



THE CITY OF EDINBURGH COUNCIL

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: 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 100632964-001

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: Mitie
Ref. Number:
First Name: * Sam
Last Name: * Platt
Telephone Number: *
Extension Number:
Mobile Number:
Fax Number:
Building Name: Pacific House
Building Number:
Address 1 (Street): * Atlas Business Park
Address 2: Simonsway
Town/City: * Manchester
Country: * United Kingdom
Postcode: * M22 5PR
Email Address: *

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="BT Headquarters"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="81"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="81 Newgate Street"/>
Company/Organisation	<input type="text" value="British 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"/>		

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

<input type="text" value="Pavement o/s 111 Brunswick Street, Edinburgh, EH7 5HR"/>
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Northing	<input type="text" value="674846"/>	Easting	<input type="text" value="326379"/>
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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)

The installation of 1 No. BT Street Hub while removing 2 No. existing BT Phone kiosks from the street scene

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.

The applicant for the LPA Ref 23/00140/FUL application is aggrieved by the decision of Edinburgh City Council to refuse planning permission for the proposed development of the installation of 1 No. BT Street Hub while removing 2 No. existing BT Phone kiosks from the street scene. The applicants strongly dispute the stated reasons for refusal and require the planning authority to review the case under section 43A of the TCPA (Scotland) 1997. This is set out in the supporting appeal 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)

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)

EDN119 Appeal Statement EDN119 Appeal Statement Appendices Documents A-W (x23)

Application Details

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

23/00140/FUL

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

13/01/2023

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

27/03/2023

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 Sam Platt

Declaration Date: 21/06/2023

BT Ref - EDN119

Planning Appeal Statement

Against

The City of Edinburgh Council Decision to Refuse

Full Planning (LPA Ref - 23/00140/FUL)

for

**'The installation of 1no. BT Street Hub while removing 2no. existing BT phone kiosks
from the street scene'**

at

Pavement o/s 111 Brunswick Street, Edinburgh, EH7 5HR

(NGR: E 326379, N 674846)



June 2023

Prepared by Mitie acting as appeal agents on behalf of BT



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Image 1 – The existing street scene of the appeal site.



Image 2 – Photomontage of the appeal site including the proposed development.

I. Introduction

- I.1. This appeal statement has been prepared by Mitie (hereinafter referred to as “the Agent”), acting on behalf of British Telecommunications Plc (BT) (“the Appellant”).
- I.2. This appeal is brought by the Appellant against the refusal of Full Planning by The City of Edinburgh Council (“the Local Planning Authority”) for the installation of 1no. BT Street Hub on the pavement o/s 111 Brunswick Street, Edinburgh, EH7 5HR, referred to by the LPA as 14 Metres West of, 103 Brunswick Street, Edinburgh (“the appeal site”) (NGR: E 326379, N 674846) (See Image 1) while removing 2no. existing BT kiosks from the street scene.
 - I.1. Applications for Full Planning (LPA Ref - 23/00140/FUL) and Advertisement Consent (LPA Ref - 23/00139/ADV) were submitted by BT’s agents at the time, Solutions30, on 13th January 2023 to The City of Edinburgh Council, where they were duly registered, and assigned the same planning officer. From the outset it is of note that the Full Planning application relates to Street Hub structure itself and its features, whilst the Advertisement Consent part relates to the digital screens that are integral to the new unit. Albeit at the planning application stage Full Planning and Advertisement Consent were determined in parallel by the LPA, to be clear this appeal presented to the Local Review Board relates solely to the Full Planning element.
 - I.2. Required by BT as part of Street Hub rollout project, the proposed development on Brunswick Street is a freestanding Street Hub unit (see Image 2) 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 an unprecedented suite of essential urban tools, including free ultrafast wi-fi, free phone calls, wayfinding, mobile device charging, emergency 999 call button, small cell mobile coverage, public messaging capabilities, and air quality monitoring.
 - I.3. The BT Street Hub project aims to replace the existing estate of telephone kiosks in Edinburgh and has been ongoing on a national basis for over 5 years, building upon the previous rollout of BT’s first generation unit, InLink. As part of the appeal proposal, the direct replacement of the existing on-site BT payphone kiosk (Tel. 01315576267) (See Image 3) is be proposed, along with an additional BT public call box removal (Tel. 01315556470) which is located to the North along the same stretch of road, near the junction with Manderston Street (See Image 3).



Image 3 – Existing BT kiosks set to be removed as part of the appeal proposal. Direct replacement of BT kiosk on Brunswick Street (left photo) and BT kiosk on Manderston Street (right)

Reasons for Refusal of Full Planning

- I.4. The Full Planning application was determined by the case officer under delegated powers by a local fast track, dated 27/03/2023. As per the decision notice, the application was refused for the following reasons:
- i. 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.*
 - ii. 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.*
 - iii. 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.*
 - iv. The proposal does not comply with NPF4 Policy 24 e) - Digital infrastructure due to its adverse impact on visual amenity.*
- I.5. The above reasons for refusal are strongly disputed by the Appellants, hence this appeal to The City of Edinburgh Council Local Review Board is lodged under Section 43A of the Town and Country Planning (Scotland) Act 1997 against a planning authority's refusal for planning permission. In line with Note 1 of the decision notice, this appeal is submitted within 3 months of the decision.

1.6. In line with the above rights, the Appellant wishes to pursue this appeal by written representations procedures. This statement of case will demonstrate that:

- The proposal accords with the relevant provisions of the development plan and national policies as referred in the decision notice;
- The development will allow the upgrade of BT's existing phone kiosk estate and the removal of a second BT kiosk elsewhere, in accordance with their license obligations and Ofcom requirements, bringing about a wide range of public benefits which will outweigh any visual impact identified;
- The proposal is a direct replacement of an existing BT kiosk found on a wide pavement on Brunswick Street. There are a number of commercial units occupying the surrounding area and there are various forms of street furniture present in the locality, all of which will aid to assimilate the Street Hub unit into the street scene.
- The removal of a second BT kiosk on Manderston Street will declutter the street scene and also lead to the freeing up of valuable pavement space along this stretch of road.

1.7 In summary, it is the appellants view that the Local Planning Authority has not fully taken into account all material planning considerations relevant to Full Planning, including the significant social and economic benefits of the proposal will bring to the area. Likewise, the Local Planning Authority have not taken in to account the operator's technical constraints, most notably BT's legal requirements to provide a public accessible telephone service as required by Ofcom.

2. The Case for Street Hub

2.1. From the outset, it must be noted that the BT Street Hub project is an upgrade project whereby BT are replacing their existing traditional phone kiosk estate with modern BT Street Hub units. In this case, the application proposes the direct replacement of 1 no. existing BT kiosk on Brunswick Street with the associated removal of 1 no. further along the same stretch of road near Manderson Street.

2.2. As stated within the case officer's report of handling: *'The proposed digital advertisement would not be located within a special designated area.'* This is demonstrated in image 4 below which is an extract from the LDP proposals map and shows the appeal site in an area designated as being part of the *'Town Centre (including City Centre Retail Core)'* adjacent to a tram route.

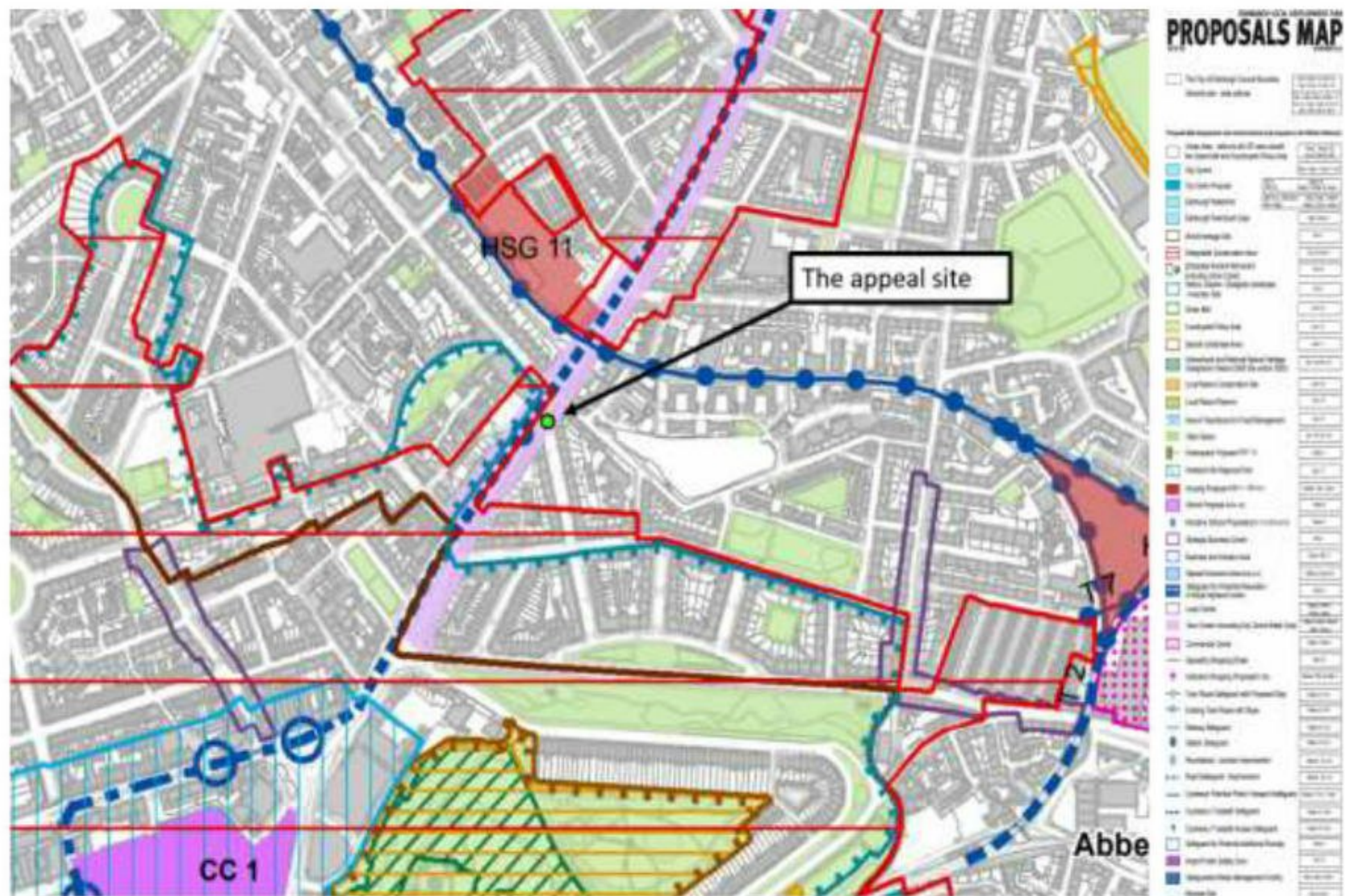


Image 4 – Edinburgh LDP proposals map.

- 2.3. Given the rise in popularity in mobile phones, the use of traditional telephone kiosks has declined and their aging design leaves them prone to vandalism and anti-social behaviour. As well as this, it must be recognised that BT's existing kiosk estate has grown organically over several decades. While the kiosks may have been appropriately placed at the time they were installed, societies connectivity needs, and the surrounding street scene have changed significantly. As such, the BT Street Hub project is seen as an opportunity to revamp the BT kiosk estate in a way that makes their infrastructure more in keeping with contemporary environments and improve the street scene.
- 2.4. Street Hub take a much more modern and sleek design, when compared to existing BT kiosks, and so are more suited to modern street scenes like here at the appeal site. As well as making an environmental improvement, as detailed within the supporting application documents Street Hub incorporates a range of features over and above the functions incorporated into the existing BT kiosk. Small cell 5G capabilities, free WiFi, USB charging ports, 999 calls and air quality monitoring, are all features that collectively ensures that the new unit delivers a range of public benefits that outweighs any visual impact created by the change in form.
- 2.5. Wherever possible the BT Street Hub project seeks to reduce the overall number of kiosks in the estate with most applications like this proposing the installation of 1 no. BT Street Hub with

the associated removal of 2no. existing kiosks. However, it must be noted that BT has an obligation to deliver a publicly accessible telephone service, and kiosk cannot be decommissioned based solely on the perception of some that as they are not being used then they must be removed.

- 2.6. Under the telephony universal service obligation (USO) and the terms of their license issued by the Government, BT are required to provide telephony services throughout the UK, including from public call boxes. Furthermore, the old telephone network will be retired by December 2025, moving to a fully digital Internet Protocol (IP) technology network. As such, public call boxes will need to be upgraded with new equipment to ensure they still work.
- 2.7. In June 2022, the regulative body, Ofcom, updated their rules on whether public call boxes can be removed if there is justification that they are no longer needed whilst at the same time protecting those kiosks on which people still rely. In this regard, BT now cannot remove a box if it is the last remaining in an area, i.e. more than 400 metres' walking distance from the next public call box, and it meets one or more of the following criteria:
- It is in a place without coverage from all four mobile network providers;
 - It is located in an area with a high frequency of accidents or suicides;
 - It has made 52 or more calls over the past 12 months; or
 - There is other evidence that the box is reasonably needed at the site – for example, where it is being used to make calls to helplines such as Childline
- 2.8. Whilst it is acknowledged that there is a general decline in call volumes from public call boxes, these Ofcom requirements mean that kiosks cannot be removed despite the common misconception that BT can simply remove kiosks if they are underused and/or in a state of neglect.
- 2.9. This Street Hub proposal seeks to replace an existing on-site kiosk and in conjunction the nearby BT payphone on Manderston Street off Lieth Walk is to be removed. This strategy conforms with Ofcom criteria as being a direct replacement of an existing BT kiosk, the Street Hub will retain the function of providing a telephone service in accordance with BT's licence requirements. Likewise, it provides members of the public the choice to make phone calls from the Street Hub should they wish to do so. It also provides an opportunity to consolidate the wider estate, meaning a second BT kiosk removal can be associated with this proposal.

3. Planning Policy Context

National Planning Framework 4 (2023)

- 3.1. The overarching national planning policy document for planning applications in Scotland is the National Planning Framework 4 which was adopted in February 2023 and replaced the previous National Planning Framework 3. NPF 4 sets out the key economic, social and environmental challenges and goals presented with Scotland and details the planning policies that will be applied in order to achieve them.
- 3.2. The following policies in NPF 4 are considered to be relevant to the determination of this proposal:

Policy 2: Climate mitigation and adaptation –

“a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. b) Development proposals will be sited and designed to adapt to current and future risks from climate change. c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.”

Policy 14: Design, quality and place –

“a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. b) Development proposals will be supported where they are consistent with the six qualities of successful places: Healthy: Supporting the prioritisation of women’s safety and improving physical and mental health. Pleasant: Supporting attractive natural and built spaces. Connected: Supporting well connected networks that make moving around easy and reduce car dependency. Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time. Further details on delivering the six qualities of successful places are set out in Annex D. c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.”

Policy 20: Blue and green infrastructure –

“a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority’s Open Space Strategy should inform this. b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals. c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park. d) Development proposals for temporary open space or green space on unused or underused land will be supported. e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.”

Policy 24: Digital infrastructure

“a) Development proposals that incorporate appropriate, universal, and future-proofed digital infrastructure will be supported. b) Development proposals that deliver new digital services or provide technological improvements, particularly in areas with no or low connectivity capacity, will be supported. c) Development proposals that are aligned with and support the delivery of local or national programmes for the roll-out of digital infrastructure will be supported. d) Development proposals that deliver new connectivity will be supported where there are benefits of this connectivity for communities and the local economy. e) Development proposals for digital infrastructure will only be supported where: i. the visual and amenity impacts of the proposed development have been minimised through careful siting, design, height, materials and, landscaping, taking into account cumulative impacts and relevant technical constraints; ii. it has been demonstrated that, before erecting a new ground based mast, the possibility of erecting antennas on an existing building, mast or other structure, replacing an existing mast and/or site sharing has been explored; and iii. there is no physical obstruction to aerodrome operations, technical sites, or existing transmitter/receiver facilities.”

Policy 27: City, town, local and commercial centres –

“a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces: i. will be supported in existing city, town and local centres, and ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:

- all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;*
- the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and*
- the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.*

c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include: i. Hot food takeaways, including permanently sited vans; ii. Betting offices; and iii. High interest money lending premises. e) Development proposals for residential development within city/town centres will be supported, including: i. New build residential development. ii. The re-use of a vacant building within city/ town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to viability and vitality of the area. iii. The conversion, or reuse of vacant upper floors of properties within city/town centres for residential.

f) Development proposals for residential use at ground floor level within city/town centres will only be supported where the proposal will: i. retain an attractive and appropriate frontage; ii. not adversely affect the vitality and viability of a shopping area or the wider centre; and iii. not result in an undesirable concentration of uses, or ‘dead frontages’.

g) Development proposals for city or town centre living will take into account the residential amenity of the proposal. This must be clearly demonstrated where the proposed development is in the same built structure as: i. a hot food premises, live music venue, amusement arcade/centre, casino or licensed premises (with the exception of hotels, restaurants, cafés or off licences); and/or ii. there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.”

Edinburgh Local Development Plan (2016)

- 3.3. The leading local planning policy document for the development site is the Edinburgh Local Development Plan which was adopted in November 2016 and replaced the Edinburgh City Local Plan and the Rural West Edinburgh Local Plan. The LDP sets out the strategy and proposals for Edinburgh over the following 5 to 10 years as well as detailing the policies that are followed to ensure that development helps meet the core aims of the LDP.
- 3.4. The following policies in the LDP are considered to be relevant to the determination of this planning appeal:

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.”

Policy Des 4: Development Design – Impact on Setting –

“Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to: a) height and form b) scale and proportions, including the spaces between buildings c) position of buildings and other features on the site d) materials and detailing.”

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.”

Policy RS7: 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.”

4. Assessment of Reasons for Refusal and Statement of Case

4.1. On 27th March 2023, the City of Edinburgh Council issued its decision notice for the refusal of Full Planning permission for the installation of 1no. BT Street Hub while removing 2no. existing BT phone kiosks from the street scene at the pavement o/s 111 Brunswick Street, Edinburgh, EH7 5HR. This section of the appeal statement looks to provide counter arguments against the reasons for refusal that derive from the case officer’s handling report as well as detail the appellant’s statement of case to provide a clear explanation for why this planning decision should be overturned by the Local Review Body.

4.2. Within the decision notice issued to previous agents Solutions30 and BT, the agent and applicant were informed that their Full Planning application had been refused. Within the decision notice, 4no. reasons for refusal were provided. The reasons for refusal are as follows:

Reason 1

4.3. *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.*

Reason 2

4.4. *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.*

Reason 3

4.5. *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.*

Reason 4

4.6. *The proposal does not comply with NPF4 Policy 24 e) – Digital Infrastructure due to its adverse impact on visual amenity.*

4.7. As well as the reasons for refusal outlined above, the decision notice was accompanied by the case officer's report of handling which provides a greater amount of detail and demonstrates how the Local Planning Authority arrived at their final decision. Within *Section B – Assessment*, the case officer outlines key areas of assessment and explains why in their eyes the application failed on these criteria.

4.8. In assessing the Principle of Development, the Case Officer states that:

“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. Whilst it is recognised that the Scottish Government is committed to providing the most up to date connectivity, the impact of the proposal on the streetscape does not outweigh the desirability to improve coverage. The proposal would fail to meet the objectives of NPF 4 Policy 24 e).”

4.9. In arguing against the principle of development, the case officer relies on the Edinburgh Planning Guidance for Outdoor Advertising and Sponsorship. Paragraph 9.6 states that proposals involving a free-standing outdoor advertising display will not be supported unless exceptional circumstances justify otherwise. Referring to this, the case officer details that evidence of exceptional circumstances has not been provided therefore the principle of development is not established and the proposal is contrary to Policy 24(e) of NPF 4. In this particular case, notably the Full Planning element of the proposal, it is emphasised that matters of consideration should relate solely to the siting and appearance as well as the development's use as a item of telecommunication infrastructure.

4.10. In this respect it is the view of the appellant that exceptional circumstances are present in this case and that this represents the reason for selecting this site. As demonstrated in the attached plans and detailed within this statement, this proposal is for the direct replacement of an existing BT kiosk on a wide area of pavement on Brunswick Street. The proposal looks to replace the existing BT kiosk and erect a new BT Street Hub in the footprint of the removed kiosk.

4.11. As detailed in this appeal statement, there is a common misconception that BT are able to remove their existing kiosk estate without replacing them. Indeed, this view has been reflected in the Edinburgh Planning Local Review Body in a previous decision for BT Street Hub on Dalkeith Road where it was said:

“Once the structure was in place, it would be in place permanently. The two aspects were not linked, BT could just remove the boxes, if they were no longer used” – Appeal Decision Notice (LRB Ref. LRB6.2/BR).

4.12. As already outlined, due to BT’s license obligation to provide and maintain a telephone service, BT cannot simply remove kiosks without assessing this proposition against Ofcom criteria. In this respect this Street Hub proposal should not be viewed in the same way as a development that is solely intended to be a free-standing advertisement. Furthermore the digital screens are subject to a separate application for Advertisement Consent, therefore, it is clear that the principle of telecommunication development has already been established here as the appellant is proposing to replace their own existing kiosk found at the appeal site with a new Street Hub unit.

4.13. In making an assessment on design and the impacts on amenity, the case officer states that:

“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 and Des 5.”

4.14. As shown on the supporting plans, this proposal seeks to replace an existing BT phone kiosk on Brunswick Street with a new unit. It is felt that the existing kiosk design is dated, however, the new Street Hub unit is of a high quality, modern design which embraces today’s connectivity needs. Taking these matters into account, it is felt that this proposal represents an improvement in design quality and therefore enhances the immediate street scene. As such, it is considered that

this proposal is compliant with Policy Des 1: Design Quality and Context of the Edinburgh Local Development Plan (2016).

4.15. In terms of its size, the BT Street Hub unit is slightly taller than the existing telephone booth in both height and width. However, it takes a slender profile on a wide expanse of pavement and its height would not appear untoward when seen against the backdrop of tall tenements, commercial properties at street level and well trafficked setting of Leith Walk. The proposed Street Hub would be positioned on a 7-metre-wide section of pavement, allowing plenty of circulation space around the unit and so will not impede pedestrian movements nor will its siting impact on highways safety being well set back from any vehicular road edges. The proposal does not seek to move or position the Street Hub in any way which would increase its prominence or its potential intrusiveness on neighbouring properties, given that it is a direct replacement of an existing kiosk. Furthermore, the presence of other forms of street furniture in this location such as trees, lamp posts and electrical boxes, then it is felt that the change in form from a traditional kiosk to a Street Hub represents a minimal impact on visual amenity which does not constitute the refusal of planning permission. In removing the existing on-site kiosk and a second kiosk to the North, then the total square footage occupied by BT will be reduced by 74% therefore freeing up a considerable amount of available pavement space, so significantly improving pedestrian movements and their amenity.

4.16. It is worth noting that there has been an allowed appeal for a BT Street Hub on Dalkeith Road, Edinburgh, which shares many transferable points that is relevant to this case. The Dalkeith Road Street Hub was considered to be contrary to Policy Des 1 and Des 5 as well as non-statutory guidelines on Advertising and Sponsorship. On 20th September 2022, the decision was overturned at appeal by the City of Edinburgh Planning Local Review Board (LRB Ref. LRB6.2/BR). It is felt that this decision is relevant to this latest case given it is the same form of development and it also sought to remove existing kiosks. Both proposals sought the installation of a BT Street Hub unit in place of existing BT kiosk and both are in busy urban areas with existing street furniture present. Furthermore, the appeal site in this latest instance, proposes a Street Hub in a largely commercial area of Edinburgh with shops and restaurants in the immediate vicinity, set back from Leith Walk, whereas the Street Hub site outside the Commonwealth Pool on Dalkeith Road has a more open context thus is more pronounced in the street scene. Also, the appeal site in this case is not subject to any sensitive designations or near to any Listed Buildings.

5. Conclusion

- 5.1. This appeal statement has presented a positive case for the Street Hub development, when taking into account the necessity for BT to comply with Ofcom criteria in providing a public accessible telephone service on the street. At the same time, the new unit seeks to provide a wide range of public benefits which will outweigh any minimal visual impact created by its change in form. The appeal statements sets out a detailed assessment of why the Full Planning element of the proposal, relating to the siting and appearance of an item of telecommunication infrastructure is compliant with national and local planning policy and so should be allowed at appeal. Therefore contrary to the reasons of refusal, this digital infrastructure proposal will not create a high impact in visual terms to the detriment of the area nor will it adversely impact on the amenity of neighbouring properties. Albeit the Street Hub includes digital advertisements this part of the development is subject to a separate Advertisement Consent application whereby non-statutory guidelines on adverts and sponsorship should not be deemed a material planning consideration as like the stance taken by the Local Review Board in the Dalkeith Road case.
- 5.2. In conclusion, the proposed Street Hub unit will not appear out of place within this busy, urban, commercial environment, nor will it represent a particularly dominant or overbearing feature within the street scene, given that it is to replace an existing on-site payphone. In this respect the Street Hub proposal and a second associated call box removal elsewhere represents a significant improvement to the fall-back position of the existing kiosks being retained. The appeal statement has detailed why this would not be possible due to BTs obligation to Ofcom which requires them to deliver a public telephone network in the street scene.
- 5.3. The proposal directly supports the policies and guidance set out in NPF4 and is compliant with the policies outlined in the Edinburgh Local Development Plan (2016). The proposal contributes to the goals of sustainable development by promoting a proposal that offers economic, environmental, and social benefits, which outweighs any visual impact created by the change in form of an existing item of street furniture. Therefore, it is concluded that there will be less than substantial visual impact to the character of the area or the amenity of surrounding occupiers, however this is significantly outweighed by the public benefits of the proposal. In this respect, it is concluded that the previous refusal should be overturned, and that full planning permission should be allowed at appeal.

BT StreetHub 2.0

NOISE TEST REPORT

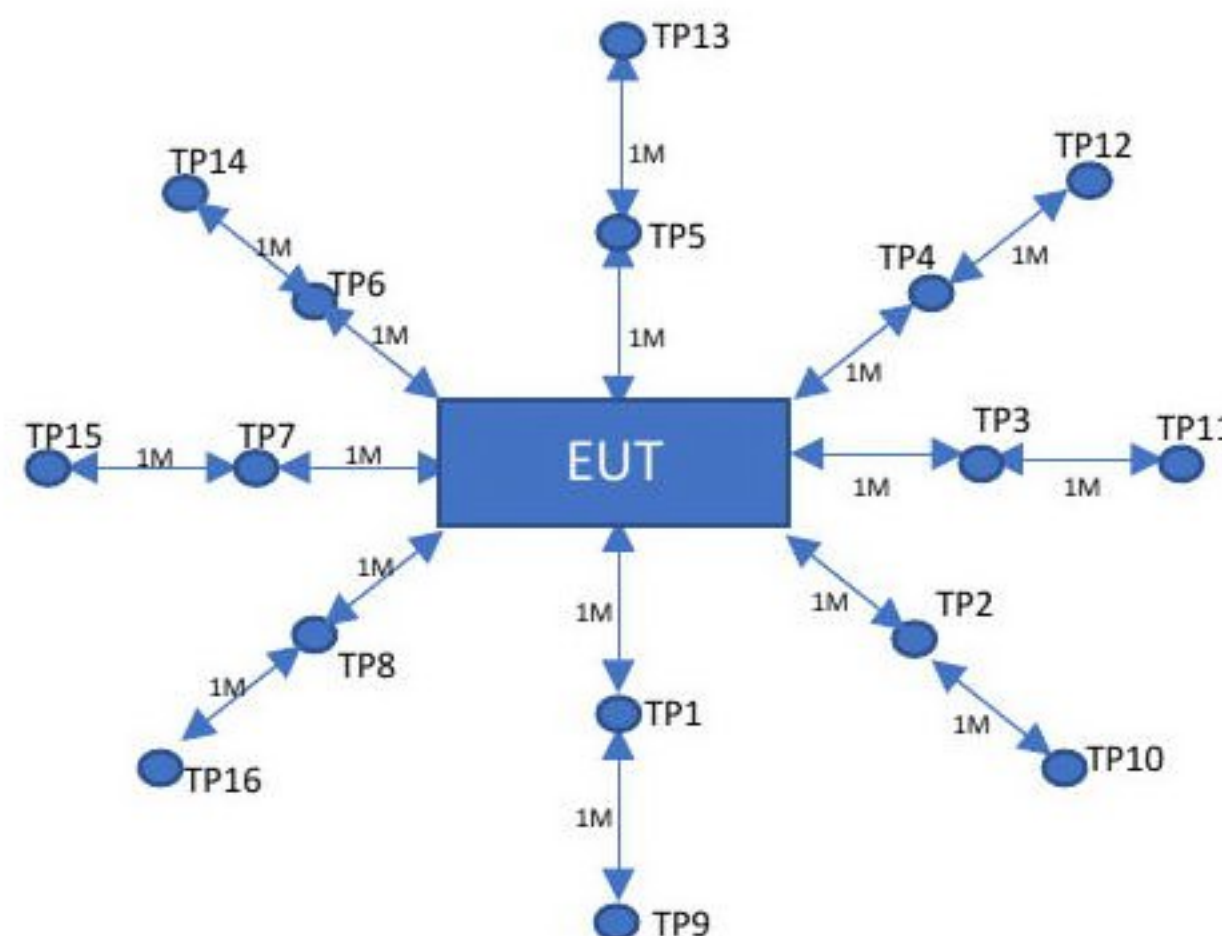
DATE OF ISSUE	16/11/2021
DEVICE UNDER TEST	BT STREET HUB 2 – MODEL BTSH-01
TEST EQUIPMENT USED	Decibel meter (ANENG-GN101), tripod, spirit-level, measuring tape

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

TESTING MAP

ALL TESTS CARRIED OUT AT 1.5M ABOVE FLOOR LEVEL



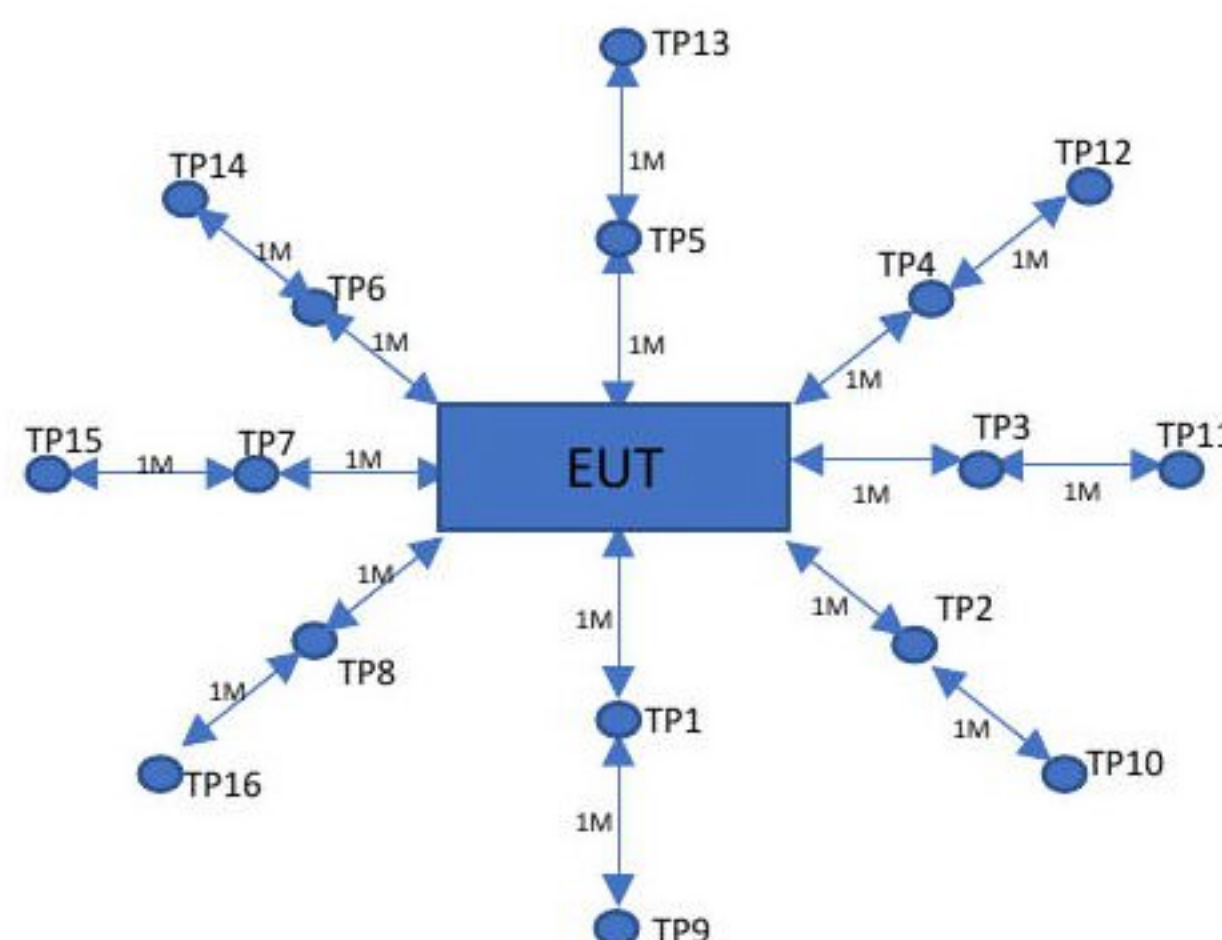
RESULTS				
TEST POINT ID	READING 1	READING 2	READING 3	AVERAGE
TP1	56.0	56.6	56.1	56.2
TP2	56.2	55.6	56.4	56.1
TP3	55.2	55.8	56.1	55.7
TP4	55.7	56.2	56.2	56.0
TP5	56.5	56.5	56.4	56.5
TP6	56.6	56.5	56.3	56.5
TP7	56.7	56.8	56.7	56.7
TP8	56.8	56.6	56.1	56.5
TP9	54.8	56.2	56.2	55.7
TP10	54.6	55.0	55.5	55.0
TP11	55.3	55.4	56.2	55.6
TP12	55.0	55.1	55.3	55.1
TP13	54.7	55.2	56.0	55.3
TP14	55.8	55.2	55.2	55.4
TP15	56.0	56.0	56.0	56.0
TP16	56.0	55.0	55.6	55.5
			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	

TESTING MAP

ALL TESTS CARRIED OUT AT 1.5M ABOVE FLOOR LEVEL



RESULTS				
TEST POINT ID	READING 1	READING 2	READING 3	AVERAGE
TP1	59.1	59.0	59.3	59.1
TP2	59.3	59.5	59.0	59.3
TP3	59.1	59.2	59.3	59.2
TP4	63.2	63.2	63.0	63.1
TP5	64.2	64.3	64.2	64.2
TP6	63.2	63.1	63.0	63.1
TP7	59.9	59.2	59.9	59.7
TP8	59.0	59.0	59.2	59.1
TP9	59.0	58.4	58.6	58.7
TP10	58.4	58.3	58.4	58.4
TP11	59.5	58.9	59.1	59.2
TP12	61.7	61.7	61.5	61.6
TP13	63.3	62.7	62.7	62.9
TP14	61.5	61.5	61.4	61.5
TP15	59.5	59.6	59.8	59.6
TP16	58.1	58.8	58.6	58.5
			Average	60.4
			Factor for Background Noise	59.1



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: **EDN119**

Address: **Pavement o/s 111 Brunswick St, Edinburgh EH7 5HR**

Easting / Northing: 326379/674846

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: 28/09/2022

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)"¹.

The compliance takes into account the proposed radio frequency emissions of the equipment and any other operator equipment on this site.

ICNIRP Exposure Limitations

ICNIRP² 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)³.

Basic restrictions for power density for frequencies between 10 and 300 GHz

Exposure	Power density (W/m ²)	
	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 cm² 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.

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.



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 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.

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

Date of Site Notice: 22 April 2022

Number of Contributors: 3

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 polies 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
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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.

Solutions 30.
FAO: Callum McKenna
Centrum House
38 Queen Street
Glasgow
G1 3DX

British Telecommunications Plc.
BT Headquarters
81 Newgate Street
London
EC1A 7AJ

Decision date: 27 March 2023

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

The installation of 1 No. BT Street Hub while removing 2 No. existing BT Phone kiosks from the street scene.

At Telecoms Apparatus 14 Metres West Of 103 Brunswick Street Edinburgh

Application No: 23/00140/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 13 January 2023, 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;

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 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.

4. The proposal does not comply with NPF4 Policy 24 e) - Digital infrastructure due to its adverse impact on visual amenity.

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 will have a detrimental impact on the amenity of the location. The proposal is not acceptable with regards to LDP policies Des 1 & Des 5, NPF 4 Policy 24 e) the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance 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.



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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 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

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
Telecoms Apparatus 14 Metres West Of, 103 Brunswick Street,
Edinburgh**

**Proposal: The installation of 1 No. BT Street Hub while removing 2
No. existing BT Phone kiosks from the street scene.**

**Item – Local Fast Track Decision
Application Number – 23/00140/FUL
Ward – B12 - Leith Walk**

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 LDP policies Des 1 & Des 5, NPF 4 Policy 24 e) the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance and the Street Design Guidance.

SECTION A – Application Background

Site Description

The application site is located on a pavement verge located between Leith Walk and Brunswick Street. The area is residential in nature with some commercial activity located on ground floors.

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:

- ANTI-SOCIAL BEHAVIOUR MANAGEMENT PLAN;
- BT STREET HUB PRODUCT STATEMENT
- DESIGN+ACCESS STATEMENT
- ICNIRP DECLARATION
- ILP PROFESSIONAL LIGHTING GUIDE
- NOISE MANAGEMENT PLAN
- REMOVAL KIOSK PLAN
- STREET HUBS

Relevant Site History

23/00139/ADV
Telecoms Apparatus 14 Metres West Of
103 Brunswick Street
Edinburgh
Installation of street hub

Other Relevant Site History

Consultation Engagement

Publicity and Public Engagement

Date of Neighbour Notification: 18 January 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- 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?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- LDP Design policies Des 1 and Des 5
- LDP Transport policy Tra 9
- NPF4 Policy 24 Digital Infrastructure

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 policy 7d and 7e.

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. Whilst it is recognised that the Scottish Government is committed to providing the most up to date connectivity, the impact of the proposal on the streetscape does not outweigh the desirability to improve coverage.

The proposal would fail to meet the objectives of NPF 4 Policy 24 e).

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 and Des 5.

Transport

Transport has raised no objection to the proposal. 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 and NPF4.

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

The following material planning considerations have been identified:

Emerging policy context

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 to address.

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 LDP policies Des 1 & Des 5, NPF4 Policy 24, the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance and the Street Design Guidance.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

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 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.
4. The proposal does not comply with NPF4 Policy 24 e) - Digital infrastructure due to its adverse impact on visual amenity.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 13 January 2023

Drawing Numbers/Scheme

01-06

Scheme 1

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

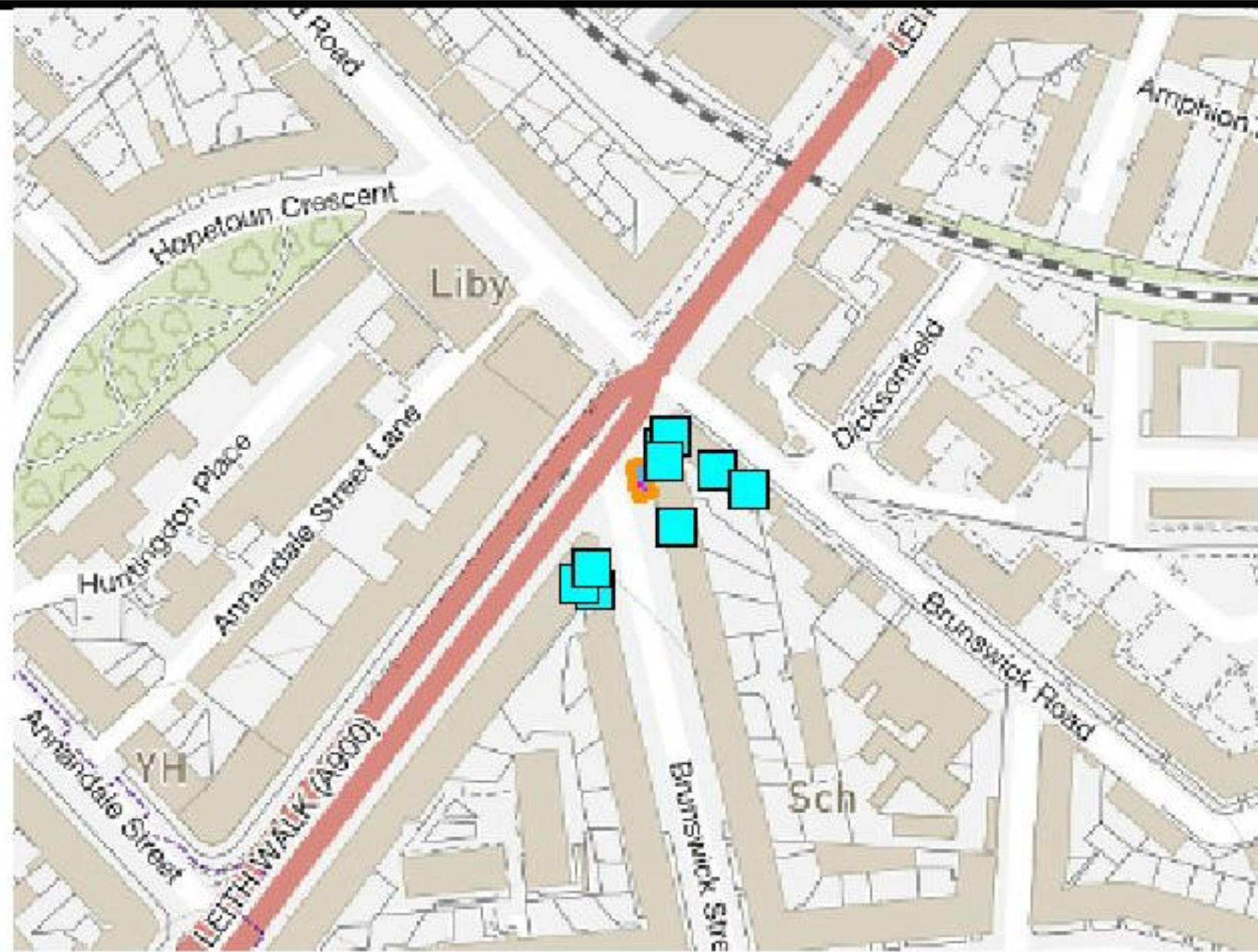
Contact: Adam Gloser, Planning Officer
E-mail: adam.gloser@edinburgh.gov.uk

Appendix 1

Consultations

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

Neighbours Notified for 23/00140/FUL Date 18 January 2023



Location Plan

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Number 100023420 The City of Edinburgh Council 2012.

2F3 74 Elm Row Edinburgh EH7 4AQ

73 Elm Row Edinburgh EH7 4AQ

94 - 96 Brunswick Street Hillside Edinburgh EH7 5HU

90 Brunswick Street Hillside Edinburgh EH7 5HU

2F1 74 Elm Row Edinburgh EH7 4AQ

1F2 74 Elm Row Edinburgh EH7 4AQ

3F4 74 Elm Row Edinburgh EH7 4AQ

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97 Brunswick Street HillsideEdinburghEH7 5HR
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