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**Decision date: 18 July 2022**

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

The removal of 2 No. existing phone kiosks and the installation of 1 No. BT Street Hub.  
At Proposed Telecomms Apparatus Fountainbridge Tollcross Edinburgh

**Application No:** 22/02882/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 31 May 2022, this has been decided by **Local Fast Track Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

**Conditions:-**

**Reasons:-**

1. The proposal does not comply with LDP policy Des 1 Design - Quality and Context as it would have an adverse impact on visual amenity, to the detriment of the area.
2. The application does not comply with the Council's Guidance on Advertisements, Sponsorship and City Dressing.

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

Drawings 01-04, 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 does not accord with LDP Design policy Des 1 and the Council's Guidance on Advertisements, Sponsorship and City Dressing.

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

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



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

## NOTES

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

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

# Report of Handling

## **Application for Planning Permission Proposed Telecomms Apparatus, Fountainbridge, Tollcross**

**Proposal: The removal of 2 No. existing phone kiosks and the installation of 1 No. BT Street Hub.**

**Item – Local Fast Track Decision  
Application Number – 22/02882/FUL  
Ward – B09 - Fountainbridge/Craiglockhart**

### **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 does not accord with LDP Design policy Des 1 and the Council's Guidance on Advertisements, Sponsorship and City Dressing.

## **SECTION A – Application Background**

### **Site Description**

The application site is located on a paved area along Fountainbridge directly to the front of the Tesco supermarket. The area is predominantly residential in nature with some commercial premises located in the vicinity.

### **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**

22/02880/ADV  
Proposed Telecomms Apparatus  
Fountainbridge  
Tollcross  
Edinburgh

LED digital displays, one either side of the unit.  
Refused  
18 July 2022

### **Other Relevant Site History**

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

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

**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 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## **Assessment**

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

### **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 Design policy Des 1
- LDP Transport policy Tra 9

## Principle

The Council's Guidance on Advertisements, Sponsorship and City Dressing states that advertisements are, by their nature, designed to create a high impact in visual terms, which may be inappropriate in sensitive environments. Careful control is therefore required to ensure that advertising is not detrimental to the amenity of these locations.

The Guidance states that advertising will not be supported on items of street furniture other than bus shelters and not on those in visually sensitive locations including certain parts of the World Heritage Site where the streets are of primary historic importance or where advertising would disturb important views or the setting of individual listed buildings. The Guidance also states a presumption against freestanding digital advertising unless exceptional circumstances justify otherwise.

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 intrusion into the streetscape, which would result in advertisement clutter to the detriment of visual amenity.

The proposal would impact upon visual amenity, affecting immediate outlook, contrary to design policy Des 1 Design Quality and Context of the Edinburgh Local Development Plan.

### Transport

An adequate area of footpath will be retained, and the proposal does not raise any concerns relating to the flow of pedestrians. 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 policy of the LDP.

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

The following material planning considerations have been identified:

#### SPP - Sustainable development

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

The proposal does not comply with Paragraph 29 of SPP.

#### Emerging policy context

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

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

#### Equalities and human rights

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

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

#### Public representations

No comments to address.

### **Overall conclusion**

The proposal will have a detrimental impact on the amenity of the location. The proposal does not accord with LDP Design policy Des 1 and the Council's Guidance on Advertisements, Sponsorship and City Dressing.

## **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 would have an adverse impact on visual amenity, to the detriment of the area.
2. The application does not comply with the Council's Guidance on Advertisements, Sponsorship and City Dressing.

### **Background Reading/External References**

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

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

**Date Registered:** 31 May 2022

### **Drawing Numbers/Scheme**

01-04

Scheme 1

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

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

Appendix 1

**Consultations**

No consultations undertaken.