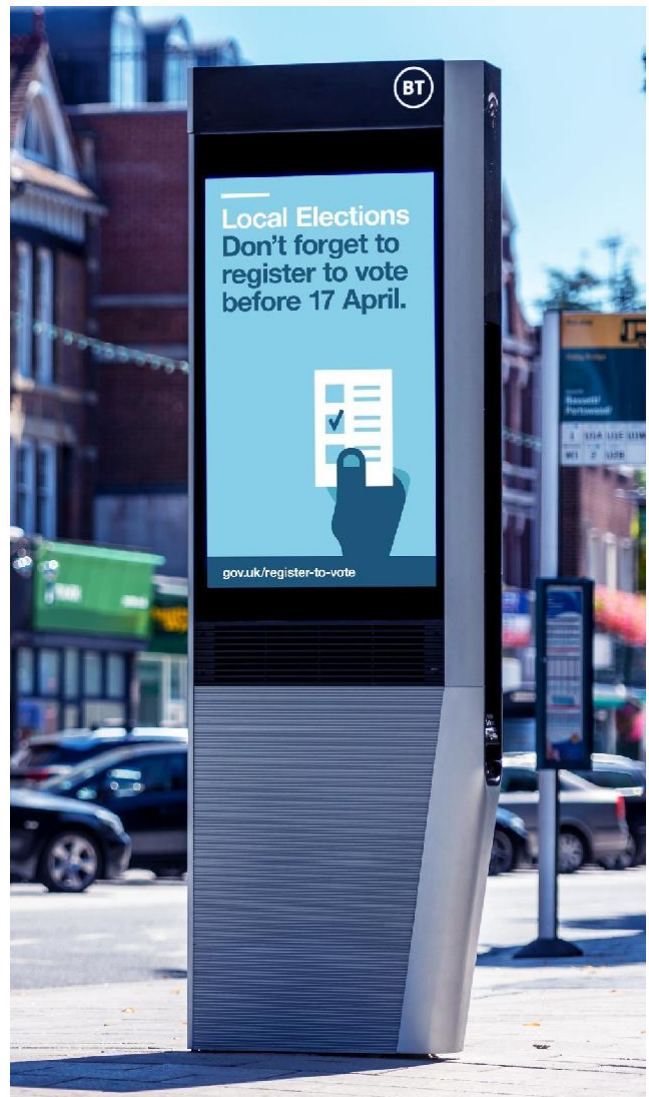
## Case study

# Supporting democracy

As local community infrastructure each InLink can act as a local notice board for its area, with this functionality proving particularly useful in the lead up to and during elections.

During the 2018 local government elections InLink screens throughout the UK encouraged voters check and update their voter registrations.

Screens were also used to promote government campaigns against voter intimidation, including this example from the London Borough of Tower Hamlets in conjunction with CrimeStoppers and the Electoral Commission that was presented in a range of different languages.





## Case study

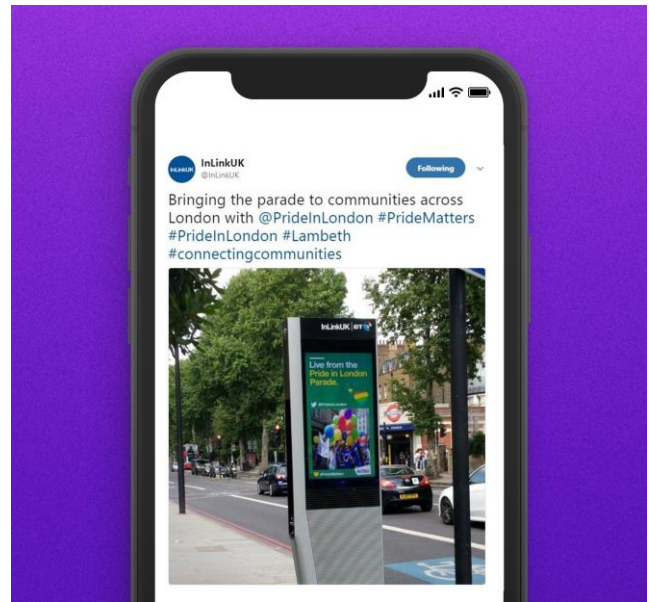
## Live content from London Pride

In 2018 InLinkUK were an official media partner for Pride in London with the InLink screens used in the lead up to and during major events to highlight the occasion.

Ahead of the major events, creative content was displayed to promote Pride Month across the entire InLink estate in the UK.

A range of special 'Did you know?' facts were also shown on InLink screens throughout London highlighting the challenges still faced by the LGBT+ community and the work of volunteers delivering Pride in London.

An estimated 30,000 people took part in the Pride March and more than one million came into the city to watch in person, with those in other parts of London able to see highlights that were being shown on the InLink screens.



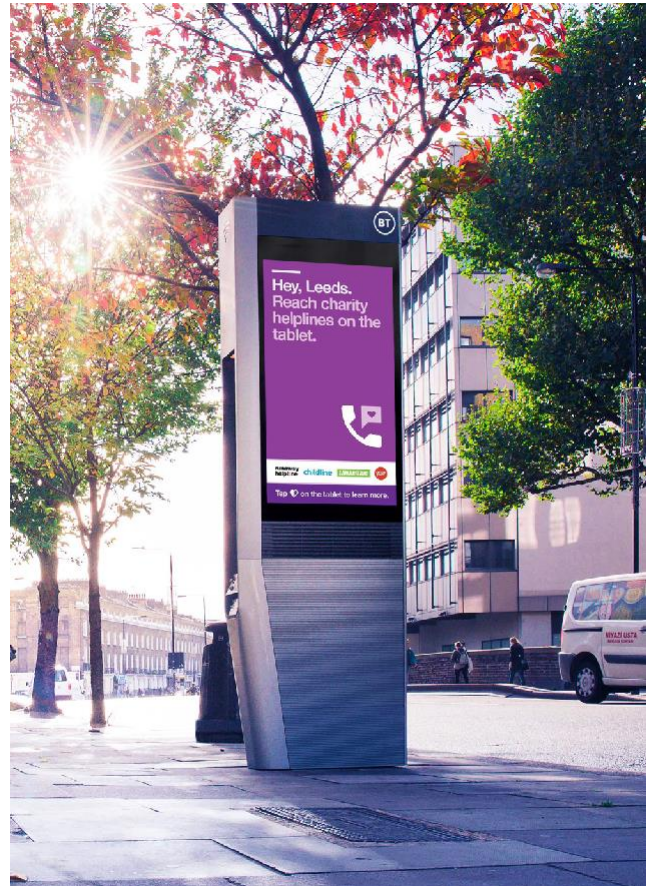
## Case study

# Helped local and national charities

InLinkUK worked with a range of charity stakeholders to support their work in the community, with a 'Charity Tile' on the InLink tablet that provides access to a range of key organisations.

Childline, End Youth Homelessness, Runaway Helpline and Samaritans teamed up with InLinkUK to provide users with direct access to their services.

This was complemented by a range of content included on the screens to raise awareness and support the work of local and national charities.

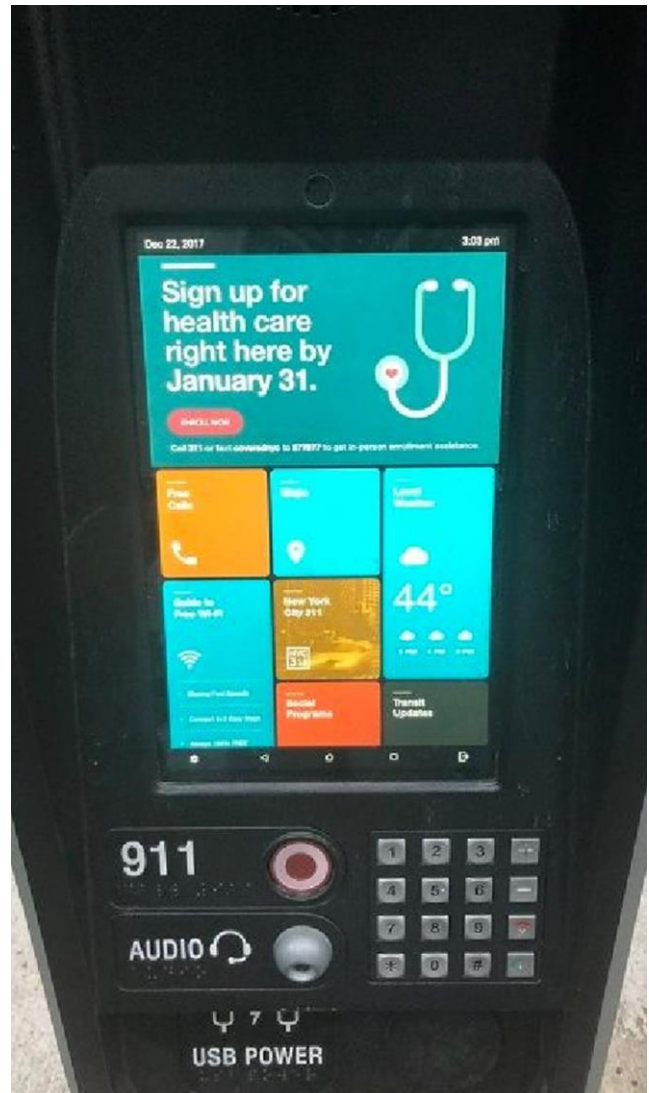




## Case study

## Helping rough sleepers

During the 'Beast from the East' storms in April 2018 InLinks were used to display content from StreetLink that provided those nearby with information on how to help rough sleepers who were still outside during the bad weather.





#### **Offices Worldwide**

The services described in this publication are subject to availability and may be modified from time to time. Services and equipment are provided subject to British Telecommunications plc's respective standard conditions of contract. Nothing in this publication forms any part of any contract.

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**February 2021**



## CONFORMITY WITH ICNIRP PUBLIC EXPOSURE GUIDELINES ("ICNIRP")

It is confirmed on behalf of BT Wholesale and Ventures that when deploying mobile radios units within a BT structure the proposed equipment and installation below at:

Site reference: EDN102


Address: Pavement o/s Royal Commonwealth Pool, 21 Dalkeith Rd, Edinburgh EH16 5BB

Easting / Northing: 326796/672354

Shall be designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in EU Council recommendation of 12 July 1999\* "on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)" in all areas legitimately accessible to the public.

\*Reference: 1999/519/EC

Date: 16/03/2022

Signed: 

Name: Christopher Sarkissian

Position: Street Product & Proposition Manager

BT Wholesale  
1 Knightrider Street  
London  
EC4V 5BT



## ICNIRP Exclusion Zone

This information pack contains important Health and Safety information relevant to a radio cell station instance. Property Managers should make this pack available to their employees, external contractors and personnel who in the course of their work may come in close proximity to the base station antennas.

### Contact Number

For all queries regarding the sites, a telephone line is given for interested parties to call.

Also before any work is conducted and to ensure safe working within the specified antenna exclusion zone, the free phone number should be called in order to turn off the cell.

The cell number, site name and location should be provided as shown on the signage at the site.

### Emissions Compliance

BT build of the base stations locations, configuration and position of the antennas is done in such a manner that compliance limit distances (aka exclusion zones) cannot be breached without either illegally climbing onto structure or passing physical barriers.

The site will be designed to be compliant with the requirements of the radio frequency (RF) public and occupational exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in EU Council recommendation of 12 July 1999 "on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300GHz)"<sup>1</sup>.

The compliance takes into account the proposed radio frequency emissions of the equipment and any other operator equipment on this site.

### ICNIRP Exposure Limitations

ICNIRP<sup>2</sup> is the International Commission on Non-Ionising Radiation Protection. ICNIRP is recognized by the World Health Organisation (WHO) and the International Labour Organisation as the international independent advisory body for non-ionising radiation protection.

The functions of the Commission are to investigate the hazards of non-Ionising Radiation (NIR), to develop international guidelines on NIR exposure limits and to deal with all aspects of NIR protection.

The guidelines were derived as a result of laboratory and epidemiological studies into the biological effects of electromagnetic fields (EMF). The ICNIRP public exposure guideline is in accordance with the precautionary approach outlined by the Stewart Report (IEGMP)<sup>3</sup>.

Basic restrictions for power density for frequencies between 10 and 300 GHz

Exposure	Power density (W/m <sup>2</sup> )	
	2-300 GHz	0.4-2 GHz
Occupational	50	f/40
General public	10	f/200

1. where f is in MHz
2. Power densities are to be averaged over any 20 cm<sup>2</sup> of exposed area.

1. Official Journal of the European Communities, "Council Recommendation, of 12 July 1999, on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)", 1999/519/EC. (Official Journal L 197 of 30 July 1999) (adopted by EU 2010)
2. The full report by the International Commission on Non-Ionising Radiation Protection can be found in its entirety at the following internet web address: <http://www.icnirp.de/>
3. The Stewart Report entitled "Mobile Phones and Health" was created by the Independent Expert Group on Mobile Phones. It can be found in its entirety at the following internet web address: <http://www.iegmp.org.uk/>
4. "Guidelines on Limiting Exposure to Non-Ionizing Radiation", by. R. Matthes, J.H. Bernhardt, A.F. McKinlay (eds.) International Commission on Non-Ionizing Radiation Protection 1999, ISBN 3-9804789-6-3.



MI;.  
Our Ref: EDN102

City of Edinburgh Council  
Waverley Court  
4 E Market Street  
Edinburgh  
EH8 8BG

**Solutions30**  
Solutions for New Technologies  
Regus,  
82 King Street,  
Manchester  
M2 4WQ

Dear Planning,

**BT STREET HUB PROJECT  
FULL PLANNING AND ADVERTISING APPLICATION  
EDN102- Pavement o/s Royal Commonwealth Pool, 21 Dalkeith Rd, Edinburgh EH16 5BB**

We write on behalf of our client, BT, following our pre- application consultation relating to various sites across your authority for the installation of BT Street Hubs and the associated removal of BT payphones. Taking onboard the comments received, BT are moving forward with this particular case and are applying to City of Edinburgh Council for full planning permission and advertisement consent for installation of 1no. BT Street Hub and removal of 2no. associated BT payphones.

The InLink UK service was first launched in 2017 and since then 494 InLink structures were rolled out in 23 cities. These units offer 1Gbps free public Wi-Fi, free UK calls, USB charging, an emergency services button and a range of other digital services for those in the vicinity. HD displays on the sides are used to carry advertising, which helped to fund the units, but the screens can also show local content free of charge. The suppliers of the InLinks unfortunately went into administration in 2019 and are no longer able to supply units to BT, hence this product is no longer available. Since then, BT have been working on a new and improved unit, the BT Street Hub, that they are keen to rollout in Edinburgh and all major UK cities.

**BT Street Hub Project**

BT is continuing to move forward with public connectivity and benefits in which Street Hubs will provide a sleek and modern answer to the demands of a digitally connected society. BT Street Hubs have all the existing features of the previous InLink unit, but has better Wi-Fi range, environmental sensors, insight counting and small cell mobile connectivity. The addition of the 5G small cells to Street Hubs is very much in line with current UK Government's guidance on communications infrastructure and the National Infrastructure Strategy. This is echoed in the Government's commitment towards telecommunications deployment which has been strengthened since the conception of InLinks. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)".

Since the rollout of InLinks, there has been increased focus on green initiatives and environmental monitoring. Street Hubs take this into account and have sensors that can count pedestrian, cyclist and vehicle movements as well as monitor air, sound and light. This free information has its own dashboard and will help the planning system actively manage patterns of growth in support of national air quality objectives and the Government's ten-point plan for a Green Industrial Revolution. It will be a useful source of real-time data in the delivery of the Council's own green agenda, travel plans and can be used to present a business case for carbon offset credit.

Overall, Street Hubs will help future proof the high street making them smarter, safer, and more sustainable. Investment in the high street is at an all-time low, but that has not slowed BT down as they look to ramp up their rollout of new Street Hubs across the UK. They are continuing their commitment to invest and improve in the high street, with one Street Hub at a time, and with that decluttering these environments with the associated removal of existing BT phone boxes.

This submission comprises of the following documents:

- Site specific Planning and Design and Access statement;
- 1App forms and certificates generated by the Planning Portal;
- The prescribed fee of £1010 paid directly to the Council via the Planning Portal;
- Drawings including location plan map, proposed site plan, existing and proposed elevations;
- BT Street Hub Product Statement giving full details of the proposed structure;
- BT Anti-Social Behaviour Management Plan;
- 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015 for your reference;
- International Commission on Non-Ionizing Radiation Protection (ICNIRP) certificate.

Where possible, we have specifically drawn the red line around the proposed BT Street Hub and the associated BT phone boxes found immediately adjacent to try and encompass the removals as well.

The application site and proposal is within adopted highways controlled land, maintained at public expense. As BT are a statutory undertaker on such land, a developer's notice has been served on the Highways Authority and any others who have been identified from Land Registry records as being an owner of the land.

We trust the applications can be registered at your earliest opportunity, in which should you require any further information or have any queries please do not hesitate to email me.

Yours sincerely,

**Callum McKenna**  
Mono Consultants/Solutions 30

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## Planning, Design and Access Statement


Our Ref.	<b>EDN102</b>
Lat/Long	<b>55.93864, -3.17346</b>
Project Type	<b>BT Street Hub</b>
Conservation Area	<b>Blacket CA is 15m SW</b>
Statutory Listed Buildings in vicinity	<ul style="list-style-type: none"> <li>Adjacent to <b>Royal Commonwealth Pool</b> (Category A) (LB43148)</li> </ul>

As part of our collaborative approach to connecting and improving local streets, Full Planning Permission and Express Advertisement Consent is sought for the installation of 1no. BT Street Hub and removal of 2no. associated BT payphones.

Proposed Install

**Pavement o/s Royal Commonwealth Pool, 21 Dalkeith Rd, Edinburgh EH16 5BB**



<p>Proposed Removal 1 <b>Tel: 01316670529</b> Pavement o/s Royal Commonwealth Pool, 21 Dalkeith Rd, Edinburgh EH16 5BB</p>	<p>Proposed Removal 2 <b>Tel: 01316621382</b> Pavement o/s Royal Commonwealth Pool, 21 Dalkeith Rd, Edinburgh EH16 5BB</p>
	

## Planning Policy

This application is for full planning permission under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 [2013 Regulations] and express advertisement consent under Part II (5) of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 [the Regulations]. An application to a planning authority for planning permission (other than planning permission in principle) is to be made in accordance with regulation 13. Under the advertisement Regulations, Express Consent is required for the advertisement element, notably the 2no digital screens on each side of the Street Hub. As per Part II (4) of the Regulations, applications for Express Advertisement Consent must be determined in the interests of amenity and public safety, considering (a) the provisions of the development plan, so far as they are material, and (b) any other relevant factors.

### UK Digital Strategy

Digital connectivity is now considered to be a utility, and modern life is increasingly impossible without it. Connectivity drives productivity and innovation and is the physical underpinning of a digital nation. Being connected is fundamental to the success in our modern world and Street Hub provides a cost-free way for communities to get online and take advantage of available opportunities. The Government has committed that every individual and every business should have the skills and confidence to seize the opportunities of digital technology and have easy access to high-quality internet wherever they live, work, travel or learn.

### National Infrastructure Strategy

Published in November 2020, the Government acknowledges in its National Infrastructure Strategy that investment in our infrastructure is critical as the UK seeks to recover from the Covid-19 pandemic. The Strategy puts innovation and new technology at its heart, in which BT Street Hub is at the forefront of this technological revolution. The Government's ambition is to support fast and reliable digital connectivity that can deliver economic, social and well-being benefits because new technologies have enormous potential to improve the environment and the daily lives of people across the UK. BT Street Hub can contribute to this with its suite of features, including Wi-Fi and small 5G cells capabilities, air monitoring and much more.

### Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 set out the Government's advertisement control planning policies for Scotland and how these are expected to be applied and is considered to be a material consideration for the Express Advertisement Consent application.

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 state the following specifically in relation to advertisement control:

#### ***"PART II- General Provisions***

***Control of advertisements to be exercised in the interests of amenity and public safety.***

4. – (1) The powers conferred by these regulations with respect to the grant or refusal of consent for the display of advertisements, the revocation or modification of such consent, and the discontinuance of the display advertisements with consent deemed to be granted, shall be exercisable only in the interests of amenity and public safety.

(2) When exercising such powers, a planning authority-

(a) shall, in the interests of amenity, determine the suitability of the use of a site for the display of advertisements in the light of the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest; and when assessing the general characteristics of the locality the authority may disregard any advertisements being displayed therein;

(b) shall, in the interests of public safety, have regard to the safety of persons who may use any road, railway, waterway (including coastal waters), dock, harbour, or airfield affected or likely to be affected by any display of advertisements; and 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;

But without prejudice to their power to have regard to any other material factor.”

### Third National Planning Framework

The Third National Planning Framework (NPF3) was published in 2014 and sets out a long term vision for development and investment across Scotland over the next 20 to 30 years. One of the main ambitions for the NPF3 is to create a country which is a connected place with easy access to high-speed fixed and mobile digital networks. Additionally, the NPF3 aims to create high quality, diverse and sustainable places that promote well-being and attract investment. The advertisement aspect of the Street Hubs and the multi-faceted uses that are possible can bring high-quality design, connectivity and diversity to urban areas.

**Paragraph 5.8** states connectivity is not just about enabling physical movement, but also virtual links. High quality mobile and fixed broadband connections have become essential to support communities and business development in both rural and urban areas.

**Paragraph 5.16** requires strengthened digital infrastructure to support Scottish aspirations for more sustainable cities which attract new business. The NPF3 expects cities to become significantly ‘smarter’ in the next few years, using population density and shared infrastructure to further increase access to high performing digital services.

**Paragraph 5.35** states improved digital infrastructure, both fixed and mobile, is essential to support sustainable economic growth and better connect people and communities. Planning makes Scotland a connected place – supporting better transport and digital connectivity.

### Scottish Planning Policy (SPP)

Scottish Planning Policy was published in June 2014. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers priorities for operation of the planning system and for the development and use of land.

**Paragraph 2** states that planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.

**Paragraph 293 ‘Supporting Digital Connectivity’** requires the planning system to support:

- development which helps deliver the Scottish Government’s commitment to worldclass digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;

- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

## Designing Streets and Designing Places: A Policy Statement for Scotland

**Designing Places and Designing Streets** stand together as the two key design policy statements for Scotland and can be a material planning consideration. Within the *Designing Places* document, there are six qualities of successful places:

- Distinctive
- Safe & pleasant
- Easy to move around
- Welcoming
- Adaptable
- Resource efficient

The BT Street hubs are designed to improve and enhance the areas they are placed within. As this application involves the removal of dilapidated phone boxes with a modern and clean designed unit, the street design and sense of place will be enhanced. As the BT Street Hubs are more suited to the current societal needs of urban areas with multi-faceted benefits such as advertising, air quality monitoring and tourist info, the six qualities of successful places can be met. Additionally, the removal of multiple phone boxes with a singular Street Hub, would be reducing the street clutter of urban areas.

## Supplementary Planning Guidance- 'Advertisements, Sponsorship and City Dressing' (2013)

This provides further guidance on street furniture and the use of advertising. The SPG outlines the Council's aspirations and vision for a consistent, high-quality approach to the City's streetscape and public spaces. The SPG also states that digital advertising will be acceptable in principle in all its forms in defined town centres, other commercial and established advertising locations provided that there will be no adverse impacts on amenity and public/road safety. Factors relevant to amenity considerations include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest in the immediate neighbourhood of the site where residents and passers-by will be aware of the advertisement. It is suggested in guidance that advertisements would not adversely affect visual amenity where the sites adjoin busy roads or are located within the industrial or commercial areas of major towns and cities.



## Local Planning Policy

### Edinburgh Public Realm Strategy (2009)

*“Edinburgh recognises that the public realm forms an integral part of the public face of the city. Edinburgh will develop and maintain a high-quality public realm to complement the outstanding built and natural qualities of this unique capital city”.*

In this strategy, there are five main reasons why investing in Edinburgh’s public realm is important:

- Economic Growth and Inward Investment
- Tourism
- Place-Making
- Social Inclusion and Accessibility
- Sustainability, Health and Wellbeing

The BT Street Hub project can improve aspects of the above reasons. Tourism is facilitated through the interactive tourist information service and can advertise local events/landmarks. Additionally, with the 5% advertising time designated to the Council, local events, updates etc. can be communicated through the street hubs e.g., Edinburgh Fringe Festival locations/directions/events.

By replacing old, dilapidated phone boxes with modern, street hubs, the streets of Edinburgh can be decluttered and opened up for pedestrians, giving a less untidy feel and a better sense of place. BT Street Hubs are an efficient use of space on the street scene, providing multiple services within a small area of space.

During the pandemic, the BT Street Hubs throughout the UK acted as noticeboards for COVID restrictions and updates. This gave members of the public another medium for receiving updates and advice which allowed for more widespread and diversified coverage. Social inclusion was improved through this as members of the public without access (or limited access) to the internet were given an alternative option for receiving updates. Providing a free Wi-Fi service to the areas in which street hubs are installed helps equalise internet access to members of the public and helps people suffering from internet poverty utilise online services.

The BT Street Hub project provides the opportunity for sustainability within Edinburgh through economic growth, social improvement and environmental consideration. The advertising opportunities that this project will bring to Edinburgh can provide a local boost to the economy. The emergency services installed within the Street Hubs and the inclusion of camera equipment will help reduce anti-social/criminal behaviour and will improve the access to emergency services. All BT Street Hubs run off 100% renewable energy and use efficient LED lighting which dims at night to reduce usage.

### Edinburgh Planning Guidance Advertisements, Sponsorship and City Dressing (2013)

This guidance applies city-wide to proposals involving the display of advertisements with the exception of shopfront signage.

*“With regard to all advertisements, the following guidance will apply:*

- *Only the static illumination of signs will be permitted.*
- *In the interests of public safety, signs on principal traffic routes which could be confused with, or are in close proximity to traffic signals should not show red or green when illuminated.*
- *Advertisements should not adversely affect the settings of listed buildings.*



- *All fixings should be kept to a minimum, be discreetly located and should not damage historic fabric.”*

This guidance has been utilised in the site selection and design process. The Street Hubs are capable of using moving images to display advertisements however, when in proximity to a road, these are left static. Due to both the proximity to a road and the above planning guidance, the Street Hub will only display static imagery. The setting of the nearby listed buildings are not anticipated to be affected due to the pre-existing streetscape and furniture which would contextualise a Street Hub in place of an old phone box.

## Edinburgh Local Development Plan (Adopted November 2016)

The City of Edinburgh Council's Local Plan addresses the City's role in creating attractive places with a high-quality public realm. It is considered that the following City of Edinburgh policies are applicable and in accordance with this case:

- Policy Des 1 Design Quality and Context
- Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features
- Policy Des 5 Development Design – Amenity
- Policy Des 8 Public Realm and Landscape Design
- Policy Env 3- 'Listed Buildings – Setting'
- Policy Env 6- 'Conservation Areas – Development'
- Policy RS 7- 'Telecommunications'

### Policy Des 1- 'Design Quality and Context'

*“Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.”*

The BT Street Hubs have been designed to be as minimal on the surrounding character and setting of the areas in which they are sited. The border of the main display consists of darker shades to soften the visual impact of each unit and to keep the impacts of amenity and setting to an acceptable level. Lighting is reduced at night to reduce the impact on light pollution and to keep from being an overbearing visual addition to the street scene. There is a frequent maintenance schedule for each unit wherein they are cleaned regularly and kept in working condition. Unlike the predeceasing phone boxes which have fallen into disrepair and accommodate anti-social behaviour, the new BT Street Hubs will act as a modern, clean and usable street furniture replacement. This proposal will be of a high-quality design and usability, directly improving the street scene of the area by replacing a dilapidated, and anti-social item of street furniture.

### Policy Des 3 Development Design – 'Incorporating and Enhancing Existing and Potential Features'

*“Planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design”.*

#### Policy Des 5 'Development Design – Amenity'

*"Planning permission will be granted for development where it is demonstrated that:*

- a) the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook*
- b) the design will facilitate adaptability in the future to the needs of different occupiers, and in appropriate locations will promote opportunities for mixed uses*
- c) community security will be promoted by providing active frontages to more important thoroughfares and designing for natural surveillance over all footpaths and open areas*
- d) a clear distinction is made between public and private spaces, with the latter provided in enclosed or defensible forms*
- e) refuse and recycling facilities, cycle storage, low and zero carbon technology, telecommunications equipment, plant and services have been sensitively integrated into the design"*

The BT Street Hubs provide a network service to the immediate area without the requirement for harsh, utilitarian street additions (e.g. Telecommunication Masts) while simultaneously acting as an advertisement, interactive tourist information hub, air quality monitoring hub with emergency services. This proposal accords with Policy Des 5 as it sensitively integrates, telecommunications equipment through a valuable addition to the street scene.

#### Policy Env 3- 'Listed Buildings – Setting'

*"Development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting."*

This proposal sits adjacent to the Royal Commonwealth Pool (Category A listed). It is anticipated that the proposal has been sited appropriately, acting as a functioning item of street furniture which does not detract from the character and architectural significance of the listed building. Surrounding the curtilage of this listing are similar structures being used for advertising, including the main sign for the building itself. There is sufficient street furniture present to contextualise the replacement of two phone boxes with a BT Street Hub while keeping the character and setting of the building intact. Due to the modern architecture of the Royal Commonwealth Pool, a modern addition to the street scene could enhance the vitality and sense of place.

#### Policy Env 6- 'Conservation Areas – Development'

*"Development within a conservation area or affecting its setting will be permitted which:*

- a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal*
- b) preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and*
- c) demonstrates high standards of design and utilises materials appropriate to the historic environment. Planning applications should be submitted in a sufficiently detailed form for the effect of the development proposal on the character and appearance of the area to be assessed."*

This proposal is near to the border of Blacket Conservation Area however, due to being out with the CA, can still affect the character. In this case, it is anticipated that the siting of a Street Hub along a wide area of pedestrianised space which is rich in pre-existing street furniture and

modest advertising, will not affect the Blacket CA. There is sufficient context to ensure that the Blacket CA is not affected by this bordering proposal.

Policy RS 7- 'Telecommunications'

*"Planning permission will be granted for telecommunications development provided: a) the visual impact of the proposed development has been minimised through careful siting, design and, where appropriate, landscaping b) it has been demonstrated that all practicable options and alternative sites have been considered, including the possibility of using existing masts, structures and buildings and/or site sharing c) the proposal would not harm the built or natural heritage of the city."*

## Pre-application advice

A formal pre-application consultation request was sent to Edinburgh City Council on 28/08/2021 which introduced the BT Street Hub project and 11 potential Street Hub sites found around the authority.

Comments were received on 22/09/2021 by City of Edinburgh Council regarding the 11 sites. Concerns were raised regarding the siting of the proposed Street Hubs within the World Heritage Site in Edinburgh and that they would be an obtrusive addition to the street scene within these locations. Since this feedback, the 11 initial site locations within the World Heritage Site have been put on hold and a further search has been carried out to identify possible Street Hub locations in less sensitive locations across Edinburgh. The recent search identified 26 possible Street Hub locations across the Edinburgh area. The alternative sites are considered to be more sympathetic and acceptable on the Edinburgh street scene. Areas where shopfronts and utilitarian street furniture are more prominent at street level have been chosen to host the new sites in order to improve and enhance the street scenes within Edinburgh.

An email was sent to Alan Moonie of Edinburgh City Council's planning department on 13/12/2021 which confirmed an understanding of the concerns raised to the initial batch of 11 Street Hub locations in the World Heritage Area and outlined our intention to carry out a search to identify some less sensitive Street Hub locations. We received a response from Alan Moonie on 16/12/21 which stated: *"I have had a quick catch up with colleagues to discuss the potential for the hubs to go into the areas that are outwith the city centre and we feel that the structures would still be an intrusive addition to the streetscape given their scale and form. It is unlikely that we would support them, but that would have to be tested through the formal application process."*

Based on the advice provided by Edinburgh Council, the proposed new Street Hub sites will be progressed through to the formal planning process. It is believed that these sites accord with Edinburgh's local planning policies and have been designed to improve and enhance the street scene with the pre-application comments considered.

## Planning History

There is very limited planning history that is of relevance to this proposal within the immediate vicinity:

LPA Ref – 12/00872/ADV

Proposal- Free standing signs display.

Site Address - Royal Commonwealth Pool 21 Dalkeith Road Edinburgh EH16 5BB

Decision – Granted

Decision Date- Thu 19 Apr 2012

LPA Ref – 12/00611/FUL

Proposal- Erection of 2 No external signage facing Dalkeith Road

Site Address - Royal Commonwealth Pool 21 Dalkeith Road Edinburgh EH16 5BB

Decision – Permission Is Not Required

Decision Date- Mon 05 Mar 2012

## Direct conversion

In this instance the proposed Street Hub has been progressed as a direction conversion of an existing BT kiosk as it is considered that its siting and appearance continues to fit into its immediate street scene context. It is felt that the Street Hub will be a clear improvement from the existing on-site arrangement and will provide a modern vibrance to the setting of the street scene.

## Siting Justification against Planning Policy

At the conception stage, we have tried to focus on pursuing direct conversions of existing kiosks wherever practicable. Also, we have looked for locations with wide pavements, and where a sites relationship with existing street furniture avoids undue proliferation of clutter. It should be recognised that BT's legacy estate of payphones has grown up organically over the years, in which the whereabouts of BT kiosks can sometimes sit in environments that have changed dramatically around them. In some instances, the BT Street Hub project has been seen as an opportunity to improve the pedestrian environments by removing awkward BT kiosks and repositioning the new unit to a more in keeping spot in the street scene.

It is appreciated that streets are ever-evolving environments, amidst society's changing connectivity demands. BT has a universal service obligation with Ofcom to provide a street level phone service, so the selection process of kiosks to be removed had to cater for this, however there is a recognition that the use of phone boxes has dramatically changed since kiosks were first conceived, whilst now the need for WI-FI and mobile coverage has increased massively. In

this respect we have tried to build a sequence of Street Hub sites wherever possible, so that this can improve the user connectivity experience as they travel through an area.

Likewise, as Street Hubs can provide the Council with valuable data as each unit has environmental sensors that can monitor air, sound and light, we have tried to plan a sequence of Street Hub sites along key routes, so that the information gathered can be better analysed. This free environmental data has its own dashboard and will help the planning system actively manage patterns of growth in support of national air quality objectives and will be a useful source of real-time data in the delivery of the Council's own green agenda. In a similar vein Street Hubs have the capability to monitor pedestrian, cyclist, and vehicle movements, hence in building a strategic network of Street Hub units it will help the Council to monitor and develop travel plans for the area.

The introduction of any form of development within a particular environment will always be, to some degree, a noticeable addition or change to those residents, businesses and regular passers-by found closest. However, it should be appreciated that the visibility of something that is new or the change in form of something that has an established presence on-site, like a telephone kiosk to a Street Hub unit, does not automatically result in an overwhelming adverse harm occurring. The starting point and fundamental principle applied by the applicant is always to replace existing BT call boxes with Street Hub units where they will be in-keeping with their existing surroundings. In this regard it is seen as an opportunity to help future proof the high street making them smarter, safer, and more sustainable.

In progressing new Street Hub sites, so far as practicable we have sought to minimise the contrast between the development itself and its immediate environment through appropriate siting and design. The siting of each Street Hub has been considered having regard to the available footpath widths, the whereabouts of the existing payphones to be removed and the visual character of that particular street scene where the new Street Hub. With regards to its associated advertisement screens, thought has been given to its immediate context and public safety in terms of pedestrian and vehicular movements. These criteria have been adjusted where necessary on a site-by-site basis to account for local context and policy requirements when reassessing the site's suitability to accommodate a new Street Hub unit.

Justification for the siting and appearance of the proposed Street Hub, has been assessed against up to date national and local planning policies and any other material considerations. Our assessment has concentrated on whether the removal of the existing BT call boxes when balanced against the replacement of new Street Hub at the application site, creates a significant visual harm as to outweigh the public benefits.

In this regard matters of siting, appearance and advertisements are discussed as follows: -

## Siting

This proposal involves the removal of 2no. BT existing call boxes in association with 1no proposed new Street Hub. Also, as previously highlighted at a strategic level there are generally 2no BT call boxes removed with every Street Hub proposed. The removal of these existing call boxes will declutter street scenes throughout the authority and when comparing the footprint of existing call boxes to be removed and proposed Street Hub, it will declutter more pavement and so free up space.

Dalkeith Road is a busy highway for both vehicular and pedestrian traffic and is described as an 'arterial route' for Edinburgh. The street scene context immediate to the proposed BT Street Hub site is generally commercial and comprises of a number of shops, restaurants, services and a leisure centre. In the immediate vicinity of the proposed BT Street Hub site there is existing street

furniture including traffic lights, modern and busy shop frontages, road signage and bollards, streetlights and litter bins.

## Appearance

The proposed BT Street Hub unit is an advanced, modern development which has been designed following significant improvements in technology and digital content over recent years. It can promote the image of the authority as a vibrant place, and we believe it will improve the quality of the immediate streetscape for residents, businesses and visitors.

The proposed design is slimmer and takes a more compact profile than the existing BT payphone boxes that the proposed Street Hub is replacing. The user interface is located at a low level and is a similar height to an existing BT payphone unit to ensure that it is accessible to all users.

The appearance of the BT Street Hub unit has a vertical emphasis and by reason of its reduced footprint would give a slender more elegant form of development when compared to an existing payphone unit. The appearance of the structure is not considered to be harmful to the wider street scene, especially when taking into account the nature of the existing payphones to be removed. We believe the appearance of the area and street scene will not be compromised by the proposed new BT Street Hub.

The new structure will be set within a generally commercial setting and busy stretch of road that is dominated by vehicular and pedestrian movements; hence it is well-lit throughout the day. While it is accepted that the BT Street Hub advertisements will be more visible during the hours of darkness or in dull conditions, its appearance would not be out of keeping with this stretch of road which is well lit by streetlights, window displays and headlights. In this context, the BT Street Hub design would not appear detrimental to the amenity of Dalkeith Road, the setting of Blacket Conservation Area or the Royal Commonwealth Pool.

It is concluded that the design of the proposed Street Hub is justified, and its appearance is an improvement when compared to the BT call boxes that are to be removed in association. Therefore, it is considered that the appearance of the proposed Street Hub is acceptable and is in accordance with national and local planning policies.

## Pavement Width

The total existing pavement width at this location is 5.9m. The total width of the Street Hub is 1.236m (tapering down to a footprint width of 1.201m on the pavement). With the Street Hub being located at the recommended distance of 0.5m from the wall, the remaining footway of 4.2m is clear for the safe passing of pedestrians. It is of note that the structure is only 350mm wide, so any minor narrowing of the footway occurs for just a few centimetres.

## Advertisements

When seen in the overarching context of the street scene, it is considered that the location, size and height of the digital advertisement panels will on balance be acceptable. As previously discussed, it is believed that the siting and appearance of the BT Street Hub would not create significant harm to the amenity of the area that would outweigh the public benefits and other material factors of consideration.



In terms of public safety, the site of the BT Street Hub and the display of digital advertisements on its sides will allow for the continued safe movements of motorists and pedestrians. In this regard, its presence within the street scene would not endanger public safety of those people who are taking reasonable care for their own and others' safety.

It is recognised that all advertisements are intended to attract people's attention, however in this case their siting and size would not create an untoward feature within the street scene. The position where the BT Street Hub is to be located and the orientation of the advertisements in relation to the road would not cause unacceptable interference with nearby road signs and or navigational lights. Viewed within the street scene setting, the digital advertisements would be seen by passing motorists but would not create confusion nor influence the behaviour of drivers to such a degree that they would cause a hazard by reason of their presence. The proposed Street Hub would be sited away from road junctions so it would not unduly interrupt any visibility splays or sightlines. When viewed within the street scene context of the wider environment, it is not considered that the Street Hub would appear as an untoward feature to passing motorists.

Regarding pedestrian safety, the Street Hub is positioned away from the road edge on a wide section of pavement without impeding pedestrian movements as ample footway width would be retained. Allowing for the orientation of the BT Street Hub's user interface in relation to passing motorists, the public safety of those using it would not be put at risk as they would be set off the kerb edge.

The area surrounding this specific site is visually busy and typical of this area of Edinburgh at ground elevation. This proposal would be an addition to the ground elevation and in context with the surrounding street furniture.

The proposed usage for the screens has been set in accordance with Schedule 1 of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military)

The Transport for London's (TfL) policy document 'Guidance for Digital Roadside Advertising and Proposed Best Practice – 2013' [the TfL Guidance] has also been a key document in the design and site selection process.

In addition to the above conditions, each Street Hub location has been assessed against and would comply with the following additional criteria from the TfL Guidance.



- There would be no conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges.
- No sightlines or clearances would be affected.
- The TfL guidance states that 'Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.' There is existing traditional advertisement on similar sections of the respective roads in many cases.
- The geometry of the roads is not complicated, and the driving conditions are not considered to be demanding or complicated.
- The advertisements would not be experienced by a driver in conjunction with any other similar digital advertisements.
- As per the TfL guidance, the advertisements would be located as close to the driver's natural eye line as possible and facing as head-on to the traffic as is practical.

The lighting levels noted above are within the levels set for this type and size of screen (those under 10m<sup>2</sup>) as set by the Institute of Lighting Professionals, Professional Lighting Guide 05: The Brightness of Illuminated Advertisements (2015). A copy of this document is appended for clarity.

## Heritage Statement

Royal Commonwealth Pool (Category A) (LB43148)

Although Royal Commonwealth Pool is immediately adjacent, the building is acclaimed for its 'understated clean simple lines and restricted use of materials and succeeds in achieving an air of civic importance, befitting its periodic international role' (Historic Environment Scotland, 2022). This description of the character and setting is one that could accommodate a modern addition to the street scene without being affected. As the designation is so unique in its architecture, the setting does not transfer to the surrounding area but stays within the immediate curtilage. The Street Hub would sit out with this curtilage and so would be separated from the setting of the designation.



*Figure 1- Royal Commonwealth Pool, Edinburgh (Edinburgh Architecture, 2015)*

This building, designed for the Commonwealth Games held in Edinburgh in 1970, is an outstanding example of a late 20th century building and it is one of the most successful designs of John Richards, partner from 1964 to circa 1990 in the internationally renowned and prolific practice Robert Matthew, Johnson-Marshall and Partners. There is the possibility of even enhancing the street scene by providing tourist information services directly adjacent to a landmark of Edinburgh's modern architecture. It is believed that by removing 2no. phone boxes in place of a Street Hub at this location will directly enhance the setting of the immediate area due to the removal of dated street furniture and the addition of a complimentary and modern Street Hub.

## Blacket Conservation Area

The application site is located near to the border of Blasket Conservation Area. There will always be challenges faced in finding a balance between limiting any visual harm created by the siting of development upon heritage assets when weighed up against the public benefits it will bring to the area. When seen in perspective within the street scene, the proposed siting and orientation of the BT Street Hub, will not have a significant material impact on the setting or views of the Conservation Area and Listed Buildings. It is considered that any harm upon heritage assets would be outweighed by the removal of the existing call boxes and the public benefits of the BT Street Hub proposal. Dalkeith Road is considered as a ‘dissecting’ route which helps divide Blasket CA into segments. Dalkeith Road is a principal north-south gateway of Edinburgh and so high volumes of vehicular and pedestrian traffic are commonplace. The significance of Dalkeith Road is that prominent views of Arthur’s Seat are present which are to be protected. These prominent views of Arthur’s Seat are found within the Conservation Area itself and not out with. As the Street Hub is 2.98m in height and placed alongside Dalkeith Road, it would benefit from being shorter than most of the surrounding street furniture and when viewed from a modest distance, would blend into the aesthetic, unlikely to affect any prominent views of Arthur’s Seat. The aspects of Dalkeith Road which are regarded as ‘Essential Character’ are not directly within the siting of this proposal and so it is not anticipated that the character of the nearby Conservation Area will be affected.

The siting of the proposed BT Street Hub will not appear incongruous within this vibrant part of Edinburgh given the modern frontages and street furniture found along this stretch of road.

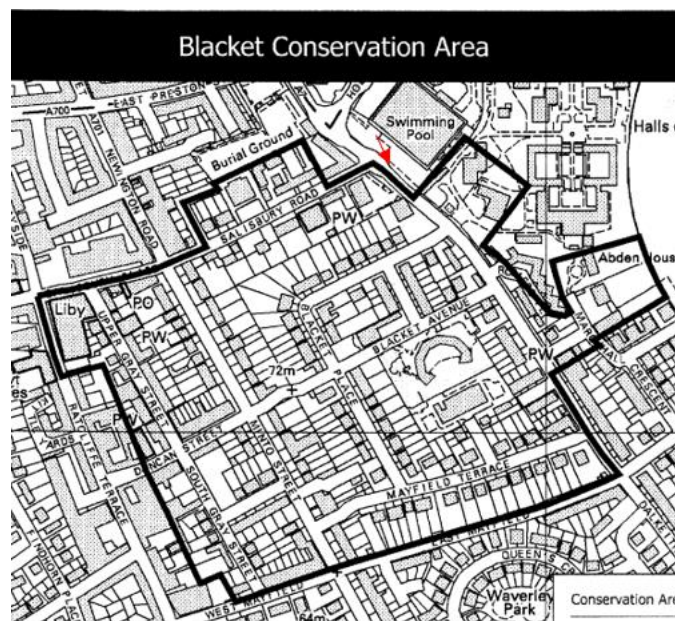


Figure 2- Blasket Conservation Area Map with approximate location of Street Hub directed by red arrow (Edinburgh City Council, 2003)

## Planning Conditions

To give assurance that each Street Hub will operate as intended and the associated payphone removals will occur, we would be pleased to accept the following conditions or a mutually agreed version of them to be included as part of any planning consent:

- A. Within three (3) months of development commencing the existing BT payphones shown above shall be removed in their entirety and the land made good to the same condition as the adjacent land.
- B. Pavement surrounding the Street Hub shall be made good to the same condition as the adjacent land.
- C. The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m<sup>2</sup>) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
- D. The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- E. The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
- F. The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- G. No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Should your Council wish to append any other conditions to either the full planning or advertisement application, we would be most grateful if you could discuss these with us at your earliest opportunity during the course of the determination process.

## Conclusion

BT Street Hubs have the potential to significantly enhance the provision of local community communications facilities and services. It is precisely the type of high-speed digital infrastructure that the government is seeking to support as part of the presumption in favour of sustainable development. It will deliver social, economic, and environmental benefits by providing a suite of essential urban tools/services, including free ultrafast Wi-Fi to residents, businesses and visitors in this area. Overall BT Street Hubs will help future proof the high street making them smarter, safer, and more sustainable through their adaptable design and function.

The proposed BT Street Hubs structures are of a high quality, accessible design that would be a significant improvement when compared to the existing payphones that are to be replaced. Modern signage which is interactive and multi-faceted in its use has become more acceptable on the street scape due to its functionality, clean and modern look. We consider the proposal in this case to be appropriately sited; to reduce street clutter, to improve available footway widths, not to negatively affect heritage assets nor adversely affect amenity or public safety.

We believe this statement has demonstrated that the BT Street Hub proposal is in accordance with national policy set out in the NPF3 and local development plan policies, in which we would hope that this application can be supported by your Council.

**Certificate and Notice Under Regulation 15- Town and Country Planning  
(Development Management Procedure) (Scotland) Regulation 2013**

**Proposed development at:**

Pavement o/s Royal Commonwealth Pool, 21 Dalkeith Rd, Edinburgh EH16 5BB

Lat/Long: 55.93864, -3.17346

**Take notice that application is being made by:** James Browne, BT Telecommunications Plc

**For planning permission to:**

Installation of one (1) BT Street Hub and removal of two (2) associated BT payphones.

**Local Planning Authority to whom the application is being submitted:**

Planning Services

Edinburgh City Council

42 High Street

Edinburgh

EH1 1TG

**Any owner of the land or tenant who wishes to make representations about this application, should write to the council within 21 days of the date of this notice.**

**Signatory:**

Callum McKenna, AffilRTPI, Hons, Msc

Planning and Acquisitions

Mono

[Callum.McKenna@monoconsultants.com](mailto:Callum.McKenna@monoconsultants.com)

For and on behalf of BT as a duly authorised agent

**Date:** 29 July 2022

Statement of owners' rights: The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or lease.

Statement of agricultural tenants' rights: The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

'Owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years. 'Tenant' means a tenant of an agricultural holding any part of which is comprised in the land.

Once completed this form needs to be served on the owner(s) or tenant(s)

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Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100590060-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent



## Agent Details

Please enter Agent details

Company/Organisation:	Solutions 30		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Callum	Building Name:	Centrum House
Last Name: *	McKenna	Building Number:	38
Telephone Number: *	07745734061	Address 1 (Street): *	Queen Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G1 3DX
Email Address: *	callum.mckenna@solutions30.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	81
Last Name: *		Address 1 (Street): *	Newgate Street
Company/Organisation	BT Telecommunications Plc	Address 2:	
Telephone Number: *		Town/City: *	London
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EC1A 7AJ
Fax Number:			
Email Address: *	callum.mckenna@solutions30.com		

## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

☒ Yes ☐ No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \* 100590060-001, application for Notice of Review, submitted on 29/07/2022

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

Grounds of appeal to be added.

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

☒ Yes ☐ No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Callum McKenna

Declaration Date: 29/07/2022

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Stuart Hannah Architectural Services.  
FAO: Stuart Hannah  
9 Bonaly Brae  
Edinburgh  
EH13 0QF

Mr Shamim Rahman.  
25 Cluny Gardens  
Edinburgh  
EH10 6BH

**Decision date: 1 April 2022**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use from house to short stay visitor accommodation.  
At 59 Gilmore Place Edinburgh EH3 9NT

**Application No: 21/06232/FUL**

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 25 November 2021, this has been decided by **Local Fast Track Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reasons:-**

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this large property as a short stay let will result in noise and disturbance which shall have a materially detrimental effect on the living conditions and amenity of nearby residents.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-06, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal complies with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area. However, the proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents and therefore it does not comply with LDP policy Hou 7. The proposal does not comply with the principles outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development. The proposal will therefore not contribute to sustainable development. The recommendation is to refuse planning permission.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Robert McIntosh directly at [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1.If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk)

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

**Application for Planning Permission  
59 Gilmore Place, Edinburgh, EH3 9NT**

**Proposal: Change of use from house to short stay visitor accommodation.**

**Item – Local Fast Track Decision  
Application Number – 21/06232/FUL  
Ward – B11 - City Centre**

## **Recommendation**

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

## **Summary**

The proposal complies with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area. However, the proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents and therefore it does not comply with LDP policy Hou 7. The proposal does not comply with the principles outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development. The proposal will therefore not contribute to sustainable development. The recommendation is to refuse planning permission.

## **SECTION A – Application Background**

### **Site Description**

The application site relates to No. 59 Gilmore Place, Edinburgh. It is a three storey, seven bedroom, mid terrace property. It has its own private access to the front and a garden to the rear. No internal or external alterations are proposed.

The applicant states that the property was until recently utilised as a House of Multiple Occupation (HMO). The available Council records show that an HMO license was granted for the property between 2008-2014.

### **Description Of The Proposal**



The application is for planning permission for the change of use from a residential house to short-stay visitor accommodation. The property will have seven short stay visitor rooms and occupants will have access to the rear garden.

### **Supporting Information**

- Supporting statement.

### **Relevant Site History**

19/05987/FUL  
59 Gilmore Place  
Edinburgh  
EH3 9NT  
Alter House and Install 2 Dormer windows (AMENDED).  
Granted  
5 March 2020

91/01653/FUL  
59 Gilmore Place  
Edinburgh  
EH3 9NT  
Erect a conservatory  
Granted  
27 August 1991

### **Consultation Engagement**

Environmental Protection

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 2 December 2021

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

## Assessment

To address these determining issues, it needs to be considered whether:

### **a) The proposals impact on the character or appearance of the conservation area?**

The application site falls within the Marchmont, Meadows and Bruntsfield Conservation area.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

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

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal states that *the Conservation Area is primarily focused on the Meadows and the Bruntsfield Links- the largest recreational open space in the city., with the boundary including many of the buildings that surround and define these open spaces. These include the areas of high-quality tenemental housing developed between 1860-1900 in Marchmont and Bruntsfield. These tenements were built predominantly in the Baronial style, following guidelines set down in the feu charter. In the second phase, after 1900, the Baronial style is less prevalent and elevations become plainer.*

There are no proposed alterations to the building and the appearance of the conservation area will be unaffected. In addition, there would be no material change to the character of the conservation area given the predominance of guest houses nearby

and that the property was previously used as a House of Multiple Occupation (HMO) for a number of years.

### **Conclusion in relation to the conservation area**

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) The proposals comply with the development plan?**

The development plan comprises the Strategic and Local Development Plans. The relevant policies of the adopted Edinburgh Local Development Plan to be considered are:

Environment Policy Env 6.

Housing Policy Hou 7.

Transport Policies Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance and the non-statutory Guidance for Businesses are material considerations that are relevant when considering LDP policy.

#### Impact on the character and appearance of the conservation area

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The impact on the character and appearance of the conservation area has been considered above in a). It was concluded that the change of use would not have any material impact on the character of the conservation area and would preserve the appearance of the conservation area.

#### Proposed Use

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP).

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA)/ holiday lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- The character of the new use and of the wider area;
- The size of the property;

- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access;
- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally, the smaller the flat the less likelihood of disturbance to neighbours;
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

The application property is a three storey, seven bedroom mid terrace dwelling which was previously used as an HMO. It is noted that according to the Scottish Assessors Association, No. 57, which is directly to one side of the application property, is utilised as a guest house. No. 55, No. 53 and No. 51 are also utilised as guest houses. There are, however, residential properties to the other side of the dwelling, No. 61 and No. 61a. It should therefore be considered whether the change of use to short-term visitor accommodation could impact on their amenity.

In terms of the criteria above, the building is in a fairly central location, on a street that can be busy with both vehicles and passing pedestrians. As such, residents would be accustomed to some degree of ambient noise/disturbance.

It is also acknowledged that many of the properties directly nearby are utilised as guest houses. However, guest houses normally have a permanent occupant residing within the property who is there to ensure that no unsociable behaviour and/or noise disturbance can take place. Whilst the applicant has stated that they own the property next door and would provide neighbouring properties with a means of contacting them if any disturbance would take place, this is not comparable to having a permanent resident residing within the dwelling.

One of the key determining issues in assessing if short stay visitor accommodation is acceptable is whether the use of the property as a short term visitor let would result in a greater frequency of movement and disturbance for neighbours compared to if there were full-time tenants occupying the dwelling.

Whilst the property used to be utilised as an HMO, the occupiers of HMO's are normally full time tenants, who are, on balance, less likely to have frequent movements at unsociable hours compared to guests of short term let accommodation. Occupants of short term lets are more likely to arrive in the early morning or late evening, due to travel arrangements, and are on balance more likely to head in and out of the property as they explore the city.

It must also be noted that HMO's are licensed under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 where controls exist to safeguard neighbouring residential amenity from instances of noise, disturbance and anti-social behaviour. This is not currently the case with short term let properties.

Appeal decisions have also determined that generally the smaller the property the less likelihood of disturbance to neighbours.

This is a large dwelling with seven big bedrooms over three floors with access to front and rear gardens. Environmental Protection were consulted as part of the assessment of the application. It recommended that the application be refused as it raised concerns relating to the gardens of the property being utilised by guests for smoking or playing music.

The applicant has provided a list of house rules and a supporting statement that states that parties and events will not be allowed in the property and nor will group bookings be permitted. However, this could not be enforced by the Planning Authority. The property could attract large scale groups, such as stag parties and despite the street having a number of bed and breakfasts, the use of the dwelling by such groups would impact on nearby residential properties in terms of noise and disturbance.

Overall, the use of this large property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents. The proposal therefore does not comply with LDP policy Hou 7.

### Parking standards

LDP policy Tra 2 - Private Car Parking encourages low car provision where a development is accessible to public transport stops and that existing off-street car parking spaces could adequately accommodate the proposed development.

LDP policy Tra 3 - Private Cycle Parking supports development where proposed cycle parking and storage provision complies with the standards set out in Council Guidance.

The applicant has confirmed that all visitors will be informed that there is no off street car parking available. The site is highly accessible by public transport.

There is no cycle parking standard for SCVA's. Bikes could be parked within the property or within the rear garden of the property if required.

The Roads Authority had no comments to make on the application.

The proposals comply with policies Tra 2 and Tra 3.

### **Conclusion in relation to the Development Plan**

The proposed use of the building as a short term let will have a materially detrimental effect on the living conditions of nearby residents. It therefore does not comply with policy Hou 7 of the adopted Edinburgh Local Development Plan.

### **c) there are any other material considerations which must be assessed?**

The following material considerations have been identified:

#### **SPP - Sustainable development**

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with the principles outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development. The proposal will therefore not contribute to sustainable development.

#### **Emerging policy context**

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### **Equalities and human rights**

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### **Public representations**

No comments were received.

### **Conclusion in relation to identified material considerations**

The proposals do not raise any issues in relation to other material considerations identified.

## **Overall Conclusion**

The proposal complies with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area. However, the proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents and therefore it does not comply with LDP policy Hou 7. The proposal does not comply with the principles outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development. The proposal will therefore not contribute to sustainable development. The recommendation is to refuse planning permission.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Reasons**

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this large property as a short stay let will result in noise and disturbance which shall have a materially detrimental effect on the living conditions and amenity of nearby residents.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information -** [Local Development Plan](#)

**Date Registered: 25 November 2021**

### **Drawing Numbers/Scheme**

01-06

Scheme 1

**David Givan**



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Robert McIntosh, Planning Officer  
E-mail: [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk)

## **Consultations**

NAME: Environmental Protection

COMMENT: There are several existing guest houses located next to the property although one neighbouring is a residential unit. The applicant's property is accessed via a private main door that is accessed from the busy Gilmore Place. The impacts this would have on neighbouring amenity would be limited as there is only one neighbouring residential property through the wall from the applicant's property. Guests will also have access to the garden areas that could be used for smoking or playing music. This could adversely impact the residential amenity of this neighbouring property therefore Environmental Protection recommends that the application is refused.

To Robert  
From Andrew Campbell, Environmental Protection

Date 09/12/2021

TOWN AND COUNTRY PLANNING ACT 1997

21/06232/FUL | Change of use from house to short term visitor accommodation. | 59  
Gilmore Place

The applicant proposes changing the use of a residential townhouse that has previously been operated as House of Multiple Occupation. Short-Term-Lets can have an adverse impact on neighbouring residential amenity with regards noise from guest activity in these properties and when entering or leaving the property. There are several existing guest houses located next to the property although one neighbouring is a residential unit. The applicant's property is accessed via a private main door that is accessed from the busy Gilmore Place. The impacts this would have on neighbouring amenity would be limited as there is only one neighbouring residential property through the wall from the applicant's property. Guests will also have access to the garden areas that could be used for smoking or playing music. This could adversely impact the residential amenity of this neighbouring property therefore Environmental Protection recommends that the application is refused.

Should you wish to discuss the matter, please do not hesitate to contact me via email or on 0131 469 5160.

To Robert  
From Andrew Campbell, Environmental Protection

Date 09/12/2021

TOWN AND COUNTRY PLANNING ACT 1997

21/06232/FUL | Change of use from house to short term visitor accommodation. | 59  
Gilmore Place

The applicant proposes changing the use of a residential townhouse that has previously been operated as House of Multiple Occupation. Short-Term-Lets can have an adverse impact on neighbouring residential amenity with regards noise from guest activity in these properties and when entering or leaving the property. There are several existing guest houses located next to the property although one neighbouring is a residential unit. The applicant's property is accessed via a private main door that is accessed from the busy Gilmore Place. The impacts this would have on neighbouring amenity would be limited as there is only one neighbouring residential property through the wall from the applicant's property. Guests will also have access to the garden areas that could be used for smoking or playing music. This could adversely impact the residential amenity of this neighbouring property therefore Environmental Protection recommends that the application is refused.

Should you wish to discuss the matter, please do not hesitate to contact me via email or on 0131 469 5160.

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Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100506135-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Stuart Hannah Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	
Last Name: *	Hannah	Building Number:	9
Telephone Number: *	07960 407 712	Address 1 (Street): *	Bonaly Brae
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH13 0QF
Email Address: *	stuarthannah12@yahoo.com		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Shamim"/>	Building Number: <input type="text" value="25"/>
Last Name: *	<input type="text" value="Rahman"/>	Address 1 (Street): * <input type="text" value="Cluny Gardens"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value="07868727526"/>	Town/City: * <input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="07868727526"/>	Postcode: * <input type="text" value="EH10 6BH"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="shamy@blueyonder.co.uk"/>	

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="59 GILMORE PLACE"/>
Address 2:	<input type="text" value="TOLLCROSS"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH3 9NT"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="672667"/>	Easting	<input type="text" value="324643"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of Use from House to Short Stay Visitor Accommodation.

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see Supporting Statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☒ Yes ☐ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Correspondence from Littlejohns, on behalf of the owner and tenants, of 61 Gilmore Place. We did not consider that it would be required to consider the application for Planning Permission.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Supporting Statement, dated 30 June 2022. Correspondence from Littlejohns. Drawing No. 640-01 Location Plan. Drawing No. 640-02 Ground Floor Plan. Drawing No. 640-03 First Floor Plan. Drawing No. 640-04 Second Floor Plan. Drawing No. 640-05 North Elevation. Drawing No. 640-06 South Elevation. Planning Application Supporting Statement dated 17 November 2021.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/06232/FUL

What date was the application submitted to the planning authority? \*

25/11/2021

What date was the decision issued by the planning authority? \*

01/04/2022

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Stuart Hannah

Declaration Date: 01/07/2022

**Proposal Details**

Proposal Name	100506135
Proposal Description	Change of Use
Address	59 GILMORE PLACE, TOLLCROSS, EDINBURGH, EH3 9NT
Local Authority	City of Edinburgh Council
Application Online Reference	100506135-002

**Application Status**

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

**Attachment Details**

Notice of Review	System	A4
Supporting Statement	Attached	A4
Neighbours letter	Attached	A4
640-01	Attached	A4
640-02	Attached	A3
640-03	Attached	A3
640-04	Attached	A3
640-05	Attached	A3
640-06	Attached	A3
Planning Application Covering Letter	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

17 November 2021

City of Edinburgh Council  
Planning Department  
Waverley Court  
4 East Market Street  
Edinburgh  
EH8 8BG.

Dear Sirs,

**CHANGE OF USE FROM HOUSE TO SHORT TERM VISITOR ACCOMMODATION  
AT 59 GILMORE PLACE, EDINBURGH. EH3 9NT.**

Planning Permission (19/05987/FUL) was granted on 5 March 2020 to alter house and install 2 No. dormers. There are no proposals to further alter the property.

Historically, the property had been used as an HMO for a number of years with the licence only lapsing recently when the applicant decided to renovate the property.

The proposed use of the property would be for short term visitor accommodation. The operators' website and booking system will make it clear that the rooms are for short term accommodation with no private parking facilities available and for travel to be by the use of public transport.

The operator currently runs the same facilities, as for this proposal, at No. 57 Gilmore Place, Edinburgh. The proposal is for this business to operate on the same basis as No. 57 which has had a successful business plan for the last 3 years, including through the recent pandemic, where occupancy is generally at 95% and great deal of custom has to be turned away.

The business plan would operate on the following principals and all communication will highlight the same :

The rooms are for letting on a short term basis of generally 2/3 nights per room.

The rooms are for letting throughout the entire year.

The rooms are to be used for sleeping accommodation only.

The kitchen/dining facilities are provided for occupants to prepare their own breakfast.

There will be no group bookings and all rooms will be let individually.

Rooms will not be let to any person under the age of 25 years.

All neighbours will be provided with contacts numbers in case of any disturbance.

There is no private car parking on site and the accommodation is for customers using public transport to travel to and around the city.

Any customers bringing a private vehicle to the city will be advised to book alternative accommodation which provides parking facilities. The few customers who may still want to book this accommodation, with a private vehicle, will be directed to park at the car park at Tollcross, a 5 minute walk from the property.

As previously submitted, this proposal will be operated in line with the operating of No. 57 where during the last 3 years, 95% of custom have all travelled by public transport and there has not been any calls from neighbours regarding any disturbance.

As opposed to a traditional guest house or small hotel, the proposal is to provide rooms only with no facilities other than a communal dining area, principally to provide breakfast facilities. This proposal is more in line with current trends where visitors, to any city, are travelling by plane, train or bus to the city and using public transport during their visit. The current trend is also for visitors, to the city, to be seeking accommodation only and not the traditional guest house or small hotel with their facilities and services.

The property is located within an area suitable for this use and is currently surrounded by guest houses and letting rooms and is in a historically suitable location for guest houses.

There would be minimal impact on the amenity of the surrounding area. The nature of the proposed business is to let rooms only. There are no facilities to provide any kind of entertainment and the property would be used for sleeping accommodation only.

Given the general use of the adjoining properties in the location, it is not predominately a residential area with the majority of properties already in commercial use.

The property is situated in a location with existing good public transport access to the city centre and the proposal is also to encourage customers to use public transport to travel to the city.

There are no proposals to further alter the property, therefore, the change of use will have no impact on the quality, density or character of the area. The proposals will also have no impact on the amenity of the surrounding area.

The operators' website and booking system makes it clear that the property is located adjacent to the city centre with no private car parking, restrictions on any on-street car parking and the availability of good public transport across the city. It therefore encourages customers not to bring any private vehicles to the city and to use public transport.

The operator has provided a copy of their webpages and booking system to illustrate how the above points are communicated to any potential custom prior to booking.

There are numerous hotels and guest house located throughout the city which provide car parking and any visitors to the city who travel by private vehicles are well accommodated for. These proposals are not in competition with these businesses but to provide an alternative for visitors wishing to visit the city by public transport which is a much more current and common trend.

In conclusion, the proposals will provide a varied contribution to City of Edinburgh Council's need for additional rooms for visitors to the city, have considered and addressed any amenity and parking issues and will provide employment all year round, both directly and indirectly. The

proposals are also located within a suitable location where guest houses have currently, and historically, been located within the city.

Should you require any further information or have any queries, please do not hesitate to contact me.

Yours Faithfully

Stuart Hannah  
for Stuart Hannah Architectural Services.

Enc.

30 June 2022

City of Edinburgh Council  
Planning Review Board  
Waverley Court  
4 East Market Street  
Edinburgh  
EH8 8BG.

Dear Sirs,

**LOCAL REVIEW OF PLANNING APPLICATION No. 21/06232/FUL.**

**CHANGE OF USE FROM HOUSE TO SHORT TERM VISITOR ACCOMMODATION  
AT 59 GILMORE PLACE, EDINBURGH. EH3 9NT.**

**SUPPORTING STATEMENT**

The above application for Planning Permission was refused on 1 April 2022.

The justification given by the City of Edinburgh Council was that the proposal was contrary to Local Development Plan Policy Hou 7 in respect of an Inappropriate Uses in Residential Areas, as the use of this large property as a short stay let will result in noise and disturbance which shall have a material detrimental effect of the living conditions and amenity of nearby residents.

Although Gilmore Place is identified as a residential area within the City of Edinburgh Council Local Development Plan, there is clearly a current, historical and future variety of uses within this locality and the area is a busy arterial route and not a quiet suburb street.

Indeed, City of Edinburgh Council have themselves identified the various uses within the locality and identified No. 61 as being the only residential property which may be affected by the proposals.

Other than the properties identified above, No. 63 is a church, No. 65 is a hotel and No. 43 is currently being developed as residential accommodation.

On the other side of Gilmore Place (even numbers), less than half the properties are still in residential use with the majority being used as various forms of guest house and hotels, within the block directly opposite only a single building is a residential property.

No. 59 (application site) has in fact not been used as a residential property for some consider time, but was used as a licensed HMO between 2008 to 2014. The property has not been used as a residential property since.



As noted, by City of Edinburgh Council, the property has its own private access which makes the property suitable for the proposed use.

Although City of Edinburgh Council have advised that this is a large property, we would submit that No. 43 may be considered a large property and No. 59 is no larger than any property within the area.

The economic benefits of the proposals would provide not only direct benefits to persons employed with the running and upkeep of the property but also the indirect benefit to the local community for the use of local services, restaurants and shops.

Regarding the impact on the amenity of the adjoining residential properties: -

Environmental Protection were consulted as part of the application for Planning Permission. Their comment only raised one concern that guests could use the garden area for smoking and playing music. The applicant has no intention in providing access to the rear garden for guests and a condition to this effect would be a far more reasonable consideration.

The letting agents, on behalf of the Landlord and Tenants, have advised that they have no concerns with the proposals and consider that the proposed use would not adversely affect them.

In conclusion, we would submit that the locality is not a quiet residential area, the proposals will provide a varied contribution to City of Edinburgh Council's need for additional rooms for visitors to the city and the amenity, provide an economic benefit to the locality and that the neighbouring residential property would not be adversely affected. Therefore, the refusal is unjustified as there are no justifiable grounds for a refusal.

Should you require any further information or have any queries, please do not hesitate to contact me.

Yours Faithfully

Stuart Hannah  
for Stuart Hannah Architectural Services.



## Fwd: Humble Request

From: SHAMIM RAHMAN (shamy@blueyonder.co.uk)

To: stuarthannah12@yahoo.com

Date: Thursday, 30 June 2022 at 13:31 BST

Sent from my iPad

Begin forwarded message:

**From:** Rebecca Dillon <rebecca@littlejohns.ltd.uk>  
**Date:** 30 June 2022 at 13:07:22 BST  
**To:** SHAMIM RAHMAN <shamy@blueyonder.co.uk>  
**Subject:** RE: Humble Request

DEAR SIR/ MADAM,

WE WOULD LIKE TO SUPPORT MR RAHMAN'S APPLICATION FOR CHANGE OF USE TO A GUEST HOUSE FOR HIS PROPERTY AT 59 GILMORE PLACE, EDINBURGH, EH3 9NT. CONSIDERING THE OTHER THREE NEIGHBOURS ADJACENT TO US AND THE FOUR OTHERS DIRECTLY OPPOSITE ARE ALREADY OPERATING AS GUEST HOUSES WE DO NOT SEE THIS AS ADVERSELY AFFECTING US.

WITH MUCH THANKS AND APPRECIATION

Rebecca Dillon- Property Manager of 61 Gilmore Place, Edinburgh EH3 9NT via Littlejohns Ltd.

Tenants of 61 Gilmore Place, Edinburgh EH3 9NT

Landlord and owner of 61 Gilmore Place, Edinburgh EH3 9NT

Kind Regards

Rebecca

Rebecca Dillon | Property Manager



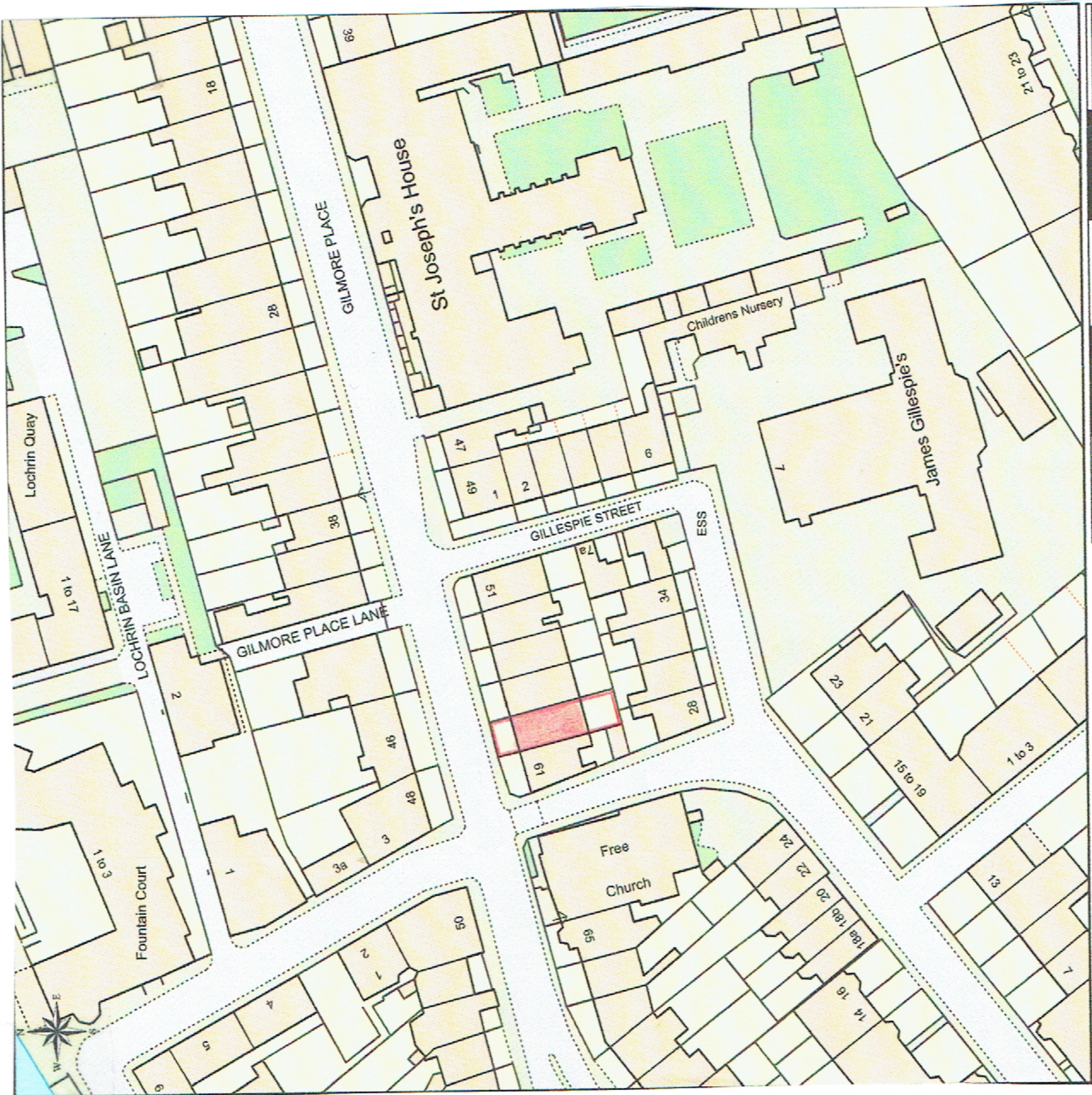
115 Lauriston Place, Edinburgh, EH3 9JG

Email: rebecca@littlejohns.ltd.uk | LARN: 1901001



Report a repair – Littlejohns Ltd





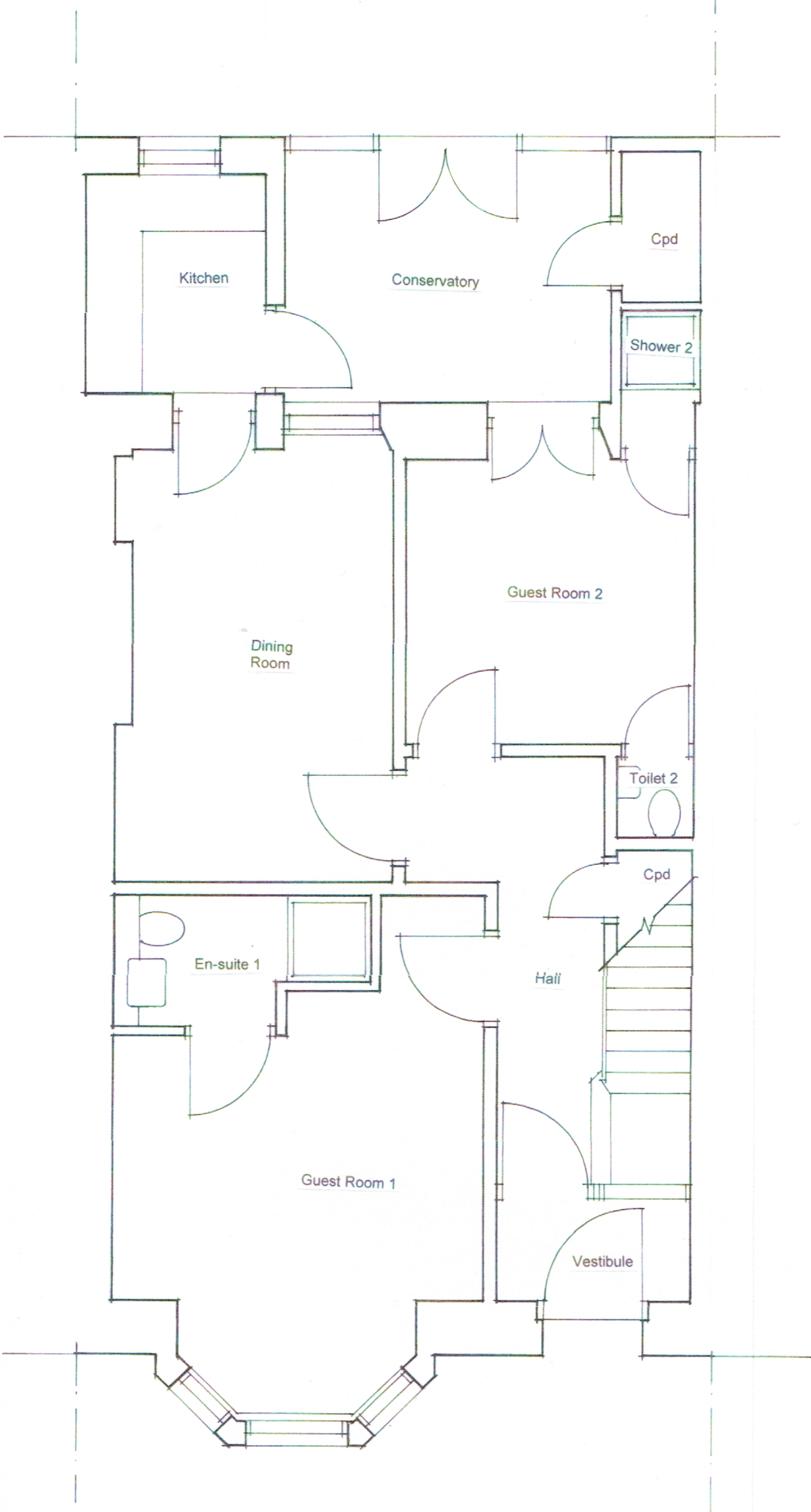
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Survey 0100031673

Scale: 1:1250, paper size: A4

Location Plan 1.1250

Rev.	Date	Amendment
Client Mr. Shamim Rahman		
Address 59 Gilmore Place, Edinburgh. EH3 9NT.		
Project Change of Use from House to Short Term Visit Accommodation		
Title Location Plan and Site Plan		
Scale: 1:50 Dwg. No. 640/01 Date: Sep. 2021		
STUART HANNAH Architectural Services 9 Bonaly Brae, Edinburgh. EH13 0QF		
Tel: 07960 407 712 stuarthannah12@yahoo.com		

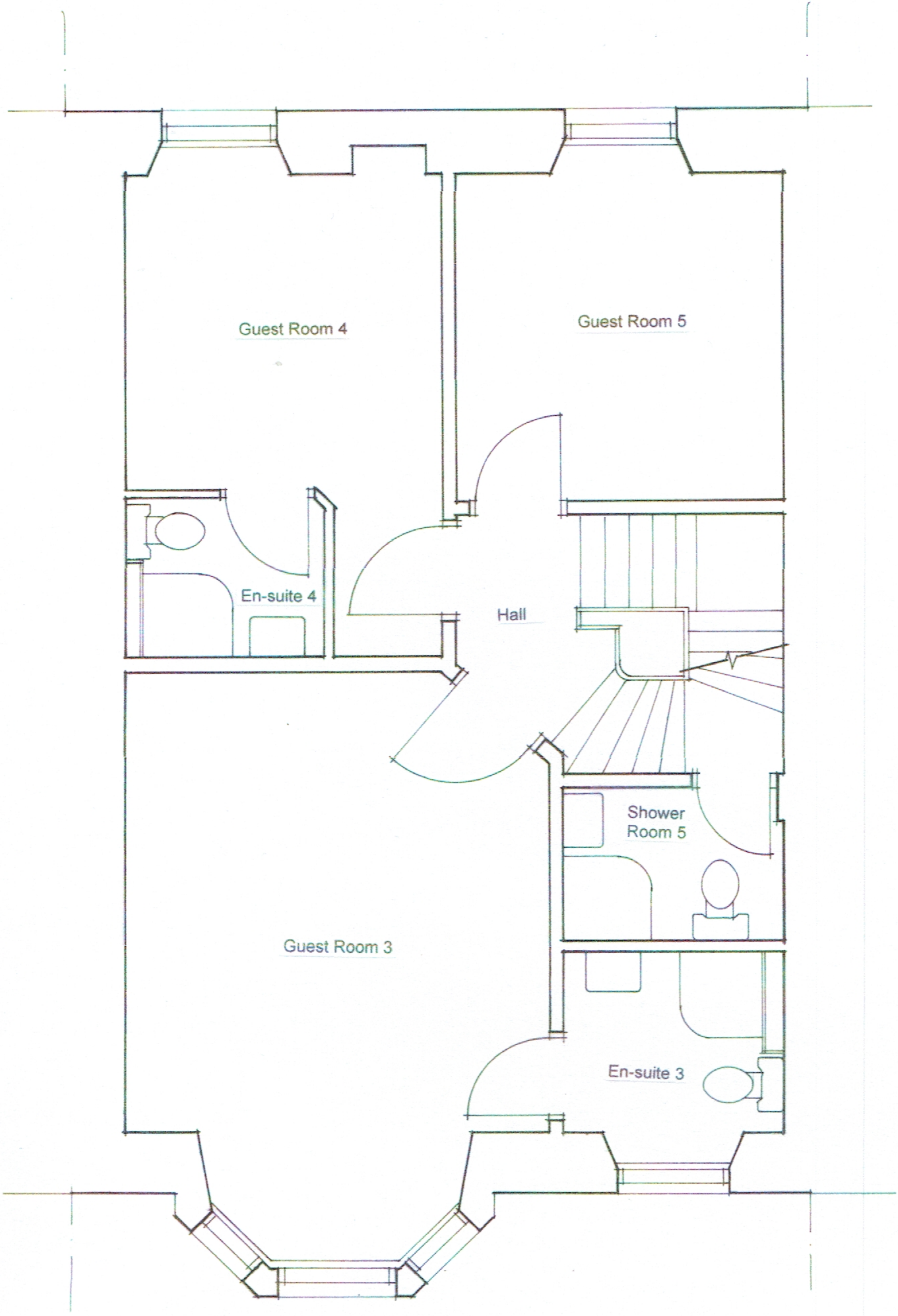




Ground Floor Plan

Rev.	Date	Amendment
Client Mr. Shamim Rahman		
Address 59 Gilmore Place, Edinburgh. EH3 9NT.		
Project Change of Use from House to Short Term Visit Accommodation		
Title Ground Floor Plan		
Scale: 1.50 Dwg. No. 640/02 Date: Sep. 2021		
STUART HANNAH Architectural Services 9 Bonaly Brae, Edinburgh. EH13 0QF		
Tel: 07960 407 712 stuarthannah12 @yahoo.com		

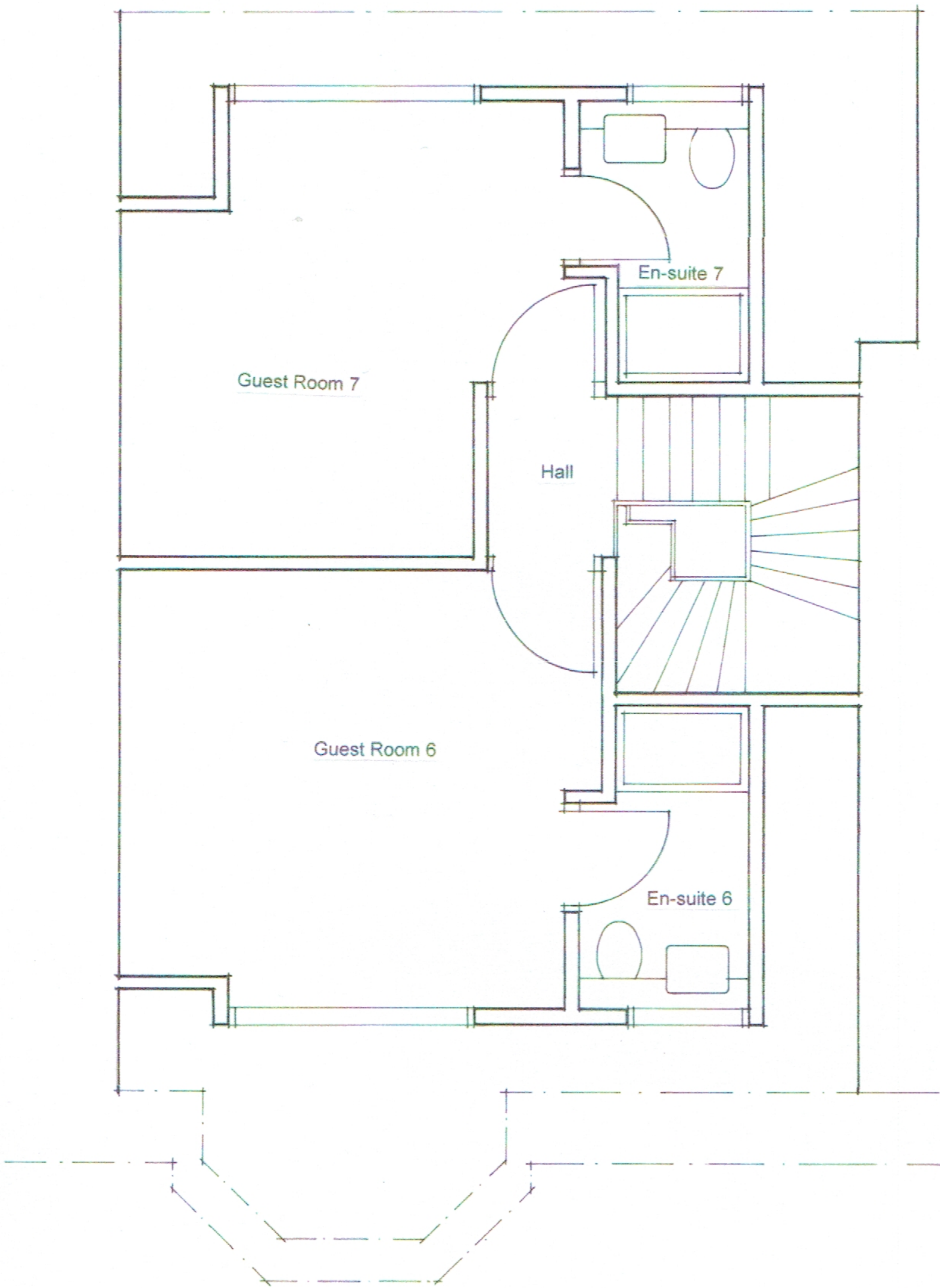




First Floor Plan

Rev.	Date	Amendment
Client		Mr. Shamim Rahman
Address		59 Gilmore Place, Edinburgh. EH3 9NT.
Project		Change of Use from House to Short Term Visit Accommodation
Title		First Floor Plan
Scale: 1.50		Dwg. No. 640/03      Date: Sep. 2021
STUART HANNAH    Architectural Services		9 Bonaly Brae, Edinburgh.      EH13 0QF
Tel: 07960 407 712		stuarthannah12 @yahoo.com

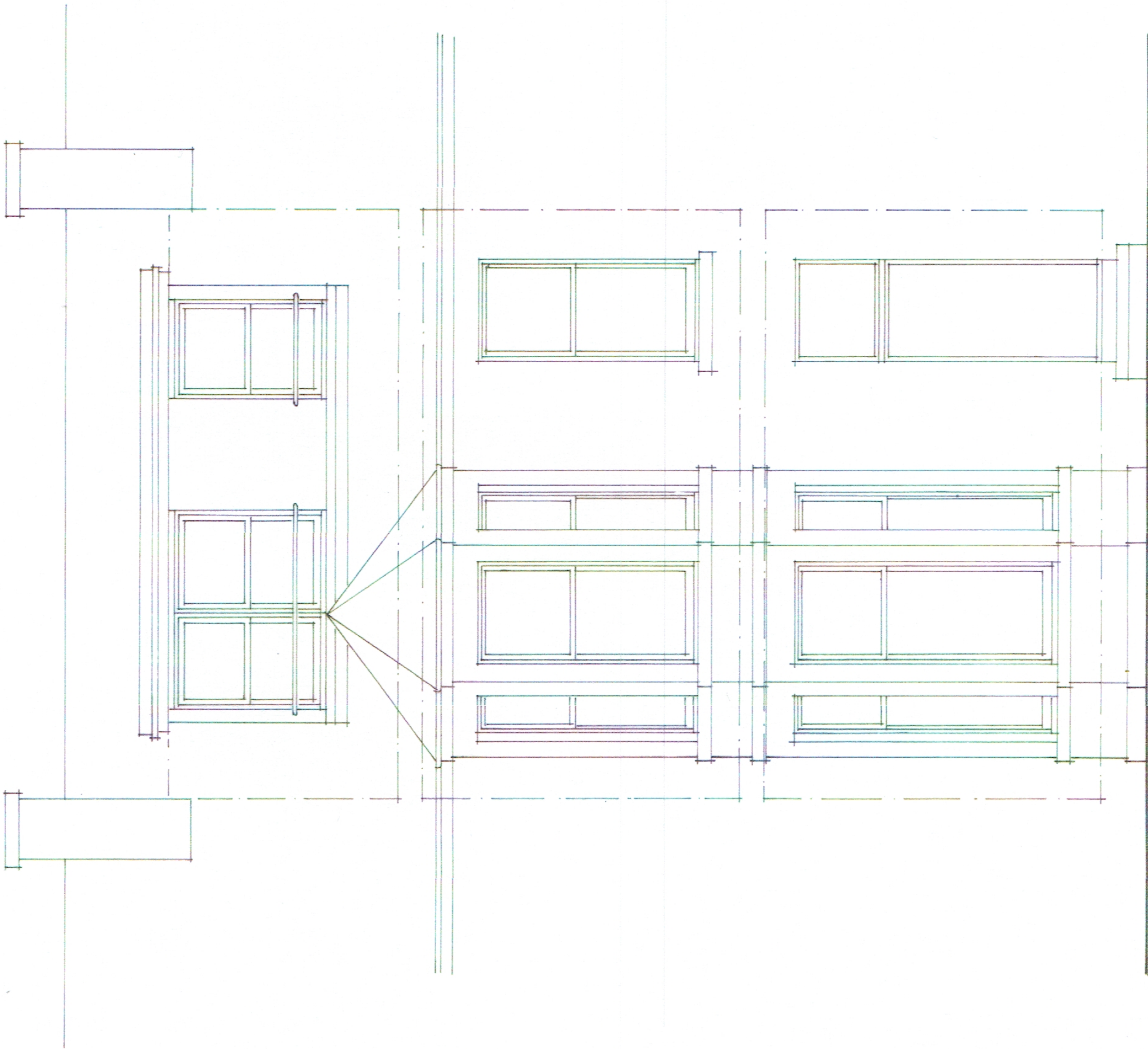




Second Floor Plan

Rev.	Date	Amendment
Client		Mr. Shamim Rahman
Address		59 Gilmore Place, Edinburgh. EH3 9NT.
Project		Change of Use from House to Short Term Visit Accommodation
Title		Second Floor Plan
Scale: 1.50		Dwg. No. 640/04      Date: Sep. 2021
STUART HANNAH		Architectural Services
9 Bonaly Brae, Edinburgh.		EH13 0QF
Tel: 07960 407 712		stuarthannah12 @yahoo.com

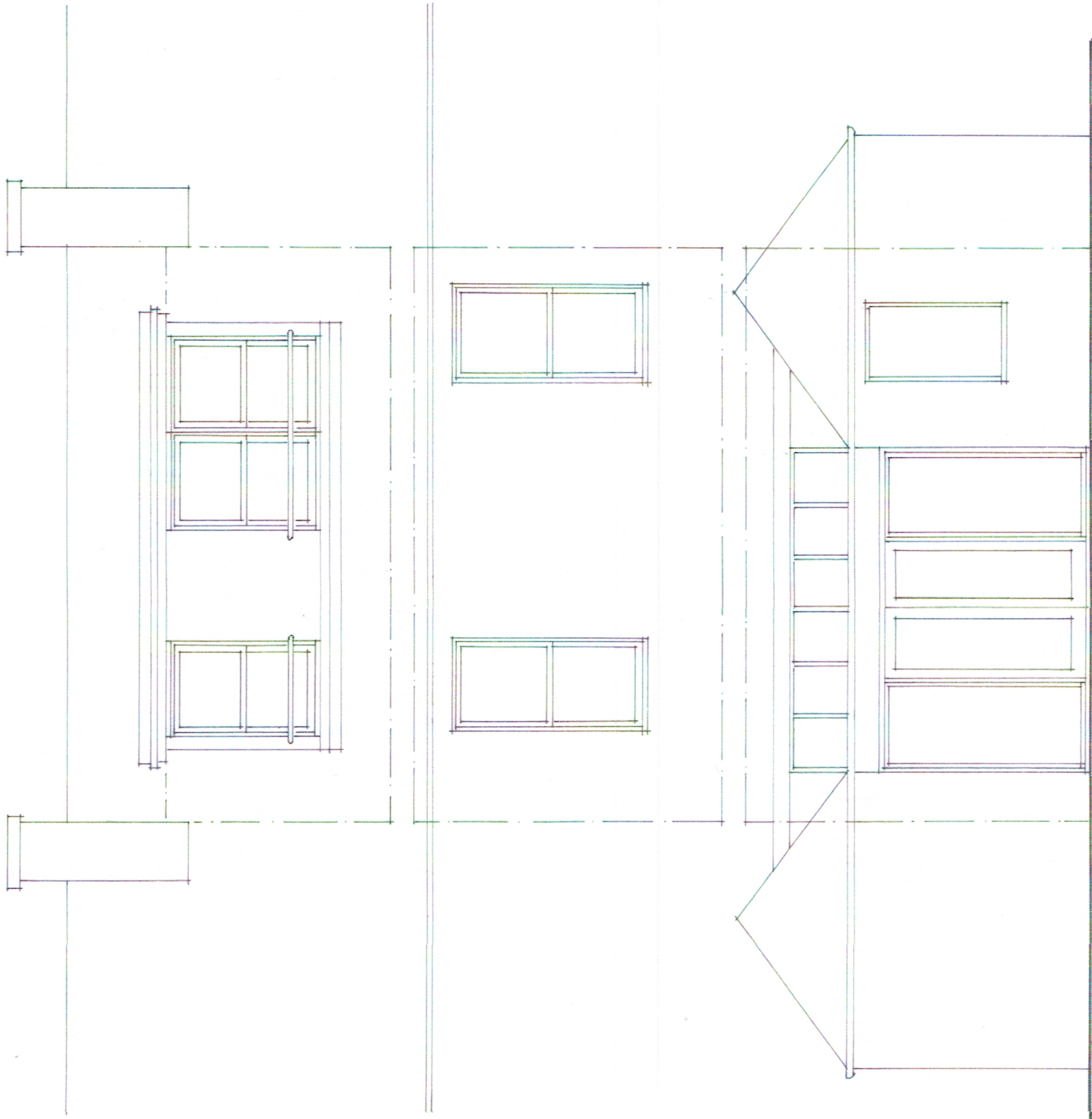




North Elevation

Rev.	Date	Amendment
Client	Mr. Shamim Rahman	
Address	59 Gilmore Place, Edinburgh. EH3 9NT.	
Project	Change of Use from House to Short Term Visit Accommodation	
Title	North Elevation	
Scale: 1:50	Dwg. No. 640/05	Date: Sep. 2021
STUART HANNAH Architectural Services		
9 Bonaly Brae, Edinburgh. EH13 0QF		
Tel: 07960 407 712    stuartannah12@yahoo.com		





South Elevation

Rev.	Date	Amendment
Client    Mr. Shamim Rahman		
Address    59 Gilmore Place, Edinburgh. EH3 9NT.		
Project    Change of Use from House to Short Term Visit Accommodation		
Title    South Elevation		
Scale: 1:50    Dwg. No. 640/06    Date: Sep. 2021		
STUART HANNAH    Architectural Services 9 Bonaly Brae, Edinburgh.    EH13 0QF		
Tel: 07960 407 712    stuarthannah12@yahoo.com		



Appeal to Local Planning Review Body

Additional statement following 19 Polwarth Terrace objections

Application 21 Napier Road Edinburgh EH10 5AZ 21/04838/AMC

Application to approve matters as specified in condition 1 of planning permission in principle 19/02753/PPP

## Objection from Neighbours

There have been only five comments with regards to the Appeal to Local Planning Review Body, a reduction from 34 to the last application. As stated in our original statement we have made substantial changes to take on board the residents' concerns which were in turn accepted by the planning officers and local residents. This has led to the fall in objections. To remind the Appeal committee, this latest design has been two years in development, several major redesigns and until a senior staff change, we were anticipating approval.

Two of the more detailed objections have been from the same household, our immediate neighbours in 19 Polwarth Terrace. They raised concerns that the proposed building would in future change to a different use. The church building will remain in the ownership of the Christian Community Trustees long term and we would not invest, unless we felt there was sufficient demand for the coming decades. With regards to the number of visits to the proposed new building, there will be limited additional usage and less residential accommodation than at present in the existing building.

The buildings relationship to the trees have been accepted by the council arboriculturist (by repositioning the building away from the root zone) and should alleviate any concerns regarding protecting the trees.

The comments regarding the finishes of the building ("looks cheap") is strange coming from neighbours who have received planning consent to clad part of their building in charred timber cladding, which can be clearly seen from Polwarth Terrace and is one of the cheaper ways to clad a building. We are providing traditional sash windows and stone clad exterior to mirror the area.

Finally, 19 Polwarth Terrace sits to the east of our site therefore will have only limited overshadowing to the roof of the garage, as per our overshadowing drawing, lodged with our original application and confirmed by the Planning officers.

We therefore again ask the Appeals Committee to overturn our refusal and grant permission for the proposal

Christian Community Edinburgh 05.09.2022

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David Sinclair.  
40 Corstorphine Hill Gardens  
Edinburgh  
EH12 6LA

The Christian Community  
Edinburgh.  
21 Napier Road  
Edinburgh  
EH10 5AZ

**Decision date: 28 June 2022**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Application to approve matters a-d specified in condition 1 of planning permission in principle 19/02753/PPP  
At 21 Napier Road Edinburgh EH10 5AZ

**Application No: 21/04838/AMC**

**DECISION NOTICE**

With reference to your application for Approval of Matters Specified in Conds registered on 15 September 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reasons:-**

1. The proposal does not comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not preserve or enhance the character of the conservation area.
2. The proposal is contrary to the adopted Local Development Plan Policy Env 6 in respect of Conservation Areas-Development, as it will not preserve or enhance the special character or appearance of the conservation area.
3. The proposal is contrary to the adopted Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the development is inappropriate design damaging to the character and appearance of the area around it.

4. The proposal is contrary to the adopted Local Development Plan Policy Des 4 in respect of Development Design- Impact on Setting, as the proposal will not have a positive impact on its surroundings, including the character of the wider townscape and landscape.

5. The proposal is contrary to Local Development Plan Policy Des 3 in respect of Development Design - Incorporating and Enhancing Existing and Potential Features, as it has not been demonstrated that existing characteristics and features in the surrounding built environment have been identified and incorporated in the proposed buildings design.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01b,02b,04c,05a,06b,07,08,09,10,11,12c,13b,14, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The principle of the development is supported and is in accordance with the Edinburgh Local Development Plan and the planning permission in principle. The proposed design, layout, landscaping and access are all acceptable. The proposal will not harm the protected trees within the site or cause harm to local ecology. There are no material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Robert McIntosh directly at [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

**Application for Approval of Matters Specified in Conds  
21 Napier Road, Edinburgh, EH10 5AZ**

**Proposal: Application to approve matters a-d specified in condition 1  
of planning permission in principle 19/02753/PPP**

**Item – Local Delegated Decision  
Application Number – 21/04838/AMC  
Ward – B10 - Morningside**

## **Recommendation**

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

## **Summary**

The principle of the development was established through planning permission in principle (PPP) 19/02753/PPP.

However, the proposed development does not comply with section 64 of the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as the proposal will not preserve the character and appearance of the conservation area.

The form and design of the proposal is unacceptable and it does not accord with policies Des 1, Des 3, Des 4 or Env 6 of the adopted Edinburgh Local Development Plan. The proposal also does not comply with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP). There are no other material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site relates to the garden grounds of No. 21 Napier Road, which is a large detached Victorian villa, the legal use of which is a church, occupied by the Christian Community. There is also an element of residential accommodation within the villa, that being No. 21 A and B.

The site area incorporates part of the property's substantial garden grounds. There are many examples of trees within the site, none of which are subject to a tree preservation order. The site slopes down from the south of the site to the north.

The surrounding area is largely residential. However, there is another church relatively nearby as well as a Tennis and Bowling Club.

The site lies within the Merchiston and Greenhill Conservation Area.

## **Description Of The Proposal**

Planning Permission in Principle (application reference: 19/02753/PPP) was granted for the erection of a new chapel and priest accommodation in the grounds of the existing house (as amended).

This is an application to approve matters (a-d) specified in condition 1 of planning permission in principle 19/02753/PPP to permit the erection of the new chapel and priest accommodation.

The matters specified under (a-d) are as follows:

(a) Siting, design and height of development, including design of all external features.

(b) Car and cycle parking, access, road layouts and alignment and electric charging points.

(c) Surface water and drainage arrangements including the submission of a surface water management plan.

(d) Hard and soft landscaping details, including:

(i) Walls, fences, gates and any other boundary treatments;

(ii) The location of new trees, shrubs and hedges

(iii) Programme of completion and subsequent maintenance;

(iv) Details of phasing of these works.

(v) Existing and finished ground levels in relation to Ordnance Datum.

The proposed priest accommodation and chapel will be sited in the north- west corner of the site. It will be set back by approximately 14 metres from Napier Road. The priest accommodation building will be two storeys in height and its walls will be finished in natural stone and render. It will have a pitched slate clad roof and will have a depth of approximately 19 metres and a height of roughly 8.1 metres. It will contain two blocks of accommodation containing a total of six bedrooms and a livingroom along with a visitors studio, community hall and office.

The proposed chapel shall be linked to the priest accommodation building. It will have a variable roof height up to a maximum of approximately 7.8 metres. Its walls will be externally finished in timber, whilst its roof shall be finished in green sedum. It will provide space for 57 worshipers.

Off street car parking for 2 cars is proposed, with electric vehicle charging points. The existing access of Polwarth Terrace, which shall be widened will be utilised. The existing pillars shall be retained. External cycle parking is proposed for guests, whilst

cycles belonging to the priests can be stored within the sheds that are present within the site.

A surface water management plan has been submitted with the application.

A new pedestrian access is proposed off Polwarth Terrace along with a new access path within the site. A selection of trees will be removed and a range of new tree planting is also proposed along the boundary of Polwarth Terrace. A patio area will be constructed to the rear of the priest accommodation building.

### **Supporting Information**

- Arboricultural tree report
- Surface water management plan
- Sunlight/daylight analysis

### **Relevant Site History**

19/02753/PPP  
21 Napier Road  
Edinburgh  
EH10 5AZ

New chapel and priest accommodation in the grounds of the existing house (as amended)

Granted

7 August 2020

### **Other Relevant Site History**

No other relevant site history.

### **Consultation Engagement**

Flood Planning

Roads Authority

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 28 June 2022

**Date of Advertisement:** 24 September 2021

**Date of Site Notice:** 24 September 2021

**Number of Contributors:** 35

## **Section B - Assessment**

### **Determining Issues**

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:



- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

## **Assessment**

### **a) Do the proposals harm the character or appearance of the conservation area?**

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: *"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

The Merchiston and Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass, the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas.

The application site currently benefits from a fairly good degree of visual and physical seclusion. It is surrounded by a tall stone wall and has a range of mature and smaller trees along its boundaries. However, it is noted that there are a selection of trees along the boundary of Polwarth Terrace which shall be removed and that the site is more visible during the months when the trees do not have their leaves.

The buildings surrounding the site are a mixture of traditional large stone built dwellings and some more modern housing and flatted accommodation. The surrounding building heights also vary between single storey, two storey, three storey traditional dwellings and three/four storey flats.

Many of the properties along Polwarth Terrace are constructed relatively close to their mutual boundaries. The house directly to the west of the site (No. 19 Polwarth Terrace) is a two storey and single storey building which is constructed close to the mutual boundary of the site. No. 19 actually has a large converted double garage which is constructed right up to the shared mutual boundary. The building which used to be the Royal Etrick Hotel has now also been extended near to the mutual boundary shared with No. 19.

Directly across the road from the site, the relatively modern flatted development (No. 26 b Polwarth Terrace) is also located relatively close to its shared mutual boundary, as is the modern flatted development at No. 24b Polwarth Terrace.

Many of the buildings across the road from the site, located along Polwarth Terrace, are set back from the road by approximately 11-12 metres.

The proposal would be set off the mutual boundary shared by No.19 Polwarth Terrace by approximately 2-3.5 metres, which broadly respects the established separation distances within this part of Polwarth Terrace. It would be located a minimum of 7 metres away from the existing building on the site. The proposed priest accommodation and chapel would be set back from the street by approximately 14 metres. This would provide the buildings with some level of seclusion.

The proposed chapel is a building of a contemporary design and form with a curved roof of varying heights up to a maximum of approximately 7.8 metres. It would be externally finished in cross laminated timber with a green sedum roof. Whilst it would have a modern appearance it would be a fitting innovative design for its wooded garden setting. If the application was to be granted it is recommended that a condition be attached to the consent requiring a detailed specification, including trade names where appropriate, of all the proposed external materials to be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Whilst the proposed chapel is of a modern and high quality design, the proposed accommodation building, to which it would be attached, has the appearance of a large conventional new build dwelling house. Whilst it would have a pitched slate clad roof and its walls to its principle elevation would largely be finished in ashlar stone, large elements of the building would be finished externally in render, which is not characteristic of the conservation area.

The proposed accommodation block does not relate well with the modern, innovative, design of the chapel building and the resultant form and appearance of the structure overall is therefore jarring and incongruous.

Whilst the buildings would be screened to a degree from public elevations, the site will be more open than it currently is with the planned removal of 11 trees near the properties boundaries and with the openings proposed within the existing stone boundary wall. The new buildings will therefore be quite visible to people walking along Polwarth Terrace.

Overall, the proposed buildings will not demonstrate high standards of design and will not utilise materials appropriate to the historic environment. It would therefore be damaging to the character and appearance of the area around it.

There are a range of mature trees within the site and within the gardens of neighbouring properties that contribute to the character and appearance of the conservation area.

The largest of the mature trees which line the boundary of the site, along Polwarth Terrace, and which contribute to the character of the conservation area will remain. 11 trees within the site shall be removed in total, as was indicated under the approved PPP. The trees that will be removed however are largely category C trees, with only 2 being category B and one being category U. It is also noted in the original arboricultural report that many of the trees which shall be removed have been weakened by heavy ivy infestation. Replacement tree planting is proposed and if the application was to be granted it is recommended that this be conditioned as part of the consent.

Overall the loss of the proposed trees will not materially harm the character or appearance of the defined conservation area.

A small segment of the existing stone wall which faces Polwarth Terrace will be removed to facilitate a new pedestrian access to the site. The existing vehicular access to the site will also be expanded, however the stone gate posts at the entrance will be rebuilt once work has been completed. The stone walls along Polwarth Terrace already have a number of entrances present along them. The proposed works to the wall will not harm the appearance of the conservation area.

Whilst the proposed works to the boundary wall and the proposed removal of some trees within the site are acceptable, the proposed building does not demonstrate high standards of design and will not utilise materials appropriate to the historic environment.

The proposed building will be visible from Polwarth Terrace and it will not preserve the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal does not comply with Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not preserve the character or appearance of the conservation area.

### **b) Compliance with the Planning Permission in Principle**

Planning Permission in Principle (application reference: (19/02753PPP) was granted for a new chapel and priest accommodation in the grounds of the existing house (as amended). This application is to approve matters a-d specified in condition 1 of planning permission in principle 19/02753/PPP.

Condition 1 of the PPP requires the submission of details of the siting, design and height of the development, including design of all external features, car and cycle

parking, access, road layouts and alignment, surface water and drainage arrangements including the submission of a surface water management plan and hard and soft landscaping details.

These have been submitted in accordance with the requirements of the condition.

The submitted details in relation to the reserved matters are fully assessed below.

*Matter, a: Siting, design and height, including design of all external features.*

Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

The building would be sited in the north-west part of the existing garden as was indicated under the approved PPP. The proposed priest accommodation building and chapel would be set back from the street by approximately 14 metres. It would be located approximately 2-3.5 metres from the mutual boundary shared with No. 19 Polwarth Terrace. It would be located a minimum of 7 metres from the existing building on the site.

The proposed priest accommodation building would be two storeys in height, with a ridge height of approximately 8.1 metres. The depth of the proposed priest accommodation is approximately 19 metres.

The priest accommodation block would be externally finished largely in natural stone to its principle elevation whilst its side and rear elevation will be finished in render. Its pitched roof shall be finished in slates.

The proposed chapel is a building of a contemporary design and form. The proposed chapel would have a varying height up to a maximum of roughly 7.8 metres. It would be externally finished in cross laminated timber with a green sedum roof.

Although the development proposed is large, so is the overall site and given the size of the rear garden grounds that the property would have it cannot be considered overdevelopment, especially when other directly neighbouring properties are also constructed quite close to one and other and their mutually shared boundaries.

Whilst the proposed chapel is of a contemporary, modern design, which is attractive and appropriate to its wooded setting, utilising cross laminated timber for its walls, the proposed priest accommodation building has the appearance of a dwelling which would be expected within a modern, new-build, housing estate. Large elements of the priest accommodation building would also be finished externally in render, which is not characteristic of the surrounding area and is not fitting for the setting of the site. The building would therefore be an incongruous addition to the relatively traditional streetscape which is largely dominated by traditional stone built dwellings.

The form of the priest accommodation building also jars with the contemporary, modern design of the chapel and the overall design of the proposal is not based on a design concept that draws upon positive characteristics of the surrounding area.

Whilst the proposed buildings shall be set back from public elevations, they will still be visible, especially from Polwarth Terrace, as there will be a new entrance proposed in the existing wall and some of the existing trees along the boundary which face the street shall be removed.

The proposal will not contribute towards a sense of place and it has not been demonstrated that existing characteristics and features in the surrounding built environment have been identified and incorporated in the proposed buildings design.

The proposal would be damaging to the character and appearance of the area.

The proposal does not comply with LDP policy Des 1, Des 3 or Des 4.

*Matter b: Car and Cycle parking, access, road layout and electric charging points.*

Policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

Policy Tra 4 states that cycle parking should be provided closer to building entrances than general car parking spaces and be designed in accordance with the standards set out in council guidance.

The site currently has off street car parking with a detached garage. The garage will be demolished and only two off street car parking spaces are proposed, which shall utilise the existing access. Electrical vehicle charging points are also proposed. A selection of cycle racks within the gardens of the property are proposed for visitors. The garden of the property will be substantial and cycles can also be stored within the existing sheds.

The site is accessible by public transport. Bus services are located nearby. Nearby bus stops are in close walking distance of the site.

The Roads Authority was consulted as part of the assessment of the application. It responded that it had no objections subject to certain conditions or informatives being

applied to the consent. If the application was to be granted it is recommended that the points raised in the Roads Authority consultation response be applied as informatives.

The proposal complies with LDP policy Tra 2, Tra 3 and Tra 4.

#### *Matter c: Surface Water Management*

Policy Env 21 (Flood Protection) seeks to ensure development does not result in increased flood risk or be at risk of flooding by demonstrating sustainable drainage measures.

A Surface Water Management Plan has been submitted. The proposals have been considered by the CEC Flooding Team. It had no objections to the proposal.

The proposal complies with LDP policy Env 21.

#### *Matter d: Hard and Soft landscaping*

As some detailed information relating to the hard and soft landscaping proposed, including tree planting still has to be finalised if the application was to be granted a condition requiring the approval of the hard and soft landscaping and its implementation, is recommended to be applied.

### **c) Other material planning considerations**

#### Impact on Conservation Area

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The impact on the character and appearance of the conservation area has been considered above in part a). It was concluded that the development would impact on the character of the conservation area and would not preserve the appearance of the conservation area.

The proposal does not comply with LDP Policy Env 6.

#### Amenity

LDP policy Des 5 (Development Design -Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

#### *Amenity of neighbouring properties*

Condition 3 of 19/02753/PPP states that *Prior to work commencing on site, a full specification of noise mitigation measures highlighting compliance with NR 15 criterion with regards to music/singing noise shall be submitted for the written approval of the Council as Planning Authority. Any noise mitigation measures shall be implemented prior to the commencement of the new development.* This information has not been submitted. The condition applied to 19/02753/PPP regarding noise mitigation will still have to be discharged.

The proposed windows in the front and rear of the development will look out over the applicants front and rear garden grounds. The proposal will only have one window which shall face towards the mutual boundary shared with No.19, however this will only provide light to a proposed hall. Even though the existing building at No. 21 is currently in the applicants ownership, in the future this building could be sold off. Adequate windows distances and privacy between the proposal and this building have been provided. If the application was to be granted it is recommended that the consent be conditioned so that further details of the proposed screening to be located around the balcony must be submitted for the written approval of the Council, prior to work commencing on site.

The applicant has provided sunlight/daylight information that shows that the proposal will have no material impact on neighbouring properties in terms of potential loss of sunlight and daylight. The directly neighbouring property has a converted building that is constructed up to the shared mutual boundary. There are no windows within the gable elevation of this converted building, however it does have a selection of rooflights that face towards the site. It is also noted that the No.19 has a bay window that partially looks out towards the site. However, as the Edinburgh Design Guidance states *Daylight to gables and side windows is generally not protected.* These rooflights and the bay window are very close to the mutual boundary and they cannot be protected for privacy and light as they are not set back sufficiently from the boundary to be "good neighbours" themselves, taking only their fair share of light.

The proposal will not cause the loss of an immediate view.

#### *Amenity of future residents*

There are no specific space or lighting standards for priest accommodation. However, the proposed building will provide good sized rooms that will be well lit and shall have access to excellent green space, attractive surroundings and accessible access to nearby services.

The proposal complies with LDP policy Des 5 in terms of amenity.

#### Ecology

LDP policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law.

A stage 1 bat survey was submitted with the PPP application which confirmed that there were few opportunities for bats to roost within the site. The Council's Ecologist was consulted again in relation to this application and raised no concerns.

The proposal complies with LDP policy Env 16.

### Trees

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention.

An objector has submitted an arboricultural tree report that states that the development will significantly harm the chestnut tree which is within their property and which is located close to the shared mutual boundary. The applicant submitted an arboricultural tree report as part of the PPP application. This stated that the chestnut tree in the neighbouring garden was sited very close to the boundary of the site and its branches currently overhang the applicant's property. The tree report concluded that due to the existing garage near to the tree and the presence of a stone boundary wall it would be very unlikely that any roots would be in the location of the proposed development. It also stated that due to the chestnut tree branches being in close proximity to a nearby BT pole and cables it was evident that the tree had been subject to numerous pruning and branch shedding works in the past. The report concluded that only two limbs belonging to the tree would have to be removed and that these required works would not harm the vitality of the tree or materially damage the visual amenity of the conservation area. This was accepted when the PPP was approved under extended delegated powers.

An updated arboricultural tree report has also been submitted with this AMC application. It states that *The removal of two limbs from the chestnut tree would be well within the tolerable extent of pruning set out in BS 3998 and overall the vitality of the tree would not be compromised, thereby protecting the amenity currently provided by it.*

The proposed buildings will not harm the neighbouring chestnut tree or any other trees that will be retained within the site.

The updated arboricultural tree report recommends certain construction and excavation measures to be carried out within defined root protection areas. If the application was to be granted it is recommended that a condition be applied that states that details of all excavation and construction methods within defined root protection areas shall be submitted for the written approval of the Planning Service prior to work commencing on site.

The proposal complies with LDP policy Env 12.

### Scottish Planning Policy (SPP)

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposed development will not protect and enhance the historic environment. The development therefore does not comply with the 13 SPP principles and it does not represent sustainable development.



### *Emerging policy context*

The Draft National Planning Framework 4 has been consulted on and has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

### Equalities and human rights

The Equality Act 2010 makes it unlawful to discriminate against someone because of religion or belief, or because of a lack a religion or belief.

The Human Rights Act 1998 states that all public authorities and other bodies carrying out public functions have to act consistently with the European Convention on Human Rights. One of these rights, Article 9, protects freedom of thought, conscience and religion.

The proposed building would provide a new chapel and priest accommodation for worshippers and priests. However, if the application was to be refused then worshippers and priests would still have access to the existing long established building which functions as a church with priest accommodation.

Disability is also one of the nine protected characteristics in the Equality Act 2010.

A new access is proposed from Polwarth Terrace which shall lead up to the priest accommodation building and chapel. This path will not have steps and will be of an appropriate gradient to provide for disabled access.

The application has been considered with reference to equalities and human rights.

### Public Comments

Thirty-Five letters of objection were received including one from the Community Council. The contents of which are summarised below.

#### **Merchiston Community Council Objection**

- Contrary to Des 1, Element of front wall should not be removed - addressed in section b
- Contrary to Des 4. Concerns in relation to design, scale and materials of priest accommodation and chapel - addressed in section b
- Contrary to Des 5. Impact on residential amenity - addressed in section b.

#### **Material objections**

- Overdevelopment of site - addressed in section b

- Scale, form, design and materials unacceptable, not in compliance with LDP policies - addressed in section b
- Impact on trees and ecology unacceptable - addressed in section b
- Overlooking and loss of privacy - addressed in section b
- Overshadowing/loss of sunlight and daylight - addressed in section b
- Traffic impact and road/pedestrian safety - addressed in section b
- Impact on conservation area and visual amenity and setting of area - addressed in section b.

## **Non Material Objections**

- Construction noise and disruption.
- What if the building was sold in the future.
- Principle of development not acceptable - The principle of the development has been established under 19/02753/PPP.
- Property could be used for all uses under planning use class 10.- The overall site already falls within an unrestricted class 10 use. The principle of the development has been established under 19/02753/PPP.
- Loss of view

## **Conclusion in relation to identified material considerations**

The form and design of the proposal is unacceptable as it will not preserve or enhance the character or appearance of the Conservation Area.

## **Overall conclusion**

The principle of the development was established through planning permission in principle (PPP) 19/02753/PPP.

However, the proposed development does not comply with section 64 of the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as the proposal will not preserve the character and appearance of the defined conservation area.

The form and design of the proposal is unacceptable and it does not accord with policies Des 1, Des 3, Des 4 or Env 6 of the adopted Edinburgh Local Development Plan. The proposal also does not comply with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP). There are no other material considerations which outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

## **Reasons**

1. The proposal does not comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not preserve or enhance the character of the conservation area.

2. The proposal is contrary to the adopted Local Development Plan Policy Env 6 in respect of Conservation Areas-Development, as it will not preserve or enhance the special character or appearance of the conservation area.
3. The proposal is contrary to the adopted Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the development is inappropriate design damaging to the character and appearance of the area around it.
4. The proposal is contrary to the adopted Local Development Plan Policy Des 4 in respect of Development Design- Impact on Setting, as the proposal will not have a positive impact on its surroundings, including the character of the wider townscape and landscape.
5. The proposal is contrary to Local Development Plan Policy Des 3 in respect of Development Design - Incorporating and Enhancing Existing and Potential Features, as it has not been demonstrated that existing characteristics and features in the surrounding built environment have been identified and incorporated in the proposed buildings design.

## **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information -** [Local Development Plan](#)

**Date Registered: 15 September 2021**

## **Drawing Numbers/Scheme**

01b,02b,04c,05a,06b,07,08,09,10,11,12c,13b,14

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Robert McIntosh, Planning Officer  
E-mail: [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk)

## Appendix 1

### Consultations

NAME: Flood Planning

COMMENT: Thanks for the confirmation of the low risk of blockage and planned private maintenance of the drainage infrastructure.

This application can now proceed to determination, with no further comments from CEC Flood Planning.

DATE: 18 March 2022

NAME: Roads Authority

COMMENT: Summary Response

No objections subject to appropriate conditions and informatives.

#### Full Response

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

1.The applicant should note that the proposed vehicular access will require amendment to the existing on-street parking provision. A contribution of up to £2,000 may be required to progress a suitable traffic regulation order to amend parking provision at the location of the proposed vehicular access;

2.The applicant should be advised that, as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See

<https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee>

[e/20130604/Agenda/item\\_77\\_-](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf)

[\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category D -

New Build);

3.Off-street parking:

a.should be accessed by dropped kerb (i.e. not bell mouth);

b.should be paved with a solid material for a length of 2 metres nearest the road to prevent deleterious material (e.g. loose chippings) being carried on to the road;

c.any gate or doors must open inwards onto the property;

d.any hard-standing outside should be porous;

e.the works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

4.Electric vehicle charging outlets should be considered for this development.

DATE: 24 June 2022

The full consultation response can be viewed on the Planning & Building Standards Portal.



# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Rhian Davidson

Address: 19 Polwarth Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to strongly object to the new proposals at 21 Napier Road for the future and welfare of this leafy residential neighbourhood and because of the detrimental impact it has on our own property at 19 Polwarth Terrace

1. Section 64 (listed Buildings and Conservation Areas) (Scotland) Act 1997.

As this development is within a conservation area the Council has a statutory duty to give special protection to the trees and to ensure the development either protects or enhances the area.

As far as I am aware, there has not been a British standards Tree survey conducted and therefore there is a lack of properly informed analysis of the constraints of the site.

I also wish to bring attention to the Horse Chestnut tree at the border wall within the grounds at 19 Polwarth Terrace

The Christian Community have drawn our tree on their plans but have never requested our permission to survey this tree whilst we have had ownership of the house since January 2020 and therefore I am not sure how they can accurately represent the tree on the plans.

We have conducted our own independent British standards tree survey conducted on this tree dated 30th August 2021. The summary details have been included at the end of the comments. I would be happy to provide a full copy if you could let me know the email address to send this to? As can be seen clearly to enable the build to proceed within the proximity to 19 Polwarth Terrace, the crown of the tree will need to be heavily cut back. This is not being shown on their drawings. The report summary reports that the recommendations of our survey are such that the development CANNOT be achievable in arboriculture terms as IT WILL RESULT IN THE LOSS of

a significant chestnut in our grounds. This will undoubtedly make the new building more visible in Polwarth Terrace.

## 2. Under the Edinburgh Local Development Plan Policy 4-Impact on Setting

'Planning permission would be granted if the development can demonstrate that it will have a positive impact on its surroundings including the character of the wider townscape and landscape' I believe the design quality is poor with regards to both aesthetics and amenity.

### o Section a height and form

The proposed buildings are incongruous within this residential area. The accommodation and community centre block dwarf the church and the link between the two buildings lacks in harmony. The timber church is not in keeping with the surroundings. The façade of the accommodation building facing the onto the street is not attractive and does nothing to enhance the area. The window arrangement is unattractive.

### o Section b Scale and Proportions

I strongly feel that this is Over Development of the site

I believe the site is not big enough to fit everything the Christian community are seeking without adversely affecting residential amenity. I am looking for a reduction to the footprint of the building away from protected trees. The mass and volume of the building has substantially increased, and the residential building overwhelms the church.

### o Section c Position of buildings and other features on the site

The proposed buildings are very close to the boundary wall of 19 Polwarth Terrace. The Exterior steps are only 2045mm from the boundary at 19 Polwarth Terrace and 3500 mm for the building. The proposed site is too close to our boundary wall and the exterior steps quite frankly will be very ugly to look onto from our living area.

### o Section d Materials and detailing

This is of timber construction with rendered walls (except for sandstone to the front wall). This design is more suitable for a suburban new development but not within this period Victorian residential area. The proposed materials are not congruous to the surrounding area. The materials proposed for the church and the accommodation don't great an ecclesiastical feel, are different and a contrast to the sandstone at Napier Road

## 3. The proposed property will be the Christian Community head office for Scotland

Currently the Christian Community conduct their weekly services and events privately within the

residential house of 21 Napier Road.

This new build provides significant opportunity for enhancement of their services and events which will inevitably increase footfall, traffic and noise and affect the amenity of the neighbouring properties. This could encroach on our privacy and peace. I am concerned about the level of traffic on Polwarth terrace as this is already congested with the Tennis and Bowls club.

4. I also have concerns about any future use of this building should the Christian Community decide to move on to another location and could become any one of a number of commercial enterprises.

a 'Church' falls under Class 10. Non- residential institutions. At any point in the future the Church once built and if sold, could change to any of the following commercial uses-

as a creche, day nursery or day centre

for the provision of education

for the display of works of art (otherwise than for sale or hire)

as a museum

as a public library or public reading room

as a public hall or exhibition hall

for or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body

5. On a more personal level, My mother of 84 lives with us adjacent to the garage in single storey accommodation. This is very close to the border and away from her living space with velux windows to her living area. Again, invading her privacy and peace.

6. We already have planning permission for the conversion of our single storey garage to living accommodation with sky lights to the rear. This design will be significantly impacted with loss of light and privacy.

7. One of our bedrooms adjacent to the proposed build is significantly lower in height than the proposed building. There is a canter levered window with a lovely aspect at present which would be literally blocked with a rendered wall only a few metres away.

Hinshelwood Arboricultural Consultants

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www.hinshelwoodarb.com

BS 5837:2012 Tree Survey

19 Polwarth Terrace, Edinburgh



On Behalf of Mr & Mrs R Davidson

30 August 2021

19 Polwarth Terrace, Edinburgh

### Summary

An arboricultural survey has been carried out and this report prepared to evaluate a full planning application to construct a new church and priest accommodation at 21 Napier Road directly to the east of the property of my clients at 19 Polwarth Terrace and under the canopy of the chestnut. This report provides information in compliance with British Standard BS 5837:2012, Trees in relation to design, demolition and construction and considers the effect the proposed development has on the local character from a tree perspective. The report's purpose is to properly allow the local planning authority to assess the tree information as part of the planning submission and bring to their attention the lack of information provided as part of that application. One individual tree, a chestnut, has been assessed in accordance with BS 5837.

With the information made available as part of the online application it is clear that the chestnut in the grounds of 19 Polwarth Terrace has not been properly assessed. The positioning and ridge height of the building proposed at 21 Napier Road will facilitate in the crown reduction of the tree that will be damaging to the tree's future health and because of the excessive reduction have a negative impact on the landscape character of the local conservation area there are contrary to the policies set in the development plan.

The focus of the report is on tree T0101 a chestnut. For reasons of level differences the ground works will have no impact on the roots of the tree (The levels are approximately 1.5 metres lower on 21 Napier Road). However, the above ground constraints have not been investigated properly. These should have been clearly indicated by the applicant by the accurate crown spread of tree and include its ultimate spread, along with a shade pattern. This would give an indication of the patterns of shadows created by trees around midday in the summer. This is as recommended by BS 5837 (Section 5.2.2). Where shading is likely to be a serious constraint, a more detailed analysis of shade pattern using proprietary software may be deemed necessary. The proposed accommodation has been designed to have roof ridge that is constructed into the crown of the chestnut and above the existing ridge height of 19 Polwarth Terrace. The report contains a draft arboricultural method statement head of terms in accordance with recommendations in Table B1 of BS 5837.

It is recommended that a detailed arboricultural method statement is produced in response to the current proposal. This would describe in detail how the chestnut tree found at 19 Polwarth Terrace will be protected from the development and the methods of work close to trees. This report must contain details common to most development proposals.

The recommendations made within BS 5837 2012, are such that the development cannot be achievable in arboricultural terms as it will result in the loss of the significant chestnut found in 19 Polwarth Terrace and cannot be acceptable to the local planning authority's Policy Env 12 Trees. Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention.

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2

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Helen John

Address: 19 Polwarth Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

I live with my daughter and her husband in single storey accommodation adjacent to the garage and on the border of the proposed new building at the Ettrick Cottage. I am 84 years old. I don't have my own email address so will need to register with my daughter's email.

These are my personal reasons for objection to the new proposals at 21 Napier Road -

- o I am worried about the effect of light and privacy as there are Velux windows to the rear and to my daughter's living space.

- o It also is worrying me that our peaceful home will be invaded with the increase of people coming and going. I am concerned about my well-being as the building is proposed so close to the boundary. The building will literally be 3.5 metres from my headboard!

- o The thought of the build itself is frightening me as it will be so intensely close to me and I spend the whole day most days in my area of the home. I am worrying that I won't cope with the noise and disruption.

- o The mass and volume of the building has substantially increased, and the residential building overwhelms the church.

- o The new accommodation doesn't feel aesthetically pleasing.

o I have great concern for the conservation of the trees in the grounds and the horse chestnut in our driveway which I am very fond of.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Ms Ann MacDonald

Address: 11b Ettrick Rd Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the change of use proposed from a residential garden area a church with a sitting capacity for over 50 people, plus communal kitchen and meeting space opening onto the gardens.

Under section 64 planning (listed buildings and conservation areas Scotland) Act, as the site is in a conservation area there is a need to ensure development either enhances or protects the area. I cannot see how this change of use and the resultant impact of traffic & noise does this. It detracts from the residential area. Currently the activities of the church are restricted to the internal space of 21 Napier Rd and the scale of that building. This introduces a new large meeting space onto Polwarth Terrace and will be encouraging the use of it's garden area when functions are on. While this application is for a Church it may be used in the future by any class 10 uses.

With regard to Edinburgh Local Plan Policy 4 requirements:

I regard the form to be incongruous with the surrounding properties

The proposed position of the development in relation to the neighbouring property of 19 Polwarth Terrace is too close to it's boundary and will cause overshadowing.

The materials and form proposed for the Church are out of keeping with the sandstone of the surrounding buildings

The amenity of the neighbourhood and particularly the houses immediately adjacent and opposite will be negatively affected by increased noise levels from more footfall, traffic and events spilling out into the garden area.

,

The scale and proportion of the building and in particular it's closeness to the boundary with 19

Polwarth Terr.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Roderick Davidson

Address: Ettrick Cottage 19 Polwarth Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to strongly object to the new proposals at 21 Napier Road for the future and welfare of this leafy residential neighbourhood and because of the detrimental impact it has on our own property at 19 Polwarth Terrace

1. Section 64 (listed Buildings and Conservation Areas) (Scotland) Act 1997.

As this development is within a conservation area the Council has a statutory duty to give special protection to the trees and to ensure the development either protects or enhances the area.

As far as I am aware, there has not been a British standards Tree survey conducted and therefore there is a lack of properly informed analysis of the constraints of the site.

I also wish to bring attention to the Horse Chestnut tree at the border wall within the grounds at 19 Polwarth Terrace

The Christian Community have drawn our tree on their plans but have never requested our permission to survey this tree whilst we have had ownership of the house since January 2020 and therefore I am not sure how they can accurately represent the tree on the plans.

Please find attached our own independent British standards tree survey conducted on this tree dated 30th August 2021. As can be seen clearly to enable the build to proceed within the proximity to 19 Polwarth Terrace, the crown of the tree will need to be heavily cut back. This is not being shown on their drawings.

The report summary reports that the recommendations of our survey are such that the

development CANNOT be achievable in arboriculture terms as IT WILL RESULT IN THE LOSS of a significant chestnut in our grounds. This will undoubtedly make the new building more visible in Polwarth Terrace.

## 2. Under the Edinburgh Local Development Plan Policy 4-Impact on Setting

'Planning permission would be granted if the development can demonstrate that it will have a positive impact on its surroundings including the character of the wider townscape and landscape' I believe the design quality is poor with regards to both aesthetics and amenity.

### o Section a height and form

The proposed buildings are incongruous within this residential area. The accommodation and community centre block dwarf the church and the link between the two buildings lacks in harmony. The timber church is not in keeping with the surroundings. The façade of the accommodation building facing the onto the street is not attractive and does nothing to enhance the area. The window arrangement is unattractive.

### o Section b Scale and Proportions

I strongly feel that this is Over Development of the site

I believe the site is not big enough to fit everything the Christian community are seeking without adversely affecting residential amenity. I am looking for a reduction to the footprint of the building away from protected trees. The mass and volume of the building has substantially increased, and the residential building overwhelms the church.

### o Section c Position of buildings and other features on the site

The proposed buildings are very close to the boundary wall of 19 Polwarth Terrace. The Exterior steps are only 2045mm from the boundary at 19 Polwarth Terrace and 3500 mm for the building. The proposed site is too close to our boundary wall and the exterior steps quite frankly will be very ugly to look onto from our living area.

### o Section d Materials and detailing

This is of timber construction with rendered walls (except for sandstone to the front wall). This design is more suitable for a suburban new development but not within his period Victorian residential area. The proposed materials are not congruous to the surrounding area. The materials proposed for the church and the accommodation don't great an ecclesiastical feel, are different and a contrast to the sandstone at Napier Road



3. The proposed property will be the Christian Community head office for Scotland

Currently the Christian Community conduct their weekly services and events privately within the residential house of 21 Napier Road.

This new build provides significant opportunity for enhancement of their services and events which will inevitably increase footfall, traffic and noise and affect the amenity of the neighbouring properties. This could encroach on our privacy and peace. I am concerned about the level of traffic on Polwarth terrace as this is already congested with the Tennis and Bowls club.

4. I also have concerns about any future use of this building should the Christian Community decide to move on to another location and could become any one of a number of commercial enterprises.

a 'Church' falls under Class 10. Non- residential institutions. At any point in the future the Church once built and if sold, could change to any of the following commercial uses-

as a creche, day nursery or day centre

for the provision of education

for the display of works of art (otherwise than for sale or hire)

as a museum

as a public library or public reading room

as a public hall or exhibition hall

for or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body

5. On a more personal level, My mother of 84 lives with us adjacent to the garage in single storey accommodation. This is very close to the border and away from her living space with velux windows to her living area. Again, invading her privacy and peace.

6. We already have planning permission for the conversion of our single storey garage to living accommodation with sky lights to the rear. This design will be significantly impacted with lose of light and privacy.

7. One of our bedrooms adjacent to the proposed build is significantly lower in height than the proposed building. There is a canter levered window with a lovely aspect at present which would be literally blocked with a rendered wall only a few metres away.

And finally it would appear that there has been no new tree survey undertaken by the applicant at 21 Napier Road and therefore I have enclosed a summary Independent report that we actioned for your review. The report by Mr. Hinshelwood suggests that the Chestnut tree on the property of 19 Polwarth Terrace would be severely affected by the development as it stands in the application.

Thanks for reading this Objection.

## Summary

An arboricultural survey has been carried out and this report prepared to evaluate a full planning application to construct a new church and priest accommodation at 21 Napier Road directly to the east of the property of my clients at 19 Polwarth Terrace and under the canopy of the chestnut. This report provides information in compliance with British Standard BS 5837:2012, Trees in relation to design, demolition and construction and considers the effect the proposed development has on the local character from a tree perspective. The report's purpose is to properly allow the local planning authority to assess the tree information as part of the planning submission and bring to their attention the lack of information provided as part of that application. One individual tree, a chestnut, has been assessed in accordance with BS 5837.

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The focus of the report is on tree T0101 a chestnut. For reasons of level differences the ground works will have no impact on the roots of the tree (The levels are approximately 1.5 metres lower on 21 Napier Road). However, the above ground constraints have not been investigated properly. These should have been clearly indicated by the applicant by the accurate crown spread of tree and include its ultimate spread, along with a shade pattern. This would give an indication of the patterns of shadows created by trees around midday in the summer. This is as recommended by BS 5837 (Section 5.2.2). Where shading is likely to be a serious constraint, a more detailed analysis of shade pattern using proprietary software may be deemed necessary. The proposed accommodation has been designed to have roof ridge that is constructed into the crown of the chestnut and above the existing ridge height of 19 Polwarth Terrace. The report contains a draft arboricultural method statement head of terms in accordance with recommendations in Table B1 of BS 5837.

It is recommended that a detailed arboricultural method statement is produced in response to the current proposal. This would describe in detail how the chestnut tree found at 19 Polwarth Terrace will be protected from the development and the methods of work close to trees. This report must contain details common to most development proposals.

The recommendations made within BS 5837 2012, are such that the development cannot be achievable in arboricultural terms as it will result in the loss of the significant chestnut found in 19

Polwarth Terrace and cannot be acceptable to the local planning authority's Policy Env 12 Trees. Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention.

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[www.hinshelwoodarb.com](http://www.hinshelwoodarb.com)

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Dr Ian Sword

Address: 13 Napier Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the above Planning Application on the basis that:

1. It constitutes an overdevelopment of the site .
2. Design, construction materials and finishes are inconsistent with development in the Conservation Area and are unsympathetic to the grand Victorian mansion house on the site.
3. The proposed development will lead to significantly increased vehicular traffic in an area already prone to over-parking from tennis, bowls and football matches (the latter at the nearby stadium).
4. Within the curtilage of the grand mansion house are many magnificent specimen trees (already in need of significant maintenance) and the published documents appear to underestimate the impact of the development on the canopy of at least one magnificent chestnut tree (which will inevitably lead to increased visibility of the development from Polwarth Terrace).

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Linda Staines

Address: 19/6 Ettrick Road Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This building is not in keeping with the conservation area. This is not primarily a residential building. It is a Church which will invite considerable extra traffic and parking problems. The building is not in local style and the architects and applicants have made no effort for it to fit with the style of local buildings. This is a residential area and should remain as such.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Daka Mickel

Address: 28 Napier Road EDinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment:I object for the following:

1. Impact on setting: The proposed buildings are incongruous with the residential are. Concerned with the overdevelopment of the site

The proposed buildings are very close to the boundary wall of 19 Polwarth terrace. The design of the building is not within the Victorian residential area.

2. Concerned that an active Christian church will impact on the noise & privacy of neighbourhood. This is already an issue at present and will only become worse. We are already overlooked at 28 Napier Road and parking is a regular issue during Christian community busy times. In addition, there is proposed residential accommodation within the planning, where will the parking be? Polwarth Terrace is already struggling for parking and Napier Rd becomes very busy (particularly in front of 28 Napier Road.

3. If planning is granted, 21 Napier Rd can be sold together and could change to any other commercial uses: a creche, day nursery, education provision, a museum, public library, exhibition hall etc. This would just increase the volume of noise, disrupt privacy and cause a huge impact on our residential area.

The community already have a beautiful church - Polwarth Parish Church. Why cant they use this church?

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Dr Colwyn Jones

Address: 11B Ettrick Road Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the change of use proposed in this application from a residential garden to a church with a sitting capacity for over 50 people, plus communal kitchen and meeting space opening onto the gardens.

Under section 64 planning (listed buildings and conservation areas Scotland) Act, as the site is in a conservation area there is a need to ensure development either enhances or protects that conservation area. The proposed change of use and the resultant impact of traffic & noise neither enhances nor protects this residential area. Currently activities are restricted to the internal space of the existing 21 Napier Road within that building. This proposal would introduce a new large meeting space onto Polwarth Terrace and will use the garden area when functions are on. While this application is for a Church it may be converted in the future to any class 10 use which would inevitably further detract from the conservation area status.

The proposed position of the development in relation to the neighbouring property of 19 Polwarth Terrace is too close to its boundary and will cause overshadowing.

The materials and form proposed for the Church are out of keeping with the sandstone of the surrounding buildings.

The amenity of the neighbourhood and particularly the houses immediately adjacent and opposite will be negatively affected by increased noise levels from more footfall, traffic and events spilling out into the garden area.

The scale and proportion of the building is too large particularly its closeness to the boundary with

19 Polwarth Terrace.

The application has not been properly undertaken as a mature deciduous tree (Chestnut) will be adversely affected if it were approved.



# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Alice Cavaye

Address: 24/2 Polwarth Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This seems much larger than the previous rejected applications. I object to the proposed height of the building.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr David Staines

Address: 19/6 Ettrick Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The architectural style and materials proposed are not in keeping with this conservation area. It will be a blot on the landscape, and will create parking problems and potential noise problems from numerous people who would not otherwise be in the area.

The area is already well served by churches.

I am not convinced that, in the event that planning permission is granted, the Christian community will not decide against the current plan and use the permission in order to make money from a residential development.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Ally Miller

Address: Harelaw Farmhouse Longniddry

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I strongly object to the proposed plans as the structure is close to the boundary and will damage the old trees in the conservation area. In my opinion the proposed design of the building is also not in keeping with the local area and the added traffic and noise levels around the street will inevitably increase. Looking at the elevations of the proposed building, the 2 stories and roof, right next to the boundary will block sunlight into neighbouring properties and extremely invasive!

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr alan sinclair

Address: 4 Ashley Gardens Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As part of the local Tennis & Bowling Club we are concerned about the volume of traffic & parking this will create. esp as the access is right across from our main entrance

We have over 300 members and when league matches & competitions are on as well as tennis coaching Polwarth Terrace becomes very busy. Parking is at a premium anyway but this development is going to impact on it even more

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs GILL SALVESEN

Address: 11 NAPIER ROAD EDINBURGH

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application on the following grounds:

1. It is not in keeping with the appearance of the conservation area, which is characterised by solid stone built villas. Where extensions or garden development has been allowed, this is of solid stone built appearance to echo the character of the original villas. This development consists of a wooden church which looks temporary in nature. The priest house facing Polwarth Terr is more in keeping with 1960s estate housing, behind which would be a characterless accommodation block served by an external stair. None of these buildings relate in style to those in the area, and they do not relate to each other as a coherent development.
2. The proposal would require the cutting back of a magnificent chestnut tree on neighbouring ground and this is likely to be fatal to the tree. The tree serves as significant screening from the road for any building on the proposed site. Its loss would leave the development very visible from the road. The ground rises away from the road.
3. The proposal in effect doubles the density of usage on the garden ground of 21 Napier Road, with implications for traffic. The development would increase the vehicle and pedestrian usage, especially when considering the additional traffic on Polwarth Terr from tennis and bowling clubs and during football and rugby matches.
4. The existing villa would overlook a hotchpotch of poorly designed buildings which would not be in keeping with the building style of the area, all built very close to the villa and thereby spoiling its traditional setting.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Ms Jane Coull

Address: 9B Ettrick Rd Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I wish to object to the proposed developed at 21 Napier Rd. In particular, the inevitable increase in noise, people,traffic and parking in the vicinity. The proposal also disregards the conservation rules in the area: the buildings would not be in keeping with existing structures. I'm also extremely concerned about the effect of the development on wildlife and mature trees - especially the horse chestnut tree on the border with number 19. A private survey indicates the development would result in the loss of this beautiful tree.

I sincerely hope the Council will see fit to refuse planning permission for this new application.

The Christian Community is seeking to gain a great many amenities from the site at 21 Napier Rd.

Can they not build something far less ambitious, less incongruous and less damaging to the surrounding area?

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Ms Jane Coull

Address: 9B Ettrick Rd Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the proposed development at 21 Napier Rd. In particular, the inevitable increase in noise, people, traffic and parking in the vicinity. The proposal also disregards the conservation rules in the area: the buildings would not be in keeping with existing structures. I'm also extremely concerned about the effect of the development on wildlife and mature trees - especially the horse chestnut tree on the border with number 19. A private survey indicates the development would result in the loss of this beautiful tree.

I sincerely hope the Council will see fit to refuse planning permission for this new application. The Christian Community is seeking to gain a great many amenities from the site at 21 Napier Rd. Can they not build something far less ambitious, less incongruous and less damaging to the surrounding area?

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr MIKE SALVESEN

Address: 11 NAPIER ROAD EDINBURGH

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposal on the following grounds:

1. The proposed development is not in keeping with the appearance of the conservation area which is characterised by solid stone built villas. The three built elements of the proposal are not of this nature, the church element in particular being of wooden construction, looking temporary in nature. The design does not form a coherent whole, and it does not reflect the character of the building in the area.
2. The construction process would adversely affect a significant chestnut tree on neighbouring property. The loss of the tree would be detrimental to the appearance of the area and make this incongruous development highly visible from the road.
3. There would be an increase in vehicle and pedestrian traffic on Polwarth Terrace, already subject to busy parking and footfall due to bowling and tennis club use, and parking for Tynecastle and Murrayfield matches. It is likely that any new owner of the original villa would seek additional gateways to allow parking on the plot, current car access being encompassed in this proposal for the church.
4. The proposal would result in an increase in the density of building on what has always been an eye-catching grand villa with beautiful garden ground. The development would severely affect the setting of the villa, and the character of the conservation area.



# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Elspeth Fairgrieve

Address: 9B Napier Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed buildings are still not in keeping with the rest of the area. They are too big and too close to neighbouring properties. The design will look out of place in such a beautiful area. The road is not designed to have any more parking than there already is. Polwarth Terrace is now a busy street with parking on both sides. As a member of the tennis club, there are many young children in the area and with so many parked cars and the reality there will be more, this is dangerous and not in keeping with a suburban area. The current building at 21 Napier Road is more than big enough to accommodate the church services that are needed. Anything else is simply becoming a commercial opportunity.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Miss Emma Fairgrieve

Address: 9B Napier Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed buildings are still not in keeping with the rest of the area. They are too big and too close to neighbouring properties. The design will look out of place in such a beautiful area. The road is not designed to have any more parking than there already is. Polwarth Terrace is now a busy street with parking on both sides. As a member of the tennis club, there are many young children in the area and with so many parked cars and the reality there will be more, this is dangerous and not in keeping with a suburban area. The current building at 21 Napier Road is more than big enough to accommodate the church services that are needed. Anything else is simply becoming a commercial opportunity.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Brian Fairgrieve

Address: 9B Napier Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed buildings are still not in keeping with the rest of the area. They are too big and too close to neighbouring properties. The design will look out of place in such a beautiful area. The road is not designed to have any more parking than there already is. Polwarth Terrace is now a busy street with parking on both sides. As a member of the tennis club, there are many young children in the area and with so many parked cars and the reality there will be more, this is dangerous and not in keeping with a suburban area. The current building at 21 Napier Road is more than big enough to accommodate the church services that are needed. Anything else is simply becoming a commercial opportunity.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Elaine Weir

Address: 13 Merchiston Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to strongly object to the new proposals at 21 Napier Road for the future of this residential neighbourhood.

My reasons for objecting include:

1. Section 64 (listed Buildings and Conservation Areas) (Scotland) Act 1997.

As this development is within a conservation area the Council has a statutory duty to give special protection to the trees and to ensure the development either protects or enhances the area.

As far as I am aware, there has not been a British standards Tree survey conducted and therefore there is a lack of properly informed analysis of the constraints of the site.

I also wish to bring attention to the Horse Chestnut tree at the border wall within the grounds at 19 Polwarth Terrace

The Christian Community have drawn the chestnut tree on their plans but have never requested the owner's permission to survey this tree whilst they have had ownership of the house since January 2020 and therefore I am not sure how they can accurately represent the tree on the plans.

Please find attached an independent British standards tree survey conducted on this tree dated 30th August 2021. As can be seen clearly to enable the build to proceed within the proximity to 19 Polwarth Terrace, the crown of the tree will need to be heavily cut back. This is not being shown on their drawings.

The report summary reports that the recommendations of the owner's survey are such that the

development CANNOT be achievable in arboriculture terms as IT WILL RESULT IN THE LOSS of a significant chestnut in our grounds. This will undoubtedly make the new building more visible in Polwarth Terrace.

## 2. Under the Edinburgh Local Development Plan Policy 4-Impact on Setting

'Planning permission would be granted if the development can demonstrate that it will have a positive impact on its surroundings including the character of the wider townscape and landscape'  
I object on the basis that the criteria are not met under the current plans.

### o Section a height and form

The proposed buildings are incongruous within this residential area.

### o Section b Scale and Proportions

I strongly feel that this is Over Development of the site.

I believe the site is too small to fit everything the Christian community are trying to achieve without adversely affecting residential amenity.

### o Section d Materials and detailing

This is of timber construction with rendered walls (except for sandstone to the front wall). This design is more suitable for a suburban new development but not within this period Victorian residential area. The proposed materials are not congruous to the surrounding area.

## 3. The proposed property will be the Christian Community head office for Scotland

Currently the Christian Community conduct their weekly services and events privately within the residential house of 21 Napier Road.

This new build provides an opportunity to increase the number of attendees to their services and events which will inevitably increase footfall, traffic and noise. I am concerned about the level of traffic on Polwarth Terrace as this is already congested with the Tennis and Bowls club. The club offers classes for young children, their safety in the dark has to be considered if the level of traffic / parked cars increases.

4. I also have concerns about any future use of this building should the Christian Community decide to move on to another location and could become any one of a number of commercial enterprises.

a 'Church' falls under Class 10. Non- residential institutions. At any point in the future the Church

once built and if sold, could change to any of the following commercial uses-

- as a creche, day nursery or day centre
- for the provision of education
- for the display of works of art (otherwise than for sale or hire)
- as a museum
- as a public library or public reading room
- as a public hall or exhibition hall



# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Andrew Weir

Address: 13 Merchiston Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to strongly object to the new proposals at 21 Napier Road for the future of this residential neighbourhood.

1. Section 64 (listed Buildings and Conservation Areas) (Scotland) Act 1997.

This development is within a conservation area therefore the Council has a statutory duty to give special protection to the trees and to ensure the development either protects or enhances the area.

To my knowledge, a British standards Tree survey has not been conducted.

I also wish to bring attention to the Horse Chestnut tree at the border wall within the grounds at 19 Polwarth Terrace.

The Christian Community have drawn the chestnut tree on their plans but have never requested the owner's permission to survey this tree whilst they have had ownership of the house since January 2020.

2. Under the Edinburgh Local Development Plan Policy 4-Impact on Setting

'Planning permission would be granted if the development can demonstrate that it will have a positive impact on its surroundings including the character of the wider townscape and landscape'  
I object on the basis that this condition is not fully met.

o Section a height and form

The proposed buildings are incongruous within this residential area.

o Section b Scale and Proportions

The planned development is Over Development of the site.

I believe the site is not large enough for the proposed development.

o Section d Materials and detailing

This is of timber construction with rendered walls. The proposed materials are not congruous to the surrounding area.

3. The proposed property will be the Christian Community head office for Scotland.

The number of attendees to their services and events would increase thus resulting in increased footfall, traffic and noise. This area is already subject to a lot of traffic from Merchiston Lawn Tennis and Bowling Club,

4. I have concerns about any future use of this building should the Christian Community decide to sell the property. It could become any one of a number of commercial enterprises.

a 'Church' falls under Class 10. Non- residential institutions. At any point in the future the Church once built and if sold, could change to any of the following commercial uses-

as a creche, day nursery or day centre

for the provision of education

for the display of works of art (otherwise than for sale or hire)

as a museum

as a public library or public reading room

as a public hall or exhibition hall.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Miss Amy Davidson

Address: 19 Polwarth Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to the planned proposal of a chapel and living accommodation due to the effect of damaging trees in a conservation area. In addition to this it is close to the boundaries of neighbouring properties - it is proposed to be two stories and this would be intruding and invasive to neighbours privacy. There would also be an increased noise level to a mostly residential street.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr John Millar

Address: 18 Merchiston Crescent Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I consider this plan to be over development within a residential area. I'm also concerned about the old trees that will be destroyed on the grounds and in neighbouring properties.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr David Edwards

Address: 24B/7 Polwarth Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. I am objecting under Section 64 planning (listed Buildings and Conservation Areas) (Scotland ) Act 1997

My property overlooks the proposed development which is within a Conservation Area to which the council under section 64 has a statutory duty to give special protection.

According to a full Arboricultural Survey dated 30 August 2021 (which the applicants of the proposed development have not themselves produced), this development will result in the loss of a significant mature chestnut tree in the neighbouring property at 19 Polwarth Terrace, which will considerably detract from the treed nature of the whole of this Conservation Area.

2. I am objecting under the Edinburgh Local Development Plan Policy 4- Impact on Setting.

Under section a, I object on the grounds that architectural style of the proposed development is not in keeping with the overall Victorian residential nature of the neighbourhood.

3. I am objection under Policy 5 Development Design-Amenity

The proposed development is designed to be the Head Office for The Christian Community in Scotland, which will inevitably result in a far greater impact on the noise, traffic and disturbance in the neighbourhood than is currently the case. This will considerably change the nature of this Conservation Area and have a detrimental impact on the privacy and amenity of neighbouring residents.





# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Roslyn Edwards

Address: 24B/7 Polwarth Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. I am objecting under the Edinburgh Local Development Plan Policy 4-Impact on Setting.

I consider the whole development to be an over development of the site.The Residential Priests' buliding is jammed up against the neighbouring wall which will result in considerable overshadowing of that property. The buildings could be resited so as not to have such a detrimental impact .

The building materials chosen are not in keeping with the essentially traditional Victorian architecture of the neighbourhood. The Priests' accommodation in particular is unsympathetic and overpowering in this Conservation Area.

2. I am objecting under Policy 5 Development Design- Amenity

The development will have a detrimental impact on the level of amenity of the area. The proposed developmentwhich is to be the Headquarters of the Christian Church in Scotland , will necessarily result in more noise , traffic and disturbance in this residential neighbourhood and will also adversely affect the privacy and outlook from the neighbouring homes.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Rosalind Dunbar

Address: 15 Napier Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to the above Planning Application on the basis that:

1. It constitutes an overdevelopment of the site .
2. Design, the construction materials and finishes are inconsistent with development in the Conservation Area and are not in keeping with the original house on the site.
3. The proposed development will lead to significantly increased vehicular traffic in an area.
4. Within the grounds of the original house are some specimen trees. The published documents appear to underestimate the impact of the development on the canopy of at least one large chestnut tree in the neighbouring garden.
5. There is a concern that should planning be approved and if the house and site are then sold, it could be developed into a larger residential or commercial usage site.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Joseoh Malcolm

Address: 19/1 Ettrick Road Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The building is not in keeping with this residential area and its use will impact on traffic and car parking and will greatly increase noise levels.

This is a conservation area and as such any removal or damage to trees should be avoided.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Anna Pearson-Annen

Address: 15 Polwarth Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object on 3 grounds:

1. Under the Edinburgh Local Development Plan policy 4 - impact on setting, sections a, b, c and d.
2. Under the Edinburgh Local Development Plan policy 5 - development design - amenity.
3. Section 64 Act 1997 - special protection to conservation area, in particular the suggested loss of a horse chestnut tree.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Philip Annen

Address: 15 Polwarth Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object on 3 grounds:

1. Under the Edinburgh Local Development Plan policy 4 - impact on setting, sections a, b, c and d.
2. Under the Edinburgh Local Development Plan policy 5 - development design - amenity.
3. Section 64 Act 1997 - special protection to conservation area, in particular the suggested loss of a horse chestnut tree.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Dr Mairi Stewart

Address: 17 Napier Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the above plans as I feel that the proposed development is not in keeping with the neighbouring houses within this conservation area. The appearance of the area will be changed with this development. The majority of the buildings in this area are of sandstone construction which is not what is proposed in the entirety of this plan.

I also think that this proposed development will bring more traffic in to an already busy street for parking. With the tennis and bowling club across the road and extra parking at weekends for football matches at tynecastle the street is already busy.

I am also concerned with what will happen to the old house (the current Christian Community building) if these proposals are granted. This land will be sold off to finance the new build and this will undoubtedly lead to more overdevelopment of the site and impact on our conservation area.



# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Dr Mairianna Clyde

Address: Flat 3F1 69 Merchiston Crescent Edinburgh

## Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Planning Application 21/04838/AMC

Merchiston Community Council wishes to OBJECT to the application 21/04838/AMC on the following grounds.

### 1. Policy Des 1 Design Quality and Context

Whilst the proposed church building exemplifies innovation in the local context with its unusual curved and sweeping roof line, timber materials and sedum roof, which blends with the context of the wild, informal, free-form wooded garden of 21 Napier Road, it does not relate sensitively to the Victorian villas in the surrounding streetscape and will be highly visible from the street by the removal of a large 3-metre section of the 2.4 metre high boundary wall along Polwarth Terrace (see drawing 21-002 002 PL - Landscaping Plan). This wall is a historic feature of the area and part of its character. The proposed opening is to form the pedestrian access to the church. The curved route will be a generous sweeping path bordered by climbing shrubs up the incline to a wide flight of steps fronting the access to the church and building complex. This path will be an attractive approach for the worshippers but will come at the expense of the street and its character. It might be better to make the access a door in the wall, and to retain the wall without interruption, as preserving the historic character of the area and of 21 Napier Road. A door at this point would also play on the charming motif of the 'secret garden' revealed behind a door favoured by Victorian gardeners, and would enhance the church's privacy and security as well as the character of the area.

But as proposed, the wide gap in the high boundary wall in combination with the innovative church building, contravenes Policy Des 1 Design Quality and Context, by not drawing upon the positive character of the surrounding area. Rather, it eliminates it. It draws on the context of the informal garden, currently hidden behind the wall, and not the visible formality of the street.

### 2. Policy Des 4 Development Design - Impact on Setting

The church has been orientated E-W diagonally across the site so that the altar faces due east towards the rising sun in accordance with Christian belief, but this sets it at an uncomfortable and jarring angle to the linked offices-community hall-accommodation block which follows the orientation of the surrounding urban fabric and of the street. There is an interior courtyard linking the two buildings identified as FFL80.50 on the Landscaping Plan (Drg. 21-002 002 [PL]) - a potentially attractive feature, were it not for the massing and height of the accommodation/offices block which exceeds the height of the church and of the neighbouring dwelling at 19 Polwarth Terrace. It towers over the church making this a claustrophobic interior space without sufficient natural lighting or ventilation. The toilets are at this level and are entered off this courtyard and appear to be entirely without natural lighting or ventilation, meaning that they will require mechanical ventilation which could be disturbing to neighbours at 19 Polwarth Terrace at times when the church and community hall are in use. The office/community/accommodation block's footprint covers around 175 square metres (according to figures given on the Landscaping Plan - Drg. 21-002 002 [PL]) and entirely dominates the church, eliminating the possibility of the innovative church building design having an attractive and harmonious woodland setting. It imposes itself in a severe way on the interior courtyard which will be in shadow most of the day as a result.

The relation of the two buildings seems jarring and disproportionate. The proposed plans represent a moderate-sized block of three flats, plus offices and community hall covering a 175 square metre footprint, (on two levels = 350 square metres) with a linked smaller chapel in its garden.

### 3. (Policy Des 5 Development Design - Amenity).

The block is crammed into a corner of the site very close to neighbours at 19 Polwarth Terrace which suggests overdevelopment with impact on their amenity and thus potentially contravenes Policy Des 5 Development Design - Amenity.

The 50 square metre community hall opens out onto the rear garden with attractive double glass doors but again the proximity to the boundary of 19 Polwarth Terrace and its buildings could be a concern and potentially detract from neighbours' amenity if large numbers congregate there on a regular basis.

The design of the accommodation and offices block is poor. The façade facing on to the street pertains to be of a traditional character yet it affords little visual interest and its blandness renders it out of character with surrounding area. Neither does it complement the design of the church. There is a visual disjunction in the contrast of styles which does not lend balance or coherence to the overall development.

Mairianna Clyde (Dr.)

Merchiston Community Council

Planning Lead

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Dr Lucie Ashby

Address: 19 Napier Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My primary concern relates to the aesthetics. I do not object to a church being built per se, however, this appears more like a residential accommodation block which is not in keeping with the surroundings. Some time ago there was a plan which appeared far more ecclesiastical than the current structure, and as such we did not object. The arboriculture and local flora and fauna reports appear to have given insufficient consideration to the size, scale and importance of this plot. Increased traffic is an additional concern. The road is already busy with tennis parking. Football (Tynecastle) parking already poses an issue to this ordinarily quiet residential street.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Adrian Ashby

Address: 19 Napier road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The new proposed building(s) have a very unbecoming aesthetic and are, in my view, far from inkeeping architectural and construction type of the area.

From the evidence presented previously and this application, the consideration of the micro ecology, arboriculture and local habitat have been rushed without sufficient adequate consideration, in favour of the desire to get the new structures approved and built.

The fenestration and street facing elevation is awkward at best and contrary to the neighbourhood 'theme and style'.

The size and scale of the new residential block is far beyond the needs defined during local discussions. The traffic impact and the new increased activity and the proposed access/egress have also fallen short of satisfactory for local children safety (in my view). The frequent use by football supporters who park on the surrounding streets will lead to a high risk of blind exits on Sundays. The area has many families and dog walkers and the new traffic modelling in real terms is insufficient.

The majestic trees of neighbouring properties would also be at risk from substructure excavations and foundation/groundworks.

This new location and scale of developments would change the area considerably and needs to be far more ecclesiastical and sympathetic.

Whilst I don't object to the Christian Community wanting to evolve their place of worship and

dwelling, I would want more to be changed towards a lower key structure with definite intended uses. Currently location on the plot is satisfactory but alterations and ammendments would facilitate the over all acceptance of these new structures into the ethos and ambience of the existing neighbourhood.

# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Ms Louise Drummond

Address: 32a Palmerston place Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Over development of the site and concerns of future use of the site if sold.



# Comments for Planning Application 21/04838/AMC

## Application Summary

Application Number: 21/04838/AMC

Address: 21 Napier Road Edinburgh EH10 5AZ

Proposal: Approval of matters Ref: 19/02753/PPP, new Chapel and Priest accommodation in the grounds of the existing house.

Case Officer: Robert McIntosh

## Customer Details

Name: Ms Bridget Stevens

Address: Flat 1 10 Ettrick Road Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:(I am a member of Merchiston Community Council but am writing here in a personal capacity) to OBJECT to this application. The revised plans show the design of the proposed new block to be of poor quality, and completely out of keeping with the remainder of the houses in Napier Road - which are mainly unaltered and retain the integrity of their garden areas. The new block would dominate the site to an unacceptable degree. Its footprint is excessively large when compared to the church. Please REFUSE this application.

**From:** [Robert McIntosh](#)  
**To:** [Planning Support](#)  
**Subject:** FW: 21/04838/AMC 21 Napier Road Edinburgh EH10 5AZ  
**Date:** 18 October 2021 09:46:58

---

Hi

Can this please be lodged as an objection to the above?

Kind Regards

Robert

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**From:** Planning <[planning@edinburgh.gov.uk](mailto:planning@edinburgh.gov.uk)>  
**Sent:** 18 October 2021 09:34  
**To:** Robert McIntosh <[Robert.McIntosh@edinburgh.gov.uk](mailto:Robert.McIntosh@edinburgh.gov.uk)>  
**Subject:** FW: 21/04838/AMC 21 Napier Road Edinburgh EH10 5AZ

**From:** F&B Cases Panel [REDACTED]  
**Sent:** 15 October 2021 21:01  
**To:** Planning <[planning@edinburgh.gov.uk](mailto:planning@edinburgh.gov.uk)>  
**Subject:** 21/04838/AMC 21 Napier Road Edinburgh EH10 5AZ

The AHSS Forth & Borders Cases Panel objects to two elements of these proposals. 21 Napier Road is a large detached villa on a road of similar houses, set in large plots. In order to prevent the loss of character, even in a plot as large as number 21's, any infill development must be subservient in scale and preserve the existing mature trees to all sides, with a significant amount of open green space.

We therefore object to the following two elements of this proposal:

1: The planning permission in principle was awarded for a more modest proposals which represents the practical limit of what can be accommodated without detracting from the conservation area's character as described above. Any new proposals should respect this limit, and therefore these larger proposals should be reduced in size.

2: The houses and flats in this area, including later developments, are built in natural stone. The use of imitation stone here therefore will be incongruous and emphasise the building rather than help it to blend in. This should be natural stone to match neighbouring properties, or omitted.

Yours,

**Dr Alastair Disley, Convenor**  
on behalf of the  
Forth & Borders Cases Panel



**AHSS**  
THE ARCHITECTURAL  
HERITAGE SOCIETY  
OF SCOTLAND

[REDACTED]

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**From:** Louise Drummond [REDACTED]  
**Sent:** 26 July 2022 20:00  
**To:** Local Review Body  
**Subject:** 21/04838/amc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I still have the same concerns that we're raised in my original submission

Kind regards

Louise Drummond

Sent from my iPhone

[REDACTED]

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**From:** Rod Davidson [REDACTED]  
**Sent:** 26 July 2022 13:10  
**To:** Local Review Body  
**Subject:** Planning application 21/04838/AMC  
**Attachments:** Rod objection development at 21 Napier Road.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please find attached my objections to the proposed development at 21 Napier Road Edinburgh, EH105AZ

The project has zero in common with the local area and will adversely affect aspects of the conservation area.

Kind regards

Rod Davidson

I am the homeowner at no.19 Polwarth Terrace and I wish to strongly object to the new proposals at 21 Napier Road for the following reasons:

- The height of the accommodation building at 10 metres tall is invasively high. Compared to proposal 2, the foundations are not being excavated into the natural slope of the site, so the impact is actually greater than this.
- A study showing the impact of over shadowing and light on our home is absent. Given the Ettrick Cottage is largely a one storey building the impact will be very significant.
- We already have planning permission for the conversion of our single storey garage to living accommodation with sky lights to the rear. This design will be significantly impacted with lose of light and privacy.
- One of our bedrooms adjacent to the proposed build is significantly lower in height than the proposed building. There is a canter levered window with a lovely aspect at present which will be literally blocked with a rendered wall only a few metres away. We had been considering making this a living space in the future.
- The new design is 2.4 metres and 3.5 metres in some parts from the border for our property which I feel is too close given the volume of grounds available at 21 Napier Road.
- The mass and volume of the building has substantially increased, and the residential building overwhelms the church.
- The proposed materials are not congruous to the surrounding area. There materials proposed for the church and the accommodation don't great an ecclesiastical feel, are different and a contrast to the sandstone at Napier Road.

- The accommodation design looks like a 'youth hostel' in appearance and totally out of sync with the conservation area. It looks cheap.
- I have great concern for the conservation of the trees in the grounds but also have a personal concern for our mature horse chestnut tree on our land which is very close to the boundary wall.
- The design shows facilities for a venue which is of concern. How many events will occur such as weddings etc and encroach on our privacy and peaceful environment?
- The design seems to mirror that of a commercial enterprise. I know that The Christian Community have a worldwide congregation with overseas members residing on a temporary basis. There is only a marginal benefit to the local community.
- As this is the head office for Scotland and visitors will come from areas outside of Edinburgh, I am concerned about the level of traffic on Polwarth Street as this is already congested with the Tennis and Bowls club.



[REDACTED]

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**From:** Rhian Davidson [REDACTED]  
**Sent:** 25 July 2022 18:07  
**To:** Local Review Body  
**Subject:** 21/04838/AMC The Review  
[REDACTED] [REDACTED]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon

I am writing to you as I still have concerns on the application from The Christian Community above.

They remain as follows-

I wish to strongly object to the new proposals at 21 Napier Road for the future and welfare of this leafy residential neighbourhood and because of the detrimental impact it has on our own property at 19 Polwarth Terrace

#### **1. Section 64 (listed Buildings and Conservation Areas) (Scotland) Act 1997.**

As this development is within a conservation area the Council has a statutory duty to give special protection to the trees and to ensure the development either protects or enhances the area.

As far as I am aware, there has not been a British standards Tree survey conducted and therefore there is a lack of properly informed analysis of the constraints of the site.

**I also wish to bring attention to the Horse Chestnut tree at the border wall within the grounds at 19 Polwarth Terrace**

The Christian Community have drawn our tree on their plans but have never requested our permission to survey this tree whilst we have had ownership of the house since January 2020 and therefore I am not sure how they can accurately represent the tree on the plans.

**Please find attached our own independent British standards tree survey conducted on this tree dated 30<sup>th</sup> August 2021.** As can be seen clearly to enable the build to proceed within the proximity to 19 Polwarth Terrace, the crown of the tree will need to be heavily cut back. This is not being shown on their drawings.

**The report summary reports that the recommendations of our survey are such that the development CANNOT be achievable in arboriculture terms as IT WILL RESULT IN THE LOSS of a significant chestnut in our grounds. This will undoubtedly make the new building more visible in Polwarth Terrace.**

#### **2. Under the Edinburgh Local Development Plan Policy 4-Impact on Setting**

*'Planning permission would be granted if the development can demonstrate that it will have a positive impact on its surroundings including the character of the wider townscape and landscape'*

I believe the design quality is poor with regards to both aesthetics and amenity.

o Section a height and form

The proposed buildings are incongruous within this residential area. The accommodation and community centre block dwarf the church and the link between the two buildings lacks in harmony. The timber church is not in keeping with the surroundings. The façade of the accommodation building facing the onto the street is not attractive and does nothing to enhance the area. The window arrangement is unattractive.

o Section b Scale and Proportions

**I strongly feel that this is Over Development of the site**

I believe the site is not big enough to fit everything the Christian community are seeking without adversely affecting residential amenity. I am looking for a reduction to the footprint of the building away from protected trees. The mass and volume of the building has substantially increased, and the residential building overwhelms the church.

o Section c Position of buildings and other features on the site

The proposed buildings are very close to the boundary wall of 19 Polwarth Terrace. The Exterior steps are only 2045mm from the boundary at 19 Polwarth Terrace and 3500 mm for the building. The proposed site is too close to our boundary wall and the exterior steps quite frankly will be very ugly to look onto from our living area.

o Section d Materials and detailing

This is of timber construction with rendered walls (except for sandstone to the front wall). This design is more suitable for a suburban new development but not within his period Victorian residential area. The proposed materials are not congruous to the surrounding area. The materials proposed for the church and the accommodation don't great an ecclesiastical feel, are different and a contrast to the sandstone at Napier Road

3. The proposed property will be the Christian Community head office for Scotland

Currently the Christian Community conduct their weekly services and events privately within the residential house of 21 Napier Road.

This new build provides significant opportunity for enhancement of their services and events which will inevitably increase footfall, traffic and noise and affect the amenity of the neighbouring properties. This could encroach on our privacy and peace. I am concerned about the level of traffic on Polwarth terrace as this is already congested with the Tennis and Bowls club.

4. I also have concerns about any future use of this building should the Christian Community decide to move on to another location and could become any one of a number of commercial enterprises.

a 'Church' falls under Class 10. Non- residential institutions. At any point in the future the Church once built and if sold, could change to any of the following commercial uses-

as a creche, day nursery or day centre

for the provision of education

for the display of works of art (otherwise than for sale or hire)

as a museum

as a public library or public reading room

as a public hall or exhibition hall

for or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body

5. On a more personal level, My mother of 84 lives with us adjacent to the garage in single storey accommodation. This is very close to the border and away from her living space with velux windows to her living area. Again, invading her privacy and peace.
6. We already have planning permission for the conversion of our single storey garage to living accommodation with sky lights to the rear. This design will be significantly impacted with lose of light and privacy.
7. One of our bedrooms adjacent to the proposed build is significantly lower in height than the proposed building. There is a canter levered window with a lovely aspect at present which would be literally blocked with a rendered wall only a few metres away.

Best regards

Rhian

Rhian Davidson

Mob: [REDACTED]

19 Polwarth Terrace  
Edinburgh EH11 1NQ



[REDACTED]

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**From:** Bridget Stevens [REDACTED]  
**Sent:** 26 July 2022 17:38  
**To:** Local Review Body  
**Subject:** Planning Application: 21/04838/AMC 21 Napier Road, Edinburgh

I wish the objection I made to this planning application in October 2021 to remain in place. It is as follows:

**Comments:** (I am a member of Merchiston Community Council but am writing here in a personal capacity) to OBJECT to this application. The revised plans show the design of the proposed new block to be of poor quality, and completely out of keeping with the remainder of the houses in Napier Road - which are mainly unaltered and retain the integrity of their garden areas. The new block would dominate the site to an unacceptable degree. Its footprint is excessively large when compared to the church. Please REFUSE this application.

I hope very much that the fact that there is so much local opposition to the proposals will mean that the application will be REFUSED.

Bridget Stevens

10/1 Ettrick Road

Edinburgh EH10 5BJ

[REDACTED]

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**From:** Elspeth Fairgrieve [REDACTED]  
**Sent:** 27 July 2022 14:15  
**To:** Local Review Body  
**Subject:** 21 Napier Road, Edinburgh

Dear Sir/Madam

I previously objected to this planning application. My position has not changed. My reasons are:

The proposed buildings are still not in keeping with the rest of the area. They are too big and too close to neighbouring properties. The design will look out of place in such a beautiful area. The road is not designed to have any more parking than there already is. Polwarth Terrace is now a busy street with parking on both sides. As a member of the tennis club, there are many young children in the area and with so many parked cars and the reality there will be more, this is dangerous and not in keeping with a suburban area. The current building at 21 Napier Road is more than big enough to accommodate the church services that are needed. Anything else is simply becoming a commercial opportunity.

Thank you  
Elspeth Fairgrieve  
9B Napier Road



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100586992-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="David"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Sinclair"/>	Building Number:	<input type="text" value="40"/>
Telephone Number: *	<input type="text" value="07565527555"/>	Address 1 (Street): *	<input type="text" value="Corstorphine Hill Gardens"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH12 6LA"/>
Email Address: *	<input type="text" value="dave@sinclairarc.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Napier Road"/>
Company/Organisation	<input type="text" value="The Christian Community in"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 5AZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="21 NAPIER ROAD"/>
Address 2:	<input type="text" value="MERCHISTON"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH10 5AZ"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="672009"/>	Easting	<input type="text" value="323898"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Review of refusal of 21/04838/AMC 21 Napier Road

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☒ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We ask that the refusal of 21/04838/AMC be reviewed Please see attached document Appeal to Local Planning Review

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Appeal to Local Planning Review Document

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/04838/AMC

What date was the application submitted to the planning authority? \*

15/09/2021

What date was the decision issued by the planning authority? \*

28/06/2022

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr David Sinclair

Declaration Date: 20/07/2022

Appeal to Local Planning Review Body

Application 21 Napier Road Edinburgh EH10 5AZ 21/04838/AMC

Application to approve matters as specified in condition 1 of planning permission in principle 19/02753/PPP

**Statement for Planning review after refusal of the application above.**

In August 2020 application 19/02753/PPP for 'New chapel and priest accommodation in the grounds of the existing house (as amended)' was granted consent. This was for a new church, meeting rooms and residential priest accommodation. Further to the conditions of the approved application 21/03676/AMC was applied for. This was unexpectedly refused.

The following extract from the Decision Notice explains our confusion. "The principle of the development is supported and is in accordance with the Edinburgh Local Development Plan and the planning permission in principle. The proposed design, layout, landscaping and access are all acceptable. The proposal will not harm the protected trees within the site or cause harm to local ecology. There are no material considerations which outweigh this conclusion."

With planning in principle, our Swiss architect heightened the community room design to provide "balance" with a hyperbolic paraboloid eco-roofed roof to the chapel, with modern irregular windows and finishes. Once 21/03676/AMC was lodged a meeting was called by the applicant The Christian Community in Edinburgh (CCE) with local residents to discuss the proposal and take cognisance of the feelings and comments. The proposal which proposed to increase the proportions of the ancillary building was not well received by the local community as they felt it was larger than the original building approved in 19/02753/PPP. There were also concerns that the proposals would affect the two existing sycamore trees and the large chestnut tree in the adjoining garden.

After due consideration by the CCE it was decided that the applying should be withdrawn and a new application lodged with the ancillary block being reduced in size in line with the original PPP approval. A new application was lodged on 15th September 2021 Ref 21/04838/AMC

Discussions then took place with Robert McIntosh the planning officer in conjunction with his line manager Nancy Jamieson to confirm requirements they felt would help the proposal. Several areas of the design required clarification by the department, and these were finalised by way of further discussions and revision of the drawings. These included minor alterations to the elevations and after discussions with Robert these were changes were finalised and the application was passed on by Robert to the Nancy. Unfortunately, at this time Nancy who had been very much involved with the finalising of the proposals was on sick leave and has since retired and the application was reviewed by a new Line Manager who was unhappy with the proposal and recommended it for refusal.

## **History of the development.**

The Christian Community have owned 21 Napier Road for seventy years and has lived in harmony with its neighbours. We now find that the Georgian house is no longer suitable for the congregation, some who are aging, and a new church and meeting rooms set on one level would be more appropriate moving forward. Secondly the congregation is modestly growing with a need for better communal space, that would also be available for local community use. The large garden space is ideal for the proposed accommodation. The proposed building is set 14 metres behind the boundary, a 2.0m high wall to Polwarth Terrace and behind the existing tall sycamore trees and would fit unobtrusively into the landscape. The present proposal sits in the same position and height as the original PPP which was approved by the planning committee. (19/02753/PPP)

## **The proposed buildings.**

The proposed church building is a single storey timber clad structure which will be finished with sedum roof to give a natural living finish. The CCE have residential priests who live within the church premises, and it is proposed that the new ancillary accommodation should be provided for two priests with their families. There is also a small studio apartment situated on the ground floor which can accommodate a visitor. To accommodate the priests the ancillary building is two stories high with two family flats on the upper floor. The communal areas on the ground floor consist of a meeting room, office and toilets.

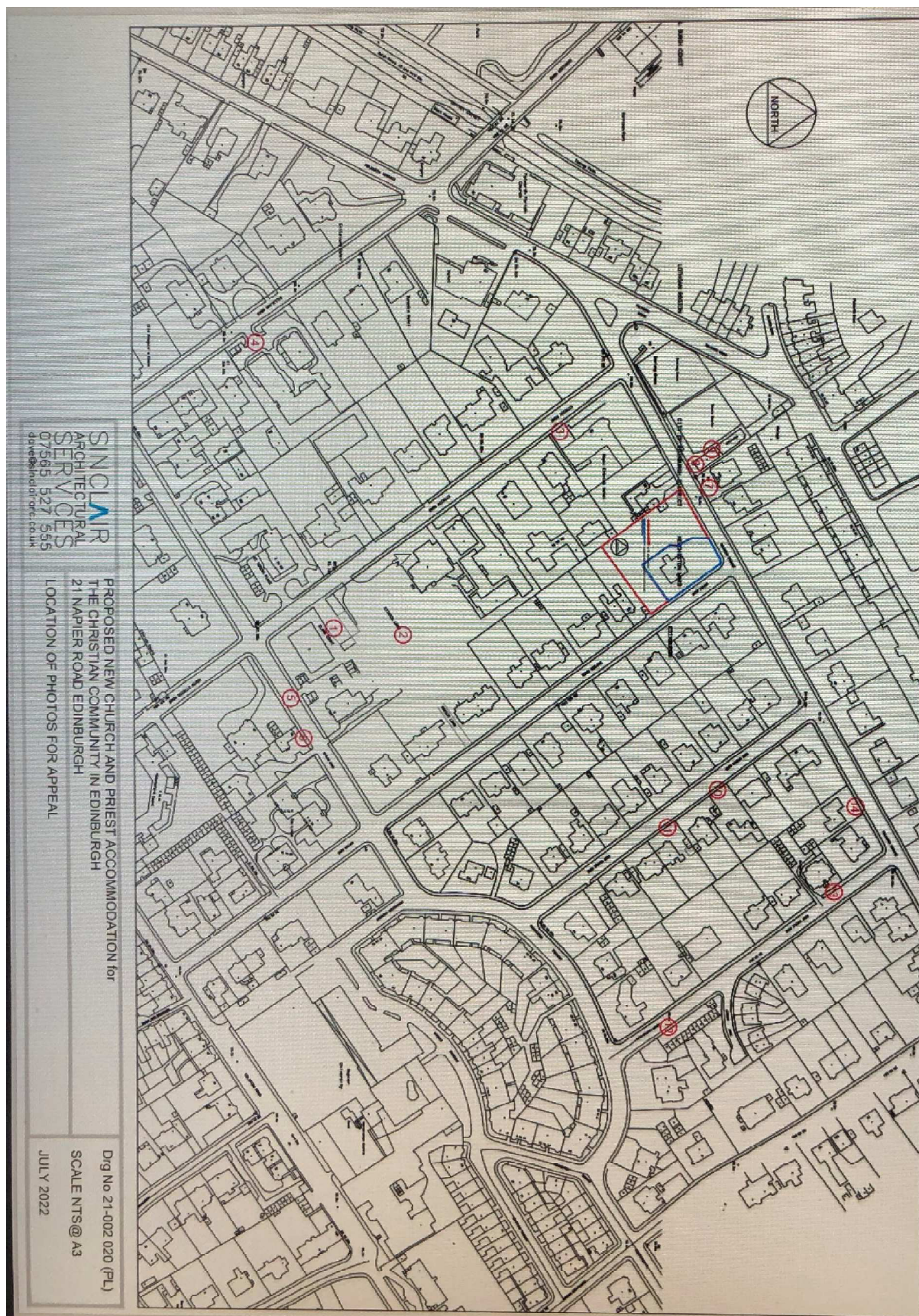
The design issues flagged up by the senior planner we believe were resolved, as it is proposed that this ancillary building should have a more traditional look, with a stone finish to the front elevation including traditional sash and case windows. Side and rear elevations will be finished with a render finish with sash and case windows and a slate roof. This is very much in line with several more modern blocks on Polwarth Terrace which have both natural and artificial stone facades, render to the sides and rear and slate roofs.. This traditional look was taken on board after a meeting with the local residents who felt that this part of the building should fit in more with the surrounding buildings. With the stone facade and the the sloping slate roof to the ancilliary building it is felt that the building does not overwhelm the church.

## **Rebuttal of refusal.**

Essentially the five refusal points raised by the senior planner are around the appropriateness of the ancillary block (the main church building is fine). Our original proposal was moved from the south end of the site to Polwarth Terrace, the edge of Marchmont conservation area, to minimise any design issues on Napier Road.

The conservation area has a substantial number of developments that do not reflect the traditional design of the original buildings in streets surrounding Polwarth Terrace, Through our discussions with the Department we feel we have manage to keep our design within the context of previous acceptable new buildings in the area. A number of developments in the area do not reflect the nature of the conservation area. This can best be explained by the following pictures and also includes two applications that have been recently approved in both Napier Road and our neighbour at 19 Polwarth Terrace.









1. Elgar Court Ettrick Road



2. Ettrick Loan Ettrick Road





3. Ettrick Road



4. 4/1-58 Gillsland Road





5. 4 Spylaw Road



6. 15 17 19 & 21 Spylaw Road





7. Ashley Court 26b Polwarth Terrace



8. Tennis Club Polwarth Terrace





9. Tennis Club Polwarth Terrace



10. 7b West Castle Road





11. 5 West Castle Road



12. East Castle Road





13. 22 East Castle Road



14. 11 Polwarth Terrace

There have been two recent applications that have been granted Planning consent in the area which we feel are of a design which are not in keeping with the conservation area especially 8A Napier

#### 19 Polwarth Terrace 22/00880/FUL

The existing garage has permission to be clad in charred timber cladding. The garage gable is the primary elevation of the property as viewed from Polwarth Terrace. The existing material type and wall colour is in keeping with the rest of the property, allowing the property to be read as one coherent building. Charred timber is not a traditional material for this building type and will not read with other properties in the area and negatively affects the view of the property from the road. Our proposal for No 21 Napier Road is no different to this as we have timber cladding and a traditional stone frontage to the Priest accommodation.

The conclusion to the granting of the proposal to clad the garage was "The proposed works to the dwelling will preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable.

#### 8A Napier Road

The granted proposal designed by Richard Murphy Architects is a timber clad two storey house that sits on the front boundary wall of Napier Road with the wall increased in height to accommodate a new bay window that overhangs the adjoining pavement. The proposed building which has a timber clad finish can be seen clearly from the street were as our proposal sits well back from the street and cannot be seen due the height of the existing wall on Polwarth Terrace and the large sycamore trees that are being retained.

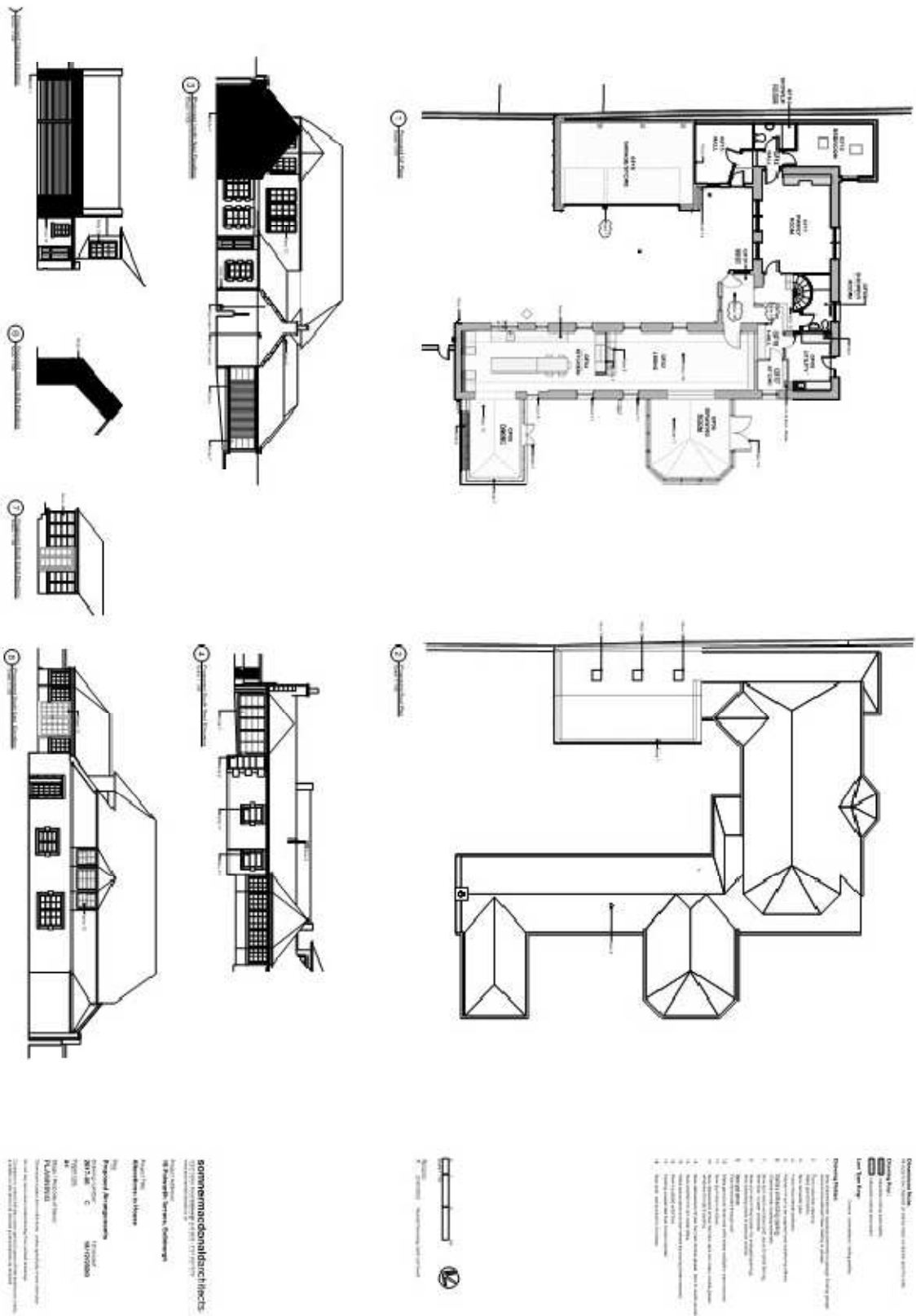
The conclusion in this case was that "the proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the development preserves the character and appearance of the conservation area and respects the setting of the adjacent A listed building.



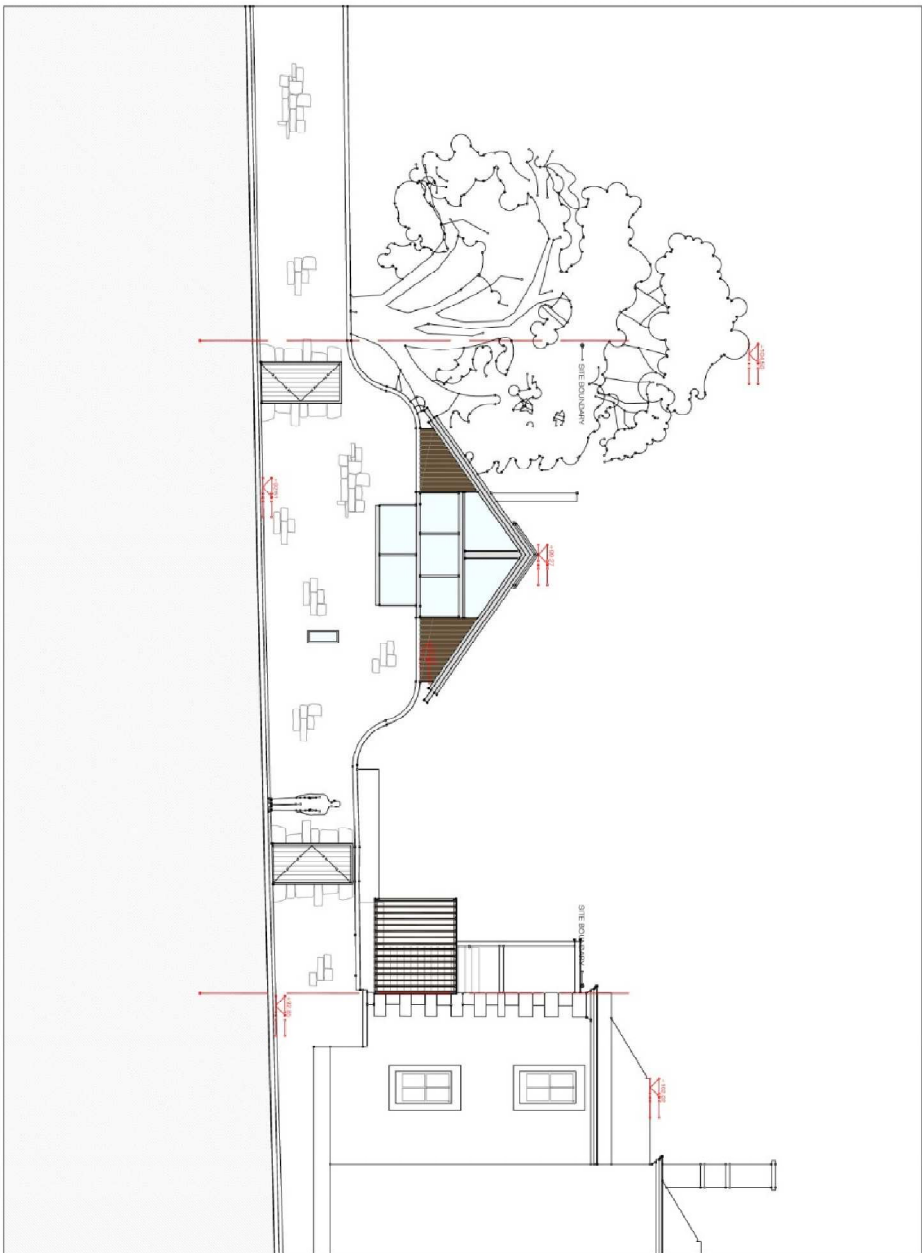
The proposal is acceptable in this location and complies with the Local Development Plan. It is of an appropriate design, form and scale and is in keeping with the character, appearance and spatial pattern of the surrounding area. The proposal draws on the positive characteristics of the surrounding area. (ENV6 DES1 DES3 DES4)

Our proposal at 21 Napier Road is very much in line with the conclusion for 8A Napier Road drawing on the positive characteristics of the surrounding area. ENV6 DES1 DES3 DES4 as quoted in our refusal.

Copies of the proposals for 19 Polwarth Terrace and 8A Napier Road are below.



19 POLWARTH TERRACE



**NOTES**

Richard Murphy Architects Ltd. Registered in Scotland No 25372

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Do not scale from this drawing; work from figured dimensions only.

**PROJECT TITLE**  
Proposed New House at 8A  
Napier Road, EDINBURGH

**DRAWING TITLE**  
West Elevation

**DWG STATUS**

DRAWN	CD	FILE #	DATE	REVISION
CHECKED	BM	JOH NO. 608	27/09/2021	DMV NO. AL/03/01

**PLANNING**

The Brecknock Mission, 15 Old Farmmarket Close  
Edinburgh EH1 1NP

1 0131 220 0125  
f 0131 220 0061

**Richard Murphy Architects**

mailto:info@rma-architects.com  
www.richardmurphyarchitects.com



## **Conclusion**

We have committed over two years in trying to find a suitable solution that is acceptable to planners and neighbours. Our proposal that was refused was throughout moved forward in discussions with Robert McIntosh and Nancy Jamieson taking on board both their comments and the concerns of the local residents.

We find it hard to accept that a proposal that has taken almost 9 months to finalise with one senior planning officer can then be unacceptable to another. Surely planning consent should be made on the merits of the application and not on the personal preference of a planning officer who we feel does not have the full picture of the process we have gone through.

The statement of refusal does not give a clear reason for refusal as it states "The proposed design, layout, landscaping and access are all acceptable. The proposal will not harm the protected trees within the site or cause harm to local ecology. There are no material considerations which outweigh this conclusion."

We therefore ask the Appeals Committee to overturn our refusal and grant permission for the proposal.

20<sup>th</sup> July 2022

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Planning Design & Graphics Ltd.  
FAO: Paul Graham  
4 Longstone View  
Edinburgh  
EH14 2AN

Mr Crawford  
331 South Gyle Road  
Edinburgh  
EH12 9EE

**Decision date: 23 June 2022**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Proposed single storey extension to rear of existing end terraced villa.  
At 331 South Gyle Road Edinburgh EH12 9EE

**Application No:** 22/01608/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 30 March 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reason for Refusal:-**

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it will result in unreasonable loss of neighbouring amenity in respect of daylight and sunlight.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposed works to the dwelling are contrary to the Development Plan. The works will result in an unreasonable further reduction in neighbouring amenity in terms of daylight and sunlight. They do not comply with the principles of Scottish Planning Policy as they will not protect the amenity of existing development. Therefore, planning permission should be refused. There are no further material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Ben Wilson directly at [ben.wilson@edinburgh.gov.uk](mailto:ben.wilson@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

## **Application for Planning Permission**

**331 South Gyle Road, Edinburgh, EH12 9EE**

**Proposal: Proposed single storey extension to rear of existing end terraced villa.**

## **Item – Local Delegated Decision**

**Application Number – 22/01608/FUL**

**Ward – B03 - Drum Brae/Gyle**

## **Recommendation**

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

## **Summary**

The proposed works to the dwelling are contrary to the Development Plan. The works will result in an unreasonable further reduction in neighbouring amenity in terms of daylight and sunlight. They do not comply with the principles of Scottish Planning Policy as they will not protect the amenity of existing development. Therefore, planning permission should be refused. There are no further material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The site is an end-terrace property in a courtyard setting on the south side of South Gyle Road. The properties in this area are off set from each other and the rear elevation of the neighbouring property sits slightly behind the application property. The overall area is mixed in terms of types of development including houses and flats.

### **Description Of The Proposal**

The proposal is a single-storey rear extension which extends across the whole rear elevation of the boundary. It is 4 metres in length and sits on the boundary with 333 South Gyle Road.

### **Relevant Site History**

21/02226/FUL  
331 South Gyle Road  
Edinburgh  
EH12 9EE  
Proposed two storey extensions to both front and rear of property.  
Refused  
1 June 2021

### **Other Relevant Site History**

No other relevant planning site history.

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 23 June 2022

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 1

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

### **Assessment**

To address these determining issues, it needs to be considered whether:

**a) The proposals comply with the development plan?**

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design policies Des 12.

The non-statutory Householder Guidance is a material consideration that is relevant when considering policy Des 12.

#### Scale, form, design and neighbourhood character

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and the surrounding area.

#### Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'.

The proposals will result in unreasonable loss of amenity in terms of daylight and sunlight in the property to the west. The neighbouring property is already affected in terms of the relevant criteria in the Guidance for Householders, due to development layout and nearby buildings and trees. The proposed extension would further reduce the levels of daylight reaching the interior of the neighbouring property. The proposal would also reduce the sunlight reaching the neighbouring garden - approximately 10% of the garden- and although the additional shadowed area is limited, it is in an area which likely to be well used, specifically with a patio and drying area. The Guidance for Householders states that 'how the affected area of the garden is used and its overall size will be taken into account'. In this situation, it is considered that the proposed extension will have a greater impact. The proposal would therefore result in an unreasonable further reduction in neighbouring amenity.

#### **Conclusion in relation to the Development Plan**

The proposals are compatible with both the existing building and neighbourhood character. The proposals will result in an unreasonable further reduction in neighbouring amenity. Therefore, the proposals do not comply with LDP policy Des 12 or the overall objectives of the Development Plan.

#### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal fails to comply with principle 13 of Paragraph 29 of SPP.



### Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

### Public representations

One objection has been received, summarised as:

#### *material considerations*

Effect on sunlight to neighbouring garden.

#### *non-material considerations*

Noise impact of construction.

### **Conclusion in relation to identified material considerations**

The proposals has been assessed in terms of its impact on neighbouring amenity and will have an unreasonable impact on neighbouring daylight and sunlight.

### **Overall conclusion**

The proposed works to the dwelling are contrary to the Development Plan. The works will result in an unreasonable further reduction in neighbouring amenity in terms of daylight and sunlight. They do not comply with the principles of Scottish Planning Policy as they will not protect the amenity of existing development. Therefore, planning permission should be refused. There are no further material considerations which outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Reason for Refusal**

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it will result in unreasonable loss of neighbouring amenity in respect of daylight and sunlight.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information** - [Local Development Plan](#)

**Date Registered:** 30 March 2022

### **Drawing Numbers/Scheme**

01-03

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Ben Wilson, Team Manager  
E-mail: [ben.wilson@edinburgh.gov.uk](mailto:ben.wilson@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

No consultations undertaken.

# Comments for Planning Application 22/01608/FUL

## Application Summary

Application Number: 22/01608/FUL

Address: 331 South Gyle Road Edinburgh EH12 9EE

Proposal: Proposed single storey extension to rear of existing end terraced villa.

Case Officer: Householder Team

## Customer Details

Name: Mr Scott and Hope Christie/Murdoch

Address: 329/3 South Gyle Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed extension is a concern for our property. The extension would potentially limit the amount of sunlight our property would be exposed to. We currently get some sunlight but as the property is blocked by others it can sometimes be limited already. If the extension was too high we might lose sunlight. We understand this would be a single storey extension however the sunlight issue would need to be addressed.

We also have a 7 month old and the noise pollution for such a big project would also be something that may be a problem.

**From:** [Hope Murdoch](#)  
**To:** [Local Review Body](#)  
**Subject:** 22/01608/FUL  
**Date:** 15 July 2022 20:46:45

---

Hi,

Name: Hope Murdoch/Scott Christie - 329/3 South Gyle Road EH12 9EE.

A review of the planning permission for 22/01608/FUL should still consider that the property adjacent to it 329/3 South Gyle Road would have its right to light hindered. This could also cause our property to decrease in value due to above reason.

As a family with a young baby we also would struggle with the loud noise every day of an extension being built.

Thanks  
Hope Murdoch

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# Guidance for Businesses

Page 403

March 2018

Agenda Item 8.1



# Guidance for Businesses



## Who is this guidance for?

This guidance is intended to assist businesses in preparing applications to change the use of a property or carry out alterations to a business premises.



## Policy Context

This document interprets policies in the *Edinburgh Local Development Plan*. Relevant policies are noted in each section and should be considered alongside this document.



**Misc:** Student Housing, Radio Telecommunications, Open Space Strategy etc.

This document and other non-statutory guidance can be viewed at: [www.edinburgh.gov.uk/planningguidelines](http://www.edinburgh.gov.uk/planningguidelines)

## Listed Buildings and Conservation Areas

If the building is listed or located within a Conservation Area, guidance on *Listed Buildings and Conservation Areas* must also be considered. Boxes throughout this guideline give specific information relating to Listed Buildings and Conservation Areas. You can check if your property is listed or located within a conservation area on the Council's website [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning)

## Business Gateway

Business Gateway offers businesses free practical help and guidance. Whether you're starting up or already running a business, and provide access to business support and information services.

To get more information on help for your business, or to book an appointment with our experienced business advisers please contact our Edinburgh office.

Contact details:

**Business Gateway (Edinburgh Office)**  
**Waverley Court**  
**4 East Market Street**  
**Edinburgh**  
**EH8 8BG**  
**Tel: 0131 529 6644**

Email: [bglothian@bgateway.com](mailto:bglothian@bgateway.com)

[www.bgateway.com](http://www.bgateway.com)

This guidance was initially approved in December 2012 and incorporates additional text on short term commercial visitor accommodation approved in February 2013, and minor amendments approved in February 2014, February 2016 and March 2018.

*Cover image courtesy of Edinburgh World Heritage.*

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Amenity		Simple contemporary design			
Road safety and parking		Residential appearance			
Parking in gardens		Consider the privacy of residents			
Flatted properties					
Conditions					

# Do I need Planning Permission?

## Planning Permission

Planning permission is required for many alterations, and changes of use. However, some work can be carried out without planning permission; this is referred to as 'permitted development'. Permitted development is set out in legislation.

Common enquiries are set out in the relevant chapters of this document.

If you believe your building work is 'permitted development', you can apply for a [Certificate of Lawfulness](#) to confirm that the development is lawful and can go ahead. This can be applied for online at [www.eplanning.scot](http://www.eplanning.scot)

## What is a change of use?

Most properties are classified under categories known as a 'Use Class'. For example, shops are grouped under Class 1 and houses under Class 9. Some uses fall outwith these categories and are defined as 'sui generis', meaning 'of its own kind'. This is set out in The Use Classes (Scotland) Order 1997 (as amended).

Changing to a different use class is known as a change of use and may require planning permission, although some changes between use classes are allowed without planning permission. Planning permission is not required when both the present and proposed uses fall within the same 'class' unless there are specific restrictions imposed by the council. [The Scottish Government Circular 1/1998](#) contains guidance on use classes.

## Listed Buildings and Conservation Areas

Fewer alterations are considered to be permitted development and most changes to the outside of a building, including changing the colour, require planning permission. More information on other consents which may be required is included on the next page.

## Listed Building Consent

Listed building consent is required for works affecting the character of listed buildings and also applies to the interior of the building and any buildings within the curtilage. Planning permission may also be required in addition to Listed Building Consent. If your building is listed, specific guidance on [Listed Buildings and Conservation Areas](#) must also be considered along with this document.

# What Other Consents Might Be Required?

## Advertisement Consent

Advertisements are defined as any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, and employed wholly or partly for the purpose of advertisement, announcement or direction.

While many advertisements require express consent, certain types do not need express consent as they have 'deemed consent'. You can check this by consulting *The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984*. Advertisements displayed in accordance with the advert regulations do not require advertisement consent.

## Building Warrant

Converted, new or altered buildings may require a Building Warrant. There is more Building Standards information at [www.edinburgh.gov.uk/buildingwarrants](http://www.edinburgh.gov.uk/buildingwarrants). For detailed information please go to the [Scottish Government website](http://www.scottishgovernment.gov.uk).

## Road Permit

You must get a permit to the Council if you want to carry out work in or to occupy a public street. A *road permit* will be required if forming a new access or driveway or if placing a skip or excavation in a public road. It will also be required for scaffolding or to occupy a portion of the road to place site huts, storage containers, cabins, materials or contractors

plant, to put up a tower crane or to operate mobile cranes, hoists and cherry pickers from the public highway. For more information contact the Areas Roads Manager in your *Neighbourhood Team*.

## Licensing

Some activities, such as the sale and supply of alcohol or late hours catering, require a licence. Please contact *Licensing* for more information on 0131 529 4208 or email [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk).

*The Civic Government (Scotland) Act 1982 (Licensing of houses in Multiple Occupation) Order 2000*, requires operators of HMOs to obtain a licence allowing permission to be given to occupy a house as a HMO where it is the only or principal residence of three or more unrelated people.

## Table and Chairs Permit

If your business sells food and drink you may be able to get a permit from the Council to put tables and chairs on the public pavement outside your business.

A *tables and chairs permit* allows you to put tables and chairs on the public pavement between 9am and 9pm, seven days a week and is issued for either six or twelve months. For more information please email [TablesChairsPermits@edinburgh.gov.uk](mailto:TablesChairsPermits@edinburgh.gov.uk) or phone 0131 529 3705.

## Biodiversity

Some species of animals and plants are protected by law. Certain activities, such as killing, injuring or

capturing the species or disturbing it in its place of shelter, are unlawful. It is also an offence to damage or destroy a breeding site or resting place (or obstruct access to).

If the presence of a European Protected Species (such as a bat, otter or great crested newt) is suspected, a survey of the site must be taken. If it is identified that an activity is going to be carried out that would be unlawful, a license may be required.

More information on European Protected Species, survey work and relevant licenses is available on the [Scottish Natural Heritage website](http://www.scottishnaturalheritage.gov.uk).

## Trees

If there are any trees on the site or within 12 meters of the boundary, they should be identified in the application. Please refer to *the Edinburgh Design Guidance (chapter 3.5)* for advice.

All trees in a Conservation Area or with a Tree Preservation Order are protected by law, making it a criminal offence to lop, top, cut down, uproot wilfully, damage or destroy a tree unless carried out with the consent of the council. To apply for works to trees, go to [www.eplanning.scot](http://www.eplanning.scot).

# Changing a Residential Property to a Commercial Use

## What does this chapter cover?

### Changes of use to:

- guest houses
- short term commercial visitor accommodation
- house in multiple occupation (HMOs)
- private day nurseries
- running a business from home

This guideline is not intended to address new hotel development which is covered by [Edinburgh Local Development Plan](#) (LDP) Policy Emp 10 Hotel Development.

Where an extension to a residential property is required to then run a business from home, please refer to the [Guidance for Householders](#) to understand what permissions are required.

## When is planning permission required?

Some activities within a residential property can be undertaken without requiring planning permission. Some common enquiries are given below.

## What should I do if it is permitted development?

If you believe planning permission is not required, you can apply for a [Certificate of Lawfulness](#) for legal confirmation.

## Using your home as a guest house

Planning permission will not be required for the use of a house as a bed and breakfast or guest house if:

- The house has less than four bedrooms and only one is used for a guest house or bed and breakfast purpose
- The house has four or more bedrooms and no more than two bedrooms are used for a guest house or bed and breakfast purpose

Planning permission will always be required if a flat is being used as a guest house or bed and breakfast, regardless of the number of rooms.

## Short Term Commercial Visitor Accommodation

The change of use from a residential property to short term commercial visitor accommodation may require planning permission. In deciding whether this is the case, regard will be had to:

- The character of the new use and of the wider area
- The size of the property
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand, and
- The nature and character of any services provided.

## Houses of Multiple Occupation (HMOs)

The sharing of accommodation by people who do not live together as a family is controlled at the point at which there is considered to be a material change of use. For houses, Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 considers this to be when more than 5 people are living together, other than people living together as a family. As with houses, the Council would also expect a material change of use to occur in flats when more than 5 unrelated people share accommodation. All planning applications for Houses in Multiple Occupancy (HMOs) are assessed using LDP Policy Hou 7: Inappropriate Uses in Residential Areas, having regard to the advice below.

## Private day nurseries

The change of use from a residential property to a private day nursery requires planning permission.

Where child minding is undertaken from a residential property, whether a change to a private day nursery has occurred will be assessed on a case by case basis. Consideration will be given to the number of children, the frequency of activity and the duration of stay. The criteria under 'Running a business from home' should also be considered.

## Running a business from home

Proposals which comply with all the following may not need planning permission, but always check with the council first.



- There should be no change in the character of the dwelling or the primary use of the area. For example signage, display of commercial goods, increased pedestrians and vehicular movements, noise etc.
- There should be no more than the parking of a small vehicle used for commercial and personal purposes within the curtilage of a dwelling house.
- Any ancillary business should not be detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, ash, dust, or grit.
- There should be no impact on the amenity or character of the area as a result of visitors or deliveries to the property.
- The primary use of the property must be domestic and any members of staff on the premises should have no impact on the amenity and character of the property.

## What to consider if planning permission is required

### Policy Hou 7

Sets out when uses will not be permitted in predominately residential or mixed use areas i.e. uses which would have a materially detrimental effect on the living conditions of nearby residents.

## Amenity

Proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents.

In the case of short stay commercial leisure apartments, the Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.

In the case of private day nurseries, whether nearby residential uses overlook the garden will also be considered. This is due to the potential for increased noise to those households.

## Road Safety and Parking

The *car parking standards* define the levels of parking that will be permitted for new development and depends on the scale, location, purpose of use and the number of staff. Parking levels will also be dependent on the change of use and proximity to public transport.

The existing on-street parking and traffic situation will be important considerations in this assessment. The location should be suitable to allow people and deliveries to be dropped-off and collected safely. This is especially important for children going to and from a private day nursery. The potential impact on vulnerable road users – cyclists and pedestrians – will also be a consideration.

## Parking in Gardens

The provision of new car parking should have regard to character and setting of the property and should normally preserve a reasonable amount of front garden. In a conservation area parking in the front garden would only be considered if there was an established pattern and it was part of the character of the area. Parking in the front garden of a listed building is not likely to be supported and there is normally a presumption against loss of original walling and railings and loss of gardens. Further information on the design of parking in gardens can

be found in the *Guidance for Householders*.

## Flatted Properties

Change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs. Nurseries must also benefit from suitable garden space.

## Further information

If a proposal has the potential to result in impacts then these should be addressed at the outset so they can be considered by the case officer. Examples of information that may be required include:

- An acoustic report if there is potential for noise impact.
- Details of ventilation systems if the application has the potential to create odour problems, and details of the noise impact of any proposed ventilation system.
- Details of any plant and machinery
- Details of attenuation measures if structure-borne and air-borne vibrations will occur.

# Changing to a Food or Drink Use

## What does this chapter cover?

Uses such as:

- Restaurants, cafes and snack bars (Class 3)
- Hot food takeaways (Sui Generis)
- Cold food takeaways which are classed as a shop (Class 1)

Public houses and bars (Sui Generis)

Class 7 uses (hotels and hostels) licensed or intending to be licensed for the sale of alcohol to persons other than residents or persons other than those consuming meals on the premises. i.e. with a public bar.

### It does not include:

- Class 7 uses (hotels and hostels) without a public bar.

## When is planning permission required?

Some food and drink uses do not require planning permission. Information on some common enquiries is given on this page.

## Changing a shop to Class 3 use or hot food takeaway

Planning permission is required for a change of use from a shop to a hot food takeaway or to a Class 3 use, such as a café or restaurant. Whether this change has, or will occur will be determined on a case by case basis. Regard will be given to:

- Concentration of such uses in the locality
- The scale of the activities and character and appearance of the property
- Other considerations are the impact on vitality and viability, the effect on amenity and potential road safety and parking problems.

## Selling cold food for consumption off the premises

Businesses selling cold food for consumption off the premises, such as sandwich bars, fall within Class 1 shop use. If the building is already in use as a shop then permission is not required.

Some secondary uses alongside the main uses also do not need permission; this is dependant on the scale of the activity.

Ancillary uses which are not likely to require planning permission in addition to a Class 1 shop use are:

- The sale of hot drinks
- The provision of one microwave oven and/or one soup tureen
- Seating constituting a very minor element to the overall use. The limit will vary according to the size and layout of the premises
- An appropriately sized café in a larger unit, such as a department store, if it is a relatively minor proportion of the overall floorspace and operates primarily to service the shop's customers.

## What should I do if it is permitted development?

If you believe planning permission is not required, you can apply for a *Certificate of Lawfulness* for legal confirmation.

## What to consider if planning permission is required

### Protecting Shops

#### Policies Ret 9-11

Set out which locations a non-shop use is acceptable. These policies should be considered if a shop will be lost as part of the changes. In some areas of the City, the loss of a shop use will not be permitted. In other areas, certain criteria must be met.

#### Policy Hou 7

sets out when uses will not be permitted in predominantly residential or mixed use areas.

#### Policy Ret 11

Sets out when food and drink establishments will not be permitted.

## Restaurants, cafés, snack bars and other Class 3 Uses

Proposals will be supported in principle in the following locations:

- Throughout the Central Area
- In designated shopping centres
- In existing clusters of commercial uses, provided it will not lead to an unacceptable increase in disturbance, on-street activity or anti-social behaviour to the detriment of the living conditions of nearby residents.

Proposals in predominantly housing areas will not normally be permitted.

## Hot Food Takeaways

With the exception of proposals within areas of restriction (shown on the next page), proposals will be supported in principle in the following locations:

- Throughout the Central Area
- In designated shopping centres
- In existing clusters of commercial uses, provided it will not lead to an unacceptable increase in disturbance, on-street activity or anti-social behaviour to the detriment of the living conditions of nearby residents.

Proposals in the areas of restriction will only be accepted if there will be no adverse impact upon existing residential amenity caused by night-time activity. Where acceptable, this will normally be controlled through conditions restricting the hours of operation to 0800 to 2000.

Proposals in predominantly housing areas will not normally be permitted.

Where a restaurant's trade is primarily in-house dining but a minor element is take-away food then this still falls within the Class 3 use. Where take-away is a minor component of the business it will not require planning permission.

## Public houses, entertainment venues and hotels outwith Class 7 (Hotels and Hostels)

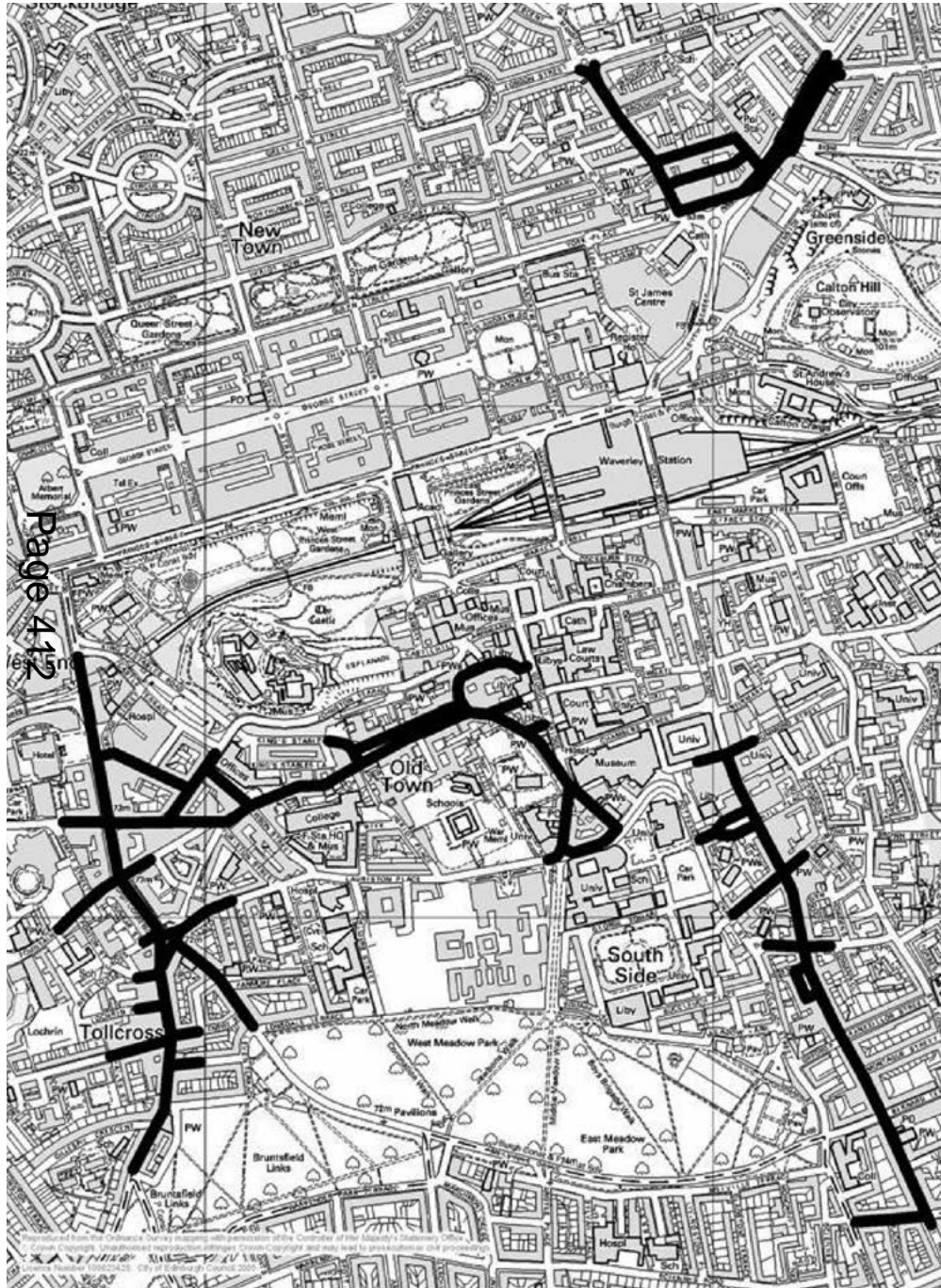
In all locations, these uses should be located so as not to impinge on residential surroundings. Accordingly, such developments, with the exception of public houses designed as part of a new build development, will not be allowed under or in the midst of housing<sup>1</sup>

There will be a presumption against new public houses and entertainment venues in the areas of restriction (shown on Page 10). Proposals for extensions to venues in the areas of restriction will only be accepted if there will be no adverse impact of the residential amenity caused by night time activity.

Proposals in predominantly housing areas and residential side streets will not normally be permitted.

*[1] "Under or in the midst of housing" means a) where there is existing residential property above the application site or premises; or b) where there is existing residential property immediately adjoining two or more sides of the building or curtilage comprising the application site. "Residential property" means dwelling houses, flats or houses in multiple occupancy and includes any vacant units.*





## Ventilation

If the use is acceptable in principle, establishments with cooking on the premises must satisfy ventilation requirements to ensure that they do not impinge on the amenity of the residential area or other neighbourhoods.

An effective system for the extraction and dispersal of cooking odours must be provided. Details of the system, including the design, size, location and finish should be submitted with any planning application. A report from a ventilation engineer may also be required where it is proposed to use an internal route in an existing building for ventilation ducting.

The ventilation system should be capable of achieving 30 air changes an hour and the cooking effluvia ducted to a suitable exhaust point to ensure no cooking odours escape or are exhausted into neighbouring premises.

Conditions shall be applied to ensure the installation of an effective system before any change of use is implemented, and/or the restriction of the form and means of cooking where necessary.

On a listed building or in a conservation area, the use of an internal flue should be explored before considering external options. The flue would need planning permission and listed building consent in its own right.

## Design

Any external duct should be painted to match the colour of the existing building to minimise its visual impact.

## Location

Ventilation systems should be located internally. Where this is not practicable, systems located to the rear may be considered.

## Noise

Conditions may be put in place to ensure that there is no increase in noise that will affect the amenity of the area.

*The map identifies areas of restriction. These are areas of mixed but essentially residential character where there is a high concentration of hot food takeaways, public houses and entertainment venues.*

# Changing a Commercial Unit to Residential Use

## When is permission required?

Planning permission is required to convert a business to a house or flat. Permission will also be required for physical alterations to any external elevation. Listed building consent, where relevant, may also be required.

## What to consider if planning permission is required

### Protected shops

Policies Ret 9-11

set out when a non-shop use is acceptable. They should be considered if a shop will be lost as part of the changes.

In some areas of the city, the loss of a shop use will not be permitted. In other areas, certain criteria must be met. These policies should be considered for more information.

## Amenity

Policy Hou 5

Sets out the criteria to be met by proposals to convert to residential use.

Applications for a change of use will need to prove that the quality and size of accommodation created is satisfactory.

Units with insufficient daylight will be unacceptable; proposals should fully meet the council's daylight requirements in the [Edinburgh Design Guidance](#). Basement apartments with substandard light will only be accepted where the remainder of the created unit represents a viable unit in its own right with regards to adequate daylight.

Dwelling sizes should meet the following minimum requirements and exceeding these standards is encouraged. Provision of cycle and waste storage is encouraged and may be required in some instances.

Number of Bedrooms	Minimum Gross Floor Area (sq m)
Studio	36
1 (2 persons)	52
2 (3 persons)	66
2 (4 persons)	81
3 (4 persons)	81
Larger Dwellings	91



## Design

**New designs should be of a high quality and respect their context**

1. **Consider the architectural or historic merit of the shopfront and its context and identify an appropriate design from one of the following three basic approaches.**

### Retain the shopfront



Henderson Street

Retaining the existing shopfront and adapting it for residential use is a simple method of conversion and ensures the property fits well within its context. Where the shopfront is of architectural or historic merit this will be the only appropriate design.

A design which retains the shop front could be used in residential areas or within a row of shops.

### Simple contemporary design



Royal Park Terrace

Simple contemporary designs are often the most successful. The existing structural openings should be retained and any features of architectural or historic merit retained and restored. High quality materials should be used.

A simple contemporary design could be used in residential areas or within a row of shops.

### Residential appearance

Conversions with a residential appearance are rarely successfully achieved. Attention should be paid to structural openings, materials and detailing to ensure the new residential property does not stand out from its context.

Windows which are a version of those on the upper floors in terms of proportions, location and detail are usually most appropriate. Doors should relate to the scale of the building and should not result in a cluttered appearance.

Paint work should be removed to expose the stone or toned to match the building above.

A design with a residential appearance may be appropriate in residential areas but not within a row of shops.



### Consider the privacy of residents

To create privacy within the property, shutters or moveable screens behind the window could be considered as an alternative to frosted glass. Where considered acceptable, frosted glass should not occupy more than 50% of the height of the window. Retaining recessed doors also provides a degree of separation from the street. Metal gates could also be added.



# Altering a Shopfront

There should always be a presumption to improve, where possible, a poor shopfront.

## Understanding your shopfront

### Policy Des 12

sets out the principles for altering a shopfront

### 1. Consider the period of the building and the style of the shopfront

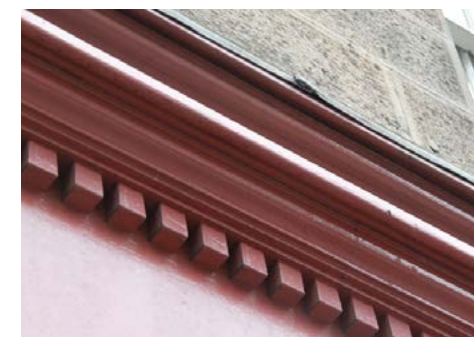
Shopfronts come in many styles, reflecting the different periods of architecture in Edinburgh. Those of architectural merit or incorporating traditional features or proportions should be retained and restored.

### 2. Determine whether there are any original or important architectural features or proportions which need to be retained

The pilasters, fascia, cornice and stallriser form a frame around the window and should be retained. Recessed doorways, including tiling, should not be removed. Original proportions should be retained.



Pilasters



Cornice



Stallriser

### 3. Identify any inappropriate additions which should be removed

Large undivided areas of plate glass can be appropriate within a small shopfront, however over a larger area can appear like a gaping hole over which the upper storeys look unsupported.

Large deep fascia boards and other claddings should be removed and any original features reinstated.



Deep Fascia



Proportions



Cladding

### Good Example

At 37-41 Nicolson Street, Edinburgh, restoration work has been carried out to remove modern additions and unveil the original Victorian shopfront of 'McIntyre's Drapery Stores'. Architectural features, including the cornice, pilasters and glazing bars have been exposed. Views into the store have now been opened up and the shop is more noticeable in the street.



### Context

#### Shopfronts should be designed for their context

#### 1. Consider the relationship of the frontage to the rest of the street

The relationship of the frontage to the established street pattern should be considered, particularly in terms of fascia and stallriser height and general proportions. Alterations should preserve and strengthen the unity of the street.





One shopfront across two separate buildings will not normally be acceptable as it disrupts the vertical rhythm of the facades above.



## Good Examples



St Stephen Street



William Street



Grassmarket

## 2. Consider the relationship to features on the upper floors

Where units have a narrow frontage and vertical emphasis, they should retain their individual integrity, rather than attempting to achieve uniformity with adjoining properties.



## New Design

New designs should be of high quality and respect their surroundings

### 1. Identify the features or proportions which will need to be retained or restored

The pilasters and frame should be retained, even if the rest of the frontage is not of sufficient quality to merit retention.

Poorly designed fascias and pilasters do not make up a well composed frame. Pilasters should not be flat to the frontage and fascias should not exceed one-fifth of the overall frontage height or be taken over common staircases. Stallrisers should be in proportion to the frontage.

Cornice which continues from the adjacent frontages will require to be restored. No part of the frontage should be located above this.

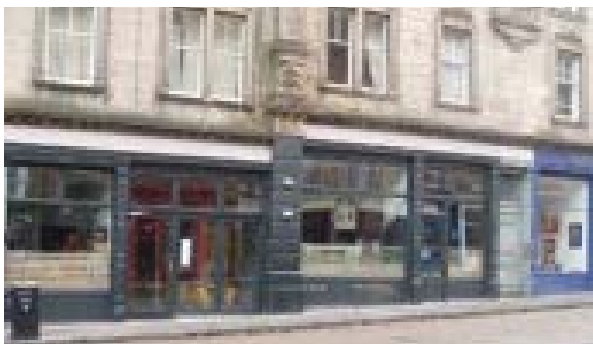
### 2. Consider the design and materials to be used

Where a new frontage is considered appropriate, there is no particular correct style. Modern designs will be considered acceptable providing they incorporate high quality materials, are well proportioned, and retain any features of architectural merit.

Reproduction frontages should be based on sound historical precedent in terms of archival evidence or surviving features.

Appropriate spacing and cornice should be used to create a visual break between the frontage and the building above.

## Good Examples



Barclay Place



Bread Street

In general, natural and traditional materials, such as timber, stone, bronze, brick and render should be used. These should be locally sourced from renewable or recycled materials, wherever possible. Frontages clad in incongruous materials will not be acceptable.

## Paint and Colour

### When is permission required?

Planning permission, and where relevant listed building consent, will be required to paint a building which is listed or within a conservation area, including a change of colour.

Planning Permission will not be required to paint an unlisted building out with conservation areas. However the painting and colour of a building should reflect its character and the area.

## Good Example



Victoria Street

## Listed Buildings and Conservation Areas

### Paint

Unpainted stonework and other good quality materials should not be painted.

### Colour Schemes

The creation of a strong identify for a business must come second to an appropriate balance with the context. Colour schemes should clarify the architectural form and not apply alien treatments and design. The most successful are simply schemes which employ only one or two colours.

Muted or dark colours are preferable.

### Uniform Appearance

Coordinated paint schemes are encouraged and should be retained where present. In particular, common details, such as arches and pilasters, should have a uniform treatment. Similar lettering and signage should also be used.

The range of colours within a block should be limited.



## Security

### 1. Determine whether a security device is necessary and consider alternative solutions

Security devices should not harm the appearance of the building or street. Toughened glass or mesh grilles could be used as an alternative to security shutters.



### 2. If a device is considered acceptable, consider its location in relation to the window

Where shutters are not common within the immediate area, they should be housed internally, running behind the window.

Elsewhere, shutters should be housed behind the fascia or a sub-fascia.

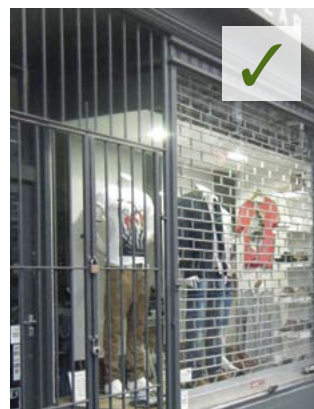
Shutters should not be housed within boxes which project from the front of the building.

### 3. Identify an appropriate shutter design

Solid roller shutters are unacceptable. They do not allow window shopping at night, the inability to view the inside of the shop can be a counter security measure and they tend to be a target for graffiti.



Roller shutters of the non-solid type may be acceptable in a perforated, lattice, brick bond or open weave pattern. Shutters made up of interlocking clear polycarbonate sheets running externally to the glass may also be acceptable.



Where there is evidence of early timber shutters, they should be restored to working order or replaced to match.



## Listed Buildings and Conservation Areas

Externally mounted shutters will not be considered acceptable.

The most appropriate security method is toughened glass. Internal open lattice shutters or removable mesh grilles may also be acceptable.

Metal gates are most appropriate on recessed doors.

Shutters should be painted an appropriate colour, sympathetic to the rest of the frontage and immediate area.

## Blinds and Canopies

### 1. Consider whether a blind or canopy is appropriate on the building

Blinds and canopies should not harm the appearance of the building or street.

Traditional projecting roller blinds, of appropriate quality, form and materials, will be considered generally acceptable

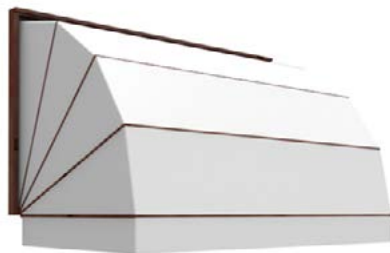
Dutch canopies will not be acceptable on traditional frontages where important architectural elements would be obscured.

### Listed Buildings and Conservation Areas

Dutch canopies will not be acceptable on listed buildings or in conservation areas.

Blinds and canopies will not be considered acceptable on domestic fronted buildings.

Solar glass and film are acceptable alternative methods of protecting premises from the sun, providing they are clear and uncoloured.



Dutch canopy

### 2. If acceptable, consider the location of the blind or canopy

Blinds and canopies should fold back into internal box housings, recessed within the frontage. They must not be visually obtrusive or untidy when retracted.



Boxes housing blinds and canopies that project from the building frontage will not be acceptable.

Blinds and canopies will not be acceptable above the ground floor level.



### 3. Determine an appropriate design and materials

Blinds and canopies must be made of high quality fabric. Shiny or high gloss materials in particular will not be supported.

An advert, including a company logo or name, on a blind or canopy will need advertisement consent.





## Automatic Teller Machines

### 1. Consider whether an ATM will be acceptable

ATMs should not impact upon the character of the building or area.

Free standing ATMs add to street clutter and will not be considered acceptable.

ATMs may be considered acceptable when integrated into a frontage, providing no features of architectural or historic interest will be affected and the materials and design are appropriate.

### 2. If acceptable, consider the location, design and access

Consideration should be given to pedestrian and road safety. Terminals should be sited to avoid pedestrian congestion at street corners and narrow pavements. The assessment of the impact on road safety will include any potential increase in the number of vehicles stopping, visibility and sightlines.

The use of steps for access to ATMs should be avoided and the units should be suitable for wheelchair access.

Where ATMs are removed, the frontage should be reinstated to match the original.

### Listed Buildings and Conservation Areas

Consideration should first be given to locating the ATM internally. For guidance on internal alterations, consider the Listed Buildings and Conservation Area guidance.

Externally, ATMs should be located in a concealed position on the façade, within an inner vestibule or on a side elevation.

ATMs should not be fitted to finely detailed façades or shopfronts of historic or architectural merit. They will not be acceptable where stone frontages, architectural features or symmetry will be disturbed. New slappings (knocking a hole through a wall to form an opening for a door, window etc) will be discouraged.

Only one ATM will be allowed on the exterior of any building.

Where acceptable, the ATM should not be surrounded by coloured panels or other devices and signage should not be erected. The ATM and any steps or railings, where necessary, should be formed in high quality materials and be appropriate to the area. Surrounding space should match the façade in material and design.

### Permissions Required

ATMs which materially affect the external appearance of a building require planning permission. Listed building consent may also be required for an ATM on a listed building. In addition, advertisement consent may be required for any additional signage.

## Air Conditioning and Refrigeration

### Location

Air conditioning and refrigeration units should not be located on the front elevation or any other conspicuous elevations of buildings, including roofs and the flat roofs of projecting frontages.

It will normally be acceptable to fix units to the rear wall. These should be located as low as possible.

### Design

Units should be limited in number, as small as practicably possible and painted to tone with the surrounding stonework or background.

### Listed Buildings and Conservation Areas

The preferred location for units on listed buildings and within conservation areas are:

- standing within garden or courtyard areas (subject to appropriate screening and discreet ducting)
- Within rear basement areas
- Inconspicuous locations on the roof (within roof valleys or adjacent to existing plant). However, in the New Town Conservation Area and World Heritage Site, aerial views will also be considered.
- Internally behind louvers on inconspicuous elevations. This should not result in the loss of original windows.

Where it is not practicably possible to locate units in any of the above locations, it may be acceptable to fix units to the wall of an inconspicuous elevation, as low down as possible.

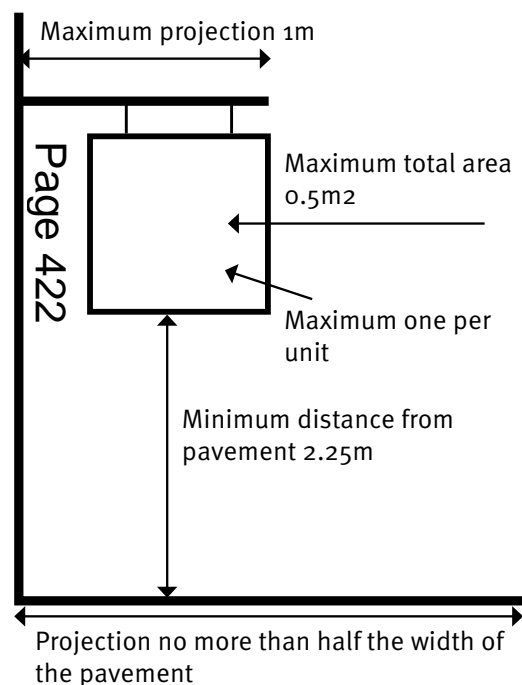
Units should be limited in number, as small as practicably possible and painted to tone with the surrounding stonework or background.

Ducting must not detract from the character of the building.

# Signage and Advertisements

## 1. Consider the scale, location and materials of the advertisement and any lettering

High level signage is not normally considered acceptable.



NB. Dimensions may be reduced for smaller frontages

## Projecting and Hanging Signs

Traditional timber designs are most appropriate on traditional frontages.



## Fascia

Box fascia signs applied to existing fascias are not considered acceptable.

Individual lettering should not exceed more than two thirds the depth of the fascia, up to a maximum of 450mm.

## Princes Street

Projecting signs and banners will not be supported. Illumination must be white and static.



## Listed Buildings and Conservation Areas

Signage obscuring architectural details is not acceptable.

Signage should be timber, etched glass or stainless steel; synthetic materials are not appropriate.

Signage should harmonise with the colour of the shopfront.

Applied fascia boards/panels will not normally be acceptable. Lettering shall be applied directly onto the original fascia. If there is an existing applied fascia board/panel in place, this should a) be removed and the original fascia restored, or b) an appropriate new fascia applied but only where there is no original fascia.

Letters must be individual and hand painted.

On buildings of domestic character, lettering or projecting signs are not acceptable. Guidance on alternative signage is given on the next page.

## 2. Consider an appropriate method of illumination

External illumination will only be acceptable if unobtrusive.

Individual letters should be internally or halo lit. Discreet spotlights painted out to match the backing material or fibre optic lighting may also be acceptable. Illumination must be static and no electrical wiring should be visible from outside of the premises. White illumination is preferable.

Projecting signs should only be illuminated by concealed trough lights.

LED strip lighting to illuminate signage may be acceptable where it can be positioned discreetly on the shop front.

## 3. Consider alternative advertisements

### Internal Advertisements

Advertisements behind the glass should be kept to a minimum to allow maximum visibility into the premises.



### Directional Signs

Advance directional signs outwith the curtilage of the premises to which they relate are not acceptable unless particular circumstances justify a relaxation.

### Guest Houses

Houses in residential use (Class 9) but with guest house operations should not display signs, except for an official tourism plaque or a window sticker.

For properties operating solely as a guest house (Class 7), any pole signs located in front gardens should not exceed 0.5sq metres in area.

## Listed Buildings and Conservation Areas

### Basement properties

Basement properties may be identified by a name plate or modest sign on the railings, or where they don't exist, discreet and well designed pole mounted signs may be acceptable.

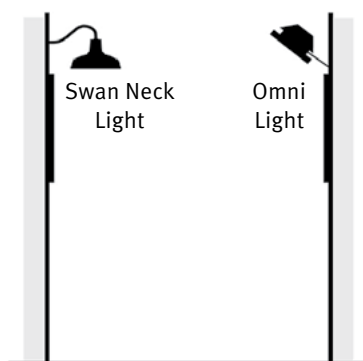


### Buildings of domestic character

On buildings of domestic character, identification should consist of a brass or bronze nameplate, smaller than one stone. Where the building is in hotel use, consideration will be given to painted lettering on the fanlight or a modest sign on the railings.

## Listed Buildings and Conservation Areas

Swan neck lights, omni-lights on long arms or trough lights along the fascia will not normally be acceptable. Letters should be halo or internally lit.





You can get this document on tape, in Braille, large print and various computer formats if you ask us. Please contact ITS on 0131 242 8181 and quote reference number 12-0930. ITS can also give information on community language translations.



# Listed Buildings and Conservation Areas

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March 2018



# Listed Buildings & Conservation Areas

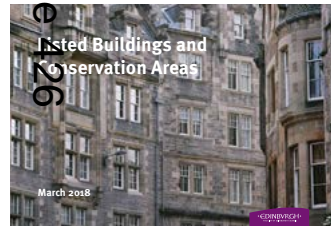
## Who is this guidance for?

Anyone considering work to a property within a conservation area or to a listed building.

This guidance provides information on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

This document and other non-statutory guidance can be viewed at:

[www.edinburgh.gov.uk/planningguidelines](http://www.edinburgh.gov.uk/planningguidelines)



**Misc:** Student Housing, Radio Telecommunications, Open Space Strategy etc.

March 2018

This document is divided into two parts:

### Part 1. Listed Building Guidance

### Part 2. Conservation Area Guidance

## Policy Context

This guidance interprets policies in the Edinburgh Local Development Plan which seek to protect the character and setting of listed buildings, and the character and appearance of conservation areas.

This guidance was initially approved in December 2012 and incorporates minor amendments approved in February 2016 and March 2018.



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- apply** For Planning Permission
- apply** For Listed Building Consent
- apply** For Certificate of Lawfulness

# Part1: Listed Buildings

Listed buildings represent the very best examples of the built heritage. They are defined as buildings of special architectural or historic interest and are protected under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The lists of Buildings of Historic or Architectural Interest are compiled by Historic Scotland on behalf of Scottish Ministers. The term *building* includes structures such as walls and bridges.

There are three categories of listed buildings:

**Category A** - Buildings of national or international importance, either architectural or historic, or fine little-altered examples of some particular period, style or building type.

**Category B** - Buildings of regional or more than local importance, or major examples of some particular period, style or building type which may have been altered.

**Category C** - Buildings of local importance, lesser examples of any period, style, or building type, as originally constructed or moderately altered; and simple traditional buildings which group well with others in categories A and B.

Buildings which relate together in townscape terms or as planned layouts in urban, rural or landed estate contexts, often have their group value stressed by inclusion within 'A' or 'B' groups.

To check whether your property is listed, use our [online map](#).

## Do I need Listed Building Consent?

Listed buildings are afforded statutory protection. This means that listed building consent is required for the demolition of a listed building, or its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest.

Listing covers the interior as well as the exterior, and includes any object or structure fixed to the building, or which has been included within its curtilage since 1st July, 1948. Listing, therefore, extends to historic fixtures or fittings (plasterwork, chimneypieces, panelling) and items within the curtilage such as stables, mews, garden walls and stone setts. Any proposals to alter unsympathetically, relocate or remove such features are likely to detract from the quality of the setting and are unlikely to be approved.

Listed building consent must be obtained where proposals will alter the character of the listed building, regardless of its category or whether the work is internal or external.

Proposed change will be managed to protect a building's special interest while enabling it to remain in active use. Each proposal will be judged on its own merits. Listing should not prevent adaptation to

modern requirements but ensure that work is implemented in a sensitive and informed manner. The aim is to guard against unsympathetic alterations and prevent unnecessary loss or damage to historic fabric. Any alterations which would seriously detract from or alter the character of a listed building are unlikely to receive consent



Listed building consent is not required for internal redecoration, renewal of bathroom and kitchen fittings, rewiring or new plumbing, provided fittings or internal decorations (such as decorative plaster, murals and paintings) which contribute to the character of the building or structure are not affected.

In considering any application for listed building consent, and also any application for planning permission for development which affects a listed

building or its setting, the Council are required to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it may possess. In this context, preserving, in relation to a building, means retaining it either in its existing state or subject only to such alterations or extensions as can be carried out without detriment to its character.

The tests for demolition are detailed in the Scottish Historic Environment Policy. No listed building should be demolished unless it has been clearly demonstrated that every effort has been made to retain it. The Council will only approve such applications where they are satisfied that:

- the building is not of special interest; or
- the building is incapable of repair; or
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

Repairs which match the original materials and methods and do not affect the character of the building do not usually require listed building consent or planning permission.

You can apply for listed building consent at [www.eplanning.scot](http://www.eplanning.scot).

## What if the work has already been carried out?

It is a criminal offence to demolish, alter materially or extend a listed building without listed building consent. Alterations may be subject to enforcement action or prosecution at any time. Retrospective applications for listed building consent will be considered on their merits.

Our guidance on [Selling Your House](#) sets out the criteria which will be used to determine whether to take enforcement action against unauthorised works to a listed building. This will help if you are selling a listed property and provides general advice on listed building consent.

## What Other Consents Might Be Required?

### Planning Permission

Development is defined as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Planning permission is required for many alterations, additions and changes of use, although some development can be carried out without planning permission. This is ‘[permitted development](#)’.

To determine whether planning permission is required, the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Order 1992](#) or [Government Circular on Permitted Development](#) should be considered.

If you believe your building work is ‘permitted development’, you can apply for a [Certificate of Lawfulness](#). This is a legal document from the Council which confirms that the development is lawful.

In addition, listed building consent may be required regardless of whether planning permission has been granted.

### Advertisement Consent

Many advertisements will require advertisement consent, in addition to listed building consent and planning permission. You can check this by consulting or by seeking advice from the Planning Helpdesk.

### Building Warrant

Converted, new or altered buildings may require a building warrant, even if planning permission or listed building consent is not required. Please contact Building Standards for more information on 0131 529 7826 or [email: buildingwarrant.applications@edinburgh.gov.uk](mailto:buildingwarrant.applications@edinburgh.gov.uk).

## General Principles

The aim of this guideline is to prevent unnecessary loss or damage to historic structures and ensure that proposals will not diminish their interest.

The fact that a building is listed does not mean that changes cannot be made. However, it does mean that any alterations must preserve its character. Any alterations which would seriously detract from or alter the character of a listed building are unlikely to receive consent.

It is strongly advised that specialist advice be sought prior to carrying out any works to a listed building. Without exception, the highest standards of materials and workmanship will be required for all works associated with listed buildings.

Any alterations should protect the character and special interest of listed buildings.

There is a strong presumption against demolition of listed buildings and proposals for demolition will be assessed against the criteria set out in the Scottish Historic Environment Policy.

## Repair

Planning permission and listed building consent are not normally required for repairs which match the original materials and methods and do not affect the character of the building. Inappropriate repairs can result in enforcement action or prosecution.

Repairs to listed buildings should always be carried out with care. Matching the original materials and method is important. The use of inappropriate materials and poor repair techniques can accelerate the decay of traditional historic buildings, shorten their lifespan and result in longer-term problems which may result in much higher repair costs.

## Stone Repair

Before any repairs are undertaken, the existing stonework details should be carefully categorised for the:

- **Type:** ashlar, random rubble, coursed rubble etc.
- **Tooling:** broached, stugged, polished
- **Joints:** v-jointed, square-jointed, fine-jointed, etc.

An analysis of the stone will also be required to establish its chemical make-up and ensure compatibility with the existing stone.

These details should be respected and repeated, where appropriate, when stone replacement and pointing is carried out. Inappropriate replacements affect the architectural integrity of historic buildings.

It is also imperative to remedy the cause of any decay by eliminating sources of soluble salts, preventing the passage of moisture and rectifying active structural faults.

### Indenting

Indenting is the insertion of a new stone to replace one which is damaged or decayed.

Indenting may not always be necessary when a stone has a defect; if the stone can reasonably be expected to survive for another 30 years, it should be left, regardless of its appearance.



Where indenting is appropriate, the indent should be selected to closely match the original stone. Artificial stone should not be used on listed buildings.



There will inevitably be a marked contrast between old and new work. However, within a few years of repair the effects of natural weathering will have gone a long way to remedy this situation. Cosmetic treatment of indented stone, either cleaning the old stone or distressing the new is not recommended.

Partial indenting should not normally be considered. In certain circumstances, small indents may be appropriate on moulded detail, but leaving the damaged stonework may be more acceptable than carrying out a visually intrusive repair.

Stone indents on external original steps and entrance platts are normally the most appropriate method of repair. Concrete screeds to steps and entrance platts are not acceptable.

### Redressing

Redressing is the removal of the surface layer from the decayed stone. This may not be appropriate as it can cause considerable damage to the underlying stone and accelerate decay.

### Mortar

Mortar repairs to stone should only be used as an extension of pointing to fill in small areas of decay and extend the life of a stone which would otherwise have to be replaced.

In some cases, it may be appropriate to use mortar on sculpted or moulded stonework. However, as mortar is significantly different from stone, ensuring a permanent bond between the two materials will be difficult. Therefore, a mortar repair will have a considerably shorter life than indenting.

Lime mortars will usually be the most appropriate mix. The presence of cement in the mix used for mortar repairs will accelerate decay in the neighbouring stone.



## Weather Proofing

In traditional construction, the free movement of water vapour through the fabric of a building in both directions is essential.

The use of silene and silicone treatments to weather proof stone is not recommended because serious damage can occur if condensation builds up within a stone and the process is not reversible.

## Mortar Joints and Pointing Repair

The original mortar joints and pointing should be respected, if traditional and causing no damage. Pointing can take many forms (recessed, flush, slaistered etc.) In some instances, small pieces of stone or slate are used in the mortar mix. In cases where it is unclear what existed previously, mortar analysis should be carried out.

Under no circumstances should joints be widened to facilitate the work. Raking out should be done carefully with hand tools; power tools should never be used. It is important that the correct pointing and tools are chosen and used for specific types of joints.

Mortar should be sufficiently resilient to accommodate minor movements in the masonry, but it should never be stronger or denser than adjoining stones. This will cause the mortar to crack and prevent drying out through the joints, causing moisture to evaporate through the stones, accelerating decay.

Lime mortar should be used in most instances. However, as the technology, science and physical properties of pure lime mortars vary considerably from cement gauged mortars, they must be used

carefully. Hard cement mortar should never be used.

## Traditional Harls and Renders

Hard cement mixes should not be used for harls and renders. A hard mix will trap a layer of moisture between the harl and the stonework beneath, thus forcing water back into the stone and encouraging accelerated decay. Lime mixes are recommended.

Original harls can be analysed to establish their composition. In order to prepare surfaces for harling and rendering, old cement render should usually be removed. In most cases, it will be more appropriate to use a wet dash rather than a dry dash. It is important that each 'layer' of harl is allowed to dry fully before applying another coat. However, each situation is different and specialist advice should be sought on best practice.

## Roofs

Listed building consent will be required for alterations to roofs. Planning permission may also be required, depending on the proposal.

Planning permission and listed building consent are not normally required for repairs which match the original materials and methods and do not affect the character of the building.

The roof, which includes parapets, skews, chimney heads and chimney pots, is an important feature of a building. The retention of original structure, shape, pitch, cladding (particularly colour, weight, texture and origin of slate and ridge material) and ornament is important. Any later work of definite quality which makes a positive contribution to the interest of the building should also be kept.



The restoration of lost roof elements to match the original form will be encouraged.

It is important to use the proper repair techniques and materials for ridges, flashings, mortar fillets



and parapet gutters. Ridges should be replaced to match existing. Most ridges and flashings should be replaced in lead, making sure to use the correct code of lead.

Any change to the roofing material, including alternative slate, will require listed building consent and may require planning permission.

Most traditional roofs within Edinburgh are covered with Scots slates, although other materials, such as Welsh and Cumbrian slates, pantiles and thatch, have also been used. In some instances, materials such as copper may have been used on the roof of a decorative turret. Traditional materials should always be respected and repeated, where appropriate.



Scots slates are becoming increasingly rare and in some circumstances second-hand slates are of poor quality and size. It is preferable in some cases that sound old slates are laid together on visible roof slopes, with new slates used on non-visible roof slopes. Alternatives to Scots slate will be considered on their merits.

It is important to ensure consistency in the texture and grading, and that the new slate matches the colour, size, thickness and surface texture of the original materials as closely as possible.

Concrete tiles or artificial slate should never be used in conjunction with, or as a replacement for real slate. The introduction of slate vents may require listed building consent.

Patterned slating, incorporating fish scale or diamond slates, sometimes in different colours, should be retained and repaired with special care.

The original gradation of slates should be repeated.

### Flat Roofs

Lead is usually the most appropriate covering for the long-term maintenance of flat roofs. Alternatives to lead may be considered acceptable in certain cases. Bituminous felt is not generally appropriate for use on listed buildings.

### Chimneys

Removal of all or part of a chimney will require listed building consent and may require planning permission.

Original chimneys should always be retained and repaired as they are an essential feature of traditional buildings and contribute to the historic skyline. Non-original additions to chimneys should be removed.

Chimneys should be repaired using traditional methods to reinstate as original, with particular attention to the detail of the coping stone. Particular care should be taken to retain chimneystacks to their original height.

Detailed records of the original structure should be made where dunting is necessary to ensure correct replacement. Chimney pots should always be replaced to match the original.

Where the original chimneys have been demolished and replaced in brick and render, the rebuilding in stone will be encouraged.

### Rainwater goods (guttering, downpipes etc.)



Replacement rainwater goods should match the original, cast iron or zinc should be used where these were the original materials. Other materials such as aluminium may be acceptable, where appropriate.

They should be painted either black or to tone in with the adjacent stonework and roofing respectively.

### Railings, Gates, Balconies and Handrails

The erection of railings, gates, balconies and handrails requires listed building consent and planning permission.

Planning permission and listed building consent are not normally required for repairs.

Balconies, gates, railings and handrails are usually formal components in the design of an elevation. They should be maintained and repaired and, if



they have to be replaced, should be erected on a like for like basis. The recommended paint colour is black gloss.

Usually, railings were made from cast iron, although there may be some examples surviving of wrought iron. If the railings no longer exist, it is important to establish what the original railings were like. Remaining sections of iron work may still exist in the cope or on similar neighbouring properties or old photographs and plans can be used. In most cases, cast iron railings fixed individually into the cope should be used.

Railings are normally fixed to stone copes. These should be repaired according to the principles outlined in the previous section on stone repair. Moulded copes and other special details should always be respected and repeated.

## External Alterations

Any external alterations, however minimal, may require listed building consent and possibly planning permission.

This section provides guidance on the most common forms of change. You are encouraged to contact Planning to discuss any proposed work.

Where it is proposed to restore lost features, it will be important to ensure that all restorative work is



based on sound physical and documentary evidence of the previous state of the building. This is to ensure that work is carried out in an architecturally and historically correct manner.

## Stone Cleaning

Listed building consent is required to stone clean listed buildings. Planning permission is also required for the stonecleaning of any building within a conservation area.

Stone cleaning cannot be undertaken without damaging a building. It can also reveal the scars of age, such as staining, poor previous repairs and surface damage. It may also remove the natural patina, the protective layer on the stone, opening up the surface pore structure and making re-soiling much easier.

There will, therefore be a presumption against the stone cleaning of listed buildings and buildings within conservation areas. Stone cleaning will not be considered acceptable on any street where cleaning has not commenced. Where cleaning of a street has commenced, the issue of reinstating architectural unity will be a material considerations in assessing the merits of individual applications.

Specialist professional skills should be sought to undertake analysis and, where acceptable, design a suitable cleaning method and undertake work.

Applications for stone cleaning should be accompanied by a full drawing and photographic survey.

To assess the most appropriate method of stone

cleaning, applicants will be required to ascertain geological characteristics through laboratory tests.

Stone cleaning methods should be tested on an inconspicuous trial area of two or three stones.

If stone cleaning is approved, post-cleaning photographic records should be submitted and documented for research purposes.

It is expected that most necessary repairs will be identified at the initial application stage. Therefore, consent would be conditional upon a commitment by applicants to undertake a minimum standard of repair subsequent to stonecleaning.

## Stone Cleaning Methods

The following are the most common stone cleaning methods. Their inclusion in this guideline is for information only and does not imply their acceptability.

### 1. Mechanical - Carborundum Disc

This method comprises a hand-held rotary disc with a carborundum pad.

### 2. Air and Water Abrasive

These methods comprise grits and other abrasive mediums carried by jets of air and/or water.

### 3. Chemical Cleaning

This method comprises the application of chemicals and a high pressure water wash or pressure steam.

#### 4. Water (High Pressure, Low Pressure, Manual)

When water pressure is used as part of the cleaning method, water is forced into the stone to a depth where natural evaporation will not take place. The water can then percolate down through the fabric of the wall and cause accelerated weathering at lower levels in the building. High pressure water can also cause damage to the stone.

A water wash remains an alternative stone cleaning technique. A low pressure water wash (100-200psi) is the least aggressive method of stone cleaning. However, it will not remove dirt which has combined with the surface to form an insoluble compound. High pressure and/or excessive water can cause surface erosion, pointing wash-out, staining and force water into the core of the wall. Due to the dangers of thermal expansion, water washing should be avoided in frosty conditions.

### Paint Removal from Masonry

Paint removal will require planning permission and listed building consent.

The restoration of the original surface through the removal of paint can improve the character and appearance of a building. Where surfaces have been previously painted, the removal of paint will be supported in principle, provided that the proposed removal method does not adversely affect the original surface.

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The removal of paint requires chemical and/or abrasive cleaning to re-expose the stone beneath. Abrasive methods can cause severe damage to the surface and will be unlikely to remove all traces of paint from coarse, porous sandstone. In certain circumstances, a minimally abrasive method may be appropriate to remove the outermost paint layers not in contact with the stone surface. Chemical paint removal varies from paint stripper to a proprietary poultice (a substance placed on the stone to draw out the paint). Each requires extreme caution due to their potentially damaging effects and trial samples should be carried out.

Previous painting could have disguised the poor condition or appearance of the surface so repair work may be required following paint removal. Therefore, consents will be conditional upon a commitment by applicants to undertake a minimum standard of repair subsequent to paint removal.

Where paint removal is not appropriate, the property should be repainted in a matt finish stone coloured paint to tone with the adjoining stonework.

Specialist professional skills should be sought to undertake analysis, design a suitable treatment method and undertake any work.

### Graffiti Treatment

Graffiti treatment will require planning permission and listed building consent if the proposed method will affect the character or appearance of the building.

Whilst graffiti can have an adverse impact on the character and appearance of a building and general environment, inappropriate graffiti treatment can cause irreversible and fundamental damage to buildings.

The treatment of graffiti from listed buildings and buildings within conservation areas will generally be supported provided there would be no unacceptable change in the appearance of the historic surface or structural integrity. However, the condition or architectural detailing of the surface or the nature of the graffiti may, in some circumstances, prevent any form of graffiti treatment from being acceptable.



Each site must be assessed on an individual basis and a site specific proposal prepared. Specialist professional skills should be sought to design suitable treatment methods and undertake any work.

At sites where graffiti is a recurring issue or where historic surfaces are vulnerable to the effects of graffiti treatment, alternative strategies may be required to prevent or reduce incidences of graffiti. Lighting, CCTV, physical barriers and the repositioning of fixtures may be required. These may need listed building consent and/or planning permission.

Temporary sacrificial coatings will also be encouraged in areas of persistent graffiti attack, provided there would be no adverse impact on the surface.

The permanent sealing of a surface will result in accelerated decay of the stone leading to expensive repairs and will therefore not be considered acceptable.

## Graffiti Removal Methods

### Chemical

Includes solvent based paint removers, other organic solvents and alkali-based paint removers or caustic removers.

### Physical

Mainly air abrasion but can also include pressure washing and steam cleaning.

### Heat

Includes hot pressure washing and steam cleaning, which must be applied at an appropriate pressure for the substrate; and laser treatments which can be labour intensive, slow and expensive.

## Painting and Render

Paint which matches the existing in colour and uses traditional materials and methods will not require listed building consent or planning permission.

Painting or rendering of a previously untreated surface will require planning permission and listed building consent, and is unlikely to be acceptable.

Changing the colour of a listed building will need listed building consent. Planning permission will also be required to change the colour of any building located within a conservation area.



External stonework must not be painted or rendered, unless the surface was originally painted or rendered.

Coping stones and the edge of steps should not be painted.

Information on painting a shop or other commercial premises is included within the [Guidance for Businesses](#).

Walls covered with smooth cement render or a harled finish should generally be painted in earth colours or neutrals (grey, cream or beige). Rendered bands to windows should generally be in stone colours.

## Extensions and Additions

Listed building consent will be required for extensions or additions to listed buildings. Planning permission may also be required, depending on the proposal.

New extensions on a terraced block may not be acceptable where there are no existing extensions. Where the principle of extending a listed building is acceptable, the extension should be subservient to the main building and will rarely be permitted on principal elevations. Extensions should not normally exceed 50% of the width of any elevation.



It is usually acceptable for an addition to be different and distinguishable from the existing building, in terms of design. The use of high quality materials which complement the main building will be required. In other circumstances it may be appropriate to match the new work to the existing, in which case the new materials should be carefully matched.

The visual separation of extensions is encouraged. In the case of side extensions, they should be set back from the facade and be of a scale that does not affect the overall architectural composition. The effect of any addition on a symmetrical composition will be particularly important.

Encouragement will be given to the removal of inappropriate additions which are of inferior quality and which detract from the listed building. Where there is an existing extension of historic or architectural interest, such as a conservatory or outshot, this should be restored or repaired, rather than replaced.



## Shopfront Alterations and Signage



Specific information is included in Guidance for Businesses. This should be considered alongside this document, where relevant.

## Windows

The removal, replacement or alteration of windows will normally require listed building consent.

Repairs and painting which match the existing and use traditional materials and methods will not require listed building consent or planning permission.

Double glazing in listed buildings will require listed building consent.

Where a significant proportion of historic glass (such as Crown, cylinder and drawn sheet) remains on an individual window, it should be retained or re-used.

Secondary glazing is likely to require listed building consent where it will impact on architectural detail or affect the external appearance of the building.

Planning permission may also be required where the replacement or alteration will not match the existing in design, material, size, opening mechanism or proportion. Replacement windows which do not result in a material change to the appearance will not normally require planning permission.

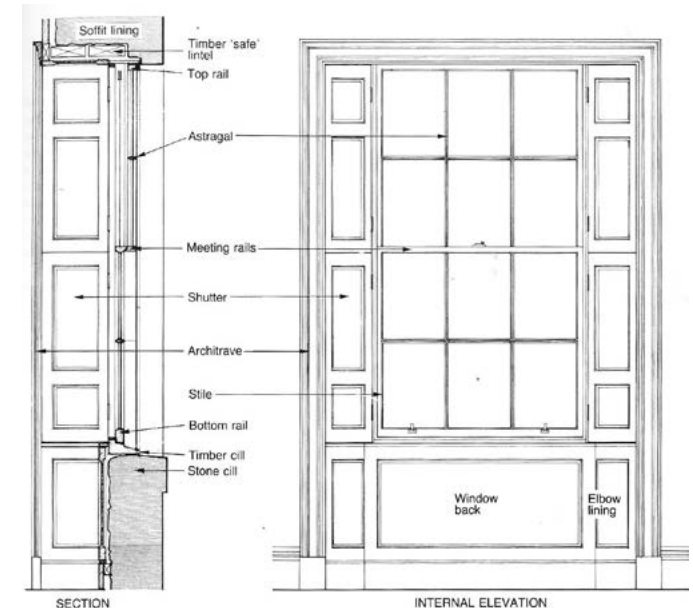
The reinstatement of the original window pattern will normally be encouraged.

## Repair and Maintenance

There is a general presumption against the removal of original window frames and glazing; repair and refurbishment is preferred. Decay in timber is usually caused by moisture penetration, which can be prevented by thorough painting, regular maintenance and prompt attention to necessary repairs.

Glazing should be fixed with putty or a glazing compound rather than timber beading.

The thermal performance standard of existing windows can be improved by repair, draught-stripping and working internal shutters.



## Openings

Window openings play an important role in establishing the character of an elevation and they should not be altered in their proportions or details.

Proposals to increase the glazing area by removing stone or timber mullions (vertical members between windows which form the divisions between windows) will not normally be granted consent.

Proposals to convert windows into door openings will not be considered acceptable on principal frontages or above garden level on all other elevations. Where acceptable, the width of the existing opening should not be increased. Normally, only one set of French windows will be permitted.

Entirely new window openings are unlikely to be acceptable on principal elevations as this can create an unbalanced composition.

## Replacing Original Windows



Original windows are important features of any building and should not be removed or altered. The complete replacement of original windows will only be approved where they have clearly deteriorated beyond practicable repair. Proposals must be accompanied by evidence demonstrating that they are beyond repair; a professional survey may be requested.

In the event that replacement windows can be justified, they should be designed to replicate the original details, including materials, design and opening method. Particular attention must be paid to the mouldings; standard modern sections are not acceptable for reinstatement work. uPVC will not be acceptable.

Care should be taken to ensure that replacement windows are fitted in the same plane as the originals, are made of timber sections (the profile and dimensions of which match the originals) and

have the meeting rails in the same position as the originals; this is especially important where the windows of only one property in a tenement or terrace block are being replaced.

Whenever an original window has been lost, any modern windows which are badly proportioned, of the wrong type, or incorrectly glazed, should be reinstated to the original proportion and detail. This is especially important in the case of unified terraces.

### Double Glazing

Slim profile double glazing with a cavity (the space between the two sheets of glass) of a maximum of 6mm can be fitted into existing windows, provided early glass is not present.

Double glazing with a cavity of more than 6mm is not acceptable.

### Secondary Glazing

Secondary glazing involves an independent internal window in addition to the existing. It should, wherever possible, be fitted immediately inside existing sashes or at a suitable position within the depth of the window reveal, being fixed either to the case or the surrounding framework of the ingoes. Secondary glazing should not disrupt architectural features, such as shutters.

The meeting rails and frames of secondary windows should be as small in section as possible to allow them to be disguised behind existing rails. Painting their external faces black helps to minimise visibility from the outside. Where necessary, detailing of internal secondary windows must allow for the use of the easy-clean hinges on the lower sash of the original outer window.

Additional glazing units fitted to the outside of existing windows are not acceptable.

### Fanlights



Decorative fanlights should be retained, and where necessary, replaced.

### Astragals

Where there is clear photographic or physical evidence that astragals (the glazing bars dividing panes of glass) have been removed, their replacement to the original profile and dimensions will be encouraged. The glazing pattern which forms part of a significant later re-modelling scheme should not be changed. Astragals applied to the surface of the glass or sandwiched between the glass of doubled glazed units are not considered acceptable.

### Horns

Horns are Victorian projections of the side frames of the sashes, devised to strengthen them, following the introduction of heavy plate glass. Georgian and early Victorian windows with astragals never have horns and will therefore be strongly resisted. Edwardian windows sometimes had horns, and their use may, therefore, be appropriate.

## Ventilators and Extractor Fans

Ventilators cut through the glass or visible on the window frames will not be considered acceptable; they should be located unobtrusively in the meeting rail or through the box frame.

Mechanical extractor fans should be located on rear or side elevations and will not normally be acceptable within windows or fanlights, or on front elevations.

## Paint

Originally, most windows were painted dark brown or bottle green. However, window joinery, including fanlights, should normally be painted white or off-white to maintain uniformity (brilliant white should be avoided).

Freestanding buildings may have more scope to investigate and 'restore' the original colours.

All areas of dormer windows, other than the window frames, should be painted to tone in with the roof.

## Special Cases

### Institutional/Industrial buildings

Industrial and institutional buildings have a variety of window types, depending on their age and function. The original window type should be retained wherever practicable, although flexibility on window design may be acceptable to allow conversion to new uses. The glazing pattern should be reproduced and the manner of opening should be as close to the original as possible. Standard double glazing may be acceptable, provided discrepancies in the form, profile, section, materials and opening method are kept to a minimum.

## Early Modern Metal Windows

Early modern metal framed windows should normally be repaired or replaced with matching windows of the same materials and design. New units manufactured from different materials will rarely be capable of accurately matching and will only be acceptable where exact replication of the original window is of less importance. In such cases, any discrepancy in form, profile, section and opening method should be kept to a minimum.

## Casement Windows

Original inward opening casement windows are relatively rare and must be retained or identically replaced.

## Special Types of Glass

There is a presumption in favour of retaining stained, decorative leaded, etched glass and historic glass. If the glass has to be removed and is of artistic merit, arrangements should be made for its recording and its careful removal. Proposals to use wired glass, obscured glass, and louvered glass or extract fans in windows on main elevations will not be considered acceptable.

## Dormer Windows and Rooflights

New dormer windows will not normally be acceptable unless they are part of the original or early design of an area. Rooflights will almost always be a preferable solution, but these will not generally be permitted on roof slopes which are largely unaltered. Where acceptable, rooflights should be of



a conservation type and should be of an appropriate scale and proportion. The proposed number of rooflights will also be a determining factor.

## Doors

The removal, replacement or alteration of doors will normally require listed building consent.

Original doors are important features of any building and should not be removed or altered. The complete replacement of original doors will only be approved where they have clearly deteriorated beyond practicable repair. Proposals must be accompanied by evidence demonstrating that they are beyond repair; a professional survey may be requested.

Replacement doors which incorporate integral fanlights or inappropriate glazing or panelling patterns will not be granted consent.

Entirely new door openings are unlikely to be acceptable on principal elevations as this can create an unbalanced composition.



Doors in street frontages, even though no longer used, should be retained.

Door furniture and later fittings of quality should be retained. Where these have not survived, the replacement of modern fittings with items appropriate to the period of the building will be encouraged.

Door entry systems should be discreetly designed and should be located on door ingoos, not the main façade.



Doors should be painted in an appropriate dark and muted colour.

## Basements

Listed building consent may be required for external alterations to basements. Planning permission may also be required, depending on the proposal.

There is a presumption against the removal of original stone slabs from basement areas. They should never be covered in concrete or any other material such as gravel or chips. Where existing stone slabs need to be renewed new stone slabs should be laid. Similarly, stone steps and platts to ground floor entrances should be repaired or renewed in natural stone to match the original in



colour. Basement steps, floors and walls should not be painted .

Proposed extensions in front basement areas or under entrance platts are not normally acceptable and owners are encouraged to remove existing extensions.

The formation of lightwells in basements will only be permitted where they are part of the character of the street. These should always be in matching materials to the main building and covered with a flush cast iron grille.

## Access Stairs

New external access stairs will require listed building consent and may also require planning permission.

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.

Where access stairs can be justified, they should be in-keeping with the character of the building. The design of the stair should either be based on an original design for the type of building or a lightweight modern addition with metal being the preferred material. New doors and stairs should be painted appropriate colours, usually black for metal work. They should not be enclosed structures.

Stairs should normally be for access only. Where they include platforms for incidental use, the Council's guidelines on privacy must be complied with. Stairs should be kept close to the building, but should not obstruct daylight from existing windows.

When buildings are in single occupancy and there is an existing door at either ground floor or basement level, an access stair at upper levels will not normally be permitted. On all other properties, access stairs will be restricted to the floor above the lowest habitable floor level. Bridges over rear basement areas will not be considered acceptable.

## Renewable Energy Technologies (Solar Panels, Wind Turbines etc.)

Listed building consent will normally be required for the installation of renewable energy technologies. Planning permission may also be required, depending on the proposal.

The installation of renewable energy technologies should be carefully sited in order to protect the architectural integrity of the listed building.

Poorly located renewable energy technologies can be visually intrusive and will not be acceptable where they detract from the character of the building. They should not be visible from public view. They may be acceptable in the following locations:

- On the ground to the rear of the building.
- On a modern extension to the rear of the building, providing that no part is higher than the main building.
- In the internal valley of a roof, provided that no part projects above the ridge.

In the New Town Conservation Area and World Heritage Site, aerial views will also be considered.

## External Plumbing

Listed building consent may be required for external plumbing. In some circumstances, planning permission may also be required, depending on the proposal.

Additional pipework on important facades should be avoided especially if it would result in disturbance to, or the breaking through of masonry, mouldings or decorative features. Replacements should be in cast iron, painted to match the colour of the walling and should match the original sections.

## Gas Pipes and Meter Boxes

Listed building consent is only required where the guidelines listed below cannot be complied with.

A maximum of a 450mm of supply pipe can be visible on the front wall of listed buildings. External pipes which are both horizontal and vertical must have the horizontal section within the basement areas (where applicable) and not be visible from the street.

Holes in stonework must be kept to a minimum and should be made through stone joints, except in the case of “V” jointing or rubble where holes should be in the stonework. Non-ferrous fixings must be used.

Pipe runs should not interfere with cornices and decorative plasterwork. Where pipes are chased into walls, plasterwork must be reinstated to original.

All redundant surface-run pipe work must be removed and the surfaces made good and painted to match existing materials and colour.

Meter boxes should not be fitted to the front or any conspicuous elevation of buildings.

Pipe work and meter boxes should be painted to match adjacent stone.

## Flues

Listed building consent is required to install balanced flues on the front or any conspicuous elevation of listed buildings. In certain circumstances an application for planning permission will also be required.

Balanced flues will not normally be acceptable on the front or conspicuous elevations of listed buildings.

The balanced flue should be painted to match the colour of the surrounding stonework.

Holes to accommodate the balanced flue should be formed with a core cutter.

## Ventilation Grilles

Listed building consent is required to install ventilation grilles on the front elevation (or any conspicuous elevations) of listed buildings. Planning permission is not normally required if of a domestic scale.

Ventilation grilles will not normally be acceptable on the front or other conspicuous elevations of listed buildings.

If acceptable in principle, ventilation grilles should generally be no bigger than the standard size, flush with the wall surface and coloured to match the background.

## Air Conditioning and Refrigeration

Planning permission and listed building consent will normally be required to install air conditioning and refrigeration units on the exterior of buildings. Listed building consent may also be required to install units within listed buildings where units would disrupt architectural features and fixtures.

The preferred location for units on listed buildings are:

- Free standing within garden or courtyard areas, subject to appropriate screening and discreet ducting.
- Within rear basement areas.
- Inconspicuous locations on the roof (within roof valleys or adjacent to existing plant). However, in the New Town Conservation Area and World Heritage Site, aerial views will also be considered.
- Internally behind louvres on inconspicuous elevations. This should not result in the loss of original windows.

Where it is not practicably possible to locate units in any of the above locations, it may be acceptable to fix units to the wall of an inconspicuous elevation, as low down as possible; they should not be located on the front elevation.

Units should be limited in number, as small as practicably possible and painted to tone with the surrounding stonework or background.

Ducting must not detract from the character of the building.

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## Alarm Boxes

Alarm boxes on listed buildings should be the smallest available, fitted in the least conspicuous location and painted to match the background colour or stonework.



There will be a general presumption against the location of alarm boxes on the front elevation of listed buildings which retain their original domestic character, irrespective of the use of the premises.

Where alarm boxes have to be located on the front elevation, they should be restricted to the least visible location. On tenemental properties, alarm boxes should not normally be located above the ground floor.

In basement areas, it may be possible to fit alarm boxes in inconspicuous locations such as on in-facing walls, under entrance platts and stairs, and on the sides of platt supporting arches close to the junction with the pavement.

Concealed locations on side and rear elevations should also be considered. Consideration should also be given to fitting boxes inside the building behind windows and fanlights. Alarm boxes should not bridge mortar joints in the stone, particularly where V or square joints are used.

Alarm boxes will normally be considered acceptable in appropriate locations and on painted shop fronts and commercial frontages where the boxes are painted to match the background colour.

## Satellite Dishes

Listed building consent will normally be required to install a satellite dish on a listed building. Planning permission may also be required if located within a Conservation Area.

Poorly sited satellite dishes can be visually intrusive and will not be acceptable where they detract from the character of the building. They should not be visible from public view. They may be acceptable in the following locations:

- On the ground to the rear of the building.
- On a modern extension to the rear of the building, providing that no part of the dish is higher than the main building.
- In the internal valley of a roof, provided that no part of the dish projects above the ridge.
- Behind a parapet, provided no part of the dish projects above it.

In the New Town Conservation Area and World Heritage Site, aerial views will also be considered.

Where the location for a dish is considered to be appropriate, it should be chosen to blend in with its background. This may require the dish to be painted.

All fixings should be non-ferrous.

Consent may be refused for additional dishes due to the visual effects of a multiplicity of dishes, even if this precludes some residents from receiving satellite television. The sharing of satellite dishes will be encouraged.



## Other Additions

External fixtures will require listed building consent when they affect the character of the listed building. These include floodlighting, security cameras, window boxes, key boxes, bird control installations and eyebolts (unless on window reveals). Planning permission may also be required, depending on the proposal.

Only undamaging and visually unobtrusive positions for such fixtures will be considered acceptable. Fixtures should not lie across, cut into or through any architectural feature or disturb the balance of a symmetrical façade. Fixings into stonework should be kept to a minimum and should be non-ferrous.

The size and number of additions will also be an important consideration and, where appropriate, applicants may be asked to erect fixtures on a temporary basis in order that their impact can be accurately assessed.

Proposals to erect any fixtures which fail to respect the form and detailing of the building and detract from its appearance are not likely to be acceptable.

The position and colour of cabling for lighting, television and other services should be inconspicuous. Cabling may often be accommodated behind or next to downpipes or on top of projecting string courses and cornices. Black or grey cabling is normally the most appropriate colour.

## Adaptation for Accessibility

Listed building consent is required to install ramps, handrails, indicators and lifts and for alterations to doors. Planning permission may also be required.

While the Equality Act 2010 requires service providers to take “reasonable” steps to make their buildings and services accessible, there is also a statutory duty to protect the character of the historic environment. The provision of access for the less able to historic buildings will, therefore, require careful consideration and design.

Full access for everyone via the principal entrance may not be appropriate. Alternative access arrangements which preserve the character of the listed building may be required.

Listed building consent will be required for any internal alterations which will alter the character of the listed building.

Planning permission is not required for internal alterations.

Solutions should be tailored to the particular building through the use of innovative design and high quality materials.

### Ramps

The placing of a ramp on a building should have minimal impact on the historic fabric.

The symmetry of existing elevations and the rhythm of the street as a whole should be respected, and where relevant, care should be taken to protect the relationship between railings, property and basement.



Where appropriate, consideration should be given to regrading the ground at the entrance in order to overcome the need for larger ramps and minimise the visual impact on the building. If this will cause a footway hazard, a ramp inside the building may be appropriate; the removal of steps and the lengthening of doors can sometimes accommodate this.

Ramps on the public footway will not generally be supported. Where acceptable, ramps must leave sufficient clear footway for pedestrians. This will vary according to the volume of pedestrian traffic. In general, this is 2 metres for residential areas, 3 metres for main roads and 5-6 metres for busy shopping streets.

Where a ramp is acceptable, high quality materials, such as stone to match the existing building, will be encouraged. In some circumstances, high quality design in modern materials may be more appropriate.

### Handrails

Where required, handrails should be carefully designed and sensitively located to avoid being visually intrusive.

Appropriate contrast with the background material can be achieved with high quality traditional or contemporary materials.

### **Tactile Indicators**

Historic flooring materials should not be replaced with standard tactile paving. A tactile grid can be achieved by using materials that match those of the surrounding area, and which have been textured with ridges or dimples. More information is available in the [Edinburgh Design Guidance](#).

### **Visual indicators**

Brightly coloured high-visibility strips should be avoided, unless their use helps to avoid other more visually intrusive works.

### **Doors**

There may be cases (particularly in the case of historic buildings) where it is less damaging to seek alternative access routes than to widen or alter a doorway. Historic doors are often an integral part of the design of the building, and should be retained wherever possible.

Where historic doors are heavy or difficult to operate, it is normally possible to adapt them by re-hanging and/or introducing opening mechanisms or visual indicators to make the handles more prominent.

### **Lifts**

External chair and platform lifts can have a significant impact on the architectural character of a building, but may be more appropriate than a ramp in certain circumstances. The resting position of any external lift should be as low as possible, and the design of the platform and restraints should be as transparent as possible. Metal cages are unlikely to be acceptable as they are disruptive to the streetscape and can seem intimidating to the user.

## **Internal Alterations**

Listed building consent will be required for any internal alterations which will alter the character of the listed building.

Planning permission is not required for internal alterations.

### **Subdivision**

The original plan form of a building should always be respected.

All major works of alteration should be limited to areas of secondary importance. There will be a particular requirement not to sub-divide, either vertically or horizontally, principal rooms and entrance/stair halls. Where the interior is of particular architectural or historical importance, subdivision will not be permitted.

The degree of change to the plan form which may be acceptable will normally be dependent on previous alterations and use.

There will be a presumption against the sub-division of complete houses and flats currently in residential use. A greater degree of flexibility will be exercised where the current use is non-residential and a return to residential is proposed.

Where acceptable, subdivision should not normally result in the formation of more than one flat per floor in town houses.

Rear stairs should not be attached as part of a sub-division proposal. Access to rear gardens should be retained through a basement room, where possible.

Garden ground should not be formally divided up by the use of fences and other unsuitable boundary markers to delineate ownership. Particular care should be taken to conceal the clutter of intensified domestic use, e.g. garages and bin stores.

### **Internal Walls and Partitions**

Internal walls in listed buildings should always be investigated with care in advance of alterations as historic or interesting features may be concealed by plaster or behind panelling. In some cases, the partitions themselves may be of historic interest.

In general, consent will not be granted for the removal of original internal walls or partitions between front and rear principal rooms at ground and first floor level.

In cases where it is considered acceptable for an existing wall or partition to be removed, it will be necessary to leave nibs and a downstand of at least 300mm with any original cornice left intact. Work should not cut through mouldings or enriched plaster decoration but be shaped around them to allow for reinstatement at a later date. In most cases it will be desirable to replicate the original cornice detail at the head of new partitions as well as dadoes and skirtings.

New partitions which affect the proportions of principal rooms will not be considered acceptable.

### **Internal Doors**

Doors that form part of the architectural composition of a room or plan form should be retained. Where they are redundant in terms of circulation, they should be locked shut and left in position, rather than being removed.

If traditional panelled doors require to be upgraded for fire resistance, fire resistant paper applied to the panelling or intumescent paint and edge strips should be used. Door closers should be hidden.

In general, consent will not be granted for new doors connecting front and rear principal rooms at ground and first floor level. Jib (secret) doors may only be allowed in certain cases.

Where new door openings are considered acceptable, they should be correctly detailed with matching doors and architraves. They should not incorporate features such as glazed panels. Where doors are to be added, but are not in traditional positions it is often acceptable to design a jib door or modern opening, so as not to confuse the building's history.

Buffer recesses are an important feature in the dining rooms of listed buildings, particularly in the New Town, and should be retained. New door openings will not be granted within a buffet recess.

## Plasterwork



Care should always be taken with works to old plaster to avoid destroying early decoration. All decorative features from a simple cornice or cove

to elaborate wall and ceiling decoration should be preserved. Suspended ceilings should never be formed in principal rooms or entrance halls which have decorative plasterwork. They may be acceptable in minor rooms provided they are above window height.

## Chimneypieces

Chimneypieces, along with fireplaces containing original features are part of the decorative history of a building and are often central to the design of a room. Even later chimneypieces of interest can make a significant contribution to the character of a room. Original or later chimneypieces or fireplaces of interest should not be removed, even if the chimney is redundant. In cases where there is no alternative to the removal of a chimneypiece, it should be re-used in an appropriate location within the building. The removal of a chimneybreast is almost never acceptable, particularly as this may affect the structural stability and ventilation of the building. The restoration of missing chimneypieces will be supported.



## Staircases



The removal or alteration of any historic staircase, including handrails and balusters, is not normally acceptable. The stair is often the most significant piece of design within a building and can be important dating evidence. Where subdividing ground and basement floors, the basement stair must be retained. In retail premises, the removal of the lowest flight of stairs, which provides access to and use of upper floors, will not be allowed.

## Lifts and Stair Lifts

Wherever possible, lifts should be installed in an existing opening in order to minimise physical and visual disruption to the built fabric.

Stair lifts and chair lifts may not be acceptable in sensitive interiors. It may be better to use a secondary stair if possible, or to rationalise the service provision within the building so that access to all floors is not required. An independent device such as a stair climber could also be considered.



## Floors and Ceilings

Floors which are original to the building and/or of interest because of their materials, form or surface treatment should be respected, and repaired and retained in situ. Care must be taken when such floors require to be lifted in order to install or repair services. In some instances, features of interest are concealed behind suspended or false ceilings. This should always be the subject of investigation prior to any works being carried out.

## Kitchens and Bathrooms

New kitchens and bathrooms should be located at the rear of a building to prevent fittings being built across windows to the front of a property and to avoid cluttering a front elevation with downpipes and ventilators.

New kitchens will generally not be acceptable in principal rooms and must not obscure any architectural detailing.

Podded kitchens and bathrooms will rarely be permitted in principal rooms but may be permitted elsewhere provided they are of a limited area, are freestanding and do not have a detrimental effect on any fixtures of architectural interest.

En-suite bathrooms will not be acceptable in principal rooms. They should ideally be located within existing boxrooms or cupboards. Where this is not possible, it may be acceptable to locate them in larger, secondary rooms although this will be dependent on their form and how they affect room proportions.

En-suite bathrooms, where acceptable within rooms, will normally be height, appearing as a 'piece of furniture' within the room.

## Sprinkler Systems

The introduction of sprinkler systems into important and/or vulnerable interiors will normally be acceptable. Whilst exposed pipework systems minimise the degree of disturbance to the structure, care must be exercised in the design of exposed pipework to ensure its appearance is appropriate to the historic interior to be protected. Pipework should not be cut into decorative plasterwork.

The location of sprinkler heads, either ceiling or wall mounted, must be carefully integrated into interiors in order to reduce their visual impact. In particular, ornate interior locations, will not normally be considered acceptable. On highly decorative ceilings, sprinkler heads are best concealed within the raised modelling of the ceiling.

The presence of sprinkler protection does not eliminate the need for preventative measures to reduce the risk of a fire occurring or spreading.

## Other Services

The installation of services, such as computer trunking, fibre optics and central heating pipes, should be reversible and should not result in damage to architectural features. Surface mounting such services may be preferable.

## New development in the grounds of listed buildings

Development within the curtilage of a listed building which is not physically attached to listed structures does not require listed building consent, but may require planning permission.

Buildings and structures erected before 1 July 1948 within the curtilage of a listed building are treated as part of the listing building, even if they are not included within the description. Listed building consent will, therefore, be required for works which affect their character. Planning permission may also be required.

The curtilage of a listed building is the area of land originally attached to, and containing the structure of the main house and its ancillary buildings, and which was used for the comfortable enjoyment of the house. The extent of the curtilage in individual cases will be based on an assessment of the physical layout, pattern of ownership, and the past or present use and function of the building. Thus, buildings such as coach-houses, doocots, mews/stable courts, walled gardens, lodges, boundary walls, garden ornaments and gates would all be considered to be part of the curtilage of the listed building and are treated as part of the listed building, even if they are not individually listed.

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 'setting' of a listed building takes into account a much broader assessment of the siting and situation

of the building. The curtilage of a house will normally form part of the setting, but it is also important to consider land immediately adjacent to, or visible from, the listed building.

Development within the setting of a listed building will only be acceptable if it can be demonstrated that the proposal would not be detrimental to the architectural or historic character of the listed building.

The sympathetic conversion and re-use of existing buildings on the site, particularly stable blocks, mews, service courts and steadings, should be considered prior to developing proposals for new build; care should be taken to incorporate surviving original features in these buildings where possible.

However, any proposals to alter unsympathetically, relocate or remove items within the curtilage, such as stables, mews, garden walls, stone steps, stone paving and cobbled or setted areas are likely to detract from the quality of the building's setting and are unlikely to be approved.

The condition of the main item of listing is critical and, where it has gone out of use, it is important that the restoration of the listed building is sought as a priority. It should be a condition that work on the listed building should be completed, or that an appropriate contract has been let for its restoration, prior to the commencement of new development.

## New Development

Where new development within the grounds of a listed building is acceptable, the siting, design, scale, form, density and materials should be sympathetic to the listed building, including ancillary buildings.

The feeling of spaciousness of the grounds in relation to the main building should be protected for the amenity of the property. The scale of new development should be controlled so as not to crowd or obscure the house. No building of similar or greater bulk should be erected close to the main listed building.

The relationship that exists between the main house and its ancillary uses should not be disrupted by the new build.

## Views

New development should always be set back from the original building line of the main house to avoid interfering with oblique views of the listed building and disrupting formal approaches. Development to the front of a listed building which breaks its relationship to the street is not acceptable. This is particularly destructive of character, not only to the building, but to the area, especially where the building is part of a unified group. The principal elevations should remain visible in their entirety from all principal viewpoints. New development should not restrict or obstruct views of, or from, the listed building or rise above and behind the building so that its silhouette can no longer be seen against the sky from the more familiar viewpoints. Distant views of features and landmarks which may have been exploited in the design of the building should not be obstructed by the development.

## Landscape

The landscape setting of the building should be analysed as the loss of garden ground can seriously affect the setting of a listed building.

Planting which forms part of the original landscape should be retained and, where appropriate, the original landscape restored. New landscaping should be used imaginatively to screen and enhance new development and to retain the landscape setting of the building. Immediate surroundings should be maintained communally, avoiding individually defined gardens.

Conservation areas are areas of special architectural or historic interest which have a character and appearance which is desirable to preserve or enhance.

To check whether your property is located within a conservation area, the Council's [online map](#) can be used.

# Part 2: Conservation Areas

## Conservation Area Character Appraisals

Conservation Area Character Appraisals identify the essential character of conservation areas. They guide the local planning authority in making planning decisions and, where opportunities arise, preparing enhancement proposals. The Character Appraisals are a material consideration when considering applications for development within conservation areas.

## Implications of Conservation Area Status

1. The permitted development right which allows any improvement or alteration to the external appearance of a flat dwelling that is not an enlargement is removed.
2. Special attention must be paid to the character and appearance of the conservation area when planning controls are being exercised. Most applications for planning permission for alterations will, therefore, be advertised for public comment and any views expressed must be taken into account when making a decision on the application.
3. Within conservation areas the demolition of unlisted buildings requires conservation area consent.
4. Alterations to windows are controlled in terms of the Council's policy.

5. Trees within conservation areas are covered by the Town and Country Planning (Scotland) Act 1997. The Act applies to the uprooting, felling or lopping of trees having a diameter exceeding 75mm at a point 1.5m above ground level, and concerns the lopping of trees as much as removal. The planning authority must be given six week's notice of the intention to uproot, fell or lop trees. Failure to give notice renders the person liable to the same penalties as for contravention of a Tree Preservation Order (TPO).

## Do I Need Planning Permission?

### Planning Permission

Planning permission is required for many alterations, additions and changes of use. However, some work can be carried out without planning permission; this is referred to as 'permitted development'.

Within conservation areas, fewer alterations are permitted development and most changes to the outside of a building, including changing the colour, require planning permission.

The **Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)** sets out the requirements for planning permissions.

If you believe your building work is 'permitted development' and doesn't need planning permission, you can apply for a Certificate of Lawfulness. This is a legal document from the Council which confirms that the development is lawful.

## What Other Consents Might Be Required?

### Listed Building Consent

Listed building consent is required for works affecting the character of listed buildings, including the interior and any buildings within the curtilage. Planning permission may also be required in addition. If your building is listed, the Listed Buildings Guidance should be used.

### Advertisement Consent

Advertisements are defined as any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, and employed wholly or partly for the purposes of advertisement, announcement or direction.

While many advertisements require permission, certain types do not need permission as they have "deemed consent". You can check this by consulting **The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984**.

## Building Warrant

Converted, new or altered buildings may require a Building Warrant, even if Planning Permission is not required. Please contact Building Standards for more information on 0131 529 7826 or **email: [buildingwarrant.applications@edinburgh.gov.uk](mailto:buildingwarrant.applications@edinburgh.gov.uk)**.

## Road Permit

A Road Permit will be required if forming a new access or driveway. Please contact the Area Roads Manager in your **Neighbourhood Team** for more information.

## Biodiversity

Some species of animals and plants are protected by law. Certain activities, such as killing, injuring or taking the species or disturbing it in its place of shelter, are unlawful.

If the presence of a European Protected Species (such as a bat, otter or great crested newt) is suspected, a survey of the site must be undertaken. If it is identified that an activity is going to be carried out that would be unlawful, a licence may be required.

More information on European Protected Species, survey work and relevant licenses is available in the Edinburgh Planning Guidance on Biodiversity and the **Scottish Natural Heritage** website.

## Trees

If there are any trees on the site or within 12 metres of the boundary, they should be identified in the application. Please refer to **Edinburgh Design Guidance** for advice.

Trees with a Tree Preservation Order or in a conservation area are also protected by law, making it a criminal offence to lop, top, cut down, uproot, wilfully damage or destroy a tree unless carried out with the consent of the Council. You can read more about this on our website at [www.edinburgh.gov/privatetrees](http://www.edinburgh.gov/privatetrees)

## General Principles

Designation of a conservation area does not mean development is prohibited.

However, when considering development within a conservation area, special attention must be paid to its character and appearance. Proposals which fail to preserve or enhance the character or appearance of the area will normally be refused. Guidance on what contributes to character is given in the conservation area character appraisals.

The aim should be to preserve the spatial and structural patterns of the historic fabric and the architectural features that make it significant.

Preservation and re-use should always be considered as the first option.

Interventions need to be compatible with the historic context, not overwhelming or imposing.

Without exception, the highest standards of materials and workmanship will be required for all works in conservation areas.

## Repair

Planning permission is not normally required for repairs which match the original materials and methods and do not affect the character of the building.

## Demolition

Conservation area consent is required for the complete demolition of unlisted buildings within conservation areas.

Demolition will only be acceptable if the new development preserves or enhances the area.

## Extensions and Alterations

Information on extensions and alterations to residential properties is included within '**Guidance for Householders**'.

Proposals must preserve or enhance the character or appearance of the conservation area.

The use of traditional materials will be encouraged. UPVC will not be acceptable.



# Shopfront Alterations and Signage

Specific information is included in Guidance for Businesses. This should be considered alongside this document, where relevant.

## Windows and Doors

The replacement, repair and painting of windows and doors which match the design, materials and methods utilised in the existing build will not require planning permission.

Planning permission will not be required where replacement or altered windows and doors meet the following requirements.

Replacement windows and doors on all elevations of unlisted properties of a traditional design within conservation areas must match the original proportions, appearance, materials, and opening method. Appropriate timber sealed unit double glazing will normally be considered acceptable. Rooflights on unlisted properties of a traditional design should be of a 'conservation style'. Alternative materials such as uPVC will not be acceptable.

A departure from these guidelines must be fully justified. The form of the existing windows &



doors within the building and in its immediate surroundings will be taken into consideration.

Replacement windows and doors in less traditional developments within conservation areas should maintain the uniformity of original design and materials and should open in a manner that does not disrupt the elevation. However, the exact replication of the original windows or doors may, in some cases, be of lesser importance.

Doors should be painted in an appropriate dark and muted colour. Windows should normally be painted white or off-white.

Planning permission is required for the stonecleaning of any building within a conservation area.

## Stone Cleaning

Stone cleaning cannot be undertaken without damaging a building. It can also reveal the scars of age, such as staining, poor previous repairs and surface damage. It may also remove the natural patina, the protective layer on the stone, opening up the surface pore structure and making re-soiling much easier.

There will therefore be a presumption against the stone cleaning of buildings within conservation areas. Stone cleaning will not be considered acceptable on any street where cleaning has not commenced.



Where cleaning of a street has commenced, the issue of reinstating architectural unity will be a material consideration in assessing the merits of individual applications.

Specialist professional skills should be sought to undertake analysis and, where acceptable, design a suitable cleaning method and undertake work.

### 1. Fabric Survey

A full drawing and photographic survey should be submitted. This should identify the types of stone on the building and the extent and nature of any current defects, including previous mortar or plastic repairs and the condition of pointing. The photographic survey should illustrate the frontage in relation to neighbouring properties and streetscape. This will allow an assessment of the impact of a 'clean' building within its wider environmental context. For comparative purposes, the fabric survey should also include a record of 'colour value' measured either by chromatic or Kodak colour strip.

### 2. Laboratory Analysis

To assess the most appropriate method of stone cleaning, applicants will be required to ascertain geological characteristics through laboratory tests. These tests should be carried out on uncleaned and trial area cleaned samples. The tests should include:

- (i) depth profiling
- (ii) petrological analysis
- (iii) stone permeability

These may reveal the presence of potentially damaging salts, the types of density of mineral grains and the stone's resistance to surface water penetration.

Applicants will also be asked to provide photographs to allow assessment of surface texture and roughness, both before and after trial cleaning.

The extent of laboratory analysis required may vary, subject to the architectural and historic importance of the building.

### 3. Trial Cleaning Samples

Paint removal methods should be tested on an inconspicuous trial area of two or three stones. A photographic survey should be carried out of the pre and post cleaning samples and the visual and chemical effects recorded. This enables an assessment of the technique's effectiveness. Applicants may be asked for further samples.

The number of samples should reflect the nature of the specific building being tested; all varieties of stone should be tested.

### 4. Post-Cleaning

If acceptable, post-cleaning photographic records should be submitted and should be documented for research purposes.

It is expected that most necessary repairs will be identified at the initial application stage. Therefore, consent would be conditional upon a commitment by applicants to undertake a minimum standard of repair subsequent to stonecleaning.

### Stone Cleaning Methods

The following are the most common stone cleaning methods. Their inclusion in this guideline is for information only and does not imply their acceptability.

#### 1. Mechanical - Carborundum Disc

This method comprises a hand-held rotary disc with a carborundum pad. The surface layer of stone is removed along with the dirt, often creating contours as the disc hits hard and soft areas. This produces an uneven surface and causes the loss of fine detail.

#### 2. Air and Water Abrasive

These methods comprise grits carried by jets of air and/or water. The impact of the particles on the surface of the stone removes both dirt and stone and relies upon the skill of the operative to ensure that not too much stone is lost. The results of this method vary, but the pitting of the surface of the stone and the loss of fine detail are common. Dry grit blasting is usually more aggressive than wet grit washing.

#### 3. Chemical Cleaning

This method comprises the application of chemicals and a high pressure water wash. The balance of chemicals varies with the type of stone and surface deposit to be removed. Poultices can also be used; these are more gentle but damage still occurs.

After chemical cleaning, most stones retain the chemicals, even after pressure washing. This then increases decay.

#### 4. Water

When water pressure is used as part of the cleaning method, water is forced into the stone to a depth where natural evaporation will not take place. The water can then percolate down through the fabric of the wall and cause accelerated

weathering at lower levels in the building. High pressure water can also cause damage to the stone.

A water wash, pressurised or not, remains an alternative stone cleaning technique. It is likely that a low pressure water wash remains the least aggressive method of stone cleaning. However, it will not remove dirt which has combined with the surface to form an insoluble compound. High pressure and/or excessive water can cause surface erosion, pointing wash-out, staining and force water into the core of the wall. Due to the dangers of thermal expansion, water washing should be avoided in frosty conditions.

## Painting

Planning permission will be required to paint or render a previously untreated surface or change the colour of a building.

Paint which matches the existing in colour and uses traditional materials and methods will not require planning permission.

External stonework must not be painted or rendered, unless the surface was originally painted or rendered.

In basements, painting the underside of the entrance platt will be considered exceptions. Coping stones and the edge of steps should not be painted.

Walls covered with smooth cement render or a harled finish should generally be painted in earth colours or neutrals (grey, cream or beige). Rendered bands to windows should generally be in stone colours.



Information on painting a shop or other commercial premises is included within the **Guidance for Businesses**.

Doors should be painted in an appropriate dark and muted colour. Windows should normally be painted white or off-white. All areas of dormer windows, other than the window frames, should be painted to tone in with the roof.

Railings, balconies, other ornamental ironwork and downpipes should be painted black gloss, although other very dark colours may be appropriate for railings, such as dark green for railings around gardens.

## Paint Removal

Paint removal will require planning permission.

The restoration of the original surface through the removal of paint can improve the character and appearance of a building. Where surfaces have been previously painted, the removal of paint will be supported in principle, provided that the proposed removal method does not adversely affect the original surface.

The removal of paint requires chemical and/or abrasive cleaning to re-expose the stone beneath. Abrasive methods can cause severe damage to the surface and will be unlikely to remove all traces of paint from coarse, porous sandstone. In certain circumstances, a minimally abrasive method may be appropriate to remove the outermost paint layers not in contact with the stone surface. Chemical paint removal varies from paint stripper to a proprietary poultice (a substance placed on the stone to draw

out the paint). Each requires extreme caution due to their potentially damaging effects and trial samples should be carried out.

Previous painting could have disguised the poor condition or appearance of the surface so repair work may be required following paint removal. Therefore, consents will be conditional upon a commitment by applicants to undertake a minimum standard of repair subsequent to paint removal.

Where paint removal is not appropriate, the property should be repainted in a matt finish stone coloured paint to tone with the adjoining stonework.

Specialist professional skills should be sought to undertake analysis, design a suitable treatment method and undertake any work.

### 1. Fabric Survey

A full drawing and photographic survey should be submitted. This should identify the types of stone on the building and the extent and nature of any current defects, including previous mortar or plastic repairs and the condition of pointing. The photographic survey should illustrate the frontage in relation to neighbouring properties and streetscape. This will allow an assessment of the impact of paint removal within its wider environmental context. For comparative purposes, the fabric survey should also include a record of 'colour value' measured either by chromatic or Kodak colour strip.

### 2. Trial Paint Removal Samples

Paint removal methods should be tested on an inconspicuous trial area of two or three stones. A photographic survey should be carried out of the pre and post painting samples and the visual

and chemical effects recorded. This enables an assessment of the technique's effectiveness. Applicants may be asked for further samples.

The number of samples should reflect the nature of the specific building being tested; all varieties of stone should be tested.

## Telecommunications including Satellite Dishes

Planning permission will be required for a satellite dish on a building within a conservation area.

The installation of cable television equipment in conservation areas requires planning permission. Equipment should be sensitively sited to minimise the affect on the special character and appearance of the conservation area.

Satellite dishes in conservation areas should not be easily visible from public view.

They should be located in inconspicuous locations, such as behind a parapet wall, within a roof valley or concealed behind by a chimney. They may also be acceptable on modern extensions to the rear, providing no part is higher than the main building.

To prevent a multiplicity of satellite dishes, the Council may refuse consent for additional dishes, even if this may prevent some properties from receiving satellite television. The sharing of dishes on buildings will be encouraged.

Where acceptable, satellite dishes should blend in with the background; this may require it to be painted. All fixings should be non-ferrous.

## Gas Pipes and Meter Boxes

Planning permission is only required where the guidelines below cannot be complied with.

A maximum of a 450mm of supply pipe should be visible on the front wall. External pipes which are both horizontal and vertical must have the horizontal section within the basement areas (where applicable) and not be visible from the street.

Holes in stonework must be kept to a minimum and should be made through stone joints, except in the case of “V” jointing or rubble where holes should be in the stonework. Non-ferrous fixings must be used.

All redundant surface-run pipe work must be removed and the surfaces made good and painted to match existing materials and colour.

Meter boxes should not be fitted to the front or any conspicuous elevation of buildings.

Pipe work and meter boxes should be painted to match adjacent stone.

## Flues

Balanced flues will only be permitted where it is not possible to line an existing chimney to form an internal flue.

Balanced flues will not normally be acceptable on the front or conspicuous elevations of listed buildings.

## Air Conditioning and Refrigeration

Planning permission will normally be required to install air conditioning and refrigeration units on the exterior of buildings.

The preferred location for units within conservation areas is:

- Free standing within garden or courtyard areas, subject to appropriate screening and discreet ducting.
- Within rear basement areas.
- Inconspicuous locations on the roof (within roof valleys or adjacent to existing plant). However, aerial views will also be considered.
- Internally behind louvres on inconspicuous elevations. This should not result in the loss of original windows.

Where it is not practicably possible to locate units in any of the above locations, it may be acceptable to

fix units to the wall of an inconspicuous elevation, as low down as possible; they should not be located on the front elevation.

Units should be limited in number, as small as practicably possible and painted to tone with the surrounding stonework or background.

Ducting must not detract from the character and appearance of the building and area.

## Adaptation for Accessibility

Planning permission may be required to install ramps, handrails, indicators and lifts and for alterations to doors.

While the Equality Act 2010 requires service providers to take “reasonable” steps to make their buildings and services accessible, there is also a statutory duty to protect the character of the historic environment. The provision of access for the less able to historic buildings will therefore require careful consideration and design.

Full access for everyone via the principal entrance may not be appropriate. Alternative access arrangements which preserve the character of the listed building may be required.

Solutions should be tailored to the particular building through the use of innovative design and high quality materials.

Apply for planning permission or a certificate of lawfulness at [www.eplanning.scot](http://www.eplanning.scot).

apply

## Ramps

The placing of a ramp on a building should have minimal impact on the historic fabric.

The symmetry of existing elevations and the rhythm of the street as a whole should be respected, and where relevant, care should be taken to protect the relationship between railings, property and basement.

Where appropriate, consideration should be given to regrading the ground at the entrance in order to overcome the need for larger ramps and minimise the visual impact on the building. If this will cause a footway hazard, a ramp inside the building may be appropriate; the removal of steps and the lengthening of doors can sometimes accommodate this.

Ramps on the public footway will not generally be supported. Where acceptable, ramps must leave sufficient clear footway for pedestrians. This will vary according to the volume of pedestrian traffic. In general, this is 2metres for residential areas, 3metres for main roads and 5-6metres for busy shopping streets.

Where a ramp is acceptable, high quality materials, such as stone to match the existing building, will be encouraged. In some circumstances, high quality design in modern materials may be more appropriate.

## Handrails

Where required, handrails should be carefully designed and sensitively located to avoid being visually intrusive.

Appropriate contrast with the background material can be achieved with high quality traditional or contemporary materials.

## Tactile Indicators

Historic flooring materials should not be replaced with standard tactile paving. A tactile grid can be achieved by using materials that match those of the surrounding area, and which have been textured with ridges or dimples. More information is available in the [Edinburgh Design Guidance](#).

## Visual indicators

Brightly coloured high-visibility strips should be avoided, unless their use helps to avoid other more visually intrusive works.

## Doors

There may be cases (particularly in the case of historic buildings) where it is less damaging to seek alternative access routes than to widen or alter a doorway. Historic doors are often an integral part of the design of the building, and should be retained wherever possible.

Where historic doors are heavy or difficult to operate, it is normally possible to adapt them by re-hanging and/or introducing opening mechanisms or visual indicators to make the handles more prominent.

## Lifts

External chair and platform lifts can have a significant impact on the architectural character of a building, and should only be proposed where no other option is suitable. The resting position of any

external lift should be as low as possible, and the design of the platform and restraints should be as transparent as possible. Metal cages are unlikely to be acceptable as they are disruptive to the streetscape and can seem intimidating to the user.



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