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**Decision date: 29 June 2022**

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

The removal of 2 No. phone kiosks and the installation of 1 No. BT Street Hub units.  
At Proposed Telecoms Apparatus 38 Metres East Of 28 Ferry Road Edinburgh

**Application No:** 22/02531/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 11 May 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 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, LDP policies Env 6, Des 1 & Des 5, 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](mailto:adam.cairns@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 Telecoms Apparatus 38 Metres East Of , 28 Ferry Road,  
Edinburgh**

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

**Item – Local Delegated Decision  
Application Number – 22/02531/FUL  
Ward – B13 - Leith**

## **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 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, LDP policies Env 6, Des 1 & Des 5, 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 pavement outside Leith Library. The area is mixed commercial and residential in nature with ground floor retail premises and residential dwellings located above.

### **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;
- Antisocial Behaviour Management Plan;
- Iip Professional Lighting Guide 2015; and
- Noise Management Plan.

### **Relevant Site History**

22/02530/ADV  
Proposed Telecoms Apparatus 38 Metres East Of 28  
Ferry Road  
Craigleith  
Edinburgh

2 No. LED digital screens, either side of the street hub.

### **Other Relevant Site History**

### **Consultation Engagement**

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 25 May 2022

**Date of Advertisement:** 3 June 2022

**Date of Site Notice:** 3 June 2022

**Number of Contributors: 0**

## **Section B - Assessment**

### **Determining Issues**

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

### **Assessment**

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

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

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

- Managing Change Conservation Areas

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

The Council's Street Design Guidance reinforces the need to protect the special characteristics of streets such as along Ferry Road. 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 Ferry Road.

The advertisements both individually and cumulatively within the commercial streets of Leith 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 Leith 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.

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

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

- LDP Environment policy Env 6
- LDP 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 6.

#### Conservation Area

This has been assessed in section a) and does not comply with LDP Policy 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 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.

### **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

None received.

### **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 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, LDP policies Env 6, Des 1 & Des 5, 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: 11 May 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.

## MEMORANDUM

**To:** Planning Officer  
Adam Cairns

**From:** Transport  
Steven Saunders

**Our Ref:** 22/02531/FUL

**22/02531/FUL  
PROPOSED TELECOMS APPARATUS 38 METRES EAST OF  
28 FERRY ROAD  
EDINBURGH**

### TRANSPORT CONSULTATION RESPONSE

#### Summary Response

No objections to the application.

#### Full Response

No objections to the application, subject to the following being included as conditions or informatives as appropriate;

1. This location has been assessed as low risk;
2. This advert should comply with the current published industry guidelines with respect to digital format roadside advertising;
3. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to disconnect and disable the sign, or take any other steps, required to ensure that any display on the sign which constitutes a danger to road users is removed or screened. The Council will seek to recover their costs for undertaking such action and the applicant should note that the display of any moving images is likely to result in immediate action under Section 93

*Steven Saunders*

**TRANSPORT  
Steven Saunders  
Transport Officer 10.06.2022**