

The City of Edinburgh Planning Local Review Body (Panel 2)

10.00 am, Wednesday 2 November 2022

Present: Councillors Beal, Booth, Hyslop, McNeese-Mechan and Mowat.

1. Appointment of Convener

Councillor Beal was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

3. Request for Review – Police Box, Bruntsfield Place, Edinburgh

Details were submitted of a request for a review on behalf of BT Telecommunications Plc for the removal of 2 No. phone kiosks and the installation of 1 No. BT Street Hub unit at Police Box, Bruntsfield Place, Edinburgh. Application No. 22/02524/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 2 November 2022.

Assessment

Because there were 10 items on the agenda, all for the installation of a BT Street Hub at 10 different locations across the city, the Planning Advisor started the meeting with a brief presentation about the Street Hubs and the generic information that had been provided for all of the cases. It was then possible to move on to the site specific details, to avoid repetition.

At the meeting on 2 November 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-04, Scheme 1 being the drawings shown under the application reference number 22/02524/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 Design (Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
 - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
 - Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance on Advertisements, Sponsorship and City Dressing
 - Guidance on Listed Buildings and Conservation Areas
 - The Edinburgh Design Guidance
 - The Street Design Guidance.
 - Other Relevant policy guidance
 - HES guidance Managing Change – Setting
 - The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal
 - Scottish Planning Policy on Sustainable Development
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- It was difficult to see how this proposed hub unit would promote sustainable travel. It would be a potential for “way finding and cycle counters”.
- The proposal would host bus timetables and support sustainable transport.
- It was confirmed that it was the proposal was contrary to policy, the local development plan and the non-statutory guidance on adverts.
- Apparently, this structure would be 100% percent renewable powered. Would it have their own sustainable energy in the structure?

- It might have their own solar panels, but it could not be confirmed that it was 100% sustainable.
- Would there be noise emanating from the hub?
- The applicant had submitted a noise management plan. The hub would have to be audible to provide information, it had a talk back functionality and a touch screen, therefore, there would be some level of noise.
- This was in a conservation area and there was an enhancement with the removal of the 2 phone kiosks, however, the installation of the hub unit was not an enhancement, but was detrimental to the area. Was it possible to have a split decision?
- This would not be possible, but the removal of the phone boxes could be done without planning permission.
- This was not appropriate in a conservation area. The phone boxes could be removed, they were obsolete, and encouraged anti-social behaviour. The Panel should agree with officer's recommendations. The proposal was also in breach of Guidance on Advertisements, Sponsorship and City Dressing.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal did not comply with LDP policy Des 1 Design - Quality and Context as it was likely to have a high impact in visual terms to the detriment of the area.
2. The proposal did not comply with LDP policy Des 5 Development Design - Amenity as it was likely to adversely impact on the amenity of neighbouring properties.
3. The proposal was 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 were contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts were not supported on street furniture other than on bus shelters in appropriate locations.

(Reference – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

4. Request for Review – 81 Dundee Street (143 Metres North Of), Edinburgh

Details were submitted of a request for a review for the removal of 2 No. phone kiosks and the installation of 1 No. BT Street Hub units at Proposed Telecoms Apparatus, 143 Metres North Of, 81 Dundee Street, Fountainbridge, Edinburgh. Application No. 22/02517/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 2 November 2022.

Assessment

Because there were 10 items on the agenda, all for the installation of a BT Street Hub at 10 different locations across the city, the Planning Advisor started the meeting with a brief presentation about the Street Hubs and the generic information that had been provided for all of the cases. It was then possible to move on to the site specific details, to avoid repetition.

At the meeting on 2 November 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/02517/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 Design (Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
 - Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance on Advertisements, Sponsorship and City Dressing
 - The Edinburgh Design Guidance
 - The Street Design Guidance.
 - Other Relevant policy guidance

Scottish Planning Policy on Sustainable Development

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- It was confirmed that regarding the question of the images, these were submitted with the application.
- The applicant seemed to be using different scales for certain drawings, which caused some confusion.
- In this type of application, was planning permission required to remove the existing phone boxes?
- It was confirmed the planning permission was not required to remove the phone boxes, as their footprint was of such a small scale.
- This might be the area in the City that was appropriate for this type of proposal. There was huge advertising sign in the vicinity, this was not a conservation area, and it might provide amenity to students in the area.
- There was a clear policy position on this. Until this policy was reviewed, the Panel should adhere to the policy. Also, there was some discomfort with this type of application. The applicant made claims that they could count data and could monitor pollution. This information should be open-sourced and it should be made known where that information would be gathered, so that it could be used appropriately.
- There needed to be a clear policy discussion. The policy context was clear, this was not the best place to put the hub and it impeded access. There was concern what this type of hub would attract with free wi-fi. Why would an anti-social policy be necessary if it this behaviour was not expected? There would be groups of people gathering which might be an issue. The Panel should refuse this application.
- There was concern about the location on the pavement, it would be close to the High School, would be a dominant structure and it would impact on the lines of sight on to the nearby streets.
- The application should be refused. Regarding the comment about the conservation area, the decision to refuse the application was not based on conservation area policies, but on LDP Policies such as Des 1 and Des 3 and breeches in advertising guidance.

- That visual amenity was the issue and there was less concern with attracting anti-social behaviour. According to overall guidance, it was necessary to affirm the planning officer's position.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal did not comply with LDP policy Des 1 Design - Quality and Context as it was likely to have a high impact in visual terms to the detriment of the area.
2. The proposal did not comply with LDP policy Des 5 Development Design - Amenity as it was likely to adversely impact on the amenity of the surrounding area.
3. The proposals were contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts were not supported on street furniture other than on bus shelters in appropriate locations.

(Reference – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

5. Request for Review –, Fountainbridge, Tollcross (Proposed Telecoms Apparatus), Edinburgh

Details were submitted for a request for a review for the removal of 2 No. existing phone kiosks and the installation of 1 No. BT Street Hub at Proposed Telecoms Apparatus, Fountainbridge, Tollcross Edinburgh. Application No. 22/02882/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 9 November 2022.

Assessment

Because there were 10 items on the agenda, all for the installation of a BT Street Hub at 10 different locations across the city, the Planning Advisor started the meeting with a brief presentation about the Street Hubs and the generic information that had been provided for all of the cases. It was then possible to move on to the site specific details, to avoid repetition.

At the meeting on 2 November 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-04, Scheme 1 being the drawings shown under the application reference number 22/02882/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 Design (Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
 - Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance on Advertisements, Sponsorship and City Dressing
 - The Edinburgh Design Guidance
 - The Street Design Guidance.

Other Relevant policy guidance

 - Scottish Planning Policy on Sustainable Development
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Was the Transport Division not concerned with this proposal?
- Transport confirmed that there was enough pavement remaining to satisfy safety requirements
- Was Transport not concerned that the structure might be a distraction for drivers?
- It was confirmed that Transport did not have any objections in this respect.
- It was confirmed that the application was refused as it contravened LDP Policy Des 1 and non-statutory guidance on adverts.
- The montage indicated how dominant this structure would be on the landscape. When looking at Fountainbridge, there would be a loss of visibility of anything approaching in the opposite direction. This might have safety implications. It was perhaps necessary to add LDP Policy Des 5 on impact on amenity,

especially in that part of the road. It was now dark in winter, that stretch of road was unpleasant if it was not possible to see what was coming in the opposite direction.

- It was necessary to add LDP Policy Des 5 as a reason for refusal. There was surprise that safety had not been raised as an issue, also the hub was close to the road and was obtrusive.

Having taken all the above matters into consideration, the LRB believed no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer. The LRB also agreed an additional reason for refusal that the proposal did not comply with LDP Policy Des 5 (Development Design and Amenity) as it was likely to adversely impact on the amenity of the surrounding area.

Decision

1. The proposal did 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 did not comply with the Council's Guidance on Advertisements, Sponsorship and City Dressing.
3. The proposal did not comply with LDP Policy Des 5 (Development - Design and Amenity) as it is likely to adversely impact on the amenity of the surrounding area.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

6. Request for Review –139 Gorgie Road (32 Metres West Of), Edinburgh

Details were submitted of a request for a review for the removal of 2 No. phone kiosks with the installation of 1 No. BT Street Hub unit at Proposed Telecoms Apparatus 32 Metres West Of 139 Gorgie Road, Edinburgh. Application No. 22/02521/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 2 November 2022.

Assessment

Because there were 10 items on the agenda, all for the installation of a BT Street Hub at 10 different locations across the city, the Planning Advisor started the meeting with a brief presentation about the Street Hubs and the generic information that had been provided for all of the cases. It was then possible to move on to the site specific details, to avoid repetition.

At the meeting on 2 November 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/02521/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 Design (Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
 - Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance on Advertisements, Sponsorship and City Dressing
 - The Edinburgh Design Guidance
 - The Street Design Guidance.

Other Relevant policy guidance

 - Scottish Planning Policy on Sustainable Development
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Because there were 87 letters of representation, why was the application not being considered by the Development Management Sub-Committee?
- It was confirmed that as the application was refused and most of the letters of representation were against the proposal, it did not require to be considered by the DM Sub-Committee.
- LDP Policy Tra 9 was cited as a reason for refusal, but the Transport Division raised no objection to the proposal. Why did Transport not object if it did not comply with LDP Policy Tra 9?
- It was confirmed that LDP Policy Tra 9 was a consideration, but not a reason for refusal.

- There was surprise that the proposal did not breach LDP Policy Tra 9, because of the amount of pavement taken up by the structure. Additionally, the scale of the drawings were confusing.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal did not comply with LDP policy Des 1 Design - Quality and Context as it was likely to have a high impact in visual terms to the detriment of the area.
2. The proposal did not comply with LDP policy Des 5 Development Design - Amenity as it was likely to adversely impact on the amenity of the surrounding area.
3. The proposals were contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts were not supported on street furniture other than on bus shelters in appropriate locations.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

7. Request for Review – Haymarket Terrace, Edinburgh

Details were submitted of a request for a review for 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.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 2 November 2022.

Assessment

Because there were 10 items on the agenda, all for the installation of a BT Street Hub at 10 different locations across the city, the Planning Advisor started the meeting with a brief presentation about the Street Hubs and the generic information that had been provided for all of the cases. It was then possible to move on to the site specific details, to avoid repetition.

At the meeting on 2 November 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/01529/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 Design (Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
 - Local Development Plan Policy Env 1 (World Heritage Sites)
 - Local Development Plan Policy Env 3 (Listed Buildings - Setting)
 - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
 - Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance on Advertisements, Sponsorship and City Dressing
 - Guidance on Listed Buildings and Conservation Areas
 - The Edinburgh Design Guidance
 - The Street Design Guidance.
 - Other Relevant policy guidance**
 - HES guidance Managing Change – Conservation Areas
 - The New Town Conservation Area Character Appraisal
 - Scottish Planning Policy on Sustainable Development
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The presentation indicated that this site was part of public realm works for the City Centre West to East Link (CCWEL). Was this application competent, as these were quite old plans and were not accurate at the moment?
- It was confirmed that when the application was submitted, this was the situation that existed and the application needed to be considered in its current form. Information regarding the proposed CCWEL works was not available as part of

the Review, but it would be possible to continue consideration of the matter and ask transport colleagues to provide this information.

- The Panel might not need that information to make a decision, but it might be the case that it would help inform the correct decision.
- It was confirmed that non-determination was not an issue, so it would be possible to ask for additional information, not being hampered by timescales.
- There were quite extensive public realm works being carried out in this area, and it was unclear if the hub would be adjacent to the cycle lane, or in the cycle lane or the floating bus stop. Therefore, technical advice from Transport was required to make an informed decision.
- One member indicated it would not alter their view, especially as the proposal was in a conservation area.
- The additional information was unlikely to change the outcome but it might alter the reasons the Panel gave for their decision.
- It was necessary to undertake the due process, as the information might reveal additional grounds for making a decision. If the location was next to the cycle lane and if the work on the CCWEL and hub might restrict the pavement width, then it might contravene LDP Policy Tra 9.
- It was preferable that the Panel should delay making a decision and get a view from Transport, to ensure they were undertaking due process, rather than making a decision on the information available.

Having taken all the above matters into consideration, the LRB unable to reach a decision as it was of the opinion that more information was required. Therefore, it decided to continue consideration of the matter to request further information from Transport colleagues on the current layout of the road that was being constructed, and ask them for a view on how this would potentially impact.

Decision

To continue consideration of the matter to request further information from Transport colleagues on the current layout of the road that was being constructed as part of the City Centre West to East Link, and to ask Transport for a view on how the BT Street Hub might would potentially impact on the works.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

8. Request for Review – 37 Roseburn Street (34 Metres West Of), Edinburgh

Details were submitted of a request for a review for the removal of 2 No. phone kiosks and the installation of 1 No. BT Street Hub unit at Proposed Telecoms Apparatus, 34 Metres West Of 37 Roseburn Street, Edinburgh. Application No. 22/02519/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 31 August 2022.

Assessment

Because there were 10 items on the agenda, all for the installation of a BT Street Hub at 10 different locations across the city, the Planning Advisor started the meeting with a brief presentation about the Street Hubs and the generic information that had been provided for all of the cases. It was then possible to move on to the site specific details, to avoid repetition.

At the meeting on 2 November 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/02519/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 Design (Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
 - Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance on Advertisements, Sponsorship and City Dressing
 - The Edinburgh Design Guidance
 - The Street Design Guidance.

Other Relevant policy guidance

Scottish Planning Policy on Sustainable Development

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- That there might be mistake in the Report of Handling, as it indicated that the Transport Division did not refuse this proposal.
- It was confirmed that Transport had objected to the proposal as it would affect crowd control. There was a mistake in the Report of Handling as Transport had objected to the proposals.
- The proposed structure would take up 50% of the pavement.
- There would be a threat to public safety, as the proposed hub would cause people to congregate.
- It was confirmed that the response from Transport was appended to the Report of Handling, but the page number for this would be checked out by the Lead Planning Officer.
- There was summary of the Transport Response in the report which was sufficient to make a decision.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To refuse planning permission for the following reasons:

Reasons for refusal:

1. The proposal did not comply with LDP policy Des 1 Design - Quality and Context as it was likely to have a high impact in visual terms to the detriment of the area.
2. The proposal did not comply with LDP policy Des 5 Development Design - Amenity as it was likely to adversely impact on the amenity of neighbouring properties.
3. The proposals were contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts were not supported on street furniture other than on bus shelters in appropriate locations.
4. The proposal did not comply with LDP policy Tra 9 Cycle and Footpath Network as it was likely to adversely impact on the public safety of pedestrians.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

9. Request for Review – 117 Dundas Street (16 Metres West Of), Edinburgh

Details were submitted of a request for a review for the removal of 2 No. phone kiosks and the installation of 1 No. BT Street Hub unit at Proposed Telecoms Apparatus, 16 Metres West Of 117 Dundas Street, Edinburgh. Application No. 22/02528/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 2 November 2022.

Assessment

Because there were 10 items on the agenda, all for the installation of a BT Street Hub at 10 different locations across the city, the Planning Advisor started the meeting with a brief presentation about the Street Hubs and the generic information that had been provided for all of the cases. It was then possible to move on to the site specific details, to avoid repetition.

At the meeting on 2 November 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/02528/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 Design (Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
 - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
 - Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)
 - 2) Relevant Non-Statutory Guidelines.
 - Guidance on Advertisements, Sponsorship and City Dressing
 - Guidance on Listed Buildings and Conservation Areas
 - The Edinburgh Design Guidance
 - The Street Design Guidance.
- Other Relevant policy guidance**
- HES guidance Managing Change – Conservation Areas
 - The New Town Conservation Area Character Appraisal

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Only one of the phone boxes was in Stockbridge, the other was in the New Town, therefore one panel member rejected the appeal statement regarding siting. It was not appropriate to refer this area as Stockbridge. The reasons given, especially LDP Policy Env 6, inclined them her to support the officers report.
- The Panel should uphold the officer's decision, as the proposals were contrary to LDP Policies Des 1, Des 5, Env 6 and the non-statutory guidelines on Adverts and Sponsorship policies.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To refuse planning permission for the following reasons:

Reasons for refusal:

1. The proposal did not comply with LDP policy Des 1 Design - Quality and Context as it was likely to have a high impact in visual terms to the detriment of the area.
2. The proposal did not comply with LDP policy Des 5 Development Design - Amenity as it was likely to adversely impact on the amenity of neighbouring properties.
3. The proposal was 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 were contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts were not supported on street furniture other than on bus shelters in appropriate locations.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

10. Request for Review – 28 Ferry Road (28 Metres East Of), Edinburgh

Details were submitted of a request for a review for 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.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 2 November 2022.

Assessment

Because there were 10 items on the agenda, all for the installation of a BT Street Hub at 10 different locations across the city, the Planning Advisor started the meeting with a brief presentation about the Street Hubs and the generic information that had been provided for all of the cases. It was then possible to move on to the site specific details, to avoid repetition.

At the meeting on 2 November 2022, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/02531/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 Design (Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
 - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
 - Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance on Advertisements, Sponsorship and City Dressing
 - Guidance on Listed Buildings and Conservation Areas
 - The Edinburgh Design Guidance

The Street Design Guidance.

Other Relevant policy guidance

HES guidance Managing Change – Conservation Areas

The Leith Conservation Area Character Appraisal

Scottish Planning Policy on Sustainable Development

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- One member indicated that this proposal was in their ward, they knew the area well and it was similar to the other applications. They were surprised that the Transport Division had not objected to this as there would be only 2.6 metres of pavement remaining, whereas the ideal width was 3 metres.
- The applicant stated that the pavement was already awash with street furniture. However, the authority was trying to reduce street clutter, to allow greater accessibility. The authority should not be adding to street clutter, therefore, the Panel should uphold the decision of the planning officer.
- There was also a listed painting in the vicinity, which was highly regarded and a Street Hub should not be installed in front of a community mural.
- This proposal took up 60% the pavement.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To refuse planning permission for the following reasons:

Reasons for refusal:

1. The proposal did not comply with LDP policy Des 1 Design - Quality and Context as it was likely to have a high impact in visual terms to the detriment of the area.
2. The proposal did not comply with LDP policy Des 5 Development Design - Amenity as it was likely to adversely impact on the amenity of neighbouring properties.
3. The proposal was 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 were contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts were not supported on street furniture other than on bus shelters in appropriate locations.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

11. Request for Review – 36 Raeburn Place (11 Metres South Of), Edinburgh

Details were submitted of a request for a review for the removal of 2 No. phone kiosks and the installation of 1 No. BT Street Hub units at Proposed Telecoms Apparatus, 11 Metres South Of 36 Raeburn Place, Edinburgh. Application No. 22/02526/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 2 November 2022.

Assessment

Because there were 10 items on the agenda, all for the installation of a BT Street Hub at 10 different locations across the city, the Planning Advisor started the meeting with a brief presentation about the Street Hubs and the generic information that had been provided for all of the cases. It was then possible to move on to the site specific details, to avoid repetition.

At the meeting on 2 November 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/02526/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 Design (Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
 - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
 - Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)

2) Relevant Non-Statutory Guidelines.

Guidance on Advertisements, Sponsorship and City Dressing

Guidance on Listed Buildings and Conservation Areas

The Edinburgh Design Guidance

The Street Design Guidance.

Other Relevant policy guidance

HES guidance Managing Change – Conservation Areas

The New Town Conservation Area Character Appraisal

Scottish Planning Policy on Sustainable Development

3) The procedure used to determine the application.

4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- That there seemed to be a general excess of street furniture.
- Referring to the LDP Policies Des1, Des 5 and Env 6, and because the proposal was located in a conservation area, it was necessary to affirm the decision of the planning officer.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To refuse planning permission for the following reasons:

Reasons for refusal:

1. The proposal did not comply with LDP policy Des 1 Design - Quality and Context as it was likely to have a high impact in visual terms to the detriment of the area.
2. The proposal did not comply with LDP policy Des 5 Development Design - Amenity as it was likely to adversely impact on the amenity of neighbouring properties.
3. The proposal was 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 were contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts were not supported on street furniture other than on bus shelters in appropriate locations.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

12. Request for Review – 61 South Clerk Street (8 Metres West Of), Edinburgh

Details were submitted of a request for a review for the removal of 2 No. phone boxes and the installation of 1 No. BT Street Hub unit at Proposed Telecoms Apparatus, 8 Metres West Of 61 South Clerk Street, Edinburgh. Application No. 22/02504/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 2 November 2022.

Assessment

Because there were 10 items on the agenda, all for the installation of a BT Street Hub at 10 different locations across the city, the Planning Advisor started the meeting with a brief presentation about the Street Hubs and the generic information that had been provided for all of the cases. It was then possible to move on to the site specific details, to avoid repetition.

At the meeting on 2 November 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/02504/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 Design (Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
 - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
 - Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)

2) Relevant Non-Statutory Guidelines.

Guidance on Advertisements, Sponsorship and City Dressing

The Edinburgh Design Guidance

The Street Design Guidance.

Other Relevant policy guidance

Scottish Planning Policy on Sustainable Development

3) The procedure used to determine the application.

4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- One member indicated that they could not find the Report of Handling or the Decision Notice in the papers, but there was sufficient information in the presentation to make a decision.
- These papers were in a different order from their usual format.
- The Decision Notice and Report of Handling were included in the papers, but it did not refer to LDP Policy Tra 9 as a reason for refusal. The objection from Transport was included in the report of handling, but was not noted in the Decision Notice.
- The Panel should include LDP Policy Tra 9 in the reasons for refusal, as this was busy pavement, especially in summer. Reducing the pavement to a minimum would be unacceptable. The Panel should therefore uphold that policy.
- That the area became very busy when people were coming out of the venue. It would be a safety issue and it was necessary to include LDP Policy Tra 9.
- The Panel should uphold the decision of the planning officer with the addition of LDP Policy Tra 9.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer. The LRB also agreed an additional reason for refusal that the proposal does not comply with LDP Policy Tra 9 (Cycle and Footpath Network) as it was likely to adversely impact on the safety of pedestrians.

Decision

To refuse planning permission for the following reasons:

Reasons for refusal:

1. The proposal did not comply with LDP policy Des 1 Design - Quality and Context as it was likely to have a high impact in visual terms to the detriment of the area.
2. The proposal did not comply with LDP policy Des 5 Development Design - Amenity as it was likely to adversely impact on the amenity of neighbouring properties.
3. The proposal was 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 were contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts were not supported on street furniture other than on bus shelters in appropriate locations.
5. That the proposal did not comply with LDP Policy Tra 9 (Cycle and Footpath Network) as it was likely to adversely impact on the safety of pedestrians.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).