

Solutions 30.
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Decision date: 29 July 2022

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

The removal of 2 No. phone boxes and the installation of 1 No. BT Street Hub unit.
At Phone Box Haymarket Terrace Edinburgh

Application No: 22/01529/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 25 March 2022, this has been decided by **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 proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of the surrounding area..

2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.

3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings..

4. The application is contrary to LDP Policies Env 1, Env 3 and Env 6 with respect to the setting of the A listed building and Conservation Area.

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 Cairns directly at adam.cairns@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision of the planning authority 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 appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The appeal can be made online at www.eplanning.scot or forms can be downloaded from that website and sent to the Planning and Environmental Appeals Division, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission
Phone Box, Haymarket Terrace, Edinburgh

Proposal: The removal of 2 No. phone boxes and the installation of 1 No. BT Street Hub unit.

Item – Delegated Decision
Application Number – 22/01529/FUL
Ward – B11 - City Centre

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 relates to a modern BT phone box located on the outer edge of the pavement on the north side of Haymarket Terrace, adjacent to the Apex Haymarket Hotel (90 Haymarket Terrace).

The closest listed buildings to the site are as follows:

1B West Coates, Donaldson's Hospital (School for the Deaf)- category A-listed, listed on 25 February 1965 (ref: LB27971)

Haymarket Terrace contains a mix of uses including retail, office, leisure and residential. Currently there is no digital advertising on the pavements along Haymarket Terrace, either associated with bus stops/shelters or freestanding structures.

The application site lies within the Old and New Towns of Edinburgh World Heritage Site.

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

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 which will replace the existing phone box.

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 2980mm high by 1236mm wide by 350mm 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.

This application is one of 11 sites where InLink structures are proposed. These are the subject of advertisement consent applications and related applications for planning permission.

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
- Product Statement.

Relevant Site History

22/01530/ADV
Phone Box
Haymarket Terrace
Edinburgh
2 LED digital display signs on either side of the unit.
Refused
29 July 2022

Other Relevant Site History

Consultation Engagement

Publicity and Public Engagement

Date of Neighbour Notification: 6 April 2022

Date of Advertisement: 22 April 2022

Date of Site Notice: 22 April 2022

Number of Contributors: 0

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 character or appearance of the conservation area?

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone-built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions.

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe. The Old and New Towns of Edinburgh World Heritage Site Management Plan ('the Plan') notes that the relationship of stone buildings, pavements and settled streets provides a disciplined unity and cohesion.

The Council's Street Design Guidance also reinforces the need to protect the special characteristics of streets such as Haymarket Terrace. 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 east and west 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 Haymarket Terrace. The advertising panel will also have a detrimental impact on the designed relationship of stone buildings, pavements and the road due to its visual prominence in the streetscene.

The advertisements both individually and cumulatively within the commercial streets of the New Town 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 structure which would 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 New Town Conservation Area and World Heritage Site and is therefore contrary to the Council's guidance on Listed Buildings and Conservation Areas.

Conclusion in relation to the conservation area

The proposal does change the character or appearance of the conservation area and the World Heritage Site and is not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) Setting of the listed building

The proposed advertisement will be located in the vicinity of 1B West Coates, 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 these listed buildings 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 building 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 proposal is not acceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

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

- LDP Environment policies Env 1, 3 and 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 policy Env 1, 3 and 6.

Listed building and conservation area

This is assessed in section a) and b). It does not comply with LDP Policy Env 1, 3 and 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 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 proposed digital advertisement would (be located within the ' conservation area) 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 proposed digital advert will not be part of a bus shelter, nor part of replacement "public call boxes". 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.

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 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 proposed advertisement is contrary to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) Part II reg. 4(2) (a) in respect of amenity as it will have a detrimental impact on the visual amenity of, the surrounding area..
2. The proposals are contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they will adversely affect the character and appearance of the conservation area and setting of listed buildings..
4. The application is contrary to LDP Policies Env 1, Env 3 and Env 6 with respect to the setting of the A listed building and Conservation Area.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 25 March 2022

Drawing Numbers/Scheme

01-03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Cairns, Planning Officer
E-mail: adam.cairns@edinburgh.gov.uk

Appendix 1

Consultations

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