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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
E-mail: 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

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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.