

Solutions 30.
FAO: Callum McKenna
Centrum House
38 Queen Street
Glasgow
G1 3DX

British Telecommunications Plc.
BT Headquarters
81 Newgate Street
London
EC1A 7AJ

Decision date: 27 March 2023

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

The installation of 1 No. BT Street Hub while removing 2 No. existing BT Phone kiosks from the street scene.
At Telecoms Apparatus 14 Metres West Of 103 Brunswick Street Edinburgh

Application No: 23/00140/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 13 January 2023, 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;

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 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.

4. The proposal does not comply with NPF4 Policy 24 e) - Digital infrastructure due to its adverse impact on visual amenity.

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

Drawings 01-06, 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 LDP policies Des 1 & Des 5, NPF 4 Policy 24 e) the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance and the Street Design Guidance.

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

Should you have a specific enquiry regarding this decision please contact Adam Gloser directly at adam.gloser@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Report of Handling

**Application for Planning Permission
Telecoms Apparatus 14 Metres West Of, 103 Brunswick Street,
Edinburgh**

**Proposal: The installation of 1 No. BT Street Hub while removing 2
No. existing BT Phone kiosks from the street scene.**

**Item – Local Fast Track Decision
Application Number – 23/00140/FUL
Ward – B12 - Leith Walk**

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 LDP policies Des 1 & Des 5, NPF 4 Policy 24 e) the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance and the Street Design Guidance.

SECTION A – Application Background

Site Description

The application site is located on a pavement verge located between Leith Walk and Brunswick Street. The area is residential in nature with some commercial activity located on ground floors.

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:

- ANTI-SOCIAL BEHAVIOUR MANAGEMENT PLAN;
- BT STREET HUB PRODUCT STATEMENT
- DESIGN+ACCESS STATEMENT
- ICNIRP DECLARATION
- ILP PROFESSIONAL LIGHTING GUIDE
- NOISE MANAGEMENT PLAN
- REMOVAL KIOSK PLAN
- STREET HUBS

Relevant Site History

23/00139/ADV
Telecoms Apparatus 14 Metres West Of
103 Brunswick Street
Edinburgh
Installation of street hub

Other Relevant Site History

Consultation Engagement

Publicity and Public Engagement

Date of Neighbour Notification: 18 January 2023

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 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- 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 comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- LDP Design policies Des 1 and Des 5
- LDP Transport policy Tra 9
- NPF4 Policy 24 Digital Infrastructure

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 policy 7d and 7e.

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. Whilst it is recognised that the Scottish Government is committed to providing the most up to date connectivity, the impact of the proposal on the streetscape does not outweigh the desirability to improve coverage.

The proposal would fail to meet the objectives of NPF 4 Policy 24 e).

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 and NPF4.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

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.

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 LDP policies Des 1 & Des 5, NPF4 Policy 24, the Council's Guidance on Advertisements, Sponsorship and City Dressing, the Edinburgh Design Guidance and the Street Design Guidance.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

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 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.
4. The proposal does not comply with NPF4 Policy 24 e) - Digital infrastructure due to its adverse impact on visual amenity.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 13 January 2023

Drawing Numbers/Scheme

01-06

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
E-mail: adam.gloser@edinburgh.gov.uk

Appendix 1

Consultations

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

MEMORANDUM

To: Planning Officer
Adam Gloser

From: Transport
Steven Saunders

Our Ref: 23/00140/FUL

**23/00140/FUL
TELECOMS APPARATUS 14 METRES WEST OF
103 BRUNSWICK STREET
EDINBURGH**

TRANSPORT CONSULTATION RESPONSE

Summary Response

No objections to the application subject to appropriate conditions or informatives.

Full Response

No objections to the application subject to appropriate conditions or informative;

TRAMS - Important Note:

The proposed site is on or adjacent to the operational / proposed Edinburgh Tram. To ensure that work on or near the tramway is carried out safely, it is necessary to obtain authorisation to agree a safe system of work. It is a legal obligation to comply with the Authority to Work (AtW) process whilst working on or near the tramway.

See <https://edinburghtrams.com/atw>

Steven Saunders

**TRANSPORT
Steven Saunders
Transport Officer 17.02.2023**